

STATE OF NORTH CAROLINA ONSLOW COUNTY	IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION <i>File No.</i>
<i>Plaintiff</i>	AFFIDAVIT IN SUPPORT OF EX PARTE RELIEF
<i>vs.</i> <i>Defendant</i>	

NOW COMES THE () PLAINTIFF () DEFENDANT asking for ex parte relief relating to custody of a minor child(ren), and in support thereof hereby affirms:

1. **PLAINTIFF**. The Plaintiff resides at: _____
 _____ and is the () father () mother () grandparent () other relationship _____
 _____ of the minor child(ren).

2. **DEFENDANT**. The Defendant resides at: _____
 _____ and is the () father () mother () grandparent () other relationship _____
 _____ of the minor child(ren).

3. **RELATIONSHIP OF PARTIES**. The parties are/were () married () separated () divorced () never married
 () other: _____

4. **CHILDREN**. There is/are _____ minor child(ren) who immediately prior to this filing has/have been residing in the home
 of the () Plaintiff () Defendant. The full name, age, and date of birth of each child is:

a. _____
 (Name) _____ (age) _____ (DOB) _____

b. _____
 (Name) _____ (age) _____ (DOB) _____

c. _____
 (Name) _____ (age) _____ (DOB) _____

d. _____
 (Name) _____ (age) _____ (DOB) _____

5. **SCHOOL**. The minor child(ren) () does () does not attend school. The name and location of any such schools are:

6. **OTHER COURT PROCEEDINGS/OPPOSING COUNSEL**.

a. There () is () is not another court proceeding between the parties in this or any other state.

b. There () is () is not a current custody/visitation order in place in this or any other state relating to the care of the minor child(ren).

c. For any such proceeding or court order, identify the name and location of the court, the case file number, the type of order, and the date the order was issued: _____

d. A copy of said order () is () is not attached.

e. There () is () is not an opposing attorney in this or any related case involving the parties. If so, describe the notice of this ex parte request given to the opposing attorney: _____

7. **LEGAL GROUNDS FOR ISSUING AN EX PARTE ORDER**. Please check and complete all of the subparagraphs below that apply relating to the statutory grounds authorizing ex parte relief.

a. () An emergency affecting the welfare of the minor child(ren) exists that renders it appropriate for the Court to enter a temporary order of custody, pursuant to NCGS 50-13.5(d)(2), and said emergency is described in detail as follows: _____

b. () A temporary order of custody which changes the living arrangements or physical custody of the child(ren) without a formal hearing and prior to the service of process pursuant to NCGS 50-13.5(d)(3) is warranted because:

i. The child(ren) is/are exposed to substantial risk of bodily injury?

() Yes. () No. If yes explain in detail: _____

ii. The child(ren) is/are exposed to substantial risk of sexual abuse?

() Yes. () No. If yes explain in detail: _____

iii. The child(ren) is/are exposed to substantial risk of being abducted or removed from this State for the purpose of evading jurisdiction of the courts?

() Yes. () No. If yes explain in detail: _____

c. This state should enter a temporary custody order despite the fact it is not the home state or otherwise authorized to assume jurisdiction over the child(ren) pursuant to NCGS 50A-204(a) because:

i. The child(ren) is/are present in this state and has/have been abandoned?

Yes. No. If yes, explain in detail: _____

ii. The child(ren) is/are present in this state and there is an emergency because the child(ren) or a sibling or a parent is subjected to, or threatened with, mistreatment or abuse?

Yes. No. If yes, explain in detail: _____

d. A temporary custody order is warranted to maintain the status quo of the minor child as it relates to their residence, health, education, and welfare? Yes. No. If yes, explain in detail: _____

e. Other reasons and facts relevant to the issuance of a temporary order pending service of process are as follows: _____

8. **RELIEF REQUESTED.** Based on the foregoing it is my request that the court issue an ex parte order which orders the following things: *(state specific relief being requested)* _____

This the ____ day of _____, 201__.

(Signature of Affiant)

VERIFICATION

I, the undersigned, first being duly sworn, say that I am the affiant in this action, that I have read this affidavit, that the matters and things alleged in it are true except to those things alleged upon information and belief, and as to those things I believe them to be true and accurate.

Date	Signature of Affiant
SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE:	
<i>Notary Public () Deputy Clerk of Superior Court ()</i>	
<i>My Commission Expires:</i>	
(SEAL)	