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

|             |                      |
|-------------|----------------------|
| <i>Date</i> | Signature of Affiant |
|-------------|----------------------|

|  |               |
|--|---------------|
| <b>SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE:</b>  | <b>(SEAL)</b> |
| <i>Notary Public</i> ( <input type="checkbox"/> ) <i>Deputy Clerk of Superior Court</i> ( <input type="checkbox"/> ) |               |
| <i>My Commission Expires:</i>  |               |