

<b>STATE OF NORTH CAROLINA ONSLOW COUNTY</b>	<b>IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION</b>
	<i>File No.</i>
<i>Plaintiff</i>	<b>O R D E R</b> <i>(Ex Parte / Domestic)</i>
<b>VS.</b>	
<i>Defendant</i>	

**THIS CAUSE** coming on to be heard and being heard before the undersigned judge based on verified pleadings filed herein by the ( ) PLAINTIFF ( ) DEFENDANT seeking ex parte relief relating to custody of one or more minor children; and after a review of such sworn allegations, the Court makes the following:

## **FINDINGS OF FACT**

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) detailed below who immediately prior to this filing has/have been residing in the home of the (   ) Plaintiff (   ) Defendant.

a.	<u>(Name)</u>	<u>(age)</u>	<u>(DOB)</u>
b.	<u>(Name)</u>	<u>(age)</u>	<u>(DOB)</u>
c.	<u>(Name)</u>	<u>(age)</u>	<u>(DOB)</u>
d.	<u>(Name)</u>	<u>(age)</u>	<u>(DOB)</u>

5. **PHYSICAL CUSTODY**. Other relevant facts regarding the current physical custody of the child(ren): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

7. **OTHER COURT PROCEEDINGS/OPOSING 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. The location and details of the other court proceedings and orders entered therein are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- d. A copy of said order(s) ( ) is ( ) is not attached.
- e. There ( ) is ( ) is not an opposing attorney in this or any related case involving the parties. If so, notice to and the status of the opposing attorney is as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. **LEGAL GROUNDS FOR ISSUING AN EX PARTE ORDER** are as indicated below:

- 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 the emergency is described 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 as described below? ( ) Yes. ( ) No \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - ii. The child(ren) is/are exposed to substantial risk of sexual abuse as described below? ( ) Yes. ( ) No. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - 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 as described below? ( ) Yes. ( ) No. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- c. ( ) This state should enter a temporary custody order despite the fact it is not the home state or otherwise authorized to assume jurisdiction pursuant to NCGS 50A-204(a) because:
  - i. ( ) The child(ren) is/are present in this state and has/have been abandoned as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - 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 as follows: \_\_\_\_\_

- \_\_\_\_\_
- \_\_\_\_\_
- d. ( ) A temporary custody order is warranted to maintain the status quo of the minor child(ren) as it relates to their residence, health, education, and welfare for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- e. ( ) Other reasons and facts relevant to the issuance of a temporary order pending service of process are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### CONCLUSIONS OF LAW

1. North Carolina ( ) has ( ) does not have jurisdiction over the parties and the subject matter herein.
2. North Carolina ( ) has ( ) does not have jurisdiction over the issue of custody of the minor child(ren) in that:
  - a. ( ) North Carolina is the home state of the minor child(ren) as defined by the UCCJEA.
  - b. ( ) North Carolina has continuing jurisdiction pursuant to a prior order of the courts of this state.
  - c. ( ) A situation exists warranting assuming emergency jurisdiction and issuing a temporary order.
  - d. ( ) Facts to support the exercise of jurisdiction appear to be insufficient.
3. It ( ) is ( ) not in the best interests of the minor child(ren) that a temporary order be granted.
4. ( ) It is ( ) appropriate ( ) not appropriate for the court to enter an order of temporary custody.
5. ( ) An order for temporary custody changing the living arrangements of the minor children ( ) is ( ) is not warranted prior to service of process pursuant to NCGS 50-13.5(d)(3).
6. ( ) Other conclusions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### ORDER

1. Ex parte relief is ( ) GRANTED and the following order is issued; ( ) DENIED and no order is issued.
2. ( ) IT IS ORDERED THAT:
  - a. ( ) Temporary custody of the minor child(ren) is granted to the ( ) plaintiff ( ) defendant.
  - b. ( ) Temporary custody of the minor child(ren) is granted to the ( ) plaintiff ( ) defendant changing their living arrangements prior to service of process pursuant to NCGS 50-13.5(d)(3).

- c. ( ) The minor child(ren) shall not be removed from ( ) Onslow County ( ) North Carolina pending further hearings by the court
- d. ( ) Contact/visitation with the ( ) plaintiff ( ) defendant pending further hearings shall be as follows:
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- e. ( ) Local law enforcement shall assist the ( ) plaintiff ( ) defendant in obtaining and maintaining temporary custody of the minor child(ren) as provided herein.
3. A return hearing on this ex parte order (where the court considers whether to keep the temporary order in effect, modify it, or dissolve it) shall be held:
- ( ) On \_\_\_\_\_, 201\_\_\_\_\_, at \_\_\_\_\_ or as soon thereafter as the matter may be reached by the court.
  - ( ) When calendared for hearing by either party.
4. ( ) The ( ) plaintiff ( ) defendant shall bring the minor child(ren) to the hearing on \_\_\_\_\_, 201\_\_\_\_\_.  
5. ( ) The ( ) plaintiff ( ) defendant shall submit an application for custody mediation.  
6. ( ) The parties, by mutual agreement, may modify the provisions of this temporary order prior to further hearings by the court if such changes would be in the minor child(ren)'s best interests.  
7. ( ) Other provisions ordered by the court are: \_\_\_\_\_  

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8. A copy of this order and the supporting complaint or motion shall be served upon the other party as allowed by law.  
9. Willful violations of this order may be punishable as for contempt, with the imposition of fines or incarceration or both.  
10. This order is entered without prejudice to either party at future hearings regarding the minor child(ren).

This the \_\_\_ day of \_\_\_\_\_, 201\_\_\_.

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DISTRICT COURT JUDGE  
Fourth Judicial District