

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
-CvD-

\_\_\_\_\_ COUNTY

\_\_\_\_\_,  
Plaintiff

Vs.

\_\_\_\_\_,  
Defendant.

Vs.

\_\_\_\_\_,  
Intervenor

INTERIM MEMORANDUM OF ORDER  
FOR  
 CUSTODY  
 CHILD SUPPORT

AOC CODES

CUST  
 CSUP

**THIS CAUSE** came on before \_\_\_\_\_, District Court Judge, presiding over the \_\_\_\_\_ term of \_\_\_\_\_ County Domestic Relations Court. Plaintiff  was  was not present and  was  was not represented. Defendant  was  was not present and  was  was not represented. Intervenor  was  was not present and  was  was not represented.

This Order is a temporary Memorandum of Order and is not intended to be the final order in this matter. A more formal, final order containing comprehensive findings of facts and conclusions of law shall be filed at a later date. This order is intended to be temporary until the filing of a formal order.

Based upon the verified pleadings, testimony and evidence presented, the Court makes the following:

FINDINGS OF FACT

1. The Plaintiff is a citizen and resident of \_\_\_\_\_ and has been for more than six months next preceding the institution of this action.

2. Defendant is a citizen and resident of \_\_\_\_\_ and has been for more than six months next preceding the institution of this action.
3. The parties
- a.  were married on or about \_\_\_\_\_
  - b.  were never married
  - c.  separated one from the other on or about \_\_\_\_\_.
4. \_\_\_\_\_ minor  child  children was/were born to the marriage, namely;
- \_\_\_\_\_, date of birth \_\_\_\_\_;
- \_\_\_\_\_, date of birth \_\_\_\_\_;
- \_\_\_\_\_, date of birth \_\_\_\_\_;
- \_\_\_\_\_, date of birth \_\_\_\_\_;
5. North Carolina is the home state for  this  these  child  children, and this court has jurisdiction to enter orders for child custody pursuant to the North Carolina General Statutes, Uniform Child Custody Jurisdiction and Enforcement Act and the Parental Kidnaping Prevention Act.
6. Plaintiff  is  is not a fit and proper person to have the care, custody and control of the minor  child  children.
7. Defendant  is  is not a fit and proper person to have the care, custody and control of the minor  child  children.
8. Intervenor  is  is not a fit and proper person to have the care, custody and control of the minor  child  children.
9. It is in the best interest of the minor  child  children that
- a.  the parties share joint legal custody with the  Plaintiff  Defendant having

primary physical custody and the Plaintiff Defendant having secondary physical custody in the form of visitation as set forth herein below in the decretal.

b. Plaintiff shall have the exclusive care custody and control of the minor children and that the Defendant shall have visitation as set forth herein below in the decretal.

c. Defendant shall have the exclusive care custody and control of the minor children and that the Plaintiff shall have visitation as set forth herein below in the decretal.

d. Intervenor shall have the exclusive care custody and control of the minor children and that the Plaintiff and Defendant shall have visitation as set forth herein below in the decretal.

10. Plaintiff is is not employed at \_\_\_\_\_ and earns \$\_\_\_\_\_ per month gross income.

11. Defendant is is not employed at \_\_\_\_\_ and earns \$\_\_\_\_\_ per month gross income.

12. Plaintiff Defendant has the minor children covered with health insurance at a cost of \$\_\_\_\_\_ per month.

13. Plaintiff Defendant incurs work-related day care costs in the amount of \$\_\_\_\_\_ per month.

14. There is is not extraordinary expenses.

15. Plaintiff Defendant is in need of an award of child support from the Plaintiff Defendant based upon the North Carolina Child Support Guidelines pursuant to the attached child support worksheet.

16. Based upon the North Carolina Child Support Guidelines the Plaintiff Defendant should pay Plaintiff Defendant the sum of \$\_\_\_\_\_ per month as child support beginning effective \_\_\_\_\_ and the first of each month thereafter. All payments shall be made directly to the Plaintiff Defendant through the North Carolina Child Support Centralized Collections Office in Raleigh, North Carolina.
17. The parties should equally divide all uninsured medical and dental expenses of the minor child children.
18. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
19. A formal order shall be prepared by Plaintiff Defendant and shall be submitted to the Court on or before \_\_\_\_\_.

**CONCLUSIONS OF LAW**

1. This Court has jurisdiction over the parties and subject matter of this action pursuant to the North Carolina General Statutes, Uniform Child Custody Jurisdiction and Enforcement Act and the Parental Kidnaping Prevention Act.
2. This is a temporary Order is a Memorandum of Order and is not intended to be the final order in this matter. This order is intended to be temporary until the filing of a more formal, final order containing comprehensive findings of facts and conclusions of law is filed at a later date.

3. Plaintiff  is  is not a fit and proper person to have the care, custody and control of the minor  child  children.

4. Defendant  is  is not a fit and proper person to have the care, custody and control of the minor  child  children.

5. Intervenor  is  is not a fit and proper person to have the care, custody and control of the minor  child  children.

6. It is in the best interest of the minor  child  children that custody be as set forth in the decretal below.

7.  Plaintiff  Defendant is in need of an award of child support from the  Plaintiff  Defendant based upon the North Carolina Child Support Guidelines pursuant to the attached child support worksheet.

8. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. A formal order shall be prepared by  Plaintiff  Defendant  Intervenor and shall be submitted to the Court on or before \_\_\_\_\_.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:**

1. This is a TEMPORARY order.

2. It is in the best interest of the minor  child  children that

a.  the parties share joint legal custody with the  Plaintiff  Defendant having

primary physical custody and the Plaintiff Defendant having secondary physical custody in the form of visitation as set forth herein below in the decretal.

b. Plaintiff shall have the exclusive care custody and control of the minor children and that the Defendant shall have visitation as set forth herein below in the decretal.

c. Defendant shall have the exclusive care custody and control of the minor children and that the Plaintiff shall have visitation as set forth herein below in the decretal.

d. Intervenor shall have the exclusive care custody and control of the minor children and that the Plaintiff and Defendant shall have visitation as set forth herein below in the decretal.

3. Plaintiff Defendant shall have the following visitation with the minor child  children:

a. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- d. The parties shall exchange the child children at \_\_\_\_\_  
\_\_\_\_\_
4. The parties shall strive to agree with respect to major decisions concerning the health, education, religious training, extracurricular activities and general welfare of the minor child children. 4a. In the event that the parties cannot agree, \_\_\_\_\_ shall be allowed to make the decision subject to \_\_\_\_\_ having the right to file a Motion to Modify for a judicial determination of the same.
5. Day to day decisions of lesser import shall be made by the party having custody of the minor child children at the time the need for the decision arises.
6. Each party shall have direct access to the health care providers, teachers, counselors and religious advisors of the minor child children the same as if she or he was the sole custodian of the child children.
7. Each party shall have the right to authorize medical treatment for the minor child children when the child children is in his or her physical care.
8. Each party shall notify the other of any emergency situation involving either of the minor child children as soon as practicable.
9. Each party shall keep the other apprised at all times of their current residence address and all telephone numbers and shall promptly notify the other of any changes to the same.
10. Each party shall have reasonable telephonic access to the minor children when in the care of the other party and said communication shall not be used to harass the other party. Reasonable shall mean at reasonable times for reasonable durations. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Neither party shall expose the children in any way to the illicit use of controlled substances, the excessive use of alcohol, or any other condition hazardous to the welfare of the minor child children.
12. Either party may request that the other submit, within 48 hours notice, to either a 12 panel hair follicle drug test or an oral swab drug test. The requesting party may choose the type of test and the collector for the specimen. The party being tested shall submit themselves to the collector within 48 hours from receiving the notice and shall pay for the test. In the event that the test results are negative then the requesting party shall reimburse the tested party within 48 hours of receiving the results that the test is negative.
13. No party shall allow an unlicensed driver to transport the minor child children at any time and each party shall ensure that the minor child children are in appropriate child restraint seats.
14. No party shall speak negatively or derogatorily to or about any other party in the presence of the minor child children nor allow third parties to do the same. Neither party shall say or do anything in the presence of the minor child children that would interfere with or otherwise diminish the love, affection or respect the minor child children have for the other party nor allow third parties to do the same.
15. Neither party shall discuss issues relating to child custody or child support or matters between the parties with or in the presence of the minor child children.
16. No party shall assault, threaten, harass, stalk, intimidate or interfere with the other party.
17. Plaintiff Defendant shall pay Plaintiff Defendant the sum of \$\_\_\_\_\_ per month as child support beginning effective \_\_\_\_\_ and the first of



each month thereafter. All payments shall be made directly to the Plaintiff  Defendant through the North Carolina Child Support Centralized Collections Office in Raleigh, North Carolina.

18. The parties should divide all uninsured medical and dental expenses of the minor child children as follows: \_\_\_\_\_.

19. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. A formal order shall be prepared by Plaintiff Defendant Intervenor and shall be submitted to the Court on or before \_\_\_\_\_.

Such order shall have findings of fact and conclusions of law, and the lack of the aforesaid in this order is not a waiver of them.

21. This matter shall be set for the entry of the formal order on \_\_\_\_\_.

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

\_\_\_\_\_  
DISTRICT COURT JUDGE