

## **Judicial District 20B CHILD CUSTODY**

Please read all the instructions before completing forms.

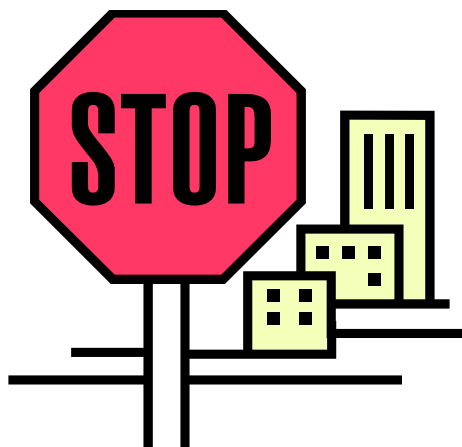
No one at the Courthouse can help you complete the forms or give you advice.

Due to the changing nature of the law, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the Clerk of Court or anyone contributing to the production of these forms, instructions, or guidelines be liable for any indirect or consequential damages resulting from use of the forms or information provided to you.

IF THERE ARE ANY QUESTIONS in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that you consult with or retain an attorney.

**USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE!**



**PLEASE CAREFULLY READ THE FORMS AND INSTRUCTIONS CONTAINED IN THIS PACKET.**

**IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT WITH AN ATTORNEY.**

THESE ARE EDUCATIONAL FORMS AND INSTRUCTIONS DESIGNED TO ASSIST YOU, BUT YOU ARE REPRESENTING YOURSELF. PLEASE REVIEW AND FOLLOW THE DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN YOUR CASE. FAILURE TO READ AND FOLLOW THE INSTRUCTIONS MAY ADVERSELY IMPACT YOUR CLAIM.

**NO ONE AT THE JUDICIAL CENTER, CLERK OF COURT'S OFFICE OR JUDGE'S OFFICE, MAY GIVE LEGAL ADVICE OR TELL YOU HOW TO FILL OUT FORMS!**

# Steps for filing Child Custody

## STEP 1

### Filing out the documents

\*\*\*CHECKLIST\*\*\*

You must complete the following documents:

- ◆ Domestic Civil Action Cover Sheet (AOC-CV-750)
- ◆ Complaint
- ◆ Verification (You must have the complaint verified by a Notary Public.)
- ◆ Civil Summons (2)-(AOC-CV-100)
- ◆ Affidavit of Service
- ◆ Service Members Civil Relief Act Affidavit (2)-(AOC-G-250)

Please note that the last page of the **Complaint** needs to be signed in the presence of a Notary Public *before* bringing to Clerk of Court's office to be filed.

## STEP 2

### Filing the documents

Take your original documents, two copies, \$150.00 filing fee (no personal checks), and the \$30.00 fee (if you elect to have the Union County Sheriff served the documents) to the Civil Filing Department (Union County Judicial Center, 400 N. Main St., 1<sup>st</sup> Floor). The clerk will file your documents. At that time you will be assigned a case number. Please make a note of this case number as it should be placed in the upper right hand corner of all subsequent documents in the case.

## STEP 3

### Further information

You will be mailed notice of any and all dates of your case. PLEASE MAKE SURE THAT YOUR CORRECT MAILING ADDRESS IS IN THE FILE, AS WELL AS THE CORRECT ADDRESS FOR THE OTHER DEFENDANT. **Please note that your claim may be resolved in Mediation. If a signed parenting agreement is reached in Mediation, you will not be given a hearing date.**

PLEASE NOTE THAT IN UNION COUNTY, IT IS **MANDATORY** THAT ALL PARTIES COMPLETE A PARENT EDUCATION COURSE AND PARTICIPATE IN CUSTODY/VISITATION MEDIATION UNLESS THE JUDGE FINDS GOOD CAUSE OTHERWISE. **FAILURE TO ATTEND COULD RESULT IN CONTEMPT AND A MONETARY FINE.**

All parties will be sent a Notice of Mediation Orientation by the Mediation Office.

## **STEP 4**

### **Service of Process**

North Carolina General Statutes require that you give notice to the defendant about the filing of your claim. This is known as “Service of Process”. The correct way to serve the party is determined by law. If the documents are not correctly served on the defendant, the Court will not hear your case.

You are now ready to serve the documents on the defendant. Please see the handout in this packet entitled “Service of Process” to complete proper service on the opposing party. In short, if you know where the defendant lives, you may elect to have the sheriff serve the documents, or you may serve them by certified or registered mail, return receipt requested. If you do not know where the defendant lives, please consult with an attorney on how to properly execute “service of process”.

## **STEP 5**

### **Attendance**

Be sure to attend all scheduled court events on time and dressed appropriately (as if you were going to a job interview). This is very important.

*North Carolina Bar Lawyer Referral Service: (800) 662-7660*

**STATE OF NORTH CAROLINA**

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
District Court Division

Name And Address Of Plaintiff 1

Name And Address Of Plaintiff 2

**DOMESTIC  
CIVIL ACTION COVER SHEET**

INITIAL FILING     SUBSEQUENT FILING

Rule 5(b), Rules of Practice For Superior and District Courts

**VERSUS**

Jury Demanded In Pleading?     No     Yes

Name Of Defendant 1

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

Summons Submitted     Yes     No

Telephone No.

Cellular Telephone No.

Name Of Defendant 2

NC Attorney Bar No.    Attorney E-Mail Address

Initial Appearance in Case     Change of Address

Summons Submitted     Yes     No

Name Of Firm

Counsel for

All Plaintiffs     All Defendants     Only (List party(ies) represented)

FAX No.

**TYPE OF PLEADING**

**CLAIMS FOR RELIEF**

(check all that apply)

- Amended Answer/Reply (AMND-Response)
- Amended Complaint (AMND)
- Answer/Reply (ANSW-Response)
- Complaint (COMP)
- Confession Of Judgment (CNFJ)
- Contempt (CNTP)
- Continue (CNTN)
- Compel (CMPL)
- Counterclaim vs. (CTCL) Assess Counterclaim Costs
- Extend Time For An Answer (MEOT-Response)
- Modification Of Alimony (MALI)
- Modification Of Custody (MCUS)
- Modification Of Support in non-IV-D cases (MSUP)
- Modification Of Visitation (MVIS)
- Rule 12 Motion In Lieu Of Answer (MDLA)
- Sanctions (SANC)
- Show Cause (SHOW)
- Transfer (TRFR)
- Vacate/Modify Judgment or Order (VCMD)
- Other (OTHR):

(check all that apply)

- Alimony (ALIM)
- Annulment (ANUL)
- Child Support (CSUP)
- Custody (CUST)
- Divorce (DIVR)
- Divorce From Bed And Board (DIVB)
- Domestic Violence (DOME)
- Equitable Distribution (EQU)
- Medical Coverage (MEDC)
- Paternity (PATR)
- Possession Of Personal Property (POPP)
- Post Separation Support (PSSU)
- Reimbursement For Public Assistance (RPPA)
- Visitation (VIST)
- Other: (specify and list separately)

Date

Signature Of Attorney/Party

**NOTE:** All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include a Domestic (AOC-CV-750), Motions (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

AOC-CV-750, Rev. 1/14

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STATE OF NORTH CAROLINA  
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_\_\_CVD\_\_\_\_\_

\_\_\_\_\_  
**Plaintiff**  
  
VS  
  
\_\_\_\_\_  
**Defendant**

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**COMPLAINT FOR CHILD CUSTODY**

Plaintiff, complaining of defendant, alleges and says:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff is a citizen and resident of \_\_\_\_\_.  
*(County and State)*

2. Plaintiff's address is \_\_\_\_\_.

3. Defendant is a citizen and resident of \_\_\_\_\_.  
*(County and State)*

4. Defendant's address is \_\_\_\_\_.

5. Defendant's relationship to child is \_\_\_\_\_.  
*(Mother, Father, etc.)*

6. The name(s), age(s), and birth date(s) of the child or children at issue in this case is/are as follows: \_\_\_\_\_

\_\_\_\_\_

7. Explain your standing to bring this civil action (e.g., I am the mother/father/other relative of the child/children): \_\_\_\_\_

\_\_\_\_\_

8. That during the past five years (or since birth if the child is less than five years old), the (child)(children) have lived with:

Name of child (1) \_\_\_\_\_, birthdate \_\_\_\_\_, birthplace \_\_\_\_\_

PERIOD	ADDRESS	PERSON LIVED WITH
____ to present	_____	_____
____ to _____	_____	_____
____ to _____	_____	_____

Name of child (2) \_\_\_\_\_, birthdate \_\_\_\_\_, birthplace \_\_\_\_\_

PERIOD	ADDRESS	PERSON LIVED WITH
____ to present	_____	_____
____ to _____	_____	_____
____ to _____	_____	_____

Name of child (3) \_\_\_\_\_, birthdate \_\_\_\_\_, birthplace \_\_\_\_\_

PERIOD	ADDRESS	PERSON LIVED WITH
____ to present	_____	_____
____ to _____	_____	_____
____ to _____	_____	_____

(If there are more than two children, insert additional sheets.)

9. That I (have) (have not) participated as a (party) (witness) (other capacity) in litigation concerning the custody/visitation of the minor case in (this) (another) State, viz.-

\_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_.

(if answer is yes, give details, stating capacity, name and address of court.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

10. That I (have) (do not have) information of any custody/visitation proceeding concerning a child mentioned above pending in a Court in this or any other State. (if answer is yes, give details)

\_\_\_\_\_  
 \_\_\_\_\_

11. That I (know) (do not know) of a person who has physical custody of the child:

\_\_\_\_\_, or  
(Name) (Address)

claims to have custody or visitation rights with respect to the child,:

\_\_\_\_\_  
(Name) (Address)

12. The District Court of Union County has personal jurisdiction over the parties and subject matter jurisdiction (including jurisdiction under the Uniform Child Custody Jurisdiction Act) to decide the claim(s) and render a visitation determination in this action.

13. Venue of this action is properly in Union County, North Carolina.

CUSTODY CLAIM

14. The Plaintiff is a fit and proper person to have visitation of the aforesaid minor child/children and an award of visitation to her/him would best promote the interests and welfare of the aforesaid minor child/children.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays to the Court for relief as follows:

1. \_\_\_ That custody of the minor child/children be awarded to the Plaintiff. That if custody is not awarded to the plaintiff that visitation be awarded to the plaintiff.
2. \_\_\_ That defendant be taxed with the costs of this action.
3. \_\_\_ That plaintiff have and recover such other and further relief as the Court may deem just and proper.

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

\_\_\_\_\_  
(Signature of Plaintiff)

ADDRESS AND TELEPHONE NUMBER OF PLAINTIFF

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



STATE OF NORTH CAROLINA  
COUNTY OF UNION

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_\_\_CVD\_\_\_\_\_

**VERIFICATION**

I, \_\_\_\_\_, being duly sworn, deposes and says that he/she the plaintiff in the foregoing action, that he/she has read the foregoing COMPLAINT FOR CUSTODY, and knows the contents thereof to be true of his/her own personal knowledge except for those matters and things alleged therein upon information and belief, and as to those matters, and things, he/she believes same to be true.

\_\_\_\_\_  
(Sign here)

*Sworn and subscribed before me this*  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(SEAL)

My commission expires: \_\_\_\_\_.

**STATE OF NORTH CAROLINA**

File No.

\_\_\_\_\_ County

In The General Court Of Justice  
 District  Superior Court Division

Name Of Plaintiff

Address

City, State, Zip

**VERSUS**

**CIVIL SUMMONS**

**ALIAS AND PLURIES SUMMONS (ASSESS FEE)**

G.S. 1A-1, Rules 3 and 4

Name Of Defendant(s)

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

**To Each Of The Defendant(s) Named Below:**

Name And Address Of Defendant 1

Name And Address Of Defendant 2



**IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!**

**¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!**

**Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!**

**A Civil Action Has Been Commenced Against You!**

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Date Issued

Time

AM  PM

Signature

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**ENDORSEMENT (ASSESS FEE)**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

AM  PM

Signature

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**NOTE TO PARTIES:** Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

**RETURN OF SERVICE**

I certify that this Summons and a copy of the complaint were received and served as follows:

**DEFENDANT 1**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

*Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)*

- Other manner of service (specify)

- Defendant WAS NOT served for the following reason:

**DEFENDANT 2**

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Defendant</i>
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- By delivering to the defendant named above a copy of the summons and complaint.
- By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.
- As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

*Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)*

- Other manner of service (specify)

- Defendant WAS NOT served for the following reason:

<i>Service Fee Paid</i> \$	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Received</i>	<i>Name Of Sheriff (type or print)</i>
<i>Date Of Return</i>	<i>County Of Sheriff</i>

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
File No. \_\_\_\_ CVD \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,  
  
v.  
  
\_\_\_\_\_  
Defendant. )  
)  
)  
)  
)  
)  
)

**AFFIDAVIT OF SERVICE OF PROCESS  
BY REGISTERED OR CERTIFIED MAIL**

I, \_\_\_\_\_ did mail by (Registered) (Certified) mail, Return Receipt Requested, a copy of the Complaint and Summons in this case to \_\_\_\_\_ addressed as follows:  
*(Insert name of Defendant here)*

\_\_\_\_\_  
\_\_\_\_\_  
*(Use this space to list the address of Defendant)*

Further, that copy of the Summons and Complaint were in fact received by the Defendant on \_\_\_\_\_ as evidenced by the attached genuine receipt.  
*(Insert date of receipt)*

IN WITNESS WHEREOF, I have hereunto set my hand this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_  
*(Sign in the presence of a Notary Public)*

Sworn to and subscribed before me this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
  
(SEAL) \_\_\_\_\_  
*(Notary Public)*

My commission expires: \_\_\_\_\_

*(Please attach the original green return receipt to this affidavit)*

## SERVICE OF PROCESS

PLEASE READ THIS SECTION VERY CAREFULLY.

If you have concerns or are confused, consult with an attorney immediately!

In order for your case to be binding against the Defendant, the Defendant must be given notice of the case, or served in a manner that is recognized by the Court. **PLEASE NOTE that service of process must be completed successfully for your case to proceed and avoid dismissal. IT IS YOUR RESPONSIBILITY** to follow up and make sure service was completed. If you serve by certified or registered mail, YOU MUST file the *Affidavit of Service of Process by Registered or Certified Mail* found in your packet along with the green return-receipt card you receive in the mail. Please note also that, if you are a third party (e.g. grandparent) suing for visitation of a grandchild(ren), you **MUST** serve **BOTH PARENTS** since they are both Defendants. The forms needed for *Service of Process* and the procedures you must follow are complex and will vary. In order to learn which steps to take next, review the following and choose the correct forms and procedures for your case:

1. **The Defendant lives in North Carolina, and can be served papers by the sheriff.** If the Defendant lives in North Carolina and will not accept service of process, you will need to pay a \$30.00 service fee to the sheriff of the county where the Defendant(s) is/are located to serve the papers, and you will need the following forms:

- **A Summons**
- **A Complaint**

If the Defendant lives in Union County, you may take the \$30.00 service fee (cash, money order, or certified check) along with the original Summons and a copy of the Summons and Complaint to the Clerk's Office when you file your case. The Clerk's Office may deliver the Complaint to the sheriff for you. Otherwise, you must deliver the payment and the necessary forms to the sheriff yourself. If the Defendant does not live in Union County, you must mail or deliver the original Summons and a copy of the Summons and Complaint to the sheriff in the county where the Defendant is located. You should include a cashier's check or money order for the fee for service made payable to the sheriff of that county. **NOTE: The Defendant may be served personally at any location in the state. You must provide the Defendant's most recent address in the Summons along with any other information that will assist the sheriff in locating the Defendant.**

2. **Service of Process by registered or certified mail, return-receipt requested.** Service of Process can be completed within the state and outside of the state, but within the US (note: Please consult with an attorney if the Defendant is in the military) by mailing a copy of the Summons and of the Complaint by registered or certified mail, return-receipt requested, addressed to the party to be served and delivering to the address. A postal worker can help you fill out the necessary forms for the registered or certified mailing. If you choose this type of service, you must file an *affidavit* (document sworn to and signed in the presence of a Notary Public) of service of process by certified or registered mail stating:

A copy of the Summons and Complaint was mailed, postage prepaid, by registered or certified mail, return-receipt requested. (A postal worker can help you fill out the necessary forms).

That the documents were received by the Defendant as shown by the signed and returned receipt.

**YOU MUST ATTACH THE ORIGINAL RETURNED RECEIPT TO YOUR AFFIDAVIT.**

3. **You do not know where the Defendant is.**

If you do not know where the Defendant is located, you will need to serve the Defendant by “publication”. This is a complex process using the newspaper to run notice of the case. You should speak to an attorney regarding this type of service. If you need an attorney, you can contact the **North Carolina Lawyer Referral Service at 1-800-662-7660**. If you cannot afford an attorney you may be eligible for representation or assistance from **Legal Services of Southern Piedmont at 704-376-1600**.

**PLEASE NOTE:** This is service of “last resort”. If you know where the Defendant is, or if you can find out where the Defendant is, you should never attempt this type of service.

County

In The General Court Of Justice

Name And Address Of Plaintiff

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

VERSUS

Name And Address Of Defendant

50 U.S.C. 3901 to 4043

NOTE: Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by G.S. 45-21.12A.

AFFIDAVIT

I, the undersigned Affiant, under penalty of perjury declare the following to be true:

1. As of the current date: (check one of the following)

- a. I have personal knowledge that the defendant named above is in military service.\*
b. I have personal knowledge that the defendant named above is not in military service.\*
c. I am unable to determine whether the defendant named above is in military service.\*

2. (check one of the following)

- a. I used the Servicemembers Civil Relief Act Website (https://scra.dmdc.osd.mil/) to determine the defendant's military status.
b. I have not used the Servicemembers Civil Relief Act Website and the following facts support my statement as to the defendant's military service: (State how you know the defendant is not in the military. Be specific.)

Blank lines for providing facts supporting the statement in question 2b.

\*NOTE: The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2).

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME. Includes fields for Date, Signature Of Affiant, Name Of Affiant, and Notary information.

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit (whether on this form or not) has been filed, and if it appears that the defendant is in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.

(Over)

## Information About Servicemembers Civil Relief Act Affidavits

### 1. Plaintiff to file affidavit

In any civil action or proceeding, including any child custody proceeding, in which the defendant does not make an appearance, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

- (A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or
- (B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

50 U.S.C. 3931(b)(1).

### 2. Appointment of attorney to represent defendant in military service

If in a civil action or proceeding in which the defendant does not make an appearance it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed to represent a service member cannot locate the service member, actions by the attorney in the case shall not waive any defense of the service member or otherwise bind the service member. 50 U.S.C. 3931(b)(2).

State funds are not available to pay attorneys appointed pursuant to the Servicemembers Civil Relief Act. To comply with the federal Violence Against Women Act and in consideration of G.S. 50B-2(a), 50C-2(b), and 50D-2(b), plaintiffs in Chapter 50B, Chapter 50C, and Chapter 50D proceedings should not be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. Plaintiffs in other types of actions and proceedings may be required to pay the costs of attorneys appointed pursuant to the Servicemembers Civil Relief Act. The allowance or disallowance of the ordering of costs will require a case-specific analysis.

### 3. Defendant's military status not ascertained by affidavit

If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act. 50 U.S.C. 3931(b)(3).

### 4. Satisfaction of requirement for affidavit

The requirement for an affidavit above may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.

50 U.S.C. 3931(b)(4). The presiding judicial official will determine whether the submitted affidavit is sufficient.

### 5. Penalty for making or using false affidavit

A person who makes or uses an affidavit permitted under 50 U.S.C. 3931(b) (or a statement, declaration, verification, or certificate as authorized under 50 U.S.C. 3931(b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both. 50 U.S.C. 3931(c).