



**26th Judicial District
SelfServe Center**

CHILD CUSTODY OR VISITATION

DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated. 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 SelfServe Center Staff, 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 by the SelfServe Center.

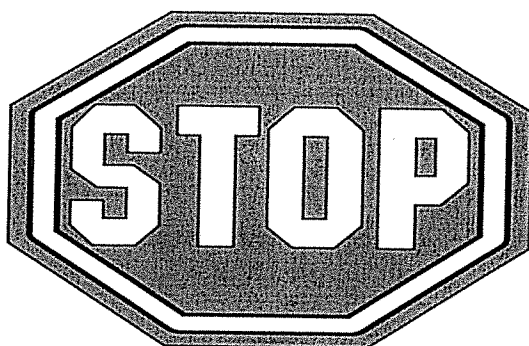
IF THERE ARE ANY QUESTIONS in your mind concerning these forms, or your legal rights, it is strongly recommended that you consult with an attorney.

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!

Filing Fees are regulated by the North Carolina General Assembly, and are subject to change. Please consult with the Staff of the Civil Filing Department or the SelfServe Center for the most up to date fees.

THE FILING FEE FOR THIS ACTION IS: \$150

© 1999 SelfServe Center



**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 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.

Updated 4/2006
LIB: CH

INTRODUCTION

What is this?

This packet of information is provided for individuals who wish to pursue a case without the assistance of an attorney. This is called a *pro se* or self represented case. If you are not sure that you want or need to go to court, please ask the SelfServe Center staff to direct you to phone numbers for lawyer referral services or the list of local attorneys willing to provide “unbundled services” (*willing to represent you for a limited portion of your case on an hourly fee basis*). Please note that this is a *process* that you will be going through. If things do not proceed as quickly as you hoped, please be patient. The goal is to provide the best and safest environment for the child. That is not a one step procedure.

How will it help me?

If you do not plan to use an attorney, this packet will guide you through the process by providing the forms and filing instructions that you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct and current forms for the nature of your case. Therefore, you should review and research *applicable laws and rules of procedure* that apply to your type of case. If you are not able to do this, you should talk with an attorney. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service (704) 375-0120 or the North Carolina Bar Lawyer Referral Service (800) 662-7660. The SelfServe Center also maintains a list of attorneys willing to provide “unbundled services.”

What does this mean?

Certain legal terms will be found in italics throughout. A short definition of the terms will be contained in the text. A complete legal glossary is available for your convenience in the SelfServe Center. If you still do not understand the term, consult a legal dictionary or the SelfServe Center staff. Staff CANNOT provide legal advice, but can provide procedural information and definitions of legal terminology.

What are/is Child Custody and/or Visitation?

The packet available in the SelfServe Center allows a party to file for **permanent legal custody** of a child or for **visitation rights**. Please note that the forms assume that one parent is suing another. If you are a grandparent or other third party relative, please ask for the packet titled Non-parent Custody/Visitation or Non-parent Custody/Visitation and/or Child Support. For additional information about the North Carolina Custody process you may visit the local law library.

Can or should I file for Child Custody or Visitation?

Please note that the SelfServe Center staff CANNOT provide legal advice. Therefore, we cannot tell you if you should file or what you should file, but we can tell you that you must meet certain criteria to be eligible. **THE CHILD MUST HAVE LIVED IN NORTH CAROLINA FOR THE 6 MONTHS PRIOR TO FILING, OR SINCE BIRTH.** Additionally, if there is an **EXISTING CUSTODY ORDER**, you must notify the SelfServe Center staff. This will affect which packet you receive. **Note:** If you have a Domestic Violence Protective Order, you may

still use these forms to establish permanent legal custody and/or visitation rights regarding the child(ren).

What do I do first?

1. After you get your packet, **READ THE INSTRUCTIONS!** Then fill out the forms by typing or printing *neatly* in ink. You may fill them out at home or at the courthouse. Please read the forms carefully as some have a “Verification” page. This means that they must be signed in the presence of a Notary Public. If the document does require this, do not sign until you are in front of a Notary. Notaries can likely be found at banks, law firms, and/or insurance agencies. A few may also be found in the Yellow Pages. Notaries often charge a small fee and require you to show a picture ID for their services. Be sure you have your documents already notarized when you take them to the Clerk’s Office to file.
2. The SelfServe Center has a video available on filing for child custody and/or visitation. It is suggested that you view it for procedural information.
3. After the forms are filled out and notarized, you must make 2 COPIES (one for yourself, one for the other party). The original will be filed.
4. Please make sure that you have cash, credit card, or a money order to pay for the filing fees associated with the claim you are seeking to file. Personal checks are not accepted. If you want the Sheriff of Mecklenburg County to serve the documents on the defendant, please bring an additional **\$30.00**, per defendant, (cash, cashier’s check, credit card or money order). The cashiers’ check or money order must be made payable to the sheriff’s office. If the defendant lives outside of Mecklenburg County, pay the service of process fee to the sheriff of the county where the defendant resides. (Please refer to the “Service of Process” sheet in this packet for more information).
5. Take your completed forms, along with two copies and the filing fee to the Civil Filing Department (Clerk’s Office) at 832 E. Fourth Street, Room 3725.

IMPORTANT REMINDERS BEFORE YOU BEGIN

Your case involves complicated legal issues! This packet describes the general process, but it is impossible to cover everything that may affect your rights. If you get confused you should stop and seek advice from an attorney. The staff of the SelfServe Center, Clerk of Court, Judge, or the Trial Court Administrator’s Office **CANNOT GIVE YOU LEGAL ADVICE!**

PLEASE...if you are thinking of contacting an attorney, do so as soon as possible. Unless there is an emergency, try to contact an attorney at least 30 days before your hearing. Waiting could decrease your chances of obtaining representation.

STEP 1

Review the documents

*****CHECKLIST*****

Review your forms to make sure you have the necessary documents to complete this custody or visitation claim.

Form 1- Domestic Civil Action Cover Sheet

Form 2- Civil Summons

Form 3- Complaint

Form 4- Verification

Form 5- Affidavit Servicemembers Civil Relief Act 50 U.S.C App §§ 501 - 597b

Form 6- Affidavit of Service (this is used only if you are mailing the document to the defendant by certified mail; see Step 5)

STEP 2

Filling out the documents

The steps to completing the above (1-4 documents) are:

Complete Form 1; Domestic Civil Action Cover Sheet

Complete Form 2; Civil Summons Sheet

Complete Form 3; Complaint for Parent Child Custody or Visitation

Complete Form 4; Verification (**remember that this form must be completed in the presence of a Notary Public**)

Complete Form 5; Affidavit Servicemembers Civil Relief Act 50 U.S.C App §§ 501 - 597b (**remember that this form must be completed in the presence of a Notary Public**)

STEP 3

Photocopying the documents

Make two (2) copies of the documents. The copies are for:

The Defendant,

The Clerk's Office, and

For you to file and maintain for your records.

Copies can be made for a fee in the Civil Files Office, Room 3342.

STEP 4

Filing the documents

After you have completed the above steps, you must file the documents.

Step 1- Take all three copies of the document to the Civil Filing Office (832 E. Fourth St., Room 3725) for them to file.

Step 2- In addition to the three copies, you will also need the filing fee, and the \$30.00 fee to have the other parent served by the Sheriff **if this is the method of service you will use.**

Step 3- Once the filing fee, and the fee for service have been paid, the Civil Filing Department (832 E. Fourth St.; Room 3725) will file your documents.

- i. At this time a case number will be provided for you. Please make note of this case number (it will appear in the upper right hand corner of all other documents in this case) and keep this for referencing your case at later dates.

STEP 5

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 defendant is determined by law. If the documents are not correctly served on the defendant, the court will not hear your case.

PLEASE READ THIS SECTION VERY CAREFULLY.

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

Available Methods for Service of Process:

- I. **Service of Process by the Sheriff:** If the Defendant lives in North Carolina you have the option to use this method. You will need to pay a \$30.00 service fee (to the sheriff in the county where he/she resides to serve the papers.
 - a. **If Defendant lives in Mecklenburg County:**
 - i. Step 1- Take the Domestic Civil Action Cover Sheet (Form 1), Civil Summons (Form 2) Complaint and Verification (Forms 3 and 4) and the Affidavit Servicemembers Civil Relief Act (Form 5) to the Clerk's Office, Room 3725, when you file for child custody. The summons should include the most recent address of the Defendant and any other information that will help the sheriff's office locate him/her. (For example, if you want the Sherriff to serve the Defendant prior to going to work at 8am, this should be specified)
 - ii. Step 2- These will be stamped and filed by the clerk. The Clerk's office *may* deliver the documents to the Sheriff's Office for you.

Sometimes, you must take the stamped documents and \$30 for the Defendant to the Sheriff's Office (700 East Fourth St. Charlotte, NC 28202). Remember to keep a copy for yourself.

- iii. Step 3- After delivering these documents to the Sheriff, they will keep a copy of the summons detailing how the Summons and Complaint were delivered to the Defendant. The Sheriff's Office will then file this information with the clerk of court. It is still your responsibility to make sure the forms were filed, so remember to check this.
- iv. Step 4- In order to find out if the Sheriff's Office was successful or unsuccessful in attempting to serve the Defendant, you must check in person with the Clerk of Court (Room 3725). You may also call the Mecklenburg Sheriff's Office at 704-336-2543 to determine if service was successful. You should wait 45 days to contact them.

b. If Defendant lives in North Carolina, but DOES NOT live in Mecklenburg County:

- i. Step 1- If the Defendant does not live in Mecklenburg County, you must mail or deliver the Domestic Civil Action Cover Sheet (Form 1), Civil Summons (Form 2) Complaint and Verification (Forms 3 and 4) and the Affidavit Servicemembers Civil Relief Act (Form 5) to the Sheriff in the county where they are located. The Summons should include the most recent address of the Defendant and any other information that will help the sheriff's office locate him/her. (For example, if you want the Sheriff to serve the Defendant prior to going to work at 8am, this should be specified)
- ii. Step 2- You should include a certified check or money order for the fee for service made payable to the sheriff of that county or state. Contact the sheriff's office in the county or state where the Defendant is located to determine the fees and process associated with service of process.
- iii. Step 3- If you wish to send your paperwork to the Sheriff's Office to be served, you should send it by certified mail return receipt requested to provide evidence that your service request was received.
- iv. Step 4- In order to find out if the Sheriff was successful or unsuccessful in attempting to serve the Defendant, you must check in person with the clerk of court (Room 3725). You may also be able to contact the Sheriff's Office over the phone to confirm whether or not service was successful.

c. If Defendant DOES NOT live in North Carolina

- i. Step 1- If the Defendant does not live in North Carolina, you must mail or deliver the Domestic Civil Action Cover Sheet (Form 1), Civil Summons (Form 2) Complaint and Verification (Forms 3 and 4) and the Affidavit Servicemembers Civil Relief Act (Form 5) to

- the Sheriff in the state and county where they are located. The Summons should include the most recent address of the Defendant and any other information that will help the Sheriff's Office locate him/her. (For example, if you want the Sheriff to serve the Defendant prior to going to work at 8am, this should be specified)
- ii. Step 2-You should include a certified check or money order for the fee for service made payable to the sheriff of that state. Contact the sheriff's office in the state where the Defendant is located to determine the fees and process associated with service of process.
 - iii. Step 3-If you wish to send your paperwork to the Sheriff's Office to be served, you should send it by certified mail return receipt requested to provide evidence that your service request was received.
 - iv. Step 4-In order to find out if the Sheriff was successful or unsuccessful in attempting to serve the Defendant, you must check in person with the clerk of court (Room 3725). You may also be able to contact the sheriff's office over the phone to confirm whether or not service was successful.

II. Service of Process by Certified or Registered Mail

- a. Service of Process by certified or registered mail can be completed within the state and outside of the state. To complete Service of Process by Certified or Registered Mail within the US, you should complete the following:
 - i. Step 1- You should mail a copy of the Domestic Civil Action Cover Sheet (Form 1), Civil Summons (Form 2) Complaint and Verification (Forms 3 and 4) and the Affidavit Servicemembers Civil Relief Act (Form 5) by registered or certified mail, return receipt requested, addressed to the Defendant and delivered to his/her address (or the address of the location where he/she can be contacted by mail). **(NOTE: Please consult with an attorney if the Defendant is in the military or lives in another country).** A postal worker can help you fill out the necessary forms for registered or certified mailing. If you select this type of service, you must file an Affidavit of Service of Process by Certified or Registered Mail when you receive the return receipt (the "green card"). **You must attach the original return receipt to your affidavit.**
 - ii. Step 2- You must sign the Affidavit of Service (Form 6) in the presence of a Notary Public.

III. Service of Process by Publication: If You Do NOT Know Where the Defendant Is: **(THIS SHOULD BE YOUR LAST RESORT)**

- a. If you do not know where the Defendant is located, you must serve him/her by "publication."
 - i. **If you know where the Defendant is or can find out his/her address, this process should not be used.** Publication is a complex

process using the newspaper to run notice of the hearing. **You should speak to an attorney regarding this type of service.** You can find a list of available attorneys and their fees at the SelfServe office (Room 3350)

STEP 6

Obtaining Dates and Other Important Information

Once you have filed your documents with the Civil Filing Department and served the papers on the other party in the case. The Family Court Office will set your case for **Custody Mediation Parent Education** and send a notice to the address provided to the court. In addition, please remember the following:

1. The notice will include a date, time, and location.
2. There is a fee for the Parent Education Class.
3. Both Custody Mediation Orientation and Parent Education are mandatory events.
4. The court will mail a copy to the Defendant at the address provided to the court

ATTENTION: Please note that in Mecklenburg 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.

STEP 7

Attendance

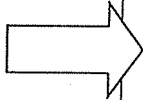
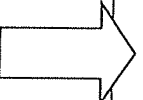
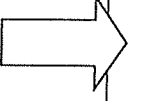


Be sure to attend all scheduled court events on time and dressed appropriately (as if you were going to a job interview). This is very important!

Lawyer Referral Services:

***Mecklenburg County Bar Lawyer Referral Service: (704) 375-0120 or
www.meckbar.org***

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

Child Custody or Visitation Procedural Flowchart

<p>Step 1- Complete all five forms</p> 	<ul style="list-style-type: none"> • Form 1- Domestic Civil Action Cover Sheet • Form 2- Civil Summons • Form 3- Complaint • Form 4- Verification • Form 5- Affidavit Servicemembers Civil Relief Act • Form 6- Affidavit (this form is used only if you are mailing the document to the defendant by certified mail).
<p>Step 2- Make copies and submit forms</p> 	<ul style="list-style-type: none"> • Three copies of all forms are needed for. • File papers with the Clerk of Court • Payments are due upon filing (Cash or Money Order) • Retain your case number for future reference
<p>Step 3- Defendant must be served</p> 	<p>Three ways to be served:</p> <ul style="list-style-type: none"> • Registered Mail • Sherriff • Publication
<p>Step 4- Obtain Order for Child Custody Mediation and Parent Education Class.</p> 	<p>After service has been properly conducted:</p> <ul style="list-style-type: none"> • Go to Family Court Office (Room 3520) and obtain dates to attend classes that are mandatory. • File with Clerk's Office • Mail copy of order to Defendant
<p>Step 5- Attend classes</p> 	<ul style="list-style-type: none"> • Be sure to attend all scheduled court events on time and dressed appropriately (as if you were going to a job interview). This is important.

Three Service of Process Methods

Option 1- By Sheriff	Option 2- Registered or Certified Mail	Option 3- Publication- LAST RESORT
<ul style="list-style-type: none"> • You may serve by Sheriff in the county or state where the Defendant lives. • Pay fee to the Sheriff • Provide Sheriff with Form 1 & Form 2 • After 45 days, check with Clerk of Court or call Sheriff's office to find out if service was successful. 	<ul style="list-style-type: none"> • Mail a copy of Form 1 & Form 2 to the Defendant by registered or certified mail • Once you receive the return receipt from Post Office, and Form 4, you must file at Clerk's Office. 	<ul style="list-style-type: none"> • This is considered the last resort. • If the defendant CANNOT be located you may use this option. Consult an attorney for further instructions.

- Once all documents have been served upon the defendant, the Plaintiff must wait thirty days from the date the Defendant was served to continue with the action.

WHAT YOU NEED TO KNOW ABOUT MEDIATION

Once a petition has been filed and the defendant has been served, the Family Court Office will send out a "Scheduling Notice". This notice will inform the parties of the Custody Mediation Orientation (CMO) date and Parenting Education (PE) deadline. Once all parties has completed the CMO, a mediation session will be scheduled. You will either 1. Receive an appointment the day of your scheduled CMO if all parties are present. 2. Receive a letter in the mail with the scheduled day and time.

WHAT IS MEDIATION?

North Carolina law requires that the parties to a custody law suit attend mediation before the case goes to a Judge. "Mediation" is a form of alternative dispute resolution where a neutral mediator helps the parties in a dispute agree on a resolution of their legal claims against each other. The parties involved in the custody lawsuit (the mother, father, grandparent or other legal guardian) meet together with a mediator. Only individuals named in the lawsuit can wait within the mediation suite. Each person is provided an opportunity to share their concerns with the mediator and the other side while discussing the child's custody and visitation plan. Topics discussed are:

- Physical custody--(where the children will live, visitation schedule for the weekends, holidays, summer and school breaks).
- Legal Custody -Major Decision Making for the child (non-emergency medical, educational, and religious).

Finances are NOT discussed in custody mediation including child support, who files for taxes, and who pays for health insurance for the child. The goal of mediation is to agree on a plan for custody and visitation that both parties can agree too.

WHO IS THE MEDIATOR?

The mediator is a neutral third party who helps assist parties in reaching a parenting agreement. They are Masters Level trained professional with several hours of mediation training. The mediator will not decide who is right or wrong nor force anyone to agree to anything. The mediator is appointed and paid by the Court.

WHERE IS THE MEDIATION HELD?

The mediation is held at the courthouse in suite 8510 (8th floor) or other location typically in the county where the lawsuit has been filed.

WILL ATTORNEYS BE THERE?

No. Attorneys are not allowed in the mediation session.

WHAT HAPPENS IF WE REACH AN AGREEMENT?

The mediator will draft the custody and visitation agreement in writing and mail a copy of the draft to all parties for review. This agreement is called a "Parenting Agreement" (PA). Each party will sign and have the parenting agreement notarized and mail back to the mediation office or come in person and sign. In person signatures require a government issued ID. After the parties sign the parenting agreement, the Family Court Judge signs it, making it become a legal court order. You will receive the file stamped copy in the mail once the parenting agreement has become a court order.

WHAT IF ONE PARTY WANTS TO CHANGES THE PARENTING AGREEMENT BEFORE IT IS SIGNED?

If one party wants to make changes the parenting agreement before the parenting agreement is signed, he/she can contact the mediator. However, in order for any changes to be made both parties will have to agree to the proposed changes.

If either party is interested in changing the parenting agreement after it is signed by the parties and Judge, a motion must be filed. It is the responsibility of the party filing the motion to have the other party served with the modification. The parties are required to return to mediation to make an effort to resolve the matter prior to going before the courts. All parties named on the motion will receive a letter informing them of their scheduled mediation session date and time.

WHAT IF ONE SIDE VIOLATES THE PARENTING AGREEMENT?

The non-violating party can file a motion to have the violating party held in "contempt of court" for violating the order. The Court can punish the other side if the Agreement is violated; or the Court can modify the Agreement.

WHAT IF WE DO NOT REACH AN AGREEMENT AT MEDIATION?

Your case will be referred back to Family Court and placed on the calendar to be heard in court and decided by a Judge.

WHAT ARE BENEFITS OF REACHING AN AGREEMENT AT MEDIATION?

Mediation is usually quicker than going to court to get a decision. You can avoid the possibility of a Judge ruling against you. It is less of an emotional trauma than going to Court. You can save yourself and witnesses the time, inconvenience and embarrassment of testifying in court.

ARE THERE ANY EXCEPTIONS TO MEDIATION?

Except in approved situations, all custody cases go to mediation. A party has to petition the court to have a mediation waived. Until the "waiver" is signed by a Judge, mediation is not "waived". Mediation MAY be "waived" (not required) in these situations:

- One of the parties lives more than 100 miles from the Court
- The parties have agreed to private mediation (subject to approval from the Court)
- The other party has abused or neglected the child(ren) involved in the case
- The other party suffers from alcoholism or abuses drugs or abuses the parent who is filing the case
- The other party suffers from severe psychological, psychiatric or emotional problems

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

Summons Submitted Yes No

Initial Appearance in Case

Change of Address

Counsel for

Name Of Firm

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

FAX No.

TYPE OF PLEADING

CLAIMS FOR RELIEF

(check all that apply)

(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):

- 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.

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff

Address

City, State, Zip

CIVIL SUMMONS
 ALIAS AND PLURIES SUMMONS (ASSESS FEE)

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

VERSUS

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

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	--	-------------------

- 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

Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
-------------	--	-------------------

- 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:

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

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____-CVD-_____()

Plaintiff
v.

Defendant

COMPLAINT FOR CHILD CUSTODY
OR VISITATION

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: _____
(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 _____, birthdate _____, birthplace _____.

PERIOD	ADDRESS	PERSON LIVED WITH	PRESENT ADDRESS (of person lived with)
___ To present	_____	_____	_____
___ to _____	_____	_____	_____
___ to _____	_____	_____	_____

Name of child _____, birthdate _____, birthplace _____.

PERIOD	ADDRESS	PERSON LIVED WITH	PRESENT ADDRESS (of person lived with)
___ to _____	_____	_____	_____
___ to _____	_____	_____	_____
___ to _____	_____	_____	_____

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

9. That I (have) (have not) participated as a party, witness or in another capacity in litigation concerning the custody of the minor child in this State or in another State. _____ 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 proceeding concerning a child mentioned above pending in a Court of this or any other State.
 (If answer is affirmative, give details) _____

11. That I (know) (do not know) of a person, not a party to the case, 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 Mecklenburg 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 custody determination in this action.

13. Venue of this action is proper in Mecklenburg County, North Carolina.

CUSTODY OR VISITATION CLAIM

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

PRAAYER FOR RELIEF

WHEREFORE, plaintiff prays the Court for relief as follows:

1. _____ That (custody) (visitation) of the minor (child) (children) be awarded to 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 THE PLAINTIFF:

STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG)

VERIFICATION

_____, being first duly sworn, deposes and says that he/she is the plaintiff in the foregoing action, that he/she has read the foregoing COMPLAINT 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.

Sworn to and subscribed before me
this ____ day of _____, _____.

Notary Public

My Commission expires _____

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice

Name And Address Of Plaintiff

VERSUS

Name And Address Of Defendant

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

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.
The results from my use of that website are attached.

(NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website. DoD security certificates were automatically added to the computers of all Judicial Branch users, such that these users should not expect security alerts to appear with this website after July of 2015. As of June 22, 2016, the Servicemembers Civil Relief Act Website includes the following advice: "Most web browsers don't come with the DoD's public certificates already installed. The best and most secure solution is for the user to install all of the DoD's public certificates in their web browser.")

- 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 specific facts regarding the defendant's military service.

*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).

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Superior Court Division

Name Of Plaintiff(s)

AFFIDAVIT OF SERVICE OF PROCESS BY

VERSUS

- REGISTERED MAIL
CERTIFIED MAIL
DESIGNATED DELIVERY SERVICE

Name Of Defendant

G.S. 1-75.10(a)(5), (a)(6); 1A-1, Rule 4(j2)

I, the undersigned, did mail by registered mail (return receipt requested), certified mail (return receipt requested), designated delivery service (delivery receipt requested), a copy of the summons and complaint and other document(s) (list)

in the above captioned action to (name of person to be served) addressed as follows:

Further, that copies of the summons and complaint and the above listed other document(s) (check, if applicable) were in fact received by the defendant on (date of receipt), as evidenced by the attached original receipt. (Attach original receipt or electronic proof of signature confirmation to this affidavit.)

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Signature Of Plaintiff/Attorney

Date

Signature Of Person Authorized To Administer Oaths

Name (type or print)

Title Of Person Authorized To Administer Oaths

Notary

Date My Commission Expires

SEAL

County Where Notarized