



**26th Judicial District
SelfServe Center**

**NON-PARENT COMPLAINT FOR
CHILD CUSTODY**

DUE TO THE CHANGING NATURE OF THE LAW, the forms and instructions contained in this packet may become outdated.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

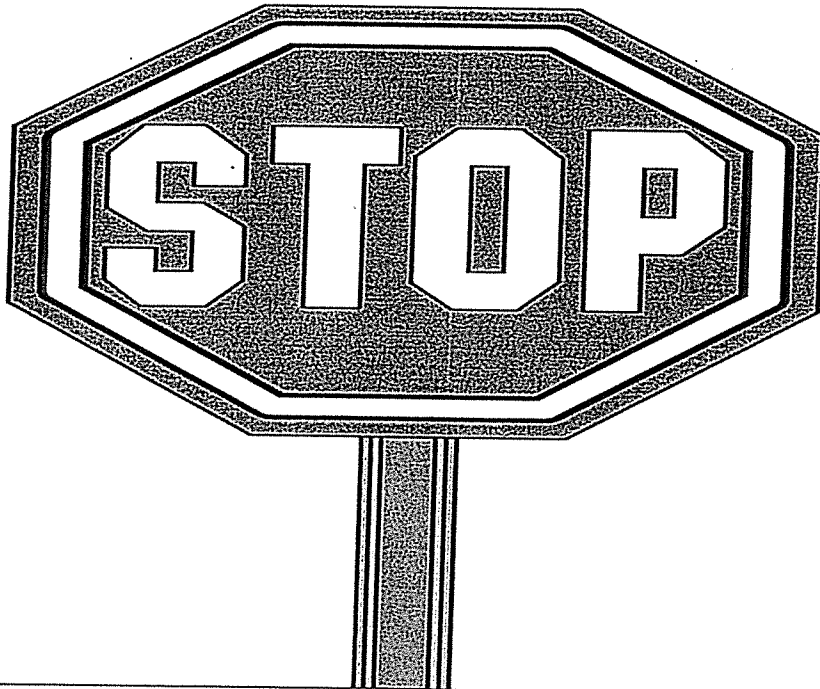
IF THERE ARE ANY QUESTIONS in your mind concerning these forms, or your legal rights, it is strongly recommended that you consult with an attorney.

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: _____

© 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.

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 is Child Custody?

The packet available in the SelfServe Center allows a party to file for **permanent legal custody** of a child. Please note that the forms assume that one parent is suing another. If you are a grandparent or other non-parent, see the section below pertaining to your special situation.

Can or should I file for Child Custody?

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 rights regarding the child(ren).

What if I am a grandparent or other non-parent relative?

If you are grandparent or non-parent relative, you must make sure to list both living biological parents as Defendants on your forms. This is regardless of what sort of role they have played in the child's life. Additionally, you **MUST** make sure to **SERVE BOTH LIVING PARENTS**. You *must* serve a defendant even if he/she is incarcerated. (Please see page on Service of Process).

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. They can be likely found at banks, law firms, and 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. 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 and the original for the file).
4. There is a filing fee to file for Custody. Please make sure that you have cash or a money order to pay for the filing fee associated with the action 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** (cash, cashier's check or money order) 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, 2 copies and 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 & 6 – Servicemembers Civil Relief Act Affidavit
- Form 7 – Affidavit of Service (this is used only if you are mailing the documents to the defendant by certified mail)

STEP 2
Filling Out the Documents

The steps to completing the above are:

- Complete Form 1: Domestic Civil Action Cover Sheet
- Complete Form 2: Civil Summons
- Complete Form 3: Complaint for Non-Parent Child Custody
- Complete Form 4: Verification
- Complete Form 5: Servicemember Civil Relief Act Affidavit
- Complete Form 6: Servicemember Civil Relief Act Affidavit

Please note that the last page of the Complaint needs to be signed in the presence of a Notary Public. The SelfServe Center has a Notary Public available on Monday, Wednesday, and Friday from 9AM until 3PM, and on Tuesday and Thursday from 12PM until 3PM. The Notary Public fee is **\$5.00 CASH per signature**.

Take these documents, 2 copies, the filing fee and the **\$30.00** fee per defendant served (if you elect to have the Mecklenburg County Sheriff serve the documents) to the Civil Filing Department (832 E. Fourth St., Room 3725). Copies can be made for a fee in the Civil Files Office. 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
Photocopying the Documents

Make three (3) copies of the documents for:

The Defendant Mother

The Defendant Father

The Clerks Office

For you to maintain for your records.

Copies can be made for a fee, \$2.00 for the first page and \$0.25 for every page after, 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: You will take all three copies and your original of the document to the Civil Filing Office (832 E. Fourth St., Room 3725) for them to file.

Step 2: In addition to your three copies and original, you will also need the filing fee, and the \$30.00 fee per defendant (for both biological parents the total will be \$60.00) to have both biological parents served by the Sheriff's Office. Remember that both parents must be served if they are living.

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.

◆ 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 subsequent 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!

In order for your case to be binding against the Defendant, he/she 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.** This means that if you have the sheriff serve the documents, **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. 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:

Available Methods for Service of Process:

- I. **Service of Process 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 per party served to the sheriff in the county where he/she resides to serve the papers.
 - a. **If Defendant lives in Mecklenburg County:**
 - i. Take the **Civil Summons and Complaint** to the Clerk's Office, Room 3725, when you file for custody/visitation/support. 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. These will be stamped and filed by the clerk. The Clerk's office *may* deliver the documents to the sheriff for you. *Sometimes*, you must take the stamped documents (Summons and Complaint) and the \$30.00 payment to the sheriff (700 East Fourth St. Charlotte, NC 28202). In either case, be sure to keep a copy of these documents.
 - ii. After delivering these documents to the sheriff, he/she will keep a copy of the summons detailing how the Complaint and Summons were delivered to the Defendant. The sheriff's deputy will then file this information with the Clerk of Court.
 - iii. 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 call the Mecklenburg Sheriff's Office at 704-336-2543 to determine if service was successful.

b. If Defendant DOES NOT live in Mecklenburg County:

- i. If the Defendant does not live in Mecklenburg County, you must mail or deliver the Summons and Complaint to the sheriff in the county where he/she is 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. You should include a certified check or money order for the fee for service made payable to the *sheriff of that county*. *Contact the sheriff's office in the county where the Defendant is located to determine the fees and process associated with service of process.*
- ii. 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.
- iii. 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, but within the US (*please consult with an attorney if the Defendant is in the military or lives in another country*) by mailing a **copy** of the Summons and Complaint **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). A postal worker can help you fill out the necessary forms registered or certified mailing. **If you choose 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.**
- b. **The Affidavit of Service must be taken to and signed in the presence of a Notary Public. There is a Notary Public in the Sheriff's Office on the first floor of the Mecklenburg County Courthouse.**

III. Service of Process by Publication: 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 will need to serve him/her by "publication." 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 child custody proceeding. 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).

Lawyer Referral Services:

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

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

STEP 6

Obtaining Dates and Other Important Information

Once you have filed your documents with the Civil Filing Department and served the Defendant's, the Family Court Office will set your case for **Custody Mediation Parent Education** and send a notice to the addresses 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.

Non-Parent Child Custody Procedural Flowchart

Fill Out:

Domestic Civil Action Coversheet
Civil Summons
Complaint
Servicemember Civil Relief Act Affidavit's

NOTE: Sign the last page of the Complaint in front of a Notary Public and make two (3) copies of each document.

File with Clerk of Court (include payment for the filing fee – cash or money order only). You will be assigned a case number. Make a note of this number. It will be put on all future documents in the case.

Serve the defendant the Summons and Complaint either by registered mail or by Sheriff (\$30). If you choose registered mail, when you get the green card back, attach it to the Affidavit of Service of Process and file with the Clerk's office. If you choose to have the Sheriff serve, he/she will file that document. (See back for Service of Process flowchart).

Once you have filed the documents with the Clerk's Office and served the Defendant's, the Family Court Office will se your case for Custody Mediation Parent Education and send notice to the address provided to the court.

NOTE: The court will mail a copy to the Defendant's at the address you provided to the court.

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.

Three Service of Process Methods

Option 1 – By Sheriff	Option 2 – Registered or Certified Mail	Option 3 – Publication
<ul style="list-style-type: none"> • You may serve by Sheriff in the county or state where the Defendant's live. • Pay fee to the Sheriff. • Provide the Sheriff with the documents to be served. • After 45 days, check with the 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 the documents to the Defendant's by registered or certified mail. • Once you receive the return receipt from the Post Office, attach it to the Affidavit of Process form. This form will need to be notarized and filed with the Clerk's Office. 	<ul style="list-style-type: none"> • If the Defendant's CANNOT be located, you may use this option. Consult and attorney for further instructions. • This is considered the last resort.

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

Name Of Defendant 1

Jury Demanded In Pleading? No Yes

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

Name Of Firm

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)

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

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>
--------------------	---	--------------------------

- 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>
--------------------	---	--------------------------

- 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 MECKLENBURG

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

_____))
_____))
_____))
Plaintiff(s),)
vs.)
_____))
(Natural Mother))
_____))
(Natural Father))
Defendant(s),)

NON-PARENT 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 (Natural Mother) is a citizen and resident of _____
(County and State)
4. Defendant (Natural Mother) resides at _____

(Street Address, City, State & Zip Code).
5. Defendant (Natural Father) is a citizen and resident of _____
(County and State)
6. Defendant (Natural Father) resides at _____

(Street Address, City, State & Zip Code).

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

8. Explain your standing to bring this civil action (e.g., I am the relative of the child/children):

9. The natural mother should not have a priority position because:

10. The natural father should not have a priority position because:

11. 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
____ to present	_____	_____	_____
____ to ____	_____	_____	_____
____ to ____	_____	_____	_____
____ to ____	_____	_____	_____

Name of child _____, birthdate _____, birthplace _____.

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

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

12. That I (have)/(have not) participated as a (party)/(witness)/(other capacity) in litigation concerning the custody of the minor child in (this) (another) State; namely,

_____ on _____, ____.
(if answer is affirmative, give details, stating capacity, name and address of court.)

13. That I (have) (do not have) information of any other custody proceeding concerning the minor child(ren) mentioned above pending in a Court of this or any other State.

(If answer is affirmative, give details) _____

14. That I (know) (do not know) of any other person(s) who has physical custody of the minor child. Namely,

(Name) (Address)

15. That I (know) (do not know) of any other person(s) who claims to have custody or visitation rights with respect to the child. Namely,

(Name) (Address)

(Name) (Address)

16. 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.

17. Venue of this action is pro in Mecklenburg County, North Carolina.

CUSTODY CLAIM

18. Defendant(s) have lost their priority status as biological parents of the minor children.

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

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays the Court for relief as follows:

1. _____ That custody 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 PLAINTIFF:

STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG)

VERIFICATION

I, _____ , being first duly sworn, deposes and
(insert your name here)
says that he/she is the Plaintiff in this matter, that he/she has read and understood this

COMPLAINT and knows the contents to be true of his/her own personal knowledge, except for
those matters and things set forth upon information and belief, and as to those matters and things,
he/she believes them to be true.

(Sign in the Presence of the Notary Public)

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

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.
 - 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 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.)

*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

Date

Date

Signature Of Affiant

Signature Of Person Authorized To Administer Oaths

Name Of Affiant (type or print)

- Deputy CSC
- Assistant CSC
- Clerk Of Superior Court
- Magistrate

SEAL

Notary

Date My Commission Expires

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

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.
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 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 facts supporting the statement.

*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
Date
Signature Of Affiant
Signature Of Person Authorized To Administer Oaths
Name Of Affiant (type or print)
Deputy CSC Assistant CSC Clerk Of Superior Court Magistrate
SEAL Notary Date My Commission Expires

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)

VERSUS

Name Of Defendant

AFFIDAVIT OF SERVICE OF PROCESS BY

- REGISTERED MAIL
CERTIFIED MAIL
DESIGNATED DELIVERY SERVICE

G.S. 1-75.10(a)(5), (a)(6); 1A-1, Rule 4(j)(2)

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

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

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

Name Of Defendant

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

Signature Of Person Authorized To Administer Oaths

Name (type or print)

Signature Of Person Authorized To Administer Oaths

Notary

Date My Commission Expires

SEAL

County Where Notarized