



**26<sup>th</sup> Judicial District  
SelfServe Center**

**PATERNITY**

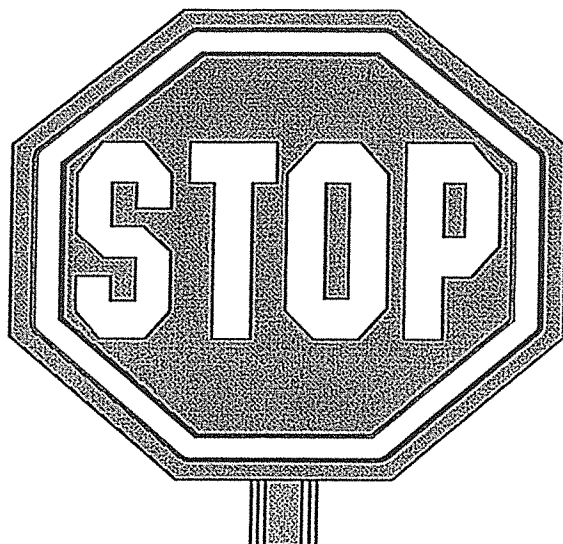
Due to the changing nature of the law, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

IN NO EVENT will the SelfServe Center, 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 the use of the forms or for information provided to you by the SelfServe Center.

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

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

The Filing Fee for this action is \_\_\_\_\_



**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.

### What do I do First?

1. READ THROUGH THE ENTIRE PACKET BEFORE DOING ANYTHING.
  - a. Next, decide if you need to have a paternity test: Is the child three years or older, or is the alleged father deceased?
    - i. If YES, then you must have a genetic test under North Carolina law before you can establish paternity. *Get the paternity test done before continuing with the packet.* See below for information on how to do this.
    - ii. If NO, then you are not required by law to have a paternity test but you may do it on your own. Continue with the packet.

\*\*\*The alleged father, child, and sometimes the natural mother must all have a test. \*\*\*

Any genetic test that is used in a paternity case must be done by a court-approved lab. An example is **LabCorp**, which has many offices throughout the country. The following are some of the labs located in Mecklenburg County:

300 Billingsley Rd., Ste. 200A  
Charlotte, NC 28211  
(704) 332-6904  
M-F: 8:30-1, 2-5:30

211 W Matthews St., Ste. 103  
Matthews, NC 28105  
(704) 846-9186  
M-F: 8:30-1, 2-5:30

16623 Birkdale Commons Pkwy  
Huntersville, NC 28078  
(704) 896-3361  
M-F: 8-1, 2-4:30

15830 John J. Delaney Dr., Ste 140  
Charlotte, NC 28277  
(704) 540-0251  
M-F: 8-12:30, 1:30-5

For more information, including costs, scheduling, and other locations, call 1-800-742-3984 or visit [www.labcorp.com/paternity](http://www.labcorp.com/paternity)

### What do I do Next?

1. After deciding if you need a paternity test, you *must* get a **CERTIFIED COPY** of the child's birth certificate and **ATTACH IT TO YOUR COMPLAINT**. *Any complaint for Establishment of Paternity will be dismissed if there is not a certified copy of the child's birth certificate attached.*
  - a. To get a certified copy of the birth certificate, do the following:
    - iii. If the child was born in North Carolina, fill out the Application Form from the NC Department of Vital Records. *(If the child was born outside of North Carolina, please look up the correct procedure for that state or country).* Make sure that the form is filled out COMPLETELY!
    - iv. Be sure to check the box regarding your relationship to the child and add a statement of why you are requesting the certificate.

## STARTING OUT

### **What is this packet about?**

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 a lawyer referral service or list of local attorneys willing to provide unbundled services (*representation for a limited portion of a case at an hourly rate*).

### **How will this 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 (www.meckbar.org), or the North Carolina Bar Lawyer Referral Service 1-800-662-7660.** The SelfServe Center also maintains a list of attorneys willing to provide “unbundled services.”

### **What does this mean?**

Certain legal terms will be used throughout your proceeding. 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 terms.

### **What is Establishment of Paternity?**

The packet available in the SelfServe Center allows a party to file a complaint that will establish whether or not an alleged father of a child is the biological father. Paternity can be established through voluntary recognition by the father or by court order.

### **Can I or should I file for Establishment of Paternity?**

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 IF LESS THAN SIX MONTHS OLD.** Additionally, if there has already been a custody/visitation or child support case filed, you must notify the SelfServe Center staff. This will affect which packet you receive.

If the alleged father is deceased, please contact an attorney before filing this action.

\*\*\*If you want to voluntarily admit that you are the father, this packet is not for you. Instead, you should fill out an Affidavit of Parentage and file it with the Clerk.

**Before you start, you need to know the defendant's current address** in order to properly serve him/her. If you do not know where the defendant is, you should contact a lawyer.

### What do I do First?

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  - a. To get a certified copy of the birth certificate, do the following:
    - iii. If the child was born in North Carolina, fill out the Application Form from the NC Department of Vital Records. *(If the child was born outside of North Carolina, please look up the correct procedure for that state or country).* Make sure that the form is filled out COMPLETELY!
    - iv. Be sure to check the box regarding your relationship to the child and add a statement of why you are requesting the certificate.

b. There is a **\$15 charge** for a certified copy of the birth certificate. To submit your request, choose one of the options below:

◆ 1<sup>st</sup> Class US Mail: North Carolina Vital Records  
1903 Mail Service Center  
Raleigh, NC 27699-1903  
\*\*\*DO NOT SEND CASH, only certified check or money order accepted.

◆ In person North Carolina Department of Vital Records  
Cooper Memorial Health Building, 1st Floor  
225 N. McDowell Street  
Raleigh, NC 27603  
M-F: 8:00-4:00  
Please bring a valid photo ID and \$15 fee  
\*\*If you would like **same-day service**, there is an *additional* \$15.00 charge.

◆ Online/Phone For an additional fee, credit card service is available online or by fax or telephone through a private cooperation, VitalChek Network, Inc.  
[www.vitalchek.com](http://www.vitalchek.com)  
1-800-669-8310

\*\*\*NOTE: If the child was born in Mecklenburg County, you can get a certified copy of his or her birth certificate at the Mecklenburg County Health Department Office of Vital Records (700 E. Stonewall St., Suite 320, Charlotte, NC, 28202). For more information, call (704) 336-2819.

**NOTE: Under North Carolina Law (G.S. 130-A-26A), it is a felony violation to fraudulently request a certified copy of a vital record or obtain, possess, sell, furnish, use, or attempt to use for any purpose of deception a North Carolina birth certificate.**

### 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 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.

The following page is the Application to Obtain a Copy of a North Carolina Birth Certificate. You will send this to the North Carolina Department of Vital Records. DO NOT FILE THIS FORM IN THE CLERK'S OFFICE WITH THE REST OF YOUR DOCUMENTS!!!

Mail: 1903 Mail Service Center  
 Raleigh, NC 27699-1903

Location: 225 North McDowell St.  
 Raleigh, NC 27603-1382

**PLEASE PRINT**

## Application for a Copy of a North Carolina Birth Certificate

### Certificate Information

Full Name on Certificate  
 (If adopted, provide new information) \_\_\_\_\_  
First Name Middle Name Last Name

Date of Birth \_\_\_\_\_ Sex  Male  Female  
Month Day Year

Place of Birth \_\_\_\_\_  
City County

Were parents married at time of birth?  Yes  No

Is this person deceased?  Yes  No

Full Maiden Name of Mother  
 (Adoptive mother, if applies) \_\_\_\_\_  
First Name Middle Name Last Name (before any marriage)

Full Name of Father  
 (Adoptive father, if applies) \_\_\_\_\_  
First Name Middle Name Last Name

**CUSTOMER MUST COMPLETE**

*Check all boxes that apply; add the fees in 1-3 and place the total amount in #4. See further instructions on Page 2.*

**1. Order Certificate**  
 Processing times vary.  
 Check website for current information.  
 (Non-refundable fee)

Certificate Search and First Copy (\$24) \$ \_\_\_\_\_

# \_\_\_\_\_ additional copies x \$15 \$ \_\_\_\_\_

Certified (Legally suitable for any purpose)

Uncertified (Suitable for research purposes)

**2. Record Changes (Only if applies)**  
 Appointment required for in-person services.  
 (\$15 non-refundable processing fee)

Adoption \$ \_\_\_\_\_

Amendment \$ \_\_\_\_\_

Name Change \$ \_\_\_\_\_

Legitimation Court Order \$ \_\_\_\_\_

Legitimation (mother married father after child's birth) \$ \_\_\_\_\_

Paternity (no fee) \$ 00.00

Other \$ \_\_\_\_\_

**3. Faster Service (Choose only one)**  
 Optional for mail-in requests  
 (\$15 non-refundable expedite fee)

Walk-in Service (\$15) \$ \_\_\_\_\_

Expedited Processing (\$15) \$ \_\_\_\_\_  
(Shipped by regular mail)

Expedited Processing and Expedited Shipping (\$35) \$ \_\_\_\_\_  
(Call for expedited shipping fees outside the continental United States)

**4. Total Fees**  
 (Add 1+2+3 above for total) \$ \_\_\_\_\_

**Your Relationship to the Person Whose Certificate is Requested:**  
 (Check one)

Self

Spouse (Current)

Brother/Sister

Child

Parent/Step-Parent

Grandparent

Authorized agent, attorney or legal representative of the person listed (**Proof REQUIRED**)

Other (may not be entitled to a certified copy) Specify \_\_\_\_\_

How do you plan to use this record?

(Please Print)  
 Requestor: \_\_\_\_\_  
Print Name of Person Requesting a Certificate

Address: \_\_\_\_\_  
Street Address (P.O. Box cannot be used for expedited shipping)

P.O. Box (If mailing to a P.O. Box, street address must also be listed above)

City, State, Zip Code \_\_\_\_\_

(Area Code) Telephone Number (During business hours) \_\_\_\_\_

Email Address: \_\_\_\_\_

**Payment:** Please pay with a cashier's check or money order made payable to N.C. Vital Records. Personal checks are not accepted. Requests that are submitted with no payment, or incomplete payment or incomplete information will be returned. Credit card payment is available for walk-in customers.

**ID OF THE PERSON REQUESTING A CERTIFICATE IS REQUIRED:**  
 See Page 2 for a list of acceptable IDs. Requests that do not include proper identification will be returned.

*I hereby certify that all the above information is true to the best of my knowledge. Note: It is a felony violation of N.C. Law (G.S. 130A-26A) to make a false statement on this application or to unlawfully obtain a copy or a certified copy of a birth certificate.*

Signature of Person Requesting a Certificate \_\_\_\_\_ Date \_\_\_\_\_

Office Use Only: SFN \_\_\_\_\_ DCN \_\_\_\_\_ Cartridge/Frame \_\_\_\_\_

Amount received: \$ \_\_\_\_\_ Identification presented \_\_\_\_\_

Request number \_\_\_\_\_ Request date \_\_\_\_\_



### Order Certificate

A certificate search costs \$24 and includes one copy if the certificate is located. The search covers a three year period. Requests are processed in the order received and can take up to five weeks plus the mail delivery time. The search fee is required to process a request and is non-refundable even if a record cannot be located.

### Record Changes

Complete this section only if you are making a request to change information on the birth certificate. The \$15 processing fee to review your request is non-refundable. In-person assistance for this service is by appointment only. Please call (919) 792-5986 to schedule an appointment. If your request involves more than one birth record, the \$15 processing fee applies to each individual's birth record that requires change(s).

### Faster Service

To receive expedited service you **MUST** write "Expedite" on the outside of the envelope. Expedited requests will be processed within 10 business days. This does not include the additional day(s) for shipping. This is a non-refundable fee.

## Identification Requirement

Due to identity theft and other fraudulent use of vital records, **ID of the person requesting a certificate is REQUIRED. Requests that do not include ID will be returned. You MUST include a legible photocopy of one of the photo IDs listed below with your request:**

- Current state-issued driver's license (address must match requestor's address on application)
- Current state-issued non-driver photo ID card (address must match requestor's address on application)
- Current Passport or Visa (must include photo)
- Current U.S. military ID
- Current Department of Corrections photo ID card dated within the last year
- Current state or U.S. government agency photo ID card (for persons requesting certificates as part of that agency's business)
- Current student ID card with copy of transcript

If you do not have one of the IDs listed above, you must provide legible photocopies of TWO of the following (must be two DIFFERENT forms of ID):

- Temporary driver's license
- Current utility bill with current address
- Car registration or title with current address
- Bank statement with current address
- Pay stub with current address
- Income tax return/W-2 form showing current address
- Letter from government agency dated within the last six months and showing current address
- State-issued concealed weapon permit showing current address

*If you are unable to meet our ID requirements, a family member or other person who is entitled to obtain the certificate, and who can meet the ID requirements, may request it.*

*A list of persons entitled to obtain certificates is located on our website at  
<http://vitalrecords.nc.gov/faqs.htm>.*

After you've decided if you need a paternity test *and* you have a certified copy of the child's birth certificate from the NC Department of Vital Records, it's time to **file your documents** at the courthouse.

## STEP 1 Filling Out the Forms

### \*\*\*Checklist\*\*\*

You must complete the following four documents:

- **Civil Summons:** Fill this out and set it aside.
- **Complaint for Establishment of Paternity:** Fill this out and set it aside.  
*\*\*\*NOTE: The certified copy of the child's birth certificate must be attached to the original complaint when it is filed with the Clerk.*
- **Complaint Verification:** This must be completed in the presence of a Notary.

## STEP 2 Filing the documents

After you get the Complaint Verification notarized, *make 2 copies of each of the three documents*. Copies can be made for a fee in the Civil Files Office, Room 3342.

**Filing:** Take the original documents, both copies *and* the filing fee to the Civil Filing Department., Room 3725, for filing. The filing fee may be paid in cash or with a money order. Money orders may be obtained either from the post office, bank, Wal-Mart or a check cashing store.

- If you want to serve the defendant through the Mecklenburg Sheriff, also bring the service of process fee.
- The cost of filing can be found at the SelfServe Center from 8:30 to 12:00 or at the Civil Clerk's Office from 9:00 to 5:00.

**Case Number:** The clerk will file your documents. At that time, you will be assigned a case number. Please make a note of this case number and print or type it on the upper right hand corner of ALL your papers filed with the court in this case.

## STEP 3 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.

You are now ready to serve the documents on the defendant. Please see the following page to complete proper service on the opposing party. In short, if you know where the defendant lives, you may elect to have the **sheriff** serve the documents or you may serve

them by **certified or registered mail**, return receipt requested (RRR). If you do not know where the defendant lives, please consult with an attorney on how to properly execute "service of process."

\*\*\*NOTE: If you are serving the defendant by registered or certified mail, you will need to fill out the form called "**Affidavit of Service of Process by Registered or Certified Mail**" *in the presence of a Notary Public* and file it with the Clerk (with the original return receipt verifying acceptance by the defendant attached).

#### **STEP 4**

##### **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](http://www.meckbar.org)*

*North Carolina Bar Lawyer Referral Service*

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

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
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
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, )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
 )  
Defendant )  
 )  
 )  
----- )

COMPLAINT FOR ESTABLISHMENT  
OF PATERNITY

Plaintiff, complaining of Defendant, alleges and says:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff is the minor child(ren)'s:  
 Mother  
 Alleged Father
2. Plaintiff is a citizen and resident of \_\_\_\_\_.  
*County and State*
3. Plaintiff's address is \_\_\_\_\_.
4. Plaintiff's Social Security Number is \_\_\_\_\_.
5. Defendant is the minor child(ren)'s:  
 Mother  
 Alleged Father
6. Defendant is a citizen and resident of \_\_\_\_\_.  
*County and State*
7. Defendant's address is \_\_\_\_\_.
8. Defendant's Social Security Number is \_\_\_\_\_.  
*Mother, Father, etc.*

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

---

---

---

10. That I had a sexual relationship with the Defendant on or about:

\_\_\_\_\_.  
*(Insert date of believed conception)*

11. That *(I am) (the Defendant is)* the biological father of the minor child(ren) in question.

12. That I *(have) (have no)* other facts that support that *(I am) (Defendant is)* the father of the minor child(ren) in question.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(List other facts that support your case for paternity, if any exist)*

13. The District Court of Mecklenburg County has personal jurisdiction over the parties and subject matter jurisdiction to decide the claim and render a paternity determination in this action.

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

#### PATERNITY CLAIM

15. Pursuant to N.C.G.S. §49-14, Plaintiff has brought a claim for paternity. Plaintiff *(believes he is the father) (believes Defendant to be the father)* of the child(ren) at issue, and establishment of paternity is appropriate based on facts presented.

#### ALTERNATIVE

16. That the parties be ordered to submit to a DNA/genetic marker test in order to establish paternity of the minor child(ren) in question and to make the child(ren) available for DNA/genetic marker testing.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays the Court for relief as follows:

1. \_\_\_\_\_ That paternity be established pursuant to N.C.GEN. STAT §49-14.
2. \_\_\_\_\_ That if paternity is established, the rights, duties and obligations of the mother and father, with regard to support and custody of the minor child(ren), shall be the same, pursuant to N.C. GEN. STAT §49-15.
3. \_\_\_\_\_ That Defendant be taxed with the costs of this action.
4. \_\_\_\_\_ 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

\_\_\_\_\_, 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 \_\_\_\_\_, 20\_\_.

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

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

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 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.)

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\*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).

<b>SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME</b>	Date
Date	Signature Of Affiant
Signature Of Person Authorized To Administer Oaths	Name Of Affiant (type or print)
<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Magistrate	Date My Commission Expires
SEAL <input type="checkbox"/> Notary	

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  
COUNTY OF MECKLENBERG

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

CASE NUMBER \_\_\_\_\_ CVD \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

VS.

**MOTION IN THE CAUSE  
FOR PARENTAGE**

\_\_\_\_\_  
DEFENDANT

NOW COMES Plaintiff/Defendant (*circle one*), in the above-entitled action, and moves the Court for an granting the Plaintiff/Defendant (*circle one*) the right to establish parentage of the father(s) of the minor child(ren). In support of the Motion, Plaintiff/Defendant (*circle one*) alleges and says:

1. Plaintiff and Defendant had a sexual relationship on or around \_\_\_\_\_ (*insert approximate date of child's conception*).
1. Plaintiff/Defendant (*circle one*) is the biological father of the child(ren) and should be granted the same rights, duties and obligations as the mother pursuant to N.C.G.S. §49-15.

WHEREFORE, PLAINTIFF/DEFENDANT (*circle one*) PRAYS THE COURT:

1. \_\_\_\_\_ To establish paternity of the minor child(ren) pursuant to N.C.G.S. §49-14.
2. \_\_\_\_\_ That Plaintiff, Defendant and the minor child(ren) be ordered to submit to a blood or genetic marker test.
3. \_\_\_\_\_ For such other and further relief as the Court deems just and proper.

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

\_\_\_\_\_  
(Sign Here)

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 MOTION and knows the contents thereof to be true of his/her own personal knowledge except for those matters and things alleged therein upon information and belief, and as to those matters and things, he/she believes same to be true.

\_\_\_\_\_  
*(Sign in the presence of a Notary)*

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

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

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