



Judicial District 19A

CHILD CUSTODY

PLEASE READ ALL INSTRUCTIONS BEFORE COMPLETING FORMS.

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!

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in this packet may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.

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

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



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

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

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

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

Steps for Filing for Child Custody

STEP 1

Filling out the documents

*** CHECKLIST ***

You must complete the following documents:

- COMPLAINT
- VERIFICATION
- CIVIL SUMMONS (2) – (AOC-CV-100)
- DOMESTIC CIVIL ACTION COVER SHEET (AOC-CV-750)
- SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT (AOC-G-250)
- AFFIDAVIT OF SERVICE

You must have the complaint and Service Members Civil Relief Affidavit verified by a Notary Public *before* bringing them to Clerk of Court's office to be filed.

After obtaining these forms, you must provide the Clerk's Office with 1 Original & 2 Copies of all the documents.

STEP 2

Filing the documents

Take your original documents, two copies and the \$150.00 filing fee (Cash, Credit Card, or Money Order) to the Civil Filing Department (Cabarrus County Clerk of Court 77 Union Street S. Concord, NC – ROOM 180) for filing. At that time, a case number will be assigned to your case. Until you receive that number from the clerk, leave the upper right hand corner of the documents blank. Once you have been assigned a case number, please make a note of it and print or type it on the upper right hand corner of ALL of your papers filed with the court in this case. A status review court date will be assigned to your case until the Plaintiff requests an earlier court date, after completing the additional steps.

THE CLERK'S OFFICE CAN NOT TELL YOU IF YOU HAVE COMPLETED THE PAPERWORK CORRECTLY.

STEP 3

Service of Process

Once you have filed the documents to initiate your child custody case (Complaint, Domestic Civil Action Cover Sheet, Civil Summons, Service Members Civil Relief Affidavit and Verification), you must “serve” (give notice to) the opposing party of the action. **YOU CANNOT SERVE THE PAPERS ON THE DEFENDANT UNTIL YOU HAVE FILED THEM IN THE CLERK’S OFFICE.** At this point, there are two ways your case can proceed. You can serve the Defendant by:

- A. The Sheriff in the county in which the Defendant resides (\$30.00), OR
- B. Certified Mail. If you serve by certified mail, you must file an Affidavit of Service when you receive the green return receipt card back in the mail.

You must serve the Defendant (or his/her lawyer if he/she has retained one) with the filed court documents.

After Service of Process has been successfully completed, it is suggested that you wait **30 days** from the date of service in order to give the Defendant an opportunity to file an “Answer” (response) to the Complaint. Once the 30-day period has elapsed, then you may proceed with setting the Child Custody action for an earlier hearing date.

STEP 4

Setting a date for your case to be heard

You must have the following documents in your file before setting an earlier court date:

- Proof of Service
 - Affidavit of Service of Process by Registered or Certified Mail (if you served the original documents by certified or registered mail) and the green return receipt signed by the Defendant to attach to the Affidavit of Service.
 - Return by Sheriff

After providing the Clerk’s office with proof of service, a calendar notice can be obtained by the Plaintiff to set an earlier court date, rather than the court date you were provided with at time of filing.

YOU MUST APPEAR IN COURT!

STEP 5

Certification of the Forms

If you did not properly complete the forms or if you are missing a form, it could result in your case being dismissed. It is your responsibility to determine and to take the necessary steps to correct the problem. This may require you to go back and complete some or all of the stages over again and **may also require you to start over and possibly pay the \$150.00 filing fee again.** If you have ANY questions about child custody, you are advised to speak to an attorney.

Lawyer Referral Services:

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

STEP 6

Further information

You will be mailed notice of any and all dates of your case. Please make sure that your correct mailing address is in the file, as well as the correct address for the defendant. Please note that your claim may be resolved in Mediation. If a signed parenting agreement is reached in Mediation, you will not be given a hearing date.

Please note that in Cabarrus County, it is mandatory that all parties participate in Custody/Visitation Mediation unless the Judge finds good cause otherwise. Failure to attend could result in contempt.

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ CVD _____

(Type or print your name here)

Plaintiff

vs.

(Type or print your Spouse's name)

Defendant

**COMPLAINT
FOR
CHILD CUSTODY/VISTATION**

The Plaintiff, complaining of the Defendant, alleges and says:

1. That the Plaintiff is a citizen and resident of _____.
(Insert county and state)
2. That the Plaintiff has been a resident of the above location since _____.
(List length of residency)
3. That the Defendant is a citizen of _____.
(Insert county and state)
4. That the Defendant has been a resident at the above location since _____.
(List length of residency)
5. That the Defendant's relationship to child is _____.
(Mother, Father, etc.)

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

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

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

Name of child (1) _____, birth date _____, birth place _____

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

Name of child (2) _____, birth date _____, birth place _____

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

Name of child (3) _____, birth date _____, birth place _____

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

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

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

_____.

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

_____.

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

_____, or
(Name) (Address)

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

(Name) (Address)

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

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

CUSTODY CLAIM

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

PRAAYER FOR RELIEF

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

1. ___ That custody of the minor child/children be awarded to the plaintiff. That if custody is not awarded to the plaintiff that visitation be awarded to the plaintiff.
2. ___ That the 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)

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

VERIFICATION

I, _____, being first duly sworn, deposes and 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
COUNTY OF CABARRUS

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____ CVD ____

(Type or print name of Plaintiff here)

Plaintiff,

vs.

(Type of print Defendant's name here)

Defendant

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

I, _____ did mail by (Registered) (Certified)
(circle one of the above)

Mail, Return Receipt Requested, a copy of the Complaint and Summons in this case

to _____ addressed as follows:
(insert name of other party here)

(use this space to list the address of party to be served)

Further, that copies of the Summons and Complaint were in fact received by the Defendant on
_____ as evidenced by the attached genuine receipt.

(insert date of receipt)

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the

_____ day of _____, _____.
(insert date) (insert month) (insert year)

(Sign here in the presence of a Notary Public).

Sworn to and Subscribed before me this the _____ day of _____, _____.

(Notary Public)

My Commission Expires: _____