



**26th Judicial District
SelfServe Center**

TEMPORARY PARENTING ARRANGEMENT

NOTE:

**THIS PACKET CONTAINS INFORMATION REGARDING FILING A MOTION FOR
TEMPORARY PARENTING ARRANGEMENT**

DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in this packet may become outdated.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

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.

IN NO EVENT will the SelfServe Center staff, Clerk of Court, Caseflow Management Division, 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 by the SelfServe Center.

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!

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**THIS PACKET IS FOR FILING A MOTION FOR
TEMPORARY PARENTING ARRANGEMNT ONLY.
PLEASE OBTAIN A CHILD CUSTODY PACKET TO
MAKE PERMANENT CUSTODY ARRANGEMENTS.**

**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 YOU.**

1. **Local Rule - 7A.11** Pleadings for Temporary Parenting Arrangements. Circumstances which may warrant a Temporary Parenting Arrangement include, but are not limited to relocation; upsetting the status quo of a child by changing residence, school or childcare; repeated "snatching" of a child between parents; one parent claiming the other parent is denying access to the child or is severely and unreasonably limiting access; substance abuse or mental health issues which pose some risk for the child.

2. A copy of all Pleadings and supporting affidavits shall be delivered to Family Court and served on the opposing Party. The opposing Party has seven (7) days from the date of service to respond. Such response shall be a verified pleading, affidavit or other notarized statement and shall be served on the opposing Party and delivered to Family Court. Upon the earlier of receipt of the response or seven (7) days, Family Court shall transmit the request and response to the assigned Judge.

INTRODUCTION

What is this?

This packet of information is provided for individuals who wish to file a Motion for Temporary Parenting Arrangement 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 Self Serve 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 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 you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct 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 at (704) 375-0120 or the North Carolina Bar Lawyer Referral Service at (800) 662-7660.**

What does this mean?

Certain legal terms will be used throughout your case. 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. You may also want to consult a law library for the North Carolina Rules of Court and the website www.nccourts.org to review the local rules for Mecklenburg County. Staff CANNOT provide legal advice, but can provide procedural information and definitions of legal terms

What is a Temporary Parenting Arrangement?

The packet available in the SelfServe Center allows a party to file a Motion for a Temporary Parenting Arrangement. The Motion for Temporary Parenting Arrangement allows you to ask the Court to enter an Order allowing access to the child(ren), until an Agreement or Order is entered, either in mediation or in court.

Can I or should I file a Motion for a Temporary Parenting Arrangement?

Please note that the SelfServe Center staff CANNOT provide legal advice. Therefore, we cannot tell you if you should file a Motion for a Temporary Parenting Arrangement but, we can tell you that if you meet the guidelines set forth in Local Rule 7A.11 and would like to file a Motion for a Temporary Parenting Arrangement informing the judge of the circumstances which warrant the need for this action, this packet is for you. This packet is designed to assist with the preparation of forms for a Motion for a Temporary Parenting Arrangement.

What do I do first?

1. After you get the packet, **READ THE INSTRUCTIONS**. You should read through the entire packet before filling out any forms. Once you have read all the instructions, fill out the forms provided by typing or printing *neatly* in ink. You may fill the forms out at home or at the courthouse. Please read the forms carefully.
2. Filing for a **Temporary Parenting Arrangement is governed by Local Rule-7A.11**. Local Rule 7A.11 sets forth the following: Pleadings for a Temporary Parenting Arrangement hearing pending a trial or other resolution of a claim for custody or visitation should be made only in rare situations which do not rise to the level of an emergency (See Local Rule 11: Emergency Matters) but which significantly affect the well-being of the children.
3. Circumstances which may warrant a Temporary Parenting Arrangement include, but are not limited to, **relocation; repeated “snatching” of children between parents; one parent claiming the other parent is denying access to the child or is severely and unreasonably limiting access; substance abuse or mental health issues which pose some risk** for the children.
4. There is no filing fee for a Motion for Temporary Parenting Arrangement. You are required to file your Motion with the Clerk of Court and send a copy of your Motion to the other party.
5. Once you have read through the packet, take your completed forms plus two copies to the Civil Filing Department (Clerk's Office) at 832 E. Fourth Street, Room 3725. Do not mail your Motion to the other party until you have filed it with the Clerk of Court.

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 during the process, you should stop and get advice from an attorney. Judges, Clerk of Court, SelfServe Center staff or the Caseflow Management Division CANNOT give you legal advice. All persons (attorneys and self-represented parties) are required to know and follow the court rules. If you choose to represent yourself, you are responsible for reading and understanding the State and Local Rules of Court.

STEP 1

Reviewing Your Documents

ATTENTION: These forms are ONLY for a **Temporary Parenting Arrangement**. Please obtain a Child Custody packet if you have not already filed the appropriate forms with the Court.

CHECKLIST

Review your packet to make sure that the following documents are included:

- Form 1- Motion for Temporary Parenting Arrangement
- Form 2- Verification Form
- Form 3- Certificate of Service

STEP 2

Filing the Documents

The steps to completing the above documents are:

Step 1- Complete the Motion for Temporary Parenting Arrangement. You must have a file-stamped copy of the Motion, detailing your request to obtain temporary parenting arrangement, and it must be logged into the drop-box in the Family Court office. The Motion must include:

- Form 1- Motion for Temporary Parenting Arrangement
- Form 2- Verification Form
- Form 3- Certificate of Service (*If you do not fill out the Certificate of Service Form then your motion **WILL NOT** be processed*)

STEP 3

Final Steps

Step 1- A copy of all Pleadings and supporting affidavits shall be delivered to Family Court and served on the opposing Party.

Step 2- The opposing Party has seven (7) days from the date of service to respond. The response from the opposing party shall be a verified pleading, affidavit, or other notarized statement and shall be served on the opposing Party and delivered to Family Court. Upon the earlier of receipt of the response or seven (7) days, Family Court shall transmit the request and response to the assigned Judge.

Please Note:

- The Family Court Coordinator does not determine which motions are granted or denied. **The assigned Judge will grant or deny a particular Motion based upon the documents submitted.**
- If a hearing is set, the Family Court Coordinator will notify the attorney and/or litigants by Notice of Hearing. Notice will include time and date motion will be heard.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
00 -CVD- 0000 (AAA)

JANE DOE)
)
 Plaintiff,)
)
 v.)
)
 JOHN DOE)
)
 Defendant.)

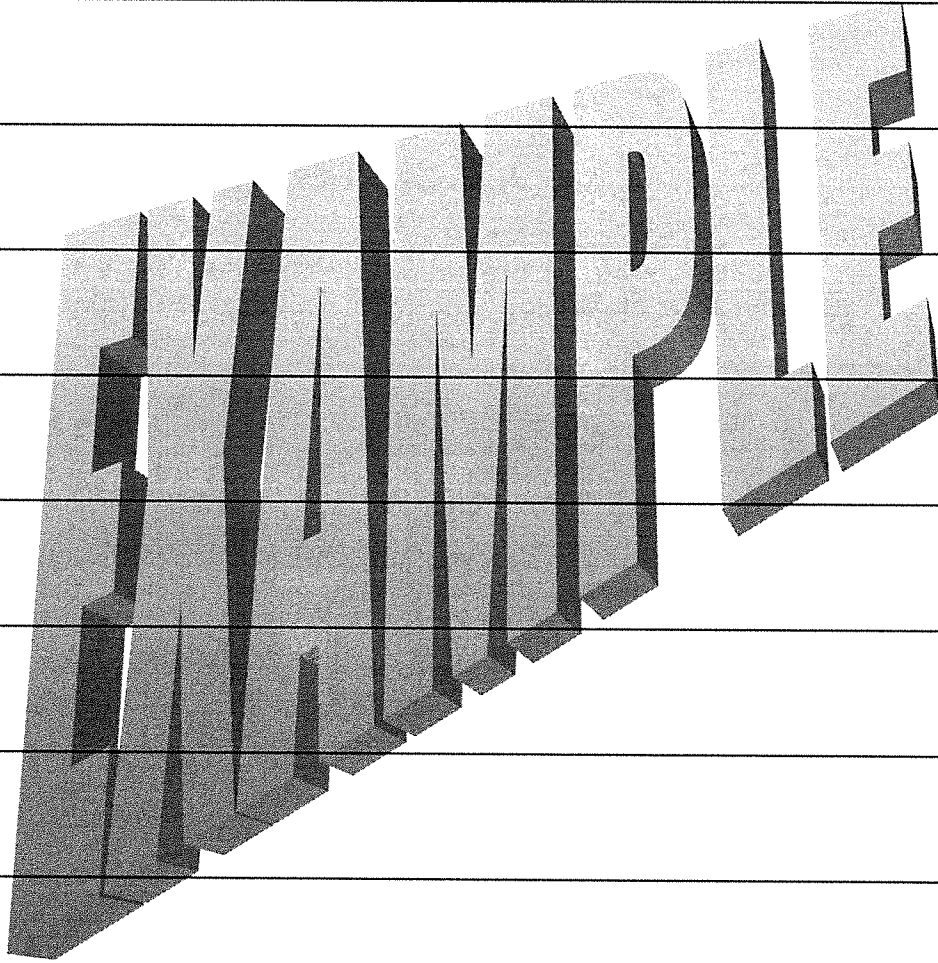
MOTION FOR TEMPORARY
PARENTING ARRANGEMENT
(Pursuant to Local Rule 7A.11)

Plaintiff Defendant alleges and says:

1. Plaintiff is a citizen and resident of MECKLENBURG, NC
(County and State)
2. Plaintiff's address is 000 FAKE NAME STREET, CHARLOTTE NC 28202
3. Defendant is a citizen and resident of MECKLENBURG, NC
(County and State)
4. Defendant's address is 000 MADE UP NAME STREET, CHARLOTTE, NC 28202
5. Plaintiff's relationship to child: MOTHER
(Mother, Father, etc.)
6. Defendant's relationship to child: FATHER
(Mother, Father, etc.)
7. The name(s) and birth date(s) of the child or children at issue in this case is/are:
Name JIM DOE Birth date: MAY 5, 2005
Name JANET DOE Birth date: JUNE 5, 2000
Name _____ Birth date: _____
Name _____ Birth date: _____

8. Plaintiff Defendant is seeking a Temporary Parenting Arrangement based on:

**THIS IS WHERE YOU WRITE YOUR
REASON FOR WANTING A TEMPORARY
PARENTING ARRANGEMENT.**



EXAMPLE

9. The child(ren) currently reside with JANE DOE, and have resided with

(Name of person)

resided with him/her since JUNE 2008
(Date or Approximate Date)

10. Other: _____

WHEREFORE, the undersigned moves this court for a Temporary Parenting Arrangement.

This 13 day of MAY, 2010.

Jane F. Doe

(Signature of Filing Party)

ADDRESS AND TELEPHONE NUMBER OF FILING PARTY:

000 FAKE NAME STREET

CHARLOTTE, NC 28202

(704) 000-0000

STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG)

VERIFICATION

_____, being first duly sworn, deposes and says that he/she is the FILING PARTY in the foregoing action, that he/she has read the foregoing MOTION FOR TEMPORARY PARENTING ARRANGEMENT and knows the contents thereof to be true of his/her own personal knowledge except for those matters and things alleged therein upon information and belief, and as to those matters and things, he/she believes same to be true.

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

Notary Public

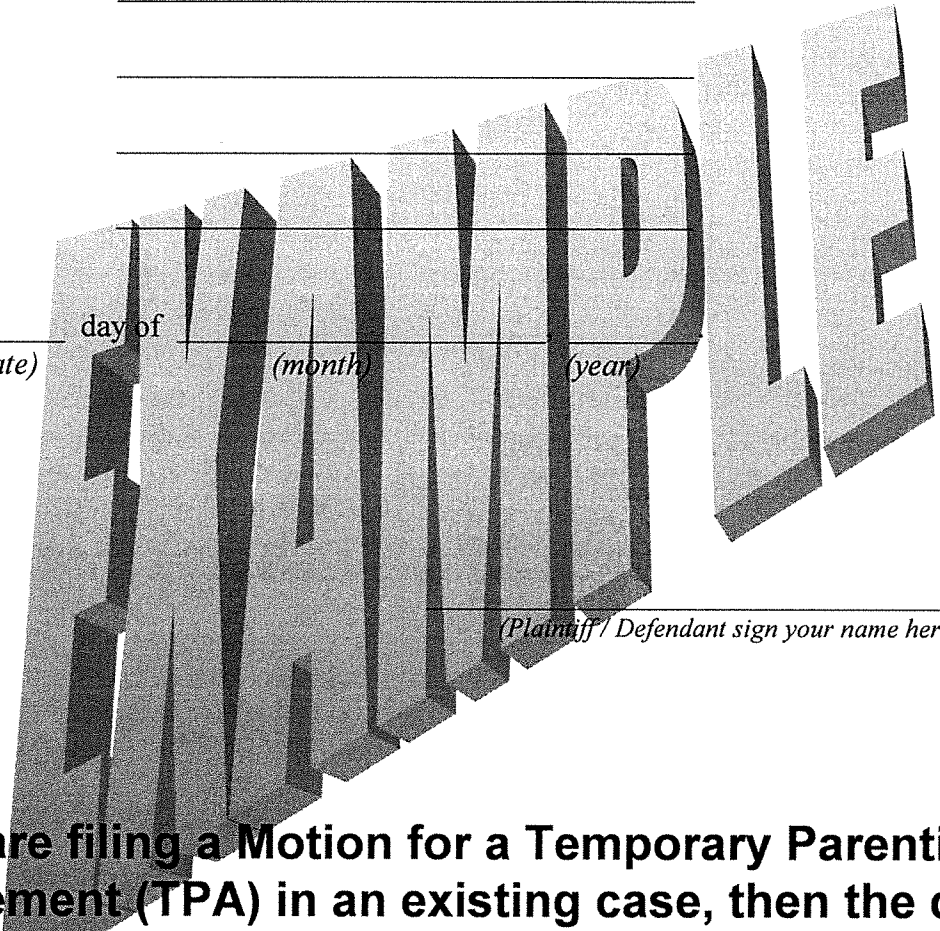
My commission expires _____

**THIS PAGE NEEDS TO BE SIGNED
IN FRONT OF A NOTARY AFTER
YOU HAVE WRITTEN YOUR
MOTION FOR TEMPORARY
PARENTING ARRANGEMENT.**

CERTIFICATE OF SERVICE

I hereby certify that I have served this **Motion for Temporary Parenting Arrangement** on the Plaintiff/Defendant by delivering a copy of this **Motion for Temporary Parenting Arrangement** to the US Postal Service, in an envelope with postage paid, addressed to the Plaintiff/Defendant as follows: *(insert name and address of Plaintiff/Defendant below)*

This is the _____ day of _____
(date) *(month)* *(year)*



(Plaintiff / Defendant sign your name here)

(If you are filing a Motion for a Temporary Parenting Arrangement (TPA) in an existing case, then the date on your Certificate of Service must reflect the filing date of your Motion for TPA. If you are filing a Motion for a TPA at the same time you are filing your Complaint for Custody and/or Visitation, then you must submit your Motion for a TPA to the Family Court Office after proof of service.)

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

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

_____,)
)
 Plaintiff,)
)
 v.)
)
_____,)
)
 Defendant.)

MOTION FOR TEMPORARY
PARENTING ARRANGEMENT
(Pursuant to Local Rule 7A.11)

Plaintiff Defendant alleges and says:

1. Plaintiff is a citizen and resident of _____.
(County and State)
2. Plaintiff's address is _____.
3. Defendant is a citizen and resident of _____.
(County and State)
4. Defendant's address is _____.
5. Plaintiff's relationship to child: _____.
6. Defendant's relationship to child: _____.
(Mother, Father, etc.)
7. The name(s) and birth date(s) of the child or children at issue in this case is/are:
Name _____ Birth date: _____
Name _____ Birth date: _____
Name _____ Birth date: _____
Name _____ Birth date: _____

9. The child(ren) currently reside with _____, and have resided with
(Name of person)
resided with him/her since _____.
(Date or Approximate Date)

10. Other: _____

WHEREFORE, the undersigned moves this court for a Temporary Parenting Arrangement.

This ____ day of _____, _____.

(Signature of Filing Party)

ADDRESS AND TELEPHONE NUMBER OF FILING PARTY:

STATE OF NORTH CAROLINA)
)
COUNTY OF MECKLENBURG)

VERIFICATION

_____, being first duly sworn, deposes and says that he/she is the FILING PARTY in the foregoing action, that he/she has read the foregoing MOTION FOR TEMPORARY PARENTING ARRANGEMENT and knows the contents thereof to be true of his/her own personal knowledge except for those matters and things alleged therein upon information and belief, and as to those matters and things, he/she believes same to be true.

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

Notary Public

My commission expires: _____

CERTIFICATE OF SERVICE

I hereby certify that I have served this Motion for Temporary Parenting Agreement on the Plaintiff / Defendant (*Circle One*) by delivering a copy of this Motion for Temporary Parenting Agreement to the US Postal Service, in an envelope with postage paid, addressed to the Plaintiff / Defendant (*Circle One*) as follows: (*insert name and address of the Plaintiff or Defendant below*)

Name

Address

Town, State, Zip Code

This the _____ day of _____, _____.
(date) (month) (year)

(Plaintiff / Defendant sign your name here)