

**NOTE: ALL INSTRUCTIONS AND FORMS ARE AVAILABLE ON
WAKE COUNTY FAMILY COURT'S WEBSITE AT
www.nccourts.gov/locations/wake-county/file-it-yourself-domestic-packets**

File It Yourself Domestic Packets

The information provided in these packets is designed to assist individuals who are not represented by an attorney ("pro se") to file or make motions in a domestic action and to represent themselves in a hearing before a Family Court Judge.

As a pro se litigant, you are responsible to make certain that the forms you use are appropriate for your situation. Therefore, you should review and research applicable laws and rules. If you are unable to do this, you should speak to an attorney.

Please note: Family Court staff CANNOT assist you in filling out forms or checking to see that you have correctly filled out forms.

The packet contains instructions for completing the forms. **READ ALL INSTRUCTIONS** before you complete the forms.

COMPLAINT FOR CHILD CUSTODY

This basic complaint for child custody is designed for non-emergency custody or visitation claims that involve the child(ren)'s *mother and father*. It is designed to be used the first time a court determines the custody or visitation rights of the parties.

READ ALL INSTRUCTIONS before you complete the forms.

1. Instructions:

- o Complaint for Child Custody

2. Forms: Print and complete all of the following:

- o Civil Summons (AOC-CV-100)
- o Domestic Civil Action Cover Sheet (AOC-CV-750)
- o Complaint for Child Custody/Visitation
- o Affidavit as to Status of Minor Child (AOC-CV-609)
- o Affidavit for Judicial Assignment and Notice of Hearing (WAKE-DOM-02)
- o Custody Mediation Cover Sheet (WAKE-DOM-06)
- o Order to Attend (WAKE-DOM-07)
- o Affidavit of Service of Process (WAKE-CIV-02)
- o Affidavit re: Servicemembers Civil Relief Act

3. Service Information:

- o Information regarding service of your Summons, Complaint and other documents

Disclaimer: The Wake County Family Court or anyone else contributing to the production or dissemination of these forms, instructions or guidelines WILL NOT BE LIABLE for any indirect or consequential damages resulting from your use of the forms or information on this website.

WAKE COUNTY FAMILY COURT INSTRUCTIONS: COMPLAINT FOR CHILD CUSTODY

STEP 1

THE DOCUMENTS YOU NEED TO COMPLETE FOR INITIAL FILING

- Domestic Civil Action Cover Sheet (AOC-CV-750)
- Civil Summons (AOC-CV-100)
- Complaint for Child Custody/Visitation
- Affidavit as to Status of Minor Child (AOC-CV-609)
- Affidavit for Judicial Assignment and Notice of Hearing (WAKE-DOM-02)
- Custody Mediation Cover Sheet (WAKE-DOM-06)
- Order to Attend (WAKE-DOM-07)
- Affidavit re: Servicemembers Civil Relief Act (see Step 5 below)

STEP 2

COMPLETING & FILING YOUR DOCUMENTS

1. You may handwrite or type the information required in these forms. It is preferred that you TYPE the information.
2. Please note that the *Complaint for Child Custody/Visitation* and *Affidavit as to Status of Minor Child* (AOC-CV-609) contain “Verification” sections which must be signed in the presence of a Notary Public. There are no notaries in the Family Court Office.
3. There may be a filing fee associated with these documents. To determine the amount of the fee, please refer to www.nccourts.org/Courts/Trial/Costs or you may contact the Clerk’s Office at (919) 792-4125. Payment must be made in **cash, money order or credit card**. **No personal checks will be accepted**. If you are indigent, you may file a *Petition to Sue as Indigent* (AOC-G-106) with the Clerk’s Office in Room 102 of the Wake County Courthouse. You may download a copy of this form at <http://www.nccourts.org/Forms/FormSearch.asp> by typing “AOC-G-106” in the pull down box labeled “Form Number.”
4. Bring the **original plus 3 copies** (original – for the clerk, one copy – to be retained by you, other copies – for service) of all the documents you have now completed to the Clerk’s Office in Room 102 of the Wake County Courthouse for filing. Please note that the Family Court Office cannot make photocopies for you. **If you do not bring the appropriate number of copies at the time of filing, the clerk’s office will make your copies at a cost of \$2.00 for the first page, and \$0.25 for each additional.**
5. The Clerk will then give you back the *Affidavit for Judicial Assignment and Notice of Hearing* (WAKE-DOM-02), *Custody Mediation Cover Sheet* (WAKE-DOM-06), and *Order to Attend* (WAKE-DOM-07) to take to the Family Court Office in Room 1112. There you will obtain a judicial assignment and a date for mandatory Custody Mediation Orientation.

STEP 3

SERVING THE DEFENDANT

In order for your case to be binding against the Defendant, the Defendant must be served in a manner that is recognized by North Carolina law. Please see Rule 4 of the North Carolina Rules of Civil Procedure regarding process available on this website under *Domestic Rules & Forms*; some basic information is also included in this packet. If you are unclear as to how to serve the Defendant, you should speak to an attorney. If you serve by certified mail, you'll need to complete and file the Affidavit of Service of Process (WAKE-CIV-02), which form is in this packet.

STEP 4

CUSTODY MEDIATION

Rule 8 of the Tenth Judicial District Family Court Rules for Domestic Court (available on this website under *Domestic Rules & Forms*) sets forth the procedures involved in Custody Mediation. If you have any questions about Custody Mediation, you may contact the Custody Mediation Office at (919) 792-4425.

STEP 5

OBTAINING A TRIAL DATE FOR PERMANENT CUSTODY

Rules 3 and 4 of the Tenth Judicial District Family Court Rules for Domestic Court (available on this website under *Domestic Rules & Forms*) set forth the procedures involved in scheduling your trial for permanent custody.

If the Defendant has failed to file any pleadings or response in the case, and fails to appear on the trial date, you will need to file (or have with you at the trial) a completed and notarized *Affidavit re: Servicemembers Civil Relief Act*.

STEP 6

APPEARING AT COURT ON THE DAY OF YOUR CUSTODY TRIAL

1. Calendar call will take place at 9:00 a.m. on the date set forth in your *Calendar Request* (WAKE-DOM-04) and *Notice of Hearing* (WAKE-DOM-01). Please arrive at the assigned courtroom no later than 8:45 a.m. Make sure you allow yourself ample time to find parking (either on-street or in one of the public garages), go through courthouse security, and take the busy elevators up to your judge's courtroom. It is recommended that you arrive downtown no later than 8:15 a.m. on the date of your trial.
2. At calendar call, your Judge will tell you on what date and/or time you need to return for your trial.
3. On that return date/time, your trial will be conducted. At the conclusion of the trial, your Judge will render his/her ruling, or take the matter under advisement and announce his/her ruling at a later date.

STEP 7 **CUSTODY ORDER**

1. A final Order will then be prepared. If the Defendant is represented by an attorney, the Judge may request that the attorney draft a proposed order for the Judge's signature. Make sure that the Defendant's attorney has your address, telephone number, facsimile number, email address and any other pertinent contact information so that the attorney can share with you a proposed draft order prior to submission to your Judge.
2. Your Family Court Case Coordinator will contact the parties when the Order has been signed by the Judge. One of the parties will need to pick up copies of the Order from the Family Court Office in Room 1112, and *serve* the other party with one copy.

QUESTIONS

After reading these instructions and reviewing the forms and all relevant statutory laws and procedural rules, if you feel that you are unable to represent yourself or complete the paperwork **ON YOUR OWN** (note: Family Court staff **CANNOT** assist you in preparing your paperwork), or if any of the instructions are unclear to you, you should speak with an attorney. If at any point during the process you should wish to proceed with the help of an attorney, some resource information is available at: <http://www.nccourts.org/County/Wake/Courts/Family> under *Domestic Attorneys in Wake County*.

_____ County

Name And Address Of Plaintiff 1

Name And Address Of Plaintiff 2

**DOMESTIC
CIVIL ACTION COVER SHEET**

INITIAL FILING SUBSEQUENT FILING

Rule 5(b), Rules of Practice For Superior and District Courts

VERSUS

Jury Demanded In Pleading? No Yes

Name Of Defendant 1

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

Summons Submitted Yes No

Telephone No.

Cellular Telephone No.

Name Of Defendant 2

NC Attorney Bar No. Attorney E-Mail Address

Initial Appearance in Case Change of Address

Summons Submitted Yes No

Name Of Firm

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

FAX No.

TYPE OF PLEADING

CLAIMS FOR RELIEF

(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):

(check all that apply)

- Alimony (ALIM)
- Annulment (ANUL)
- Child Support (CSUP)
- Custody (CUST)
- Divorce (DIVR)
- Divorce From Bed And Board (DIVB)
- Domestic Violence (DOME)
- Equitable Distribution (EQUD)
- Medical Coverage (MEDC)
- Paternity (PATR)
- Possession Of Personal Property (POPP)
- Post Separation Support (PSSU)
- Reimbursement For Public Assistance (RPPA)
- Visitation (VIST)
- Other: (specify and list separately)

Date

Signature Of Attorney/Party

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must include a Domestic (AOC-CV-750), Motions (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

Name Of Plaintiff

Address

City, State, Zip

VERSUS

Name Of Defendant(s)

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

CIVIL SUMMONS

ALIAS AND PLURIES SUMMONS (ASSESS FEE)

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

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>
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- 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)

<input type="checkbox"/> Acceptance of service. Summons and complaint received by: <input type="checkbox"/> Defendant 1.	<i>Date Accepted</i>	<i>Signature</i>
<input type="checkbox"/> Other: <small>(type or print name)</small>		

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>
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- 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)

<input type="checkbox"/> Acceptance of service. Summons and complaint received by: <input type="checkbox"/> Defendant 2.	<i>Date Accepted</i>	<i>Signature</i>
<input type="checkbox"/> Other: <small>(type or print name)</small>		

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>

Plaintiff,

v.

Defendant.

**COMPLAINT FOR CHILD
CUSTODY/VISITATION**

1. The Plaintiff is a citizen and resident of _____ County, North Carolina and has been for more than six (6) months preceding the institution of this action.

2. The Defendant is a resident of _____ County, _____ (name of State).

3. The parties (fill in appropriate blanks):

were married to each other on _____ (month/day/year), and are the adoptive or biological parents of the child(ren) who are the subject of this Complaint; and

separated from each other on _____ (month/day/year) and were divorced (if applicable) on _____ (month/day/year); or

have never been married, but are the biological parents of the child(ren) listed below that are the subject of this Complaint.

4. The full names, ages, and dates of birth for the child(ren) who are at issue in this case are:

Full Name	Age	Date of Birth
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Full Name	Age	Date of Birth
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Full Name	Age	Date of Birth
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(INSERT ADDITIONAL LINES IF NECESSARY)

5. This is a claim for custody of the minor child(ren) named above. Attached hereto and incorporated herein is a completed Affidavit as to Status of Minor Child (AOC-CV-609) for each child set forth above.

6. There (*check the applicable box and fill in appropriate blanks*):

IS a child support action for one or more of the children who are the subject of this action.
The child support action is located at (*give file number, county and state of court*):

IS NOT a child support action for one or more of the children who are the subject of this action.

7. The District Court of Wake County, North Carolina has personal jurisdiction over the parties and subject matter jurisdiction (including jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act) to decide the claims and render a custody determination in this action.

8. Venue of this action is proper in Wake County, North Carolina.

CUSTODY CLAIM

9. The Plaintiff is a fit and proper person to have custody of the minor child(ren) named above, and an award of custody to the Plaintiff would be in the best interests and welfare of the named child(ren).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays the Court for relief as follows:

1. Accept this verified Complaint as the Plaintiff's affidavit upon which the Court may base all of its Orders in this case;
2. That temporary custody (*check box only if seeking*) and permanent custody of the minor children be awarded to the Plaintiff; and
3. Grant the Plaintiff such other and further relief as the Court deems just and proper.

Date

Plaintiff's Signature

Plaintiff's street/mailling address

Plaintiff's City, State, Zip Code

Plaintiff's Telephone Number

VERIFICATION
(Must be signed before a Notary Public)

STATE OF _____
COUNTY OF _____

I, _____ (*print your name*), being first duly sworn, depose and say that I am the Plaintiff herein, that I have read the foregoing **Complaint for Child Custody/Visitation** and know the statements therein to be true of my own personal knowledge, except as to those matters alleged upon information and belief, and as to those matters, I believe them to be true.

Date

Plaintiff's Signature

Subscribed and affirmed before me this ____ day of _____, 20____.

Notary Public
My Commission Expires: _____

STATE OF NORTH CAROLINA

Court File No.

In The General Court Of Justice
District Court Division

_____ County

Name And Address Of Plaintiff

AFFIDAVIT AS TO STATUS OF MINOR CHILD

VERSUS

G.S. 50A-209

Name And Address Of Defendant

Name Of Minor Child

Date Of Birth

Birthplace

I, the undersigned affiant, being first duly sworn, say that during the past five (5) years the above named minor child has lived as follows:

Period Of Residence		Address	Name Of Person Lived With	Present Address Of Person
From	To			
	Present			

I further say that: (Check those that apply)

I have participated in litigation concerning the custody of the above named child.

Capacity As Participant

Name And Address Of Court

Date Of Child Custody Determination

Case No.

Details

I have information about a custody proceeding. Examples of custody proceeding include divorce, proceeding related to domestic violence, a protective order, termination of parental rights or adoption that is pending in a court of this or another state and could affect this proceeding.

Name And Address Of Court

Details (include case number and describe nature of the proceeding)

I know of a person as listed below, who has physical custody or claims to have custody or visitation rights with respect to the above named child.

Name And Address Of Person

Physical Custody

Claimed Custody

Visitation Rights

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Person Authorized To Administer Oaths

Signature Of Affiant

Deputy CSC Assistant CSC Clerk Of Superior Court Magistrate

Name Of Affiant (type or print)

Notary

Date My Commission Expires

Relationship To Above Named Child

SEAL

County Where Notarized

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

Assigned Judge: _____

_____, Plaintiff,
v.
_____, Defendant.

**AFFIDAVIT FOR JUDICIAL
ASSIGNMENT AND
NOTICE OF HEARING**

The undersigned certifies the following:

1. That I am the Plaintiff/Plaintiff's attorney Defendant/Defendant's attorney in this matter.
2. That the attached Complaint Answer/Counterclaim Motion in the Cause Motion for Order to Show Cause is:
 - A newly filed action/matter.
 - A filing in which there is a pending action involving the same parties or family in this District.
 - A filing in which there is a resolved action involving the same parties or family in this District.
 - A filing in which there is a pending or resolved action involving the same parties or family in other districts in North Carolina or another state.
 - A Motion for Order to Show Cause for violation of a Domestic Violence Protective Order.
3. Wake County District Court Judge _____ is or was the assigned judge in a pending or prior civil action in this District involving the same parties and/or family members (including either parties' children) and/or related family issues.
4. That the issue(s) in this Complaint/Answer/Counterclaim/Motion in the Cause/Motion to Show Cause is/are: *(check all that apply)*

<input type="checkbox"/> Custody	<input type="checkbox"/> Child Support	<input type="checkbox"/> Divorce from Bed & Board
<input type="checkbox"/> Post-Separation Support	<input type="checkbox"/> Alimony	<input type="checkbox"/> Divorce
<input type="checkbox"/> Equitable Distribution	<input type="checkbox"/> Interim Distribution	<input type="checkbox"/> Attorneys' Fees
<input type="checkbox"/> Other: _____		
5. An interpreter is needed to be present for court proceedings.
 YES NO
If yes, what language(s) does the party speak? _____

This the ____ day of _____, 20_____.

<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant
<input type="checkbox"/> Attorney for Plaintiff	<input type="checkbox"/> Attorney for Defendant

Daytime Telephone Number: _____

Email Address: _____

Assigned Judge: _____

_____, Plaintiff,
v.
_____, Defendant.

CUSTODY MEDIATION COVER SHEET

1. Have the parties previously attended a group orientation? YES NO
2. Have the parties previously attended custody/visitation mediation? YES NO
3. Is there a current, unexpired civil or criminal domestic violence order involving the same parties in North Carolina or any other State? YES NO
4. If yes, what is the file number? _____
5. Do either of the parties need an interpreter? YES NO
6. Which party needs an interpreter? Plaintiff Defendant
7. What language(s) does the party speak? _____

Instructions: Please COMPLETELY fill out the contact information for both parties and attorneys. All boxes must be completed for orientation and/or mediation to be scheduled.

Plaintiff's Address:	Defendant's Address:
Plaintiff's Telephone Number:	Defendant's Telephone Number:
Plaintiff's Email Address:	Defendant's Email Address:
Attorney for Plaintiff's Name and Address:	Attorney for Defendant's Name and Address:
Attorney for Plaintiff's Telephone Number:	Attorney for Defendant's Telephone Number:

Date: _____
 Plaintiff Defendant
 Attorney for Plaintiff Attorney for Defendant

CUSTODY MEDIATION/FAMILY COURT OFFICE USE ONLY	
Orientation Date:	Mediation Date:

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

Assigned Judge: _____

Plaintiff,
v.

Defendant.

**ORDER TO ATTEND CHILD CUSTODY MEDIATION
ORIENTATION and PARENTING EDUCATION**

(A copy of this form **MUST** be sent by the Moving Party to the other parties and it shall operate as an Order to Attend for all parties.)

THIS MATTER comes before the undersigned Judge of the District Court, and the Court hereby FINDS that pursuant to N.C.G.S. §50-13.1, the child custody and / or visitation issues in this case have been referred to mandatory custody mediation and parenting education, and ORDERS that:

The parties named above are to appear for and participate in Custody Mediation Orientation and Parenting Education (CMO/PE) on **Wednesday**, _____ at **10:00 a.m.** by joining the Zoom link (an internet-based video conferencing tool) below. **ALL** parties will participate via videoconference. The CMO/PE session is scheduled for approximately **2 hours**. To complete the CMO/PE requirement:

- Prior to** the date and time above, **complete and return** the Custody Mediation Intake Form
 - Download a copy to your computer: <https://www.nccourts.gov/documents/forms/custody-mediation-intake-form>. Complete the form and save the completed form to your computer.
 - Attach a copy of the form to an email and send it to D10.custodymediation@nccourts.org
- Prior to** the date and time above, **click** the links below and **review** each booklet:
 - [Putting Children First: Orientation Booklet for Families in Transition](https://www.nccourts.gov/documents/publications/putting-children-first-orientation-booklet-for-families-in-transition) or copy and paste: <https://www.nccourts.gov/documents/publications/putting-children-first-orientation-booklet-for-families-in-transition>
 - [The Most Important Job: Parenting Information for Families Living Apart](https://www.nccourts.gov/documents/publications/the-most-important-job-parenting-information-for-families-living-apart-north-carolina-parent-education-handbook) or copy and paste: <https://www.nccourts.gov/documents/publications/the-most-important-job-parenting-information-for-families-living-apart-north-carolina-parent-education-handbook>
- On the date above**, sign into the videoconference and attend the Zoom CMO/PE session until the end. Use the following information to join the videoconference no later than **10:00 a.m.** You are advised to begin the process 15 minutes before the videoconference to allow time for the application to download.
 - Use this link to join from PC, Mac, Linux, iOS or Android:
<https://nccourts.zoom.us/j/98425682467> Meeting ID: 98425682467
 - Use phone numbers below only if you cannot connect **both** audio and video through your device using the link above. Dial: (669) 900-6833 (US Toll) or (646) 876-9923 (US Toll).

This video-conferenced orientation is for the purpose of resolving child custody. Only the plaintiff(s) and defendant(s) listed in the caption above are allowed to be at orientation. No children, family, friends, personal interpreters (unless court approved), nor attorneys may attend. The CMO/PE session may not be recorded. Do not participate in the videoconference in a running vehicle or in any unsafe situation.

Contact the Custody Mediation Office at D10.custodymediation@nccourts.org.

FAILURE BY EITHER PARTY TO COMPLY WITH THIS COURT ORDER MAY RESULT IN SANCTIONS, INCLUDING THE CONTEMPT POWERS OF THE COURT.

/s/ Ned Mangum

Ned Mangum
Chief District Court Judge
10th Judicial District

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Order to Attend has been served on the opposing party/counsel in the following manner:

By depositing a copy in the US Mail in a properly addressed, postpaid envelope to: _____

By certified mail, return receipt requested to: _____

[Note: the return receipt green card must be filed with the clerk's office to show proof of service]

By Sheriff to: _____

By facsimile to: _____ Fax No.: _____

Other: _____

Date:

Plaintiff
 Attorney for Plaintiff

Defendant
 Attorney for Defendant

SHERIFF COMPLETES THE FORM BELOW THIS BOX

I certify that this Order to Attend was received and served as follows:

Date Served:	Name of Responding Party:
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By delivering to the Responding Party named above a copy of this Order.

By leaving a copy of this Order at the dwelling house or usual place of abode of the Responding Party named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left:

The Responding Party **WAS NOT** served for the following reason:

Date Received:	Name Of Sheriff:
Date Of Return:	County:
Service Fee:	Deputy Sheriff Making Return:

_____ County

Name And Address Of Plaintiff

**SERVICEMEMBERS CIVIL RELIEF ACT
DECLARATION**

VERSUS

Name And Address Of Defendant

G.S. Ch. 127B, Art. 4; 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.

DECLARATION

I, the undersigned Declarant, 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. As of the current date, I have have not received a copy of a military order from the defendant named above relating to State active duty as a member of the North Carolina National Guard or service similar to State active duty as a member of the National Guard of another state. See G.S. 127B-27 and G.S. 127B-28(b).
3. I used did not use the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's federal military service.
 - 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. Members of the North Carolina National Guard under an order of the Governor of this State and members of the National Guard of another state under an order of the governor of that state will **not** appear in the SCRA Website database.)
4. The following facts support my statement as to the defendant's military service: *(State how you know the defendant is or 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). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state who resides in North Carolina and is under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. G.S. 127B-27(3) and G.S. 127B-27(4).

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Date	Signature Of Declarant	Name Of Declarant (type or print)
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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 or declaration (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 And Declarations

1. Plaintiff to file affidavit/declaration

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/declaration

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/declaration

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/declaration

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).