

INSTRUCTIONS FOR EXPEDITED ENFORCEMENT OF FOREIGN CHILD CUSTODY ORDER

NOTE: A foreign child custody order IS NOT required to be registered before it can be enforced in North Carolina.

To request expedited enforcement of a foreign child custody order, you need to fill out the following forms:

I. Petition For Expedited Enforcement Of Foreign Child Custody Order (AOC-CV-665).

1. You will need three (3) copies of this form, plus one (1) additional form for each person other than the defendant who is listed in paragraph three (3) of the Petition For Registration Of Foreign Child Custody Order.
2. Fill in:
 - (a) Name of county where registration is being filed.
 - (b) Plaintiff's name - you are the plaintiff.
 - (c) Name and address of defendant.
 - (d) State or country in which foreign child custody was entered.
 - (e) Date the foreign child custody order was entered.
 - (f) Name and address of any person with physical custody of the child(ren).
 - (g) Check the blocks and fill in the blanks in the remaining parts of the form that apply to you. If the foreign custody order has been vacated, stayed or modified by another court, you must include that information in paragraph 5 of the Petition For Expedited Enforcement. If there are other court proceedings regarding this child or these children, or that could affect these proceedings, you must provide that information in paragraph 6 of the Petition For Expedited Enforcement.
 - (h) If you want law enforcement officers to immediately pick up the child(ren), you must check the box before paragraph 10. A warrant directing law enforcement to immediately pick up the child(ren) can be issued only by a district court judge, and the warrant is available only if the judge determines that the child(ren) is in danger of immediate serious physical harm, or immediately likely to be removed from the state. You must testify to the judge, or produce another witness to testify to the judge, that there is a need for law enforcement to immediately pick up the child(ren). If the warrant is not issued, the judge will consider your request for physical custody of the child(ren) at the hearing that will be set when you file the Petition For Expedited Enforcement Of Foreign Child Custody Order.
 - (i) Date and sign the verification of the Petition. The verification must be signed in the presence of a clerk of court or a notary public.
 - (j) Attach one (1) certified copy of the foreign child custody order that you are seeking to enforce to the Petition to be filed with the clerk of court. Attach a copy of the foreign child custody order to all other copies of the Petition.
3. After you file the Petition for Expedited Enforcement Of A Foreign Child Custody Order, the court must issue an Order for Hearing On Petition For Expedited Enforcement Of Foreign Child Custody Order (AOC-CV-666). A judge must consider your request for enforcement of the child custody order on the next judicial day after the Petition For Expedited Enforcement is served upon defendant and all other persons having physical custody of the child(ren).

II. Order For Hearing On Petition For Expedited Enforcement Of Foreign Child Custody Order (AOC-CV-666).

1. You will need only one (1) copy of this form.
2. Fill in:
 - (a) Name and address of plaintiff.
 - (b) Name and address of defendant.
 - (c) State or country in which the foreign child custody order was entered.
 - (d) Date the foreign child custody order was entered.
 - (e) Name and address of anyone other than defendant who has physical custody of the child(ren).
 - (f) **DO NOT** fill in the remainder of the form. A judge must fill in the remaining items.

III. Warrant Directing Law Enforcement To Take Immediate Physical Custody Of Child(ren) (AOC-CV-667)

1. You will need this form only if you are asking a judge to order law enforcement to immediately pick up the child(ren).
2. You will need one (1) copy of this form.
3. Fill in:
 - (a) Name and address of plaintiff.
 - (b) Name and address of defendant.
 - (c) State or country in which the foreign child custody order was entered.
 - (d) Date the foreign child custody order was entered.
 - (e) Name and address of anyone other than defendant who has physical custody of the child(ren).
 - (f) **DO NOT** fill in the remainder of the form. A judge must fill in the remaining items.

Take all forms to the Clerk of Superior Court for further direction and instruction.

(See Side One for Instructions For Registration Of Foreign Child Custody Order)

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

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. Cell Telephone No.

Name Of Defendant 2

NC Attorney Bar No. Attorney E-Mail Address

Summons Submitted Yes No

Initial Appearance in Case Change of Address

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

Name Of Firm

FAX No.

TYPE OF PLEADING

CLAIMS FOR RELIEF FOR:

(check all that apply)

- Amended Answer/Reply (AMND-Response)
Amended Complaint (AMND)
Answer/Reply (ANSW-Response)
Complaint (COMP)
Confession Of Judgment (CNFJ)
Contemp (CNTP) Assess Motions Fee
Continue (CNTN) Assess Motions Fee
Compel (CMPL) Assess Motions Fee
Counterclaim vs. (CTCL) Assess Counterclaim Costs
Extend Time For An Answer (MEOT-Response) Assess Motion Fee
Modification Of Alimony (MALI) Assess Motions Fee
Modification Of Custody (MCUS) Assess Motions Fee
Modification Of Support in non-IV-D cases (MSUP) Assess Motions Fee
Modification Of Visitation (MVIS) Assess Motions Fee
Rule 12 Motion In Lieu Of Answer (MDLA) Assess Motions Fee
Santions (SANC) Assess Motions Fee
Show Cause (SHOW) Assess Motions Fee
Transfer (TRFR) Assess Motion Fee
Vacate/Modify Judgment or Order (VCMD) Assess Motions Fee
Other (OTHR): (Use codes from Motions Coversheet AOC-CV-752 or specify)

(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 (EQU)
Medical Coverage (MEDC)
Paternity (PATR)
Possession Of Personal Property (POPP)
Post Separation Support (PSSU)
Reimbursement For Public Assistance (RPPA)
Visitation (VIST)
Other: (specify and list separately)

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...

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

County

Name And Address Of Plaintiff

VERSUS

Name And Address Of Defendant

PETITION FOR EXPEDITED ENFORCEMENT OF FOREIGN CHILD CUSTODY ORDER

G.S. 50A-308, -311

State Or Country In Which Foreign Child Custody Order Entered

Date Foreign Child Custody Order Entered In Other State Or Country

Name And Address Of Person(s) With Physical Custody Of Child, If Different Than Defendant

Pursuant to G.S 50A-308, the undersigned requests expedited enforcement of a foreign child custody order. The undersigned states that:

- 1. A certified copy of the foreign child custody order is attached hereto.
2. The foreign child custody order gives me the right to immediate physical custody of the following child(ren): (list each child by name and date of birth)

Blank lines for listing child(ren) names and dates of birth.

- 3. The foreign child custody order was entered by a court with competent jurisdiction. That Court [] did not identify the basis for jurisdiction. [] did identify the basis for jurisdiction as
4. The foreign child custody order HAS NOT been [] vacated [] stayed, or [] modified by a court with appropriate jurisdiction.
5. The foreign child custody order HAS been [] vacated [] stayed, or [] modified by a court with appropriate jurisdiction.

Name Of Court And Case No. (Attach Copy Of Order)

- [] 6. To the best of my knowledge, no other proceeding has been commenced that could affect the current proceedings, including proceedings related to domestic violence, protective orders, termination of parental rights, and adoptions.
[] 7. There are other proceedings that could affect these proceedings. They are as follows: (List the type of proceeding, all parties, and the place where the proceeding is pending.)

Blank lines for listing other proceedings.

- [] 8. The attached custody order HAS NOT been confirmed by a court of North Carolina or any other state or country.
9. The attached order HAS been confirmed by (name state or country) (file number and caption of case) on (date of confirmation)

- [] 10. I request that the Court issue a warrant directing law enforcement officials to take immediate physical custody of the child(ren) named in paragraph 2 above because the child(ren) is/are imminently likely to [] suffer serious physical harm [] be removed from North Carolina.

(Over)

11. I also request the following additional relief:

12. I am entitled to immediate physical custody of the child(ren) named above.

13. To the best of my knowledge, the person with physical custody of the child(ren) is located at the following address:

VERIFICATION

Being first duly sworn, I say that I am the plaintiff in this matter, that I have read and understand this **Petition For Expedited Enforcement Of Foreign Child Custody Order** and know the contents to be true of my personal knowledge, except for those matters and things set forth upon information and belief, and as to those matters and things, I believe them to be true.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Person Authorized To Administer Oaths

Signature Of Plaintiff

Deputy CSC Assistant CSC Clerk Of Superior Court

Notary

Date My Commission Expires

SEAL

County Where Notarized

NOTE TO CLERK: When a *Petition For Expedited Enforcement Of A Foreign Child Custody Order* is filed with the court, the court must enter an **Order For Hearing On Petition For Expedited Enforcement Of Foreign Child Custody Order**. (Form AOC-CV-666). The hearing must be held on the next judicial day following service of the *Petition and Order*, unless that date is impossible.

_____ County

Name And Address Of Plaintiff

**ORDER FOR HEARING ON PETITION FOR
EXPEDITED ENFORCEMENT OF FOREIGN
CHILD CUSTODY ORDER**

VERSUS

Name And Address Of Defendant

G.S. 50A-308(c)

State Or Country In Which Foreign Child Custody Order Entered

Date Foreign Child Custody Order Entered In Other State Or Country

Name And Address Of Person With Physical Custody Of Child, If Different Than Defendant

FINDINGS OF FACT

This matter coming on before the undersigned judge, the Court finds as follows:

- 1. Plaintiff filed a petition for expedited enforcement of a foreign child custody order pursuant to G.S. 50A-308(a).
- 2. Attached to that Petition is a certified copy of a foreign child custody order entered on *(date)*, _____, in the state or country of _____ in an action captioned _____.
- 3. Plaintiff alleges that the foreign child custody order gives him/her the right to immediate physical custody of the following child(ren): *(list each child by name and date of birth)*

- 4. In addition, plaintiff requests a Warrant To Take Physical Custody of a child, directing law enforcement to take immediate possession of the child(ren) upon service of this Order.
- 5. Plaintiff is entitled to a Warrant directing law enforcement to take immediate possession of the child. A **Warrant Directing Law Enforcement To Take Immediate Physical Custody Of Child(ren)** (AOC-CV-667) is attached.

- 6. Plaintiff is not entitled to a Warrant directing law enforcement to take immediate possession of the child(ren) because:

- 7. In addition, the Court finds:

(over)

ORDER

Now, therefore, the Court orders:

1. the defendant (name of other person having physical custody of the child(ren)) _____,
to appear in person with without the child(ren) listed in paragraph 3 above, at the time and place listed below for a hearing on plaintiff's Petition For Expedited Enforcement Of Foreign Child Custody Order.

Date Of Hearing	Time Of Hearing	<input type="checkbox"/> AM <input type="checkbox"/> PM	Place Of Hearing
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2. In addition, the Court orders as follows:

3. The following **NOTICE** is hereby given defendant, and (other person with physical custody of the child(ren)) _____

NOTICE: At the conclusion of this hearing, the Court will order that Plaintiff take immediate physical custody of the child(ren) listed above and that all fees, costs and expenses authorized by G.S. 50A-312 be paid, and may also schedule an additional hearing to determine if additional relief is appropriate, unless you appear at the hearing and establish one of the following:

1. The foreign child custody order to be enforced has not been confirmed and the court that issued the order did not have appropriate jurisdiction to do so; or
2. The foreign child custody order to be enforced has not been confirmed and the order has been stayed, vacated, or modified by an appropriate court; or
3. The foreign child custody order to be enforced has not been confirmed and you were entitled to receive notice before the custody order was entered but you did not receive appropriate notice before the foreign child custody order was entered; or
4. The foreign child custody order has been confirmed, but the order has been stayed, vacated or modified by a state with appropriate jurisdiction since the time the order was confirmed.

Date	Name Of District Court Judge (Type Or Print)	Signature Of District Court Judge
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RETURN OF SERVICE

I certify that I served the person(s) listed below with a copy of the **Order For Hearing On Petition For Expedited Enforcement Of Child Custody Order**, along with a copy of the plaintiff's **Petition For Expedited Enforcement Of Foreign Child Custody Order** as follows:

DEFENDANT

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
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- By personally delivering the same to the defendant named above.
 By leaving the same 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. (name of person with whom papers were left) _____
 The defendant was NOT served for the following reason. _____

OTHER PERSON 1

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Other Person
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- By personally delivering the same to the person named above.
 By leaving the same at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein. (name of person with whom papers were left) _____
 The person was NOT served for the following reason. _____

OTHER PERSON 2

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Other Person
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- By personally delivering the same to the person named above.
 By leaving the same at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein. (name of person with whom papers were left) _____
 The person was NOT served for the following reason. _____

Date Received	Name Of Deputy Sheriff Making Return (Type Or Print)
Date Of Return	Signature Of Deputy Sheriff Making Return
	County Of Deputy Sheriff Making Return

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice
District Court Division

County

Name And Address Of Plaintiff

WARRANT DIRECTING LAW ENFORCEMENT
TO TAKE IMMEDIATE PHYSICAL CUSTODY
OF CHILD(REN) SUBJECT TO
A CHILD CUSTODY ORDER

VERSUS

Name And Address Of Defendant

G.S. 50-13.3, -13.5; 50A-308(c)

County And State, Or Country In Which Child Custody Order Entered

Date Child Custody Order Entered

Name And Address Of Person(s) With Physical Custody Of Child, If Different Than Defendant

FINDINGS OF FACT

This matter coming on before the undersigned judge, the Court finds as follows:

1. A child custody order was entered on (date) _____, in the county and state, or country of _____
_____ in an action captioned _____.

2. The child custody order gives plaintiff the right to immediate physical custody of the following child(ren): (list each child by name and
date of birth)

3. Plaintiff filed a verified petition for expedited enforcement of a child custody order pursuant to G.S. 50A-308(a). A copy of that
petition is attached and incorporated herein by reference.

4. Plaintiff's verified petition requests that law enforcement officers immediately take physical custody of the child(ren) listed in
paragraph 2 above.

5. Based upon the sworn testimony of [] plaintiff [] (name of person(s) other than plaintiff offering sworn testimony)

the court finds that the child(ren) is/are imminently likely to [] suffer serious physical harm. [] be removed from North Carolina.
The Court bases this finding on the following facts:

6. In addition, the Court finds:

CONCLUSION OF LAW

Therefore, the Court concludes as a matter of law as follows:

1. Plaintiff is entitled to a warrant directing law enforcement to take immediate physical custody of the child(ren) listed below:

2. The following additional relief is necessary to ensure the appearance of the child(ren) and the custodian of the child(ren) at the
hearing scheduled to address plaintiff's child custody order:

(Over)

ORDER

It is therefore ordered as follows:

1. _____ (name of law enforcement agency to take custody of child(ren))
is to take immediate physical custody of the following child(ren): (List each child by name and date of birth.)

2. Officers may enter private property to take physical custody of the child(ren).
3. The child(ren) shall be placed immediately in the physical custody of plaintiff and plaintiff shall appear with the child(ren) at the time and place of hearing set forth in the Notice of Hearing Petition For Expedited Enforcement Of Foreign Child Custody Order.
4. Law enforcement officers shall deliver physical custody of the child(ren) to the following person or organization for custody, pending hearing of the district court:

5. The following additional orders:
- _____
- _____
- _____

Date	Name Of District Court Judge (type or print)	Signature Of District Court Judge
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NOTICE TO LAW ENFORCEMENT OFFICIALS: A Warrant Directing Law Enforcement To Take Immediate Physical Custody Of Child(ren) is enforceable throughout North Carolina. G.S. 50A-311. If this case involves the enforcement of a custody order from another state or country, the defendant must be served with this Warrant, the Petition For Expedited Enforcement Of Foreign Child Custody Order (AOC-CV-665), and the Order For Hearing On Petition For Expedited Enforcement Of Foreign Child Custody Order (AOC-CV-666), immediately after the child(ren) is/are taken into custody.

RETURN OF SERVICE

I certify that I served the person(s) listed below with a copy of the **Warrant Directing Law Enforcement To Take Immediate Physical Custody Of Child(ren) Subject To A Child Custody Order**, **Order For Hearing On Petition For Expedited Enforcement Of Foreign Child Custody Order**, **Petition For Expedited Enforcement Of Foreign Child Custody Order**, as follows:

DEFENDANT

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Defendant
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- By personally delivering the same to the defendant named above.
- By leaving the same 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. (name of person with whom papers were left) _____
- The defendant was NOT served for the following reason: _____

OTHER PERSON

Date Served	Time Served	<input type="checkbox"/> AM <input type="checkbox"/> PM	Name Of Other Person
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- By personally delivering the same to the person named above.
- By leaving the same at the dwelling house or usual place of abode of the person named above with a person of suitable age and discretion then residing therein. (name of person with whom papers were left) _____
- The person was NOT served for the following reason: _____

The child(ren) named above was/were taken into custody at _____ AM PM, on (date) _____ and released to (name and/or location) _____ at _____ AM PM, on (date) _____.

Date Received	Name Of Sheriff (type or print)
Date Of Return	Signature Of Deputy Sheriff Making Return
	County Of Sheriff

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: _____

_____ County

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff

VERSUS
Name And Address Of Defendant

**ORDER ALLOWING OR DENYING
EXPEDITED ENFORCEMENT OF
FOREIGN CHILD CUSTODY ORDER**

G.S. 50A-310

State Or Country In Which Foreign Child Custody Order Entered

Date Foreign Child Custody Order Entered In Other State Or Country

Name And Address Of Person With Physical Custody Of Child, If Different Than Defendant

FINDINGS OF FACT

This matter coming on before the undersigned judge, the Court finds as follows:

- 1. Plaintiff filed a petition for expedited enforcement of a foreign child custody order pursuant to G.S 50A-308(a).
- 2. Attached to that Petition is a certified copy of a foreign child custody order entered on (date) _____, in the state or country of _____, in an action captioned _____.
- 3. Defendant and (name of other person(s) served with the Petition For Expedited Enforcement) _____

was properly served with the **Petition For Expedited Enforcement Of A Foreign Child Custody Order** and the **Order For Hearing On Motion For Expedited Enforcement Of A Foreign Child Custody Order**.

- 4. Defendant was was not present at the hearing on plaintiff's Petition For Expedited Enforcement held on (date) _____.
- 5. Other person(s) was was not present at the hearing on plaintiff's Petition For Expedited Enforcement held on (date) _____.

6. The custody order is a valid order that gives plaintiff the right to immediate physical custody of the following child(ren): (list each child by name and date of birth)

7. The foreign child custody order does not entitle plaintiff to immediate physical custody of the child(ren) because:
 a. The foreign child custody order has not been registered and confirmed, and the court that issued the custody order did not have appropriate jurisdiction to enter the child custody determination, in that

b. The foreign child custody order has not been registered and confirmed, and that custody order has been vacated stayed modified by a court with appropriate jurisdiction, (name of state or country) _____.

c. The foreign child custody order has not been registered and confirmed, and the person with physical custody of the child(ren) at the present time was entitled to notice before that custody order was entered but was not given appropriate notice before the order was entered.

d. The foreign child custody order has been registered and confirmed in the state or country of *(name state or country)* _____, on *(date)* _____, in the action captioned _____, but the order was vacated stayed modified following the confirmation in the state or country of *(name state or country)* _____, on *(date)* _____, in the action captioned _____.

e. Other:

8. Plaintiff incurred the following reasonable expenses in pursuing this action:

CONCLUSIONS OF LAW

Therefore, the Court concludes as a matter of law:

- 1. Plaintiff is entitled to immediate physical custody of the child(ren) named in paragraph 5 above.
- 2. Plaintiff is not entitled to enforcement of the foreign child custody order.
- 3. Plaintiff is entitled to recover reasonable expenses as defined by G.S. 50A-312.
- 4. Plaintiff is not entitled to recover expenses as defined by G.S. 50A-312 because:

ORDER

It is therefore ordered as follows:

- 1. Plaintiff shall take immediate physical custody of the following child(ren): *(list child(ren) by name and date of birth)*

- 2. Law enforcement personnel shall assist plaintiff with taking physical custody of the child(ren) named above.
- 3. Plaintiff's request for expedited enforcement of the foreign child custody order is denied.
- 4. Plaintiff shall have and recover reasonable expenses from defendant in the amount of \$ _____.
- 5. Other:

Date	Name Of District Court Judge (Type Or Print)	Signature Of District Court Judge
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CERTIFICATE OF SERVICE

I certify that this **Order Allowing Or Denying Expedited Enforcement Of Foreign Child Custody Order** has been served on the defendant named by depositing a copy in a post-paid, properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Other _____
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