

NORTH CAROLINA  
14<sup>TH</sup> JUDICIAL DISTRICT  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_\_\_-CVD-\_\_\_\_\_

\_\_\_\_\_,  
Plaintiff  
-v-  
\_\_\_\_\_,  
Defendant

**CALENDAR REQUEST  
GENERAL CIVIL**

1. IT IS HEREBY REQUESTED that the above matter be set for:

☐ **Non-Jury Trial** (Monday, 9:30 a.m. Summary Ejectment Appeals Only);

To be held in Courtroom 6A on the 6<sup>th</sup> Floor

☐ **Motions Hearing** (Monday, 2:30 p.m.)

Type of Motion: \_\_\_\_\_ Est. Presentation Time: ☐ 5 – 15 ☐ 15 – 30 ☐ 30 – 45 ☐ 45+

To be held in: Courtroom 6A on the 6<sup>th</sup> Floor

☐ **Non-Jury Trial** (Tuesday, 9:30 a.m.)

To be held in Courtroom 6A on the 6<sup>th</sup> Floor

☐ **Jury Trial** (Tuesday, 9:30 a.m.)

☐ **Pre-Trial Conference** (Monday, 2:30 p.m.)

To be held in Courtroom 6A on the 6<sup>th</sup> Floor

☐ **Minor Settlement** (Date and time TBD)

To be held in Courtroom 6A on the 6<sup>th</sup> Floor.

☐ **Arbitration Hearing** (Date and time TBD)

To be held in Courtroom M4 on the 3<sup>rd</sup> Floor

2. In my opinion, this matter will take \_\_\_\_\_min./hours to hear. (Please give best estimate)

3. Date Requested\* \_\_\_\_\_

\*Contact District Court Administration by phone (919) 808-3018 for calendar dates and availability.

4. By submitting this Calendar Request I acknowledge:

- I will comply with N.C. Notice Requirements and Rules of Civil Procedure.
- All my necessary contact information appears on the original complaint or answer, or I have filed a Notice of Appearance with Civil Records Filing.
- I will contact the District Court Coordinator in writing if a settlement is reached prior to the Calendar Date Requested.

This is the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Submit Calendar Requests to:

District Court Coordinator  
510 S. Dillard St., Ste. 9403  
Durham, NC 27701  
Fax: 919-808-3038  
Email:

[Suzanne.L.Hansen@nccourts.org](mailto:Suzanne.L.Hansen@nccourts.org)

Name (Print): \_\_\_\_\_

☐ Plaintiff / Attorney or ☐ Defendant / Attorney

Phone #: \_\_\_\_\_



STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. \_\_\_\_\_ CVD \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,

v.

**CERTIFICATE OF SERVICE**

\_\_\_\_\_,  
Defendant.

I hereby certify that I have this day served a copy of the \_\_\_\_\_  
(*insert name of document*) in the above entitled action, in the following manner:

☐ by hand delivering a copy of the same to:

\_\_\_\_\_  
\_\_\_\_\_

☐ by delivering copies of the same to the following attorney's box in the Family Court office on the sixth floor of the Durham County Courthouse (any documents with future court dates must be mailed to the opposing party/counsel):

\_\_\_\_\_  
\_\_\_\_\_

☐ by depositing the same, enclosed in a postpaid, properly addressed wrapper in an official depository under exclusive care and custody of the United States Post Office Department addressed to:

_____	_____
_____	_____
_____	_____

Service being in accordance with Rule 5, Chapter 1A of the General Statutes of North Carolina and the Durham County Family Court Domestic Rules for the 14<sup>th</sup> Judicial District.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature of ☐ Plaintiff or ☐ Defendant

Print Name: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

# 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***Date Served**Time Served*☐

AM

☐

PM

*Name Of Defendant*

- ☐ 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***Date Served**Time Served*☐

AM

☐

PM

*Name Of Defendant*

- ☐ 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:

*Service Fee Paid*

\$

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

**STATE OF NORTH CAROLINA**

File No.

County

In The General Court Of Justice  
District Court Division

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 AddressSummons Submitted ☐ Yes ☐ No

Name Of Firm

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

FAX No.

**TYPE OF PLEADING**

(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):

**CLAIMS FOR RELIEF**

(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.

AOC-CV-750, Rev. 1/14

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STATE OF NORTH CAROLINA  
County of \_\_\_\_\_

In the General Court of Justice  
District Court Division  
File No. \_\_\_\_\_

\_\_\_\_\_  
*Name of Plaintiff*

vs.

\_\_\_\_\_  
*Name of Defendant*

COMPLAINT FOR

☐ CUSTODY

☐ VISITATION

**NOW COMES THE PLAINTIFF**, complaining of the Defendant, and alleges and says:

1. The Plaintiff is a resident and citizen of \_\_\_\_\_ County, in the State of North Carolina.
2. The defendant is a resident and citizen of \_\_\_\_\_ County, in the State of \_\_\_\_\_.
3. The parties (check one)  
☐ are married but living separate and apart.  
☐ are divorced.  
☐ have never been married.
4. The parties are the parents of the following child[ren]: \_\_\_\_\_  
\_\_\_\_\_
5. **FIRST CHILD.** During the past five (5) years the minor child, \_\_\_\_\_, born on \_\_\_\_\_ has lived as follows:

Period of Residence ----- Dates		Address	Name of Person Lived With	Present Address of Person
From	To			
	Present			

(Check ONLY those that apply)

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

Name of Court

Case Number

Date of Decision

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ I have information of a lawsuit concerning the above named child in a court in North Carolina or another state.

Name of Court

Case Number

Date of Decision

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ I know of a person as listed below who has ☐ Physical Custody ☐ Claimed Custody ☐ Claimed Visitation Rights with respect to the above named child.

Name and Address of Person(s)

\_\_\_\_\_

\_\_\_\_\_

(Use only if another child. Use additional pages as necessary.)

**SECOND CHILD.** During the past five (5) years the minor child, \_\_\_\_\_, born on \_\_\_\_\_ has lived as follows:

Period of Residence ----- Dates		Address	Name of Person Lived With	Present Address of Person
From	To			
	Present			



(Check *ONLY* those that apply)

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

Name of Court

Case Number

Date of Decision

☐ I have information of a lawsuit concerning the above named child in a court in North Carolina or another state.

Name of Court

Case Number

Date of Decision

☐ I know of a person as listed below who has ☐ Physical Custody ☐ Claimed Custody ☐ Claimed Visitation Rights with respect to the above named child.

Name and Address of Person(s)

6. The Plaintiff is a fit and proper person to have custody of the child[ren]. It is in the child[ren]'s best interest that the Plaintiff be awarded ☐ custody ☐ visitation.

7. The parties have been unable to agree on a custody and visitation schedule with the child[ren].

8. This Court has jurisdiction to hear this custody case because (*check one*):

☐ The child[ren] has/have lived in North Carolina for the past six months.

☐ The child[ren] is/are less than six months old and has/have lived in North Carolina since the child[ren]'s birth or for a majority of the child[ren]'s life.

**WHEREFORE, THE PLAINTIFF PRAYS OF THE COURT:**

1. For an Order giving Plaintiff ☐ temporary and permanent custody or ☐ temporary and permanent visitation of the child[ren] listed above.

2. For such other relief as may be proper, just, and lawful.

Respectfully submitted;

This, the \_\_\_\_ day of \_\_\_\_\_, of 20\_\_.

*Signature of Plaintiff*

*Mailing Address of Plaintiff*

*Telephone Number*

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

**VERIFICATION**

\_\_\_\_\_, being first duly sworn, deposes and says:

That (s)he is the Plaintiff in the foregoing action and that (s)he has read the contents of the foregoing Complaint and know the contents thereof, and that they are true to his/her own knowledge, except as to those matters alleged upon information and belief, and as to those matters, (s)he believes them to be true.

This is the \_\_\_\_ day of \_\_\_\_\_, of 20\_\_.

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_ County, North Carolina

Sworn to (or affirmed) and ascribed before me,  
this date by \_\_\_\_\_

Date: \_\_\_\_\_

(Official Seal)

\_\_\_\_\_  
Official Signature of Notary

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

Notary's Printed or typed name

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

NORTH CAROLINA  
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. \_\_\_\_\_ CVD \_\_\_\_\_

**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 ☐ Other: \_\_\_\_\_ is:
  - ☐ A newly filed action/matter.
  - ☐ A filing in a pending (open) action involving the same parties or family in this District.
  - ☐ A filing in a resolved (closed) 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 re-filing of an action with the same legal issues that were previously closed by voluntary dismissal, involuntary dismissal or discontinuance.
3. Durham 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. 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\_\_\_\_.

Signature of ☐ Plaintiff ☐ Defendant  
☐ Attorney for Plaintiff ☐ Attorney for Defendant

Print Name: \_\_\_\_\_

Daytime Telephone Number \_\_\_\_\_

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

**PLEASE TAKE NOTICE THAT a hearing has been scheduled in this matter on the date and time indicated below, or as soon thereafter as the Court can hear this matter, in the courtroom indicated.**

FAMILY COURT COMPLETES THIS BOX			
<b>Judge Assigned:</b> <input type="checkbox"/> Maris <input type="checkbox"/> Hall <input type="checkbox"/> Jones <input type="checkbox"/> Other: _____			
<input type="checkbox"/> Temporary Hearing for: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Temp. Custody <input type="checkbox"/> Temp. Child Support  <input type="checkbox"/> Post Separation Support  <input type="checkbox"/> Interim Distribution </div> <div style="text-align: right;"> Date: _____ Time: _____ Courtroom: _____ </div> </div>			
<input type="checkbox"/> Ex-Parte Hearing for _____ Date: _____ Time: _____ Courtroom: _____			
<input type="checkbox"/> Custody Mediation Orientation Date: _____ Time: _____ 9 <sup>th</sup> floor conference room (9100)			
<input type="checkbox"/> Status Conference (ED or Alimony) Date: _____ Time: _____ 6 <sup>th</sup> floor Family Court Office (6500)			
<input type="checkbox"/> Other: _____ Date: _____ Time: _____ Courtroom: _____			
FC Staff: _____ Date: _____			
<i>Family Court Staff Use ONLY</i>			
<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> DIVR <input type="checkbox"/> INCORP <input type="checkbox"/> CUST <input type="checkbox"/> CSUP</div> <div style="width: 50%;"><input type="checkbox"/> EQUJ <input type="checkbox"/> ALIM <input type="checkbox"/> DBB <input type="checkbox"/> ATFE</div> <div style="width: 50%;"><input type="checkbox"/> RESU <input type="checkbox"/> QDRO <input type="checkbox"/> TCUST <input type="checkbox"/> TCSUP</div> <div style="width: 50%;"><input type="checkbox"/> INDS <input type="checkbox"/> PSSU <input type="checkbox"/> TRO <input type="checkbox"/> OTHER _____</div> </div>			

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Affidavit for Judicial Assignment and Notice of Hearing 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 Sheriff service to: \_\_\_\_\_

☐ By hand delivery to: \_\_\_\_\_

☐ By facsimile to: \_\_\_\_\_ Fax No.: \_\_\_\_\_

☐ Other: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

☐ Plaintiff  
☐ Attorney for Plaintiff

☐ Defendant  
☐ Attorney for Defendant

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. \_\_\_\_\_ CVD \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,

v.

**CERTIFICATE OF SERVICE**

\_\_\_\_\_,  
Defendant.

I hereby certify that I have this day served a copy of the \_\_\_\_\_  
(*insert name of document*) in the above entitled action, in the following manner:

☐ by hand delivering a copy of the same to:

\_\_\_\_\_  
\_\_\_\_\_

☐ by delivering copies of the same to the following attorney's box in the Family Court office on the sixth floor of the Durham County Courthouse (any documents with future court dates must be mailed to the opposing party/counsel):

\_\_\_\_\_  
\_\_\_\_\_

☐ by depositing the same, enclosed in a postpaid, properly addressed wrapper in an official depository under exclusive care and custody of the United States Post Office Department addressed to:

_____	_____
_____	_____
_____	_____

Service being in accordance with Rule 5, Chapter 1A of the General Statutes of North Carolina and the Durham County Family Court Domestic Rules for the 14<sup>th</sup> Judicial District.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature of ☐ Plaintiff or ☐ Defendant

Print Name: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

NORTH CAROLINA  
14<sup>TH</sup> JUDICIAL DISTRICT  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_\_\_-CVD-\_\_\_\_\_

_____, Plaintiff
-v-
_____, Defendant

**NOTICE OF HEARING**  
**GENERAL CIVIL**

**NOTICE OF HEARING**

**This matter has been set for hearing on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ A.M. / P.M. in Courtroom # \_\_\_ on the \_\_\_ floor of the Durham County Courthouse.**

A copy of this document has been filed with Civil Records Filing, Durham County Courthouse, 510 S. Dillard St., Durham, North Carolina 27701.

---

**NECESSARY INFORMATION: ABOUT YOU**

_____ Name	_____ Phone #	_____ Address
---------------	------------------	------------------

**NECESSARY INFORMATION: ABOUT PERSON(S) SERVED**

_____ Name	_____ Address
_____ Name	_____ Address
_____ Name	_____ Address

---

I have served the opposing party (or counsel, if represented) with a copy of this document by depositing it in the US Mail or other approved depository in the manner prescribed by Rule 5 of the NC Rules of Civil Procedure.

This is the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Submit Notice of Hearing:  
**Civil Records Filing**  
**Durham County Courthouse**  
**510 S. Dillard St.**  
**Phone: (919) 808-3003**  
**Fax: (919) 808-3030**

Signature: ☐ Plaintiff / Attorney    or    ☐ Defendant / Attorney

# 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			
	<b>Present</b>			

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  
14<sup>th</sup> JUDICIAL DISTRICT  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. \_\_\_\_\_ -CVD- \_\_\_\_\_

_____, Plaintiff(s), v. _____, Defendant(s),
--

**NOTICE TO ATTEND  
Orientation & Parenting Apart Class  
(via Video Conference)**

(A copy of this form MUST be sent by the Moving Party to the Responding Party and shall operate as both Parties' Notice to Attend)

**PLEASE TAKE NOTICE** that Pursuant to N.C.G.S. §50-13.1 and Chapter 237, Section 17.16 of the 1999 Session Laws, the child custody and/or visitation issues in the above captioned case have been referred to a mandatory parenting education class and mandatory participation in the Custody Mediation Program.

☒ **YOU ARE HEREBY ORDERED TO COMPLETE "Orientation & Parenting Apart Class"** on:

**THURSDAY, \_\_\_\_\_, 2020 AT 11:00 A.M.**

To eliminate risk of COVID-19 transmission, your state mandated Orientation/Class will be conducted via video conference using Zoom, an internet-based video conferencing tool. **To attend, sign in to the Orientation/Class using this link from PC, Mac, Linux, iOS or Android: <https://nccourts.zoom.us/j/9157362366>**

Use phone numbers below if you cannot connect both audio and video through your device using the link above: *Dial:* (301) 715-8592 or (312) 626-6799; *Meeting ID:* 9157362366

**\*\*\*Sign-In begins at 10:45 AM and ends promptly at 11:00 AM.\*\*\***

**You will not be able to join the meeting after 11 AM.**

FAILURE TO COMPLETE THE ORIENTATION/CLASS REQUIREMENT may result in the contempt powers of the Court, including SANCTIONS and/or FINES.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY that a copy of this Notice has been served in the following manner:**

☐ by Sheriff's Service OR

☐ by depositing a copy thereof in the United States mail in a properly addressed, postpaid envelope to:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

**AND, a copy of this document has been provided to FAMILY COURT, 14th Judicial District, Suite 6500, 6<sup>th</sup> Floor, Durham County Courthouse, 510 South Dillard Street, Durham, North Carolina 27701.**

This is the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature (Moving Party, Case Coordinator or Mediator)



## **The Child Custody & Visitation Mediation Program: Goals, Benefits and Information**

***Pat Evans***  
***Chief District Court Judge***  
***District 14***

**Why am I receiving this notice?** Your domestic case has been referred to our mandatory Custody Mediation Program. Enclosed is your Notice to Attend Orientation and Parenting Apart Class.

**What happens at the Orientation/Class?** The Orientation & Parenting Apart Class is typically held in a group setting at the Courthouse; but is now being held by video conference using the Zoom platform due to COVID-19 mitigation efforts. During the Orientation/Class, you will receive information about the Custody Mediation process and about the impact of parental conflict on children. The Orientation/Class may last up to TWO HOURS.

**What happens after the Orientation/Class?** After all parties complete the group Orientation/Class, you will receive a mandatory private Mediation Session date. The private Mediation Sessions are presently held by video conference, until further notice, due to the COVID-19 pandemic.

**What is the purpose of Mediation?** Mediation is a practical way for you to resolve the custody and/or visitation matter(s) quickly and at no cost. You and the other party/parent will have the opportunity to create a workable parenting plan with the assistance of a neutral, professional mediator. The goal is to bring parties together regarding the best interests of the child(ren) and avoid having such decisions made by a judge. Agreements reached in mediation become a binding and enforceable Order of the Court once signed by the Presiding District Court Judge.

**Am I required to attend?** Yes, your completion of the Orientation/Class is required. Please contact the Mediation Office as needed for further information about the requirement.

**What if I received the Notice to Attend *after* the scheduled date?** Please contact the Mediation Office at (919) 808-3025 right away to reschedule for the next available date.

**What if I have safety concerns or an order of protection?** Please contact either (919) 808-3025 or (919) 808-3225 to discuss safety concerns and/or protective orders as they relate to orientation and/or mediation. If there is an existing Protective Order, please notify us.

**Is the mediation requirement ever waived?** Mediation may not be appropriate in all cases and is occasionally waived by a judge. If you wish to seek a waiver, you may choose to file a Motion and Order to Waive Custody Mediation (FORM AOC-CV-632), which can be found at [www.nccourts.gov](http://www.nccourts.gov) or obtained in the Family Court Suite (Suite 6500).

## **TO DO BEFORE ORIENTATION**

### **1. Custody Mediation Intake Form**

Please return a completed Custody Mediation Intake form. The form is found at:

<https://www.nccourts.gov/documents/forms/custody-mediation-intake-form>.

- Download, complete and save a copy of the above Intake form to your device
- Send the completed intake form to the Custody Mediation office by email: [D14.custodymediation@nccourts.org](mailto:D14.custodymediation@nccourts.org); or fax: 919-808-3045

### **2. Parenting Apart Class Intake/Verification Form**

Please complete the online Parenting Apart Class intake form at the following link:

<https://www.nccourts.gov/form/parent-education-presentation-verification>

Note: after completing this online “form” process, you will receive a verification email.

This verification does not mean you have completed the Parenting Apart Class in full.

### **3. Read the following **two** booklets, found online at:**

“Putting Children First” Booklet:

<https://www.nccourts.gov/documents/publications/putting-children-first-orientation-booklet-for-families-in-transition>

“The Most Important Job” Booklet:

<https://www.nccourts.gov/documents/publications/the-most-important-job-parenting-information-for-families-living-apart-north-carolina-parent-education-handbook>

**Contact us with questions, concerns, or if you wish to have the above links (to intakes and booklets) emailed to you:**

Kristen Hirsch, Custody Mediator: [kristen.b.hirsch@nccourts.org](mailto:kristen.b.hirsch@nccourts.org)

Debbi Huntoon, Custody Mediator: [debra-jeane.huntoon@nccourts.org](mailto:debra-jeane.huntoon@nccourts.org)

Jimmy Lewis, Jr., Access and Visitation Coordinator: [jimmy.lewis@nccourts.org](mailto:jimmy.lewis@nccourts.org)

NORTH CAROLINA  
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. \_\_\_\_\_ CVD \_\_\_\_\_  
Assigned Judge: \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,

v.

\_\_\_\_\_,  
Defendant.

**REQUEST FOR  
EX PARTE/EMERGENCY CUSTODY  
CONSIDERATION**

*THIS REQUEST **MUST** ACCOMPANY ALL MOTIONS FOR EX PARTE/EMERGENCY CUSTODY AND SHOULD BE FILLED OUT IN ITS ENTIRETY. Please note: THIS IS NOT A MOTION. A formal motion and proposed order **MUST** be submitted with this request.*

**Please answer ALL questions and check ALL boxes that apply:**

1. ☐ A temporary emergency order is sought *ex parte* that DOES change the living arrangement of the child(ren) because:
  - ☐ The child(ren) are exposed to a substantial risk of bodily injury or sexual abuse
  - ☐ There is a substantial risk that the child(ren) may be abducted or removed from North Carolina for the purpose of evading the jurisdiction of this state.
2. There ☐ is ☐ is not a Family Court (Chapter 50) custody order in place.
3. There ☐ is ☐ is not an ongoing Family Court (Chapter 50) custody action.  
If there is, please provide the file number: \_\_\_\_\_.
4. There ☐ is ☐ is not a 50-B Domestic Violence Protective Order involving the custody/visitation of the minor child(ren). If there is, please provide the file number: \_\_\_\_\_.
5. There ☐ is ☐ is not an opposing attorney. If yes, name of opposing attorney: \_\_\_\_\_.  
If there is an opposing attorney, please answer ALL of the following:  
I ☐ have ☐ have not had contact with the attorney for the opposing party.  
The attorney for the opposing party ☐ does ☐ does not wish to be heard in this matter, ☐ I cannot certify whether opposing attorney wishes to be heard.
6. There ☐ is ☐ is not an open investigation with the Department of Social Services.
7. ☐ The Department of Social Services has **not** been involved with the family in the past.  
☐ The Department of Social Services has been involved with the family in the past, and:  
☐ The child(ren) were placed with \_\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature: ☐ Plaintiff/Plaintiff's Attorney

☐ Defendant/Defendant's Attorney

Print Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

☐ The request for Emergency Custody *ex parte* is GRANTED. Please see attached order for details and information regarding the hearing date for the Return on Ex Parte.

☐ The request for Emergency Custody *ex parte* is denied. This matter is set for

\_\_\_\_\_ in courtroom \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. for

☐ a referral to custody mediation ☐ a hearing for temporary custody ☐ there is no hearing set for any matters.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
District Court Judge Presiding

NORTH CAROLINA  
14<sup>th</sup> JUDICIAL DISTRICT  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
\_\_\_\_\_-CVD-\_\_\_\_\_

<p>_____, Plaintiff</p>	<p><b>PRETRIAL CONFERENCE ORDER</b></p>
<p>-V- _____ Defendant</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p><b>CHILD CUSTODY</b></p> </div>

This matter came on for a Pretrial Conference on the issue(s) of child custody/visitation before Judge \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. ☐ (Check if applicable) This Order was submitted outside of court and prior to the scheduled Pretrial Conference date.

1. This Pretrial Conference was properly noticed.
2. The following party or parties were **not** present at the Pretrial Conference:  
\_\_\_\_\_
3. The parties were represented by counsel as follows:  
\_\_\_\_\_
4. The parties, by their signatures below, stipulate to the following:
  - A. The minor child or children are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - B. North Carolina ☐ is ☐ is NOT the home state of the child/children under the Uniform Child Custody Jurisdiction Enforcement Act;
  - C. North Carolina ☐ has ☐ does not have subject matter jurisdiction to make ☐ an initial determination of child custody; ☐ an order modifying child custody/visitation;
  - D. The plaintiff is ☐ the natural mother ☐ the natural father of the minor child/children;
  - E. The defendant is ☐ the natural mother ☐ the natural father of the minor child/children;
  - F. Neither party is a danger to the minor child/children;
  - G. There ☐ is ☐ is NOT a custody order already in place. If there is a custody order in place, it is one that is ☐ a temporary custody order, ☐ a permanent custody order or ☐ an incorporated agreement.
  - H. There ☐ is ☐ is NOT discovery pending. If discovery is pending, it

consists of:\_\_\_\_\_

1) A response is due: \_\_\_\_\_

2) All deposition have been completed and if they have NOT been completed, they will be completed by:\_\_\_\_\_

5. The parties anticipate that the following motions will be made prior to trial:

\_\_\_\_\_  
\_\_\_\_\_

6. It is stipulated that the parties have exchanged witness and exhibit lists OR that those lists will be exchanged by:\_\_\_\_\_

7. The parties anticipate calling the following experts as witnesses in the if this matter:

\_\_\_\_\_

8. Domestic violence ☐ is ☐ is NOT an issue in this case.

9. Other: \_\_\_\_\_

10. If you find yourself without an attorney at trial, you are still responsible for compliance with this Order.

11. NOTICE: This matter will be called for trial on: \_\_\_\_\_ at \_\_\_\_\_ am/pm in courtroom \_\_\_\_\_ for an estimated time length of \_\_\_\_\_.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge Presiding

Stipulated to:

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Counsel for Defendant

NORTH CAROLINA  
14<sup>th</sup> JUDICIAL DISTRICT  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. \_\_\_\_-CVD-\_\_\_\_\_

**Assigned Judge:** \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,  
  
v.  
  
\_\_\_\_\_,  
Defendant.

**ORDER SUBMISSION COVERSHEET  
FOR ORDERS SUBMITTED TO  
FAMILY COURT OFFICE**

Pursuant to Rule 17 of the Durham County Family Court Domestic Rules:

1. ☐ The parties have reached an agreement and submit the attached consent Order.  
☐ The attached Order is being submitted prior to the Entry of Order date of \_\_\_\_\_.
  
2. The attached Order:  
☐ was announced by the Judge in open court or to the attorneys of record after a hearing.  
☐ is entered pursuant to a Memorandum of Judgment/Order entered on \_\_\_\_\_.  
☐ is entered with the consent of both parties.
  
3. A copy of the attached Order was delivered to the opposing party/counsel by ☐ U.S. Mail,  
☐ facsimile, ☐ e-mail, or ☐ personal delivery on \_\_\_\_\_ and:  
  
☐ the opposing party/counsel is in agreement  
☐ the opposing party/counsel has not responded.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: ☐ Plaintiff ☐ Defendant  
☐ Attorney for Plaintiff ☐ Attorney for Defendant

Print Name: \_\_\_\_\_

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

Telephone No. \_\_\_\_\_

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

# STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice

\_\_\_\_ County

Name And Address Of Plaintiff

VERSUS

Name And Address Of Defendant

## SERVICEMEMBERS CIVIL RELIEF ACT DECLARATION

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:**

- 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.\*
  - 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).
  - 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.)
- 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)

**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).