

PRO SE
**CHILD CUSTODY
MODIFICATION
INSTRUCTION PACKET**

AN EDUCATIONAL SERVICE PROVIDED BY:



LEGAL AID OF NORTH CAROLINA, INC.

WINSTON-SALEM OFFICE

336-725-9162

Serving Forsyth, Davie, Iredell, Stokes, Surry and Yadkin Counties



INSTRUCTIONS FOR *PRO SE* CHILD CUSTODY MODIFICATION PACKET

This packet of information explains some of your legal rights under North Carolina domestic law. It also contains forms to help you a modification of a prior custody order without a lawyer.

DISCLAIMER

This packet has been developed as a public service. These materials are designed for people who cannot afford to hire a private attorney to obtain custody modification. Legal Aid of NC, Inc. makes no assurances that these papers will enable you to succeed in obtaining a modification of your current child custody order. We simply suggest that you try using these forms and these instructions if you cannot afford to hire a private attorney. If you need legal advice about other family matters or cannot obtain a modification by using these forms and instructions, we suggest you contact a private attorney or Legal Aid of NC, Inc.

The act of representing yourself in court is called “*pro se*” representation. While you always have the right to represent yourself in court, the court process can sometimes be difficult to understand. Even though you are not an attorney, the court will expect you to know the laws and behave professionally in court. At any time during the process you can decide that you want to have the advice and assistance of an attorney. If you want to find an attorney in your area to assist you, you may call the **Lawyer Referral Service 1-800-662-7660** or on the web at **<http://www.ncbar.org/NCFindaLawyer.com>**. The service is available 24 hours/day, 7 days/week and will refer you to an attorney in your location who handles divorce. The attorney will consult with you for a small fee.

PRO SE MODIFICATION PACKET
(MODIFICATION OF EXISTING CUSTODY ORDERS)

I. GENERAL

- A. YOU CAN REPRESENT YOURSELF: You may go into court without a lawyer. This form is designed to modify a prior custody order. DO NOT USE THIS FORM IF THE CHILD INVOLVED HAS LIVED OUTSIDE OF NORTH CAROLINA FOR MORE THAN SIX MONTHS. IF THE CHILD HAS LIVED OUTSIDE OF NORTH CAROLINA FOR MORE THAN SIX MONTHS, YOU SHOULD CONSULT WITH A LAWYER BEFORE GOING FORWARD. YOU MAY CONTACT THE LAWYER REFERRAL SERVICE AT 1-800-662-7660.
- B. WHEN THIS FORM CAN BE USED: This form can *only* be used if a North Carolina court already has issued a custody, visitation or divorce order. In order to make any changes to the current order you must file a Motion to Modify the prior order. To get the order modified you must show the Court that there has been a substantial change in circumstances since the order was originally entered that makes a modification necessary. This will depend on the facts of your case. *Note: if the child is expressing a desire to live with you most of the time, this will not be enough to change custody if the other parent is still providing a suitable home.*

II. STEP ONE: GATHER INFORMATION

- A. GET A COPY OF THE CUSTODY/VISITATION ORDER: Obtain a copy of the prior order that you are seeking to change. If you do not have one in your possession already, contact the Civil Clerk's office of the District Court in the county where the case was originally heard. For a small charge, the clerk will make a copy of the order.
- B. OBTAIN THE ADDRESS OF THE PERSON WHO HAS LEGAL CUSTODY: If you don't already know it, obtain the full street address of the person who has legal custody under the current order. If you can't find it, and within the last year an attorney represented the other party in court, find out the address of the attorney. If you can't find the address of either the other party, or the other party's attorney, find the address of a place that the custodial party works or routinely visits (for example, a bar or bowling alley).

III. STEP TWO: WRITE A MOTION TO MODIFY CUSTODY ORDER USING THE SAMPLE PROVIDED IN THIS PACKET.

- A. The names of the "Plaintiff" and "Defendant" should be exactly as they appear on the original order. The file number should be exactly as it appears on the order

you seek to modify. The county to list is the name of the county where the case was originally filed. This should be the same county listed in the custody/visitation order that you are seeking to modify. (*Note: you must return to the original county to modify the order.* For example, a Davidson County Court can modify its own order, but it cannot modify a Rowan County order.) The name of the Judge that entered the prior order will usually be on the last page of the order. The date next to his name is usually the date the order was entered.

- B. VERIFICATION: DO NOT SIGN THIS FORM NOW! You must take the verification page to a notary and sign it in his or her presence. Many banks and law offices have notaries. Be sure to bring a valid picture identification with you when you go before the notary.

C. CERTIFICATE OF SERVICE:

1. It is your responsibility to get a copy of the Motion to the other party or that person's attorney. A judge will not hear the case unless you can prove that you notified all other parties by mailing or serving a copy of the Motion on all parties.
2. YOU MUST DELIVER THE MOTION BY A DEADLINE. Technically, you must place a copy of the Motion in the mail no later than 10 days before the hearing. If delivered later, the judge might not let the hearing take place, especially if the other party does not come to court.
3. WHEN YOU KNOW THE OTHER PARTY'S ADDRESS (OR THE ATTORNEY'S ADDRESS) If you know the address where the other party (or attorney) lives or works fill out this section before you take the Motion to the Clerk's office for filing. We recommend service by mailing. It is best to go to the post office and ask that the Motion be sent by both U.S. and Certified Mail, "Return Receipt Requested." Then you will be able to prove that the other party received a copy of the Motion.
4. WHEN YOU DON'T KNOW THE OTHER PARTY'S ADDRESS. If you don't know where the other party lives or works (or where his attorney works) ask around and try to find out the address.
5. Once you know when you plan to put the documents in the mail, fill out the Certificate of Service at the back of the packet. Fill in your name, defendant's name, the address where you sent the documents, the date and your name and address.

- E. WHAT IF YOU DON'T UNDERSTAND HOW TO FILL OUT THE MOTION FORM? If you have filled out the form, but have just a few questions, do the best you can, (ask a friend for help if possible), and take it to the Clerk's office to file.

If you have so much trouble completing the form that you are hopelessly lost seek help from a friend, relative, agency, private attorney or legal services office.

IV. STEP THREE: FILING THE MOTION - READ THIS ENTIRE SECTION BEFORE GOING TO THE CLERK'S OFFICE TO FILE YOUR MOTION.

- A. WHERE TO FILE. Take the original and 2 copies of your Motion to the Courthouse where the original action was filed. (Most courthouses open by 8:00 a.m. and close at 5:00 p.m.) Give the forms to a clerk in the civil (non-criminal) division, and tell him or her that you wish to "file a Motion to modify a custody order."
- B. CALENDAR REQUEST. You can get a calendar request form from the Clerk's office. Fill in the requested information and the Clerk will fill in the date of the hearing. Be sure to give a copy of the calendar request to the other party (or their attorney). Don't forget to also write in the place, date and time of the hearing on your Notice of Hearing. In Forsyth County, you will need to attend a Calendar call on the Thursday before the week of you request for your hearing. Calendar Call starts promptly at 9:00 in Courtroom 4C of the Forsyth County Hall of Justice. Come to calendar call with several days and times that you will be available for a hearing during the following week. The other party should come to the Calendar Call. If the other party does not come, send him/her a letter or call him/her and let them know the hearing date and time.
- C. COVER SHEET. A Motion Cover Sheet can also be obtained from the clerk. You will need to fill in your name in the "By" column as the one bringing the Motion and the other parties' names in the "Against" column as the one the Motion is being brought against. Under the "Type of Claim or Motion" column, write the code "MCUS."
- D. THE ACTUAL FILING. When the Clerk has completed filing on your Motion, he or she will stamp on the Motion the date and time you are filing it, and will give to you the 2 copies (one for you to give to the other party, and one for your records). Make sure both copies have the date stamp showing when it was filed, and that they have the date of the scheduled hearing. Don't lose these important papers!
- E. WHAT IF THE CLERK DOES NOT WANT TO LET YOU FILE YOUR MOTION? If the clerk merely points out some changes you must make, simply make those changes and try to file it again. However, if the Clerk questions your right to file the Motion at all, assert yourself. Tell the Clerk that every citizen has the right to use the courts and file papers, and that you have the right to file your Motion.

V. STEP FOUR: PREPARING FOR THE HEARING.

- A. You will just need to tell the judge in your own words what you have written in your Motion.
1. **GATHER WRITTEN EVIDENCE.** Good written evidence might include letters from doctors, proof of employment etc.
 2. **LOCATE AND PREPARE WITNESSES.**
 - a. **Who to Choose as Witnesses:** Make a list of persons you can count on to come to the hearing to testify for you. Ask these persons if they will come to testify for you on the hearing date.
 - b. **Prepare Your Witnesses:** Spend a few minutes pretending you are in court. Ask your witness questions and let him or her respond with the exact words he or she will use in court. Start by asking the witnesses' name, age, and place of residence. Then ask the witness to testify about how he or she knows you. For example, he has been your next door neighbor for 5 years. Then ask your witness what he or she knows from his personal observations about whether you are a good parent.
 - c. **Should You Subpoena Your Witnesses?** While relatives usually keep their promises to come to court, friends and neighbors may find excuses just before the hearing why they cannot come. To ensure that a friend or neighbor will come to court, go to the Clerk's office and fill out a SUBPOENA. If the friend has a job, explain that the subpoena will make it easier for him to explain to his boss why he is missing work on the hearing day. Have the witness's address and phone number with you. The sheriff's office may "serve" (*see definition of service in Glossary on page 7*), or you may mail a copy to the witness.

VI. STEP FIVE: THE HEARING

- A. **COME TO COURT EARLY.** Dress well for this hearing, as if you were going to church. Men should wear a jacket/shirt and tie if possible. Take a copy of the Motion, and also the post office cards showing that the Motion was sent certified mail if this is how you served the other parties. Leave home early enough so you arrive at the Courthouse at least half an hour before the hearing is scheduled to begin. If the courtroom number is not listed on your Motion or Notice of Hearing, go to the civil clerk's office and ask which courtroom to go to.

B. FIND YOUR CASE ON THE "CALENDAR." Immediately after entering the courtroom, ask either the bailiff (a uniformed deputy sheriff) or the clerk where you may view the current day's calendar, in order to make sure your case is on it. If you ask, you might be able to have a copy of it to keep with you. If your case is not on the calendar, immediately ask for help from the courtroom clerk or the bailiff.

C. THE JUDGE ARRIVES IN THE COURTROOM.

1. THE JUDGE CALLS THE CALENDAR. You will know when the judge arrives, because the bailiff will announce the judge's arrival and ask everyone to stand. Usually the judge will start by calling the cases in the order they are listed on the Calendar. This allows the judge to determine whether both sides are present, and whether the case will be heard that day or possibly later in the week. If you have a copy of the calendar, you may follow what the judge is doing and will know when to expect him to call your case. Otherwise, listen closely for your case to be called.
2. THE JUDGE SETS A TIME FOR YOUR HEARING. The judge may simply hear all of the cases in the order they appear on the calendar, or he may set the cases on different days when he makes his calendar call
3. WAITING FOR THE CASE TO BE HEARD: While you are waiting for your case to be heard, the judge will hear cases that are ahead of yours on the calendar. Carefully observe how the other people ahead of you are sworn in, and where they stand or sit when giving testimony. You will be following these same procedures when your case is heard.

D. THE JUDGE HEARS YOUR CASE.

1. YOU GIVE YOUR TESTIMONY. Since this is your Motion, you have the right to start talking first about it (with permission of the judge, of course). Always stand when speaking to the judge. Begin with a brief introduction to the judge, using your Motion as a guide to remember what to say.
2. THE OTHER PARTY, OR PARTIES, TESTIFY. Remain seated and quiet when the other parties testify. Don't interrupt, even if the other party lies. You will have a chance later to point out the lies to the judge. While your spouse is testifying, take notes on what your spouse is saying to remind you of important points that you feel must be answered.
3. CROSS EXAMINING THE OTHER PARTY AFTER THEY HAVE TESTIFIED. After the other party has finished testifying, you have the right to ask questions; this is called cross-examination. You can ask the other party questions, but cannot testify again yourself at this point in the

hearing. Go over the important points you wrote down while listening to your spouse's testimony.

4. **SHOULD YOU CALL YOUR WITNESSES?** If the hearing seems to be going well for you, you will not need to call your witnesses. Just because you brought witnesses to help in an emergency does not mean you have to use them. However, if it seems like your spouse may succeed then tell the judge you have witnesses you would like him to hear.
5. **THE JUDGE MAKES A DECISION.** When the judge says what his order will be, you usually do not want to say anything. Never tell the judge his decision is unfair, because that may anger the judge, and he may respond by giving you even less visitation. However, you should speak up if the judge makes a mistake in his order.

VII. STEP SIX: AFTER THE HEARING:

- A. OBTAIN A COPY OF THE JUDGE'S DECISION. It may be that the Judge wants you to write the order, so that he can sign it. If so, it will be easiest to see an attorney about helping you write it. Otherwise, within a week of the hearing, the judge will have written down his oral decision in the form of an order. This written order is what you and your spouse must obey, rather than what the judge said in court. If a copy is not sent to you within a week of the hearing, go to the Clerk's office and request a copy. There may be a small copying charge for this.
- B. WHAT IF THE OTHER PARTY DOES NOT OBEY THE ORDER? Do not fight over minor violations. Try to work with your spouse in following the order. Be reasonable. If occasionally your spouse does not have the child ready promptly, or will not let you see the child for a scheduled visit, because the child is very sick, do not make a big deal over it. Instead politely ask to arrange to spend time with the child at another time.

GLOSSARY

Clerk of Superior Court – The Clerk of Superior Court acts as the secretary of the court, files your court papers and keeps the official records of your case. The clerk cannot give you legal advice, but can help explain the system and procedures to be followed to modify a custody order. The clerk also has the power to accept or reject your papers.

File Number – The file number is the identification number for your case that is written in the upper right hand corner of the order.

Filing – Filing is when you hand the Clerk of Court your Motion and Notice of Hearing. Usually, when you hand the Clerk your paperwork, he or she will stamp the papers with the date and time of filing and write their initials beside that information.

Hearing – A hearing is a trial in front of a District Court Judge.

Notarize – To notarize a signature is to have a notary public attest to the authenticity of the signature. Be sure to sign the document **in front of** the Notary, not before you bring the document to the notary.

Notice of Hearing – The notice of hearing tells the date, place and time of the hearing.

Pro Se – To be/appear pro se means that you do not have a lawyer representing you and are representing yourself.

Service – Service is when you give the other side copies of the papers that you filed at the Clerk's Office.

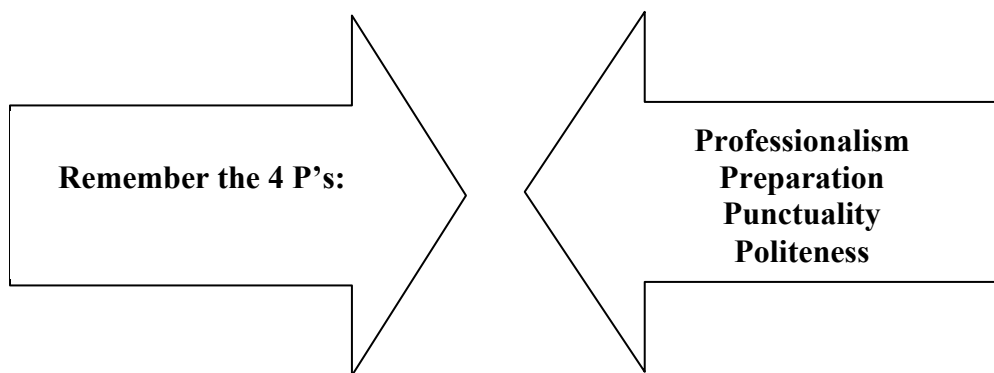
Verify/Verification – To verify a document is to attest that everything that you said in the Motion is true. Be sure to sign the verification in front of a notary (see definition of notary above).

TIPS ON SELF REPRESENTATION

(Our thanks to Maricopa County, AZ and Fulton County, GA)

The Court is a very traditional and polite place. When you are representing yourself in Court, you are trying to persuade a judge or a jury that you are right. Please remember that you must act, dress, and speak in a way that best presents you and your case to the Court.

- ⇒ When you come to Court, dress as professionally as you can. This means clothes that are clean and neat. Please avoid shorts, sweat pants, tee shirts with suggestive or obscene language or other revealing or tight clothing. Please remember to present yourself as clean and well groomed.
- ⇒ How you act and react is very important. You **MUST** be respectful of everyone in the Court. This includes the judge, the Court staff, the other party involved in your case, and the witnesses. Getting overly emotional, yelling, cursing, or threatening language will not aid your presentation to the Court. Always stand when addressing the judge. Remain seated when questioning witnesses. Before approaching the judge or a witness, ask permission from the judge.
- ⇒ The Court has a very busy schedule. Be on time for your Court time or any other appointment about your case! If you are late, your case may be heard without you or dismissed. Make sure you bring all of your documents for your case or appointment. Please remember to stick to the facts of the important or relevant issues of your case – do not get caught up in unrelated matters that may unwisely use up your time or detract from your case.
- ⇒ The judge cannot speak to you about your case except when your case is being heard in Court and/or the other party is present. The judge's staff will help you as much as they can with questions about the scheduling of your case or whether the judge has decided on your case. But the staff cannot give you legal advice or recommendations on how to present your side. Remember to always be polite to the Court staff and be prepared with any information they may need.
- ⇒ When you represent yourself in Court, get legal advice from a lawyer ahead of time to make sure you are doing the right thing. Legal advice includes deciding what option is best for you.



Checklist

- ☐ Motion for Modification
- ☐ Notice of Hearing and/or Calendar Request
- ☐ Affidavit as to Status of Minor Child
- ☐ Motion Cover Sheet
- ☐ Certificate of Service by Certified Mail

Instructions for filling out forms:

- I. Motion for Modification of Custody and/or Visitation Order
 1. Under "Court File No.," put the court file number from the other court documents.
 2. In the line next to "County," put the name of the county where the action was filed.
 3. Under "Name and Address of Plaintiff," put the name and current address of the plaintiff. (You may put the plaintiff's telephone number if you have it.)
 4. Under "Name and Address of Defendant," put the name and current address of the defendant. (You may put the defendant's telephone number if you have it.)
 5. Under "Date of Current Order," put the date of the most recent custody order.
 6. Check the box next to the appropriate modification. (If you want to change the primary caretaker, you should check "Custody." If you want to change how frequently you/the other parent has visitation, you should check "Visitation." If you want to change both custody and visitation check "Both.")
 7. Under "Circumstances at the time the order was entered were as follows:," list the relevant circumstances at the time. (You do not have to use all three lines, and you may add a piece of paper if there are more than three relevant circumstances)
Example: if the substantial change is that you got married, you would want to say that at the time the order was entered that you were single.
 8. Under "Since the current Order for Custody and/or Visitation was entered, there has been one or more substantial changes in circumstances as follows:," state what substantial changes of circumstances have occurred that have made you want to change the order.

(Examples: You/the other parent have moved, there has been domestic violence, you/the other parent have gotten married, you/the other parent have gotten a new job, you/the other parent have started taking/stopped taking drugs, etc.) Be as specific as possible about the circumstances. If you have moved, give the previous address, the current address, say whether it is a house, apartment, etc., and give any other information that will show what the change has been.

9. Under "Therefore, the undersigned requests that the Order for Child Custody and/or Visitation be modified as follows:," state what you want the new arrangement to be. For example, if you want to change the pick-up/drop-off location, give the address. If you want a different day/time for visitation, write the days and times. If you want primary care, write that you want custody and what the visitation schedule you'd like for the other party to have. If you think there should be supervised visits, write that you want supervised visitation.
10. Under "Date," put the date, under "signature," sign your name, and under "Name," write out your name.
11. Check either the "Plaintiff/Attorney" box if you are the plaintiff, or the "Defendant/Attorney" box if you are the defendant.

II. Notice of Hearing and/or Calendar Request

Note: Instructions only to be used for Forsyth County (second page of the Forms). If you are in Iredell, Stokes, or Davie, there are additional forms attached. If you are in Yadkin or Surry, go to the Clerk's office and ask how to get a hearing scheduled.

1. Under "Court File No.," put the court file number from the other court documents.
2. Next to "(PLAINTIFF)," put the name of the plaintiff.
3. Next to "(DEFENDANT)," put the name of the defendant.
4. Next to "WEEK YOU ARE REQUESTING," put the date of the Monday of the week you would like to have your hearing. For example: put "Monday 07/24/2006" for the week of 07/24/06 – 07/28/06.
5. Next to "Calendar Call Date," put the date for the Thursday before the week that you wish to have your hearing. For example: Put 07/20/2006 for a hearing during the week of 07/24/06 – 07/28/06. Put "9:00" next to "A.M." for the time to arrive that Thursday.
6. Under "DOMESTIC CASES ONLY:," check "Custody," and/or "Visitation," and "Motion."
7. Under "*GENERAL CIVIL*:" Check "Motion," and "Non-jury."

8. Next to “*IF YOU CHECKED MOTION ABOVE, WHAT TYPE OF MOTION(S)?;*,” Write “Custody Modification.”
9. Next to “DO YOU REQUIRE RECORDING EQUIPMENT?,” write “No.”
10. Next to “PRINT OR TYPE YOUR NAME:,” write out your name.
11. Next to “SIGN YOUR NAME:,” put your signature.
12. Next to “YOUR ADDRESS:,” fill in your current address.
13. Next to “TELEPHONE NUMBER:,” fill in your current telephone number.
14. Next to “ARE YOU THE:,” Check “PLAINTIFF” if you are the plaintiff or “DEFENDANT” if you are the defendant.
15. Under “CERTIFICATE OF SERVICE,” check “by depositing a copy enclosed in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service,” and put the date that you do so above “(DATE OF SERVICE).” **(Note: You will mail copies of all of this paperwork to the opposing party at the same time. This Certificate of Service is for all of the paperwork.)**
16. Under “LIST BELOW THE NAMES AND ADDERSSES OF THOSE SERVED,” put the name and address of the other party’s attorney if he or she has one, and next to “ATTORNEY FOR:” put “defendant” if the other party is the defendant or “plaintiff” if the other party is the plaintiff. If the other party does not have an attorney, put his or her name and address and leave the “ATTORNEY FOR:” box blank.

III. Affidavit as to Status of Minor Child

1. Under “Court File No.,” put the court file number from the other court documents.
2. In the line next to “County,” put the name of the county where the action was filed.
3. Under “Name and Address of Plaintiff,” put the name and current address of the plaintiff.
4. Under “Name and Address of Defendant,” put the name and current address of the defendant.
5. Under “Name of Minor Child,” put the name of your child. If you have multiple children, you will need to fill out multiple forms.
6. Under “Date of Birth,” put the child’s date of birth.
7. Under “Birthplace,” put the city and state where the child was born.

8. Under “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;” fill in the addresses, corresponding dates, who the child lived with at each address, and where that person lives now for each and every address at which the child has lived in the past five years. Start with the most recent address and then list in reverse chronological order.

For example: if your child currently lives with the other parent, then under “From” put what date the child started living with them. Under “Address,” put the other parent’s current address,” and under “Present Address of Person,” re-write the other parent’s current address. If the child was living with you prior to that, on the next line write the date the child moved in with you, the date the child moved out, the address while the child lived with you, your name, and the address at which you are currently living.

9. Check the box labeled “I have participated in litigation concerning the custody of the above named child.”
10. Under “Capacity as Participant,” write “Plaintiff” if you are the plaintiff, and “Defendant” if you are the defendant.
11. Under “Date of Action,” write the date that the custody order was put in place.
12. Under “Name and Address of Court,” write the name and address of the court that entered the custody order.
13. Under “Details,” add any details about the original custody order that might help the judge understand the situation. (For example, write whether there were multiple orders.)
14. Check the box labeled “I have information of a custody proceeding concerning the above named child pending in a court in this or another state” **if** there is a custody action that is currently pending (i.e. the other party has filed for modification in another court.)
15. **If** you checked the box for #14, then fill in the name and address of the court, and any information you have about the proceeding.
16. Check the box labeled “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,” **if** there is a person other than the other party who has/is claiming rights.
17. **If** you checked the box for #16, fill in the name and address of the person, and check the appropriate box (“Physical Custody,” “Claimed Custody,” or “Visitation Rights.”)
18. **Go to a Notary Public.** (You can usually find a notary at a bank.)

19. Under "Date," put the date you go to the notary.
20. Under "Signature of Affiant," sign the form in front of the notary.
21. Under "Name of Affiant," put your name on the form.
22. Under "Relationship to the Above Named Child," put your relationship.
23. The notary will sign, date, and fill out the rest of the form and stamp it for you to verify that you signed it.

IV. Motion Cover Sheet

1. Under "File No.," in the top right hand corner, put the court file number from the original Custody Order. The number can be found on any of the court documents.
2. In the line next to "County," put the name of the county where the action was filed.
3. Under "Name of Plaintiff," put the name of the parent who filed the original custody action. (If your name is in the plaintiff box on the court documents that you already have, fill in your name. If the other parent's name is in the plaintiff box on the court documents that you already have, fill in that parent's name.)
4. Under "Name of Defendant," put the other parent's name. (If you were the defendant in the original action, put your name in this box. If you were the plaintiff in the original action, put the other parent's name in this box.)
5. Under "Name and Address Of Attorney Or Party," put your name and address.
6. Under "Type of Motion," put "MCUS" in the first line.
7. In the first line under "By (*Identify Party*)," check the box labeled "All" and put "Plaintiff" if you were the plaintiff in the original action, or put "Defendant" if you were the defendant in the original action. (This box is identifying you as the person who is initiating the modification.)
8. In the first line under "Against (*Identify Party*)," check the box labeled "All" and either put "Plaintiff" if you were the defendant in the original action, or put "Defendant" if you were the plaintiff in the original action. (This box is identifying the other parent as the person against whom the modification is being filed.)
9. Under "Date," put the date and under "Signature of Attorney/Party" sign your name.

V. Certificate of Service By Certified Mail

Note: If you filled out a Calendar Request, you have already filled out your certificate of service. Use this form only for Yadkin and Surry County.

1. Fill in and sign this form.
2. Include it with the other paperwork when you mail it to the opposing party.

STATE OF NORTH CAROLINA

File No. _____

In the General Court of Justice
District Court Division

_____ County

Name and Address of Plaintiff

Telephone No. (Optional)

VERSUS

Name and Address of Defendant

Telephone No. (Optional)

**MOTION FOR
MODIFICATION OF CUSTODY
AND/OR VISITATION ORDER**

MOTION

The undersigned moves that the Court modify the Order now in effect in this action, and in support of this motion states:

Date of Current Order

Modification of: ☐ Custody ☐ Visitation ☐ Both

Circumstances at the time the order was entered were as follows:

1. _____

2. _____

3. _____

Since the current Order for Custody and/or Visitation was entered there has been one or more substantial changes in circumstances as follows:

1. _____

2. _____

3. _____

Therefore, the undersigned requests that the Order for Custody and/or Visitation be modified as follows:

1. _____

2. _____

3. _____

Date

Signature

Name (Type or Print)

Note: You need to complete the attached Affidavit as to Status of Minor Child, have it notarized and attach it to this motion.

☐ *Plaintiff/ Attorney* ☐ *Defendant/ Attorney*
☐ *Other* _____

NORTH CAROLINA)
)
)
 _____ COUNTY)

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
_____CVD_____

_____,
Plaintiff,)
)
vs.)
)
_____,
Defendant.)

VERIFICATION

_____, being duly sworn, deposes and says:

That s/he is the Plaintiff in the foregoing Motion For Modification, that the facts set forth therein are true to his/her own knowledge, except as to those matters set forth therein upon information and belief, and as to those matters, s/he believes them to be true.

Signature of Plaintiff

Sworn to and subscribed before me this
_____ day of _____, 20____.

Notary Public

My commission expires:

NORTH CAROLINA

FILE NO. 06 CVD _____

_____ COUNTY

CERTIFICATE OF SERVICE

I, (Name) _____, ☐ Plaintiff or ☐ Defendant *pro se*, certify that on the _____ day of _____, 20__ a copy of the preceding Motion for Modification of Custody and/or Visitation was served upon the opposing party by depositing a copy of same in the United States certified mail with prepaid, first-class postage, return receipt requested and addressed as follows:

Opposing Party's Name

Opposing Party's Address

This the _____ day of _____, 20__.

BY: _____
Your Signature

Your Name

Your Address

21st DISTRICT COURT REQUEST of CALENDAR and NOTICE OF HEARING]
FILE NUMBER:

(PLAINTIFF) _____]
VS.

(DEFENDANT)

CHILD CUSTODY MEDIATION:

YES ☐ HAVE BEEN THROUGH CHILD CUSTODY MEDIATION
NO ☐ HAVE NOT BEEN THROUGH CCM-HAVE BEEN EXEMPT BY JUDGE

LOCAL RULE STATES THAT PARTIES MUST COMPLETE CHILD CUSTODY
MEDIATION BEFORE CHAMBERS HEARING CAN BE SET UNLESS EXEMPT BY THE
JUDGE:

ORIENTATION COURTROOM _____ TIME: _____

CHAMBERS HEARINGS:

DOMESTIC CASES ONLY: Check each line that applies to the type of motion:

Every week- courtroom 4-H <input type="checkbox"/>	CUSTODY <input type="checkbox"/>	DB &B <input type="checkbox"/>
	SUPPORT <input type="checkbox"/>	VISITATION <input type="checkbox"/>
2nd, 3rd, & 4th week- courtroom 4-C <input type="checkbox"/>	PSS <input type="checkbox"/>	ALIMONY <input type="checkbox"/>
	ATTY.FEE <input type="checkbox"/>	CONTEMPT <input type="checkbox"/>

OTHER MOTIONS:

Chambers Only:

WEEK REQUESTING: _____
(REPORT TO COURTROOM 4-C AT 9:00 AM FOR CALENDAR CALL, THURSDAY PRIOR TO WEEK
REQUESTED)

EQUITABLE DISTRIBUTION-FFS-Family Financial Settlements:

PLEASE CALL 336-761-2478 EXT: 1 TO REQUEST FFS CALENDAR REQUEST FORM

GENERAL CIVIL: JURY: ☐ NON-JURY: ☐

TIME: 9:30 AM TYPE OF MOTION: _____

COURTROOM: 4-C

WEEK REQUESTING GENERAL CIVIL HEARING: _____

CERTIFICATE OF SERVICE

[This is to certify that the undersigned has this date served
[this pleading upon all other parties to this cause by (____)
[depositing a copy enclosed in a post office of official
[depository under the exclusive care and custody of the
[United States Postal Service. (____) handing it to the attorney
[or to the party, leaving it at the attorney's office with a partner
[or employee. (____) sending it to the attorney's office by a
[confirmed telefacsimile receipt confirmation, or (____) having
[the Sheriff service the parties.

[_____
DATE OF SERVICE

PRINT OR TYPE YOUR NAME: _____
STATE BAR NUMBER: _____

SIGN YOUR NAME: _____

YOUR ADDRESS: _____

TELEPHONE NUMBER: _____

ARE YOU THE: PLAINTIFF: ☐ **OR DEFENDANT:** ☐

LIST BELOW THE NAMES AND ADDRESSES OF THOSE SERVED:

NAME: _____

ATTORNEY FOR: _____

ADDRESS: _____

REQUEST TO DISTRICT CIVIL CALENDAR CLERK (Davie County)

Please Calendar case number: _____ CVD _____

_____,
Plaintiff

_____,
Defendant

For the session beginning: _____ at 9:30 a.m.

1. ☐ MOTION

2. ☐ TRIAL ON THE MERITS

☐ UNCONTESTED DIVORCE

☐ PRE-TRIAL EQUITABLE
DISTRIBUTION
CONFERENCE

☐ INITIAL CHILD SUPPORT ☐ INITIAL ADR ELECTION

3. ☐ JURY ☐ NON-JURY

4. ☐ REPORTER ☐ WAIVE REPORTER

5. Approximate time:

6. Special Circumstances:

7. Opposing attorney: _____

Name

Address

☐ Plaintiff *Pro Se* ☐ Defendant *Pro Se*

This is to certify that the above Calendar Request was in fact served on _____ at the above
address this the _____ day of _____, _____. *Opposing Party*

Name

**REQUEST TO CALENDAR CLERK
CIVIL DISTRICT COURT
NON-JURY MATTERS (Stokes County)**

FILE NO. _____

PLEASE CALENDAR CASE OF: _____

PLAINTIFF

VS.

DEFENDANT

FOR THE FOLLOWING CNJ DAY: _____

☐ TRIAL OF CASE

☐ MOTION

☐ OTHER (EXPLAIN) _____

TYPE OF CASE:

☐ UNCONTESTED DIVORCE

☐ DOMESTIC

☐ APPEALED MAGISTRATE

☐ OTHER NON-JURY MATTERS

APPROXIMATE TIME REQUIRED: _____

COURT REPORT REQUIRED: _____

OPPOSING ATTORNEY: _____

ADDRESS: _____

REQUESTED BY: _____

ATTORNEY FOR: _____

DATE OF REQUEST: _____

CERTIFICATION OF SERVICE ON OPPOSITE PARTY

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED A COPY OF THIS REQUEST UPON _____ BY DEPOSITING IN THE US MAIL AT DANBURY, NORTH CAROLINA AS REQUIRED BY THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, RULE 5.

Signature

FORM 22D

REQUEST TO DISTRICT CIVIL CALENDAR CLERK (Iredell County)

PLEASE CALENDAR CASE NUMBER: _____ CVD _____

CALENDAR FOR THE SESSION BEGINNING _____

(All non-jury matters are set on the first day of each session. Preemptory settings must be scheduled by the Chief District Court Judge.)

PLAINTIFF: _____

DEFENDANT: _____

TYPE OF HEARING:

1. ☐ MOTION _____
(State Type of Motion)
2. ☐ TRIAL ON MERITS _____
(State Type of Trial)
☐ UNCONTESTED DIVORCE
☐ PRE-TRIAL EQUITABLE DISTRIBUTION CONFERENCE
☐ INITIAL CHILD SUPPORT
3. ☐ JURY ☐ NON-JURY
4. ☐ COURT REPORTER ☐ WAIVE REPORTER

APPROXIMATE TIME REQUIRED: _____

SPECIAL CIRCUMSTANCES: _____

5. OPPOSING ATTORNEY: _____

ADDRESS: (atty/party): _____

6. ☐ CALENDARING ATTORNEY CERTIFIES AS FOLLOWS:
- ☐ (1) Opposing counsel has been previously contacted regarding the requested court date.
 - ☐ (2) All discovery has been completed or the time for discovery has expired.
 - ☐ (3) All witnesses have been subpoenaed and will be available on the requested court date.
 - ☐ (4) If an equitable distribution case, the parties have complied with the equitable distribution rules regarding exchange of inventories and pre-trial affidavits, and are ready for trial or pre-trial.

☐ PLAINTIFF ☐ DEFENDANT