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| **STATE OF NORTH CAROLINA**  **COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |  | **IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION**  **FILE NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  **Plaintiff,**  **Vs.**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  **Defendant.** | **) ) ) ) ) ) ) ) )** | **COMPLAINT FOR CHILD CUSTODY** |

The Plaintiff, complaining of the Defendant, alleges and says:

1. That Plaintiff is a citizen and resident of \_\_\_\_\_\_\_\_\_\_\_\_\_ County, North Carolina.
2. That Defendant is a citizen and resident of \_\_\_\_\_\_\_\_\_\_\_\_\_ County, North Carolina, and has resided in North Carolina for a period of more than six months next preceding the filing of this action.
3. That Defendant is not in the military or a member of the armed forces.
4. That Defendant is a natural person under no legal disability and is over the age of eighteen (18) years.
5. That Plaintiff and Defendant were married on \_\_\_\_\_\_\_\_\_\_\_\_\_ and separated on \_\_\_\_\_\_\_\_\_\_\_\_\_. [IF NOT MARRIED, DESCRIBE NATURE OF RELATIONSHIP.]
6. To their relationship, two children were born: \_\_\_\_\_\_\_\_\_\_\_\_\_, born \_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_, born \_\_\_\_\_\_\_\_\_\_\_\_\_, (collectively referred to as “minor children”).

**claim for relief—child custody**

1. All other allegations alleged elsewhere in this document are incorporated and re-alleged herein as if fully set forth.
2. That to avoid controversy and conflict between the parties over the custody of the minor children, it is in the best interests of all parties that this Court make a primary award of custody of said children; that pursuant to N.C.G.S. 50-13.5(c), 50A-201, 50A-202, and 50A-209, there exists facts justifying this Court to assume jurisdiction to determine custody of said minor children, and that pursuant to N.C.G.S. § 50A-209, the Plaintiff respectfully shows unto the court the following required information:
   1. That as of this date, the minor children have resided in the following places with the following persons in the past five years:
      1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;
      2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and
      3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
   2. That the Plaintiff has not participated as a party, witness, or in any other capacity in any other litigation concerning the custody of said minor children in this or any other state;
   3. That the Plaintiff has no information of any custody proceeding concerning the minor children pending in a court of this or any other state;
   4. That the Plaintiff knows of no other person, not a party to these proceedings, that has physical custody of said minor children or claims they have custody or visitation rights with respect to said minor children.
3. That the Plaintiff is a fit and proper person to have the primary legal and physical temporary and permanent care, custody, and control of the minor children and it is in the best interest and welfare of said minor children that their temporary and permanent care, custody, and control be placed primarily with the Plaintiff in that among other reasons:
   1. The Plaintiff has a fit, stable and suitable home for the minor children and has been a caretaker for the children since birth;
   2. The Plaintiff has the maturity and temperament with which to act as primary custodian;
   3. The Plaintiff has a daily plan of care for the minor children to meet all of their needs;
   4. The Plaintiff is employed full time, is financially stable, and has the means to provide for the minor children;
   5. The Plaintiff can meet the minor children’s medical, dental and educational needs;
   6. The Plaintiff and the minor children have developed a very close and strong bond over the course of the children’s life.
4. That the Defendant is not a fit and proper person to have the primary care, custody, or control of the minor children in that among other reasons:
   1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;
   2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and
   3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**WHEREFORE**, the Plaintiff prays the Court as follows:

1. That the foregoing Claims be allowed and taken as an Affidavit in support of the Plaintiff’s complaint for child custody, and that said Claims also be allowed and taken as an Affidavit upon which to base all Orders, whether temporary, *ex parte* or otherwise of this Court;
2. That the Plaintiff be granted primary legal and physical care, custody and control of the minor children;
3. For such other and further relief to which the Plaintiff may be entitled and which the Court deems just and proper.

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

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

Plaintiff Name

Plaintiff

Plaintiff Address Line 1

Plaintiff Address Line 2

Plaintiff Email:

Plaintiff Phone:

**VERIFICATION**

I, being first duly sworn, depose and say: That I, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, am the Plaintiff in this action; that I have read the foregoing *Complaint,* and know the contents thereof; that the same is true of my own knowledge, save and except those matters and things therein stated upon information and belief, and as to those matters and things, I believe them to be true.

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

Signature

**STATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated:

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

*Name of principal*

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

*Official Signature of Notary*

(Official Seal)

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

*Notary’s Typed or Printed Name*

My Commission expires:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_