

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
____-CVD-____

_____,
Plaintiff,
v.
_____,
Defendant.

CUSTODY COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff and Defendant are both citizens and residents of _____ County, North Carolina, and Plaintiff has been a citizen and resident of North Carolina for more than six months preceding the institution of this action.
2. The plaintiff and defendant are husband and wife, having been married on _____, and separated on or about _____.
3. The parties are the parents of one minor child, to wit: _____, born _____.
4. The best interests of the minor child of the parties require that they be placed in the general care and custody of Plaintiff pursuant to N.C.G.S. § 50-13.1, *et seq.*, with Defendant exercising reasonable visitation.
5. Pursuant to N.C.G.S. § 50A-201, there exist facts which justify this Court assuming jurisdiction to determine custody of said child, and the information required by N.C.G.S. § 50A-209 is contained herein and incorporated in this Complaint by reference.

From her birth until _____, the minor child resided with the parties at _____ North Carolina.

Since _____, the minor child has resided with Plaintiff at _____, North Carolina, and has visited with Defendant at _____.

Plaintiff has not participated as a party or witness in any other capacity in any other proceeding concerning the custody of, or visitation with the child.

Plaintiff does not know of any proceeding that could affect the current proceeding.

Plaintiff does not know of any person, not a party to this proceeding, who has physical or legal custody of, or visitation with the child.

5. Pursuant to N.C.G.S. § 50A-201, *et seq.*, the minor child has been a resident of the state of North Carolina since his birth, and North Carolina is and has been the home state of the minor child pursuant to the provisions of N.C.G.S. § 50A-102, *et seq.*

6. Pursuant to N.C.G.S. § 50-13, *et seq.*, Plaintiff is a fit and proper person to have temporary and permanent legal and physical care, custody and control of said minor child, and it is in the best interest of said minor child that her temporary and permanent legal and physical care, custody and control be placed with Plaintiff.
7. Defendant is a fit and proper person to be granted reasonable visitation with the minor child.
8. Plaintiff is an interested party, acting in good faith, with insufficient means to defray the expense of this suit, including reasonable attorney fees, and Defendant should be required to defray the expense of this suit, including reasonable attorney fees pursuant to N.C.G.S. § 50-13.6.

WHEREFORE, Plaintiff prays of the court as follows:

1. This verified Complaint be accepted by the Court as Plaintiff's affidavit in this action;
2. This verified Complaint be considered Plaintiff's motion for temporary relief as hereinabove and hereinafter requested;
3. That the Court grant Plaintiff temporary and permanent legal and physical custody of the minor child;
4. That Defendant be ordered to pay Plaintiff's reasonable attorney fees in connection with his claims for custody;
5. That the costs of this action be taxed against Defendant; and
6. For such other and further relief as the court may deem just and proper.

This the ____ day of _____, 20__.

Attorney for Plaintiff
NC State Bar No. _____

OF COUNSEL:

STATE OF NORTH CAROLINA
_____ COUNTY

VERIFICATION

_____, being first duly sworn, deposes and says:

That she is the plaintiff in the above-referenced action; that she has read the foregoing complaint and knows the contents thereof; that the same is true of her own knowledge, except as to those matters and things as are therein stated upon information and belief, and as to those matters and things, she believes it to be true.

This the ____ day of _____, 20____.

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

Notary Public

Printed Name of Notary Public

My Commission Expires:
