

NORTH CAROLINA
_____ COUNTY

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

_____))
Plaintiff,)
)
v.)
_____))
Defendant,)
)
v.)
_____))
Intervenors.)

**MOTION FOR
PSYCHOLOGICAL
EXAMINATION/
CUSTODY EVALUATION**

Intervenors in the above captioned proceeding, by and through their attorney, _____, hereby moves the Court pursuant to Rule 35 of the North Carolina Rules of Civil Procedure and Rule 706 of the Rules of Evidence to enter an Order compelling Plaintiffs, Defendant and Intervenors, and the minor children to submit themselves for a psychological examination for custody purposes and, in support thereof, shows unto the Court the following:

1. Plaintiffs and Intervenors are the paternal and maternal grandparents, respectively, of the minor children who are the subject of this custody matter.
2. In _____, Defendant murdered the minor children’s mother, _____, and has since been incarcerated or hospitalized in the state psychiatric hospital since on or around _____.
3. From the time of _____’s death until _____, the minor children primarily resided with Intervenors, at which time Plaintiffs obtained a custody order removing the minor children from Intervenors’ custody while they attended a counseling session with a counselor originally selected by the Intervenors.
4. Subsequently, Plaintiffs took the minor children to a “counselor” who had been counseling them after the death of the children’s mother and murder of the children’s mother by their son.
5. The purported reason for changing counselors for the minor children was that Plaintiffs believed the initial counselor favored the Intervenors rather than themselves.
6. Medical records and office notes have been subpoenaed from both counselors, and it is clear that the counselor initially hired by Plaintiffs to counsel them has taken a role of an advocate for Plaintiffs rather than an advocate for the minor children.

7. Significant issues exist concerning the psychological well-being of the minor children, the psychological and physical stability of Intervenors, and the psychological and appropriateness of Plaintiffs concerning who should have custody of the minor children.
8. The best interest of the minor children, as well as the interest of justice and judicial efficiency, would be served through an Order of this Court requiring a psychological examination of Plaintiffs, Defendants (if possible), Intervenors and the minor children for purposes of assisting the Court in determining a custody schedule.

Based on the foregoing, the Court is in need of and will benefit from expert testimony concerning custody issues, and Intervenors are, therefore, entitled to an Order requiring the psychological examination of the parties and the minor children.

WHEREFORE, Intervenors pray as follows:

1. That the Court order a psychological examination and custody evaluation of Plaintiffs, Defendants (if possible), Intervenors and the minor children to assist in determining an appropriate custody schedule for the minor children.
2. That a copy of the psychological evaluation/custody evaluation be submitted to the Court as soon as it is completed with a copy simultaneously to be delivered to the attorneys for the parties; and
3. Intervenors are proper parties to this action and do not have the means to defray the expenses of this lawsuit, including reasonable attorney fees, and request an award of reasonable attorney fees as may be allowed by law.
4. For such other and further relief as the Court deems just and proper.

This the ____ day of _____, 20__.

Attorney for Intervenors

* * * * *

CERTIFICATE OF SERVICE

I, _____, certify that I served the above and foregoing Motion for Psychological Evaluation/Custody Evaluation on the following persons by placing the same in the United States mail in Greensboro, North Carolina, with postage prepaid this ____ day of _____, 20__:
