

INTRODUCTION

What is this?

This packet of information is provided for individuals who wish to pursue a case without the assistance of an attorney. This is called a *pro se* or self represented case. If you are not sure that you want or need to go to court, please ask the SelfServe Center staff to direct you to phone numbers for lawyer referral services or the list of local attorneys willing to provide “unbundled services” (*willing to represent you for a limited portion of your case on an hourly fee basis*). Please note that this is a *process* that you will be going through. If things do not proceed as quickly as you hoped, please be patient. The goal is to provide the best and safest environment for the child. That is not a one step procedure.

How will it help me?

If you do not plan to use an attorney, this packet will guide you through the process by providing the forms and filing instructions that you will need. Since you are representing yourself, it is YOUR responsibility to ensure that these are the correct and current forms for the nature of your case. Therefore, you should review and research *applicable laws* and *rules of procedure* that apply to your type of case. If you are not able to do this, you should talk with an attorney. If at any point during the process you become confused or wish to proceed with the help of an attorney, contact the Mecklenburg County Bar Lawyer Referral Service (704) 375-0120 or the North Carolina Bar Lawyer Referral Service (800) 662-7660. The SelfServe Center also maintains a list of attorneys willing to provide “unbundled services.”

What does this mean?

Certain legal terms will be found in italics throughout. A short definition of the terms will be contained in the text. A complete legal glossary is available for your convenience in the SelfServe Center. If you still do not understand the term, consult a legal dictionary or the SelfServe Center staff. Staff CANNOT provide legal advice, but can provide procedural information and definitions of legal terminology.

What are/is Child Custody, Visitation and Support?

The packet available in the SelfServe Center allows a party to file for **permanent legal custody** of a child or for **visitation rights**. This packet also contains the forms to file for **support to care for the child(ren)**. Please note that the forms assume that one parent is suing another. If you are a grandparent or other third party relative, see the section below pertaining to your special situation.

Can or should I file for Child Custody, Visitation or Support?

Please note that the SelfServe Center staff CANNOT provide legal advice. Therefore, we cannot tell you if you should file or what you should file, but we can tell you that you must meet certain criteria to be eligible. **THE CHILD MUST HAVE LIVED IN NORTH CAROLINA FOR THE 6 MONTHS PRIOR TO FILING, OR SINCE BIRTH.** Additionally, if there is an **EXISTING CUSTODY, VISITATION OR SUPPORT ORDER**, you must notify the SelfServe Center staff. This will affect which packet you receive. **Note:** If you have a Domestic Violence Protective Order, you may

still use these forms to establish permanent legal custody, visitation rights or support regarding the child(ren).

What if I am a grandparent or other third party relative?

If you are grandparent or third party relative, you must make sure to list both living biological parents as Defendants on your forms. This is regardless of what sort of role they have played in the child's life. Additionally, you **MUST** make sure to **SERVE BOTH LIVING PARENTS**. You *must* serve a defendant even if he/she is incarcerated. (Please see page on Service of Process).

What do I do first?

1. After you get your packet, **READ THE INSTRUCTIONS!** Then fill out the forms by typing or printing *neatly* in ink. You may fill them out at home or at the courthouse. Please read the forms carefully as some have a "Verification" page. This means that they must be signed in the presence of a Notary Public. If the document does require this, do not sign until you are in front of a Notary. They can be likely found at banks, law firms, and insurance agencies. A few may also be found in the Yellow Pages. Notaries often charge a small fee and require you to show a picture ID for their services. Be sure you have your documents already notarized when you take them to the Clerk's Office to file.
2. The SelfServe Center has a video available on filing for child custody, visitation and support. It is suggested that you view it for procedural information.
3. After the forms are filled out and notarized, you must make 2 COPIES (one for yourself, one for the other party and the original for the file).
4. There is a **\$80.00** filing fee to file for custody, visitation and/or support. Please make sure that you have cash or a money order. Personal checks are not accepted. If you want the Sheriff of Mecklenburg County to serve the documents on the defendant, please bring an additional **\$15.00** (cash, cashier's check or money order) made payable to the sheriff's office. If the defendant lives outside of Mecklenburg County, pay the service of process fee to the sheriff of the county where the defendant resides. (Please refer to the "Service of Process" sheet in this packet for more information).
5. Take your completed forms, 2 copies and filing fee to the Civil Filing Department (Clerk's Office) at 720 E. Fourth Street, Room 201.

IMPORTANT REMINDERS BEFORE YOU BEGIN

Your case involves complicated legal issues! This packet describes the general process, but it is impossible to cover everything that may affect your rights. If you get confused you should stop and seek advice from an attorney. The staff of the SelfServe Center, Clerk of Court, Judge, or the Trial Court Administrator's Office **CANNOT GIVE YOU LEGAL ADVICE!**

PLEASE...if you are thinking of contacting an attorney, do so as soon as possible. Unless there is an emergency, try to contact an attorney at least 30 days before your hearing. Waiting could decrease your chances of obtaining representation.