

# How to File Your *Answer for Custody or Visitation*



## Make sure you have all your court forms.

- ✓ It is very important that you read the instructions on this sheet.
- ✓ Take all your court forms with you to court.

## Follow these steps.

You must file the *Answer and Counterclaim* forms within 30 days after being served with the Plaintiff's *Complaint for Child Custody or Visitation*.

1<sup>st</sup>

**Review your forms.** Read each form carefully to make sure they are complete and correct. If you need to make a correction, log in to I-CAN! to change your answer and reprint your forms.

2<sup>nd</sup>

**Print the form called Civil Summons.** Go to [www.nccourts.org](http://www.nccourts.org) and click on the word "Forms" at the top center of the page and then type in the form number "CV-750".

3<sup>rd</sup>

**Sign your forms in front of a Notary Public.** The forms MUST be signed in the presence of a Notary Public. Once you have your forms notarized, make 2 copies. Arrange your forms into three complete sets.

### Notary Publics:

- You can find them in the Sheriff's office at the court, banks, law firms, insurance companies or the Yellow Pages
- They often charge a small fee and require you to show a picture ID

4<sup>th</sup>

**File your forms.** Take all three sets of your forms to the Civil Filings Department (See below). There is no filing fee for an *Answer and Counterclaim*.

5<sup>th</sup>

**Serve the other party.** Complete service before the status conference and/or hearing. (See page 2 *How to Serve your Answer for Custody or Visitation*).

6<sup>th</sup>

**Attend the status conference and/or hearing.** Bring all of your forms to the status conference and/or hearing. Arrive on time and dress appropriately (as if you were going to a job interview).

### Note on Custody and Visitation:

In Mecklenburg County, it is mandatory that all parties complete a parent education course and participate in mediation unless the Judge finds good cause otherwise. If you do not attend, the other party may file a contempt order and you may have to pay a fine.

## Where do you file your forms?

Civil Filings Department – Clerk of the Court – Room 3725  
832 E. Fourth Street, Charlotte, NC 28202

# How to Serve Your *Answer for Custody or Visitation*



## What is service?

- Service is when someone – **not you** – gives copies of your court forms to the other party.
- You can serve either by using the Sheriff or by Mail.

## How do you serve?

### By Sheriff.

You may have the Sheriff in the county where the other party lives serve the forms. There is a fee for this service. If the other party lives in Mecklenburg County and you wish to have him or her served by the Mecklenburg County Sheriff, tell the Clerk of Court at the window. He or she will forward the necessary documents to the Sheriff after the fee is paid.

If the Mecklenburg Sheriff's Office served your forms, you can call them to make sure service was successful at (704) 366-2543. You can also check *in person* with the clerk at the Civil Filings Department (Room 3725) to make sure service was successful.

### By Mail.

1. Send the papers yourself by registered or certified mail at the post office and ask for a return receipt.
2. Fill out the *Affidavit of Service of Process by Certified or Registered Mail*, and get it certified by a public notary.
3. File the *Affidavit* with the clerk at the Civil Filings Department (Room 3725), along with the original return receipt.

## Please note

**If the forms are not correctly served on the other party, the court will not hear your case.**