

How to File Your *Complaint 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.

1st

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.

2nd

Print the form called Civil Summons. Go to 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".

3rd

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.
- They often charge a small fee and require you to show a picture ID

4th

File your forms. Take all three sets of your forms to Civil Filings (See below). The clerk will charge you a fee to file your forms. You can pay with cash, money order or cashier's check.

5th

Set a date for the status conference. After filing your forms, go to the Family Court Office (Room 3520) to get a date for a status conference and an Order for Parent Education class. Then take your forms back to Civil Filings (Room 3725).

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.

6th

Serve the other party or parties. If you are the parent, serve the other parent. If you are not the parent, serve each parent separately. Complete service before the status conference. (See page 2 *How to Serve your Complaint for Custody or Visitation*).

7th

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

Where do you file your forms?

**Civil Filings Department – Clerk of the Court – Room 3725 (3rd floor)
832 E. Fourth Street, Charlotte, NC 28202**

How to Serve Your *Complaint 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.

If you are not the parent, you must serve EACH parent separately, even if they live in the same home.