

Pro Se Custody/Visitation Complaint/Motions: General Information

I. What are Pro Se Custody/Visitation Motions:

These motions are designed for parents who are seeking custody or visitation but who cannot afford an attorney. You are actually representing yourself, and you do have that right.

II. There are Three Types of Pro Se Custody/Visitation Motions:

1. New Action Motion
2. Modification Motion
3. Contempt Motion

Court Watch *CAN NOT* help you file an Emergency Custody Order or a Temporary Custody Order- you MUST hire an attorney

III. What Motion/Complaint do I file for my Situation?

A. New Action Motion – To be used only if:

- This is a new court proceeding – you cannot have an existing court order for custody or visitation in place
- The child/children has lived in North Carolina for the last (6) months or more
- Parents separate and they need to establish custody and visitation of the child/children
- Parents have been separated for some time and have an informal verbal agreement for custody and visitation, which over time has become problematic for one or both parents
- You are the biological mother/father of a child/children and the father/mother is not allowing you access to the child/children

B. Modification Motion – to be used only if:

- A court order for custody/visitation already exists
- ~~There are terms in the court order that you want to change and in order to get the order modified you must show the court that there has been a substantial change in circumstances since the order was originally entered that make a modification necessary~~
- The child/children has lived in North Carolina for the last (6) months or more
- The order you are seeking to modify was originally filed in Guilford County

C. Contempt Motion – to be used only if:

- You have an existing Guilford County custody/visitation order, and the other parent is seriously violating the order
- There is a clear and direct violation of the written order
- You have made every possible effort with the other parent to try and reach an agreement without going to court

Information provided by:

*Court Watch of North Carolina, Inc. a 501(c) 3 non-profit organization
336-275-2346 ~ www.courtwatchofnc.org*

Pro Se Modification Motion - Required Form Checklist

- Ex. 1 Custody/Visitation Motion (1) original (2) copies
- Ex. 2 Affidavit as to the Status of Minor Child (AOC-CV-609) (1) original (2) copies) (one form for each child & **notarized**)
- Ex. 3 Domestic Civil Action Cover Sheet (AOC-CV-750) original & (2) copies
- Ex. 11 Service Members Civil Relief Act Affidavit (AOC-G-250) original & (2) copies & notarized

(Forms to file at the clerk's office are: Exhibits 1, 2, 3 & 11

(Forms to serve on the other parent are: Exhibit 1

Pro Se Modification Motion - Forms you **may** need to fill out

- Ex. 6 Affidavit of Service of Process by Registered or Certified mail (**notarized**) (only if you used certified mail to serve the opposing party)

Filing Fees and Service Costs (as of August 1, 2011)

\$20 – Filing fee is only charged if your case is calendared to go before a judge

\$30 – Service by Sheriff

\$6 - \$7 – Service by Certified Mail

\$15 – Second Summons – if first summons cannot be served by the sheriff or the mail cannot be delivered

\$20 – Motion Fee (for each additional motion)

Clerk of Court – Accepted forms of Payment

Bring cash, money order, certified check – debit cards and credit cards are accepted but carry an additional fee of \$1.00 for debit cards and 2.25% for credit cards.

