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| NORTH CAROLINA |   | GENERAL COURT OF JUSTICE |
|  |   | DISTRICT COURT DIVISION |
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|   |   |   |
| , | ) |   |
|  PLAINTIFF, | ) |   |
|   | ) | EX PARTE TEMPORARY |
|  v. | ) | CUSTODY ORDER |
|   | ) |   |
| , | ) |   |
|  DEFENDANT. | ) |   |

 This matter came before the court on, upon Plaintiff's Motion for Ex Parte Emergency Custody, with Plaintiff represented by, of Rosen Divorce. Based upon Plaintiff's motion and arguments of counsel, the Court makes and enters the following:

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.                  Plaintiff is a citizen and resident of;

2.                  Defendant is a citizen and resident of, State of North Carolina; and Defendant currently resides at North Carolina. Defendant has been a citizen and resident of North Carolina for at least six months preceding the filing of this action.

3.                  Plaintiff and Defendant were married on, were separated and divorced in, on.

4.                  There were two children born to Plaintiff and Defendant, to wit:.

5.                  The Court has jurisdiction over the parties and of the subject matter in this action.

6.                  Pursuant to N.C.G.S. Section 50A-201, there exist facts justifying this Court to assume jurisdiction to determine custody of the said minor children, and, pursuant to N.C.G.S. Section 50A-209.

6. The children's residences have been as follows:

a. From until the minor children resided primarily with the Defendant at, North Carolina.

 b. From through the minor children were in California with their father visiting their paternal grandparents.

 c. From through the present the minor children have resided with their maternal grandparents at, North Carolina.

7.                  Pursuant to a ordered entered by this court with the consent or the parties on, Defendant was granted primary custody of the minor children, and Plaintff was granted secondary custody.

8.                  Plaintiff is a fit and proper person to have the care, custody and control of the said minor children, and it is in the best interest of the said minor children that the children's care, custody and control be placed with Plaintiff.

9.                  Plaintiff is a fit and proper person to have the primary care, custody and control of the said minor children, with all the rights and privileges attached thereto including, to wit, all medical, legal and educational decision making.

10.              The children are at risk for significant emotional and physical harm if they remain in the custody of the minor children.

11.              The Defendant has failed to provide for the children's basic needs and has failed to adequately ensure their physical safety.

12.              Based upon Defendant's erratic behavior, the conditions in Defendant's residence, Defendant's involvement in criminal activity, the involvement of Child Protective Services with the Defendant and the minor children it is appropriate pursuant to N.C. Gen. Stat. §50-13.5(d)(3) and is in the best interests of the children that Plaintiff be granted the temporary exclusive care, custody, and control of the minor children.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Plaintiff is granted the temporary exclusive care, custody, and control of the said minor children pending full hearing of this matter;

2. Plaintiff shall be permitted to make all decisions regarding the care custody and control of the minor children including but not limited to all medical, legal and educational decision making. The Plaintiff shall be granted the authority to enroll the child in a school in the school district where he currently lives.

3. Plaintiff shall be permitted to remove the minor children from the state and take them to his residence in Plainfield, New Jersey.

3. This cause shall be set for hearing on the \_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_, 20 for a review of this Order.

This the \_\_\_\_\_\_ day of.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 The Honorable Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Order has been served in the following manner:

[X] By depositing a copy in the US Mail in a properly addressed, postpaid envelope to:

[ ] Other:

|  |  |
| --- | --- |
| Date:  |   |
|   | [ ] Plaintiff | [X] Attorney for Plaintiff |
|   | [ ] Defendant | [ ] Attorney for Defendant  |