NORTH CAROLINAIN THE GENERAL COURT OF JUSTICE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY          DISTRICT COURT DIVISION

                                                                                            \_\_\_\_ CVD \_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,                  )

                                                            )

                        Plaintiff,                        )

                                                            )

            vs.                                            )**ORDER FOR REMOVAL AND CHANGE**

**)                                   OF VENUE**

                                                            )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,                           )

                                                            )

                        Defendant.                    )

This matter came before the Court on \_\_\_\_\_\_\_\_\_\_,\_\_\_\_\_\_, upon Defendants Motion for Change of Venue. Based upon Defendants motion and arguments of counsel, the Court makes and enters the following:

**FINDINGS OF FACT**

1. That on or about \_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, Defendant in this matter obtained physical care and custody of the parties minor child.  Defendant has resided continuously in Wake County with the minor child until \_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, when the Plaintiff retrieved the minor child through non-responsible means.
2. Upon information and belief, on or about \_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, Plaintiff stopped residing in \_\_\_\_\_\_\_\_\_ County and relocated to Mecklenburg County.  Specifically, Plaintiff was charged on \_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_ with numerous criminal charges in Mecklenburg County.
3. Upon information and belief, on or about \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_, Plaintiff relocated again to Forsyth County, North Carolina to enter a full-time, inpatient drug rehabilitation treatment facility.  It is believed that Plaintiff was released on \_\_\_\_\_\_\_, \_\_\_\_\_.
4. That on or about \_\_\_\_\_\_\_\_,\_\_\_\_\_, Plaintiff filed this action although she had not resided in Cabarrus County for the six (6) months preceding the filing of her action and the minor child resided in Wake County.
5. On \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, unaware of Plaintiffs action in \_\_\_\_\_\_\_\_\_ County, Defendant filed a Complaint for Child Custody in Wake County, North Carolinawhile he had the minor child in his care and custody.
6. On or about\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_, Defendant retained an attorney and filed an Amended Complaint and requested emergency relief which was granted by the Honorable Judge \_\_\_\_\_\_\_\_ on the same date due to the facts relayed in the Amended Complaint and Request for Emergency Relief, without knowledge of Plaintiffs action filed which was previously filed in \_\_\_\_\_\_\_\_ County.
7. On or about \_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_the parties entered into a Consent Order regarding Child Custody and Support that was entered in Cabarrus County.
8. On or about \_\_\_\_\_\_\_ Plaintiff began to exhibit behavior that Defendant alleges constitute a substantial change in circumstances, as Plaintiff has become unwilling, or unable to comply with the Child Custody Order entered by this Court, required Defendant to seek further relief from the Court.
9. On or about \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ Defendant was called by the Department of Social Services to pick up the parties' minor child.
10. The child has resided exclusively with Defendant since \_\_\_\_\_\_\_\_\_\_\_,\_\_\_\_\_\_\_\_.
11. After the entry of the Consent Order on \_\_\_\_\_\_\_\_, \_\_\_\_\_ Plaintiff relocated to an inpatient facility in New Hanover County, North Carolina.
12. After Plaintiff was released from the inpatient facility in New Hanover County, North Carolina she returned to her parents home briefly.
13. On or about\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_Plaintiff absconded with the child to an unknown location.
14. Plaintiff was located with the minor child in the early morning hours of \_\_\_\_\_\_\_\_\_, \_\_\_\_\_ and has since resided in the Mecklenburg County Jail.
15. The child has resided in Wake County, North Carolina with his father since \_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_.
16. The convenience of witness and the parties, including the minor child, are promoted by a change of venue from \_\_\_\_\_\_\_\_ County, to Wake County.
17. The interest of justice, the interest of the parties, and the best interest of the minor child are promoted by a change of venue for Cabarrus County to WakeCounty.
18. Venue is proper in and should be changed to Wake County, North Carolina, however there has been a return hearing on Emergency Custody set before this Court on \_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ in which witnesses have already been subpoenaed, therefore the interests of justice would be best served if venue where changed immediately following the \_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_ court date.

BASED ON THE FINDINGS OF FACT, THE COURT MAKES THE FOLLOWING:

**CONCLUSIONS OF LAW**

1. The Court has personal jurisdiction over the parties in this matter.
2. The Court has subject matter jurisdiction pursuant to N.C.G.S. Â§ 50A and N.C. G.S. 13-5.
3. Venue is proper in Wake County.
4. The Court has discretionary authority to change venue to Wake County for the convenience of the witnesses and to serve the interest of justice.
5. This order serves the interests of justice, the parties, and is in the best interests of the minor child.
6. This action is hereby removed to Wake County, North Carolina for further proceedings.

**WHEREFORE, it is ORDERED, ADJUDGED AND DECREED:**

1. Venue in this action shall be changed to Wake County, North Carolina effective \_\_\_\_\_\_\_, \_\_\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_

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

                                                                        Honorable District Court Judge Presiding