

STATE OF NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE __ CVD ____
IV-D _____

COUNTY OF _____,)
on behalf of _____,)
_____)
Plaintiff,)
v.)
_____)
Defendant.)

ORDER FOR GENETIC
TESTING

This matter came on to be heard and was heard by the undersigned Judge presiding over the District Court of _____ County, North Carolina on the ___ day of _____, 20__ upon motion of the Defendant.

_____, was present on behalf of the Plaintiff, the County of _____, through its agency, the _____ County Child Support Enforcement Agency (hereinafter referred to as “the agency”);

_____, custodial parent of the minor child(ren)***, was/was not present;

_____, the Defendant was present;

_____, counsel for the Defendant, was present.

BASED ON THE EVIDENCE PRESENTED, THE COURT FINDS THE FOLLOWING FACTS:

1. The Defendant served the Plaintiff with his motion to set aside an underlying paternity order by _____ on or about _____. (If the custodial parent is a party, make a finding of fact as to when the custodial parent was served and how they were served).
2. This matter is before this Court on the motion filed by the Defendant pursuant to G.S. § 49-14/G.S. § 110-132 on _____, 20__, to set aside a determination of paternity entered in file number __ CVD ____ on _____.

*** In the event that there are multiple children, drafter will need multiple findings of ¶¶ 3-6.

3. The underlying paternity order was determined by (consent order, voluntary support

agreement, etc.) entered on _____, ____.

4. This determination of paternity naming the Defendant as the biological father of the minor child(ren) at issue here, _____, has not been previously set aside.
5. The Defendant alleges that when the paternity order was entered certain acts were committed by the custodial parent which constituted fraud in that (s)he:

_____.

OR

The Defendant alleges that when the paternity order was entered the Defendant signed the _____ under duress in that:

_____.

OR

The Defendant alleges that when the paternity order was entered the custodial parent and the Defendant erred and committed mutual mistake in that

_____.

OR

The Defendant alleges that when the paternity order was entered the Defendant erred by committing excusable neglect in that he:

_____.

6. This Court finds that the Defendant has shown good and sufficient cause to enter an order that genetic testing be conducted of the custodial parent, the Defendant, and the minor child(ren).
7. The genetic test results will be reviewed and further hearing shall be conducted by this Court on _____, 20__.

BASED ON THE FOREGOING FINDINGS OF FACT, THE COURT MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. This Court has jurisdiction over the parties and the subject matter in this action.
2. Genetic testing should be conducted of the custodial parent, the Defendant, and the minor

child(ren).

3. Prior to the genetic testing being conducted the Defendant should pay the costs of testing to the agency.
4. The genetic test results will be reviewed and further hearing should be conducted by this Court on _____, 20__.

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE COURT ORDERS THE FOLLOWING:

1. Genetic testing shall be conducted of the custodial parent, the Defendant, and the minor child(ren).
2. Prior to the genetic testing being conducted the Defendant shall pay the costs of testing to the agency.
3. The genetic test results will be reviewed and further hearing shall be conducted by this Court on _____, 20__.
4. Any and all other orders related to the collection of child support and arrears, if any, as ordered in this Court's previous child support orders in file number(s) _____ remain in full force and effect.

This the ___ day of _____, 20__.

District Court Judge Presiding

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document, an Order For Genetic Testing, on all parties to this action by depositing a copy of same in the United States mail, postage prepaid, addressed to (pick those that are applicable):

1. IV-D Attorney
On behalf of _____ County
Plaintiff
2. Custodial parent, if a party
3. Defendant/Defendant's Attorney

This the ___ day of _____, 20__.

IV-D Attorney
On behalf of _____ County
OR
Defendant/Defendant's Attorney