

Sample Orders

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NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 01 CV 4438

MELINDA [REDACTED] (formerly [REDACTED])
Plaintiff,

v.

KEITH [REDACTED],
Defendant.

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) **CHILD SUPPORT MODIFICATION**
) **ORDER**
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THIS CAUSE coming to be heard before the Honorable [REDACTED], District Court Judge, Tenth Judicial District, Wake County, North Carolina, presiding over the regular domestic session on October 27, 2008, on Defendant's motion filed in August 2008 for modification of child support order.

IT APPEARING TO THE COURT that both parties were present, and neither party was represented by counsel.

THE COURT having reviewed the record and considered the evidence makes the following:

FINDINGS OF FACT

1. Plaintiff is a citizen and resident of Wake County, North Carolina.
2. Defendant is a citizen and resident of Woodbridge, Virginia.
3. The parties were formerly married to each other and are now divorced.
4. One child was born of the parties' marriage: A [REDACTED], born March 13, 1993.
5. On August 13, 2001, a Consent Order was entered in this matter, which resolved the issue of child support.
6. Pursuant to the terms of the Consent Order, Plaintiff was to pay child support to Defendant in the amount of \$240 per month. Both parties were ordered to continue to provide the health insurance he or she had in place for the minor child, and the parties were ordered to equally divide the cost of all uncovered medical and dental expenses.
7. The Consent Order is the current order regarding child support in this matter.
8. In August 2008, Defendant filed a motion to modify child support.

9. At the time the Consent Order was entered, the Court found that: Plaintiff was earning \$1,862 per month, and Defendant was earning \$3,750 per month; Defendant had remarried, and he and his new wife, Joan, had two children together; Joan earned approximately \$50,000 per year; Plaintiff had remarried, but has no children other than A [REDACTED]; and both parties were providing health insurance coverage for A [REDACTED].
10. The Consent Order further provides that the parties agreed to child support in the amount of \$240 per month, which was a downward deviation from the North Carolina Child Support Guidelines amount of \$258 (calculated with both parties providing health insurance for the minor child).
11. Currently, Plaintiff is employed by Security and Energy Technology in Chantilly, Virginia. She testified that she earns \$19 per hour and works 40 hours per week (\$3,293 per month), but had no documentation to support this testimony. Plaintiff's current income is \$3,293 per month.
12. Defendant is concerned that Plaintiff has not provided him or the Court with any documentation regarding her income.
13. Plaintiff provides health insurance coverage for the minor child. The child's medical coverage is provided through her husband at a cost of \$28.75 for the child. Plaintiff provides dental and vision insurance for the child, but she does not know at what cost.
14. Plaintiff would like to pay her child support obligation by automatic draft from her bank account to be deposited into Defendant's bank account.
15. Currently, Defendant is employed by Security Force, Inc., where he has worked for about one year. He earns \$400 per week plus commission. As of October 17, 2008, he had earned \$29,357.50, which is an average of \$716 per week (or \$3,102 per month). Defendant's current income is \$3,102 per month.
16. Defendant provides medical and dental coverage for the child at a cost of approximately \$93.00 per month.
17. Neither parent incurs any work related child care costs.
18. Defendant's wife Joan and their two children still reside with Defendant. Joan earns approximately \$866 per month.
19. The minor child is involved in Sea Cadets. This activity costs approximately \$40 per month.
20. The minor child resides with Plaintiff less than 123 overnights per year, which was consistent from the custodial arrangement that existed at the time the Consent Order was entered.

21. The parties' combined income falls within the North Carolina Child Support Guidelines range. Child support should be calculated pursuant to Schedule A. The appropriate amount of child support pursuant to the Guidelines is for Plaintiff to pay \$538 per month to Defendant (see attached Worksheet A).
22. Substantial changes in circumstances have occurred since the Consent Order was entered, to wit: the Consent Order is seven years old, and there has been a substantial increase (over 100%) in the Guidelines Child Support amount.
23. Plaintiff's modified child support obligation should be effective with September 2008, the month following the filing of Defendant's motion to modify.
24. In September and October 2008, Plaintiff paid \$340 per month in child support – an increase of \$100 per month over the amount in the Consent Order. Taking into account Plaintiff's modified amount of child support obligation and Plaintiff's payments for September and October, Plaintiff has net child support arrears for September and October totaling \$198 per month (or \$396).
25. Plaintiff has the ability to pay the support ordered herein.

Based upon the foregoing findings of fact, the court **CONCLUDES AS A MATTER OF LAW:**

1. Plaintiff and Defendant are properly before the Court, and the Court has jurisdiction over the parties and subject matter herein.
2. There exist facts justifying this Court to modify the amount of child support paid by Plaintiff to Defendant based upon a substantial change in circumstances pursuant to the provisions of N.C.G.S. §50-13.7.
3. The child support provisions herein are fair, reasonable and adequate, given the reasonable needs and expenses of the minor children and each parent's respective ability to provide support for the maintenance of the minor child.
4. The parties are able to comply with the terms of the Order as set forth hereafter.
5. The above Findings of Facts are incorporated herein to the extent that they represent Conclusions of Law.

Based upon the foregoing findings of fact and conclusion of law, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

1. The Consent Order entered August 13, 2001 is replaced in its entirety by this Order.
2. Effective September 2008, Plaintiff is ordered to pay child support to Defendant in the amount of \$538 per month. Plaintiff shall pay to Defendant the amount

of \$538 per month as child support for the use and benefit of the parties' minor child, on or before the first day of every month, beginning with and including November 1, 2008.

3. Plaintiff's child support arrears balance is \$396. In addition to her base child support as provided above, Plaintiff is ordered to pay an additional \$12 per month as a child support arrears payment to be made at the same time as her base child support payment, for a total of \$550 per month until her arrears balance is paid in full. At that time, Defendant's child support obligation will revert to \$538 per month.

4. Plaintiff shall make her child support payment by direct deposit into Defendant's bank account. Within one week of entry of this Order, Defendant shall provide Plaintiff with a voided deposit slip from his bank account and any other documents needed to set up the direct deposit. Within one week of receipt of the voided deposit slip, Plaintiff shall arrange for the payment of child support through direct deposit into Defendant's bank account. Until the automatic payment is arranged, Plaintiff shall timely pay her child support obligation by mail to Defendant.

5. Defendant shall provide health insurance coverage (medical and dental) for the minor child for so long as it is available to him through his employment at a reasonable cost.

6. The parties shall divide all healthcare related expenses (including medical, dental, orthodontic, optometric, and prescription drug expenses) that are not reimbursed by insurance with Plaintiff paying 56% and Defendant paying 44%. The parent incurring the cost shall submit a receipt to the other parent within two weeks of incurring the expense, and the other parent shall pay his or her share of the expense within two weeks of receiving the documentation.

7. At or before the time of the minor child's next visit with Plaintiff, Defendant must provide Plaintiff with a copy of his insurance card. Defendant must timely provide Plaintiff with copies of all updated insurance cards.

8. On or before November 3, 2008, Plaintiff must provide to Defendant a copy of her most recent pay stub and other documentation regarding her year to date income. If requested by Defendant, Plaintiff shall cooperate in having her employer complete an Employer Affidavit of Income and Benefits (form Wake-DOM-12). Upon receipt of Plaintiff's wage information, if Defendant believes that Plaintiff has misstated her income, he may file a motion with the Court to alter or amend the child support order based on Plaintiff's inaccurate disclosure of income.

9. The Court retains jurisdiction over this matter.

This the 28th day of October, 2008.

The Honorable [REDACTED]

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 01 CV 4438

MELINDA [REDACTED] (formerly [REDACTED]))
Plaintiff,)
)
v.)
)
KEITH [REDACTED],)
Defendant.)
)

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the foregoing Child Support Modification Order was served on Plaintiff and Defendant by mailing a copy thereof first class mail, postage prepaid, addressed as follows:

Ms. Melinda [REDACTED]
[REDACTED]
Woodbridge, Virginia [REDACTED]

Mr. Keith [REDACTED]
[REDACTED]
Apex, North Carolina [REDACTED]

This the 28th day of October 2008.

Judge Presiding

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 02 CVD 2724

ROBERT [REDACTED],
Plaintiff,

v.

LAURIE [REDACTED]
(formerly Laurie [REDACTED]),
Defendant.

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ORDER

THIS CAUSE coming on to be heard and being heard before the Honorable [REDACTED], District Court Judge, Tenth Judicial District, Wake County, North Carolina, presiding over the regular domestic session on November 2, 2007 on Defendant's Motion for Modification of Child Support Order.

IT APPEARING TO THE COURT that Defendant appeared *pro se*, and that Plaintiff did not appear, but that attorney Elizabeth [REDACTED] made a limited appearance on Plaintiff's behalf representing to the Court that Plaintiff did not object to Defendant's motion.

THE COURT, having considered the evidence and testimony and having reviewed the record, makes the following:

FINDINGS OF FACT

1. On September 20, 2007, Defendant filed a Motion for Modification of Child Support Order.
2. On July 10, 2002, a Temporary Child Support Order (hereinafter the "Child Support Order") was entered in this matter requiring Defendant to pay ongoing child support to Plaintiff in the amount of \$502.00 per month. It appears from the Court file that no other child support order was ever entered in this matter.
3. The children who are the subject of the Child Support Order are T [REDACTED], born November 7, 1985, now age 21, and K [REDACTED], born October 12, 1989, now age 18.
4. T [REDACTED] graduated from high school in June of 2003. K [REDACTED] graduated from high school in June of 2007.

5. Defendant is no longer legally obligated to support either of her children, both children having reached the age of eighteen and successfully graduated from high school.

Based upon the foregoing findings of fact, the court **CONCLUDES AS A MATTER OF LAW:**

1. The Court has personal jurisdiction of the parties and subject matter jurisdiction over the claims asserted herein.
2. Defendant's child support obligation terminated November 1, 2007 – the month following the month her youngest child turned 18.
3. The above Findings of Facts are incorporated herein to the extent that they represent Conclusions of Law.

Based upon the foregoing findings of fact and conclusions of law, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

1. Defendant's child support obligation is **TERMINATED** effective November 2007.

This the ____ day of November, 2007.

The Honorable [REDACTED]
Judge Presiding

NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 02 CVD 2724

ROBERT [REDACTED],
Plaintiff,

v.

LAURIE [REDACTED]
(formerly Laurie [REDACTED]),
Defendant.

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the foregoing Order was served on Plaintiff, counsel for Plaintiff, and on Defendant by mailing a copy thereof first class mail, postage prepaid, addressed as follows:

Mr. Robert [REDACTED]
[REDACTED]
Cary, North Carolina [REDACTED]

Ms. Elizabeth [REDACTED]
Attorney at Law
[REDACTED]
Cary, North Carolina [REDACTED]

Ms. Laurie [REDACTED]
[REDACTED]
Berlin, Maryland [REDACTED]

This the ____ day of November, 2007.

Judge Presiding