

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
File#: -590

\_\_\_\_\_  
Plaintiff,  
  
vs.  
  
\_\_\_\_\_  
Defendant.

☐ TEMPORARY   ☐ PERMANENT  
  
CUSTODY AND VISITATION  
ORDER

THIS CAUSE coming on to be heard on \_\_\_\_\_ and being heard by the undersigned District Court Judge after proper service and notice, concerns the claim(s) for custody for the parties' minor child(ren). Present in Court were:

- ☐ Plaintiff   ☐ appearing pro se   ☐ represented by counsel,  
☐ Defendant   ☐ appearing pro se   ☐ represented by counsel,

After hearing from the parties the Court makes the following FINDINGS OF FACT:

1. The Plaintiff is a citizen and resident of:  
☐ Mecklenburg County, North Carolina.  
☐ Other:
2. The Defendant is a citizen and resident of:  
☐ Mecklenburg County, North Carolina.  
☐ Other:
3. Based upon the sworn affidavit of Plaintiff, there are no existing child custody orders in another case involving the child(ren) who is/are the subject of this action and North Carolina is the home state of the minor child(ren) or the court otherwise has jurisdiction over the parties and subject matter of this action pursuant to N.C.G.S. Chapter 50A.

4. Plaintiff is the \_\_\_\_\_ and Defendant the \_\_\_\_\_ of the following minor child(ren):

\_\_\_\_\_  
born,  
\_\_\_\_\_  
born,  
\_\_\_\_\_  
born,  
\_\_\_\_\_  
born,

Each party is hereinafter referred to as Mother and Father.

5. Other findings:

6. The ☐ Mother ☐ Father currently resides together with the minor child(ren) of the parties hereto. The minor child(ren) resided primarily with the ☐ Mother ☐ Father:
- ☐ For all his/her/their life/lives.
  - ☐ For the majority of his/her/their life/lives.
  - ☐ Since \_\_\_\_\_, 20\_\_\_\_\_.
7. The ☐ Mother ☐ Father is a fit and proper person to have the primary care, custody, and control of the minor child(ren) in that the ☐ Mother ☐ Father has been the primary caretaker of the minor child(ren) and had been responsible for day-to-day care:
- ☐ For all his/her/their life/lives
  - ☐ For the majority of his/her/their life/lives
  - ☐ Since \_\_\_\_\_, 20\_\_\_\_\_.
8. Based on the foregoing, the court finds it is in the best interest of the child(ren) that ☐ Mother ☐ Father have primary custody of the minor child(ren).
9. The ☐ Mother ☐ Father is a fit and proper person to have visitation as set forth herein and it is in the best interest of the children to have visitation as set forth herein.
10. ☐ Both parties are fit and proper to make major decisions regarding the child(ren). It is in the best interest of the child(ren) that the parties discuss major decisions affecting the child(ren) and attempt to come to mutual decisions.
11. ☐ It is in the best interest of the minor child(ren) to have a method of resolving conflict when mutual decisions for major issues affecting the child cannot be reached. It is in the best interest of the child(ren) that the primary custodial parent has the final decision making authority regarding major decisions affecting the child(ren) in the event a mutual decision cannot be reached between the parties.

WHEREFORE, based upon 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 of this action, and this matter is properly before this Court.
2. The ☐ Mother ☐ Father is a fit and proper person to have the primary care, custody, and control of the minor child(ren) of the parties and it is in the best interest of the minor child(ren) that his/her/their care, custody, and control be awarded to the ☐ Mother ☐ Father.
3. The ☐ Mother ☐ Father is a fit and proper person to have visitation with the minor child(ren), and the visitation ordered herein is in the best interest of the minor child(ren).
- ☐ 4. It is in the best interest of the child(ren) that the primary custodial parent has the final decision making authority regarding major decisions affecting the child(ren) in the event a mutual decision cannot be reached.
- ☐ 5. Other:

**IT IS THEREFORE, ORDERED, ADJUDGED, and DECREED as follows:**

1. The ☐ temporary ☐ permanent primary care, custody, and control of the minor child(ren) of the parties is hereby awarded to the ☐ Mother ☐ Father.
2. **REGULAR SCHEDULE:** The ☐ Mother ☐ Father is granted a regular visitation schedule with the minor child(ren) under the following terms and conditions:

☐ Every other weekend from \_\_\_\_\_ at \_\_\_\_\_ through \_\_\_\_\_ at \_\_\_\_\_  
This schedule shall begin on \_\_\_\_\_, 20\_\_\_\_

☐ Other Provisions:

3. **HOLIDAYS:** The care, custody, and control of the minor children during the holidays shall be shared between the parties as follows.

	Spring Break	Thanksgiving Break	Winter Break (First Part)	Winter Break (Second Part)
Odd Years	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father
Even Years	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father

☐ Each holiday visitation shall begin at 6:00 p.m. on the last day school is in session and shall end at 6:00 p.m. the evening before the first day school is back in session.

☐ Each holiday visitation shall begin at the time school recesses and end at the time school resumes.

The first part of Christmas holidays/Winter break shall end at:

☐ 6:00 p.m. on December 26<sup>th</sup> ☐ Other:

As long as one child is in school, the dates the school has as the above breaks will control visitation for all children. If no children are in school, then Thanksgiving holiday/break begins on Wednesday at 6:00 p.m. and ends Sunday at 6:00 p.m. and Christmas holidays begin on \_\_\_\_\_, 20\_\_\_\_ and end on \_\_\_\_\_, 20\_\_\_\_.

Mother's Day weekend shall always be with Mother and Father's Day weekend shall always be with Father. These weekends shall begin at 6:00 p.m. on Friday and end at 6:00 p.m. on Sunday.

☐ Other:

4. **SUMMER:** During the summer, ☐ Mother ☐ Father shall additionally have the following extended visitation:

5. The holiday and summer schedule listed herein shall supersede the regular visitation schedule. For further clarification, the parties shall enter the regular visitation schedule on their calendar, and then enter the holiday and summer visitation schedule. The holiday and summer visitation schedule control when they are different from the regular schedule.
6. Upon mutual agreement reasonably in advance, the parties may adjust the foregoing visitation schedule when to do so would provide for the convenience of the parties and would be in the best interest of the child.
7. **EXCHANGES:** All exchanges for visitation shall take place as follows:  
☐ As agreed upon by the parties  
☐ At  
☐ With ☐ Mother ☐ Father picking up the child(ren) at the beginning of the visitation period and with ☐ Mother ☐ Father ☐ picking up/ ☐ returning the child(ren) at the end of the visitation period.  
☐ Other:
8. Both parties shall have complete access to all school records and information, the right to participate in school conferences, events, and activities, as well as the right to consult with teachers and other school personnel.
9. Both parties shall have the right to access medical records and information, and the right to consult with physicians and other medical practitioners.
10. The parties shall share information and how to access information pertinent to the child(ren) including but not limited to information regarding the child's/children's health, education, activities, and progress. The parties shall communicate information to each other about any and all doctor's visits or medications prescribed for the child(ren). Any emergency involving the child(ren) shall be immediately communicated to the other party.
11. The parties shall keep each other informed of their current address, phone number, and email address, and inform the other immediately of any change thereto.
12. The parties shall not degrade or criticize the other parent in the presence of the minor child(ren) or allow him to remain in the presence of others so doing. The parties shall make efforts to avoid any confrontation with the other party in the presence of the minor child(ren). Any discussions between the parents regarding the minor child(ren) shall be made directly between the parties and not within the presence or hearing of the child(ren).
13. The child(ren) shall have reasonable access to initiate contact with each parent by telephone or other means of communication. The parties shall allow the child(ren) to speak to his/her/their other parent and receive letters and packages from that other parent while the child(ren) is/are with the party. Phone calls including video chat calls between the other parent and the child(ren) shall be made at reasonable hours, be of reasonable frequency, and shall last for a reasonable amount of time.
14. ☐ The parties shall discuss major decisions affecting the child(ren) and attempt to come to mutual decisions. In the event a mutual decision cannot be reached after discussion between the parties, then the primary custodial parent have the final decision making authority regarding major decisions affecting the child(ren).
15. ☐ This is a temporary order and the court shall review this order:  
☐ on \_\_\_\_\_ at \_\_\_\_\_ in courtroom \_\_\_\_\_.  
☐ at the permanent custody hearing to be set by Family Court.

16. ☐ Other:

Date:

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District Court Judge Presiding





### Example of a long distance schedule

(In this particular example, specific exchange times are not included because airline travel is likely to be used for some visits. Use specific exchange times if anticipated travel is by car.)

1. The (visiting parent – in this example, Father is the visiting parent) is granted regular visitation privileges with the minor child(ren) under the following terms and conditions:
  - a) Every Spring Break (Saturday to Saturday)
  - b) Every Summer from the Saturday immediately before Father's Day through the second Saturday in August.
  - c) Every Fall Break on the child's school calendar. If there is nothing labeled Fall Break, then if there is any four day weekend in September or October due to teacher workdays, this shall be deemed Fall Break. (from the day school recesses until the day before school resumes)
  - d) Every Thanksgiving in even years (Tuesday to Saturday)
  - e) Every December in odd years from the day after school recesses until the day before school resumes.
  - f) Every December in even years from December 27<sup>th</sup> until the day before school resumes.
  - g) Father shall have the option and be entitled to visit the child in the Charlotte area for up to four days (96 hours) with four weeks written notice (text or email) to Mother up to four times per year. Father cannot choose any part of the Thanksgiving holiday in odd years, Winter Break time not already designated for him above, Mother's Day weekend, Mother's birthday, or the child's birthday in odd years. For visits in this paragraph 2(g), Father must inform the Mother in advance of where the child will be staying overnight and the child cannot miss school or extracurricular activities that have already been scheduled. Father shall take the child to and from school and activities during these visitation times. Mother may only decline a request for specific time under this paragraph 2(g) if the child has preexisting plans that necessarily do not include Father, for example the child is going to a wedding of one of Mother's family members, or a family reunion that was previously planned. Under this paragraph, the exchange shall take place in the Charlotte area at a convenient location for both parties that Mother shall designate for Father to pick up and return the child. Father shall be responsible for all expenses associated with visits under this paragraph 2(g).
2. Father shall be in charge of making arrangements for travel and paying for the expense of travel for the visits in 2 (a) (c) and (e). Mother shall be in charge of making arrangements for travel and paying for the expense of travel for the visits in 2 (b) (d) and (f). If the parties agree to meet at an approximate half way location for an exchange, then both parties shall bear their own costs. The party in charge of making arrangements for travel shall have the final decision on the travel arrangements.
3. The parties may adjust the foregoing visitation schedule when to do so would provide for the convenience of the parties and would be in the best interest of the child.

