

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

ORDER DECLINING JURISDICTION

FINDINGS OF FACT

1. Plaintiff filed a Complaint for Custody in North Carolina on August 17, 2010.
2. An Order modifying Custody was entered in this matter on July 6, 2016. This is the controlling custody order.
3. There is no action or motion pending in North Carolina at this time.
4. This Court was contacted by Judge Diane [REDACTED] via email to request a jurisdictional hearing in October 2020.
5. The [REDACTED] Juvenile Domestic Court has a case pending in Virginia.
6. Plaintiff [REDACTED] was properly served and was present in the courtroom in Virginia.
7. Ms. [REDACTED], the Child Protective Services worker for the minor child [REDACTED], was also present in the courtroom in Virginia.
8. [REDACTED], the minor child's GAL, was present in the courtroom in Virginia.
9. The minor child's grandmother, Ms. [REDACTED], was present in the courtroom in Virginia.

10. Defendant [REDACTED] was served with a notice of hearing at his last known address in the North Carolina file. He was also served at an address in Fayetteville, North Carolina. He did not appear for the jurisdictional hearing.
11. Defendant [REDACTED] has had some contact with Child Protective Services workers since the initiation of the Child Protective Services case in Virginia.
12. The parties were never married but are the biological parents of two minor children: [REDACTED]
[REDACTED]
13. The Plaintiff and the minor children have been residing in Virginia for more than three years.
14. The Defendant was last known to reside in North Carolina.
15. The minor child is currently in the physical custody of her grandmother, Ms. [REDACTED]. Ms. [REDACTED] resides in [REDACTED] Virginia.
16. The minor child attends school in Virginia and her doctor is located in Virginia.
17. The minor child's guardian ad litem is located in Virginia.
18. The Defendant [REDACTED] had no physical contact with the child prior to the involvement of Child Protective Services a few months ago.
19. Defendant [REDACTED] has made no efforts to pick up the child or regain custody of the minor child since her placement with her grandmother.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. Although this Court has continuing exclusive jurisdiction under N.C.G.S. 50A-202 based on the Defendant's continued residency in North Carolina, this Court is declining to exercise jurisdiction pursuant to N.C.G.S. 50A-207.
2. North Carolina is an inconvenient forum under the circumstances and Virginia is a more appropriate forum.

3. The Virginia Juvenile Domestic Court should proceed with the case in Virginia.

It is therefore ORDERED, ADJUDGED, AND DECREED as follows:

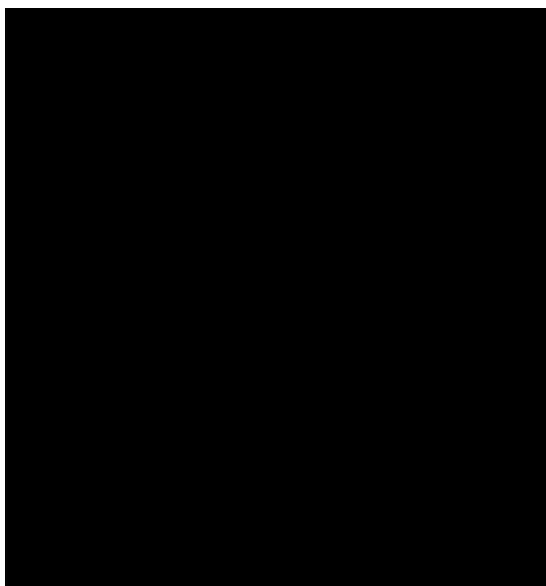
1. This Court hereby DECLINES to exercise jurisdiction and finds that North Carolina is an inconvenient forum.
2. The Virginia Domestic Juvenile Court is a more appropriate forum and the Virginia Court may proceed with its action.

This the ____ day of November 2020.

The Honorable Christine M. Walczyk,
District Court Judge Presiding

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order was served on the parties by depositing a copy in the US mail in a properly addressed, postage paid envelope to:



This is the ____ day of _____, 2020.

[Redacted Signature]