**TEMPLATE DISCLAIMERS AND WARNINGS:**

**DO NOT USE THIS TEMPLATE WITHOUT READING THIS SECTION!**

This template is intended primarily for an initial determination of permanent custody in a *pro se* dispute between two parents. Although this template is also useful as a guide for an order for other types of custody disputes, it almost certainly does not include all of the findings of fact or conclusions of law for your particular situation. Therefore, it is imperative that you add in the other necessary findings of fact and conclusions of law for your particular case.

This template includes detailed provisions addressing many different common areas of dispute which arise in almost every case, but it also includes fact-specific provisions which do not arise in every case but do come up with some frequency (such as transportation, exposure to other romantic partners, alcohol use, etc.). Accordingly, many of these fact-specific provisions are not applicable to many cases, and you should NOT include the inapplicable provisions to every case for at least two reasons: (1) the order will be subject to reversal because the provisions are not supported by the evidence (Please note that the findings of fact must also support the provisions used. For example, if there are no findings of fact regarding alcohol use or abuse, there would be no reason to include provisions which limit or restrict alcohol use by the parties.), and (2) the order will likely confuse the parties and may even inspire new disputes the parties had not thought of yet! For these reasons, among others, do not use this entire template as a handwritten fill-in-the blank form. It is best to edit the template on a computer so that unnecessary provisions can be deleted entirely. Some of the provisions actually conflict with one another, as there are various alternatives provided, so leaving both alternatives in the order is confusing even if both aren’t “checked;” furthermore, if you inadvertently “check” two contradictory provisions, the order is both confusing and subject to reversal. If you want to use this template as a handwritten fill-in-the-blank form, you should take out the fact-specific provisions which will not be needed in most cases to create a more general form. When you need more fact-specific provisions, you can always add them to your particular order, whether or not they are provided by this template. For example, some of the provisions, such as communication by www.ourfamilywizard.com, are intended as a relatively low-budget way of dealing with high-conflict cases (*See* N.C. Gen. Stat. § 50-90(1).) which are “frequent fliers” in the family court. Because this template is intended primarily for *pro se* cases, it does not include provisions for a parenting coordinator, as a parenting coordinator would probably be too expensive for most *pro se* cases, but certainly you may add these provisions if appropriate for your particular case. (*See* N.C. Gen. Stat. §§ 50-90 to -100.)

Also, please remember that statutes and case law may change the requirements for various order provisions at any time. Make sure your order is up to date! Furthermore, local rules and customs of practice in North Carolina’s 100 counties vary. Make sure that any provisions which may be needed in your particular county are included and that provisions which are inapplicable to your county are excluded. For example, this template was developed in Wake County, North Carolina and refers to a supervision service available there, “Time Together.”

NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY DISTRICT COURT DIVISION

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

)

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

)

Plaintiff )

)

v. )

) No. \_\_\_\_\_\_\_\_\_\_\_\_

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

)

Defendant. )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

**CHILD CUSTODY AND VISITATION ORDER**

**(Initial Determination)**

THIS CAUSE coming on to be heard and being heard before the undersigned District Court Judge presiding at the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ session of District Court, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County upon the claim(s) for initial determination of custody and visitation of the minor child(ren), and it appearing to the Court that Plaintiff ***was/was* *not*** present and was not represented by counsel and that Defendant ***was/was* *not*** present and was not represented by counsel, and based on matters of record and the testimony and evidence presented, the Court makes the following:

**FINDINGS OF FACT**

1. **Identification of Child(ren):**

Plaintiff and Defendant are the parents of the following minor child(ren) who is/are the subject(s) of this action:

|  |  |
| --- | --- |
| **Name:** | **Date of Birth:** |
|  |  |
|  |  |
|  |  |

2. **Other Actions and Jurisdiction:**

* North Carolina was the home state of the child(ren) on the date of the commencement of this proceeding as defined by N.C. Gen. Stat. § 50A-102(7).

**(Check all that apply.)**

\_\_\_ Neither Plaintiff nor Defendant has any information of any other custody proceedings concerning the parties’ aforesaid child(ren) currently pending in a court of this or any other state.

\_\_\_ Neither Plaintiff nor Defendant knows of any other person, not a party to these proceedings, who has physical custody of the parties’ child(ren) or who claims to have custody or visitation rights with respect to the child(ren).

\_\_\_ Neither party is aware of any currently pending petition alleging that the child(ren) who is/are the subject of this action is abused, neglected, or dependent and there is no juvenile order currently in effect which was entered by a court pursuant to Chapter 7B of the North Carolina General Statutes regarding the child(ren).

\_\_\_ There has been a child support order entered against ***Plaintiff/Defendant*** for the benefit of the child(ren) in another matter in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County.

\_\_\_ ***Plaintiff/Defendant has/has not*** paid child support in accordance with the existing child support order.

\_\_\_ ***Plaintiff/Defendant*** ***has/has not*** provided reasonable support for the child(ren) prior to or in the absence of a court order.

**Other:**

3. **Citizenship and Residency of Parties:**

* Plaintiff is a citizen and resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, North Carolina. Plaintiff’s current residence address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Defendant is a citizen and resident of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant’s current residence address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. **Relationship of Parties** **(Check all that apply):**

\_\_\_ Plaintiff and Defendant have never been married to each other.

\_\_\_ Plaintiff and Defendant lived together until on or about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Plaintiff and Defendant have never lived together.

\_\_\_ Plaintiff and Defendant were married to one another on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and began living separate and apart on or about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Plaintiff and Defendant ***are/are not*** divorced from one another.

**Other:**

5. **Domestic Violence (Check one):**

\_\_\_ There is no domestic violence order in effect between the parties entered by any court.

\_\_\_ There is a domestic violence order entered on \_\_\_\_\_\_\_\_\_\_\_\_\_ in effect against ***Plaintiff/Defendant*,** but this order does not address issues of child custody or visitation.

\_\_\_ There is a domestic violence order entered on \_\_\_\_\_\_\_\_\_\_\_\_\_ in effect against ***Plaintiff/Defendant***, and this order contains provisions regarding custody or visitation as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ There was evidence of acts of domestic violence between the parties and the Court finds as to the domestic violence, the safety of either party from domestic violence, and the safety of the child(ren) as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Other:**

6. **Residence of Child(ren):**

* The child(ren) has/have resided with the party or parties as indicated below for the time periods as noted below:

|  |  |  |
| --- | --- | --- |
| **Dates:** | **Address:** | **Resided with:** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

* ***Plaintiff/Defendant*** has been the primary caretaker of the child(ren) since \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

7. **Visitation with Child(ren):**

***Plaintiff/Defendant*** has visited with the minor child(ren) prior to this hearing as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Other:**

8. **Day Care/Education:**

* The child(ren) attend day care, preschool, and/or school, as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Child:** | **Facility:** | **Level/grade:** | **Schedule:** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

\_\_\_ There will be a change in the school or day care of the minor child(ren) in the near future as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Other:**

9. **Employment of Parties (Check all that apply):**

\_\_\_ Plaintiff is not currently employed.

\_\_\_ Defendant is not currently employed.

\_\_\_ Plaintiff is employed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and his/her regular working hours are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Defendant is employed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and his/her regular working hours are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Other:**

10. **Transportation (Check all that apply):**

\_\_\_ Plaintiff currently has a valid North Carolina Driver’s License.

\_\_\_ Defendant currently has a valid North Carolina Driver’s License.

\_\_\_ Plaintiff’s Driver’s License is currently suspended or revoked.

\_\_\_ Defendant’s Driver’s License is currently suspended or revoked.

\_\_\_ Plaintiff ***has/does not*** ***have*** a motor vehicle which is safe and appropriate to provide transportation for the child(ren).

\_\_\_ Defendant ***has/does not have*** a motor vehicle which is safe and appropriate to provide transportation for the child(ren).

**Other:**

11. **Medical and Educational Needs of Children (Check all that apply):**

\_\_\_ The minor child(ren) is/are in good health and their medical, physical, developmental, and educational needs have been appropriately met by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ The minor child(ren), as listed below, have special medical, developmental, or educational needs, as stated below, which are currently being addressed as follows:

|  |  |  |
| --- | --- | --- |
| **Child:** | **Special Needs:** | **Current Treatment:** |
|  |  |  |
|  |  |  |
|  |  |  |

\_\_\_ The minor child(ren) has/have special medical, developmental or educational needs as stated above, which are not currently being adequately addressed by either party.

**Other:**

12. **Suitability of Parties’ Residences:**

* Plaintiff’s current address is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Plaintiff resides with the following person(s) (other than the child(ren) who is/are the subject(s) of this action):

|  |  |  |
| --- | --- | --- |
| **Name:** | **Age:** | **Relationship to Plaintiff:** |
|  |  |  |
|  |  |  |
|  |  |  |

**(Check one.)**

\_\_\_ Plaintiff’s residence is a safe and suitable place for the child(ren) to reside.

\_\_\_ Plaintiff’s residence is not a safe or suitable place for the child(ren) to reside because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* Defendant’s current address is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Defendant resides with the following person(s) (other than the child(ren) who is/are the subject(s) of this action):

|  |  |  |
| --- | --- | --- |
| **Name:** | **Age:** | **Relationship to Defendant:** |
|  |  |  |
|  |  |  |
|  |  |  |

**(Check one.)**

**\_\_\_** Defendant’s residence is a safe and suitable place for the minor child(ren) to reside.

\_\_\_ Defendant’s residence is not a safe or suitable place for the minor child(ren) to reside because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Other:**

13. **Fitness of Parties:**

* Plaintiff ***is/is not*** physically, mentally and/or emotionally able to provide consistent or adequate care for the child(ren) because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Defendant ***is/is not*** physically, mentally and/or emotionally able to provide consistent or adequate care for the child(ren) because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**(Check all that apply.)**

\_\_\_ Plaintiff is a fit and proper person to have custody of the minor child(ren).

\_\_\_ Defendant is a fit and proper person to have custody of the minor child(ren).

\_\_\_ Plaintiff is not a fit and proper person to have custody of the minor child(ren) because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Defendant is not a fit and proper person to have custody of the minor child(ren) because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ ***Plaintiff/Defendant*** is not a fit and proper person to have unsupervised visitation with the child(ren) for the reasons as stated above.

**Other:**

14. **Best Interest of the Child(ren):**

It will best promote the interest and welfare of the child(ren) for custody and visitation to be ordered as follows:

**(Check one.)**

\_\_\_ Joint legal and physical custody of the child(ren) to Plaintiff and Defendant.

\_\_\_ Legal and physical custody of the child(ren) to ***Plaintiff/Defendant*** with ***Plaintiff/Defendant*** to have specific visitation privileges as stated below.

\_\_\_ Sole legal and physical custody of the child(ren) to ***Plaintiff/Defendant*** with ***Plaintiff/Defendant*** to have supervised visitation privileges as stated below.

**Other:**

15. **Supervision of Visitation:**

* For the reasons as stated above, supervision of the ***Plaintiff/Defendant***’s visitation is in the best interest of the child(ren).

**(Check one.)**

\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is available and is willing and able to supervise this visitation and is an appropriate person to provide supervision for visitation.

\_\_\_ Time Together, which provides professional supervision of visitation, should be the supervisor for visitation in this case.

**Other:**

16**. Visitation by Electronic Communication:**

* Electronic communication (as defined by N.C. Gen. Stat. § 50-13.2(e)) with ***Plaintiff/Defendant*** is in the best interest of the minor child(ren) because

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* The necessary equipment to communicate by electronic means is available, accessible, and affordable to the parties.
* Other factors as to grant of visitation by electronic communication:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* Electronic communication between ***Plaintiff/Defendant*** and the child(ren) should be supervised by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ because

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

17. **Other:**

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

**CONCLUSIONS OF LAW**

1. To the extent the foregoing Findings of Fact better represent Conclusions of Law, they are incorporated by reference herein.

2. North Carolina is the home state of the child(ren).

3. This Court has jurisdiction over the subject matter and parties in this action.

4. The best interest and welfare of the child(ren) would be served by placing custody and visitation with the parties as stated below.

5. The parties are fit and proper persons to have the custodial roles as assigned to them below.

6. The parties are able to comply with the provisions of this order.

**Other:**

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. **Legal Custody (Check one.):**

\_\_\_ SOLE LEGAL CUSTODY of the child(ren) is granted to ***Plaintiff/Defendant***.

\_\_\_ JOINT LEGAL CUSTODY of the child(ren) shall be shared by both parties. In exercising joint legal custody, the parties shall share in the responsibility and confer in good faith on major decisions concerning the health, education and welfare of the minor children.

**Other:**

2. **Physical Custody (Check one.):**

\_\_\_ ***Plaintiff/Defendant*** shall have SOLE PHYSICAL CUSTODY, care and control of the minor child(ren).

\_\_\_ The parties shall have JOINT PHYSICAL CUSTODY. ***Plaintiff/Defendant*** shall have primary physical custody, and ***Plaintiff/Defendant*** shall have secondary physical custody of the child(ren) which shall be exercised in the form of visitation as set forth below.

\_\_\_ ***Plaintiff/Defendant*** shall have SUPERVISED visitation with the minor child(ren) as set forth below.

**Other:**

**3. Visitation:**

**A. Regular Visitation (Check all that apply.):**

**\_\_\_** On alternate weekends, commencing on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from \_\_\_\_\_ ***a.m./p.m.*** until the following \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_ ***a.m./p.m.*** On three day weekends (weekends following a Friday or before a Monday which is a holiday which is not otherwise specifically addressed herein or a teacher workday) visitation shall include the additional day, with the visit to begin or end at the same time of day as usual.

\_\_\_ On alternate weekends, commencing on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, during the day Saturday and Sunday, from \_\_\_\_\_ a.m. on Saturday until \_\_\_\_\_ p.m. on Saturday and from \_\_\_\_\_\_ a.m. on Sunday until \_\_\_\_\_ p.m. on Sunday.

**\_\_\_** One evening each week, from \_\_\_\_\_ p.m. until \_\_\_\_\_ p.m. If the parties are unable to agree on the evening for this visit, this visitation will occur on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ nights.

\_\_\_ Every/Every other week, from \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_\_\_\_\_\_\_\_\_ until return to day care, preschool or school on the following morning.

**Other:**

**B. Summer Break or Track-Out Periods from School:**

The school year is defined to begin on the Friday at 5:00 p.m. immediately preceding the first day of the new school year on a traditional school calendar or the first day of school attendance after a track-out period on a year-round or modified school schedule and to end 48 hours after the end of the last school day of that academic year or the last day of a track-in period. Summer break or track-out periods are defined to begin 48 hours after the end of the last school day of the academic year or the last day of the track-in period. The summer or track-out period ends at 5:00 p.m. on the Friday immediately preceding the start of the new school year or of a new track-in period, at which time the summer break or track-out visitation provisions will end and the regular schedule will resume.

In addition to regular visitation as stated above, the visiting party shall have visitation with the child(ren) as follows:

**(Check all that apply.)**

\_\_\_ During the summer break or track-out periods, at the start of the break or track-out, ***Plaintiff/Defendant*** shall have visitation for seven full days and then the child(ren) shall stay with ***Plaintiff/Defendant*** for seven full days, and the parties shall continue to alternate weeks until the start of the new school year or track-in period as defined above. The regular visitation as set forth above will not occur during the summer break or track-out periods.

\_\_\_ For \_\_\_ non-consecutive weeks during the summer break of each year. ***Plaintiff/Defendant*** shall have the right to select the dates of the summer break visitation weeks in even-numbered years, and ***Plaintiff/Defendant*** shall have the right to select the dates of the summer break visitation weeks during odd-numbered years. All visitation weeks shall begin on the same day of the week as alternating weekend visits as stated above and on the same weekend as allotted to the visiting party under the regular schedule. The party who is to select dates for each year shall notify the other party in writing of the dates no later than \_\_\_\_\_\_\_\_\_\_ of that year. In the event that the selecting party fails to notify the other party of the weeks for that year, visitation shall occur on the weeks beginning on the following days: The visiting party’s \_\_\_\_\_ week(s) of June, the visiting party’s \_\_\_\_\_ week(s) of July, and the visiting party’s \_\_\_\_\_ week(s) of August. During the weeks which are not summer visitation weeks, the regular visitation schedule will continue.

\_\_\_ For \_\_\_ weeks during track-out periods each year. ***Plaintiff/Defendant*** shall have the right to select the dates of the track-out visitation weeks in even-numbered years, and ***Plaintiff/Defendant*** shall have the right to select the dates of the summer break visitation weeks during odd-numbered years. All visitation weeks shall begin on the same day of the week as alternating weekend visits as stated above and on the same weekend as allotted to the visiting party under the regular schedule. The party who is to select dates for each year shall notify the other party in writing of the dates no later than \_\_\_\_\_\_\_\_\_ of that year. In the event that the selecting party fails to notify the other party of the weeks for that year, visitation shall occur on the weeks beginning on the following days: The visiting party’s \_\_\_\_\_ week(s) of the first track-out period, the visiting party’s \_\_\_\_\_ week(s) of the second track-out period, the visiting party’s \_\_\_\_\_ week(s) of the third track-out period, and the visiting party’s \_\_\_\_\_ week(s) of the fourth track-out period. During the weeks which are not visitation weeks, the regular visitation schedule will continue.

\_\_\_ The primary custodial parent shall have \_\_\_\_\_ uninterrupted weeks each year during the summer break or track-out periods (herein referred to as “vacation weeks”). During vacation weeks, the visiting party’s regular visitation will not occur. The vacation weeks shall begin on the same day of the week as the alternating weekends as stated above and on the same weekends as allotted to the primary custodial parent under the regular schedule. The primary custodial parent shall notify the other party of his/her vacation weeks in writing at least 30 days in advance, and the vacation weeks shall not interfere with the visiting party’s visitation weeks.

**Other:**

C. **Holidays and Special Day Visitation:**

* Holiday and Special Day Visitation shall take precedence over regular visitation and summer or track-out period visitation.
* **Child(ren)’s Birthday:** The child(ren) shall spend time with both parties on his/her birthday. In the event the parties cannot agree as to time, the party who does not have the child(ren) on that day based on the regular custodial schedule is entitled to have up to 3 hours with the child, provided that such time does not interfere with school hours.
* **Mother’s Day/Father’s Day:** The minor child(ren) shall spend the day with the honored parent from \_\_\_\_\_ a.m. until \_\_\_\_\_ p.m.
* **Thanksgiving:**

**(Check one.)**

\_\_\_ Beginning the Wednesday before Thanksgiving in odd numbered years at \_\_\_\_\_ ***a.m./p.m.*** ***Plaintiff/Defendant*** shall have visitation until the following Sunday at \_\_\_\_\_ ***a.m./p.m.***, and at such time the regular custodial schedule shall resume. In even numbered years, ***Plaintiff/Defendant*** shall have this same time period with the minor child(ren).

\_\_\_ ***Plaintiff/Defendant*** shall have visitation on Thanksgiving Day from \_\_\_\_\_ a.m. until \_\_\_\_\_ p.m. in \_\_\_\_\_ numbered years. The children shall stay with the other party in the other years on Thanksgiving Day.

\_\_\_ ***Plaintiff/Defendant*** shall have visitation from the time the child(ren) are released from day care, preschool or school on the Wednesday preceding Thanksgiving until \_\_\_ p.m. on the following Friday in \_\_\_\_\_ numbered years, and the child(ren) shall be with the other party for the weekend. In other years this schedule shall be reversed, with the children spending the first part of the Thanksgiving holiday with ***Plaintiff/Defendant*** and the weekend with ***Plaintiff/Defendant***.

* ***Christmas:***

**(Check one.)**

\_\_\_ The Christmas vacation shall be divided between the parties with ***Plaintiff/Defendant*** exercising visitation in even-numbered years from the time that the child(ren) are released from day care, preschool or school for the school break until \_\_\_\_\_\_\_\_\_\_ on ***Christmas Eve/Christmas Day***; and with ***Plaintiff/Defendant*** having the child(ren) thereafter until \_\_\_\_\_\_\_\_\_. This schedule shall be reversed in odd-numbered years. The exact drop off and pick up times may be altered to the extent that the parties can mutually agree.

\_\_\_ From \_\_\_ ***a.m./p.m.*** until \_\_\_\_\_ ***a.m./p.m.*** on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Other:**

* **Easter:**

\_\_\_ In even-numbered years, ***Plaintiff/Defendant*** and in odd-numbered years, ***Plaintiff/Defendant*** shall have the child(ren) beginning on Good Friday at \_\_\_ ***a.m./p.m.*** and ending the following \_\_\_\_\_\_\_\_\_ at \_\_\_ ***a.m./p.m.*** If Easter and Spring Break occur at the same times, the schedule for Spring Break shall supersede the schedule for Easter.

**Other:**

* **Spring Break:**

\_\_\_ In even-numbered years, ***Plaintiff/Defendant*** shall have visitation for the entire Spring Break period beginning at \_\_\_ ***a.m./p.m.*** the day care, preschool or school recesses for the break and ending at \_\_\_ a.m./p.m. on \_\_\_\_\_\_\_\_\_; however, if the spring break period is longer than seven days, the other party shall have the child(ren) for the remaining spring break time beginning at \_\_\_ ***a.m./p.m.*** on the eighth day of the break. The other party shall have the child(ren) for the same schedule as stated above in odd-numbered years.

**Other:**

4. **Transportation and Meeting Places for Visitation:**

**(Check all that apply.)**

\_\_\_ ***Plaintiff/Defendant*** shall provide transportation to and from ***Plaintiff’s/Defendant’s*** home for all visitation for the child(ren).

\_\_\_ ***Plaintiff/Defendant*** shall pick the child(ren) up for visitation from ***Plaintiff/Defendant*** and ***Plaintiff/Defendant*** shall provide transportation for the return of the child(ren) home after visitation.

\_\_\_ The parties shall meet at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to exchange the child(ren) for visitation. Each party shall notify the other immediately if he/she determines that he/she will be late to pick up or return the child(ren).

\_\_\_ If ***Plaintiff/Defendant*** is more than \_\_\_\_\_ minutes late for visitation, and he/she has not notified the other party of the reason for his/her tardiness or when he/she will arrive, the other party may assume that ***Plaintiff/Defendant*** will not be exercising his/her visitation and is not required to wait longer for the visiting party to arrive.

\_\_\_ Any party required to provide transportation for the child(ren) may arrange for another adult, age 18 or older, who is known to the child(ren), and who has a valid Driver’s License, to provide transportation to or from visitation; however, that party shall notify the other party at least 24 hours in advance that he/she will have someone else provide transportation and shall notify the other party of the proposed driver’s name, address, and telephone number. If the other party objects to the proposed driver, then the party who is objecting shall provide transportation for the child(ren) on that occasion.

\_\_\_ In the event that a party is unable to provide transportation to or from visitation as provided herein, only the following persons may provide transportation for the child(ren):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Neither party shall bring a third party with them to the exchange of the child(ren) for visitation.

**Other:**

5. **Supervised Visitation:**

* All visitation by ***Plaintiff/Defendant*** with the minor child/ren shall be supervised as follows:
* The hours of visitation shall be as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**(Check all that apply.)**

\_\_\_ Visitation shall be supervised by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name of person). The supervised visitation shall occur only in the actual physical presence of the supervisor and may occur at the following locations:

**(Check all that apply.)**

\_\_\_ At the home of the supervisor

\_\_\_ At the home of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_ Public park, restaurant, or other public location as selected by the supervisor

\_\_\_ Other location as selected by the supervisor, with the custodial parent’s knowledge and prior consent.

***\_\_\_ Plaintiff/Defendant*** is hereby granted supervised visitation with the child(ren) which shall be supervised by Time Together. The details of this visitation are set forth on Exhibit A which is attached hereto and incorporated herein by reference. This supervised visitation shall continue until further order by the Court. The visiting party shall pay all costs or expenses for visitation supervision as stated on Exhibit A.

\_\_\_ The party who is granted supervised visitation in this order may attend the child(ren’s)’s extracurricular events or events at day care, preschool or school to which parents and others are normally invited as spectators. However, the party who is granted supervised visitation shall not visit individually with the child(ren) at such events and the party’s supervised visitation shall occur only at the times and locations as stated above.

\_\_\_ The party who is granted supervised visitation may visit with the child(ren) at daycare, preschool or school so long as his/her visits are in compliance with the rules and regulations of the school regarding visits by parents and so long as such visits are not disruptive to a child(ren’s)’s instructional time as determined in the sole discretion of the child(ren’s)’s teacher.

***\_\_\_*** The party who is granted supervised visitation shall not attend events at the child(ren’s)’s day care, preschool or school or extracurricular events. The party who is granted supervised visitation shall not go to the day care, preschool, school or other location where the child(ren) is/are present at any time. He/she must schedule any parent/teacher conferences at the day care, preschool or school during hours when the child(ren) will not be present.

**Other:**

6. **Electronic Communication**

**A. Phone:**

**(Check all that apply.)**

\_\_\_ ***Plaintiff/Defendant*** may have phone contact with the child(ren) as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ may monitor or record phone conversations between ***Plaintiff/Defendant*** and the child(ren) and may end a call if deemed in the best interest of the child(ren). Neither party shall inform the child(ren) in any way that the phone conversations may be or are monitored or recorded.

\_\_\_ Each party shall be entitled to speak with the child(ren) by phone at reasonable times and intervals when the child(ren) is/are with the other parent. The child(ren) shall have open phone access to both parents at all times.

\_\_\_ Phone contact between ***Plaintiff/Defendant*** and the child(ren) shall be limited to \_\_\_ phone call(s) per \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, not to exceed \_\_\_ minutes each. Phone calls shall be placed between the hours of \_\_\_ ***a.m./p.m.*** and \_\_\_ ***a.m./p.m.***

\_\_\_ ***Plaintiff/Defendant*** may call the child(ren) at \_\_\_ ***a.m./p.m.*** on the following days: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The other party shall ensure that the child(ren) are available for this phone call, and if the child(ren) are unavailable at the appointed time, shall promptly return the call to ***Plaintiff/Defendant*** as soon as the child(ren) are available.

\_\_\_ Neither party shall record, eavesdrop upon, interfere with, or monitor the phone conversations between the other party and a child.

\_\_\_ Neither party shall intentionally block the phone number(s) of the other party.

\_\_\_ Neither party shall call the other party at his/her workplace except in the event of an emergency or unanticipated last minute schedule change regarding the children.

B. **Electronic Communications Other than Phone**

* Electronic communication other than the phone includes but is not limited to email, instant messaging, video teleconferencing, wired or wireless technologies by internet or other mediums of communication.
* Electronic communication is not a replacement or substitute for custodial time or visitation with either party but is to be used in addition to any custodial or visitation time as provided in this order.

**(Check all that apply.)**

\_\_\_ ***Plaintiff/Defendant*** shall provide and pay for any equipment and internet access needed so that the child(ren) can participate in electronic communications with ***Plaintiff/Defendant***. Electronic communications between ***Plaintiff/Defendant*** and the child(ren) are subject to the following requirements or limitations:

Hours: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_ Each party shall provide to the other necessary access information to permit the other to engage in electronic communications with the child(ren) as provided by this order.

**Other:**

7. **Information Exchange and Access:**

**(Check all that apply.)**

\_\_\_ Each party shall be entitled to and authorized to consult with and obtain records from third parties concerning each child, such as teachers, physicians and other health care providers, counselors, activity and program leaders, instructors, and supervisions, and have equal access to information regarding medical, dental, health, educational, and extracurricular activities. In the event that any third party will provide any such records, comments, or items of information to only one of the parties that party shall provide the other party with the full substance of such information in reasonable form and share such information with the other party in a timely fashion, including third party communications, schedules of activities and events, and notices of activities and events.

\_\_\_ ***Plaintiff/Defendant*** shall **not** have access to the following records and information regarding the minor child(ren) (*See* N.C. Gen. Stat. § 50-13.2(b)): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Except to the extent that such information is protected by a domestic violence protective order, each party shall keep the other party fully informed as to his/her residence and work contact information, including physical and mailing addresses, phone number(s), and personal email address(es) to be used for purposes of communication regarding the child(ren). Each party shall notify the other party in writing of any change in any contact information (work or residence) within 24 hours of the change.

\_\_\_ Each party shall be listed as an emergency contact for the child(ren) at any day care, preschool or school and full contact information for the other parent shall be provided to the facility by the party who enrolls the child(ren), to the extent that the other party has provided this information to the enrolling parent. The facilities shall be authorized to release information regarding the child(ren) to either party.

\_\_\_ Each party shall inform the other in advance if the child(ren) will be staying overnight somewhere other than his or her home and give contact information including the physical address and phone number where the child can be contacted.

\_\_\_ Each party shall give the other party 30 days advance written notice of his/her intention to take the child(ren) outside the United States and shall not take the child(ren) out of the United States without prior written authorization of the other party before the child leaves the country. Authorization to travel shall not be arbitrarily denied by the non-traveling parent.

\_\_\_ Each party shall give the other party 30 days advance written notice prior to any change of residence or relocation within his/her current home county and 60 days written notice prior to any change of residence or relocation outside his/her current home county or within the county if the move would cause a change in the child(ren’s)’s day care, preschool or school. This notification shall include detailed information as to where the party will be moving, including the address if known.

**Other:**

8. **Ourfamilywizard.com**

* The parties are ordered to visit the Ourfamilywizard.com website and each party shall establish a parent account to utilize at least the following tools:

**(Check all that apply.)**

\_\_\_\_ Calendar of custodial time and activities

\_\_\_\_ Journal

\_\_\_\_ Message Board

\_\_\_\_ Notification

\_\_\_\_ Info Bank (medical, educational, and other information)

\_\_\_\_ Expense Log tracking the following expenses:

\_\_\_\_ Medical and health expenses of the child(ren)

\_\_\_\_ Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* The parties may use additional features or tools offered by Ourfamilywizard.com if they agree to do so, but are required to use at least the features or tools checked above. If the features or tools offered by Ourfamilywizard.com change in the future, the parties shall continue to use the features or tools which are substantially similar to those in effect at the time of this order.
* Enrollment: Each party shall enroll in the program not later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* Renewal: Each party shall maintain his/her subscription to Ourfamilywizard.com continuously and shall use the service as ordered herein until the first to occur of the following:

1. All children covered by this order have attained the age of 18,

2. Entry of a court order which provides for termination of the service, or

3. Both parties sign and file with the Court a written stipulation to terminate the service.

* Communications: The parties shall hereafter conduct all communications regarding custodial or visitation matters, information-sharing order matters, schedule alterations and reimbursable expenses matters on the website and shall not email, text message or call each other directly regarding issues relating to the child(ren) but shall post all communications exclusively on the website. Each party shall respond to the other’s request or notification within 48 hours if a response is required. A party’s failure to respond within such time period without requesting an extension of time to obtain further information with which to reply, including but not limited to seeking legal counsel or independent medical advice, shall be deemed a consent or a waiver, as the case may be, of the action, activity, period, or decision requested or offered. Once the parties enroll in the web service, they shall not communicate by phone, email, or text message except regarding matters of an emergency nature regarding a child that must be acted upon in less than 24 hours. The subject and general content of any telephonic communication shall be memorialized by a posting to the website within 48 hours of the communication.
* Expenses: Although issues regarding medical or health expense reimbursements have only been referred to in this order in connection with Ourfamilywizard.com and have been addressed by other court orders or agreements between the parties, the parties shall utilize the Information Bank and Expense Log tools on the website to keep both parties fully informed and to have a future record of all potentially reimbursable expenses in the hope of avoiding the need for future litigation over such matters.
* Maintenance of Records: If a parent does not have the capability of scanning a required document and attaching the electronic version for posting to the website, he/she shall post a description of the document on the website and mail a hard copy of the document by regular first class mail on the day following the posting of the electronic announcement. Each parent shall preserve the original of any scanned document that is posted.
* Child(ren)’s Pages: The parties shall consider and discuss establishing child(ren’s)’s pages for each child on the website.
* Providing Information: Each party shall input information into the program and shall update the information as needed. The responsibilities of each party for providing and updating information are as stated on Exhibit A, attached hereto and incorporated herein by reference.
* Third Party Access: Each party shall sign the appropriate forms as provided by ourfamilywizard.com to grant permission for professional access to the family account for the parenting coordinator, if any, and/or psychological counselor(s) or other professionals who is/are providing services to the parties or child(ren) in this matter.
* **Payment for Service:**
* **(Check one.)**

\_\_\_\_ Each party shall pay for his/her own computer, internet access, and subscription fees for use of ourfamilywizard.com.

\_\_\_ ***Plaintiff/Defendant*** shall pay for the subscription fees for use of ourfamilywizard.com for both parties.

**Other:**

9. **Health and Safety:**

**A. Alcohol:**

**(Check all that apply.)**

\_\_\_ As a condition of custody or visitation privileges as provided in this order, ***Plaintiff/Defendant*** shall abstain from consumption of alcoholic beverages and shall submit to a continuous alcohol monitoring system, specifically \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or if this system is not available, monitoring of a type approved by the Division of Adult Correction of the Department of Public Safety, to verify compliance his/her with this condition of custody or visitation. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (or other monitoring provider, if applicable) shall promptly report any violation of this order to the Court and to all parties to this action.

\_\_\_ ***Plaintiff/Defendant*** shall pay all fees or expenses for the alcohol monitoring system in a timely manner. If the monitored party has continuously submitted to monitoring for a period of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ without any reports of alcohol use, he/she may discontinue monitoring upon giving at least 30 days advance notice in writing which shall be served upon all other parties to this action and upon the monitoring provider; if any other party believes that alcohol monitoring should continue, he/she may file an appropriate motion with the court to demonstrate why monitoring should continue and shall schedule this motion for hearing. If no other party has objected to cessation of alcohol monitoring and scheduled a hearing on this issue within 30 days after receiving notice, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ may terminate the continuous alcohol monitoring system.

\_\_\_ Neither party shall become intoxicated by alcoholic beverages (or use illegal drugs) when the children are in the physical custody of such party.

\_\_\_ ***Plaintiff/Defendant*** shall not use or consume alcoholic beverages when the child(ren) is in his/her physical custody nor shall he/she permit others to do so in a private home. This provision does not prevent ***Plaintiff/Defendant*** from taking the child to a public restaurant or event where alcohol is served, although there shall be no drinking by ***Plaintiff/Defendant*** or any other person in his/her party at the restaurant or event if the child(ren) is/are there.

**Other:**

**B.** **Health and Safety Other than Alcohol:**

**(Check all that apply.)**

\_\_\_ All firearms shall be kept unloaded and secured such that they are inaccessible at all times to the child(ren).

\_\_\_ Neither party shall smoke cigarettes in the presence of the child(ren) or in the home when the child(ren) is/are residing or visiting therein, nor shall they permit others to smoke in the presence of the child(ren).

\_\_\_ If the child(ren) are taking any prescription medication(s) or over-the-counter medication(s) directed by a physician, the party who has such medication shall provide a sufficient quantity of the medication for the child(ren’s)s use during the child(ren’s)’s visitation time with the other party, together with written instructions as to the dosage and schedule for the administration of the medication. Each party shall administer the prescription medication(s) to the child(ren) as prescribed. Any remaining medication(s) shall be returned to the party with primary physical custody upon return of the child from visitation.

\_\_\_ Each party shall provide a child safety seat appropriate for each child’s age and size, as required by North Carolina law, for use in transporting each child and shall ensure that each child is properly secured in his/her child safety seat at all times whenever the motor vehicle is in motion. Each party shall ensure that any child who is not required to use a child safety seat uses his/her seat belt properly whenever the child is in a moving motor vehicle.

\_\_\_ The following person(s) shall not be in the presence of the child(ren) at any time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_ Neither party shall use corporal punishment on the child(ren) at any time, nor shall either party permit any other person to use corporal punishment on the child(ren).

\_\_\_ Neither party shall permit the child(ren) to be in the presence of a significant other, male or female, with whom the party is having or seeking to have a romantic or sexual relationship, at any time when the child(ren) are with that party.

\_\_\_ ***Plaintiff/Defendant*** shall ensure that all pornographic magazines, books, movies, CDs, videos or items of a similar nature are placed in a locked container or closet or secured in a manner such that the child(ren) cannot gain access to them. ***Plaintiff/Defendant*** shall ensure that his/her computer or any computer or electronic device in the home upon which any pornography is saved or which has internet access is secured by passwords or other manner which will make this inaccessible to the child(ren). ***Plaintiff/Defendant*** shall not view pornography or conduct communications or correspondence of a sexual nature on the computer or by phone at any time when the child(ren) are with him/her due to the risk that the child(ren) may accidentally see or overhear.

\_\_\_ Neither parent shall permit the child(ren) under the age of 13 to watch movies which are rated PG-13 or R unless approved in writing, in advance by both parents and under supervision of a parent, unless such movie is a version which has been professionally specifically edited for use by a general audience. Neither parent shall permit the child(ren) to play or observe video games which are rated T or M unless approved in writing, in advance by both parents, and played under the supervision of a parent. Neither parent shall permit the child(ren) unlimited access to TV, computer, or other electronic devices which would permit the child(ren) to access movies, games or other media content which are prohibited under this order. Any computer used by or available to the child(ren) shall be protected by appropriate passwords or software intended to limit the child(ren’s)’s exposure to inappropriate websites and content. Each party shall use his/her best efforts to ensure that the child is not exposed to media or games prohibited by this order at the homes of friends, family, etc., including inquiring to the homeowner as to the entertainment available to the child(ren) in the home and advising them of the restrictions upon the child(ren) so as to avoid having a the child(ren) put into the position of having to object to or exclude himself/herself from watching or playing with the other child(ren).

\_\_\_ Each party shall restrict the time the child(ren) spend watching tv, movies, video games, and other electronic entertainment media to no more than 2 hours per day. The parties may agree on more restrictive limitations if they so desire. This time limitation shall not include time the child spends on these activities at day care, preschool or school or in other organized or educational activities outside the home. This time limitation does include time the child spends on these activities in the homes of other children or when staying with a friend or relative.

\_\_\_ Neither party shall permit the child(ren) to keep a TV, VCR, DVD player, computer, or other device which will display video content in his/her bedroom. Any such devices which are in the child(ren’s)’s bedroom as of the date of execution of this order shall be removed within 10 days of this order.

\_\_\_ Each parent is to provide the child(ren) with his/her own bed in his/her own separate bedroom and the child shall sleep in his/her own bed. Neither parent shall sleep with the child(ren) on a regular basis and should not sleep with the child(ren) unless needed due to the child(ren’s)’s illness.

**Other:**

10. **General Provisions:**

**(Check all that apply.)**

\_\_\_ Any notification which is required herein to be made in writing may be made by email, if each of the parties has an email address for personal use and has used or agreed to use email for their communications.

\_\_\_ Each party shall maintain a “land line” phone in his/her home where the child(ren) can be reached and for reasons of safety (as 9-1-1 calls from a cell phone may not show the caller’s location).

\_\_\_ All visitation rights shall be subservient to the health and educational requirements of the child(ren), and the parties shall be cooperative as to the child(ren’s)’s activities and education.

\_\_\_ All visitation periods based upon a school calendar (summer, holidays, and track-outs) shall be determined based upon the school actually attended by each child, if the child attends school. If a child is too young to attend school, the schedule shall be based upon the calendar of the school actually attended by any older sibling who is also a subject of this action. If a child is too young to attend school and has no siblings in school, the schedule will be determined based upon the traditional school calendar of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Public School system.

\_\_\_ Neither party shall schedule activities for the child(ren) that would unnecessarily or unreasonably conflict with the expected visitation times and dates of the other party. The parties shall attempt to make joint decisions regarding the child(ren’s)’s recreational activities, programs, and lessons whenever such activities affect the ability of the other party to see the child(ren) during their regularly scheduled times together.

\_\_\_ In the event of a medical emergency involving the child(ren), the party who has physical custody of the child(ren) at the time of the emergency shall immediately notify the other parent. Either party may authorize emergency medical treatment of the child(ren) unless provided otherwise in this order. Each party shall immediately advise the other as to any serious illness or other major development regarding the health of the child(ren).

\_\_\_ ***Plaintiff/Defendant*** does **not** have authority to authorize medical treatment of a child under any circumstances or to make any decisions regarding the child(ren’s)’s medical treatment.

\_\_\_ Neither party shall attempt or condone any attempt, directly or indirectly, to estrange the child(ren) from the other party or to injure or impair the natural love and affection between the parent and the child(ren). The parties shall at all times encourage and foster in the child(ren’s)’s sincere respect and affection for both parents.

\_\_\_ Each parent shall refrain from discussing the conduct of the other parent in the presence of the child(ren) except in a laudatory or complimentary way. Under no circumstances shall the issue of visitation, custody or the issue of child support, as to amount, manner, or transmission of payment, be mentioned in the presence of the child(ren), except to inform the child of the actual visitation schedule as ordered by the Court.

\_\_\_ Each party shall prepare the child(ren) both physically and emotionally for the time the child(ren) is/are to spend with the other party. The child(ren) shall be available at the appointed time and the child(ren’s)’s clothing and other necessities shall be packed and ready to go. The primary custodial parent shall provide clothing appropriate for the weather and any planned activities of which the parent is aware, to the extent that the child already owns appropriate clothing for such activities. The visiting parent shall return all of the child(ren’s)’s clothing and personal effects with the child at the end of the visitation time.

\_\_\_ The parties shall not unreasonably question the child(ren) regarding the activities of the other parent and shall not use the child(ren) to make requests of or send messages to the other parent.

\_\_\_ In the event that a party is unavailable for a period of four hours or more to care for the child(ren), including after school on his or her day for physical custody or during a school holiday which is not specifically addressed herein or on a teacher workday and the child(ren’s)’s regular care is unavailable, if the other party is available to care for the child(ren) during that time, the party who is available shall be permitted to keep the child(ren) until the other party gets off from work or is available to care for the child(ren) and picks the child(ren) up from the party who is keeping the child(ren).

\_\_\_ Any motions for contempt, complaints, motions requesting a domestic violence protective order, motions for any sort of emergency order or ex parte order regarding custody or visitation shall be directed to and heard by the undersigned assigned judge, or if he/she is unavailable, to the judge as assigned by the Domestic Case Coordinator. In the event that either party brings criminal charges against the other or becomes aware that criminal charges have been brought against the other party as a result of any interaction between the criminal defendant and a party to this action, the child(ren) of the parties, and/or the spouse of a party, a hearing for review shall be scheduled before the undersigned judge within 10 days of the service of such criminal charges to determine if the criminal charges affect the best interest of the child(ren) and if any modification needs to be made to this order as a result of such charges in order to protect the child(ren) pending resolution of the charges by the appropriate court. In the event that either party becomes aware that a complaint has been made to any Department of Social Services or Child Protective Services regarding the care of the child(ren) with a party or abuse of the child(ren) by a party, a hearing for review shall be scheduled before the undersigned judge within 10 days of notification of complaint or investigation. If either party is prevented by the conditions of any bond, pretrial release conditions, or by the requirements of Child Protective Services under a safety plan from exercising his or her custodial roles as provided by this order, the Domestic Case Coordinator for undersigned judge shall be notified immediately and a hearing shall be set as soon as possible before the undersigned judge.

**Other:**

This the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_.

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

District Court Judge Presiding

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served all parties in the foregoing matter with a copy of the foregoing Order, by depositing the same in the United States Mail, in a properly addressed envelope with adequate postage thereon, in the manner prescribed by Rule 5 of the Rules of Civil Procedure, to the addresses below:

|  |  |  |
| --- | --- | --- |
| **Party:** | **Name:** | **Address:** |
|  |  |  |
|  |  |  |

This the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 201\_\_.

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

Domestic Case Coordinator