

Check the county in which you are filing.

The Family Court of the State of Delaware

In and For New Castle Kent Sussex County

MOTION AND AFFIDAVIT FOR EMERGENCY EX PARTE ORDER

Petition for Custody

Write the type of underlying petition here. You must file a Petition in order to ask for an Ex Parte Order.

Petitioner

Respondent

Name:

Patricia Smith

Name:

Roger Jones

CN07-00345

Petition Number

09-00456

I, the undersigned movant, being duly sworn according to law, do hereby attest to the truth of the allegations made in the underlying petition. I request that an Emergency Ex Parte Order be issued without notice to the Respondent.

1. Notice to the Respondent should not be given for the following reason(s):



Due to the emergency nature of the Petition for Custody, harm may come to our son, Christopher Jones, if an order granting custody to Mother is not provided on an emergency basis. The time that it would take to provide notice to the Respondent may allow harm to come to our son.

2. I request the following specific relief:



I request that sole custody with primary residential placement be given to Petitioner.

3. I further attest that unless relief is granted on an ex parte basis, the following **immediate and irreparable harm** will result:

Due to substance abuse, Father has been increasingly violent toward Christopher, both verbally and physically. In addition to verbal insults, I have found several bruises on Christopher, which he claims were inflicted by Father. I fear that this behavior will escalate and that greater harm may come to Christopher.



Sign in the presence of a notary.

Patricia Smith

Movant

Sworn to and subscribed before me this 9th day of October, 2009

Donna King

10/9/09

Signed by notary or court staff.

Clerk of Court/ Notary Public

Date