

NORTH CAROLINA  
CUMBERLAND COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

2020 SEP 11 P 12:55 FILE: 16 CVD 1395

CUMBERLAND CO., C.S.C.

DEREK ORTIZ,  
  
v.  
  
JIAN LIU,  
  
BY  
Plaintiff  
  
Defendant

**ORDER**  
**EMERGENCY CHILD CUSTODY**

**THIS MATTER**, coming on to be heard upon the request of the Plaintiff for immediate Emergency Relief and Modification of Custody and being heard before the Honorable Toni S. King, Cumberland County Chief District Court Judge, Twelfth Judicial District, on the 10th day of September 2020;

**AND THE COURT** noting that the Plaintiff was present in court and represented by Angela M. Hatley, Attorney at Law and further noting that the Defendant was not present in court but was represented by Victoria Gillispie Hardin, Attorney at Law who has filed a motion to withdraw as counsel for the Defendant due to having lost contact with the Defendant and who objected to the entry of this order;

**AND THE COURT** having reviewed the verified pleading in support of the Plaintiff's request, Plaintiff's affidavit and other supporting documents and having heard argument of counsel and conducted such other and further inquiry as the Court deems necessary and appropriate; and

**THE COURT NOW FINDS THE FOLLOWING FACTS:**

1. The Plaintiff Father has this date filed a pleading in support of his request for emergency relief.
2. The Plaintiff is the biological father of the minor child, SKYLAR ORTIZ LIU, born February 24, 2014; that the Defendant is the mother of said minor child.
3. That the Plaintiff and Defendant were married on the 29<sup>th</sup> day of August 2014, divorced February 2018 and married again April 20, 2018. The parties separated again on August 8, 2019.
4. That this court has previously entered an order for the permanent custody of the minor child on January 27, 2017 which provided that the parties shall have joint custody of the minor child, with primary custody in the Defendant mother and secondary custody in the Plaintiff father, to include visitation each weekend. The order further required the Defendant to keep the Plaintiff informed of a current address and phone number for the minor child.

5. In addition, on January 23, 2020, this court entered an order in file Number 19 CVD 5626 which directed that the Defendant mother not remove the minor child from the United States. Said order further directed the Defendant to place the minor child's passport, birth certificate, social security card and travel documents in the safe of the Hatley Law Firm pending further order of the court. That these original travel documents provided to counsel for Plaintiff remain in the possession of Plaintiff's counsel and have been secured.
6. That the Defendant has managed to secure a means and documents to leave the country with the minor child in violation of this court's order. In addition, she has failed to communicate with the Plaintiff
7. That the Defendant father is fit and proper to have the sole care and custody of the minor child and should be awarded the sole care and custody of the child.
8. Plaintiff mother should have no contact with the minor child as any contact with the child will be detrimental to the minor child and cause emotional distress.
9. Sufficient facts are set forth in the verified pleading to make it necessary and appropriate that this Court enter an immediate Order awarding the temporary custody of the minor child to the Plaintiff commanding the Defendant to disclose the location of the child and to transfer the care of the child to Plaintiff pending a hearing on the issue of temporary custody.
10. Sufficient facts are set forth in the verified pleading to make it necessary and appropriate that this Court enter an immediate Order granting temporary emergency custody to the Plaintiff.
11. Over the objection of counsel for Defendant Mother, in the event counsel for the Defendant has any contact with the Defendant she shall immediately inform this court of said contact, for so long as Attorney Hardin is counsel of record for Defendant Mother.
12. Counsel for Plaintiff may release the minor child's travel documents being held in trust to the Plaintiff in order to assist law enforcement to locating and securing the return of the child to the Plaintiff.

**BASED UPON THE FOREGOING FINDINGS OF FACT, THE COURT CONCLUDES AS A MATTER OF LAW:**

1. This Court has home state and emergency jurisdiction over the parties and the subject matter herein.
2. That North Carolina is the home state of the minor child.
3. The Plaintiff is entitled to immediate, temporary, injunctive relief, as follows:
  - a. Directing the Defendant to immediately disclose the location of the minor child and to transfer the care of the child to the Plaintiff Father.
  - b. Awarding the Plaintiff, the immediate temporary sole custody of the minor child.

- c. Directing the Sheriff, his deputy, any state, national and international law enforcement officials in this or any court to take the minor child into custody and deliver the child to the Plaintiff Father.
- d. Plaintiff is entitled to an order directing law enforcement to take immediate physical custody of the child listed below, to include the use of necessary force to do so.

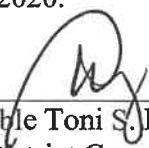
**IT IS NOW, THEREFORE, ORDERED, ADJUDGED, AND DECREED all as follows:**

1. That pending further Orders of the Court and the full hearing on the merits in the above-entitled action, the Plaintiff Father be, and he hereby is, granted the immediate temporary exclusive care, sole custody and control of the minor child, SKYLAR ORTIZ LIU, born February 14, 2014.
2. That pending further Orders of the Court and the full hearing on the merits, in the above-entitled action, the Defendant, and all other persons acting on behalf of the Defendant herein, be, and they are restrained from removing the said minor child from the custody of the Plaintiff Father herein, from the United States, the State of North Carolina, Cumberland County and/or from the jurisdiction of this Court;
3. That Defendant Mother, and all other persons acting on behalf of the Defendant Mother herein, be, and she and they hereby are, restrained from removing the said minor child from any school in which she may attend, from going on or about the premises of the home, business, or school location in which the minor child attends, and otherwise interfering with the daily routine of the minor child.
4. The Sheriff, his deputy, any state and federal law enforcement officials in this or any other state or country, are ordered and directed to immediately take the minor child into custody and deliver the child to the Plaintiff Father.
5. In the event the minor child is not at the location of the Defendant, the Defendant Mother is directed to disclose to Plaintiff and law enforcement officers the location of the minor child and to transfer custody of the child to the Plaintiff father.
6. The Sheriff, his deputy, any state and federal law enforcement officials in this or any other state or country, are ordered and directed to immediately obtain the location of the minor child and provide said information to the Plaintiff and assist the Plaintiff in taking immediate temporary physical custody of the minor child pending further Orders of this Court.
7. The Sheriff, his deputy, any state and federal law enforcement officials in this or in any other state or country, are ordered and directed to enter private property and use necessary force to take physical custody of the child if the child is believed to be at said property. The child shall be placed immediately in the physical custody of Plaintiff father.

8. That any law enforcement officer in the State of North Carolina and any state and federal law enforcement officials in this or any other country who has probable cause to believe that the Defendant, or any other person acting on behalf of the Defendant, has violated, or is attempting to violate, the terms and provisions of this Protective Order, or otherwise violates the terms and provisions herein, such officer shall immediately take whatever measures may be reasonably deemed appropriate, to include the remedy of arrest.
9. The Sheriff, his deputy and other appropriate law enforcement officials in this or any other state, are ordered and directed to assist the Plaintiff Father in any way to enforce the provisions of this Order, including by use of the remedy of arrest.
10. That pending further Orders of the Court herein and the full hearing on the merits in the above-entitled action, the Court retains jurisdiction over the parties hereto and of the subject matter herein.
11. Defendant mother shall have no contact with the minor child.
12. In the event counsel for the Defendant has any contact with the Defendant she shall immediately inform this court of said contact, for so long as she is counsel of record.
13. Counsel for Plaintiff may release the minor child's travel documents being held in trust to the Plaintiff in order to assist law enforcement to locating and securing the return of the child to the Plaintiff.
14. This cause is retained for further orders as the court deems just and appropriate.

HEARD this the 10<sup>th</sup> day of September 2020.

Signed this, the 11 day of September, 2020.

  
 \_\_\_\_\_  
 Honorable Toni S. King  
 Chief District Court Judge  
 Ortiz v. Liu 16-CVD-1395

Read and Approved as to Form:

*Via Fax and Email with Revisions*

\_\_\_\_\_  
 Victoria Gillispie Hardin, Attorney for Defendant

I, Angela M. Hatley, certify that I have provided a copy of this order to all persons entitled to all persons entitled to receive a copy as follows:

Victoria Gillispie Hardin, Esq.  
 Fax: 910-568-4960

This the 10<sup>th</sup> day of September 2020.

  
 \_\_\_\_\_  
 Angela M. Hatley

**A TRUE COPY**  
 CLERK OF SUPERIOR COURT  
 CUMBERLAND COUNTY

BY   
 Assistant Deputy Clerk Superior Court