

STATE OF NORTH CAROLINA

File No.

\_\_\_\_\_ SPC \_\_\_\_\_

In The General Court Of Justice  
District Court Division  
Special Proceeding Confidential

\_\_\_\_\_ County

IN THE MATTER OF:

PETITION AND ORDER FOR ISSUANCE  
OF SUBPOENA DIRECTING RELEASE OF  
FINANCIAL RECORDS

G.S. Ch. 108A, Art. 6A

Name And Address Of Disabled Adult Or Older Adult/Respondent

Date Of Birth Of Disabled Adult Or Older Adult

Account No(s) And Account Type(s) Of Disabled Adult Or Older Adult (if known)

Name And Address Of Financial Institution

Name And Address Of Investigating Entity/Petitioner

Name And Address Of Financial Institution Contact

Telephone No. Of Financial Institution Contact

PETITION

**NOTE TO PETITIONER:** The requested subpoena should be completed and attached to detail the information you are seeking.

**NOTE TO CLERK:** The case is to be heard within two business days of filing. **This is a Special Proceeding Confidential and is not a public record.**  
G.S. 108A-116.

The above-named petitioner hereby requests the Court, pursuant to G.S. 108A-116, issue the attached Subpoena (AOC-G-100) directing the above-named financial institution to provide to petitioner the financial records of the above-named respondent.  (optional, see No. 8 on Side Two) The petitioner also requests that, pursuant to G.S. 108A-117, notice to the respondent of the issuance of the attached subpoena be delayed for a period of \_\_\_\_\_ days.

In support of this petition, petitioner states the following:

1. The petitioner is an investigating entity, as defined by G.S. 108A-113(6).
2. The respondent is a resident of this county, and is: (check all that apply)
  - 65 years of age or older as of the date of filing of this Petition
  - Physically or mentally incapacitated as defined in G.S. 108A-101(d) and as set forth below:

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

3. Pursuant to Article 6A of Chapter 108A of the North Carolina General Statutes, the petitioner is investigating, pursuant to the investigating entity's statutory authority, a credible report that the disabled adult or older adult is being or has been financially exploited as described below:

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

4. The financial institution is believed to be in possession of financial records belonging to the respondent: (describe records) \_\_\_\_\_

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

5. The respondent is a customer, as defined in G.S. 108A-113(1), of the financial institution named above.
6. The respondent's financial records described in No. 4 above are needed in order to substantiate or evaluate the report.
7. Time is of the essence in order to prevent further exploitation of that disabled adult or older adult.

(Over)

8. (Optional) Notice to the disabled adult or older adult of the issuance of a subpoena must be delayed because there is reason to believe that notice to the disabled adult or older adult will result in: (check one or more and provide a brief explanation)
- |   |   |
|---|---|
| <input type="checkbox"/> Endangering the life or physical safety of any person.       | <input type="checkbox"/> Flight from prosecution.                       |
| <input type="checkbox"/> Destruction of or tampering with evidence.                   | <input type="checkbox"/> Intimidation of potential witnesses.           |
| <input type="checkbox"/> Serious jeopardy to an investigation or official proceeding. | <input type="checkbox"/> Undue delay of a trial or official proceeding. |
- Explanation: \_\_\_\_\_

|   |  |   |
|---|--|---|
| <b>SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME</b>   |  | Signature Of Petitioner's Authorized Or Designated Agent                        |
| Date  | Signature Of Person Authorized To Administer Oaths | Name And Address Of Petitioner's Authorized Or Designated Agent (type or print) |
| <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court |  |   |
| <input type="checkbox"/> Notary   | Date My Commission Expires                         |   |
| <b>SEAL</b>   | County Where Notarized                             | Telephone No.   |

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A hearing was held on \_\_\_\_\_ (date). After hearing the evidence, the Court finds the following facts and makes the following conclusions of law:

- 1. The investigating entity is investigating, pursuant to the investigating entity's statutory authority, a credible report that the disabled adult or older adult customer is being or has been financially exploited.
- 2. The respondent's financial records are needed in order to substantiate or evaluate the report of financial exploitation.
- 3. Time is of the essence in order to prevent further exploitation of the disabled adult or older adult customer.
- 4. The investigating entity is entitled to the issuance of a subpoena directing \_\_\_\_\_ to produce the disabled adult or older adult customer's financial records.
- 5. (check only if Delayed Notice has been requested and ordered) Notice of this action to the disabled adult or older adult should be delayed in that the investigating entity is investigating a credible report that the adult is being or has been financially exploited and there is reason to believe that notice to the disabled or older adult will result in:
 

|   |   |
|---|---|
| <input type="checkbox"/> Endangering the life or physical safety of any person.       | <input type="checkbox"/> Flight from prosecution.                       |
| <input type="checkbox"/> Destruction of or tampering with evidence.                   | <input type="checkbox"/> Intimidation of potential witnesses.           |
| <input type="checkbox"/> Serious jeopardy to an investigation or official proceeding. | <input type="checkbox"/> Undue delay of a trial or official proceeding. |

**ORDER**

**IT IS ORDERED THAT:**

**The Petition, Order, and entire record of these proceedings are not public records, shall be withheld from public inspection, and may be examined only by order of the court.**

**The Petition is GRANTED AND:**

- The attached subpoena hereby issues and is to be delivered with a copy of this Petition and Order to the named financial institution in conformance with G.S. 108A-116(b).
- The financial institution named in the subpoena shall, upon receipt of the subpoena, promptly provide to the head of the investigating entity or his or her designated agent, the specified financial records of the disabled adult or older adult.
- The financial institution may challenge the subpoena by filing a motion to quash or modify the subpoena within ten (10) business days after receipt of delivery of the subpoena pursuant to 108A-116(b).
- The disabled adult or older adult shall be served with this Petition, Order, and a copy of the subpoena (check one box only)
  - immediately.
  - in \_\_\_\_\_ days pursuant to G.S. 108A-117. It is further ordered that the financial institution not disclose to any person the existence of the investigation, of the subpoena, or of the fact that the customer's financial records have been provided to the investigating entity, for the duration of the period of delay authorized above. The investigating entity shall deliver a copy of the order to the financial institution along with the subpoena that is delivered pursuant to G.S. 108-116(b). This Order shall be sealed until otherwise ordered by the Court.

**The Petition is DENIED.**

|      |                                   |  |
|------|-----------------------------------|--|
| Date | Signature Of District Court Judge | Name Of District Court Judge (type or print) |
|------|-----------------------------------|--|