QUESTIONS FOR THIRD PARTY CUSTODIANS

Client"s name

Third party custodian's name

INAPPROPRIATE ANSWERS TO QUESTIONS MARKED BY * AUTOMATICALLY DISQUALIFY A PERSON FROM BEING A THIRD PARTY CUSTODIAN. PLEASE FIND AND PREPARE SOMEONE TO REPLACE THEM.

In federal court, unlike state court, a person is detained (kept in jail) if the government moves for detention, unless the judge after a court hearing releases the person on certain conditions. These conditions are called conditions of release. In almost all cases the judge will not consider releasing the person unless there is a third party custodian with whom the defendant can live. The following is information that the defense attorney and you must know before you can be considered as a third party custodian.

1. Do you understand that the judge sets the conditions of release and that if the defendant does not comply with the conditions of release, the defendant will be immediately arrested?

2. Do you understand that as third party custodian it is your duty to call the U.S. Probation Office and immediately report any violation of the conditions of release?

*3. Would you call and report any violation even if it meant the defendant would be immediately arrested? IF THE ANSWER IS "NO", THE PERSON IS NOT QUALIFIED TO BE A THIRD PARTY CUSTODIAN.

*4. Are you willing to serve as third party custodian?

5. Do you understand that to qualify as third party custodian you will have to testify in court under oath and that you will be cross-examined by the government and the judge?

6. How long have you known the defendant? How do you know the defendant? Relative? Work? School?

7. Where do you live? Is it a house, apartment or trailer?

8. Who else lives there? What are their ages? What is the relationship between the defendant and these people? What is the relationship between you and these people?

9. Is there room for the defendant to stay with you?

10. Has the defendant ever stayed with you before? When? For how long?

11. The defendant is charged with an offense that occurred on_____ Was the defendant living with you at this time?

12. Are the other people who live with you willing to have the defendant stay there?

*13. Are there any firearms or other weapons where you live? If there are, can you move them to another location immediately? IF THE PERSON REFUSES TO REMOVE THE FIREARM OR WEAPON, THE PERSON IS NOT QUALIFIED TO BE A THIRD PARTY CUSTODIAN.

14. Are there any controlled substances (drugs or prescription drugs) where you live?

15. Is there a land line telephone where you live? If there is, what is the phone number? If the judge orders electronic monitoring, you would have to disconnect all features like call waiting from your phone. Are you willing to do this?

16. Is there internet access where you live?

17. Do you work? Where? What are your hours? When you are at work, who would be with the defendant? Does your spouse work? If so, what days and hours does your spouse work?

18. Do you have a valid driver's license? Do you have a car?

*19. Other than minor traffic violations, what if anything have you ever been convicted of? This includes misdemeanors and felonies, even if you were put on probation. Are you now on probation, parole or supervised release, even if it is unsupervised? Other than minor traffic violations, what if anything have the other people living with you ever been convicted of? This includes misdemeanors and felonies. The U.S. Probation office will run an interstate record check on you. IF THE PERSON HAS A FELONY CONVICTION, HE OR SHE IS NOT QUALIFIED TO BE A THIRD PARTY CUSTODIAN..

20. Have you ever failed to appear for a court appearance? If so, why?

21. Are you aware of the defendant's prior convictions?

22. Are you aware of what the defendant is charged with?

*23. Have you talked to the defendant about these charges? Has the defendant made any statement to you about these charges? IF THE DEFENDANT HAS MADE INCRIMINATING STATEMENTS TO THE PERSON, HE OR SHE IS NOT QUALIFIED TO BE A THIRD PARTY CUSTODIAN..

24. What is your date of birth?

25. What is your social security number? This information will not be given to anyone. It is needed to run a criminal record check, which the court requires. _____

26. Are you a U.S. citizen?

COURT STARTS AT _____ **am** ON _____. IF YOU ARE NOT AT THE COURTROOM AT LEAST ONE HOUR BEFORE COURT STARTS, YOU WILL NOT BE ALLOWED TO QUALIFY AS A THIRD PARTY CUSTODIAN.

THE FEDERAL COURTHOUSE IS LOCATED AT 310 NEW BERN AVENUE IN RALEIGH.

Date