

County of _____

_____ Judicial District

Case No. _____

**Declaration in Support of Motion to
Modify Primary Residential Responsibility
(No Written Agreement)**

I, (name) _____, state as

1. I am the (choose one) ☐ Plaintiff/☐ Defendant in the above-captioned civil case, which was an action for (choose the same checkbox as Paragraph 1 of your Brief in Support of Motion to Modify Primary Residential Responsibility):

- ☐ divorce.
- ☐ legal separation.
- ☐ establishing parenting rights and responsibilities.
- ☐ establishing paternity.
- ☐ other _____

2. This motion to modify primary residential responsibility applies to the following child(ren) for whom primary residential responsibility was awarded in the above-captioned case *(list each child's initials and year of birth; this must match Paragraph 2(b) of your Motion to Modify Primary Residential Responsibility)*:

3. The current judgment in this case was entered (*same date as Paragraph 3 of your Brief in Support of Motion*) _____, and awards primary residential responsibility to (*choose same checkbox as Paragraph 3 of your Brief*) ☐ Plaintiff/☐ Defendant.

4. (*Choose and complete the same checkbox as Paragraph 6 of your Brief in Support of Motion to Modify Primary Residential Responsibility*):

☐ It has been two years or more since the current ☐ Judgment/☐ _____ Amended Judgment awarding primary residential responsibility was entered.

☐ It **has not** been two years or more since the current ☐ Judgment/☐ _____ Amended Judgment awarding primary residential responsibility was entered, **however** paragraph _____ of the ☐ Judgment/☐ _____ Amended Judgment allows modification **before** two years when (*state the specific event/circumstances listed in your judgment*):

and the events or circumstances have occurred as follows (*describe*):

5. There is a significant or material change in circumstances that justifies modification of primary residential responsibility, which is based on the following facts occurring since the current judgment was entered, or the following facts the court did not know about at the time the current judgment was entered (*describe the specific facts that support this Paragraph and Paragraph 11 of your Brief in Support of Motion. Number each paragraph of your facts as 5(a), 5(b), 5(c), and so on*):

6. The changed circumstances stated in Paragraph 5 have had an adverse effect on the child(ren), or there was a general decline in the child(ren)'s condition, which is based on the following facts *(describe the specific facts that support this Paragraph and Paragraph 12 of your Brief in Support of Motion. Number each paragraph of your facts as 6(a), 6(b), 6(c), and so on):*

7. My factual support for the best interest factors listed in North Dakota Century Code Section 14-09-06.2 follow in Paragraphs 8 through 20.

8. **Best Interest Factor N.D.C.C. § 14-09-06.2(1)(a)** – The love, affection, and other emotional ties existing between the parents and child(ren) and the ability of each parent to provide the child(ren) with nurture, love, affection, and guidance (*choose the same checkbox as Paragraph 14 of your Brief in Support of Motion*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 8(a), 8(b), 8(c), and so on*):

9. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(b) – The ability of each parent to assure that the child(ren) receives adequate food, clothing, shelter, medical care, and a safe environment (*choose the same checkbox as Paragraph 15 of your Brief*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 9(a), 9(b), 9(c), and so on*):

10. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(c) – The child(ren)'s developmental needs and the ability of each parent to meet those needs, both in the present and in the future

(choose the same checkbox as Paragraph 16 of your Brief):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 10(a), 10(b), 10(c), and so on*):

11. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(d) – The sufficiency and stability of each parent's home environment, the impact of extended family, the length of time the child(ren) has/have lived in each parent's home, and the desirability of maintaining continuity in the child(ren)'s home and community (*choose the same checkbox as Paragraph 17 of your Brief*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 11(a), 11(b), 11(c), and so on*):

12. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(e) – The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child(ren) (*choose the same checkbox as Paragraph 18 of your Brief*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 12(a), 12(b), 12(c), and so on*):

13. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(f) – The moral fitness of the parents, as that fitness impacts the child(ren) (*choose the same checkbox as Paragraph 19 of your Brief*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 13(a), 13(b), 13(c), and so on*):

14. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(g) – The mental and physical health of the parents, as that health impacts the child(ren)) (*choose the same checkbox as Paragraph 20 of your Brief*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 14(a), 14(b), 14(c), and so on*):

15. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(h) – The home, school, and community records of the child(ren) and the potential effect of any change) (*choose the same checkbox as Paragraph 21 of your Brief*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 15(a), 15(b), 15(c), and so on*):

16. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(i) – the child(ren) is/are of sufficient maturity to make a sound judgment related to their preferences) *(select the same checkboxes as Paragraph 22 of your Brief)*:

☐ The following child(ren) **is/are sufficiently mature** to make a sound judgment about their preferences related to modifying primary residential responsibility *(list the initials of the child(ren))*: _____. Each child's preference is *(for each child, list their initials and their preference)*:

☐ The following child(ren) **is not/are not sufficiently mature** to make a sound judgment about their preferences related to modifying primary residential responsibility *(list the initials of the child(ren))*: _____.

based on the following facts *(describe the specific facts that support this Paragraph. Number each paragraph of your facts as 16(a), 16(b), 16(c), and so on)*:

17. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(j) – Evidence of domestic violence, as defined by N.D.C.C. § 14-07.1-01 (*choose the same checkbox as Paragraph 23 of your Brief*):

☐ The (*choose one*) ☐ Plaintiff/☐ Defendant committed domestic violence, which involved at least one incident of domestic violence resulting in serious bodily injury or involved the use of a dangerous weapon; or there is a pattern of domestic violence committed by (*choose one*)

☐ Plaintiff/☐ Defendant within a reasonable time of this motion to modify.

☐ Domestic violence has not occurred and is not at issue in this motion to modify.

☐ Other (*briefly state*) _____.

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 17(a), 17(b), 17(c), and so on*):

18. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(k) – The interaction and interrelationship, or the potential for interaction and interrelationship, of the child(ren) with any person who resides in, is present, or frequents the household of a parent and who may significantly affect the child(ren)'s best interests, either positively or negatively (*choose the same checkbox as Paragraph 24 of your Brief*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 18(a), 18(b), 18(c), and so on*):

19. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(I) – The making of false allegations not made in good faith, by one parent against the other, of harm to a child (*choose the same checkbox as Paragraph 25 of your Brief*):

- ☐ Favors Plaintiff,
- ☐ Favors Defendant,
- ☐ Does not favor Plaintiff or Defendant,
- ☐ Does not apply,
- ☐ Other (*briefly state*) _____,

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 19(a), 19(b), 19(c), and so on*):

20. Best Interest Factor N.D.C.C. § 14-09-06.2(1)(m) – Any other factors relevant to the best interests and welfare of the child(ren) and this motion to modify primary residential responsibility (*choose and complete the same checkbox as Paragraph 26 of your Brief*):

- ☐ There are **no other factors** relevant to the best interests and welfare of the child(ren).
- ☐ There are other factors not already addressed that are relevant to the best interests and welfare of the child(ren). The other factors are (*briefly state the other factor(s)*):

based on the following facts (*describe the specific facts that support this Paragraph. Number each paragraph of your facts as 20(a), 20(b), 20(c), and so on*):

21. I declare, under penalty of perjury under the law of North Dakota, that the foregoing Declaration is true and correct.

Signed on _____ (date) in _____ (city),
_____ (county), _____ (state), _____ (country).

(Moving Party Signature)

(Printed Name)

(Address) (City, State, Zip Code)

(Telephone Number) (Email Address)