

State of North Dakota
County of _____

In District Court
_____ Judicial District

_____)
Plaintiff,)
vs)
_____)
Defendant.)

Case No. _____

**Stipulated Agreement to Modify
Primary Residential Responsibility**
(Parties Agree to all Modifications)

- 1. **Whereas**, this is a stipulated agreement to modify primary residential responsibility awarded in the above-captioned civil case.
- 2. **Whereas**, this stipulated agreement to modify primary residential responsibility applies to the following children for whom primary residential responsibility was awarded in the above-captioned civil case *(list each child's initials and year of birth)*: _____

-
- 3. **Whereas**, considering all circumstances related to this stipulated agreement to modify primary residential responsibility, the agreement is fair and reasonable.
 - 4. **Whereas**, considering all circumstances related to this stipulated agreement to modify primary residential responsibility, the Plaintiff and Defendant agree this agreement is a material change in circumstances sufficient for the Court to modify primary residential responsibility of the child(ren).
 - 5. **Whereas**, considering all circumstances related to this stipulated agreement to modify primary residential responsibility, the Plaintiff and Defendant agree it is in the best interests of the child(ren) for primary residential responsibility to be modified.

6. **Whereas**, the Plaintiff and Defendant expressly agree and stipulate to the fact the District Court of _____ County, North Dakota, has both personal and subject matter jurisdiction over all the issues arising in the above-entitled case, and that jurisdiction extends, but is not limited to issues of parenting responsibility, parenting time, and child support.

7. **Whereas**, the Plaintiff and Defendant agree and represent to the Court they executed this stipulated agreement voluntarily, that neither party has been subject to threats or acts constituting duress, and they entered into this stipulated agreement of their own free will.

8. **Whereas**, the Plaintiff and Defendant agree to the entry of an amended judgment without the need for hearing or further notice to the parties.

9. **Now Therefore**, and in accordance with the mutual promises contained in this stipulated agreement, the Plaintiff and Defendant agree as follows:

*(To complete the rest of this stipulated agreement, you need to refer to either the final judgment in your case **if it hasn't** been amended, **or** the most recently amended judgment in your case.*

Find the exact paragraphs of the judgment, or most recently amended judgment, you want to modify. On the following pages of this stipulated agreement, you tell the court the exact paragraph #'s and the exact words of the modifications to the paragraphs to which you both agree.

If your parenting plan is an exhibit, attachment or appendix to the judgment, find the exact paragraphs of the parenting plan you want to modify, and checkmark and complete the appropriate option.

Remember to include the exact paragraphs related to child support and the new child support amount(s) you calculated using the child support calculator.)

10. Paragraph ____ of the *(choose one)*:

(choose one) Judgment _____ Amended Judgment *(if an amended judgment, fill in the number; i.e. First, Second)*

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan *(if an exhibit, attachment, or appendix to the judgment, fill in the name)*

previously entered in this case, shall be amended to read as follows:

11. Paragraph _____ of the (choose one):

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be amended to read as follows:

12. Paragraph _____ of the *(choose one)*:

(choose one) Judgment _____ Amended Judgment *(if an amended judgment, fill in the number; i.e. First, Second)*

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan *(if an exhibit, attachment, or appendix to the judgment, fill in the name)*

previously entered in this case, shall be amended to read as follows:

13. Paragraph _____ of the *(choose one)*:

(choose one) Judgment _____ Amended Judgment *(if an amended judgment, fill in the number; i.e. First, Second)*

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan *(if an exhibit, attachment, or appendix to the judgment, fill in the name)*

previously entered in this case, shall be amended to read as follows:

(Review the parenting plan of your judgment or most recently amended judgment for paragraphs or provisions related to legal residence of the child(ren) for school attendance, decision making responsibility, parenting time (visitation) schedule, information sharing and access, transportation and exchange arrangements, procedure for review of the parenting plan, dispute resolution, and child tax deduction. If your judgment or most recently amended judgment is missing **any** of the provisions, the Court can't issue a modified judgment unless the missing provisions are added. **Fill out the following paragraphs only if the provision is missing.** Cross out any of the following paragraphs that don't apply. Decide where the new paragraphs will be located in your modified judgment and assign the paragraph number to the new paragraph.

If your judgment or most recently amended judgment includes **all** of the following provisions, remove the unused pages. You **don't** need to include them in your final stipulated agreement.)

____. New Paragraph _____ of the (choose one):

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____ : Parenting Plan _____ : _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be added and reads as follows:

Legal Residence: The legal residence of the minor children for school attendance shall be (choose one):

The Plaintiff's place of residence.

The Defendant's place of residence.

Other: _____

____. New Paragraph ____ of the (choose one):

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be added and reads as follows:

Parenting time: (choose one)

The Plaintiff and Defendant shall have equal residential responsibility of the minor

child(ren). Equal residential responsibility means each parent must have the child(ren) 50% of the time. Parenting time has been addressed in paragraph ____ of the parenting plan.

Primary residential responsibility shall be with the Plaintiff. Defendant shall have parenting

time in the following Parenting Time Schedule (select any that apply):

Wednesday evenings from 6:00 p.m. to 8:00 p.m.

Every other weekend from Friday at _____, until Sunday at _____.

Other: _____

Primary residential responsibility shall be with the Defendant. Plaintiff shall have parenting

time in the following Parenting Time Schedule (select any that apply):

Wednesday evenings from 6:00 p.m. to 8:00 p.m.

Every other weekend from Friday at _____, until Sunday at _____.

Other: _____

a. **Alternate Schedules:** The above Parenting Time schedule is the default “normal” schedule **except** as described below. The alternate schedules will be as follows (*if you don’t have an alternate schedule, write “No Alternative Schedule” on the first line of each section*):

Summer Time*: Summer time is defined as: _____

The Summer Time alternate schedule is: _____

School Release Days*: School release days are defined as: _____

The School Release Days alternate schedule is: _____

***Summer Time/School Release Days** with the other parent take precedence over summer activities, such as sports, when Parenting Time cannot be reasonably scheduled around such events.

Vacation with Parents: Each parent shall have vacation with the child(ren) as follows: ____

b. Schedule for Holidays and Other Special Days: The parenting schedule for holidays and other special days applies to the residential responsibility in Paragraph 4a. The parenting schedule for the child(ren) for holidays and other special days is:

	With the Plaintiff <i>(Odd, Even, Every Year, or Regular Parenting Time)</i>	With the Defendant <i>(Odd, Even, Every Year, or Regular Parenting Time)</i>
New Year's Day		
Martin Luther King Day		
President's Day		
Spring Break		
Easter		
Mother's Day		
Father's Day		
Independence Day		
Labor Day		
Halloween		
Veteran's Day		
Thanksgiving Day		
Winter Break		
Christmas Eve Day		
Christmas Day		
Plaintiff's Birthday		
Defendant's Birthday		
Child's Birthday		

For the purposes of the Holidays and Other Special Days parenting schedule, a holiday includes (*indicate whether the holiday includes the entire weekend and the time of day/night during which holiday parenting time will occur*): _____

- c. Child(ren)'s Activities During Parenting Time:** In order to promote the development of well-rounded healthy children, both parents will support the extracurricular activities of the child(ren). The parents will work together to ensure the child(ren)'s activities are not planned as to interfere with the relationship of either parent. The parents will inform each other of the child(ren)'s extracurricular activities by:

- d. Timeliness:** If a parent is more than _____ minutes late to pick up the child(ren) for a visit, that visit will be cancelled, **Or:** _____

- e. If either parent misses their parenting time for any reason, the parents will deal with the missed parenting time as follows:** _____

f. **Except in extreme emergencies, each parent must notify the other parent that they will not be able to exercise their scheduled parenting time as follows:**

g. **Restrictions on Contact with the Child(ren) (choose one):**

- There are no restrictions on contact with the child(ren).
- Until further order of the Court, the child(ren)'s time with the (choose one) Plaintiff / Defendant is subject to the following conditions: _____

____. New Paragraph ____ of the (choose one):

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be added and reads as follows:

Decision Making Responsibility:

a. Emergency Medical Decisions: Each parent is authorized to make emergency health care decisions while the child(ren) is/are in that parent's care.

b. Day-to-day Decisions: Each parent is authorized to make decisions regarding the day-to-day care and control of the child(ren) while the child(ren) reside with that parent, except as provided in below.

c. Daycare/Afterschool provider (select any that apply):

When the parents reside in the same community, they will use the same daycare/afterschool provider.

Each parent may decide to utilize the daycare/afterschool provider of their own choosing.

The Plaintiff will designate the daycare/afterschool provider.

The Defendant will designate the daycare/afterschool provider.

The child(ren)'s daycare/afterschool provider is _____.

Other: _____.

d. Education Decisions will be made by (choose one):

The Plaintiff

The Defendant

The Plaintiff and Defendant jointly

e. Non-Emergency Health Care Decisions will be made by (*choose one*):

- The Plaintiff
- The Defendant
- The Plaintiff and Defendant jointly

f. Spiritual Development Decisions will be made by (*choose one*):

- The Plaintiff
- The Defendant
- The Plaintiff and Defendant jointly

g. Both parents must consent before any minor child will be permitted to _____

____. New Paragraph _____ of the (choose one):

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be added and reads as follows:

Information Sharing And Access:

- a. Both parents shall have access to educational, medical, dental, religious, insurance, and other records. Both parents have the right and shall notify and authorize the daycare, the school, and the children’s doctors and other professionals to communicate directly with and outside the presence of the other parent. Each parent shall be listed as the child(ren)’s parent and as an emergency contact with the daycare, the school, and all health professionals unless directed by court order to the contrary.
- b. Both parents have the right to attend school conferences. This right does not require any school to hold a separate conference with each parent. Each parent shall keep the other parent informed of the name and address of the school the child(ren) attend.
- c. Each parent must communicate with the other parent with regard to grade reports, extra-curricular activities, and any other notices from the daycare, the school, and related entities regarding the child(ren). Both parents must notify the child(ren)’s daycare and school(s) of the split households and advise to send copies of the child(ren)’s school documents, notices, and related information to each parent.

- d. Each parent must inform the other as soon as reasonably possible of serious accidents or serious illness which require health care treatment, providing the time of the accident or illness and the name of the treating health care provider. If the child is taking medications, the parents must communicate regarding instructions, dosage, and related information.
- e. The parent who has medical insurance coverage on the children must supply to the other parent an insurance card and, as applicable, insurance forms and a list of insurer-approved or HMO-qualified health care providers in the area where the other parent is residing.
- f. Both parents must notify the other parent in writing of any change in residence, telephone numbers, names and addresses of employers, changes in health insurance coverage for the child(ren), and changes in health insurance available through employer which could cover the child(ren).
- g. Communication between parents and children must be liberally permitted at reasonable hours and at the expense of the parent initiating contact.
- h. At all other times, the parent with whom the child is staying shall not refuse to allow contact or take any action in order to deny the other parent contact. Each parent shall facilitate the communication between the child and the other parent.
 - a. Both parents shall allow reasonable access to the child by phone or other means.
 - b. Telephone access to the child(ren) shall be as follows: _____

 - c. Electronic access to the child(ren) shall be as follows: _____

____. New Paragraph _____ of the (choose one):

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be added and reads as follows:

Transportation and exchange arrangements: (choose any that apply)

When Plaintiff and Defendant live in the same community, the responsibility of picking up and returning the children is shared with pickup at _____ and drop off at _____.

Pick up at _____.

Drop off at _____.

Alternative Pick up/Drop off at _____.

Any change in pick up or drop off location will be determined by: _____

Other _____

____. **New Paragraph _____ of the (choose one):**

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be added and reads as follows:

Review and adjustment to parenting plan: When family necessities, illnesses, or commitments reasonably require, the parenting plan will be modified fairly. The parent requesting modification shall act in good faith and give as much notice as circumstances permit.

Plaintiff and Defendant also anticipate that at some point circumstances may fundamentally change, and agree that the parenting plan will be reviewed upon the following events: (choose any that apply.)

Plaintiff and Defendant may change this plan by agreement, but all changes must be in writing, signed, and dated by both.

The oldest child reaches age _____.

If either Plaintiff or Defendant intends to move more than _____ miles from their current residence.

After recommendation of a professional (i.e. doctor, therapist, pastor).

After arrest or criminal activity by one or both parties.

Upon verified chemical abuse /relapse.

Upon an agency or Court finding of child abuse or neglect by one or both parties.

Upon a court finding of domestic violence by one or both parties.

Prolonged lack of contact with the child.

Other: _____

____. **New Paragraph _____ of the (choose one):**

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be added and reads as follows:

Dispute resolution: In the event Plaintiff and Defendant are unable to resolve their differences with regard to the parenting plan, disputes shall be submitted to (choose one):

Counseling.

Mediation.

Other _____.

The cost of the dispute resolution process will be allocated between Plaintiff and Defendant as follows (choose one):

Plaintiff and Defendant shall each pay one-half.

As determined in the dispute resolution process.

Other _____.

The parent beginning the dispute resolution process shall notify the other parent by:

_____.

In the dispute resolution process with regard to the parenting plan, preference will be given to carrying out this parenting plan. Unless an emergency exists, Plaintiff and Defendant shall use the designated process to resolve disputes, except those related to financial support.

____. New Paragraph ____ of the (choose one):

(choose one) Judgment _____ Amended Judgment (if an amended judgment, fill in the number; i.e. First, Second)

(choose one) _____: Parenting Plan _____: _____ Amended Parenting Plan (if an exhibit, attachment, or appendix to the judgment, fill in the name)

previously entered in this case, shall be added and reads as follows:

Child tax exemption: Only one parent may claim an exemption for each child on their income tax return. Each parent shall execute any IRS or similar forms to allow the other parent to take the exemption, deduction and credit in the appropriate years.

(Choose one)

For each minor child, the child tax exemption shall be claimed according to the following schedule (*P = Plaintiff, D = Defendant*):

Child's Initials	Exemption claimed every year by:		Exemption claimed odd years by:		Exemption claimed even years by:	
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D

The parent who provided health insurance coverage for the minor child for _____% or more of the tax year shall claim the child tax exemption for that child.

Other: _____

____. That all other terms and provisions of the previously entered (*choose one*):

(*choose one*) Judgment _____ Amended Judgment (*if an amended judgment, fill in the number; i.e. First, Second*)

(*choose one*) _____: Parenting Plan _____: _____ Amended Parenting Plan (*if an exhibit, attachment, or appendix to the judgment, fill in the name*)

shall remain in full force and effect.

____. The Plaintiff and Defendant stipulate that the above provisions be incorporated into a (*if the first amendment to the judgment, fill in "First", if an amended judgment, fill in the next number; i.e. "First Amended Judgment" becomes "Second Amended Judgment"*) _____

Amended Judgment to be issued in the above-captioned civil.

____. The Plaintiff and Defendant know they have the right to be represented by a lawyer of their choice. They each hereby expressly waive that right and freely and voluntarily sign the foregoing stipulated agreement.

____. The (*choose one*) Plaintiff/ Defendant, the non-moving party, expressly waives notice of hearing and consents to the matter being brought for hearing without appearances.

Dated _____.

(*Plaintiff's Signature*)

_____, Plaintiff
(*Printed Name*)

(*Address*) (City, State, Zip Code)

(*Phone*) (Email)

State of _____)

County of _____)SS

Signed and sworn to before me on _____ by _____

_____.

(Notary Public or Clerk of Court)

Dated _____.

(Defendant's Signature)

_____, Defendant

(Printed Name)

(Address)

(City, State, Zip Code)

(Phone)

(Email)

State of _____)

County of _____)SS

Signed and sworn to before me on _____ by _____

_____.

(Notary Public or Clerk of Court)

Before Signing the Stipulated Agreement:

First: If you **didn't use** paragraph 2, 3 or 4 for your stipulated agreement, **remove** the unused page or pages. If you **didn't use** the paragraphs to add provisions related to decision making, information sharing, legal residence of the child(ren) for school attendance, parenting time (visitation) schedule, transportation and exchange arrangements, procedure for review of the parenting plan, dispute resolution, and child tax deduction, **remove** the unused pages.

Second: Number the paragraphs of your stipulated agreement.

- Paragraphs must be numbered sequentially.
- If you only used paragraph 10 for your stipulated agreement, **remove** the unused pages containing paragraphs 11, 12 and 13.
 - Start numbering the next paragraphs with 11, 12, 13, and so on. Continue until all paragraphs are numbered, including the paragraphs on the signature page.
- If you used paragraphs 10 and 11 for your stipulated agreement, **remove** the unused pages containing paragraphs 12 and 13.
 - Start numbering the next paragraphs with 12, 13, 14 and so on. Continue until all paragraphs are numbered, including the paragraphs on the signature page.
- If you used paragraphs 10, 11 and 12 for your stipulated agreement, **remove** the unused page containing paragraph 13.
 - Start numbering the next paragraphs with 13, 14, 15 and so on. Continue until all paragraphs are numbered, including the paragraphs on the signature page.
- If you used paragraphs 10, 11, 12 and 13 for your stipulated agreement, start numbering the next paragraphs with 14, 15, 16 and so on. Continue until all paragraphs are numbered, including the paragraphs on the signature page.

Third: Using the page numbering at the bottom of each page, number the pages of your stipulated agreement.

- Count the total number of pages. **Don't** include these final 2 pages of instructions in your total page count.

- *Fill in the total number of pages in the **second** blank space of the page number on each page.*
 - *For example, if you have 4 total pages, the second blank space of the page number will look like this: "Page ___ of 4."*
- *Now fill in the **first** blank space of the page number on each page.*
 - *Fill in "1" in the first blank space of the page number on the first page.*
 - *Fill in "2" in the first blank space of the page number on the second page.*
 - *And so on for each page of your stipulated agreement.*
 - *For example, if you have 4 total pages, the page number on each consecutive page will look like this: "Page 1 of 4," "Page 2 of 4," "Page 3 of 4," "Page 4 of 4."*

Fourth: Both parents **must** sign and date the stipulated agreement in the presence of a Notary Public or Clerk of Court. The court **will only consider** a stipulated agreement that is signed and dated by both parents, **and** each parent's signature is shown to have been witnessed by a Notary Public or Clerk of Court.

The stipulated agreement **doesn't** have to be signed in North Dakota or signed by a North Dakota Notary Public or Clerk of Court. If a parent signs the stipulated agreement in a state other than North Dakota, they must sign in the presence of a Notary Public or Clerk of Court of that state.