

## Motion for Default Parenting Responsibility Judgment

### Instructions for Form 5: Declaration of Proof for Default Parenting Responsibility Judgment

(Form MP5: Declaration of Proof for Default Parenting Responsibility Judgment is part of the Motion for Default Divorce Judgment. [Review the instructions for the packet of forms.](#))

ND Legal Self Help Center Staff and Court employees **can't** help you fill out forms. If you're unsure how to proceed, consult a lawyer.

ND Legal Self Help Center forms **aren't** official court forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

**Don't** include these instruction sheets when you serve or file the completed form.

A Declaration of Proof for Default Parenting Responsibility Judgment is one of a set of required documents that make up a written Motion for Default Parenting Responsibility Judgment.

The MP5: Declaration of Proof for Default Divorce Judgment (With Children) form is your, the Plaintiff's, written statement of the jurisdictional and factual matters in the Parenting Responsibility complaint, including the factual basis for the grounds of the Parenting Responsibility case.

You, the Plaintiff, arrange to serve the Declaration of Proof for Default Parenting Responsibility with all of the other required documents listed on Page 4.

#### **You, the Plaintiff, Complete and Sign this Form.**

- Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on the *Summons*.
- Fill in your full legal name.** This should match your name in the Caption.
- Paragraph 1:** Read carefully. **If** this information isn't true, you **can't** use this form.
- Paragraph 2:** Read carefully. **If** this information isn't true, you **can't** use this form.
- Paragraph 3:** Read carefully. **If** this information isn't true, you **can't** use this form.

- Paragraph 4:** You're required to tell the court if you or the Defendant are in the Armed Forces and currently deployed or notified of deployment.

**"Deploying or Deployed"** means a uniformed service member who has been notified of orders of movement or mobilization for more than ninety days but less than eighteen months and the orders are designated as unaccompanied, not authorized for dependent travel, or don't permit family members to move to the deployment location.

Check (✓) the box(es) that correctly show(s) the deployment status of both you and the Defendant.

If you check (✓) the "Defendant **is not** currently in the Armed Forces" box or the "I **do not know** whether Defendant is currently in active service" box, **you must** check (✓) and complete the matching boxes of Paragraph 6 of your Form 4: Declaration of Default.

If none of the boxes fit your situation, you **can't** use this form.

- Paragraph 5:** Fill in your identifying information.
- Paragraph 6:** Fill in the Defendant's identifying information. **Don't** leave a blank space. Write or type "Unknown" if you don't know.
- Paragraph 7:** Fill in the number of minor children of the relationship. Check (✓) the box indicating if you are the mother or father and whether Defendant is the mother or father.
- Paragraph 8:** Fill in your minor child(ren)'s initials, year of birth, last 4 digits of their social security number (if any), and state of residence for the last 6 months.

If you have more than three minor children, you **can't** use this form. However, you may use this form as a formatting template and create your own document.

If neither statement is correct for your situation, you **can't** use this form.

- Paragraph 9:** Put a checkmark (✓) in the same box as Paragraph 2 of your Form 3: Brief. Check (✓) the same boxes for Plaintiff and/or Defendant.
- Paragraph 10:** Check (✓) the box(es) that correctly show(s) whether more children are expected to be born of the relationship. If one of the parents is pregnant, check (✓) the box that applies to the situation. If you don't know whether Defendant is pregnant, check (✓) that statement.
- Paragraph 11:** Check (✓) the box for your requested residential responsibility and decision-making responsibility for the child(ren).

- Paragraph 12:** You must file a parenting plan with your motion documents. This paragraph states you believe your proposed parenting plan is best for the children.

**“Decision making responsibility”** means the responsibility to make decisions concerning the child(ren). The term may refer to decisions on all issues or on specific issues, but not child support issues.

**“Parenting time”** (also called visitation) means the time when the child(ren) is/are to be in the care of a parent.

**“Residential responsibility”** (also called custody) means a parent's responsibility to provide a home for the child(ren).

- Paragraph 13:** Check (✓) the first box if you have a child support order already in effect. Fill in the case number and the name of the Court. In order to choose this option, child support must already be ordered by a North Dakota state district court, another state's court, or a tribal court.

Check (✓) the second box if there's no child support order already in effect. Check (✓) the box showing who should be ordered to pay child support.

- Paragraph 14:** Read carefully. You complete these forms later in the process.

- Paragraph 15:** Read carefully. **If** this statement isn't true, you **can't** use this form.

- Signature:** You must sign and date the Declaration of Proof for Default Parenting Responsibility Judgment.

### **What do I do next?**

- Set aside the completed Declaration of Proof for Default Parenting Responsibility Judgment.
- Complete the next form in the set. (The Confidential Information Form is the next form **only** if you didn't file a Confidential Information Form with your Summons and Complaint.
- Once you complete all of the forms listed on Page 4, you serve the Declaration of Proof for Default Parenting Responsibility Judgment with those forms.
- The originals are filed with the court in **Step 7**, with the Declaration of Service by Mail.

**For Default Parenting Responsibility Judgment the following forms are required:**

- MP1: Notice of Motion for Default Parenting Responsibility Judgment;
- MP2: Motion for Default Parenting Responsibility Judgment;
- MP3: Brief in Support of Default Parenting Responsibility Judgment;
- MP4: Declaration of Default, Identification and Active Military Status;
- **MP5: Declaration of Proof for Default Parenting Responsibility Judgment;**
- MP7: Proposed Findings of Fact, Conclusions of Law, and Order for Default Parenting Responsibility Judgment;
- MP8: Proposed Default Parenting Responsibility Judgment;
- MP9: Exhibit A: Parenting Plan; and
- MP10: Declaration of Service by Mail.

**For Default Parenting Responsibility Judgment the following form is optional and isn't served:**

- MP6: Confidential Information Form;

State of North Dakota

In District Court

County of \_\_\_\_\_

\_\_\_\_\_ Judicial District

\_\_\_\_\_) )

Plaintiff, )

Case No. \_\_\_\_\_

vs )

\_\_\_\_\_) )

Defendant. )

**Declaration of Proof for  
Default Parenting Responsibility  
Judgment**

I, \_\_\_\_\_ (*Plaintiff name*), the

undersigned, state as follows:

- 1. I am the Plaintiff in the above-captioned Parenting Responsibility case.
- 2. To the best of my knowledge, no decree, judgment or order establishing parenting responsibility has been granted to either party against the other in a North Dakota Court or a Court of any other state, territory or country, and there is no other action pending to establish parenting responsibility by either party against the other in any Court.

3. The Defendant and I are not spouses and have never been married to each other.

4. **Military Deployment Status** (*select all that apply; continues on page 2*):

I **am not** currently in the Armed Services of the United States of America or its allies.

I **am** currently in the Armed Services of the United States of America or its allies but not currently deployed or notified of deployment.

Defendant **is not** currently in the Armed Services of the United States of America or its allies.

Defendant is currently in the Armed Services of the United States of America or its allies but not currently deployed or notified of deployment.

I do not know whether Defendant is currently in active service in the Armed Services of the United States of America or its allies. My attempts to find out are listed in my Declaration of Default, Identification and Active Military Service.

**5. My Identifying Information:**

My full name: \_\_\_\_\_

Address where I live: \_\_\_\_\_  
\_\_\_\_\_

My occupation and employer name and address: \_\_\_\_\_  
\_\_\_\_\_

My Year of Birth: \_\_\_\_\_ Last 4 Digits of my Social Security Number: \_\_\_\_\_

**6. Defendant's Identifying Information:**

Defendant's full name: \_\_\_\_\_

Address where Defendant lives, or last reasonably ascertainable address: \_\_\_\_\_  
\_\_\_\_\_

Defendant's occupation and employer name and address: \_\_\_\_\_  
\_\_\_\_\_

Defendant's Year of Birth: \_\_\_\_\_ Last 4 Digits of Defendant's Social Security Number: \_\_\_\_\_

**7.** The Defendant and I have \_\_\_\_\_ minor child(ren) together. I am the (*choose one*)

mother/  father of the child(ren). The Defendant is the (*choose one*)  mother/  father of the child(ren).

8. Our minor child(ren) are as follows:

- a. Minor Child's Initials: \_\_\_\_\_ Year of Birth: \_\_\_\_\_  
Last 4 Digits of Social Security Number: XXX-XX-\_\_\_\_\_  
State of Residence for Last 6 Months: \_\_\_\_\_
- b. Minor Child's Initials: \_\_\_\_\_ Year of Birth: \_\_\_\_\_  
Last 4 Digits of Social Security Number: XXX-XX-\_\_\_\_\_  
State of Residence for Last 6 Months: \_\_\_\_\_
- c. Minor Child's Initials: \_\_\_\_\_ Year of Birth: \_\_\_\_\_  
Last 4 Digits of Social Security Number: XXX-XX-\_\_\_\_\_  
State of Residence for Last 6 Months: \_\_\_\_\_

9. (Choose one):

The child(ren) has/have lived in North Dakota with (select all that apply)  Plaintiff/  Defendant for at least six consecutive months immediately before the start of this Parenting Responsibility case. If a child is less than six months old, the child has lived in North Dakota with (select all that apply)  Plaintiff/  Defendant since their birth.

North Dakota was the home state of the child(ren) within six months of the start of this Parenting Responsibility case, and (select all that apply)  Plaintiff/  Defendant continues to reside in North Dakota.

10. (Choose all that apply; Paragraph 10 continues on next page):

No additional children are expected to be born of this relationship.

(Choose one)  I am pregnant /  The Defendant is pregnant. However, the child is not at issue in this Parenting Responsibility case because (choose one)  I am not /  The Defendant is not the father.

I do not know whether Defendant is pregnant. However, if Defendant is pregnant, I am not the father, and the child is not at issue in this Parenting Responsibility case.

**11.** It is in the best interests of the child(ren) that (*choose one*):

Residential responsibility and decision-making responsibility of the child(ren) be shared equally between me and the Defendant.

I have primary residential responsibility and decision-making responsibility of the child(ren), subject to parenting time by the Defendant.

The Defendant have primary residential responsibility and decision-making responsibility of the child(ren), subject to parenting time by me.

**12.** My proposed parenting plan is set forth in Exhibit A: Parenting Plan. I believe my proposed Parenting Plan is in the best interests of the child(ren).

**13.** (*Choose one.*)

There is a child support order currently in effect. I do not request any changes to the child support order. The case number is \_\_\_\_\_. The Court that issued the child support order is \_\_\_\_\_.

There is no child support order currently in effect. I request the court order (*choose one*)  me/  Defendant to pay child support.

**14.** I have submitted to the Court proposed Findings of Fact, Conclusions of Law and Order for Default Parenting Responsibility Judgment and proposed Exhibit A: Parenting Plan, which I believe serves the best interests of our child(ren)

**15.** I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Proof for Default Parenting Responsibility Judgment is true and correct.

Signed on \_\_\_\_\_ (Date) in \_\_\_\_\_ (City),  
\_\_\_\_\_ (County), \_\_\_\_\_ (State) \_\_\_\_\_ (Country).

\_\_\_\_\_  
(Plaintiff's Signature)

\_\_\_\_\_  
(Plaintiff's Printed Name)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)