

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

 (Plaintiff))
)
 PLAINTIFF,)
 Vs)
)
 _____)
 (Defendant))
)
 DEFENDANT.)
)

Case No. _____

BRIEF IN SUPPORT OF MOTION FOR INTERIM ORDER

STATEMENT OF FACTS

1. The above-captioned civil case, is a domestic relations action for *(choose one)*:

- Divorce.
- Legal separation.
- Establishing parenting rights and responsibilities.
- Establishing paternity.
- Other _____.

2. *(Choose the sentence that applies to your circumstances and strike through the other two that do not apply.)*

- The parties in the above-captioned case were married on _____
 (date) in _____ (city), _____ (state).
- The parties in the above-captioned case were never married but cohabitated from
 _____ (date) to _____ (date),
 in _____ (city), _____ (state).
- The parties in the above-captioned case were never married and never cohabitated.

3. The Plaintiff had the initiating documents served / Defendant was served with the initiating documents (*choose one*), on the ____ day of _____, 20____ (*date you had the summons and complaint for the original domestic relations case served on the Defendant or the date you were served the summons and complaint by the Plaintiff*).

4. **Paternity.** (*Choose one.*)

Paternity is not disputed.

Paternity needs to be determined for the following children (*insert the initials of all minor child(ren) and their year of birth, for which paternity needs to be determined*):

_____, born in _____; _____, born in _____; _____, born in _____;
and _____, born in _____.

5. The initials and year(s) of birth of all children of the parties are (*insert the initials of your minor child(ren) and their year(s) of birth*): _____, born in _____; _____, born in _____; _____, born in _____; and _____, born in _____. In the above captioned case, the Plaintiff / Defendant (*choose one*) respectfully seeks an interim order which will apply to the following children (*make clear, by referencing initials and year(s) of birth, which of your children the interim order will apply to*): _____, born in _____; _____, born in _____; _____, born in _____ and _____, born in _____.

6. **Real and/or Personal Property.** (*Choose one.*)

There is no real and/or personal property in respect of which the interim order is sought.

There is real and/or personal property in respect of which the interim order is sought.

The legal description of real and/or personal property in respect of which the interim order is sought *(using subparagraphs 6(a) and so on, list the real and/or personal property you want the interim order to apply to):*

6(a) _____

6(b) _____

6(c) _____

6(d) _____

7. *(Briefly describe the additional relevant facts leading you to make this motion. Number each paragraph of your facts as 7(a), 7(b), 7(c), and so on. If you refer to facts from your supporting affidavit, other supporting affidavits, and/or other documents, include the title of that affidavit and/or document in parentheses following the reference.)*

(Paragraph 7, continued.)

LAW AND ARGUMENT

8. The Court may grant a temporary interim order:
- Relating to the issue of child support. N.D.R.Ct. 8.2(b)(1).
 - Of parenting rights and responsibility in a proceeding. N.D.R.Ct. 8.2(b)(2).
 - Which includes a parenting schedule of minor children, which provides for reasonable parenting time [unless the evidence establishes that parenting time should be restricted and/or prohibited]. N.D.R.Ct. 8.2(b)(2).
 - For the payment of attorney’s fees and costs if a party has insufficient personal income and/or funds with which to pay these fees and/or costs. N.D.R.Ct. 8.2(b)(3).
 - Which provides for the use of real and/or personal property. N.D.R.Ct. 8.2(b)(4).
 - Which restrains and/or evicts a party to the proceeding from using and/or maintaining control or real and/or personal property. N.D.R.Ct. 8.2(b)(4).

9. In the above captioned case, Plaintiff / Defendant (*choose one*) respectfully seeks:
(For each option below, check either “Yes” or “No.” Your selections must correspond with paragraph 2 of your Motion for Interim Order document.)

9a. Payment of Support: Yes (*briefly explain*) No

9b. Temporary Parental Rights and Responsibilities: Yes (*briefly explain*) No

9c. A Parenting Schedule of Minor Children: Yes (*briefly explain*) No

9d. Payment of Attorney’s Fees and Costs: Yes (*briefly explain*) No

9e. The Use of Real or Personal Property: Yes (*briefly explain*) No

9f. For Restraining from and/or Eviction from Property: Yes (*briefly explain*) No

CONCLUSION

10. Plaintiff / Defendant (*choose one*) respectfully requests this Court issue findings consistent with this Motion and Brief. Said request is based on the Motion and Brief herein, and the supporting affidavits and exhibits of (*full names of individuals who provided an affidavit*):

Dated this _____ day of _____, 20_____.

(Signature of Moving Party)

(Moving Party Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)