

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

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

Case No. _____

ANSWER BRIEF TO 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. The Moving Party filed a motion with the court for an interim order in the above-captioned case on the ____ day of _____, 20____ (*date the Moving Party filed the motion*).

5. **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(s) of birth, for which paternity needs to be determined*):

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

6. 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 interim order 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 _____.

7. *(Briefly describe the additional relevant facts that apply to your answer to the motion for an interim order. 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.)*

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 (*indicate if you agree or disagree with the Moving Party’s requests, or if the Moving Party did not make the request. If you wish to make requests that the Moving Party did not, you will make those request(s) in Paragraph 10 below.*):

9(a) **Payment of Support.** (*Choose one.*)

I agree to the other party’s request for payment of support.

I do not agree with the other party’s request for payment of support (*briefly explain*). _____

The Moving party did not request payment of support.

9(b) **Temporary Parental Rights and Responsibilities.** (*Choose one.*)

I agree to the other party's request for temporary rights and responsibilities.

I do not agree with the other party's request for temporary parental rights and responsibilities (*briefly explain*). _____

The Moving party did not request temporary parental rights and responsibilities.

9(c) **Parenting Schedule of Minor Children.** (*Choose one.*)

I agree to the other party's recommended parenting schedule of our minor children.

I do not agree with the other party's recommended parenting schedule of our minor children (*briefly explain*). _____

The Moving party did not request a parenting schedule of minor children.

9(d) **Payment of Attorney's Fees and Costs.** (*Choose one.*)

I agree to the other party's request for payment of attorney's fees and costs.

I do not agree with the other party's request for payment of attorney's fees and costs (*briefly explain*). _____

The Moving party did not request payment of attorney's fees and costs.

9(e) **Use of Real and/or Personal Property.** (*Choose one.*)

I agree to the other party's request for the use of real and/or personal property.

I do not agree to the other party's request for the use of real and/or personal property (*briefly explain*). _____

The Moving party did not request use of real and/or personal property.

9(f) **Restraining from and/or Eviction from Property.** (*Choose one.*)

I agree to the other party's request for my restraining from and/or eviction from property.

I do not agree to the other party's request for my restraining from and/or eviction from property (*briefly explain*). _____

The Moving party did not request restraining from and/or eviction from property.

OTHER RELIEF

10. Additional Rule 8.2 of the North Dakota Rules of Court Requests (*choose one*):

No. There is no additional relief that I would like to request.

Yes. In addition to the relief requested above, I would like the Court to order the following that the Moving Party did not already request: (*select any additional relief allowed by Rule 8.2 of the North Dakota Rules of Court, that the Moving Party has not already requested, that you would like the court to order.*)

10(a) Payment of Support: Yes (*briefly explain*) N/A

10(b) Temporary Parental Rights and Responsibilities: Yes (*briefly explain*) N/A

10(c) A Parenting Schedule of Minor Children: Yes (*briefly explain*) N/A

10(d) Payment of Attorney's Fees and Costs: Yes (*briefly explain*) N/A

10(e) The Use of Real of Personal Property: Yes (*briefly explain*) N/A

10(f) For Restraining from/Eviction from Property: Yes (*briefly explain*) N/A

CONCLUSION

11. I respectfully ask the Court to grant me the relief requested above, including an award of attorney’s fees, if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate. Said request is based on the Answer Brief herein, and the supporting affidavits and exhibits of *(full names of individuals who provided an affidavit)*:

Dated this ____ day of _____, 20____.

(Signature of Opposing Party)

(Opposing Party Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)