

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

PLAINTIFF,)

Case No. _____

vs)

ANSWER & COUNTERCLAIM
(Divorce With Children)

DEFENDANT.)

ANSWER

_____ (*Defendant's name*), the Defendant

in this divorce action, submits this Answer to the allegations in the Plaintiff's Complaint:

1. Defendant denies each and every allegation in the Plaintiff's Complaint unless specifically admitted to in Paragraphs 2 through 3 below.

2. Defendant admits to the allegations in the following paragraphs in the Plaintiff's Complaint (*list each paragraph number with which you completely agree*): _____
_____.

3. Defendant admits part and denies part of the allegations in the following paragraphs in the Plaintiff's Complaint (*list the paragraph number and explain the part of the paragraph with which you agree and the part with which you disagree*):

a. Paragraph # ____: _____

b. Paragraph # ____: _____

c. Paragraph # ____: _____

d. Paragraph # ____: _____

e. Paragraph # ____: _____

4. Defendant does not have sufficient knowledge to either admit or deny the allegations in the following paragraphs in the Plaintiff's Complaint (*list each paragraph number you don't have enough information with which to agree or disagree*): _____

AFFIRMATIVE DEFENSES (N.D.R.C.P. Rule 8)

5. (*Choose one.*)

Defendant does not have any affirmative defenses.

OR

Defendant has the following affirmative defenses (*select all that apply. You'll be required to prove all affirmative defenses you select*):

Defendant was not served a copy of the summons and complaint.

Defendant received a copy of the summons and complaint, but was not properly served.

A divorce case, dissolution of marriage case, or legal separation case has already started in (*name of court*) _____ of (*name of State or tribe*) _____, Case Number _____.

Other _____.

COUNTERCLAIM FOR DIVORCE

The Defendant in this divorce action submits this Counterclaim to the Plaintiff's

Complaint:

6. The identifying information of Plaintiff and Defendant is as follows:

a. Plaintiff's full legal name is: _____.

Plaintiff's address is: _____
_____.

Plaintiff's employer's name and address: _____
_____.

Plaintiff's birth year: _____ & last 4 digits of social security number: _____.

b. Defendant's full legal name is: _____.

Defendant's address is: _____

_____.

Defendant's employer's name and address: _____

_____.

Defendant's birth year: _____ & last 4 digits of social security number: _____.

7. Plaintiff and Defendant were married on _____ (date), at _____ (city), _____ (state) and ever since have been married.

8. (Choose one)

Neither Plaintiff nor Defendant is currently in the Armed Services of the United States of America or its allies.

OR

(Choose all that apply) Plaintiff/ Defendant is/are currently in the Armed Services of the United States of America or its allies but is not/are not currently deployed or notified of deployment.

9. Irreconcilable differences have arisen between Plaintiff and Defendant making continuation of the marriage impossible.

10. Plaintiff and Defendant have minor children together, namely (Paragraph 10 continues on next page):

a. Minor Child's Initials: _____ Year of Birth: _____

Last 4 Digits of Social Security Number: XXX-XX-_____

Address: _____

b. Minor Child's Initials: _____ Year of Birth: _____

Last 4 Digits of Social Security Number: XXX-XX-_____

Address: _____

c. Minor Child's Initials: _____ Year of Birth: _____

Last 4 Digits of Social Security Number: XXX-XX-_____

Address: _____

(Choose if applicable) Additional sheets are attached for Paragraph 10.

11. It is in the best interests of the minor child(ren) that residential responsibility is granted as follows (choose one):

Shared equally between the Plaintiff and the Defendant.

OR

Primary residential responsibility granted to the Plaintiff, subject to the Defendant's reasonable parenting time.

OR

Primary residential responsibility granted to the Defendant, subject to the Plaintiff's reasonable parenting time.

12. (Choose one.)

Neither Plaintiff nor Defendant is pregnant.

OR

(Choose one) Plaintiff/ Defendant is pregnant. However, the Plaintiff/ Defendant is not the father, and the child is not at issue in this proceeding.

13. (Choose one)

This Court **has** jurisdiction to determine parenting rights and responsibilities and decision making of the minor child(ren) under North Dakota Century Code Section 14-14.1-12 because (choose and complete only one of the two options below):

The child(ren) has/have lived in North Dakota with a parent or person acting as a parent for at least six consecutive months immediately before the start of this divorce proceeding. If a child is less than six months old, the child has lived in North Dakota with a parent or person acting as a parent since their birth.

Name of parent or person acting as a parent: _____

Relationship to child(ren): _____

North Dakota was the home state of the child(ren) within six months of the start of this divorce proceeding, and one parent continues to reside in North Dakota.

Name of parent residing in North Dakota: _____

This Court **DOES NOT have** jurisdiction to determine parenting rights and responsibilities and decision making of the minor child(ren) pursuant to North Dakota Century Code Section 14-14.1-12 because (choose and complete only one of the two options below):

The child(ren) **have not** lived in North Dakota with a parent or person acting as a parent for at least six consecutive months immediately before the start of this divorce proceeding. If a child is less than six months old, the child has lived in North Dakota with a parent or person acting as a parent since their birth.

North Dakota **was not** the home state of the child(ren) within six months of the start of this divorce proceeding, and one parent **does not** continue to reside in North Dakota.

14. This proceeding will affect the custody of the minor child(ren) of the marriage. The following information is required by North Dakota Century Code Section 14-14.1-20:

a. Within the past five (5) years, the child(ren) has/have lived at the following addresses:

Child's Initials	Address (street, city, state, zip code)	Date From	Date To

b. The names and current addresses of the persons with whom the child(ren) has/have lived in the past five (5) years are as follows:

Child's Initials	Name of Person(s)	Current Address (street, city, state, zip code)

c. *(Choose one; Paragraph 14(c) continues on next page)*

Defendant has not participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child(ren).

OR

- Defendant has participated in the following proceeding(s) concerning the child(ren) as a party or witness, or in another capacity concerning the custody of or visitation with the child(ren):

Name of Court	State	Case Number	Date of Determination

d. (Choose one)

- Defendant does not know of any proceeding that could affect this current divorce proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, neglect, abuse, deprivation, guardianship, or paternity.

OR

- Defendant knows of the following proceeding(s) that could affect this current divorce proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, neglect, abuse, deprivation, guardianship, or paternity:

Name of Court	State	Case Number	Type of proceeding

e. (Choose one)

Defendant does not know of any person who is not a party to this divorce proceeding who has physical custody of the child(ren) or claims rights of legal custody or physical custody of, or visitation with, the child(ren).

OR

Defendant knows of the following person(s) who is/are not a party to this divorce proceeding who has physical custody of the child(ren) or claims rights of legal custody of physical custody of, or visitation with, the child(ren):

Name of Person(s)	Address (street, city, state, zip code)

(Choose if applicable) Additional sheets are attached for Paragraph 14(e).

15. (Choose one)

(Choose one) Plaintiff/ Defendant is an able-bodied person and is able to contribute toward the support of the minor child(ren).

OR

There is a child support order already in existence. The case number is

_____.

16. Plaintiff and Defendant are owners of property, which should be divided by the Court and an equitable portion awarded to each party.

17. Plaintiff and Defendant have accumulated a certain amount of debt throughout the marriage, which should be divided, and an equitable portion assessed to each party.

18. (*Choose one*)

Defendant wants to restore their name.

OR

Defendant does not want to restore their name.

WHEREFORE, Defendant asks for the following relief on the Answer and Counterclaim:

19. The bonds of matrimony presently existing between Defendant and Plaintiff be wholly dissolved and that Defendant be granted an absolute decree of divorce from Plaintiff.

20. For residential responsibility and parenting time that serve the minor child(ren)'s best interests.

21. For child support obligations, if requested in Paragraph 15 above, that serve the minor child(ren)'s best interests, including those related to traditional child support, dependent medical and dental insurance coverage, and contribution to the child(ren)'s uninsured dental and medical expenses.

22. For a fair and equitable division of the assets and liabilities accumulated and incurred by the parties.

23. For such further and additional relief as this Court may deem just and proper.

24. I verify, under penalty of perjury under the law of North Dakota, that I am the Defendant in the above-entitled divorce action; that I have read the Complaint for Divorce and know the contents thereof and that the same is true and correct, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true and correct.

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

_____, Defendant

Signature of Defendant

Typed or Printed Name of Defendant

Address

City State Zip Code

Telephone Number

Email Address