

State of North Dakota

In District Court

County of _____

_____ Judicial District

_____))

Plaintiff,)

Case No. _____

vs

)

Answer & Counterclaim

)

(Contested Parenting Responsibility)

)

_____))

Defendant.)

Answer

_____ (*Defendant's name*), the Defendant
in this action to establish parenting responsibility, 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 and 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 #____: _____

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.

☐ 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 because _____

_____.

☐ A case to establish parenting responsibility has already started in _____
_____ (*State and name of Court*),
Case Number: _____.

☐ This court does not have jurisdiction because _____
_____.

☐ Other _____
_____.

Counterclaim

The Defendant in this action to establish parenting responsibility, submits this Counterclaim to the Plaintiff's Complaint:

6. Plaintiff's identifying information is as follows:

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 Plaintiff's social security number: XXX-XX-_____

7. Defendant's identifying information is as follows:

Defendant's full legal name is: _____.

Defendant's address is: _____
_____.

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

Defendant's birth year: _____

Last 4 digits Defendant's social security number: XXX-XX-_____

8. Plaintiff and Defendant are not husband and wife and have never been married to each other, but were involved in a relationship with each other that resulted in the birth of their minor child(ren).

9. *(Choose one; Paragraph 9 continues on next page)*

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

☐ (Select 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.

10. Plaintiff and Defendant have minor children together, namely:

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

12. (Choose one. Paragraph 12 continues on next page.)

- ☐ Neither Plaintiff nor Defendant is pregnant.

☐ (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 and complete one ☐.)

☐ This Court **has** jurisdiction to determine parenting rights and responsibilities (*custody and visitation*) and decision making of the minor child(ren) under North Dakota Century Code

Section 14-14.1-12 because (*choose one*):

☐ 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 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 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 (*custody and visitation*) and decision making of the minor child(ren) pursuant to North Dakota Century Code Section 14-14.1-12 because (*choose one; continues on next page*):

☐ 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 proceeding. If a child is less than six months old, the child **has not** 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 proceeding, and one parent **does not** continue to reside in North Dakota.

14. This parenting responsibility case affects the custody of the minor child(ren). 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).

☐ 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 parenting responsibility case, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, neglect, abuse, deprivation, guardianship, or paternity.

☐

Defendant **knows** of the following proceeding(s) that could affect this parenting responsibility case, 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 parenting responsibility case who has physical custody of the child(ren) or claims rights of legal custody or physical custody of, or visitation with, the child(ren).

☐ Defendant **knows** of the following person(s) who is/are not a party to this parenting responsibility case 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.

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).

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

_____.

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

16. (Choose one) ☐ Do not dismiss Plaintiff's Complaint. / ☐ Dismiss Plaintiff's Complaint because (explain) _____

_____.

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

18. For child support obligations 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.

19. That Plaintiff and Defendant pay their own attorney's fees and costs associated with bringing this action.

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

21. I verify, under penalty of perjury under the law of North Dakota, that I am the Defendant in the above-entitled action; that I have read the Answer and Counterclaim 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).

Signature of Defendant

Typed or Printed Name of Defendant

Address

City State Zip Code

Telephone Number

Email Address