

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

PLAINTIFF,

Case No. _____

Vs

ANSWER AND COUNTERCLAIM

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 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 what part of the paragraph you
agree and what part 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 Pursuant to Rule 8 of the North Dakota Rules of Civil Procedure

5. (*Choose one.*)

- a. Defendant does not have any affirmative defenses.
- b. Defendant has the following affirmative defenses (*Select all that apply. You will 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: _____.
 - Other _____.

COUNTERCLAIM

_____ (*Defendant's name*), the Defendant in this action to establish parenting responsibility, 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 Plaintiff's social security number: XXX-XX-_____

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

7. 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).

8. *(Choose one)*

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

OR

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

9. 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: _____

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

a. Shared equally between the Plaintiff and the Defendant.

OR

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

OR

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

11. (*Choose one.*)

a. Neither Plaintiff nor Defendant is pregnant.

OR

b. Plaintiff/ Defendant is pregnant. However, the Plaintiff/ Defendant is not the father, and the child is not at issue in this proceeding.

12. (*Choose one.*)

a. This Court **has** 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*):

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): _____

OR

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: _____

b. 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*):

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 lived in North Dakota with a parent or person acting as a parent since their birth.

OR

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.

13. This proceeding will affect 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:

(Paragraph 13(b) continues on next page.)

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

c. (Choose one.)

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 the current 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 the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, neglect, abuse, deprivation, guardianship, or paternity.

(Paragraph 13(d) continued.)

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 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 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)

14. (Choose one)

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

OR

b. 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:

15. (Select all that apply.)

- a. That Plaintiff's Complaint be dismissed because (*explain*) _____
_____.
- b. For residential responsibility and parenting time that serve the minor child(ren)'s best interests.
- c. 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.
- d. That Plaintiff and Defendant pay their own attorney's fees and costs associated with bringing this action.
- e. For such further and additional relief as this Court may deem just and proper.

Dated this _____ day of _____, 20_____.

Signature of Defendant

Typed or Printed Name of Defendant

Address

_____, _____
City State Zip Code

(_____) _____
Telephone Number

(*Verification of Defendant on Page 9 of 9*)

VERIFICATION OF DEFENDANT

STATE OF _____)

COUNTY OF _____)SS

(State and County where Defendant signed)

_____, I verify, under penalty of perjury, 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.

Dated _____, 20____

(Defendant's Signature)

(Defendant's Printed Name)

(Address) (City, State, Zip Code) (Telephone Number)