

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

PLAINTIFF,

Case No. _____

Vs

ANSWER AND COUNTERCLAIM
(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 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'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 divorce case has already started in _____
(*State and name of Court*), Case Number: _____.
 - A legal separation case has already started in _____
(*State and name of Court*), Case Number: _____.
 - Other _____

COUNTERCLAIM

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

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

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: _____

11. 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.

12. (*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.

13. (*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.

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.)*

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)

15. *(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

_____.

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

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

18. Defendant wants to restore their name (*choose one*): Yes No

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

19. (*Select all that apply.*)

- a. That Plaintiff's Complaint be dismissed because (*explain*) _____
_____.
- b. The bonds of matrimony presently existing between Plaintiff and Defendant be wholly dissolved and that Plaintiff be granted an absolute decree of divorce from Defendant.
- c. For residential responsibility and parenting time that serve the minor child(ren)'s best interests.
- d. 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.
- e. For a fair and equitable division of the assets and liabilities accumulated and incurred by the parties.
- f. That Plaintiff and Defendant pay their own attorney's fees and costs associated with bringing this action.
- g. Defendant's name be restored to _____.

h. 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

Email Address