

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

(Plaintiff))
PLAINTIFF,)
Vs)

(Defendant))
DEFENDANT.)

Case No. _____

AFFIDAVIT IN SUPPORT OF ANSWER BRIEF
TO MOTION TO MODIFY PRIMARY
RESIDENTIAL RESPONSIBILITY
(No Written Agreement)

I, _____, the undersigned,

being first sworn, on my oath state as follows:

1. I am the Plaintiff/Defendant (*choose one*) in the above-captioned civil case, which was an action for (*choose one*)

- divorce.
- legal separation.
- establishing parenting rights and responsibilities.
- establishing paternity.
- other _____.

2. The final judgment in the above-captioned civil case was entered _____,
_____ (*date*) and (*choose one*)

- I was awarded primary residential responsibility.
- _____ (*name*) was awarded primary residential responsibility.
- Neither I, nor the other parent, was awarded primary residential responsibility.

Residential responsibility was awarded as follows (*describe*): _____

3. The residential responsibility in the final judgment has/ has not (*choose one*) been previously modified.

If applicable, the judgment was amended _____
_____ (*date(s) of amended judgment(s)*).

Currently, primary residential responsibility is awarded to _____
(*name*).

4. (*Choose one*)

It has been two years or more since the Judgment/_____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) was entered.

It has not been two years or more since the Judgment/_____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) was entered, however paragraph _____ of the Judgment/_____ Amended Judgment (*choose one, fill in the number*) allows/ does not allow (*choose one*) modification before two years when (*state event/circumstances*):

(*Complete if you think the Judgment does not allow modification:*) The event or circumstance has not occurred as follows:

(Describe the specific facts leading you to make this motion. Number each paragraph of your facts, beginning with 5, then 6, 7, 8, and so on. You may make copies of the following blank page to add additional pages to your affidavit, if you need more room for your specific facts.)

____. I state, under penalty of perjury, that the information contained in this Affidavit, is true and correct.

Dated this ____ day of _____, 20____

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Signed and sworn to before me on _____, 20____ by

(Notary Public or Clerk of Court)

If Notary, my commission expires: _____

Completing the Affidavit in Support of Answer Brief to Motion to Modify Primary Residential Responsibility:

First: Make sure all of the paragraphs of your affidavit are numbered, starting with paragraph 5 on the 3rd page of this Affidavit in Support of Answer Brief to Motion form.

- Make sure you number the final paragraph on the signature page.

Second: If you did not use the blank page of this Affidavit in Support of Answer Brief to Motion form, remove the unused page.

Third: Using the page numbering at the bottom of each page, number the pages of your Affidavit in Support of Answer Brief to Motion.

- Count the total number of pages. **DO NOT** include this page of instructions in your total page count.
- Fill in the total number of pages in the second blank space of the page number on each page.
 - For example, if you have 4 total pages, the second blank space of the page number will look like this: "Page ___ of 4."
- Now fill in the first blank space of the page number on each page.
 - Fill in "1" in the first blank space of the page number on the first page.
 - Fill in "2" in the first blank space of the page number on the second page.
 - And so on for each page of your stipulated agreement.
 - For example, if you have 4 total pages, the page number on each consecutive page will look like this: "Page 1 of 4," "Page 2 of 4," "Page 3 of 4," "Page 4 of 4."

Fourth: Sign and date your Affidavit in Support of Answer Brief to Motion in the presence of a Notary Public or Clerk of Court.

The affidavit does not have to be signed in North Dakota. If you sign the affidavit in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.