

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

(Plaintiff))
PLAINTIFF,)
Vs)

(Defendant))
DEFENDANT.)

Case No. _____

STIPULATED AGREEMENT TO MODIFY
PRIMARY RESIDENTIAL RESPONSIBILITY
(Parties Agree to All Modifications)

1. WHEREAS, this is a stipulated agreement to modify residential responsibility in the above-captioned civil case, which was initiated by the Plaintiff and Defendant.

2. WHEREAS, this stipulated agreement to modify residential responsibility applies to the following minor children for whom residential responsibility was established in the above-captioned civil case *(list each child's initials and year of birth)*: _____

3. WHEREAS, considering all circumstances related to this stipulated agreement to modify primary residential responsibility, the agreement is fair and reasonable.

4. WHEREAS, considering all circumstances related to this stipulated agreement to modify primary residential responsibility, the Plaintiff and Defendant agree this agreement is a material change in circumstances sufficient for the Court to modify primary residential responsibility of the minor child(ren).

5. WHEREAS, considering all circumstances related to this stipulated agreement to modify primary residential responsibility, the Plaintiff and Defendant agree it is in the best interests of the minor child(ren) for residential responsibility to be modified.

6. WHEREAS, the Plaintiff and Defendant expressly agree and stipulate to the fact that the District Court of _____ County, North Dakota, has both personal and subject matter jurisdiction over all the issues arising in this action, in the above-entitled case, and that jurisdiction extends, but is not limited to issues of parenting responsibility, parenting time, and child support.

7. WHEREAS, the Plaintiff and Defendant agree and represent to the Court that they executed this stipulated agreement voluntarily, that neither party has been subject to threats or acts constituting duress, and that they entered into this stipulated agreement of their own free will.

8. WHEREAS, the Plaintiff and Defendant agree to the entry of an amended judgment without the need for hearing or further notice to the parties.

9. NOW THEREFORE, and in accordance with the mutual promises contained in this stipulated agreement, the Plaintiff and Defendant agree as follows:

(To complete the rest of this stipulated agreement, you will need to refer to either the final judgment in your case if it has not been amended, or the most recently amended judgment in your case.

Find the EXACT paragraphs of the judgment, or most recently amended judgment, that you want to modify. On the following pages of this stipulated agreement, you will tell the court the EXACT paragraph #'s and the EXACT words of the modifications to the paragraphs to which you both agree.

Remember to include the EXACT paragraphs related to child support and the new child support amount(s) you calculated using the child support calculator.)

10. Paragraph ____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

11. Paragraph ____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

12. Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

13. Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

(Review your judgment or most recently amended judgment for paragraphs or provisions related to decision making, information sharing, legal residence of the child(ren) for school attendance, parenting time (visitation) schedule, transportation and exchange arrangements, procedure for review of the parenting plan, dispute resolution, and child tax deduction. If your judgment or most recently amended judgment is missing any of the provisions, the Court cannot issue a modified judgment unless the missing provisions are added. Fill out the following paragraphs only if the provision is missing. Cross out any of the following paragraphs that do not apply. Decide where the new paragraphs will be located in your modified judgment and assign the paragraph number to the new paragraph.

If your judgment or most recently amended judgment includes all of the following provisions, remove the unused pages. You do not need to include them in your final stipulated agreement.)

____. New Paragraph ____ of the Judgment _____ Amended Judgment (choose one – if an amended judgment, fill in the number; i.e. First, Second) previously entered in this case, shall be added and reads as follows:

Legal residence of the minor children for school attendance shall be: _____

____. New Paragraph ____ of the Judgment _____ Amended Judgment (choose one – if an amended judgment, fill in the number; i.e. First, Second) previously entered in this case, shall be added and reads as follows:

Parenting time: Plaintiff/ Defendant (choose one) shall have parenting time as agreed in the Parenting Time Schedule below.

Plaintiff and Defendant intend the following guideline to provide ongoing consistent parenting time for the children. Plaintiff and Defendant recognize that there will be times that

the schedule requires adaptation for the best interest of the children. Plaintiff and Defendant agree to negotiate changes to the schedule in the best interest of the children.

Parenting time, and the parenting schedule shall be as follows:

Weekends: Alternating Other: _____

Weekdays: One night per week (_____) Other: _____

Holidays: _____

Days off from school: _____

Birthdays: Alternating the child(ren)'s birthdays: _____

Other: _____

Plaintiff's Birthday: _____

Defendant's Birthday: _____

Summers: _____

Vacations: _____

Parenting time beginning date: _____

____. New Paragraph ____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be added and reads as follows:

Decision making responsibility: Each parent is authorized to make emergency health care decisions while the children are in that parent's care.

Each parent is authorized to make routine day-to-day decisions while the children reside with that parent, except: _____

Major decisions such as education, health care, and spiritual development, shall be made by Plaintiff Defendant Plaintiff and Defendant jointly (*choose one*).

Both Plaintiff and Defendant must consent before any minor child shall be allowed to:

____. New Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be added and reads as follows:

Information sharing and access: Both parents shall have access to educational, medical, dental, religious, insurance, and other records. Both parents have the right to attend school conferences. This right does not require any school to hold a separate conference with each parent. Both parents shall allow reasonable access to the child by phone or other means. Each parent shall inform the other as soon as reasonably possible of serious accidents or illness which require health care treatment, providing the time of the accident or illness and the name of the treating health care provider. Parents shall inform each other of address and phone number changes immediately. Parties shall keep each other informed of the name and address of the school the child(ren) attend.

Telephone access to the children shall be as follows: _____

Electronic access to the children shall be as follows: _____

____. New Paragraph ____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be added and reads as follows:

Transportation and exchange arrangements: (*choose any that apply*)

When Plaintiff and Defendant live in the same community, the responsibility of picking up and returning the children is shared with pickup at _____ and drop off at _____.

Pick up at _____.

Drop off at _____.

Alternative Pick up/Drop off at _____.

Any change in pick up or drop off location will be determined by: _____

Other _____

____. New Paragraph ____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be added and reads as follows:

Review and adjustment to parenting plan: When family necessities, illnesses, or commitments reasonably require, the parenting plan will be modified fairly. The parent requesting modification shall act in good faith and give as much notice as circumstances permit.

Plaintiff and Defendant also anticipate that at some point circumstances may fundamentally change, and agree that the parenting plan will be reviewed upon the following events: (*choose any that apply.*)

Plaintiff and Defendant may change this plan by agreement, but all changes must be in writing, signed, and dated by both.

The oldest child reaches age _____.

If either Plaintiff or Defendant intends to move more than _____ miles from their current residence.

After recommendation of a professional (i.e. doctor, therapist, pastor).

After arrest or criminal activity by one or both parties.

Upon verified chemical abuse /relapse.

Upon an agency or Court finding of child abuse or neglect by one or both parties.

Upon a court finding of domestic violence by one or both parties.

Prolonged lack of contact with the child.

Other: _____

____. New Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be added and reads as follows:

Dispute resolution: In the event Plaintiff and Defendant are unable to resolve their differences with regard to the parenting plan, disputes shall be submitted to: (choose one)

Counseling.

Mediation.

Other _____.

The cost of the dispute resolution process will be allocated between Plaintiff and Defendant as follows:

Plaintiff and Defendant shall each pay one-half.

As determined in the dispute resolution process.

Other _____.

The parent beginning the dispute resolution process shall notify the other parent by:

_____.

In the dispute resolution process with regard to the parenting plan, preference will be given to carrying out this parenting plan. Unless an emergency exists, Plaintiff and Defendant shall use the designated process to resolve disputes, except those related to financial support.

____. New Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be added and reads as follows:

Child tax exemption: Only one parent may claim an exemption for each child on their income tax return. Each parent shall execute any IRS or similar forms to allow the other parent to take the exemption, deduction and credit in the appropriate years.

(Choose one)

For each minor child, the child tax exemption shall be claimed according to the following schedule (*P = Plaintiff, D = Defendant*):

Child's Initials	Exemption claimed every year by:		Exemption claimed odd years by:		Exemption claimed even years by:	
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D

The parent who provided health insurance coverage for the minor child for _____% or more of the tax year shall claim the child tax exemption for that child.

Other: _____

____. That all other terms and provisions of the previously entered Judgment
 _____ Amended Judgment (*choose one – if an amended judgment, fill in the number;
i.e. First, Second*) shall remain in full force and effect.

____. The Plaintiff and Defendant stipulate that the above provisions be incorporated into a
_____ Amended Judgment to be issued in the above-captioned civil case (*if the first
amendment to the judgment, fill in "First", if an amended judgment, fill in the next number; i.e.
"First Amended Judgment" becomes "Second Amended Judgment"*).

____. The Plaintiff and Defendant know they have the right to be represented by a lawyer of
their choice. They each hereby expressly waive that right and freely and voluntarily sign the
foregoing stipulated agreement.

____. The Plaintiff/ Defendant (*choose one*), the non-moving party, expressly waives
notice of hearing and consents to the matter being brought for hearing without appearances.

Dated this _____ day of _____, 20____

(Plaintiff's Signature)

_____, Plaintiff
(Printed Name)

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

STATE OF _____)

COUNTY OF _____)SS

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

(Notary Public or Clerk of Court)

If Notary, my commission expires: _____

Dated this _____ day of _____, 20____

(Defendant's Signature)

_____, Defendant

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

STATE OF _____)

COUNTY OF _____)SS

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

_____.

(Notary Public or Clerk of Court)

If Notary, my commission expires: _____

Before Signing the Stipulated Agreement:

First: If you did not use paragraph 2, 3 or 4 for your stipulated agreement, remove the unused page or pages. If you did not use the paragraphs to add provisions related to decision making, information sharing, legal residence of the child(ren) for school attendance, parenting time (visitation) schedule, transportation and exchange arrangements, procedure for review of the parenting plan, dispute resolution, and child tax deduction, remove the unused pages.

Second: Number the paragraphs of your stipulated agreement.

- Paragraphs must be numbered sequentially.
- If you only used paragraph 10 for your stipulated agreement, remove the unused pages containing paragraphs 11, 12 and 13.
 - Start numbering the next paragraphs with 11, 12, 13, and so on. Continue until all paragraphs are numbered, including the paragraphs on the signature page.
- If you used paragraphs 10 and 11 for your stipulated agreement, remove the unused pages containing paragraphs 12 and 13.
 - Start numbering the next paragraphs with 12, 13, 14 and so on. Continue until all paragraphs are numbered, including the paragraphs on the signature page.
- If you used paragraphs 10, 11 and 12 for your stipulated agreement, remove the unused page containing paragraph 13.
 - Start numbering the next paragraphs with 13, 14, 15 and so on. Continue until all paragraphs are numbered, including the paragraphs on the signature page.
- If you used paragraphs 10, 11, 12 and 13 for your stipulated agreement, start numbering the next paragraphs with 14, 15, 16 and so on. Continue until all paragraphs are numbered, including the paragraphs on the signature page.

Third: Using the page numbering at the bottom of each page, number the pages of your stipulated agreement.

- Count the total number of pages. **DO NOT** include these final 2 pages 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: Both parents must sign and date the stipulated agreement in the presence of a Notary Public or Clerk of Court. The court will only consider a stipulated agreement that is signed and dated by both parents, and each parent's signature is shown to have been witnessed by a Notary Public or Clerk of Court.

The stipulated agreement does not have to be signed in North Dakota or signed by a North Dakota Notary Public or Clerk of Court. If a parent signs the stipulated agreement in a state other than North Dakota, they must sign in the presence of a Notary Public or Clerk of Court of that state.