

Instructions For Summons – Divorce Or Separation Action, or Cases

ND Legal Self Help Center Staff and Court employees can't help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a lawyer.

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Don't include this instruction sheet when you serve or file the completed form.

A Summons notifies the Defendant that the Plaintiff started the divorce or legal separation process and the Defendant must file a written Answer in order to participate in the civil action, or case. The Summons also contains restraining provisions that applies to both spouses as soon as the Summons is served on the Defendant.

- Fill in the name of the North Dakota County where the Plaintiff intends to file the divorce, or legal separation action, or case.
- Fill in the name of the Judicial District where the Plaintiff intends to file the case. (The County is within the Judicial District.) County and Judicial District information and maps are available at ndcourts.gov/court-locations.
- Leave the case number blank unless a rule or law tells you differently.
- Fill in the full, legal name of the Plaintiff on the Plaintiff line.
- Fill in the Defendant's full, legal name on the Defendant line.
- Sign and date the Summons.
- If the Plaintiff isn't represented by a lawyer, **the clerk of court must sign and date the Summons before it's served on the Defendant.** Go to the clerk of court's office in the North Dakota County where the Plaintiff intends to file the case.
- A copy of the Complaint must be served with the Summons.

****Disclaimer: The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.****

State of North Dakota

In District Court

County of _____

_____ Judicial District

)
 Plaintiff,)
)
 vs)
)
 _____)
 Defendant.)

Case No. _____

Summons

The State of North Dakota to the above-named Defendant:

1. **You are hereby summoned** and required to appear and defend against the Complaint in this action by serving upon the undersigned an Answer or other proper response within twenty-one (21) days after the service of this Summons and Complaint upon you, exclusive of the day of service. A copy of the Complaint is served upon you with this Summons.

2. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Notice of Temporary Restraining Provisions:

3. Under Rule 8.4 of the North Dakota Rules of Court, upon service of this Summons, you, and your spouse, are bound by the following restraints:

- a. Neither spouse shall dispose of, sell, encumber, or otherwise dissipate any of the parties' assets, except:
 - i. For necessities of life or for the necessary generation of income or preservation of assets; or
 - ii. For retaining counsel to carry on or to contest the proceeding.

If a spouse disposes of, sells, encumbers, or otherwise dissipates assets during the interim period, that spouse shall provide to the other spouse an accounting within thirty (30) days.

- b. Neither spouse shall harass the other spouse.
- c. All currently available insurance coverage must be maintained and continued without change in coverage or beneficiary designation.
- d. Except for temporary periods, neither spouse may remove any of their minor children from North Dakota without the written consent of the other spouse or order of the court.

4. **If either spouse violates any of these provisions, that spouse may be in contempt of court.**

Dated _____

_____, Plaintiff
Signature of Plaintiff

Typed or Printed Name of Plaintiff

Address

City State Zip Code

Telephone Number

Email Address

Dated _____

Clerk of District Court