

Read Before Filling Out The Summons Form (Form 1)

Divorce can have serious long-term legal and financial consequences. It's strongly recommended that you [consult a lawyer](#) and carefully consider all of your options.

Only a lawyer who agrees to represent you can give you legal advice and tell you about your options based on your circumstances.

This Summons (Form 1) is part of the *Filing for Divorce Together – With Children* forms packet. You may use this forms packet if **All** of the following are true:

- You and your spouse are currently in communication with each other.
- You and your spouse agree on **All** issues. **Both spouses must date and sign Forms 3, 4 & 5.** (See Forms 3, 4 & 5 for the issues that you both must agree to in writing.)
- The spouse listed as Plaintiff has lived in North Dakota for at least the last 6 months.
- All of the minor children of the marriage have lived in North Dakota with a spouse for at least the past 6 months (*or since birth*);

OR

Within the past 6 months, North Dakota was the home state of all of the minor children of the marriage and one spouse still lives in North Dakota.

- This is the only legal action in North Dakota, any other state, or tribe between you and your spouse regarding the marriage or your minor children.
- The reason for your divorce is irreconcilable differences (*no fault by either spouse*).
- If either spouse is currently in the military, they're not deploying or deployed.
- There's **no** domestic violence protection order or disorderly conduct restraining order currently in effect regarding either spouse.

You **Must** Complete the Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property & Debt & Values (Form 4), and Exhibit B: Parenting Plan (Form 5) **Before** filling out the Summons (Form 1). [Consult a lawyer](#) for help.

The Summons form must be filled out completely by the Plaintiff. A clerk of court must sign and date the Summons form. If the Summons (Form 1) isn't filled out completely and signed by the Plaintiff **and** a clerk of court, it may not be accepted by the clerk of court for filing.

If this form is accepted for filing, but the judge or judicial referee assigned to the divorce decides the form is incomplete, your case may be dismissed without granting a divorce.

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

Filing for Divorce Together – With Children

Instructions for Form 1: Summons

(Form 1: Summons is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B before completing the Summons.)

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

ND Legal Self Help Center forms aren't official court forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Don't include these instruction sheets when you serve or file the completed form.

The Plaintiff Completes & Signs This Form. The Clerk of Court Must Also Sign and Date this Form.

Service of a Summons is required in every divorce case, without exception.

Service of the Summons (Form 1) happens in Step Ten of the [instructions for the packet of forms](#).

- Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- Paragraphs 1 through 4:** Read carefully. Once the Summons is served on the Defendant in Step Ten, both spouses are required to obey the Summons.
- Date and Signature:**

Don't date and sign the Summons (Form 1). You'll date and sign the Summons in Step Nine of the [instructions for the packet of forms](#).

In divorce cases, when a Plaintiff isn't represented by a lawyer, the summons must be issued by the Clerk of Court. **The Clerk of Court must sign and date the summons before it's served on the Defendant.**

You'll take the Summons to the Clerk of Court to sign in Step Nine of the [instructions for the packet of forms](#).

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

State of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,

Case No. _____

vs

Summons

Defendant.

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 on 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 on 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's Signature)

(Plaintiff's Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

Dated _____

Clerk of District Court