

# Filing for Parenting Responsibility Together

## Instructions for Packet of Forms

### Important! Read Before Using this Packet of Forms.

**ND Legal Self Help staff and court employees can't help you fill out the form(s).** If you're unsure if these forms and instructions suit your circumstances, 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.

**If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.** Go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer) for information about finding a lawyer to represent you.

**When you represent yourself, you're expected to know and follow the law, including:**

- State or federal laws that apply to your case, which include,
  - [Chapter 14-09 of the North Dakota Century Code](#) governing custody, visitation, and child support; and
  - [Chapter 14-14.1 of the North Dakota Century Code](#) governing jurisdiction;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
  - North Dakota Rules of Civil Procedure;
  - North Dakota Rules of Court;
  - North Dakota Rules of Evidence;
  - North Dakota Administrative Rules and Orders; and
  - Any local court rules.

Links to the state laws, case law, and court rules are available at [ndcourts.gov](https://ndcourts.gov).

A glossary with definitions of legal terms is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

**When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures**

***These instructions and forms aren't a complete statement of the law. They cover the basic procedure for asking a North Dakota state district court to establish parenting rights and responsibilities of minor child(ren) of parents who have never been married to each other **and** the parents **agree 100% in writing on all issues.** There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided. **Use these forms and instructions at your own risk.*****

## Who May Use This Packet of Forms?

Both parents may use these forms **Only** if **All** of the following statements are **True**.

1. Both parents are currently in communication with each other.
2. Both parents agree on **All** issues. **Both parents must date and sign Forms 3 & 4.** (*See Forms 3 & 4 for the issues that you both must agree to in writing.*)
3. The parents of the minor children have never been married to each other.
4. All of the minor children have lived in North Dakota with a parent 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 children **And** one parent still lives in North Dakota.
5. There is no other custody, visitation, divorce or paternity order from a North Dakota court or court of another state or tribe.
6. This is the only legal case in North Dakota, any other state, or tribe between the parents regarding the minor children.
7. The father of the child or children is recognized as the father by a signed Acknowledgement of Paternity, a court order, or an adoption order.
8. If either parent is currently in the military they're not deploying or deployed.
9. There is no domestic violence protection order or disorderly conduct restraining order in effect regarding either parent.

## Before You Begin, Review Forms 3, & 4

Before you begin the steps for this packet of forms, review the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4).

**Form 3 and Form 4 make up the full (100%) written agreement to establish parenting rights and responsibilities of the minor child(ren).** If you believe that you and the other parent can reach an agreement on every paragraph of Form 3 and Form 4, continue.

If you **don't** believe that you and the other parent can reach an agreement on every paragraph of Form 3 and Form 4, **Stop! You can't use this packet of forms.**

Go to [ndcourts.gov/legal-self-help/establishing-custody-and-visitation](https://ndcourts.gov/legal-self-help/establishing-custody-and-visitation) for all other parenting responsibility resources available through the ND Legal Self Help Center.

## Forms Suitable for Uncomplicated Parenting Responsibility Cases Only

**This packet of forms is only for parenting responsibility cases involving common and uncomplicated circumstances.**

If this packet of forms doesn't work for you, **Stop!** You need to create your own documents, or retain a lawyer to create the documents for you.

**If the father of the child or children isn't recognized as the father by a signed acknowledgement of paternity, a court order, or an adoption order,** review the Paternity webpage at [ndcourts.gov/legal-self-help/paternity](https://ndcourts.gov/legal-self-help/paternity).

## You Must Calculate Child Support

**Since your parenting responsibility case includes minor or dependent children, you're required to calculate child support.** You must calculate child support even if both parents have agreements between yourselves related to child support.

**If you don't want to establish child support as part of your parenting responsibility case, you still must complete the child support calculations.** The judge or judicial referee decides whether it's in the best interests of the children to waive, or stay, your child support payments.

**If you plan to ask the judge or judicial referee to allow you to pay a different amount of child support than the child support calculations say,** you must prove you meet one of the limited exceptions for paying a different amount. You must also prove paying a different amount is in the best interests of the children.

**You may be able to apply for services with [North Dakota Child Support](#).** If your application for full services is approved by [North Dakota Child Support](#), they can help to establish an order for child support and medical support in a separate child support case.

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## Caution Regarding Domestic Violence

Domestic violence protection orders and disorderly conduct restraining orders generally don't allow communication between the person protected by the order and the person the order is against.

**This packet of forms is for parents who represent themselves and agree In Writing on All issues related to the parenting responsibility case. The parents Must communicate** with each other to share information, make decisions and complete the forms before filing with the Clerk of court. If there's a domestic violence protection order or disorderly conduct restraining order in effect against either spouse, you **Can't** use these forms.

If there's **no** domestic violence protection order or disorderly conduct restraining order in effect, **but** you're concerned about the impact of domestic violence on you, this packet of forms may not be suitable.

Before using this packet of forms, consult a lawyer and to contact a domestic violence intervention center in your area to help you navigate your situation.

CAWS North Dakota can help you find a domestic violence intervention center in your area. The phone number is (888) 255-6240; the website is [cawsnorthdakota.org](http://cawsnorthdakota.org).

## Who Are the Parties in Your Parenting Responsibility Case?

**Plaintiff** – The parent starting the action, or case, to establish parenting rights and responsibilities between unmarried parents.

**Defendant** – the other parent.

The parent who will be listed as Plaintiff to this case should be a parent who can answer "Yes" to Statement #3 on page 2 of these instructions. If neither parent can answer "Yes" to Statement #3, you **may not** use this packet of forms

If neither parent has lived in North Dakota for the past six months, **Stop!** You can't use this packet of forms. [Consult a lawyer](#) for help.

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## 10 Forms For Filing For Parenting Responsibility Together

\*Each individual form includes instructions to complete the form.\*

### 9 Forms Both Parents Must Complete Before Filing for Parenting Responsibility Together

Form Title	Description
<b>Form 1: Summons</b> <i>(Plaintiff completes)</i>	<p>Notifies the Defendant that the Plaintiff started the process for an order to establish parenting rights and responsibilities. A Summons is required for every parenting responsibility case, even when the parents are in 100% agreement.</p> <p><b>The Summons must be signed and dated by the clerk of court to be valid.</b></p>
<b>Form 2: Complaint</b> <i>(Plaintiff completes)</i>	<p>Gives the judge or judicial referee information about the Plaintiff and Defendant, and their children. Tells the judge or judicial referee what the Plaintiff is asking for from the judge or judicial referee. A Complaint is required for every parenting responsibility case, even when the parents are in 100% agreement.</p>
<b>Form 3: Settlement Agreement</b> <i>(Plaintiff &amp; Defendant complete)</i>	<p>A written and signed agreement of the Plaintiff and Defendant deciding 100% of <b>All</b> issues of the parenting rights and responsibilities to the minor child(ren).</p> <p>After completing Form 3, Plaintiff and Defendant must each sign in the presence of a notary public or clerk of court.</p>
<b>Form 4: Exhibit B: Parenting Plan</b> <i>(Plaintiff &amp; Defendant complete)</i>	<p>Parenting Responsibility cases require a parenting plan. Lists the full agreement of the Plaintiff and Defendant regarding parenting rights and responsibilities. The agreement must be based on the best interests of the children, not the parents.</p> <p>Both Plaintiff and Defendant must sign in the presence of a notary public or clerk of court.</p>
<b>Form 5: Confidential Information Form</b> <i>(Plaintiff &amp; Defendant complete)</i>	<p>Lists the full confidential information that <b>isn't</b> allowed to appear in other documents filed with the court.</p> <p>This form is a part of the court record that isn't seen by the public.</p>

**9 Forms Both Parents Must Complete Before Filing for Parenting Responsibility Together**

<b>Form Title</b>	<b>Description</b>
<p><b>Form 6: Admission of Service</b> <i>(Defendant completes)</i></p>	<p>Proof that copies of the completed Form 1, Form 2, Form 3, Form 4, Form 5, Form 7, Form 8, and Form 9 were delivered to and accepted by the Defendant.</p> <p>After the Defendant dates and signs the Admission of Service, the Summons and Complaint are served, which officially starts the parenting responsibility case.</p>
<p><b>Form 7: Affidavit of Proof for Stipulated Judgment</b> <i>(Plaintiff completes)</i></p>	<p>The Plaintiff's written and signed statement of the facts and the court's authority (jurisdiction) to decide the case.</p> <p>Plaintiff must sign in the presence of a notary public or clerk of court.</p>
<p><b>Form 8: Findings of Fact, Conclusions of Law and Order for Judgment (Proposed)</b> <i>(Complete using Form 3)</i></p>	<p>Findings of Fact are the judge or judicial referee's written determination of the facts made from the evidence presented. Conclusions of Law are the rulings of law made by the judge or judicial referee based on, or in connection with, the Findings of Fact. These are your <b>proposed</b> Findings of Fact and Conclusions of Law, which are based on the Settlement Agreement.</p>
<p><b>Form 9: Judgment (Proposed)</b> <i>(Complete using Form 3)</i></p>	<p>A written order of the judge or judicial referee's decision. The parenting responsibility case isn't finished until the Judgment is signed and filed. This is your <b>proposed</b> Judgment, which is based on the Settlement Agreement</p>

**1 Form Plaintiff Must Complete After the Parenting Responsibility Case is Granted**

<b>Form Title</b>	<b>Description</b>
<p><b>Form 10: Notice of Entry of Judgment</b> <i>(Plaintiff completes)</i></p>	<p>A required notice from the Plaintiff to the Defendant. Served on the Defendant within 14 days after the parenting responsibility Judgment is signed and filed.</p>

## Forms Must be Filled out Completely!!

**Don't leave any of the paragraphs within the forms unanswered.**

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable." Type or write \$0.00 if a dollar amount doesn't apply to you.

If a form isn't completely filled out, it could result in the clerk not accepting the forms for filing, or the court may send the form back to you to complete. It could also mean the judge or judicial referee will require both parents to attend a hearing to answer why there are blanks in the form.

**Follow and Carefully Read All Instructions!** In the instructions for each form there are checkboxes () before each step. Check each box as you finish the step. Don't go to the next step **until** the previous step is completed.

### Step One:

#### Review All Forms and Instructions; Gather Information and Make Decisions

##### Review All of the forms and instructions:

Read these instructions **carefully**. Review the **All** of the individual forms and their instructions **carefully**. Decide if the forms apply to your situation. If you don't know if you should use this packet of forms, [consult a lawyer](#) licensed to practice in North Dakota.

##### Gather information and Make Decisions:

Both parents should gather information to help make decisions about the following:

- Residential responsibility of the minor child(ren). (Also known as custody.)
- Parenting time, including scheduling. (Also known as visitation.)
- Decision making responsibility.
- Child support, including wages and other earnings information.
- Medical coverage, including health insurance premiums, copays, deductibles, etc.

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**❑ Complete your child support calculations:**

If you already have a Child Support Order, get a copy of the Order to include with the completed packet of forms. You don't need new child support calculations.

- You may need to serve Child Support. See Step Nine for more information.

If you **don't** already have a Child Support Order, you need to complete your child support calculations **Before** your or your spouse sign the Settlement Agreement. **If you don't want to establish child support at this time, Stop! You can't use this packet of forms.**

**Warning:** If you attempt to file this packet of forms without completing the child support calculations, the judge or judicial referee will either require you to complete the calculations before making a decision on your divorce case, or dismiss your divorce case entirely.

If the parents will have equal residential responsibility, you must calculate child support amounts for **both** parents.

If **one** parent will have primary residential responsibility (more than 50% of the residential responsibility), you must calculate the child support amount for the parent with **less** than 50% of the residential responsibility.

**Warning:** If you plan to ask the judge or judicial referee to allow a parent to pay a different amount of child support than the Child Support Guidelines Calculator amount, [consult a lawyer](#) for help. The Calculator amount is presumed to be the correct amount of child support. The parent asking for a different amount than the Calculator amount must prove they meet one of the limited exceptions for deviation, **and** the deviation is in the best interests of the child(ren). See [North Dakota Century Code Section 14-09-09.7](#) and [North Dakota Administrative Code Section 75-02-04.1-09](#).

Court personnel and staff of the ND Legal Self Help Center **Can't** help you with your child support calculations.

You may be able to apply for services with [North Dakota Child Support](#) (701-328-5440; 800-231-4255). If your application for full services is approved by North Dakota Child Support, they can help to establish an order for child support and medical support in a separate child support case.



## Step Two:

### Both Parents Complete the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4)

Both parents work together to complete these forms.

Instructions for completing the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) are attached to each form.

- Fill out the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) Only if both parents agree on all issues in each form.**

You make copies of the completed Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) in Step 8.

**Stop! You can't use this set of forms if both parents haven't signed** the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) in the presence of a notary public or clerk of court. **You haven't reached a 100% agreement on All issues.**

## Step Three:

### The Plaintiff Completes the Summons (Form 1)

The parent listed as Plaintiff completes this form.

Instructions for completing the Summons (Form 1) are attached to the form.

**Filling out this form is required even though both parents agree to the parenting responsibility case.**

- Fill out the Summons (Form 1):**

**You go to the Clerk of Court's Office in Step 8 and ask the clerk of court to sign and date the summons.** The summons must be signed and dated by the clerk of court to be valid.

You make copies of the completed Summons (Form 1) in Step 8.

## **Step Four:**

### **The Plaintiff Completes the Complaint (Form 2)**

**The parent listed as Plaintiff completes this form.**

Instructions for completing the Complaint (Form 2) are attached to the form.

**Filling out this form is required even though both parents agree to the parenting responsibility case.**

**Fill out the Complaint (Form 2):**

You make Copies of the completed Complaint (Form 2) in Step 8.

## **Step Five:**

### **Both parents Complete the Confidential Information Form (Form 5)**

**Both parents work together to complete this form.**

Instructions for completing the Confidential Property are attached to the form.

**Fill out the Confidential Information Form (Form 5):**

You make copies of the completed Confidential Information Form (Form 5) in Step 8.

## **Step Six:**

### **The Plaintiff Completes the Affidavit of Proof for Stipulated Judgment (Form 7)**

**The parent listed as Plaintiff completes this form.**

Instructions for completing the Affidavit of Proof for Stipulated Judgment are attached to the form.

**Fill out the Affidavit of Proof for Stipulated Judgment (Form 7).**

This packet of forms is designed to be presented to a North Dakota state district court judge or judicial referee without requiring a hearing. Evidence is presented by an affidavit of proof, which is the Plaintiff's written statement of the facts of the divorce.

**The judge or judicial referee may still decide to hold a hearing before making a final decision.**

You make a copy of the completed Affidavit of Proof for Stipulated Judgment (Form 7) in Step 8.

### **Step Seven:**

#### **Both Parents Complete the Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) and the Judgment (Form 9)**

**Both parents work together to complete these forms.**

Instructions for filling out the Findings of Fact, Conclusions of Law and Order for Judgment are attached to the form.

**Fill out the Findings of Fact, Conclusions of Law and Order for Judgment (Form 8).**

Instructions for filling out the Judgment are attached to the form.

**Fill out the Judgment (Form 9)**

You make copies of the completed Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) and the Judgment (Form 9) in Step 8.

### **Step Eight:**

#### **Get Signatures; Make Copies of Completed Forms**

#### **All of the Forms Must be Filled out Completely!!**

**Make sure all of the paragraphs within the forms are answered.**

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable." Type or write \$0.00 if a dollar amount doesn't apply to you.

If a form isn't completely filled out, it could result in the clerk not accepting the forms for filing, or the court may send the form back to you to complete. It could also mean the judge or judicial referee will require you and your spouse to attend a hearing to answer why there are blanks in the form.

### **Sign Forms And Get Signatures:**

- The parent listed as Plaintiff must make sure the Summons (Form 1) is signed by the clerk of court.**

The Plaintiff also signs and fills in their information on the Summons (Form 1).

- The parent listed as Plaintiff must complete and sign the following forms:**

1. Complaint (Form 2); and
2. Affidavit of Proof for Stipulated Judgment (Form 7), which must be signed in the presence of a notary public or clerk of court.

- Both parents must complete the following forms and sign them in the presence of a notary public or clerk of court:**

1. Settlement Agreement (Form 3);
2. Exhibit B: Parenting Plan (Form 4)

- Both parents must complete and sign the following form:**

1. Confidential Information Form (Form 5).

### **Make Copies of Forms:**

- After getting all signatures as indicated above, make 2 copies of the following:**

1. Summons (Form 1);
2. Complaint (Form 2);
3. Settlement Agreement (Form 3);
4. Exhibit A: Parenting Plan (Form 4);
5. Confidential Information Form (Form 5);
6. Affidavit of Proof for Stipulated Judgment (Form 7);
7. Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) – **Not Signed**; and
8. Judgment (Form 9) – **Not Signed**.

- Keep one copy for your records.**

You give the other copy to the Defendant in Step 9. You file the originals with the Clerk of court in Step 10.

## Step Nine:

### Give Copies of Completed Forms to Defendant; Defendant Completes the Admission of Service (Form 7); Serve North Dakota Child Support (if applicable)

The parent listed as Plaintiff gives one copy of each form to the Defendant as follows:

1. Summons (Form 1)
  - Must be signed by the Plaintiff and clerk of court
2. Complaint (Form 2)
  - Must be signed by Plaintiff
3. Settlement Agreement (Form 3)
  - Must be signed by **both** Plaintiff and Defendant in the presence of a notary public or clerk of court
4. Exhibit A: Parenting Plan (Form 4)
  - Must be signed by **both** Plaintiff and Defendant in the presence of a notary public or clerk of court
5. Confidential Information Form (Form 5)
  - Must be signed by **both** Plaintiff and Defendant
6. **Blank** Admission of Service (Form 6)
  - To be completed and signed by the Defendant
7. Affidavit of Proof for Stipulated Judgment (Form 7)
  - Must be signed by Plaintiff in the presence of a notary public or clerk of court
8. Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8)
  - **Not Signed**
9. Judgment (Proposed) (Form 9)
  - **Not Signed**

The Defendant completes, dates and signs the Admission of Service (Form 6):

- The Defendant completes the Admission of Service (Form 6);
- The Defendant dates and signs the Admission of Service (Form 6);
- The Defendant makes a copy of the Admission of Service (Form 6) for their records; and
- The Defendant returns the original, completed Admission of Service (Form 6) to you.

Both parents are now required to obey the Summons. **Read it carefully!**

**Warning:** Once the Defendant receives copies of the completed Summons and Complaint, **And** dates and signs the Admission of Service, neither parent can take your minor child(ren) from North Dakota without the written permission of the other parent or an order of the Court. (*This doesn't include taking your minor child(ren) from North Dakota for temporary periods.*) If a parent disobeys this temporary restraining provision, that parent may be in contempt of court.

- Make a copy of the original, completed and signed Admission of Service (Form 6) for your records.**

**After you receive the completed and signed Admission of Service (Form 6) from the Defendant, go to Step 10.**

You **Must** make a copy of the completed Form 1, Form 2, Form 3, Form 4, Form 7, Form 8, and Form 9 **If** any of the following are **True**:

- ◆ You applied and were accepted for Child Support services for any child listed in the Settlement Agreement (Form 3); or
- ◆ You currently receive financial or medical assistance from the State of North Dakota for any child listed in the Settlement Agreement (Form 3).

You **Must** serve the copies on North Dakota Child Support. Contact [North Dakota Child Support](#) and ask who you serve.

## **Step Ten:**

### **File the Original, Completed Forms with the Clerk of Court**

- Take or mail the completed Originals of each of the following Completed forms to the Clerk of Court in the North Dakota county where you plan to file your divorce forms:**
  - Summons (Form 1);
  - Complaint (Form 2);
  - Settlement Agreement (Form 3);
    - You **must** include your child support calculations and any additional sheets
  - Exhibit A: Parenting Plan (Form 4);
  - Confidential Information Form (Form 5);
  - Admission of Service (Form 6);
  - Affidavit of Proof for Stipulated Judgment (Form 7);

- Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8); and
- Judgment (Proposed) (Form 9).

**Pay the filing fee.** The filing fee for a parenting responsibility case is \$80.00.

If you can't afford to pay the filing fee, the judge or judicial referee may waive it under certain circumstances.

Forms and instructions to request an order to waive filing fees are available at [ndcourts.gov/legal-self-help/fee-waiver](https://ndcourts.gov/legal-self-help/fee-waiver). File the completed forms when you file your completed parenting responsibility forms.

A judge or judicial referee reviews the request to decide whether you must pay the filing fee. Be prepared to pay the filing fee if your request isn't granted or the Clerk of Court can't file your documents.

**The original documents are kept in the court file. If your documents are accepted for filing by the Clerk of court, a case number is assigned to your parenting responsibility case.**

## **Step Eleven:**

### **Parenting Responsibility Judgment**

**After the judge or judicial referee reviews all of the completed forms, the judge or judicial referee may decide to hold a hearing.** If the judge or judicial referee requires a hearing, you're notified of the date, time and location of the hearing. If you fail to attend the hearing, the judge or judicial referee may not grant parenting rights and responsibilities.

If the judge or judicial referee approves the Settlement Agreement, the Clerk of court sends you a copy of the Judgment telling you the judge signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment is entered (filed). After the signed and dated Judgment is entered (filed), your parenting rights and responsibilities are granted and are final.

**If the judge or judicial referee doesn't require a hearing And the judge or judicial referee approves the Settlement Agreement,** the clerk of court sends you a copy of the Judgment telling you the judge signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment is entered (filed). After the signed and dated Judgment is entered (filed), parenting rights and responsibilities are granted and are final.

If you need a certified copy of the judgment you may obtain one for a fee through the Clerk of Court's office.

**Warning: Parenting Responsibility Isn't Established Until the Judgment is Entered (Filed).**

## **Step Twelve:**

### **The Plaintiff Serves the Notice of Entry of Judgment (Form 10) on the Defendant and Files Proof of Service**

**The parents listed as Plaintiff completes this form.**

Within 14 days after the parenting responsibility judgment is entered, the Plaintiff must serve a Notice of Entry of Judgment (Form 10) on the Defendant.

Instructions for completing and serving the Notice of Entry of Judgment (Form 10) are attached to the form.

**Fill out the Notice of Entry of Judgment (Form 10).**

After service is complete, file the original completed Notice of Entry of Judgment (Form 10) **And** proof of service on the Defendant with the clerk of court.

## **Certified Copies of Your Parenting Responsibility Judgment**

**You can request certified copies of your parenting responsibility judgment from the Clerk of Court's Office.** Contact information for clerks of court by county is available at [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations).

**There is a cost for certified copies:**

- \$10 for the first certified copy;
- \$5 for each additional certified copy (if requested at the same time).

**Your parenting responsibility judgment is made up of 2 documents:**

- Judgment (Form 9);
- Exhibit A: Parenting Plan (Form 4).

**You need certified copies of the 2 documents.**



## Filing for Parenting Responsibility Together

### Instructions for Form 1: Summons

(Form 1: Summons is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement and Exhibit A 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 parenting responsibility case, without exception.**

Service of the Summons (Form 1) happens in Step Nine 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 Nine, both parents 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 Eight of the [instructions for the packet of forms](#).

In parenting responsibility 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 Eight of the [instructions for the packet of forms](#).

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# Filing for Parenting Responsibility Together

## Instructions for Form 2: Complaint

(Form 2: Complaint is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement and Exhibit A: Parenting Plan before completing the Complaint.)

**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:

#### Definitions

**Deploying or deployed parent** – a deploying or deployed parent is a uniformed service member who has been notified of orders of movement or mobilization for more than ninety days but less than eighteen months **and** the orders are designated as unaccompanied, not authorized for dependent travel, or don't permit family members to move to the deployment location.

**Home state** – the state in which a child lived with a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, home state means the state in which the child lived from birth with a parent. A period of temporary absence of any of the mentioned persons is part of the period.

**Parenting time** – (*also called visitation*) the time when the child is to be in the care of a parent.

**Residency requirement** – the amount of time a child and a parent must live in North Dakota before they can ask a North Dakota state district court to establish parenting rights and responsibilities. In general, the child and a parent must have lived in North Dakota for at least the past six months. Although, there are exceptions to this residency requirement, this packet of forms can't be used unless the child and parent meet this requirement. (See Home State.)

**Residential responsibility** – (*also called custody*) a parent's responsibility to provide a home for the child.

**A Complaint is required to be served with the Summons in every parenting responsibility case, even if you and the other parent agree to 100% of all issues in your parenting responsibility case**

- Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- Paragraphs 1 & 2:** If the statements in Paragraphs 1 and 2 aren't true, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 3:** Refer to Paragraph 2 of *Form 3: Settlement Agreement* to fill in Plaintiff's (your) information.
- Paragraph 4:** Refer to Paragraph 3 of *Form 3: Settlement Agreement* to fill in the Defendant's information.
- Paragraph 5:** Refer to Paragraph 4 of *Form 3: Settlement Agreement* regarding your relationship status.
- Paragraph 6:** Put a checkmark (✓) next to the same statement as Paragraph 6 of *Form 3: Settlement Agreement*.
- Paragraph 7:** Fill in the same information as Paragraph 8 of *Form 3: Settlement Agreement*.
- Paragraph 8:** Put a checkmark (✓) next to the residential responsibility option that you and the Defendant will request from the Court. **Don't** put a checkmark in more than one box.

The *Filing for Parenting Responsibility Together* packet of forms **doesn't** include an option for split residential responsibility (dividing the minor children between the parents). If you want a court to establish split residential responsibility, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.

- Paragraph 9:** Put a checkmark (✓) next to the same statement as Paragraph 11 of *Form 3: Settlement Agreement*.
  - Type or write the full, legal name of the parent(s).
- Paragraph 10:** Put a checkmark (✓) next to the same statement as Paragraph 12 of *Form 3: Settlement Agreement*.

**Paragraph 11:** Complete all 5 parts of Paragraph 11.

- Paragraph 11(a): Fill in the information for each minor child listed in Paragraph 7. (Initials **only**)
- Paragraph 11(b): Fill in the information for each minor child listed in Paragraph 7. (Initials **only**)
- Paragraph 11(c): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- Paragraph 11(d): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- Paragraph 11(e): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- If you need more space to answer any of Paragraph 11, attach a sheet or sheets with the additional information. Type or write on one side only.
  - Put a checkmark (✓) in the box at the end of Paragraph 11.
  - Type or write “Complaint Paragraph 11” on top of the additional sheet(s).

**Paragraph 12:** Put a checkmark (✓) next to the statement that’s true for your situation. If you select the first option, fill in the case number of the child support order.

- If you already have a child support order, make sure you use the same case number as the first option of Paragraph 13 of *Form 3: Settlement Agreement*.

**Paragraphs 13 through 15:** Read the statements carefully. This tells the court what you’re asking for from the court.

**Paragraph 16:** This is your verified statement, under penalty of perjury.

By signing your name you’re telling the Court that you’re telling the truth and that you have a good faith reason for your requests. If you’re not telling the truth or if you’re misleading the Court, or if you’re serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

**Date and Signature:** Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Print your name.
- Fill in the address lines. If you have a physical address **and** a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.
- Fill in the telephone number and email address lines.

## Filing for Parenting Responsibility Together

### Instructions for Form 3: Settlement Agreement

(Form 3: Settlement Agreement is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms](#) before completing the Settlement Agreement and Exhibit A: Parenting Plan.)

**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.**

Fill out the Settlement Agreement (Form 3) **Only** if both parents agree on **All** issues in the Settlement Agreement (Form 3) and Exhibit A (Form 4). If you haven't reached a full agreement on **All** issues, you can't use this packet of forms.

**The Plaintiff & Defendant Must Work Together to Complete & Sign This Form:**

#### Definitions

**Child Support** – payments for the support of a child, including payments for health insurance coverage or other medical support, and includes past-due support.

**Deploying or deployed parent** – a deploying or deployed parent is a uniformed service member who has been notified of orders of movement or mobilization for more than ninety days but less than eighteen months **and** the orders are designated as unaccompanied, not authorized for dependent travel, or don't permit family members to move to the deployment location.

**Home state** – the state in which a child lived with a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, home state means the state in which the child lived from birth with a parent. A period of temporary absence of any of the mentioned persons is part of the period.

**Obligor** – the person ordered by the court to pay child support or spousal support.

**Obligee** – the person receiving child support or spousal support ordered by the court.

**Parental rights and responsibilities** – all the rights and responsibilities a parent has concerning the parent's child.

**Parenting plan** – a written plan describing each parent's rights and responsibilities.

**Parenting time** – (*also called visitation*) the time when the child is to be in the care of a parent.

**Primary residential responsibility** – a parent with more than fifty percent of the residential responsibility.

**Residency requirement** – the amount of time a child and a parent must live in North Dakota before they can ask a North Dakota state district court to establish parenting rights and responsibilities. In general, the child and a parent must have lived in North Dakota for at least the past six months. Although, there are exceptions to this residency requirement, this packet of forms can't be used unless the child and parent meet this requirement. (See Home State.)

**Residential responsibility** – (*also called custody*) a parent's responsibility to provide a home for the child.

- Top of form (Caption):** Fill in the name of the North Dakota County where you plan to file your parenting responsibility case. Go to [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations) for a map of court locations listed by County.
  - Fill in the name of the Judicial District where the County is located. Click on the name of the County to find the name of the Judicial District.
  - Fill in the full, legal name of the parent who will be listed as the Plaintiff.
  - Fill in the full, legal name of the parent who will be listed as the Defendant.
  - Leave Case No blank. If the Clerk of Court accepts all of the completed *Filing for Parenting Responsibility Together* forms, the Clerk of Court assigns a case number. (See Step Ten of the [Instructions for the forms packet.](#))
- Whereas:** Review the statements carefully.

### Agreement as to Facts:

- Paragraph 1:** You don't need to write anything for this paragraph.
  - **However, you can't file this completed Form 3 with the Clerk of Court until you complete Step Ten of the [Instructions for the forms packet.](#)**
- Paragraph 2:** Fill in the information for the Plaintiff.
- Paragraph 3:** Fill in the information for the Defendant.



- Paragraphs 4 & 5:** If the statements in Paragraphs 4 and 5 aren't true, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 6:** Put a checkmark (✓) next to the statement that's true for your situation. If neither statement is true, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 7:** If the statement in Paragraph 7 isn't true, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.

- Paragraph 8:** Fill in the information for each minor child of the Plaintiff and Defendant.

If you have more than three minor children together, attach a sheet that lists the information for each additional child. Type or write on one side only.

- Put a checkmark (✓) in the box at the end of Paragraph 8
- Type or write "Settlement Agreement Paragraph 8" on the top of the additional sheet(s).

- Paragraph 9:** Put a checkmark (✓) next to the statement that's true for the mother-child relationship.

If you checked the second or third statement, fill in the date of the order and the state where the order was issued.

- Paragraph 10:** Put a checkmark (✓) next to the statement that's true for the father-child relationship.

If you checked the second or third statement, fill in the date of the order and the state where the order was issued.

- Paragraph 11:** Put a checkmark (✓) next to the statement that's true for your situation.
  - Type or write the full, legal name of the parent.
  - If neither statement is true, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.

- Paragraph 12:** Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.

- Paragraph 13:** Put a checkmark (✓) next to the statement that is true for your situation. If you select the first option, fill in the case number of the child support order.
- If you already have a child support order, make sure you have a copy. You file the copy of the child support order with the court. (See Step Ten of the [Instructions for the forms packet.](#))

### Stipulated Terms for Judgment:

- Paragraph 14:** Fill in the name of the North Dakota County you listed in the Caption.
- Paragraphs 15 and 16:** You don't need to write anything for these paragraphs. If the statements in Paragraphs 15 and 16 aren't true, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.

A Parenting Plan is required in **every** parenting responsibility case. The Plaintiff and Defendant **must** complete and sign Exhibit A: Parenting Plan (Form 4). Otherwise, you can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.

- Paragraph 17:** You don't need to write anything for this paragraph. You provide a detailed parenting plan in Exhibit A: Parenting Plan (Form 4).

### Paragraph 18 through Paragraph 27 is Your Child Support Agreement

**If you don't already have a child support order, you must calculate your child support amount. Calculate your child support before completing Paragraph 18 through Paragraph 27.**

The link to the Child Support Calculator is [childsupport.dhs.nd.gov/resources-lawyers/child-support-guidelines/current-child-support-guidelines](https://childsupport.dhs.nd.gov/resources-lawyers/child-support-guidelines/current-child-support-guidelines). The Calculator is maintained and supported by the Child Support Division of the North Dakota Department of Health and Human Services.

**If you don't want to establish child support at this time, or if both parents agreed to a different child support amount than child support calculator indicates, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.**

If you attempt to file this packet of forms without completing the child support calculations, the court will either require you to complete the calculations before making a decision on your parenting responsibility case, or dismiss your parenting responsibility case entirely.

**You may be able to apply for services with [North Dakota Child Support](#).**

If your application for full services is approved by [North Dakota Child Support](#) they can help to establish an order for child support and medical support in a separate child support case.

- Paragraph 18:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
- Paragraph 19:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
  - **WARNING:** The Calculator amount is presumed to be the correct amount of child support. If you ask for a deviation from the Calculator amount you must prove you meet one of the limited exceptions for deviation, **and** the deviation is in the best interests of the child(ren). You're strongly urged to consult an attorney if you're asking for deviation from the Calculator amount.
  - If you're asking for a deviation and need additional space to prove you meet one of the limited exceptions for deviation **and** best interests of the children, you may attach an additional sheet or sheets. Type or write on one side only.
    - Put a checkmark (✓) in the box at the end of Paragraph 19.
    - Type or write "Settlement Agreement Paragraph 19" on the top of the additional sheet(s).
- Paragraph 20:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
- Paragraph 21** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
- Paragraph 22:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
  - This section allows parents with more than one minor child to calculate child support amounts when the child support obligation ends for an older child. For example, for parents with three children, when the oldest child turns 18 or graduates high school, child support payment "steps-down" to the amount calculated for two children, rather than three.
  - You aren't required to include step-down child support obligations. You may choose to reserve the issue for some time in the future.

- If you choose to include a step-down, you need to complete the [Calculator](#) for each step-down child support obligation.
- If you have more than three minor children, you may use an additional sheet to complete Paragraph 28 for more than three children. Type or write on one side only.
  - Put a checkmark (✓) in the box at the end of Paragraph 22. Type or write “Settlement Agreement Paragraph 22” on the top of the additional sheet(s).
- Paragraphs 23 through 27:** Read carefully. You don’t need to write anything for these paragraphs.
- Paragraph 28:** Read carefully. If existing coverage applies to your situation, put a checkmark (✓) next to “Existing Coverage” and a checkmark (✓) next to either Plaintiff or Defendant.
- Paragraph 29:** Read carefully. Fill in the details of your agreement for uninsured and unreimbursed medical expenses.
- Paragraph 30:** Fill in the details of your agreement for childcare costs.
- Paragraph 31:** Put a checkmark (✓) next to the option to which both parents agree. If the option requires details, fill in the details. **Don’t** checkmark more than one option.
- Paragraph 32:** Read carefully. You don’t need to fill out anything for Paragraph 32.
- Paragraphs 33 through 37:** Read carefully. You don’t need to fill out anything for Paragraphs 33 through 37.
- Plaintiff Completes and Signs Page 15.** The Plaintiff must sign and date in the presence of a Notary Public or a Clerk of Court.
- Defendant Completes and Signs Page 16.** The Defendant must sign and date in the presence of a Notary Public or a Clerk of Court.

Each parent may sign on separate dates and at separate locations, but **both parents must sign and date Before filing this completed packet of forms with the court.**

- The form doesn’t have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

## **Both Parents Must Sign the Settlement Agreement (Form 3)!**

You can use this packet of forms **Only If** the forms are completed and signed as follows:

- **Summons (Form 1)** – signed by Plaintiff and a clerk of court
- **Complaint (Form 2)** – signed by Plaintiff
- **Settlement Agreement (Form 3)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Exhibit A: Parenting Plan (Form 4)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Confidential Information Form (Form 5)** – signed by Plaintiff & Defendant
- **Admission of Service (Form 6)** – signed by Defendant
- **Affidavit of Proof (Form 7)** – signed by Plaintiff in presence of notary public or clerk of court
- **Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8)** – unsigned
- **Judgment (Proposed) (Form 9)** – unsigned

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## Filing for Parenting Responsibility Together

### Instructions for Form 4: Exhibit A: Parenting Plan

(Form 4: Exhibit A; Parenting Plan is part of the Filing for Parenting Responsibility Together packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement and Exhibit A: Parenting Plan **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.**

Fill out Exhibit A (Form 4) **only** if both parents agree on **all** issues in the Settlement Agreement (Form 3) and Exhibit A (Form 4). If you haven't reached a full agreement on **all** issues, you can't use this packet of forms.

**A Parenting Plan is required in every parenting residential responsibility (also known as custody) and parenting time (also known as visitation).** If you attempt to file this packet of forms without including Exhibit A (Form 4), the Clerk of Court won't accept any of your other completed forms for filing.

#### **The Plaintiff & Defendant Must Work Together to Complete & Sign This Form:**

Exhibit A: Parenting Plan (Form 4) tells the judge or judicial referee the full parenting rights and responsibilities agreement of the parents. North Dakota law requires the parenting plan to include, at minimum, the following 7 provisions:

1. Decision making responsibility for day to day decisions and major decisions such as education, health care and spiritual development.
2. Information sharing and access, including telephone and electronic access.
3. Legal residence of each child for school attendance.
4. Residential responsibility, parenting time, and parenting schedule for holidays, days off from school, birthdays, vacation planning, weekends, weekdays, and summers.
5. Transportation and exchange of the child, considering the safety of the parties.
6. Procedure for review and adjustment of the plan.
7. Methods for resolving disputes.

### **Best Interests of the Child ([N.D.C.C. Section 14-09-06.2](#))**

The judge or judicial referee in your parenting responsibility case uses the 13 “Best Interests of the Child” factors to review residential responsibility (custody), parenting time (visitation), and everything else involved in the parenting plan. Best interests look at the child’s needs and who will best meet the child’s needs.

**Review the 13 “Best Interests of the Child” factors at [N.D.C.C. Section 14-09-06.2](#) before completing this form.** If the judge or judicial referee questions your parenting plan and schedules a hearing, you and your need to be prepared to argue how each factor applies to your parenting plan.

### **Definitions**

**Decision making responsibility** – the responsibility to make decisions concerning the child. The term may refer to decisions on all issues or on specific issues, but not child support issues.

**Parental rights and responsibilities** – all the rights and responsibilities a parent has concerning the parent's child.

**Parenting plan** – a written plan describing each parent's rights and responsibilities.

**Parenting schedule** – the schedule of when the child is in the care of each parent.

**Parenting time** – (*also called visitation*) the time when the child is to be in the care of a parent.

**Primary residential responsibility** – a parent with more than fifty percent of the residential responsibility.

**Residential responsibility** – (*also called custody*) a parent's responsibility to provide a home for the child.

- Top of the Form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- Paragraphs 1 & 2:** If the statements in Paragraphs 1 and 2 aren’t true, **Stop!** You can’t use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 3:** Fill in the same information as Paragraph 8 of Form 3: Settlement Agreement.



**Paragraph 4:** Put a checkmark  in the box indicating the legal residence of the minor child(ren) for school attendance. If you check “Other,” list the name of the person you want to have legal residency of the child(ren).

- **Legal residence** is the place at which a person has been physically present, that the person regards as home, and to where, whenever absent, the person intends to return.

**Paragraph 5: Residential Responsibility and Parenting Time**

- **Residential responsibility** (also known as custody) is a parent’s responsibility to provide a home for the child.
- **Parenting time** (also known as visitation) is the time when the child is to be in the care of a parent.

**a. Residential Responsibility.**

Put a checkmark  in the box next to **equal residential responsibility** if both parents believe it’s in the best interests of the minor child(ren) for the parents to share residential responsibility of the child(ren) 50% of the time.

- Explain in detail the schedule you’re proposing the Plaintiff have.
- Explain in detail the schedule you’re proposing the Defendant have.

\*Following are some examples of equal residential responsibility stated in Nolo’s Essential Guide to Divorce, by Emily Duskow, June 2016.

**Fourteen Overnights:**

(Split time between parents and alternate schedule each week as follows:)

Parent A/Week One: Sunday evening to Wednesday morning;

Parent B/Week One: Wednesday afternoon to Sunday evening;

Parent A/Week Two: Sunday evening to Wednesday morning;

Parent B/Week Two: Wednesday afternoon to Sunday evening.

**Fourteen Overnights:**

(Split midweeks and every other weekend as follows:)

Parent A: Monday evening to Wednesday evening each week, and every other weekend from Friday evening to Monday morning;

Parent B: Wednesday evening to Friday morning each week, and every other weekend from Friday evening to Monday morning.

The examples listed above aren't the only equal residential responsibility options. You may wish to review guidebooks for self-represented litigants and lawyers. Your local public or academic library may have guidebook resources available. Consult a lawyer if you need more assistance.

Put a checkmark  in the box next to **Plaintiff having primary residential responsibility** if both parents believe it's in the best interests of the minor child(ren) for the Plaintiff to have primary residential responsibility of the child(ren).

- Put a checkmark  in the box next to any or all agreed upon parenting time options. If you have checked "Other," describe the parenting schedule for Defendant, as well as pickup times.

Put a checkmark  in the box next to **Defendant having primary residential responsibility** if both parents believe it's in the best interests of the minor child(ren) for the Defendant to have primary residential responsibility of the child(ren).

- Put a checkmark  in the box next to any or all agreed upon parenting time options. If you have checked "Other," describe the parenting schedule for Plaintiff, as well as pickup times.

**b. Alternate Schedules.**

This is your alternate schedule. If you have no alternate schedule, write "*No Alternate Schedule*" on the first line of each section. If both parents agree to an alternate schedule, state in detail the schedule for any or all of the following, including pickup times.

Examples of definitions include (but aren't limited to):

- Summertime – "According to the public school calendar;" "From June 1-August 15;" etc.
- School Release Days – "Days as defined by the public school calendar;" "non-holiday school breaks;" etc.
- Vacation with Parents – "two consecutive weeks in the summer time;" "two non-consecutive weeks at any time;" "to be scheduled during normal parenting time;" "only upon 30 days written notice;" etc.
- **Summer Time.** Fill in the definition of summer time to which both parents agree. If you want an alternative schedule, fill in the agreed upon schedule. Otherwise, write "*No Alternate Schedule.*"

- **School Release Days.** Fill in the definition of school release days to which both parents agree. If you want an alternative schedule, fill in the agreed upon schedule. Otherwise, write *“No Alternate Schedule.”*
  - **Summer Time/School Release Days. (Please note** the statement about summer time and school release dates taking precedence over summer activities. If both parents don’t want this, **Stop!** You can’t use this form or the *Filing for Parenting Responsibility Together* packet of forms.)
  - **Vacation with Parents.** Fill in the schedule to which both parents agree. Otherwise, write *“No Alternate Schedule.”*
- c. Schedule for Holidays and Other Special Days.** Fill in the Holidays and Special Days schedule to which both parents agree with as many specifics as possible. Include when each holiday and special day is scheduled for Plaintiff and Defendant.
- In the space provided after the Holidays and Special Days schedule, write the beginning times and ending times for the holiday/special day. If both parents agree the holiday/special day will include the weekend if it falls during a weekend or on a Friday or a Monday, write that here. If there are any other special arrangements with regard to holidays/special days, write them here.
- d. Children’s Activities During Parenting Time.** Fill in details of the agreement of how the parents will inform each other of the minor child(ren)’s extracurricular activities.
- e. Timeliness.** Fill in the agreement to handle timeliness of visits.
- f. Missing Parenting Time.** Fill in the agreement to handle missed parenting time.
- Examples include (but aren’t limited to) *“missed parenting time isn’t made up;”* *“missed parenting time is made up the following week;”* *“a missed holiday is or isn’t made up;”* etc.
- g. Notification.** Fill in the agreement for notifying each other in advance of missed parenting time.
- Examples include (but aren’t limited to) *“24 hours in advance;”* *“by phone;”* *“text;”* etc.
- h. Restrictions on Contact with the Child(ren).** Put a checkmark  in the box to both parents agree.
- If you put a checkmark  in the box restricting a parent’s contact with the child(ren), fill in the agreement.

- Paragraph 6. Limitations on Residential Responsibility and Parenting Time Modifications.** Read carefully. You don't need to fill out anything. If both parents don't agree with this statement, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 7. Decision Making Responsibility.** Complete all parts of Paragraph 7 (a through g). The Parenting Plan must include decision making responsibility for routine or day-to-day decisions, and major decisions such as education, health care and spiritual development.
  - a. Emergency Medical Decisions.** Read carefully. You don't need to fill out anything. If both parents don't agree with this statement, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
  - b. Day-to-Day Decisions.** Read carefully. You don't need to fill out anything. If both parents don't agree with this statement, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
  - c. Daycare/Afterschool Provider.** Put a checkmark  in the box next to the option or options to which both parents agree and fill out any blanks associated with the checkmark .
  - d. Education Decisions.** Put a checkmark  in the box next to the option to which both parents agree. **Don't** checkmark more than one option.
  - e. Non-Emergency Health Care Decisions.** Put a checkmark  in the box next to the option to which both parents agree. **Don't** checkmark more than one option.
  - f. Spiritual Development Decisions.** Put a checkmark  in the box next to option to which both parents agree. **Don't** checkmark more than one option.
  - g. Both parents must consent.** Fill out the agreement of what both parents must agree to before the minor child(ren) is/are permitted to do something.
- Paragraph 8. Information Sharing and Access.**
  - a – i.** Read carefully. If both parents don't agree to these provisions, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
  - j.** Fill out the agreement for telephone access to the child(ren). Examples for j, k, and l, include (but aren't limited to) "daily;" "once every 3 days;" etc.
  - k.** Fill out the agreement for electronic access to the child(ren).
  - l.** Fill out the agreement for contact with the child(ren) during long vacations with the child(ren).

- Paragraph 9. Communication Between Parents.** Read carefully. You don't need to fill out anything. If both parents agree with this paragraph, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 10. Children's Clothing and Personal Items.** Put a checkmark  in the box next to any option or options to which both parents agree. Put a checkmark  in the "Other" box, if needed, and explain other agreements related to clothing and personal items.
- Paragraph 11. Transportation and Exchange Arrangements Considering the Safety of the Child(ren).** The Parenting Plan must include arrangements for transportation and exchange of the minor child(ren). Put a checkmark  in the box next to the option or options to which both parents agree. If an option requires additional information, fill in the information. Put a checkmark  in the "Other" box, if needed, and explain other agreements related to transportation and exchange arrangements.
- Paragraph 12. Procedure for Review and Adjustment to Parenting Plan.** Read carefully. You don't need to fill out anything. If both parents don't agree with this paragraph, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 13. Changes to Residence of the Children.** Read carefully. You don't need to fill out anything. If both parents don't agree with this paragraph, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 14. Dispute Resolution.** Complete all 4 parts of Paragraph 14. The Parenting Plan must include methods for resolving disputes.
  - a.** Put a checkmark  in the box next to the option to which both parents agree. If the option requires details, fill in the details. **Don't** checkmark more than one option.
  - b.** Put a checkmark  in the box next to the option to which both parents agree. If the option requires details, fill in the details. **Don't** checkmark more than one option.
  - c.** Put a checkmark  in the box next to the option, or options, to which both parents agree. If the option requires details, fill in the details.
  - d.** Read carefully. If both parents don't agree to these provisions, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Paragraph 15. Compliance.** Read carefully. If both parents agree to these provisions, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.
- Plaintiff Completes and Signs Page 14.** The Plaintiff must sign and date in the presence of a Notary Public or a Clerk of Court.

- Defendant Completes and Signs Page 15.** The Defendant must sign and date in the presence of a Notary Public or a Clerk of Court.

Each parent may sign on separate dates and at separate locations, but **both parents must sign and date **Before** filing this completed packet of forms with the court.**

- The form doesn't have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

### **Both Parents Must Sign Exhibit A (Form 4)!**

You can use this packet of forms **Only If** the forms are completed and signed as follows:

- Summons (Form 1)** – signed by Plaintiff and a clerk of court
- Complaint (Form 2)** – signed by Plaintiff
- Settlement Agreement (Form 3)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- Exhibit A: Parenting Plan (Form 4)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- Confidential Information Form (Form 5)** – signed by Plaintiff & Defendant
- Admission of Service (Form 6)** – signed by Defendant
- Affidavit of Proof (Form 7)** – signed by Plaintiff in presence of notary public or clerk of court
- Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8)** – unsigned
- Judgment (Proposed) (Form 9)** – unsigned

## Filing for Parenting Responsibility Together

### Instructions For Form 5: Confidential Information Form

(Form 5: Confidential Information Form is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement and Exhibit A (Parenting Plan) before completing this form.)

**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 and Defendant Work Together to Complete & Sign This Form.**

**When you file your *Filing for Parenting Responsibility Together* packet of forms with the North Dakota state district court, all documents, except Form 5: Confidential Information Form, is available to the public to view.**

However, certain information is protected and required to remain confidential within publically available documents filed in Parenting Responsibility cases.

#### **Protected Information is:**

- Social Security Number.
- Taxpayer Identification Number.
- Birthdates.
- Minor child's name.

**When you fill out the *Filing for Parenting Responsibility Together* packet of forms you need to refer to Protected Information. Except for Form 5, when you fill out the forms, write or type **Only:****

- The last four (4) digits of the social security number.
- The last four (4) digits of the taxpayer identification number.
- The year of birth.
- The minor child's initials.

**The district court still needs to have access to the full Protected Information.** Complete Form 5: Confidential Information Form with the full Protected Information you reference in the rest of the forms.

Form 5: Confidential Information Form is filed as a confidential document and isn't available to the public to view.

**Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.

**Plaintiff, Defendant and Minor Child(ren) Information:**

**Full Information Column**

Fill in the **full, legal names, birth dates and social security numbers** of the Plaintiff, Defendant and each minor child listed in Paragraph 8 of *Form 3: Settlement Agreement*.

If a minor child doesn't have a social security number, type or write "N/A."

If you have more than three minor children together, attach a sheet that lists the information for each additional child.

**Redacted Information Column**

Fill in the information as it appears in Paragraph 8 of *Form 3: Settlement Agreement*.

**Plaintiff's Date and Signature:**

The Plaintiff must date and sign *Form 5: Confidential Information Form*, and fill in their address, telephone number, and email address.

**Defendant's Date and Signature:**

The Defendant must date and sign *Form 5: Confidential Information Form*, and fill in their address, telephone number, and email address.



## Filing for Parenting Responsibility Together Instructions for Admission of Service (Form 6)

(*Admission of Service (Form 6)* is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement) and Exhibit A: Parenting Agreement, before completing the Admission of Service.)

**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 Fills Out the Caption of This Form. The Defendant Completes, Signs and Dates this Form.**

**Service of a Summons is required in every parenting responsibility case, without exception. A completed, dated, and signed *Admission of Service (Form 6)* is your proof of service.**

Service of the *Summons (Form 1)* and copies of all other completed forms listed in Paragraph 1 of the *Admission of Service (Form 6)* happens in Step Nine of the [instructions for the packet of forms](#).

- Plaintiff Fills Out the Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on the *Settlement Agreement (Form 3)*.
- Defendant Completes the Form:**
  - Paragraph 1:** Fill in the date you received your copy of the completed and signed *Summons (Form 1)* and all other forms listed in Paragraph 1.
  - Paragraphs 2 & 3:** Read carefully.
  - Date and Signature:** Date and sign the form. Fill in the county, state and country where you sign this form. Fill in the lines following your signature.

**After the Defendant dates and signs *Admission of Service (Form 6)*, both parents are required to obey the *Summons (Form 1)*.**

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## Filing for Parenting Responsibility Together

### Instructions for Form 7: Affidavit of Proof for Stipulated Judgment

(Form 7: Affidavit of Proof for Stipulated Judgment is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, and Exhibit A: Parenting Plan before completing this form.)

**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:**

This packet of forms is designed to be presented to a North Dakota state district court judge or judicial referee without requiring a hearing. Evidence is presented by an affidavit of proof, which is the Plaintiff's written statement of the facts of the parenting responsibility case

**The judge or judicial referee may still decide to hold a hearing before making a final decision.**

**Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.

**First Sentence:** Fill in your full, legal name.

**Paragraph 1:** Read carefully.

**Paragraph 2:** If the statement in Paragraph 2 isn't true, **Stop!** You can't use this form or the *Filing for Divorce Together* packet of forms.

**Paragraph 3:** Refer to Paragraph 8 of *Form 3: Settlement Agreement* to complete Paragraph 3.

**Paragraph 4:** Put a checkmark (✓) next to the option that is true for you, the Plaintiff.

**Paragraph 5:** Put a checkmark (✓) next to the option that is true for the Defendant.

**Paragraph 6:** Refer to Paragraph 11 of *Form 3: Settlement Agreement* to complete Paragraph 6.

**Paragraph 7:** Refer to Paragraph 6 of *Form 3: Settlement Agreement* to complete Paragraph 7.

**Paragraphs 8, 9, & 10:** Read carefully. If the statements in Paragraphs 9, 10, 11 and 12 aren't true, **Stop!** You can't use this form or the *Filing for Parenting Responsibility Together* packet of forms.

**Paragraph 11:** Read carefully. Fill in your, the Plaintiff's, full name.

**Don't sign and date until you're in the presence of a Notary Public or a Clerk of Court.**

The Plaintiff signs and dates the completed form. Fill in your address, telephone number(s), and email address(es).

- The form doesn't have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

# Filing for Parenting Responsibility Together

## Instructions for Form 8: Findings of Fact, Conclusions of Law and Order for Judgment

(Form 8: Findings of Fact, Conclusions of Law and Order for Judgment is part of the Filing for Parenting Responsibility Together packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement and Exhibit A: Parenting Plan before completing this form.)

**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 this instruction sheet when you serve or file the completed form.**

### **The Plaintiff & Defendant Must Work Together to Complete This Form:**

To complete this form you need your **completed Form 3: Settlement Agreement**.

**Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.

**Page 1 Paragraph:** Don't fill in any information. If Judge or Judicial Referee assigned to your divorce case uses this form, they fill in the information in the introductory paragraph.

#### **Findings of Fact: Paragraphs 1 – 13**

To complete this section of the form, refer to the completed "Agreement as to Facts" section of your completed *Form 3: Settlement Agreement*.

Copy the information **Exactly** from each paragraph of the "Agreement as to Facts" section into the corresponding paragraphs of the "Findings of Fact."

#### **Conclusions of Law: Paragraphs 14 – 34**

To complete this section of the form, refer to the completed "Stipulated Terms For Judgment" section of your completed *Form 3: Settlement Agreement*.

Copy the information **Exactly** from each paragraph of the "Stipulated Terms For Judgment" section into the corresponding paragraphs of the "Conclusions of Law."

#### **Order for Judgment**

**Leave this section blank.** If Judge or Judicial Referee assigned to your divorce case uses this form, they sign and date the form.

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# Filing for Parenting Responsibility Together

## Instructions for Form 9: Judgment

(*Form 9: Judgment* is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms.](#) You **must complete** the Settlement Agreement and Exhibit A: Parenting Plan before completing this form.)

**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 this instruction sheet when you serve or file the completed form.**

### **The Plaintiff & Defendant Must Work Together to Complete This Form:**

To complete this form you need your **completed** *Form 8: Findings of Fact, Conclusions of Law and Order for Judgment*.

**Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.

**Page 1 Introductory Paragraph:** **Don't fill in any information.** If the Court uses this form, the Clerk of Court will fill in the information in the introductory paragraph.

### **It is Ordered and Adjudged and Decreed as Follows: Paragraphs 1 – 21**

To complete this section of the form, refer to the "Conclusions of Law" section of your completed *Form 8: Findings of Fact, Conclusions of Law and Order for Judgment*.

Copy the information **Exactly** from each paragraph of the "Conclusions of Law" section of your completed *Form 8: Findings of Fact, Conclusions of Law and Order for Judgment* into the corresponding paragraphs of *Form 9: Judgment*.

### **Final Paragraph**

Leave this section blank. If the Court uses this form, the Clerk of Court will fill in the information and date and sign the form.

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## Filing for Parenting Responsibility Together

### Instructions for Form 10: Notice of Entry of Judgment

(*Form 11: Notice of Entry of Judgment* is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms](#). You **must have a completed Form 9: Judgment signed and dated by the Clerk of Court** before completing this form.)

**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:**

Within 14 days after the parenting responsibility Judgment is entered, the Plaintiff must serve a completed copy of the *Form 10: Notice of Entry of Judgment* on the Defendant.

**A copy of the signed and dated *Form 9: Judgment* and *Form 4: Exhibit A: Parenting Plan* must be served with the copy of the *Form 10: Notice of Entry of Judgment*.**

- Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- To:** Fill in the full, legal name of the Defendant.
- Paragraph:** Fill in the date the Clerk of Court signed the *Form 9: Judgment*. Fill in the County and City of the North Dakota State District Court where the *Form 9: Judgment* was signed. Fill in the Docket Number (Index #) of the *Form 9: Judgment*.

To find the Docket Number (Index #) of the judgment:

- Go to [ndcourts.gov](https://ndcourts.gov) and click on "Search Records & Pay Fines".
- Read the information and then click "Click here to Proceed".
- From the "Select a Location" drop down menu, select the county where your parenting responsibility case was decided, or select State of North Dakota.
- Click on the "Civil, Family & Probate Case Records" link.

- Select “Case” in the “Search By:” field.
- Enter your case number in the “Case Number” field.
- Click on the “Search” box.
- Click on the link for your case number.
- Scroll through the list of documents until you find the judgment. (The date on the judgment should match the date of the judgment in the list of documents.)
- The Docket Number is shown as “Index # \_\_\_”.

**Plaintiff’s Date and Signature:** Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Print your name.
- Fill in the address lines. If you have a physical address **and** a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.
- Fill in the telephone number and email address lines.

**Make 2 Copies of Form 10: Notice of Entry of Judgment, Signed and Dated  
Form 9: Judgment, and Form 4: Exhibit A: Parenting Plan.**

**Make 2 copies of the completed, signed and dated Form 10: Notice of Entry of Judgment.**

- One copy for you and one for you to serve on the Defendant. You file the original with the court.

**Make 2 copies of the signed and dated Form 9: Judgment.**

- One copy for you and one for you to serve on the Defendant.

**Make 2 copies of the signed and dated Exhibits** You **must** serve a copy of *Form 4: Exhibit A: Parenting Plan* on the Defendant.

- One copy for you and one for you to serve on the Defendant.

## Serve Copies of Form 10: Notice of Entry of Judgment, Form 9: Judgment, Form 4: Exhibit A: Parenting Plan.

Serve copies of the *Form 10: Notice of Entry of Judgment*, *Form 9: Judgment*, and *Form 4: Exhibit A: Parenting Plan* on the Defendant or their lawyer, if the Defendant is represented.

### Gather the following copies of documents to serve on the Defendant:

- Form 10: Notice of Entry of Judgment;
- Form 9: Judgment;
- Form 4: Exhibit A: Parenting Plan.

### The person serving by mail does the following:

- The person serving by mail must be at least 18 years old.
- Put the copies of documents listed above in an envelope.
- Address the envelope with the Defendant's last known address.
  - If you know the Defendant is currently represented by a lawyer, address the envelope with the lawyer's address, **not** the Defendant's.
- List your address as the return address on the envelope.
- Put the correct first class postage on the envelope.
  - Postage must be prepaid.
  - **It's very important to put the correct postage on the envelope.** If you don't, the envelope may be returned to you causing you to miss the service deadline.
- Put the envelope in the United States mail.
- Service by mail is complete upon mailing.

## Complete the Declaration of Service by Mail Form

**The person who mailed the envelope must complete the Declaration of Service by Mail form.** (If the envelope is mailed at a United States Post Office, the United States Post Office employee **doesn't** complete Declaration of Service by Mail form.)

- Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.

- Paragraph 1:** Fill in your name.
- Paragraph 2:** The documents you served are already listed for you.
- Paragraph 3:** Review.
- Paragraph 4:** Fill in the date you served the documents listed in Paragraph 2 by mail.
- Paragraph 5:** Fill in the Defendant's name and the address where you mailed the documents listed in Paragraph 2.
- Paragraph 6:** Review carefully.

### **File Original Form 10: Notice of Entry of Judgment and Declaration of Service by Mail Form with the Clerk of Court**

File the following **original, completed** forms with the Clerk of Court where your Parenting Responsibility case is filed:

- Form 10: Notice of Entry of Judgment; and
- Declaration of Service by Mail.

### **What Do I Do Next?**

Review your Judgment **carefully**.

If the Judgment requires you to do certain things, you must do that now.

**Failure to do so could result in an order finding you in contempt of court.**