

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
(Plaintiff) )

Case No. \_\_\_\_\_

PLAINTIFF, )

SUMMONS

Vs )

\_\_\_\_\_  
(Defendant) )

DEFENDANT, )

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to appear and defend against the Complaint in this action, which is served upon you, by serving upon the undersigned an Answer or other proper response within twenty-one (21) days after the service of this Summons and Complaint upon you, exclusive of the day of service.

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**

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:

1. Neither spouse shall dispose of, sell, encumber, or otherwise dissipate any of the parties' assets, except:
  - a. For necessities of life or for the necessary generation of income or preservation of assets; or
  - b. 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.

2. Neither spouse shall harass the other spouse.
3. All currently available insurance coverage must be maintained and continued without change in coverage or beneficiary designation.
4. 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.

**IF EITHER SPOUSE VIOLATES ANY OF THESE PROVISIONS, THAT SPOUSE MAY BE IN CONTEMPT OF COURT.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, Plaintiff  
(Signature of Plaintiff)

\_\_\_\_\_  
(Printed Name of Plaintiff)

\_\_\_\_\_ (Address),

City of \_\_\_\_\_, North Dakota \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Clerk of Court

## INSTRUCTIONS FOR SUMMONS – DIVORCE OR SEPARATION ACTIONS

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

Do not include this instruction sheet when you serve or file the completed form.

THE “SUMMONS” SECTION OF THE [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website has additional information and resources.

A summons directs the Defendant to answer the complaint within a certain amount of time. The summons notifies the Defendant that a default judgment will be taken against them if the Defendant does not answer.

- Fill in the name of the County in North Dakota where the Plaintiff intends to file the divorce, separation, or action to establish parental rights and responsibilities.
- Fill in the name of the Judicial District in North Dakota where the Plaintiff intends to file the action. (The County is within the Judicial District.) County and Judicial District information and maps are available at [www.ndcourts.gov](http://www.ndcourts.gov).
- Fill in the case number, if known.
- Fill in the full, legal name of the Plaintiff on the Plaintiff line.
- Fill in the Defendant’s full, legal name on the Defendant line.
- Sign and date the summons.
- If the Plaintiff is not represented by a lawyer, **the clerk of court must sign and date the summons before it is served on the Defendant.** Go to the clerk of court’s office in the County in North Dakota where the Plaintiff intends to file the action.
- A copy of the complaint must be served with the summons.

Do not include this instruction sheet when you serve or file the completed form.

*The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided by the Center is not intended for legal advice but only a general guide to the court process. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state.*