

## Instructions For Declaration (Petition)

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

**ND Legal Self Help Forms aren't official 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 "District Court Civil" Section of the [ND Legal Self Help Center webpage](#) has additional information and resources.

**A Declaration is a written statement of fact given by an individual with first-hand knowledge of the facts.**

**This Declaration form may be used when the Declaration meets the requirements below.**

As of March 1, 2018, **in general, notarization isn't required** when a Declaration will be filed with a North Dakota state district court in a civil case.

**If the Declaration meets the following requirements**, the signature of the person making the affidavit **doesn't** need to be notarized. (See [Rule 11\(a\)\(2\) of the North Dakota Rules of Civil Procedure](#), and [Chapter 31-15 of the North Dakota Century Code](#).)

1. There's **no** court rule that applies to your civil case that requires the Declaration to be notarized;
2. The last statement of the Declaration is substantially similar to the following: "I declare, under penalty of perjury under the law of North Dakota that the foregoing is true and correct";
3. The Declaration is dated and signed by the individual giving the statement of fact;
4. The date is the month, day and year the individual signed the Declaration; and
5. The name of the State, City or County, and Country where the individual signed the Declaration are listed on the Declaration.

**If the Declaration doesn't meet the first requirement above**, the Declaration must be signed and dated in the presence of a notary public, clerk of court, or other notarial officer by the individual making the written statement.

- An Affidavit form is available at [ndcourts.gov/legal-self-help/general-use-forms](https://ndcourts.gov/legal-self-help/general-use-forms) and may be used when the Declaration must be dated and signed in front of a notary public, clerk of court, or other notarial officer.

**This form isn't a fillable form.** To create a Declaration using this form, you have at least two options:

**Option One:** Print this form on 8 ½" x 11" paper and hand-write the Declaration. The hand-writing must be easily readable. Black ink is preferred.

**Option Two:** Copy and paste the Caption and Signature sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format the Declaration

**Caption (Top of Declaration Form):**

- If you copied and pasted the Caption section into a word processing program, format your caption as close as you can to the Caption section of the Declaration form.
- Complete the caption exactly as it appears in the Petitioner's Petition.
- Fill in the case number, if known. If the case hasn't been filed, the case number is assigned by the clerk of court when the case is filed.

**First Sentence:**

- Fill in the full, legal name of the individual who is giving their written statement of fact.

**Written Statement of Fact:**

- Type or print the statement of fact.
- Number each paragraph of the statement of fact.

**Sign and Date the Declaration:**

- The date and signature are at the end of the written statement of fact.
- Important:** Review the North Dakota court rules ([ndcourts.gov/legal-resources/rules](https://ndcourts.gov/legal-resources/rules)) to determine if any rule that applies to your civil case specifically requires the Declaration to be notarized.

- If you copied and pasted the Signature section into a word processing program, format the signature section as close as you can to the Signature section of the Declaration form.
- The individual giving their written statement of fact signs and dates the Declaration, fills in their address and phone number, and fills in the name of the State, City, County and Country where they signed the Declaration.

**Page Numbering:**

- Number the pages of the Declaration.
- The last page of the Declaration is the page with the date and signature of the individual giving their written statement of fact.

**Service:**

- In general, copies of documents filed, or intended to file, with the court must be provided to the other parties in the civil action. This is called service.
- There are specific requirements for serving documents. . [Rule 4](#) and [Rule 5](#) of the North Dakota Rules of Civil Procedure give the requirements for service in a civil action.
- Proof of service is an important step in the legal process. The court won't act on papers filed with the court until proof of service is filed.
- For information about service and proof of service in a civil case, go to the [Service](#) link on the ND Legal Self Help Center website.

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

State of North Dakota

In District Court

County of \_\_\_\_\_

\_\_\_\_\_ Judicial District

\_\_\_\_\_)  
 Petitioner, )  
 vs )  
 \_\_\_\_\_ )  
 Respondent. )

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

**Declaration**

I, \_\_\_\_\_, the undersigned,  
state as follows:

- 1.

I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ (county), \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)