

Modify Primary Residential Responsibility When the Parents Don't Agree

Instructions for [Rule 8.3.1, N.D.R.Ct.](#), Informational Statement Form

Important Deadline: Within **37 days*** after the judge or judicial referee orders an evidentiary hearing, the parents must meet to prepare a joint [Rule 8.3.1, N.D.R.Ct.](#) Informational Statement and file it with the clerk of court (see the Rule 8.3.1, N.D.R.Ct. Informational Statement form).

***Why 37 days?** After the judge or judicial referee orders an evidentiary hearing, the parents must meet to prepare a joint informational statement. The informational statement must be filed with the clerk of district court no later than 7 days after the compulsory meeting.

At minimum, you must be prepared to exchange copies of current paystubs, employment and income information, and tax returns.

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.

What if the Other Parent and I Are Unable to Complete This Form Together?

[N.D.R.Ct. Rule 8.3.1](#) requires the parents to meet to prepare the Rule 8.3.1, N.D.R.Ct., Informational Statement together. Rule 8.3.1 doesn't say what to do if you're unable to meet with the other parent in person, by text, by email, or some other way.

If you decide to prepare, serve, and file this form on your own, Paragraph 1 includes space for you to explain why. The judge or judicial referee decides whether your Informational Statement meets the requirements of N.D.R.Ct. Rule 8.3.1.

The Informational Statement Form Must be Filled Out Completely!! Don't leave any of the paragraphs within the form unanswered.

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable".

If a form isn't completely filled out, it could result in the clerk not accepting your forms for filing, or the court may send the form back to you to complete.

Follow and Carefully Read All Instructions! There are boxes (☐) before each step. Check each box as you finish the step. Don't go on to the next step **until** the previous step is completed.

Complete the Rule 8.3.1, N.D.R.Ct., Informational Statement

☐ Fill in the Caption (Top of the Form):

Fill in the Caption the same as the Caption on the Notice of Motion form or the Answer Brief form.

☐ Paragraph 1: Put a checkmark ☒ in the **one** correct checkbox for your situation.

- Put a checkmark ☒ in the first box if the Moving Party and Opposing Party are submitting this form **together**.
- Put a checkmark in the second box if the **Moving Party** is submitting this form alone. **Explain** why you're not able to submit this form with the Opposing Party.
- Put a checkmark in the third box if the **Opposing Party** is submitting this form alone. **Explain** why you're not able to submit this form with the Moving Party.

☐ Paragraph 2: Fill in the number of months you think discovery will take to be completed from the time of filing this document.

- **Discovery** is a formal process where the Moving Party and Opposing Party ask each other for information. The Moving Party and Opposing Party may also ask non-parties for information.
- For more information about discovery, see the "Discovery" section in the "[Guide to a District Court Civil Action](#)."

☐ a. Put a checkmark ☒ in the box indicating if there will be written discovery.

- **Interrogatories** are written questions that are answered in writing under oath.
- **Production of Documents** are written requests to produce discoverable documents, electronically stored information or tangible things and permit them to be copied.

☐ b. Put a checkmark ☒ in the box indicating if there will be factual depositions. If yes, identify the person who will be deposed.

- A **deposition** is an oral question/answer session that occurs before an evidentiary hearing and outside the courtroom. One party to a lawsuit asks another person who is under oath questions about issues raised in the lawsuit.

- ☐ c. Put a checkmark ☒ in the box indicating if there will be medical/vocational/or parenting evaluations. If yes, identify the person conducting the evaluation(s).
- ☐ d. Put a checkmark ☒ in the box indicating if there will be experts. If yes, identify the expert(s) and their area of expertise.
- ☐ **Paragraph 3:** Fill in date you believe you and the other parent will be ready for the evidentiary hearing.
- ☐ **Paragraph 4:** Fill in the estimated length of time will be necessary for the evidentiary hearing (i.e. list the number of hours or days).
- ☐ **Paragraph 5:** List any additional information you think might be helpful to the court when scheduling the evidentiary hearing.
- ☐ **Paragraph 7:** Put a checkmark ☒ in the box indicating if the State of North Dakota is a real party in interest in your case. If “yes”, you must add the state as a party in the caption of your documents.
- ☐ **Date and Signature:**

NOTE: If you're the Moving Party in the motion to modify primary residential responsibility, sign under "Moving Party's Date & Signature." If you're the Opposing Party, sign under "Opposing Party's Date and Signature."

If both parties submit the Rule 8.3.1, N.D.R.Ct. Informational Statement together:

- ☐ **The Moving Party:**
 - ☐ Fills in the date they sign the document and signs the signature line.
 - ☐ Prints their name.
 - ☐ Fills in the address, phone number, and email address lines.

And

- ☐ **The Opposing Party:**
 - ☐ Fills in the date they sign the document and signs the signature line.
 - ☐ Prints their name.
 - ☐ Fills in the address, phone number, and email address lines.

If you submit this document without the other party's input or signature:

- ☐ Fill in the date you signed this document and sign the signature line.
- ☐ Print your name.
- ☐ Fill in the address, phone number, and email address lines.

Make Copies and Serve the Rule 8.3.1, N.D.R.Ct., Informational Statement

Service is providing copies of the completed Informational Statement to the other parent.

If the Moving Party and Opposing Party completed this form together, the Moving Party:

- ☐ Makes two copies: one for you, one for the Opposing Party.
- ☐ Serves a copy of the Rule 8.3.1, N.D.R.Ct., Informational Statement on the Opposing Party by mail.

If Only 1 parent completed the form, that parent:

- ☐ Makes two copies: one for you, one for the other parent.
- ☐ Serves a copy of the Rule 8.3.1, N.D.R.Ct., Informational Statement on the other parent by mail.

If the State of North Dakota is a Real Party in Interest in your case:

- ☐ In Paragraph 7 of the Informational Statement, if you put a checkmark ☒ in the “Yes” checkbox you must serve on copy on the State of North Dakota.

Complete the Declaration of Service by Mail

- ☐ **Caption (Top of the Form):** Fill in the Caption the same as the Caption on the Informational Statement form.
- ☐ **Paragraph 1:** Fill in your full name.
- ☐ **Paragraph 2:** Put a checkmark ☒ in the checkbox for “Rule 8.3.1, N.D.R.Ct., Informational Statement”. ~~Cross out~~ the names of all other documents.
- ☐ **Paragraph 3:** Review the information to make sure it’s correct. If it isn’t, you can’t use this form.
- ☐ **Paragraph 4:** Fill in the date you mailed the documents.
- ☐ **Paragraph 5:** Fill in the name of the other parent and the mailing address you used to serve the documents.
- ☐ **Paragraph 6:** Review carefully! You’re declaring, under penalty of perjury under the laws of North Dakota, that everything you stated on the Declaration of Service by Mail form is true and correct.

☐ Date and Signature Block:

- Fill in the date you signed this Declaration;
- Fill in the city, county, state, and country where you signed this Declaration.
- Sign your name; and
- Fill in your printed name, address, phone number, and email address.

**File the Original Informational Statement and Declaration(s) of Service with the
Clerk of District Court**

Within 7 days after your compulsory meeting, you must file the originals of the completed informational statement and the declaration(s) of service with the clerk of district court.

The Judge of Judicial Referee Issues a Scheduling Order

Within 30 days after your joint informational statement is accepted for filing, the judge or judicial referee issues their scheduling order. The judge or judicial referee uses the information in your informational statement to create their scheduling order.

Before issuing the scheduling order, the judge or judicial referee may require you to attend a scheduling conference. If you're required to attend a scheduling conference, you get notice of the date, time and location.

The scheduling order may establish any or all of the following deadlines:

- Specific dates to finish discovery (evidence gathering) and other pretrial preparations;
- Specific dates for serving, filing, or hearing motions;
- Specific dates to finish mediation or alternative dispute resolution;
- A specific date for the parents to finish parent education;
- Specific dates to finish parenting evaluations;
- A specific date for the parents to be prepared for a pretrial conference, if a pretrial conference is required;
- A specific date for the parents to be prepared for the evidentiary hearing;
- A specific date for identification of witnesses and documents; and
- A specific date for parents to submit their proposed parenting plans.

Read the order and schedule carefully, as you must follow the requirements and meet the deadlines.

State of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
)
)
)
)
)
)

Case No. _____

**Rule 8.3.1, N.D.R.Ct.,
Informational Statement
(No Agreement)**

(Within 30 days of the order for an evidentiary hearing, the parents must meet to prepare a joint informational statement.

At minimum, you must be prepared to exchange copies of current paystubs, employment and income information, and tax returns.

If you're unable to complete the informational statement together with the other parent, you may file an informational statement on your own. The judge or judicial referee decides whether your informational statement meets the requirements of Rule 8.3.1, N.D.R.Ct.

The informational statement must be filed within 7 days after the meeting.)

1. As required by Rule 8.3.1 of the North Dakota Rules of Court, the following informational statement is submitted by (choose one):

☐ The Moving Party and Opposing Party together.

☐ The Moving Party only because (explain why you're unable to file an informational statement together with the Opposing Party): _____

☐ The Opposing Party only because (explain why you're unable to file an informational statement together with the Moving Party): _____

2. It is estimated that the discovery specified below can be completed within _____ months from the date of this form.

a. Written discovery (*choose one*): ☐No ☐Yes

b. Factual depositions (*choose one*): ☐No ☐Yes

Identify the persons who will be deposed by either party: _____

c. Medical/Vocational/Parenting Evaluations (*choose one*): ☐No ☐Yes

Identify the person who will conduct such evaluations [for either party]: _____

d. Experts (*choose one*): ☐No ☐Yes

Identify any experts or area of expertise for either party: _____

3. Date ready for evidentiary hearing: _____.

4. Estimated length of evidentiary hearing: _____.

5. Please list any additional information, which might be helpful to the court when scheduling this matter, including, e.g., facts that will affect readiness for evidentiary hearing:

6. Is the State of North Dakota a real party in interest under N.D.C.C. 14-09-09.26 regarding child support? (*Choose one*): ☐No ☐Yes
(If “yes”, you must add the state as a party to the title under N.D.R.Civ.P. 10(a).)

Moving Party’s Date & Signature:

(Date)

(Moving Party’s Signature)

(Moving Party’s Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

Opposing Party’s Date & Signature

(Date)

(Opposing Party’s Signature)

(Opposing Party’s Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
)
)
)
)
)
)

Case No. _____

**Declaration of Service
by Mail
(No Agreement)**

(A separate Declaration is required for each person served.)

The person serving court documents by mail states:

1. My name is _____ (name of person who mailed documents). I am at least 18 years of age.

2. **List of Court Documents Served** (only put a checkmark (✓) in the box(es) of the documents you served. Fill in any blanks. ~~Cross out~~ the names of all documents you didn't serve):

☐ Rule 8.3.1, N.D.R.Ct., Informational Statement.

☐ Financial Declaration.

☐ Proposed Parenting Plan.

☐ Proposed Order to Amend the Judgment;

☐ Proposed _____ Amended Judgment;

☐ _____

☐ _____

3. Service by Mail:

I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 5 at their last reasonably ascertainable address.

4. Date of Service by Mail:

Date Court Documents Were Served by Mail: _____

5. Person Served by Mail:

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

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

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

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
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Case No. _____

**Declaration of Service
by Mail
(No Agreement)**

The person serving court documents by mail states:

1. My name is _____ (name of person who mailed documents). I am at least 18 years of age.

2. **List of Court Documents Served** (only put a checkmark (✓) in the box(es) of the documents you served. Fill in any blanks. ~~Cross out~~ the names of all documents you didn't serve):

☐ Rule 8.3.1, N.D.R.Ct., Informational Statement.

☐ Financial Declaration.

☐ Proposed Parenting Plan.

☐ Proposed Order to Amend the Judgment;

☐ Proposed _____ Amended Judgment;

☐ _____

☐ _____

3. **Service by Mail:**

I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 5 at their last reasonably ascertainable address.

4. Date of Service by Mail:

Date Court Documents Were Served by Mail: _____

5. Person Served by Mail:

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

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

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

(Signature)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)