

DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 1: SUMMONS

(Form 1: Summons is part of the Divorce With an Agreement – With Children packet of forms. Review the instructions for the packet of forms before completing the Summons.)

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. Use at your own risk.

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

THE PLAINTIFF COMPLETES AND SIGNS THIS FORM. THE CLERK OF COURT MUST SIGN AND DATE THIS FORM.

Top of Form (Caption): Fill in the name of the County in North Dakota where you intend to file the divorce action.

- Fill in the name of the Judicial District in North Dakota where the County is located. (The County is within the Judicial District.) County and Judicial District information and maps are available at www.ndcourts.gov.
- Fill in the full, legal name of the spouse who will be listed as the Plaintiff.
- Fill in the full, legal name of the spouse who will be listed as the Defendant.
- Leave Case No blank. When all of the completed documents are accepted for filing, the Clerk of Court will assign a case number. (See Step Eight of the Instructions for the forms packet.)

Date and Signature: Sign and date the summons.

- Go to the clerk of court's office in the County in North Dakota where you will file the divorce action. The clerk of court must date and sign the summons.
- In divorce actions, when a Plaintiff is not 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 is served on the Defendant.**

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

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____)
 (Plaintiff))
 PLAINTIFF,)
 Vs)
 _____)
 (Defendant))
 DEFENDANT.)

Case No. _____

SUMMONS

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