

Read Before Filing Out The Complaint (Form 2)

Divorce can have serious long-term legal and financial consequences. It's strongly recommended that you [consult a lawyer](#) and carefully consider all of your options.

Only a lawyer who agrees to represent you can give you legal advice and tell you about your options based on your circumstances.

This Complaint (Form 2) is part of the *Filing for Divorce Together – With Children* forms packet. You may use forms packet if **All** of the following are true:

- You and your spouse are currently in communication with each other.
- You and your spouse agree on **All** issues. **Both spouses must date and sign Forms 3, 4 & 5.** (See Forms 3, 4, & 5 for the issues that you both must agree to in writing.)
- The spouse listed as Plaintiff has lived in North Dakota for at least the last 6 months.
- All of the minor children of the marriage have lived in North Dakota with a spouse 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 minor children of the marriage and one spouse still lives in North Dakota.

- This is the only legal action in North Dakota, any other state, or tribe between you and your spouse regarding the marriage or your minor children.
- The reason for your divorce is irreconcilable differences (*no fault by either spouse*).
- Neither spouse is currently in the military; ***OR*** one or both spouses are currently in the military but not deploying or deployed.
- There's **no** domestic violence protection order or disorderly conduct restraining order in effect regarding either spouse.

You **Must** Complete the Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property & Debt & Values (Form 4), and Exhibit B: Parenting Plan (Form 5) **Before** filling out the Complaint (Form 2). [Consult a lawyer](#) for help.

The Complaint form must be filled out completely. If the Complaint (Form 2) isn't filled out completely and signed by the Plaintiff, the form may not be accepted by the clerk of court for filing.

If the form is accepted for filing, but the judge or judicial referee assigned to the divorce determines the form is incomplete, your case may be dismissed without granting a divorce.

Don't include this cover sheet when you serve or file the completed form.

Filing for Divorce Together – With Children

Instructions for Form 2: Complaint

(Form 2: Complaint is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms.](#) You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B 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.

Equitable Distribution (also called Equitable Division) – Marital property and debt is divided equitably (fairly) in a divorce. Equitable distribution doesn't mean equal distribution.

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.

Irreconcilable differences – (also called *No Fault*) substantial reasons for not continuing the marriage and which make it appear the marriage should be dissolved. The court need only find that irreconcilable differences exist.

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

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 divorce case, even if you and your spouse agree to 100% of all issues in your divorce.

- 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 Divorce Together – With Children* packet of forms.
- Paragraph 3(a):** Refer to Paragraph 2 of *Form 3: Settlement Agreement* to fill in your information.
- Paragraph 3(b):** Refer to Paragraph 3 of *Form 3: Settlement Agreement* to fill in the Defendant's information.
- Paragraph 4:** Refer to Paragraph 4 of *Form 3: Settlement Agreement* to fill in your marriage information.
- Paragraph 5:** Put a checkmark (✓) next to the same statement as Paragraph 7 of *Form 3: Settlement Agreement*.
 - See the [Instructions for the packet of forms](#) for the definitions of deployed or deploying parent.
- Paragraph 6:** If the statement in Paragraph 6 isn't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 7:** Fill in the same information as Paragraph 10 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.
 - See the [Instructions for the packet of forms](#) for definitions of residential responsibility and parenting time.

The *Filing for Divorce Together – With Children* 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 Divorce Together – With Children* 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 & 14:** You don’t need to write anything for these paragraphs. You provide detailed information about your property and outstanding debts and liabilities in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).
 - You **must** complete Exhibit A: Confidential Division of Property and Debts and Values (Form 4) even if you don’t have property and outstanding debts and liabilities.

- Paragraph 15:** Put a checkmark (✓) next to the statement that's true for your situation. Make sure you select the same option as Paragraph 18 of *Form 3: Settlement Agreement*.
- Paragraphs 16 through 20:** Read the statements carefully. This tells the court what you're asking for from the court.
- Paragraph 21:** 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.

Don't include these instruction sheets when you serve or file the completed form.

State of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,

Case No. _____

vs

Complaint

Defendant.

1. Plaintiff is now, and for the entire 6 months immediately before the start of these proceedings, a resident of the State of North Dakota.

2. No separate proceeding for divorce, dissolution of marriage, or legal separation has been started or is pending in the State of North Dakota or elsewhere.

3. The identifying information of Plaintiff and Defendant is as follows:

a. Plaintiff's full legal name is: _____.

Plaintiff's address is: _____
_____.

Plaintiff's employer's name and address: _____
_____.

Plaintiff's birth year: _____

Last 4 digits of Plaintiff's social security number: XXX-XX-_____

b. Defendant's full legal name is: _____.

Defendant's address is: _____
_____.

Defendant's employer's name and address: _____
_____.

Defendant's birth year: _____

Last 4 digits Defendant's social security number: XXX-XX-_____

4. Plaintiff and Defendant were married on _____ (date), at _____ (city), _____ (state) and have been married ever since.

5. (Choose one)

Neither Plaintiff nor Defendant is currently in the Armed Services of the United States of America or its allies.

(Choose all that apply) Plaintiff/ Defendant is/are currently in the Armed Services of the United States of America or its allies but is not/are not currently deployed or notified of deployment.

6. Irreconcilable differences have arisen between Plaintiff and Defendant making continuation of the marriage impossible.

7. Plaintiff and Defendant have minor children together, namely:

a. Minor Child's Initials: _____ Year of Birth: _____
Last 4 Digits of Social Security Number: XXX-XX-_____
Address: _____

b. Minor Child's Initials: _____ Year of Birth: _____
Last 4 Digits of Social Security Number: XXX-XX-_____
Address: _____

c. Minor Child's Initials: _____ Year of Birth: _____
Last 4 Digits of Social Security Number: XXX-XX-_____
Address: _____

Additional sheets are attached for Paragraph 7. (Choose if applicable)

8. It is in the best interests of the minor child(ren) that residential responsibility is granted as follows (*choose one*):

- Shared equally between the Plaintiff and the Defendant.
- Primary residential responsibility granted to the Plaintiff, subject to the Defendant's reasonable parenting time.
- Primary residential responsibility granted to the Defendant, subject to the Plaintiff's reasonable parenting time.

9. This Court has jurisdiction to determine parenting rights and responsibilities and decision making of the minor child(ren) pursuant to North Dakota Century Code Section 14-14.1-12 because (*choose and complete one*):

- The child(ren) has/have lived in North Dakota with a parent or person acting as a parent for at least six consecutive months immediately before the start of this divorce proceeding. If a child is less than six months old, the child has lived in North Dakota with a parent or person acting as a parent since their birth. Name of parent(s) residing in North Dakota:

- North Dakota was the home state of the child(ren) within six months of the start of this proceeding, and one parent continues to reside in North Dakota. Name of parent(s) residing in North Dakota:

10. (*Choose one*)

- Neither Plaintiff nor Defendant is pregnant.
- (*Choose one*) Plaintiff/ Defendant is pregnant. However, the (*choose one*) Plaintiff/ Defendant is not the father, and the child is not at issue in this proceeding.

11. This divorce proceeding will affect the custody of the minor child(ren) of the marriage.

The following information is required by North Dakota Century Code Section 14-14.1-20:

a. Within the past five (5) years, the child(ren) has/have lived at the following addresses:

Child's Initials	Address (street, city, state, zip code)	Date From	Date To

b. The names and current addresses of the persons with whom the child(ren) has/have lived in the past five (5) years are as follows:

Child's Initials	Name of Person(s)	Current Address (street, city, state, zip code)

c. (Choose one; Paragraph 11(c) continues on next page)

Plaintiff has not participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child(ren).

Plaintiff participated in the following proceeding(s) concerning the child(ren) as a party or witness, or in another capacity concerning custody of or visitation with the child(ren):

Name of Court	State	Case Number	Date of Determination

d. *(Choose one; Paragraph 11(d) continues on next page)*

Plaintiff does not know of any proceeding that could affect this current divorce proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, neglect, abuse, deprivation, guardianship, or paternity.

Plaintiff knows of the following proceeding(s) that could affect this current divorce proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, neglect, abuse, deprivation, guardianship, or paternity.

Name of Court	State	Case Number	Type of proceeding

e. (Choose one)

Plaintiff does not know of any person who is not a party to this divorce proceeding who has physical custody of the child(ren) or claims rights of legal custody or physical custody of, or visitation with, the child(ren).

Plaintiff knows of the following person(s) who is/are not a party to this divorce proceeding who has physical custody of the child(ren) or claims rights of legal custody of physical custody of, or visitation with, the child(ren).

Name of Person(s)	Address (street, city, state, zip code)

(Choose if applicable) Additional sheets are attached for Paragraph 11.

12. (Choose one)

There is a child support order already in existence. The case number is _____.

(Choose one) Plaintiff/ Defendant is an able-bodied person and is able to contribute toward the support of the minor child(ren).

13. Plaintiff and Defendant are owners of property, which should be divided by the Court and an equitable portion awarded to each party.

14. Plaintiff and Defendant have accumulated a certain amount of debt throughout the marriage, which should be divided, and an equitable portion assessed to each party.

15. (*Choose one*)

Plaintiff wants to restore their name.

Plaintiff does not want to restore their name.

Wherefore, Plaintiff asks for judgment as follows:

16. The bonds of matrimony presently existing between Plaintiff and Defendant be wholly dissolved and that Plaintiff be granted an absolute decree of divorce from Defendant.

17. For residential responsibility and parenting time that serve the minor child(ren)'s best interests.

18. For child support obligations, if requested in Paragraph 12 above, that serve the minor child(ren)'s best interests, including those related to traditional child support, dependent medical and dental insurance coverage, and contribution to the child(ren)'s uninsured dental and medical expenses.

19. For a fair and equitable division of the assets and liabilities accumulated and incurred by the parties.

20. For such further and additional relief as this Court may deem just and proper.

21. I verify, under penalty of perjury under the law of North Dakota, that I am the Plaintiff in the above-entitled divorce action; that I have read the Complaint and know the contents and that the same is true and correct, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true and correct.

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

(Plaintiff's Signature)

(Plaintiff's Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)