

READ BEFORE FILLING OUT THE COMPLAINT FORM

Divorce can have serious long-term legal and financial consequences. It is strongly recommended that you consult a lawyer and carefully consider all of your options. Only a lawyer who has agreed to represent you can give you legal advice and tell you about your options based on your circumstances.

This Complaint form is part of the *Divorce With An Agreement – With Children* forms packet. This Complaint form and the forms packet may be used if you answer “Yes” to ALL of the following:

- Both spouses are currently in communication with each other.
- Both spouses agree on all issues and there are no issues on which they disagree.
- One of the spouses has lived in North Dakota for the last six months.
- All of the minor children 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 and one spouse still lives in North Dakota.
- This is the only legal action pending between the spouses regarding the marriage or the minor children.
- Neither spouse is currently in the military; ***OR*** one or both spouses are currently in the military but not deploying or deployed.
- There is no domestic violence protection order or disorderly conduct restraining order in effect regarding either spouse.

If you answered “No” to any of the above, you may not use this form or the forms packet.

Read the instructions for the forms packet and this form before filling out the Complaint. If you are unsure how to proceed, you should consult a lawyer.

The Complaint form must be filled out completely. If the Complaint form is not 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 action determines the form is incomplete, your case may be dismissed without granting a divorce.

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

DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 2: COMPLAINT

(Form 2: Complaint is part of the *Divorce With an Agreement – With Children* packet of forms.
Review the instructions for the packet of forms before completing the Complaint.)

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 these instruction sheets when you serve or file the completed form.

THE PLAINTIFF COMPLETES AND SIGNS THIS FORM.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Paragraphs 1 & 2: If the statements in Paragraphs 1 and 2 are not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 3: Fill in your information.

Paragraph 2: Fill in the information for the Defendant.

Paragraph 4: Fill in your marriage information.

Paragraph 5: Put a checkmark (✓) next to the statement that true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- See the instructions for the packet of forms for the definitions of deployed or deploying parent.

Paragraph 6: If the statement in Paragraph 6 are not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 7: Fill in the information for each minor child of you and Defendant.

- Be sure to use only the initials of each minor child.
- If the minor child does not have a social security number, type or write “N/A”.

If you have more than three minor children together, attach a sheet that lists the information for each additional child.

- Put a checkmark (✓) in the box at the end of Paragraph 5.
- Type or write “Complaint Paragraph 7” on the top of the additional sheet(s).

Paragraph 8: Put a checkmark (✓) next to the residential responsibility option that you and the Defendant will request from the Court. DO NOT put a checkmark in more than one box.

- See the instructions for the packet of forms for definitions of residential responsibility and parenting time.

Please note that this forms packet does not include an option for split residential responsibility (dividing the minor children between the parents). If you want a court to establish split residential responsibility, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 9: Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 10: Put a checkmark (✓) next to the statement that is true for your situation.

- Type or write the full, legal name of the parent.

If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

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.
 - 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 is true for your situation. If you select the second option, fill in the case number of the child support order.

- If you already have a child support order, make sure you have a copy. You will file the copy of the child support order with the court. (See Step Eight of the Instructions for the forms packet.)

Paragraphs 13 & 14: If the statements in Paragraphs 13 and 14 are not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 15: Put a checkmark (✓) next to the statement that is true for your situation.

Paragraphs 16 through 20: Read the statements carefully. This tells the court what you are asking for from the court.

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- 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 line.

Verification: Complete the verification page.

WARNING: By signing your name you are telling the Court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth or if you are misleading the Court, or if you are serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

Do not include these instruction sheets 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. _____

COMPLAINT

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 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 the ____ day of _____, _____, at _____ (city), _____ (state) and ever since have been married.

5. (Choose one)

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

OR

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

6. Irreconcilable differences have arisen between Plaintiff and Defendant making the 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. (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.

OR

Primary residential responsibility granted to the Plaintiff, subject to the Defendant's reasonable parenting time.

OR

Primary residential responsibility granted to the Defendant, subject to the Plaintiff's reasonable parenting time.

9. (Choose one)

Plaintiff/ Defendant is not pregnant. (choose one)

OR

Plaintiff/ Defendant is pregnant. (choose one) However, the Plaintiff/
 Defendant (choose one) is not the father, and the child is not at issue in this proceeding.

10. 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 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 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 or person acting as a parent: _____

Relationship to child(ren): _____

OR

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 residing in North Dakota: _____

11. This 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)

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).

OR

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

Name of Court	State	Case Number	Date of Determination

- d. (Choose one)

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

OR

Plaintiff knows of the following proceeding(s) that could affect the current 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 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).

OR

Plaintiff knows of the following person(s) who is/are not a party to this 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)

Additional sheets are attached. (Choose if applicable)

12. (Choose one)

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

OR

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

_____.

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

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

15. Plaintiff wants to restore his or her name. Yes No (Choose one)

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 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.

Dated this ____ day of _____, 20____.

Signature of Plaintiff

Typed or Printed Name of Plaintiff

Address

_____, _____
City State Zip Code

(_____) _____
Telephone Number

VERIFICATION

STATE OF _____)

COUNTY OF _____)SS

(State and County where Plaintiff signed)

_____, I verify, under penalty of perjury, that I am the Plaintiff in the above-entitled action; that I have read the Complaint for divorce and know the contents thereof 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.

Dated _____, 20____

(Plaintiff's Signature)

(Plaintiff's Printed Name)

(Address) (City, State, Zip Code) (Telephone Number)