

Read Before Filling Out The Summons Form (Form 1)

Establishing parenting responsibility between unmarried parents 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 Summons (Form 1) is part of the *Filing for Parenting Responsibility Together* forms packet. You may use this forms packet if **All** of the following are true:

- The parents of the minor children have never been married to each other.
- Both parents are currently in communication with each other.
- Both parents agree on **All** issues. **Both parents must date and sign Forms 3 & 4.** (See *Forms 3 & 4 for the issues that you both must agree to in writing.*)
- All of the minor children have lived in North Dakota with a parent 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 parent still lives in North Dakota.

- This is the only legal action in North Dakota, any other state, or tribe between the parents regarding the minor children.
- The father of the minor child(ren) is recognized as the father by a signed Acknowledgment of Paternity, a court order, or an adoption order.
- If either parent is currently in the military, they're not deploying or deployed.
- There's **no** domestic violence protection order or disorderly conduct restraining order currently in effect regarding either parent.

You **Must** Complete the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) **Before** filling out the Summons (Form 1). [Consult a lawyer](#) for help.

The Summons form must be filled out completely. If the Summons (Form 1) isn't filled out completely and signed by the Plaintiff **and** a clerk of court, it may not be accepted by the clerk of court for filing.

If this form is accepted for filing, but the judge or judicial referee assigned to the parenting responsibility case decides the form is incomplete, your case may be dismissed without granting a judgment establishing your parenting responsibilities.

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

Filing for Parenting Responsibility Together

Instructions for Form 1: Summons

(Form 1: Summons is part of the *Filing for Parenting Responsibility Together* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement and Exhibit A before completing the Summons.)

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. The Clerk of Court Must Also Sign and Date this Form.

Service of a Summons is required in every parenting responsibility case, without exception.

Service of the Summons (Form 1) happens in Step Nine of the [instructions for the packet of forms](#).

- Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- Paragraphs 1 through 4:** Read carefully. Once the Summons is served on the Defendant in Step Nine, both parents are required to obey the Summons.
- Date and Signature:**

Don't date and sign the Summons (Form 1). You'll date and sign the Summons in Step Eight of the [instructions for the packet of forms](#).

In parenting responsibility cases, when a Plaintiff isn't 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's served on the Defendant.**

You'll take the Summons to the Clerk of Court to sign in Step Eight of the [instructions for the packet of forms](#).

State of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,)

Case No. _____

vs)

Summons

Defendant.)

The State of North Dakota to the above-named Defendant:

1. **You are hereby summoned** and required to appear and defend against the Complaint in this action, by serving 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. A copy of the Complaint is served on you with the Summons.

2. 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 Provision:

3. 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 restraint:

- a. Except for temporary periods, neither parent may remove any of their minor children from North Dakota without the written consent of the other parent or order of the court.

4. If either parent violates any of these provisions, that parent may be in contempt of court.

Dated _____.

(Plaintiff's Signature)

(Plaintiff's Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(Email Address)

Dated _____

Clerk of District Court