

Filing for Parenting Responsibility Together

Instructions for Packet of Forms

Important! Read Before Using this Packet of Forms.

ND Legal Self Help staff and court employees **can't** help you fill out the form(s). If you're unsure if these forms and instructions suit your circumstances, 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.**

If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. Go to ndcourts.gov/legal-self-help/finding-a-lawyer for information about finding a lawyer to represent you.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case, which include,
 - [Chapter 14-09 of the North Dakota Century Code](#) governing custody, visitation, and child support; and
 - [Chapter 14-14.1 of the North Dakota Century Code](#) governing jurisdiction;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders; and
 - Any local court rules.

Links to the state laws, case law, and court rules are available at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures

*These instructions and forms **aren't** a complete statement of the law. They cover the basic procedure for asking a North Dakota state district court to establish parenting rights and responsibilities of minor child(ren) of parents who have never been married to each other **and** the parents **agree 100% in writing on all issues**. There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided. **Use these forms and instructions at your own risk.***

Who May Use This Packet of Forms?

Both parents may use these forms **Only** if **All** of the following statements are **True**.

1. Both parents are currently in communication with each other.
2. 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.*)
3. The parents of the minor children have never been married to each other.
4. 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 children **And** one parent still lives in North Dakota.
5. There is no other custody, visitation, divorce or paternity order from a North Dakota court or court of another state or tribe.
6. This is the only legal case in North Dakota, any other state, or tribe between the parents regarding the minor children.
7. The father of the child or children is recognized as the father by a signed Acknowledgement of Paternity, a court order, or an adoption order.
8. If either parent is currently in the military they're not deploying or deployed.
9. There is no domestic violence protection order or disorderly conduct restraining order in effect regarding either parent.

Before You Begin, Review Forms 3, & 4

Before you begin the steps for this packet of forms, review the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4).

Form 3 and Form 4 make up the full (100%) written agreement to establish parenting rights and responsibilities of the minor child(ren). If you believe that you and the other parent can reach an agreement on every paragraph of Form 3 and Form 4, continue.

If you **don't** believe that you and the other parent can reach an agreement on every paragraph of Form 3 and Form 4, **Stop! You can't use this packet of forms.**

Go to ndcourts.gov/legal-self-help/establishing-custody-and-visitation for all other parenting responsibility resources available through the ND Legal Self Help Center.

Forms Suitable for Uncomplicated Parenting Responsibility Cases Only

This packet of forms is only for parenting responsibility cases involving common and uncomplicated circumstances.

If this packet of forms doesn't work for you, **Stop!** You need to create your own documents, or retain a lawyer to create the documents for you.

If the father of the child or children isn't recognized as the father by a signed acknowledgement of paternity, a court order, or an adoption order, review the Paternity webpage at ndcourts.gov/legal-self-help/paternity.

You Must Calculate Child Support

Since your parenting responsibility case includes minor or dependent children, you're required to calculate child support. You must calculate child support even if both parents have agreements between yourselves related to child support.

If you don't want to establish child support as part of your parenting responsibility case, you still must complete the child support calculations. The judge or judicial referee decides whether it's in the best interests of the children to waive, or stay, your child support payments.

If you plan to ask the judge or judicial referee to allow you to pay a different amount of child support than the child support calculations say, you must prove you meet one of the limited exceptions for paying a different amount. You must also prove paying a different amount is in the best interests of the children.

You may be able to apply for services with [North Dakota Child Support](#). If your application for full services is approved by [North Dakota Child Support](#), they can help to establish an order for child support and medical support in a separate child support case.

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Caution Regarding Domestic Violence

Domestic violence protection orders and disorderly conduct restraining orders generally don't allow communication between the person protected by the order and the person the order is against.

This packet of forms is for parents who represent themselves and agree In Writing on All issues related to the parenting responsibility case. The parents **Must communicate with each other to share information, make decisions and complete the forms before filing with the Clerk of court. If there's a domestic violence protection order or disorderly conduct restraining order in effect against either spouse, you **Can't** use these forms.**

If there's **no** domestic violence protection order or disorderly conduct restraining order in effect, **but** you're concerned about the impact of domestic violence on you, this packet of forms may not be suitable.

Before using this packet of forms, consult a lawyer and to contact a domestic violence intervention center in your area to help you navigate your situation.

Contact North Dakota Domestic & Sexual Violence Coalition for information about domestic violence/sexual assault (DA/SA) victim advocacy centers across North Dakota staffed with professionals who can help you with safety planning, findings shelter, obtaining a protection order, and more.

North Dakota Domestic & Sexual Violence Coalition
521 E Main Ave, Suite 320
Bismarck, ND 58501
(701) 255-6240, Ext. 1016
(888) 255-6240
nddsvc.org/FIND-HELP

Who Are the Parties in Your Parenting Responsibility Case?

Plaintiff – The parent starting the action, or case, to establish parenting rights and responsibilities between unmarried parents.

Defendant – the other parent.

The parent who will be listed as Plaintiff to this case should be a parent who can answer “Yes” to Statement #3 on page 2 of these instructions. If neither parent can answer “Yes” to Statement #3, you **may not** use this packet of forms

If neither parent has lived in North Dakota for the past six months, **Stop!** You can’t use this packet of forms. [Consult a lawyer](#) for help.

10 Forms For Filing For Parenting Responsibility Together

Each individual form includes instructions to complete the form.

9 Forms Both Parents Must Complete Before Filing for Parenting Responsibility Together

Form Title	Description
Form 1: Summons <i>(Plaintiff completes)</i>	Notifies the Defendant that the Plaintiff started the process for an order to establish parenting rights and responsibilities. A Summons is required for every parenting responsibility case, even when the parents are in 100% agreement. The Summons must be signed and dated by the clerk of court to be valid.
Form 2: Complaint <i>(Plaintiff completes)</i>	Gives the judge or judicial referee information about the Plaintiff and Defendant, and their children. Tells the judge or judicial referee what the Plaintiff is asking for from the judge or judicial referee. A Complaint is required for every parenting responsibility case, even when the parents are in 100% agreement.
Form 3: Settlement Agreement <i>(Plaintiff & Defendant complete)</i>	A written and signed agreement of the Plaintiff and Defendant deciding 100% of All issues of the parenting rights and responsibilities to the minor child(ren). After completing Form 3, Plaintiff and Defendant must each sign in the presence of a notary public or clerk of court.
Form 4: Exhibit B: Parenting Plan <i>(Plaintiff & Defendant complete)</i>	Parenting Responsibility cases require a parenting plan. Lists the full agreement of the Plaintiff and Defendant regarding parenting rights and responsibilities. The agreement must be based on the best interests of the children, not the parents. Both Plaintiff and Defendant must sign in the presence of a notary public or clerk of court.

9 Forms Both Parents Must Complete Before Filing for Parenting Responsibility Together

Form Title	Description
Form 5: Confidential Information Form <i>(Plaintiff & Defendant complete)</i>	<p>Lists the full confidential information that isn't allowed to appear in other documents filed with the court.</p> <p>This form is a part of the court record that isn't seen by the public.</p>
Form 6: Admission of Service <i>(Defendant completes)</i>	<p>Proof that copies of the completed Form 1, Form 2, Form 3, Form 4, Form 5, Form 7, Form 8, and Form 9 were delivered to and accepted by the Defendant.</p> <p>After the Defendant dates and signs the Admission of Service, the Summons and Complaint are served, which officially starts the parenting responsibility case.</p>
Form 7: Affidavit of Proof for Stipulated Judgment <i>(Plaintiff completes)</i>	<p>The Plaintiff's written and signed statement of the facts and the court's authority (jurisdiction) to decide the case.</p> <p>Plaintiff must sign in the presence of a notary public or clerk of court.</p>
Form 8: Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) <i>(Complete using Form 3)</i>	<p>Findings of Fact are the judge or judicial referee's written determination of the facts made from the evidence presented. Conclusions of Law are the rulings of law made by the judge or judicial referee based on, or in connection with, the Findings of Fact. These are your proposed Findings of Fact and Conclusions of Law, which are based on the Settlement Agreement.</p>
Form 9: Judgment (Proposed) <i>(Complete using Form 3)</i>	<p>A written order of the judge or judicial referee's decision. The parenting responsibility case isn't finished until the Judgment is signed and filed. This is your proposed Judgment, which is based on the Settlement Agreement</p>

1 Form Plaintiff Must Complete After the Parenting Responsibility Case is Granted

Form Title	Description
Form 10: Notice of Entry of Judgment <i>(Plaintiff completes)</i>	A required notice from the Plaintiff to the Defendant. Served on the Defendant within 14 days after the parenting responsibility Judgment is signed and filed.

Forms Must be Filled out Completely!!

Don't leave any of the paragraphs within the forms unanswered.

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable." Type or write \$0.00 if a dollar amount doesn't apply to you.

If a form isn't completely filled out, it could result in the clerk not accepting the forms for filing, or the court may send the form back to you to complete. It could also mean the judge or judicial referee will require both parents to attend a hearing to answer why there are blanks in the form.

Follow and Carefully Read All Instructions! In the instructions for each form there are checkboxes (☐) before each step. Check each box as you finish the step. Don't go to the next step **until** the previous step is completed.

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Step One:

Review All Forms and Instructions; Gather Information and Make Decisions

☐ Review All of the forms and instructions:

Read these instructions **carefully**. Review the **All** of the individual forms and their instructions **carefully**. Decide if the forms apply to your situation. If you don't know if you should use this packet of forms, [consult a lawyer](#) licensed to practice in North Dakota.

☐ Gather information and Make Decisions:

Both parents should gather information to help make decisions about the following:

- Residential responsibility of the minor child(ren). (Also known as custody.)
- Parenting time, including scheduling. (Also known as visitation.)
- Decision making responsibility.
- Child support, including wages and other earnings information.
- Medical coverage, including health insurance premiums, copays, deductibles, etc.

☐ Complete your child support calculations:

If you already have a Child Support Order, get a copy of the Order to include with the completed packet of forms. You don't need new child support calculations.

- You may need to serve Child Support. See Step Nine for more information.

If you **don't** already have a Child Support Order, you need to complete your child support calculations **Before** your or your spouse sign the Settlement Agreement. **If you don't want to establish child support at this time, Stop! You can't use this packet of forms.**

Warning: If you attempt to file this packet of forms without completing the child support calculations, the judge or judicial referee will either require you to complete the calculations before making a decision on your divorce case, or dismiss your divorce case entirely.

If the parents will have equal residential responsibility, you must calculate child support amounts for **both** parents.

If **one** parent will have primary residential responsibility (more than 50% of the residential responsibility), you must calculate the child support amount for the parent with **less** than 50% of the residential responsibility.

Warning: If you plan to ask the judge or judicial referee to allow a parent to pay a different amount of child support than the Child Support Guidelines Calculator amount, [consult a lawyer](#) for help. The Calculator amount is presumed to be the correct amount of child support. The parent asking for a different amount than the Calculator amount must prove they meet one of the limited exceptions for deviation, **and** the deviation is in the best interests of the child(ren). See [North Dakota Century Code Section 14-09-09.7](#) and [North Dakota Administrative Code Section 75-02-04.1-09](#).

Court personnel and staff of the ND Legal Self Help Center **Can't** help you with your child support calculations.

You may be able to apply for services with [North Dakota Child Support](#) (701-328-5440; 800-231-4255). If your application for full services is approved by North Dakota Child Support, they can help to establish an order for child support and medical support in a separate child support case.

Step Two:

Both Parents Complete the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4)

Both parents work together to complete these forms.

Instructions for completing the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) are attached to each form.

- ☐ **Fill out the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) Only if both parents agree on all issues in each form.**

You make copies of the completed Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) in Step 8.

Stop! You can't use this set of forms if both parents haven't signed the Settlement Agreement (Form 3), and Exhibit A: Parenting Plan (Form 4) in the presence of a notary public or clerk of court. **You haven't reached a 100% agreement on All issues.**

Step Three:

The Plaintiff Completes the Summons (Form 1)

The parent listed as Plaintiff completes this form.

Instructions for completing the Summons (Form 1) are attached to the form.

Filling out this form is required even though both parents agree to the parenting responsibility case.

☐ **Fill out the Summons (Form 1):**

You go to the Clerk of Court's Office in Step 8 and ask the clerk of court to sign and date the summons. The summons must be signed and dated by the clerk of court to be valid.

You make copies of the completed Summons (Form 1) in Step 8.

Step Four:

The Plaintiff Completes the Complaint (Form 2)

The parent listed as Plaintiff completes this form.

Instructions for completing the Complaint (Form 2) are attached to the form.

Filling out this form is required even though both parents agree to the parenting responsibility case.

☐ **Fill out the Complaint (Form 2):**

You make Copies of the completed Complaint (Form 2) in Step 8.

Step Five:

Both parents Complete the Confidential Information Form (Form 5)

Both parents work together to complete this form.

Instructions for completing the Confidential Property are attached to the form.

☐ **Fill out the Confidential Information Form (Form 5):**

You make copies of the completed Confidential Information Form (Form 5) in Step 8.

Step Six:

The Plaintiff Completes the Affidavit of Proof for Stipulated Judgment (Form 7)

The parent listed as Plaintiff completes this form.

Instructions for completing the Affidavit of Proof for Stipulated Judgment are attached to the form.

☐ Fill out the Affidavit of Proof for Stipulated Judgment (Form 7).

This packet of forms is designed to be presented to a North Dakota state district court judge or judicial referee without requiring a hearing. Evidence is presented by an affidavit of proof, which is the Plaintiff's written statement of the facts of the divorce.

The judge or judicial referee may still decide to hold a hearing before making a final decision.

You make a copy of the completed Affidavit of Proof for Stipulated Judgment (Form 7) in Step 8.

Step Seven:

Both Parents Complete the Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) and the Judgment (Form 9)

Both parents work together to complete these forms.

Instructions for filling out the Findings of Fact, Conclusions of Law and Order for Judgment are attached to the form.

☐ Fill out the Findings of Fact, Conclusions of Law and Order for Judgment (Form 8).

Instructions for filling out the Judgment are attached to the form.

☐ Fill out the Judgment (Form 9)

You make copies of the completed Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) and the Judgment (Form 9) in Step 8.

Step Eight:

Get Signatures; Make Copies of Completed Forms

All of the Forms Must be Filled out Completely!!

Make sure all of the paragraphs within the forms are answered.

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable." Type or write \$0.00 if a dollar amount doesn't apply to you.

If a form isn't completely filled out, it could result in the clerk not accepting the forms for filing, or the court may send the form back to you to complete. It could also mean the judge or judicial referee will require you and your spouse to attend a hearing to answer why there are blanks in the form.

Sign Forms And Get Signatures:

- ☐ **The parent listed as Plaintiff must make sure the Summons (Form 1) is signed by the clerk of court.**

The Plaintiff also signs and fills in their information on the Summons (Form 1).

- ☐ **The parent listed as Plaintiff must complete and sign the following forms:**

1. Complaint (Form 2); and
2. Affidavit of Proof for Stipulated Judgment (Form 7), which must be signed in the presence of a notary public or clerk of court.

- ☐ **Both parents must complete the following forms and sign them in the presence of a notary public or clerk of court:**

1. Settlement Agreement (Form 3);
2. Exhibit B: Parenting Plan (Form 4)

- ☐ **Both parents must complete and sign the following form:**

1. Confidential Information Form (Form 5).

Make Copies of Forms:

☐ After getting all signatures as indicated above, make 2 copies of the following:

1. Summons (Form 1);
2. Complaint (Form 2);
3. Settlement Agreement (Form 3);
4. Exhibit A: Parenting Plan (Form 4);
5. Confidential Information Form (Form 5);
6. Affidavit of Proof for Stipulated Judgment (Form 7);
7. Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) – **Not Signed**; and
8. Judgment (Form 9) – **Not Signed**.

☐ Keep one copy for your records.

You give the other copy to the Defendant in Step 9. You file the originals with the Clerk of court in Step 10.

Step Nine:

Give Copies of Completed Forms to Defendant; Defendant Completes the Admission of Service (Form 7); Serve North Dakota Child Support (if applicable)

☐ The parent listed as Plaintiff gives one copy of each form to the Defendant as follows:

1. Summons (Form 1)
 - Must be signed by the Plaintiff and clerk of court
2. Complaint (Form 2)
 - Must be signed by Plaintiff
3. Settlement Agreement (Form 3)
 - Must be signed by **both** Plaintiff and Defendant in the presence of a notary public or clerk of court
4. Exhibit A: Parenting Plan (Form 4)
 - Must be signed by **both** Plaintiff and Defendant in the presence of a notary public or clerk of court
5. Confidential Information Form (Form 5)
 - Must be signed by **both** Plaintiff and Defendant
6. **Blank** Admission of Service (Form 6)
 - To be completed and signed by the Defendant
7. Affidavit of Proof for Stipulated Judgment (Form 7)
 - Must be signed by Plaintiff in the presence of a notary public or clerk of court

8. Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8)
 - **Not Signed**
9. Judgment (Proposed) (Form 9)
 - **Not Signed**

☐ **The Defendant completes, dates and signs the Admission of Service (Form 6):**

- The Defendant completes the Admission of Service (Form 6);
- The Defendant dates and signs the Admission of Service (Form 6);
- The Defendant makes a copy of the Admission of Service (Form 6) for their records; and
- The Defendant returns the original, completed Admission of Service (Form 6) to you.

Both parents are now required to obey the Summons. **Read it carefully!**

Warning: Once the Defendant receives copies of the completed Summons and Complaint, **And** dates and signs the Admission of Service, neither parent can take your minor child(ren) from North Dakota without the written permission of the other parent or an order of the Court. (*This doesn't include taking your minor child(ren) from North Dakota for temporary periods.*) If a parent disobeys this temporary restraining provision, that parent may be in contempt of court.

- ☐ **Make a copy of the original, completed and signed Admission of Service (Form 6) for your records.**

After you receive the completed and signed Admission of Service (Form 6) from the Defendant, go to Step 10.

You **Must** make a copy of the completed Form 1, Form 2, Form 3, Form 4, Form 7, Form 8, and Form 9 **If** any of the following are **True**:

- ♦ You applied and were accepted for Child Support services for any child listed in the Settlement Agreement (Form 3); or
- ♦ You currently receive financial or medical assistance from the State of North Dakota for any child listed in the Settlement Agreement (Form 3).

You **Must** serve the copies on North Dakota Child Support. Contact [North Dakota Child Support](#) and ask who you serve.

Step Ten:

File the Original, Completed Forms with the Clerk of Court

☐ **Take or mail the completed Originals of each of the following Completed forms to the Clerk of Court in the North Dakota county where you plan to file your divorce forms:**

- Summons (Form 1);
- Complaint (Form 2);
- Settlement Agreement (Form 3);
 - You **must** include your child support calculations and any additional sheets
- Exhibit A: Parenting Plan (Form 4);
- Confidential Information Form (Form 5);
- Admission of Service (Form 6);
- Affidavit of Proof for Stipulated Judgment (Form 7);
- Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8); and
- Judgment (Proposed) (Form 9).

☐ **Pay the filing fee.** The filing fee for a parenting responsibility case is \$160.00.

If you can't afford to pay the filing fee, the judge or judicial referee may waive it under certain circumstances.

Forms and instructions to request an order to waive filing fees are available at ndcourts.gov/legal-self-help/fee-waiver. File the completed forms when you file your completed parenting responsibility forms.

A judge or judicial referee reviews the request to decide whether you must pay the filing fee. Be prepared to pay the filing fee if your request isn't granted or the Clerk of Court can't file your documents.

The original documents are kept in the court file. If your documents are accepted for filing by the Clerk of court, a case number is assigned to your parenting responsibility case.

Step Eleven:

Parenting Responsibility Judgment

After the judge or judicial referee reviews all of the completed forms, the judge or judicial referee may decide to hold a hearing. If the judge or judicial referee requires a hearing, you're notified of the date, time and location of the hearing. If you fail to attend the hearing, the judge or judicial referee may not grant parenting rights and responsibilities.

If the judge or judicial referee approves the Settlement Agreement, the Clerk of court sends you a copy of the Judgment telling you the judge signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment is entered (filed). After the signed and dated Judgment is entered (filed), your parenting rights and responsibilities are granted and are final.

If the judge or judicial referee doesn't require a hearing And the judge or judicial referee approves the Settlement Agreement, the clerk of court sends you a copy of the Judgment telling you the judge signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment is entered (filed). After the signed and dated Judgment is entered (filed), parenting rights and responsibilities are granted and are final.

If you need a certified copy of the judgment you may obtain one for a fee through the Clerk of Court's office.

Warning: Parenting Responsibility Isn't Established Until the Judgment is Entered (Filed).

Step Twelve:

The Plaintiff Serves the Notice of Entry of Judgment (Form 10) on the Defendant and Files Proof of Service

The parents listed as Plaintiff completes this form.

Within 14 days after the parenting responsibility judgment is entered, the Plaintiff must serve a Notice of Entry of Judgment (Form 10) on the Defendant.

Instructions for completing and serving the Notice of Entry of Judgment (Form 10) are attached to the form.

☐ **Fill out the Notice of Entry of Judgment (Form 10).**

After service is complete, file the original completed Notice of Entry of Judgment (Form 10) **And** proof of service on the Defendant with the clerk of court.

Certified Copies of Your Parenting Responsibility Judgment

You can request certified copies of your parenting responsibility judgment from the Clerk of Court's Office. Contact information for clerks of court by county is available at ndcourts.gov/court-locations.

There is a cost for certified copies:

- \$10 for the first certified copy;
- \$5 for each additional certified copy (if requested at the same time).

Your parenting responsibility judgment is made up of 2 documents:

- Judgment (Form 9);
- Exhibit A: Parenting Plan (Form 4).

You need certified copies of the 2 documents.