



North Dakota Legal Self Help Center

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ndcourts.gov/legal-self-help

I've Been Served a Summons and Complaint (or Petition). What Do I Do Now?

Carefully read the Summons, Complaint (Petition), and all papers you were served (*received*).

- The Summons tells you about the deadline to serve your **written Answer** to the Complaint, who to serve, and the consequences of missing the deadline.
- The Complaint (or Petition) lists the claims the Plaintiff is making against you.

Why Doesn't the Summons and Complaint (or Petition) Have a Case Number?

When you're served the Summons and Complaint (or Petition) in a North Dakota civil case, the documents won't have a case number.

A civil case starts with the service of a Summons and copy of the Complaint (or Petition) on the Defendant. A Summons and Complaint (or Petition) aren't required to be filed to start a civil case.

In most civil cases, Clerks of Court aren't allowed to file a Summons and Complaint (or Petition) without proof copies were served on the Defendant.

How Do I Know the Summons and Complaint (or Petition) are Real?

If the Summons is signed and dated by a lawyer, the Summons is valid if the lawyer is currently licensed to practice law in North Dakota. To see if the lawyer is allowed to sign the Summons, go to the [lawyer search](#) on the North Dakota Court System website. Enter the Bar ID number or the lawyer's name.

If the Summons is signed by the Plaintiff because the Plaintiff isn't represented by a lawyer:

- In **Divorce, Separation, and Parenting Responsibilities (Custody)** cases, to be valid the Summons must be signed by a clerk of court or deputy clerk of court. If only the Plaintiff signed the Summons, the Summons isn't valid.
- In other **civil cases**, check the address information, email information, phone number, etc.
- You can serve the Plaintiff with a [Demand for Filing](#).
 - **Caution!** Remember your **21 day deadline to respond to the Summons and Complaint**. The Plaintiff has **20 calendar days after being served the Demand for Filing** to file the Summons and Complaint.

If you aren't sure if the Summons and Complaint are real and you exhausted any way to find out, make sure you served your Answer to the Plaintiff by the 21st day!

I Have 21 Days to Serve an Answer. How Do I Know When it's Due?

Don't Wait to Serve your Answer!

You have twenty-one (21) days after you're served the Summons and copy of the Complaint (or Petition) to respond or "answer" **in writing** to the Complaint.

➤ **Date the Summons and Complaint were served on you:** _____

How to Calculate Your Deadline to Answer:

1. Don't include the date you were served;
2. Count ahead 21 days using calendar days. This means you count Saturdays, Sundays, and North Dakota state holidays; and
3. If the 21st day lands on a Saturday, Sunday, or North Dakota state holiday, move ahead to the next day that isn't a Saturday, Sunday, or North Dakota state holiday.

➤ **The date your written Answer must be served on the Plaintiff(s):** _____

What Happens if I Don't Serve an Answer?

If you don't serve your written Answer within **21 calendar days** after the date you were served, **you may be found in default**.

This means you won't have a chance to take part in the case or be heard. The court may give the Plaintiff what they requested in the Complaint (or Petition) without your input.

Does the ND Self Help Center Have Forms and/or Instructions for an Answer to a Complaint (or Petition?)

Yes! The ND Self Help Center has the following at ndcourts.gov/legal-self-help:

Civil Cases: Scroll to the "District Court Civil" section. Click on "Answering a Summons and Complaint". Step-by-step instructions and forms are provided.

Divorce Cases: Scroll to the "Family Law" section. Click on "Divorce". Step-by-step instructions and forms are provided.

Parenting Responsibilities (Custody) Cases: Scroll to the "Family Law" section. Click on "Establishing Custody and Visitation". An informational guide with forms and templates are provided.

If you can't find the forms or have questions about the process, contact the North Dakota Legal Self Help Center by calling (701) 328-1852 or emailing ndselfhelp@ndcourts.gov.

Reminder! Don't Wait to Serve your Answer!