

Instructions for Informational Statement (N.D.R.Ct. Rule 8.3.1)

Parenting Responsibility Case (Custody & Visitation) – Case Management

Important Deadline: Within **37 days*** after the Parenting Responsibility Summons and Complaint is served on the Defendant, the parents must meet to prepare the joint Informational Statement required by Rule 8.3.1, N.D.R. Ct.

***Why 37 days?** Within 30 days after service of the Parenting Responsibility Summons and Complaint, the parents must meet to prepare the joint Informational Statement. The Summons and Complaint and joint Information Statement must be filed **no later than 7 days after the compulsory meeting.**

At minimum, you must be prepared to exchange copies of current paystubs, employment, income information, and tax returns.

What if the Other Parent and I Are Unable to Complete This Form Together?

N.D.R.Ct. Rule 8.3.1 requires the parents to meet to prepare the Rule 8.3.1, N.D.R.Ct., Informational Statement together. Rule 8.3.1 doesn't say what to do if you're unable to meet with the other parent in person, by text, by email, or some other way.

If you decide to prepare, serve, and file this form on your own, Paragraph 1 includes space for you to explain why. The judge or judicial referee decides whether your Rule 8.3.1, N.D.R.Ct., Informational Statement meets the requirements of N.D.R.Ct. Rule 8.3.1.

The Informational Statement Must be Filled out Completely!! Don't leave any of the paragraphs within the form unanswered.

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable".

If a form isn't completely filled out, it could result in the clerk not accepting your form for filing, or the court may send the form back to you to complete.

Follow and Carefully Read All Instructions! There are boxes () before each step. Check each box as you finish the step. Don't go on to the next step **until** the previous step is completed.

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.

Both Parties Prepare the Joint Informational Statement Together

Fill in the Top of the Form:

- The information to fill out the top part of the form (“Caption”) is the same as on the Summons form.

Paragraph 1: Put a checkmark in the correct box for your situation (check **only one** box).

- Put a checkmark in the first box if the Plaintiff and Defendant are submitting this form **together**.
- Put a checkmark in the second box if the **Plaintiff** is submitting this form alone. **Explain** why you aren’t able to submit this form with the Defendant.
- Put a checkmark in the third box if the **Defendant** is submitting this form alone. **Explain** why you aren’t able to submit this form with the Plaintiff.

Paragraph 2: Fill in the number of months you think discovery will take to be completed from the time of filing this document.

Discovery is a formal process where the Plaintiff and Defendant ask each other for information. The Plaintiff and Defendant may also ask non-parties for information.

For more information about discovery, see the “Discovery” section in the “[Guide to a District Court Civil Action](#).”

a. Put a checkmark in the box indicating if there will be written discovery.

Interrogatories are written questions that are answered in writing under oath.

Production of Documents are written requests to produce discoverable documents, electronically stored information or tangible things and permit them to be copied.

b. Put a checkmark in the box indicating if there will be factual depositions. If yes, identify the person who will be deposed.

A Deposition is an oral question/answer session that occurs before trial and outside the courtroom. One party to a lawsuit asks another person who is under oath questions about issues raised in the lawsuit.

- c.** Put a checkmark in the box indicating if there will be medical/vocational/or parenting evaluations. If yes, identify the person conducting the evaluation(s).
- d.** Put a checkmark in the box indicating if there will be experts. If yes, identify the person(s).
- Paragraph 3:** Fill in the suggested date you'll be ready for trial.
- Paragraph 4:** Fill in the estimated length of trial (i.e. list the number of hours or days).
- Paragraph 5:** List any additional information you think might be helpful to the court when scheduling your case.

Include the following information (if you feel it's needed):

- (a) Deadline to file motions and what the motion is regarding;
- (b) Deadline to complete mediation;
- (c) Deadline to complete parenting education;
- (d) Deadline for the parenting evaluation to be completed; and
- (e) Date for pretrial conference (if needed).

- Paragraph 6:** Put a checkmark in the box indicating if the State of North Dakota is a real party in interest under [N.D.C.C. 14-09-09.26](#).
- Date and Signature:**

If both parties submit the Informational Statement together:

- The Plaintiff:**
 - Signs the Plaintiff signature line.
 - Prints their name.
 - Fills 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.*)
 - Fills in their phone number.
 - Fills in their email address.

And

- The Defendant:**
 - Signs the Defendant signature line.
 - Prints their name.

- Fills 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.)
- Fills in their phone number.
- Fills in their email address.

If you submit the Informational Statement without the other parent's input or signature:

Note: If you're the Plaintiff, sign under "Plaintiff's Date & Signature." If you're the Defendant, sign under "Defendant's Date and Signature."

- Fill in the date you signed 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 your phone number.
- Fill in your email address.

Make Copies and Serve the Informational Statement

Service is providing copies of the completed Informational Statement to the other parent.

If the Plaintiff and Defendant completed this form together, the Plaintiff:

- Makes two copies: one for you, one for the other parent.
- Serves a copy of the completed Informational Statement on the other parent by mail.

If Only 1 Parent completed the form, that Parent:

- Makes two copies: one for you, one for the other parent.
- Serves a copy of the completed Informational Statement on the other parent by mail.

Caution Regarding Domestic Violence

If there's a domestic violence protection order or disorderly conduct restraining order in effect, review the order to see if you are allowed to contact or serve the other parent! **Be careful not to violate the order!** Violating the order could have legal consequences for you and/or the other parent.

Before serving the other parent, consult a lawyer or a domestic violence intervention center in your area to help you navigate your situation. **Only follow the steps below once you know you can serve the other parent.**

Serve the other parent, by first-class U.S. mail:

- The person serving by mail must be at least 18 years old.
- Put the copy of the completed Informational Statement in an envelope.
- Address the envelope with the other parent's last known address.
- **If you know the other parent is currently represented by a lawyer, address the envelope with the lawyer's address, Not the other parent's.**
- List your address as the return address on the envelope.
- Put the correct first-class U.S. postage on the envelope.
 - Postage must be prepaid.
 - **It's very important to put the correct postage on the envelope.** If you don't, the envelope may be returned to you causing you to miss the service deadline.
- Put the envelope in the U.S. mail.
- Service by mail is complete upon mailing.

Service by mail is a common way to serve answer documents. However, there are other ways to serve your documents. To review other service options, go to ndcourts.gov/legal-self-help/service-in-a-civil-action. Scroll to the "Service After a District Court Civil Action Has Started" section of the webpage.

Complete the Declaration of Service by Mail

The person who mailed the envelope **must** complete the Declaration of Service by Mail form. (If the envelope is mailed at a United States Post Office, the United States Post Office employee **doesn't** complete Declaration of Service by Mail form.)

- The information to fill out the top part of the form ("Caption") is the same as on the Informational Statement (Rule 8.3.1, N.D.R.Ct.).
- Paragraph 1:** Fill in your full name.
- Paragraph 2:** Review – the Informational Statement (Rule 8.3.1, N.D.R.Ct.) should be listed.
- Paragraph 3:** Review the information to make sure it's correct. If it isn't, you can't use this form.
- Paragraph 4:** Fill in the date you mailed the documents.

- Paragraph 5:** Fill in the name of the other parent, or the other parent's lawyer if the other parent is represented, and the mailing address you used to serve the documents.
- Paragraph 6:** Review carefully! You're declaring, under penalty of perjury under the laws of North Dakota, that everything you stated on the Declaration of Service by Mail form is true and correct.
- Signature Block:**
 - Fill in the date you signed this Declaration;
 - Fill in the city, county, state, and country where you signed this Declaration.
 - Sign your name;
 - Print your name;
 - Fill in your address;
 - Fill in your city, state, and zip code;
 - Fill in your phone number;
 - Fill in your email address.

File the Following Original Documents With the Court:

1. Informational Statement; and
2. Declaration of Service by Mail.

What are the Next Steps?

Within 30 Days after your Informational Statement is accepted for filing, the judge or judicial referee assigned to your Parenting Responsibility case issues the scheduling order. The judge or judicial referee uses your Informational Statement to create their scheduling order.

Before issuing the scheduling order, the judge or judicial referee may require you to attend a scheduling conference. If the judge or judicial referee requires a scheduling conference, you get notice of the date, time and location.

Reminder: Check your scheduling order and any other orders to make sure you complete everything ordered by the judge or judicial referee!

State of North Dakota

In District Court

County Of _____

Judicial District _____

vs

Plaintiff,

Defendant.

) Case No. _____

) **Informational Statement**
(Rule 8.3.1, N.D.R.Ct.)

(Within 30 days after the parenting responsibilities summons and complaint are served on the Defendant, the parents must meet to prepare a joint informational statement.)

At minimum, you must be prepared to exchange copies of current paystubs, employment and income information, and tax returns.

If you're unable to complete the informational statement jointly with the other parent, you may file an informational statement on your own. The judge decides whether your informational statement meets the requirements of Rule 8.3.1, N.D.R.Ct.

The summons and complaint and joint informational statement must be filed with the clerk of court within 7 days after the meeting.)

1. As required by Rule 8.3.1 of the North Dakota Rules of Court, the following informational statement is submitted by (choose one):

The Plaintiff and Defendant together.

The Plaintiff only because (explain why you're unable to file an informational statement together with the Defendant): _____

The Defendant only because (explain why you're unable to file an informational statement together with the Plaintiff): _____

2. It is estimated that the discovery specified below can be completed within _____ months from the date of this form.

a. Written discovery (*choose one*): No Yes

b. Factual depositions (*choose one*): No Yes

Identify the persons who will be deposed by either party: _____

c. Medical/Vocational/Parenting Evaluations (*choose one*): No Yes

Identify the person who will conduct such evaluations [for either party]: _____

d. Experts (*choose one*): No Yes

Identify any experts or area of expertise for either party: _____

3. Date ready for trial: _____.

4. Estimated length of trial: _____.

5. Please list any additional information, which might be helpful to the court when scheduling this matter, including, e.g., facts that will affect readiness for trial (*(a) deadline to file motions; (b) deadline to complete mediation; (c) deadline to complete parenting education; (d) deadline to complete and review parenting evaluation; and (e) date for pretrial conference; continued on page 3*):

6. Is the State of North Dakota a real party in interest under N.D.C.C. 14-09-09.26

regarding child support? (Choose one): No Yes

(If "yes", you must add the state as a party to the title under N.D.R.Civ.P. 10(a).)

Plaintiff's Date & Signature:

Defendant's Date & Signature

(Date)

(Date)

(Plaintiff's Signature)

(Defendant's Signature)

(Plaintiff's Printed Name)

(Defendant's Printed Name)

(Address)

(Address)

(City, State, Zip Code)

(City, State, Zip Code)

(Telephone Number)

(Telephone Number)

(Email Address)

(Email Address)

State of North Dakota

In District Court

County of _____

Judicial District _____

vs

Defendant.)

Plaintiff,)

)

Case No. _____

Declaration of Service by Mail

The person serving court documents by mail states:

1. My name is _____ (*name of person who mailed document*) and I am at least 18 years of age.

2. List of Court Documents Served:

- Informational Statement (Rule 8.3.1)

3. Service by Mail:

As required by Rule 5(b)(3) of the North Dakota Rules of Civil Procedure, I served a true and correct copy of the court document listed in Paragraph 2 by mailing it, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing it in the United States Mail, directed to the person listed in Paragraph 5.

4. Date of Service by Mail:

Date Court Document Was Served by Mail: _____

5. Person Served by Mail:

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

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

Signature of Person Who Mailed Documents

Printed Name of Person Who Mailed Documents

Address

City, State, Zip Code

Telephone Number

Email Address