

Instructions for Notice of Filing Answer & Counterclaim

Parenting Responsibility Case (Custody & Visitation) – Defendant

If you have questions about Defendant's steps to answer, see the full instructions at ndcourts.gov/legal-self-help/establishing-custody-and-visitation.

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 this instruction sheet when you serve or file the completed form.

After you file your Answer and Counterclaim, Confidential Information Form, and proof of service on the Plaintiff parent, you're required to serve a Notice of Filing form on the Plaintiff.

The Notice of Filing tells the Plaintiff parent:

1. You filed your Answer and Counterclaim with the Clerk of District Court; and
2. The case number assigned by the Clerk of Court.

Complete the Notice of Filing

***You, the Defendant, complete this form.**

☐ Fill in the Top Part of the Form:

- The information to fill out the top part of the form ("the caption") is the same as on the Summons form.
- Include the case number assigned by the Clerk of Court.

☐ To: List the Plaintiff's full name.

☐ Paragraph 1:

- ☒ The Answer & Counterclaim checkbox is already checked for you, because you always need to file the Answer & Counterclaim.
- ☐ If you also filed the Summons and Complaint ([see Step 6b of the Instructions to Answer a Parenting Responsibility Case When the Parenting Don't Agree](#)) put a checkmark ☒ in the second box.

- ☐ Fill in the name of the North Dakota county where your parenting responsibility case is filed **and** the case number assigned by the Clerk of Court.

☐ **Paragraph 2: Review.**

☐ **Date and Signature:**

- ☐ Fill in the date you signed the Notice of Filing form.
- ☐ Sign the signature line.
- ☐ Type or Print your name.
- ☐ Fill in the address lines, your phone number, and your email address. *(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.)*

☐ **Make Two copies of the Notice of Filing**

- One copy is for your records, one copy is to serve on the Plaintiff parent.

☐ **Serve the Copy of the Notice of Filing**

The copy of the Notice of Filing must be served on the Plaintiff parent, or their lawyer, if represented. This can be done by U.S. mail, first-class, postage prepaid.

- **The person serving by mail must be at least 18 years old.**

- ☐ Put the copy in an envelope.
- ☐ Address the envelope with the Plaintiff's last known address.
 - If you know the Plaintiff is currently represented by a lawyer, address the envelope with the lawyer's address. **Don't** mail the envelope to the Plaintiff's last known address.
- ☐ List your address as the return address on the envelope.
- ☐ Put the correct 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.
- ☐ Put the envelope in the U.S. mail.
- ☐ Service by mail is complete upon mailing.

☐ **Prepare the Declaration of Service by Mail**

☐ **Fill in the Top Part of the Form:**

- ☐ The information to fill out the top part of the form (“the caption”) is the same as on the Summons form.
- ☐ Include the case number.

☐ **Paragraph 1:** Fill in your name.

☐ **Paragraph 2:** Make sure the Notice of Filing is listed as the document served.

☐ **Paragraph 3:** Review.

☐ **Paragraph 4:** Fill in the date you served the documents by mail.

☐ **Paragraph 5:** List the name of the person served (the Plaintiff parent or their lawyer) and the mailing address.

☐ **Paragraph 6:** Review carefully.

☐ **Date and Signature:**

- ☐ Fill in the date, city, county, state, and country where you signed this document.
- ☐ Sign the signature line.
- ☐ Type or print your name.
- ☐ Fill in the address lines, your phone number, and your email address. *(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.)*

☐ **File the Following Original Documents with the Clerk of Court**

- Notice of Filing; and
- Declaration of Service by Mail.

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,)
vs)

Defendant.)

Case No. _____

Notice of Filing

To: _____
(List the Plaintiff's name)

1. **Please take notice** that as required by Rule 5(d) of the North Dakota Rules of Civil Procedure, you are notified that the (*put a checkmark (✓) next to document(s) filed*)

☒ Answer and Counterclaim for this parenting responsibility case

☐ Summons and Complaint for this parenting responsibility case

are filed with the Clerk of Court in _____ County, North Dakota, and assigned case number _____.

2. Please indicate the assigned case number on the front or title page in the upper right-hand portion of **all** documents to be filed.

Dated _____

_____, Defendant
Signature of Defendant

Typed or Printed Name of Defendant

Address *City* *State* *Zip Code*

Telephone Number *Email Address*

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,)
vs)

Defendant.)

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:

- Notice of Filing

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