

Divorce When the Spouses Don't Agree

Instructions for Rule 8.3 N.D.R.Ct., Informational Statement

Important Deadline: Within **37 days*** after the divorce Complaint is served on the Defendant, the spouses must meet to prepare a joint Rule 8.3 N.D.R. Ct. Informational Statement and a preliminary Property and Debt Listing (see the Rule 8.3, N.D.R.Ct., Confidential Property and Debt Listing form).

***Why 37 days?** Within 30 days after service of the complaint, the parties must meet to prepare the joint informational statement and preliminary property and debt listing. The 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 and income information, tax returns, preliminary pension or retirement account information, and asset, debt, and expense documentation.

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.

What if My Spouse and I Are Unable to Complete This Form Together?

N.D.R.Ct. Rule 8.3 requires the spouses to meet to prepare the Rule 8.3 N.D.R.Ct., Informational Statement together. Rule 8.3 doesn't say what to do if you're unable to meet with your spouse 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 decides whether your Rule 8.3 N.D.R.Ct., Informational Statement meets the requirements of N.D.R.Ct. Rule 8.3.

The Informational Form 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 forms 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.

Complete the Rule 8.3 N.D.R.Ct., Informational Statement

Fill in the Top of the Form:

The information to fill out the top part of the form (“the 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:

- a. Put a checkmark in the box indicating if there are minor children of this divorce. If yes, fill in the number of children. If no, go to paragraph 2b.
 - **1)** Put a checkmark in the box indicating if there is a parenting dispute. If yes, explain.
 - **2)** Put a checkmark in the box indicating if there is a visitation dispute. If yes, explain.
 - **3)** Put a checkmark in the box indicating if there is a child support dispute. If yes, explain.
 - **4) Review:** If North Dakota is a real party in interest, you must add the state as a party. If you aren’t sure if North Dakota is a real party in interest, review [N.D.C.C. § 14-09-09.26](#).
 - **5)** Put a checkmark in the box indicating if the case has been referred to the Family Mediation Program.

- b. Put a checkmark in the box indicating if there is a property dispute. If no, go to paragraph 2c.
 - 1) Tell the court what the dispute is, such as identification, valuation, disposition, etc.
 - 2) Put a checkmark in the box indicating if there are complex valuation issues. If yes, specify.
- c. Put a checkmark in the box indicating if there is a spousal support dispute.
- Paragraph 3:** 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 4:** Fill in the suggested dates and deadlines for paragraphs a – g. If you indicated in 4a you’ll be filing motions, indicate what the motions are regarding.
- Paragraph 5:** Fill in the estimated length of trial (i.e. list the number of hours or days).

- Paragraph 6:** List any additional information you think might be helpful to the court when scheduling your case.
- Paragraph 7:** Put a checkmark in the box indicating if a scheduling conference is needed. Indicate whether the conference should be remote or in-court.
- Date and 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."

If both parties submit the Rule 8.3., N.D.R.Ct. Informational Statement together:

The Plaintiff:

- Signs the 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 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 this document without the other party's input or 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 Rule 8.3 N.D.R.Ct., Informational Statement

Service is providing copies of the completed Informational Statement to your spouse.

Caution Regarding Domestic Violence

If there is 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 your spouse! **Be careful not to violate the order!** Violating the order could have legal consequences for you and/or your spouse.

Before serving your spouse, 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 your spouse.**

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

- Makes two copies: one for you, one for your spouse.
- Serves a copy of the Rule 8.3 N.D.R.Ct., Informational Statement on your spouse by mail.

If Only 1 Spouse completed the form, that spouse:

- Makes two copies: one for you, one for your spouse.
- Serves a copy of the Rule 8.3 N.D.R.Ct., Informational Statement on your spouse by mail.

Complete the Declaration of Service by Mail

- The information to fill out the top part of the form (“the caption”) is the same as on the Rule 8.3 N.D.R.Ct., Informational Statement.
- Paragraph 1:** Fill in your full name.
- Paragraph 2:** Review – the Rule 8.3 N.D.R.Ct., Informational Statement 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 your spouse 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.

Start Working on the Property and Debt Listing – Appendix Form E

Both spouses should start working on Appendix E – Confidential Property and Debt Listing.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____)
 _____)
 PLAINTIFF,)
 vs)
 _____)
 DEFENDANT.)

Case No. _____

**Rule 8.3, N.D.R.Ct.,
Informational Statement**

(Within 30 days after the divorce Complaint is served on the Defendant, the spouses must meet to prepare a joint informational statement and a preliminary property and debt listing (see the Rule 8.3, N.D.R.Ct., Confidential Property and Debt Listing form).

At minimum, you must be prepared to exchange copies of current paystubs, employment and income information, tax returns, preliminary pension or retirement account information, and asset, debt, and expense documentation.

If you're unable to complete the informational statement jointly with your spouse, you may file an informational statement on your own.

The Complaint and joint informational statement must be filed within 7 days after the meeting.)

1. As required by Rule 8.3 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. This case involves the following:

a. Minor children (*choose one*): No Yes: number of children _____

1) Parenting dispute (*choose one*): No Yes

Specify: _____

2) Visitation dispute(*choose one*): No Yes

Specify: _____

3) Child support dispute(*choose one*): No Yes

Specify: _____

4) 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))

5) Has the case been referred to the Family Mediation Program for contested custody and visitation dispute? (*choose one*): No Yes

b. Property dispute (*choose one*): No Yes

1) Identify the nature of the dispute (*i.e. identification, valuation, disposition*):

2) Complex valuations issues (*choose one*): No Yes

Specify: _____

c. Spousal support dispute (*choose one*): No Yes

3. 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: _____

4. The dates and deadlines below are suggested.

a. _____ Deadline for filing motion regarding:

b. _____ Deadline to complete and review property valuation.

c. _____ Deadline to complete and review mediation/alternative
dispute resolution.

d. _____ Deadline to complete parent education.

e. _____ Deadline to complete and review parenting evaluation.

f. _____ Date for pretrial conference.

g. _____ Date for trial.

5. Estimated length of trial: _____.

6. 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:

7. The parties believe a scheduling conference is necessary (*choose one*): No Yes

Remote hearing or in-court hearing: _____

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
COUNTY OF _____

IN DISTRICT COURT
_____ 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(s) in Paragraph 2*) and I am at least 18 years of age.

2. List of Court Documents Served:

- Rule 8.3, N.D.R.Ct., Informational Statement

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 each of the court document(s) listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to the person listed in Paragraph 5.

4. Date of Service by Mail:

Date Court Documents Were 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