

Divorce When the Spouses Don't Agree

Instructions for Rule 8.3 N.D.R.Ct., Pretrial Conference Statement

Important Deadline: If you and your spouse don't reach a settlement on all issues, your contested divorce will eventually go to trial. Issues on which you and your spouse don't agree will be decided by a District Court Judge.

At least **14 days** before the date of the pre-trial conference, each spouse must prepare, serve, and file their own, separate pretrial conference statement.

Start working on the Rule 8.3 N.D.R.Ct., Pretrial Conference Statement as soon as possible – there's a lot of information you need to include and you'll need to meet the deadline!

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.

The Pretrial Conference 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 section of the form asks for information you don't know and are unable to find, write "Unknown."

If the section of the form asks for a dollar amount and there is none, type or write \$0.00 in the space.

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., Pretrial Conference 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.

- You now have a case number – make sure to fill it in.

Paragraph 1: Fill in the parties’ personal information:

A. Fill in the Plaintiff’s personal information.

- Full name;
- Current mailing address;
- Employer Name, street address, city, state, and zip code;
- Birth year and present age.

B. Fill in the Defendant’s personal information.

- Full name;
- Current mailing address;
- Employer Name, street address, city, state, and zip code;
- Birth year and present age.

C. Fill in the information about the marriage.

- Date married;
- Date separated;
- Date(s) of temporary order(s), if any.

D. Put a checkmark in the box indicating if there are minor children born of the marriage. If no, go to paragraph E. If yes, complete the information for each child. Include the child’s:

- Initials;
- Birth Year;
- Age; and
- Name of person they are living with.

E. Put a checkmark in the box indicating if either spouse is pregnant. If yes, fill in the spouse's name and due date.

F. **Parenting Rights and Responsibilities:**

• Put a checkmark in the “**No**” box if you and your spouse don't have children of the marriage or you both agree to the parenting rights and responsibilities of the children.

• Put a checkmark in the “**Yes**” box if you and your spouse don't agree to the parenting rights and responsibilities of the children.

Complete Exhibit C – Proposed Parenting Plan. Instructions are attached to Exhibit C.

Paragraph 2: For each spouse, fill in the employment/income information. Put the Plaintiff's information under the Plaintiff column and the Defendant's Information under the Defendant column.

A. Fill in the employer and length of employment for each spouse.

• **(1)** Fill in the monthly gross income and requested monthly deductions for each spouse. (Put \$0.00 on the blank line next to the requested deduction if there is no amount taken from you income for this named deduction.)

• **(2)** Fill in the subtotal of the deductions for each spouse.

• **(3)** Fill in the net income for each spouse. If there are any other guideline deductions you would like considered, specify.

• **(4)** Fill in the subtotal of any other deductions for each spouse.

• **(5)** Fill in the net take home pay for each spouse. Also, fill in the taxpayer status with the number of exemptions claimed.

B. Review carefully and fill in any other additions to the wages for each spouse.

C. For (1) – (7), fill in the other income as requested. If there is none, write “\$0.00” on that blank.

3. Child Support/Spousal Support:

- A1.** Put a checkmark in the box indicating if either party is entitled to spousal support from a separate proceeding. If yes, list the amount.
- A2.** Put a checkmark in the box indicating if either party is required to pay spousal support from a separate proceeding. If yes, list the amount.
- B1.** Put a checkmark in the box indicating if either party is required to pay spousal support from a temporary order in this proceeding. If yes, list the amount.
- B2.** Put a checkmark in the box indicating if any arrearages are claimed under an existing order. If yes, list the amount.

4. Fill in the amount of your living expenses.

Complete **Exhibit B - Itemized Monthly Expenses**

- Fill in the caption the same as the Pretrial Conference Statement.
- Fill in the amount for each expense. If you don't have the listed expense, put in \$0.00.
- Date and sign the Itemized Monthly Expenses.
- Include your address, phone number, and email address.

5. Review – this is stating you'll attach property and debt descriptions as Confidential Exhibit A.

Complete Confidential Exhibit A. Instructions are attached to Confidential Exhibit A.

6. Date and Signature: You, the spouse who completed this form:

- Date the document.
- Sign the signature line and put a checkmark in the correct box indicating if you're the Plaintiff or Defendant.
- 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 and email address.

Make 2 Copies of the Rule 8.3 N.D.R.Ct., Pretrial Conference Statement and Exhibits.

- ❑ Make two copies of the following completed, signed, and dated forms:
 - Rule 8.3 N.D.R.Ct, Pretrial Conference Statement;
 - Confidential Exhibit A: Property & Debt Listing to Rule 8.3 N.D.R.Ct., Pretrial Conference Statement;
 - Exhibit B: Itemized Monthly Expenses; and
 - Exhibit C: Proposed Parenting Plan to Rule 8.3, N.D.R.Ct., Pretrial Conference Statement *(This is **only** served and filed if there are children of the marriage **and** you don't agree on all parenting rights and responsibilities).*

Serve the Rule 8.3 N.D.R.Ct., Pretrial Conference Statement and Exhibits

Service is providing copies of your completed Pretrial Conference Statement and Exhibits on your spouse. A Declaration of Service by Mail gives the court proof of service.

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.**

- ❑ **Serve your spouse, the Rule 8.3. N.D.R.Ct., Pretrial Conference Statement and Exhibits.**
 - The person serving by mail must be at least 18 years old.
 - Put the copy in an envelope.
 - Address the envelope with your spouse's last known address.
 - **If you know your spouse is currently represented by a lawyer, address the envelope with the lawyer's address, not your spouse's.**
 - List your address as the return address on the envelope.

- Put the correct first class 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.

The person who mailed the envelope completes the following form:

- Form 3: 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.)

Service by mail is a common way to serve motion 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.

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 Rule 8.3, N.D.R.Ct., Pretrial Conference Statement.

Paragraph 1: Fill in your name.

Paragraph 2:

The following documents are listed and the checkbox is already checked for you:

- Rule 8.3 N.D.R.Ct, Pretrial Conference Statement;
- Confidential Exhibit A to Rule 8.3 N.D.R.Ct., Pretrial Conference Statement;
- Exhibit B Itemized Monthly Expenses.

If there are children of the marriage, also serve the Exhibit C Proposed Parenting Plan to Rule 8.3, N.D.R.Ct., Pretrial Conference Statement, put a checkmark next to that box.

Paragraph 3: Review.

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

Paragraph 5: List the name of the person served (your spouse) 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. (*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.

File the Rule 8.3 N.D.R.Ct., Pretrial Conference Statement and Exhibits

Once service has been completed, file the following documents with the Clerk of Court:

- Rule 8.3 N.D.R.Ct, Pretrial Conference Statement;
- Confidential Exhibit A to Rule 8.3 N.D.R.Ct., Pretrial Conference Statement;
- Exhibit B Itemized Monthly Expenses;
- Exhibit C Proposed Parenting Plan to Rule 8.3, N.D.R.Ct., Pretrial Conference Statement (*only serve and file this if there are minor children of the marriage **and** you don't agree on all parenting rights and responsibilities*); and
- Declaration of Service by Mail.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

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

Case No. _____

Rule 8.3, N.D.R.Ct., Pretrial Conference Statement

(You must serve your completed & signed Pretrial Conference Statement on the other party at least 14 days before the date of the pretrial conference.)

1. PERSONAL INFORMATION

A) Provide personal information about the Plaintiff:

Full Name _____

Current Mailing Address _____

Employer Name _____

Employer Street Address _____

Employer City, State, Zip _____

Birth year _____ and present age _____

B) Provide personal information about the Defendant:

Full Name _____

Current Mailing Address _____

Employer Name _____

Employer Street Address _____

Employer City, State, Zip _____

Birth year _____ and present age _____

C) Provide information about the marriage:

Date you and your spouse were married _____

Date you and your spouse separated (*Different Residences*) _____

Date(s) of Temporary Order(s), if any _____

D) Are there minor children born to this marriage or who will be affected by this legal action?

Yes No

If no, go to Paragraph 1.E. If yes, complete the following information for each minor child:

Initials: Birth Year: Age: Living With:

E) Is either spouse pregnant? Yes No

If yes, the spouse’s name is _____ and their due date is _____.

F) Do the spouses disagree on parenting rights and responsibilities of any child? Yes No

(If you answered “Yes” to Paragraph 1.D. and you and your spouse don’t agree on all parenting rights and responsibilities, choose “Yes.” Otherwise, choose “No.”)

If yes, the proposed parenting plan for each child is attached as Exhibit C.

2. EMPLOYMENT/INCOME

Provide the following data for each employer:

Table with 3 columns: Question, PLAINTIFF, DEFENDANT. Rows include Name of Employer, Length of Employment, Income Per Month (Gross income, Guideline deductions: Federal Income Tax, State Income Tax, FICA/Medicare, Health Insurance for children, Union dues, Mandatory retirement), and Subtotal of Guideline Deductions.

(3) Net Income (Line 1-Line 2)	_____	_____
Other guideline considerations		
Specify:	_____	_____
(4) Subtotal of Other Deductions	_____	_____
(5) NET TAKE HOME PAY (Line 3-Line 4)	_____	_____
Tax withholding figures above are		
based upon Married or Single		
taxpayer with # of exemptions		
(Example M-4 or S-2)	_____	_____

B) Employment benefits: Identify all benefits in addition to wages, including bonuses paid or due, automobile or travel expense reimbursement, other per diem compensation, memberships paid by the employer or in kind benefits.

_____	_____
-------	-------

C) Other Income:

(1) Public Assistance Per Month (AFDC/GA)	_____	_____
(2) Social Security, Including Child Benefits, Per Month	_____	_____
(3) Unemployment/Worker's Compensation Per Month	_____	_____
(4) Interest Income Per Month	_____	_____
(5) Dividend Income Per Month	_____	_____
(6) Other Income Per Month	_____	_____
(7) Last Year's Tax Refunds		
Federal	_____	_____
State	_____	_____

3. CHILD SUPPORT/SPOUSAL SUPPORT

A) Child or spousal support established in separate proceeding:

(1) Is either party entitled to child or spousal support from a separate proceeding?

Yes No. If yes, for each party entitled to child or spousal support, specify the amount: \$_____.

(2) Is either party required to pay child or spousal support from a separate proceeding?

Yes No. If yes, for each party required to pay child or spousal support, specify the amount: \$_____.

B) Child or spousal support established by temporary order in this proceeding:

(1) Is either party required to pay child or spousal support under a temporary order in this proceeding? Yes No. If yes, specify the amount: Child Support \$_____.

Spousal Support \$_____.

(2) Is any arrearage claimed under an existing temporary order? Yes No. If yes,

specify the amount: Child Support \$_____. Spousal Support \$_____.

4. LIVING EXPENSES

Specify the amount of your total monthly expenses \$_____. The itemized list of monthly expenses is attached as **Exhibit B**.

5. PROPERTY AND DEBT DESCRIPTIONS are attached as **Confidential Exhibit A**.

6. I hereby represent that the above and the attached Confidential Exhibit A are a complete disclosure of all property interests and liabilities, and that the values set forth are the best estimates of the property's market value.

(Date)

_____, Plaintiff (OR) Defendant
(Signature)

(Printed Name)

(Address, City, State, Zip Code)

(Telephone Number & Email)

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., Pretrial Conference Statement
- Confidential Exhibit A: Property & Debt Listing to Rule 8.3, N.D.R.Ct., Pretrial Conference Statement
- Exhibit B: Itemized Monthly Expenses
- Exhibit C: Proposed Parenting Plan to Rule 8.3, N.D.R.Ct., Pretrial Conference Statement (*checkmark only if you served a copy of Exhibit C*)

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