

Instructions for Declaration of Service by Mail

Parenting Responsibility Case (Custody & Visitation)

After the Parenting Responsibility trial, the Judge or Judicial Referee signs their Findings of Fact, Conclusions of Law, and Order for Judgment. Once dated and signed, the clerk of court issues a Judgment, which officially ends the Parenting Responsibility case.

These are the instructions for the Declaration of Service by Mail form which is proof you served your (Proposed) Findings of Fact, Conclusions of Law, and Order for Judgment, (Proposed) Judgment, and your (Proposed) Exhibit A: Parenting Plan.

****Pay attention to the Judge or Judicial Referee's instructions or order regarding the deadline to serve and file your proposed documents.**

ND Legal Self Help Center Staff and Court employees can't help fill out forms. If you're unsure how to proceed, consult a lawyer.

ND Legal Self Help Forms aren't official forms. Judge or Judicial Referees, and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Serve the Proposed Documents and Prepare the Declaration of Service

You must serve the following proposed documents on the other parent or their lawyer, if the other parent is represented.

- (Proposed) Findings of Fact, Conclusions of law, and Order for Judgment;
- (Proposed) Judgment; and
- (Proposed) Exhibit A: Parenting Plan.

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're 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, or their lawyer, the documents listed on page 1

- The person serving by mail must be at least 18 years old.
- Put the copies 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 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:

- 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 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** *(This form is completed by the person who served the documents.)*

- ☐ **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 proposed Findings and proposed Judgment.
- ☐ **Paragraph 1:** Fill in your name.
- ☐ **Paragraph 2:** The following documents are already listed for you:
 - (Proposed) Findings of Fact, Conclusions of law, and Order for Judgment;
 - (Proposed) Judgment; and
 - (Proposed) Exhibit A: Parenting Plan.
- ☐ **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 other parent) 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 Proposed Documents

You must now file the originals of the proposed documents with the Clerk of Court:

- (Proposed) Findings of Fact, Conclusions of law, and Order for Judgment;
- (Proposed) Judgment;
- (Proposed) Exhibit A: Parenting Plan; and
- Declaration of Service by Mail.

What Do I Do Next?

Once you complete all the steps above, you must wait to hear from the Court on your proposed documents.

The Court will let you know if it wants you to serve the other parent with the final documents (once issued by the Court) along with a Notice of Entry.

(See the Notice of Entry of Judgment form and Declaration of Service form (for Notice of Entry) for instructions.)

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 documents listed in Paragraph 2*) and I am at least 18 years of age.

2. List of Court Documents Served:

- Proposed Findings of Fact, Conclusions of Law, and Order for Judgment;
- Proposed Judgment;
- Proposed Exhibit A: Parenting Plan.

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 documents 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