

Instructions for Serving 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.

Service is providing copies of your completed Answer & Counterclaim on the Plaintiff parent. The clerk of court won't file your Answer & Counterclaim until you file proof of service with the court. A Declaration of Service by Mail gives the court proof of service.

☐ **Make Two copies of the Answer and Counterclaim**

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

☐ **Serve the Copy of the Answer and Counterclaim on the Plaintiff Parent**

The copy of the Answer and Counterclaim 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.

☐ **The Person Who Mailed the Envelope Completes the Declaration of Service by Mail**

The person who mailed the envelope **must** complete and sign 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 answer documents. However, there are other ways to serve your documents. To review other service options, go to ndcourts.gov/legal-selfhelp/service-in-a-civil-action. Scroll to the "Service After a District Court Civil Action Has Started" section of the webpage.

☐ **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 Answer and Counterclaim 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.)*

☐ **You, the Defendant, Make A Copy of the Declaration of Service by Mail**

****Make a copy of this Declaration of Service by Mail and continue with the filing instructions found in Step 6a and Step 6b of the Instructions to Answer a Parenting Responsibility Case (Custody & Visitation) When the Parents Don't Agree.**

State of North Dakota

In District Court

County of _____ Judicial District _____

_____)	
)	Case No. _____
Plaintiff,)	
)	
vs)	Declaration of Service by Mail
)	
_____)	
Defendant.)	

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:

- Answer and Counterclaim

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