

# 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](http://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](http://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 _____
_____ Plaintiff,	
vs	) Case No. _____ ) _____ 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).

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*Signature of Person Who Mailed Documents*

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*Printed Name of Person Who Mailed Documents*

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*Address*

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*City, State, Zip Code*

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*Telephone Number*

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*Email Address*