



LEGAL SEPARATION (For Plaintiff & Defendant) An Informational Guide to a North Dakota Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided in this informational guide isn't intended for legal advice but only as a general guide to a civil court process.

If you decide to represent yourself, you'll need to do additional research to prepare.

When you represent yourself, you must abide by the following:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules can be found at www.ndcourts.gov.

A glossary with definitions of legal terms is available at www.ndcourts.gov by clicking on the "Self Help" link.

When you represent yourself, you're held to same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you're unsure if this information suits your circumstances, consult a lawyer.

This information isn't a complete statement of the law. This covers basic information about the process of legal separation in a North Dakota state district court. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state of North Dakota. Use at your own risk.

This informational guide is made up of three sections:

First Section: General information about legal separation. (Pages 5-14)

**Second Section: The basic legal separation process from beginning to end.
(Pages 15-36)**

Third Section: Formatting examples of many required documents. (Pages 37-66)

WARNING – Legal Separation can have serious long-term legal and financial consequences. It’s strongly recommended that you consult a lawyer and carefully consider all of your options before you represent yourself in a legal separation action.

When you represent yourself, you’re held to the same requirements and responsibilities as a lawyer, even if you don’t understand the rules or procedures.

This informational guide gives only the basics of the process. If you decide to represent yourself, you’ll need to do additional research to prepare.

TABLE OF CONTENTS

SECTION ONE: INFORMATION ABOUT LEGAL SEPARATION IN NORTH DAKOTA

What is a Legal Separation?	5
Does the ND Legal Self Help Center Have Legal Separation Forms?	6
Is There Help Available for Creating Legal Separation Documents?	6
Definitions of Commonly Used Terms	7
Who are the Parties in a Legal Separation?	9
What is the ND Residency Requirement for Legal Separation	10
What are ND Laws and Rules Related to Legal Separation?	10
What are the Legal Reasons (Grounds) for Legal Separation?	12
What are Common Legal Separation Issues Related to Spouses?	12
What are Common Legal Separation Issues Related to Children?	13
Lawyer Resources and Limited Legal Representation	14

SECTION TWO: THE LEGAL SEPARATION PROCESS IN NORTH DAKOTA

An Overview of the Legal Separation Process	15
Part One: The Plaintiff Starts the Legal Separation Action by Serving the Summons and Complaint on the Defendant	15
Determine Whether North Dakota is a Real Party in Interest.....	15
A Note about Confidential Information in Legal Separation Documents	16
The Plaintiff Creates the Following Documents	16

The Plaintiff Arranges for Service of Copies of the Following Documents on the Defendant	19
If the Plaintiff is Unable to Locate the Defendant for Service	20
If the Defendant Doesn't Answer the Summons and Complaint.....	20
Part Two: The Defendant Serves a Written Answer to the Summons and Complaint on the Plaintiff	21
A Note about Confidential Information in Legal Separation Documents	21
The Defendant Creates the Following Documents	22
The Defendant Arranges for Service of Copies of the Following Documents on the Plaintiff	24
If the Defendant Doesn't Answer the Summons and Complaint.....	25
Part Three: Discovery; Filing of Summons and Complaint; Filing of Answer and Counterclaim	26
You May Begin the Discovery Process	26
File the Summons and Complaint and Proof of Service	26
Notice of Filing Summons and Complaint	27
The Defendant Files the Answer and Counterclaim	27
Notice of Filing Answer and Counterclaim	28
Part Four: After the Legal Separation Summons and Complaint are Filed with the Clerk of District Court	28
You May Be Referred to Family Mediation	28
Either Spouse May Request an Interim or Temporary Order	28
Appointment of a Parenting Investigator or Guardian Ad Litem for the Child(ren)	29
Prepare Proposed Parenting Plans	29
Spouses May Settle All or Part of the Issues in the Legal Separation	30
Spouses May Request, or the Court May Order, a Pre-Trial Conference.....	30
Prepare for and Attend All Scheduled Hearings	31
If You Need Special Assistance at the Hearings.....	31
Part Five: Pre-Trial Preparation	31
Caution!	31

Library Resources (Not all legal resources are available online).....	31
If You Need Special Assistance at the Trial.....	32
Prepare for and Attend the Pre-Trial Conference	32
Review the Scheduling Order Carefully!	32
Finish Your Pre-Trial Preparations	33
Part Six: Trial	33
Caution!	33
If You Need Special Assistance at the Trial.....	33
Arrive Early to the Courthouse on the Date of the Trial	33
Bring the Information, Documents, Etc. You Prepared for the Trial	34
Conduct of the Trial	34
Before You Leave the Courthouse	34
Part Seven: Final Judgment	35
Proposed Findings of Fact, Conclusions of Law and Order for Judgment	35
Proposed Judgment	35
Notice of Entry of Judgment	36
Part Eight (Optional): Revocation of Decree of Separation	36
Examples of Legal Separation Documents	37
Summons in Action for Legal Separation (Appendix A)	38
Complaint – <u>No</u> Children (Legal Separation Formatting Example)	40
Answer and Counterclaim – <u>No</u> Children (Legal Separation Formatting Example) ..	42
Complaint – <u>With</u> Children (Legal Separation Formatting Example)	44
Answer and Counterclaim – <u>With</u> Children (Legal Separation Formatting Example)	48
Confidential Information Form (Appendix H)	52
*Informational Statement (Appendix C)	54
*Pretrial Conference Statement (Appendix D)	57
*Confidential Property and Debt Listing (Appendix E)	64
<i>(*Documents that are required in divorce actions and <u>may</u> be required by an individual district court in a legal separation action.)</i>	

INFORMATION ABOUT LEGAL SEPARATION IN NORTH DAKOTA

WHAT IS A LEGAL SEPARATION?

Legal separation is a civil court process with requirements that are very similar to the requirements for granting a divorce.

Unlike a divorce, a legal separation **doesn't** end the marriage. Legally separated spouses can't remarry. However, a legal separation ends many of the legal responsibilities spouses have to each other, while they're married.

The court's order may include:

- Property and debt division between the spouses;
- Spousal support (alimony);
- Residential responsibility (custody) and parenting time (visitation) established between the spouses; and
- Child support.

A Legal Separation may be Granted for the Same Reasons (Grounds) a Divorce may be Granted:

The most common reason (ground) given for legal separation and divorce is irreconcilable differences. Irreconcilable differences are also referred to as "no fault."

Irreconcilable differences don't require either spouse to prove which spouse is at fault, and the court isn't required to decide which of the parties is at fault for the legal separation.

Effect of a Legal Separation:

When a North Dakota State District Court grants a legal separation, the decree of separation gives the spouses all the rights of property, business, and contracts as if unmarried and releases both spouses from all obligations of maintenance, except as may be required by the decree of legal separation.

If You Want a Divorce After a Legal Separation is Granted:

If you decide you want a divorce after a North Dakota State District Court grants a legal separation, you'll need to prepare, serve, and file paperwork to ask the court to revoke the legal separation and grant a divorce.

DOES THE ND LEGAL SELF HELP CENTER HAVE LEGAL SEPARATION FORMS?

No, the ND Legal Self Help Center doesn't have a packet of forms for legal separation.

If you decide to represent yourself, you'll need to create your own legal separation documents. **The names and descriptions of the documents you'll need to create are found throughout this guide.**

Examples of some of the legal separation documents are found in the Appendix at the end of this guide.

You may find the General-Use template forms of interest as a starting point for creating your own divorce documents.

The General-Use template forms are available at www.ndcourts.gov/legal-self-help by clicking on the "General Use Checklists and Forms" link under "District Court Civil".

- The direct link to the General-Use template forms is www.ndcourts.gov/legal-self-help/general-use-forms.

You may find the forms in the Legal Services of North Dakota Family Law Manual of interest. The Legal Services of North Dakota Family Law Manual contains a variety of divorce forms that were created for lawyers to use as examples in family law cases. The Legal Services of North Dakota website is www.legalassist.org.

(References to the Legal Services of North Dakota Family Law Manual are for your convenience only. The ND Legal SelfHelp Center doesn't endorse, warrant, or accept responsibility for the content or uses of the Family Law Manual. You must independently determine the legal sufficiency of the forms in the Family Law Manual. Use at your own risk.)

IS THERE HELP AVAILABLE FOR CREATING LEGAL SEPARATION DOCUMENTS?

If you would like assistance creating your documents, consult a lawyer licensed to practice in North Dakota.

Ask the lawyer about Limited Legal Representation. Lawyers licensed to practice in North Dakota may agree to help you with part of your legal separation action, such as preparing legal documents, while you handle the rest of the legal separation action. You and the lawyer must agree in writing to any Limited Legal Representation agreement.

WHAT ARE THE DEFINITIONS OF SOME OF THE COMMONLY USED TERMS IN A LEGAL SEPARATION ACTION?

*****The following definitions are intended to be helpful, BUT they're not intended to constitute legal advice OR address every possible meaning of the terms in this section.*****

Assets – everything owned by either spouse, whether owned jointly or individually. Assets include, but aren't limited to, real property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Decision making responsibility – the responsibility to make decisions concerning a child. The term may refer to decisions on all issues or on specific issues, but not child support issues.

Debts – (Also called “Liabilities.”) everything owed by either spouse, whether owed jointly or individually. Debts include, but are not limited to, mortgages, credit cards, student loans and car loans.

Deploying or deployed parent – a deploying or deployed parent is a uniformed service member who has been notified of orders of movement or mobilization for more than ninety days but less than eighteen months AND the orders are designated as unaccompanied, not authorized for dependent travel, or don't permit family members to move to the deployment location.

Equitable distribution – (Also called “Equitable Division.”) marital property is distributed equitably (fairly) in a legal separation. A court would make an equitable distribution based on the following factors:

- Respective ages of the spouses;
- Earning ability;
- Duration of the marriage and conduct of the spouses during the marriage;
- Station in life;
- Circumstances and necessities of the spouses;
- Health and physical condition;
- Financial circumstances as shown by the property owned at the time;
- Value of the property owned at the time;
- Income-producing capacity of the property owned at the time, if any;
- Whether the property was accumulated before or after the marriage; and
- Any other matters that may be material.

Generally, the factors above are applied when spouses don't agree. However, a court has the authority to decide whether a settlement agreement between the spouses was entered into as a result of mistake, duress, menace, fraud, or undue influence.

Home state – the state in which a child lived with a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, home state means the state in which the child lived from birth with a parent. A period of temporary absence of any of the mentioned persons is part of the period.

Irreconcilable differences – (Also called “No Fault.”) substantial reasons for not continuing the marriage and which make it appear the marriage should be dissolved. The court need only find that irreconcilable differences exist.

Legal separation – a legal separation ends many of the legal responsibilities spouses have to each other, while they’re married. A legal separation doesn’t end the marriage.

Marital property – all of the assets and debts owned by either spouse, whether owned jointly or individually.

No fault – (See “Irreconcilable Differences” definition above.)

Obligor – the person ordered by the court to pay child support or spousal support.

Obligee – the person receiving child support or spousal support ordered by the court.

Parental rights and responsibilities – all the rights and responsibilities a parent has concerning the parent's child.

Parenting plan – a written plan describing each parent's rights and responsibilities.

Parenting schedule – the schedule of when the child is in the care of each parent.

Parenting time – the time when the child is to be in the care of a parent. (Also known as “Visitation.”)

Personal property – every kind of property that isn’t real property. (See “Real Property” definition below.) Personal property includes, but isn’t limited to, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Primary residential responsibility – a parent with more than fifty percent of the residential responsibility.

Qualified Domestic Relations Order (QDRO) – an order of the court that directs the administrator of a retirement plan to divide retirement assets as granted in a legal separation judgment. There are many different QDRO’s that are specific to the type of retirement plan. For more information about QDRO’s, go to www.dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce.

***If you divide a retirement asset between spouses, a QDRO is required. The spouses MUST present a proposed QDRO to the court to consider and sign.

The court WON'T draft a QDRO for you. The ND Legal Self Help Center DOESN'T have QDRO forms or instructions. Consulting a lawyer is strongly recommended when dividing a retirement asset!***

Real property – land either with or without buildings upon it. (See “Personal Property” definition above.) For example, a home is real property.

Residency requirement – the amount of time a spouse must live in North Dakota before they can ask a North Dakota district court to grant a legal separation. The residency requirement for North Dakota is 6 months.

Residential responsibility – a parent's responsibility to provide a home for the child. (Also known as “Custody.”)

WHO ARE THE PARTIES IN A LEGAL SEPARATION?

Plaintiff (or Petitioner) – The spouse who starts the legal separation action by serving a summons and complaint on the other spouse.

Defendant (or Respondent) – The spouse who is served the summons and complaint for legal separation by the other spouse.

Real Party in Interest (also known as the Statutory Real Party in Interest) – The State of North Dakota is added as a real party in interest to parenting rights and responsibilities actions only when:

- Child support will be established or modified and a minor child receives assistance through programs administered by the North Dakota Department of Human Services, such as temporary assistance to needy families, Medicaid, and foster care; or
- Child support will be established or modified and an application was made and accepted for services provided by the Child Support Division of the North Dakota Department of Human Services; or
- Child support or spousal support will be established or modified and North Dakota or the Child Support Division of the North Dakota Department of Human Services is required to be involved in proceedings related to support orders of other states or countries under the Uniform Interstate Family Support Act.

WHAT IS THE NORTH DAKOTA RESIDENCY REQUIREMENT FOR LEGAL SEPARATION?

The Plaintiff must be a North Dakota resident for six consecutive months before the legal separation action begins, or six consecutive months at the time the decree of legal separation is entered by the court.

WHAT ARE NORTH DAKOTA LAWS AND RULES RELATED TO LEGAL SEPARATION?

Chapter 14-05 of the North Dakota Century Code governs divorce and legal separation.

www.legis.nd.gov/cencode/t14c05.html

Chapter 14-09 of the North Dakota Century Code governs parenting rights and responsibilities, such as custody, visitation, and child support. www.legis.nd.gov/cencode/t14c09.html

Chapter 14-12.2 of the North Dakota Century Code governs enforcement and modification of child support and spousal support orders issued by other states or countries.

www.legis.nd.gov/cencode/t14c12-2.html

Chapter 14-14.1 of the North Dakota Century Code governs which state can make decisions about child custody issues and enforce child custody orders. If minor children are part of your legal separation action, you'll need to determine if a North Dakota state district court can make decisions about child custody. www.legis.nd.gov/cencode/t14c14-1.html

Chapter 14-05, 14-09 and 14-14.1 are Chapters within Title 14 of the North Dakota Century Code. There are many other laws related to families in Title 14. You may find them of interest.

www.legis.nd.gov/cencode/t14.html

The North Dakota Rules of Civil Procedure apply to civil matters in North Dakota state district courts. The rules are found at www.ndcourts.gov/legal-resources/rules/ndrcivp.

The North Dakota Rules of Court apply to civil matters in North Dakota state district courts.

The rules are found at www.ndcourts.gov/legal-resources/rules/ndrct.

See particularly:

- Rule 8.2 (Interim Orders),
- Rule 8.3 (Case Management),
- Rule 8.4 (Divorce Summons), and
- Rule 8.5 (Summary Divorce).

The North Dakota Rules of Evidence apply to civil matters in North Dakota state district courts.

The rules are found at www.ndcourts.gov/legal-resources/rules/ndrev.

North Dakota case law is useful for interpreting what the law means for your individual circumstances.

When the decision of a case is appealed from a North Dakota state district court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.

One way to research case law related to divorce, is to use the print version of the North Dakota Century Code to find the short summaries of case law after each Section of the Century Code. The case law summaries are located directly following the text of the Century Code Section.

To view the full text of the opinion, go to www.ndcourts.gov, click on the “Supreme Court Opinions” link and enter the case name or case citation.

Laws constantly change through legislation, administrative rulings and case law (court decisions). To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and case law (court decisions). Notes of case law (court decisions) related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

(This space left intentionally blank.)

WHAT ARE LEGAL REASONS (GROUNDS) FOR LEGAL SEPARATION?

- Adultery
- Extreme cruelty
- Willful desertion
- Willful neglect
- Abuse of alcohol or controlled substance
- Conviction of a felony
- Irreconcilable differences (no fault)

Irreconcilable differences is also called a no fault legal separation. Neither spouse is required to prove the other spouse is at fault for the legal separation and the court doesn't decide which spouse is at fault. Irreconcilable differences only require that the court decide there are substantial reasons for not continuing the marriage, which make it appear the spouses should legally separate.

WHAT ARE COMMON LEGAL SEPARATION ISSUES RELATED TO SPOUSES?

- Spousal support, including alimony
- Dividing property between spouses
- Dividing debts between spouses
- Name change back to the pre-marriage last name

Property and debt are divided equitably (fairly), not equally, in a legal separation. The court may redistribute property and debts after the legal separation is granted if a spouse failed to disclose property and debts, or if a spouse fails to follow the terms of the court order.

The court will consider the following when deciding whether to award spousal support and when deciding how to equitably divide property and debt:

- Age of each spouse,
- Earning ability,
- Length of the marriage,
- Conduct of each spouse during the marriage,
- Station in life,
- Circumstances and necessities of each spouse,
- Health and physical condition of each spouse,
- Financial circumstances as shown by property owned at the time, its value at the time, its income-producing capacity, if any, whether accumulated before or after the marriage, and
- Other matters that may be material.

A note about dividing pension or retirement plans:

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order to divide these assets. The separate court order is called a Qualified Domestic Relations Order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. The court won't draft a QDRO document or an order including a QDRO.

The ND Legal Self Help Center **doesn't** have QDRO forms or instructions and can't assist with drafting or obtaining QDRO's. Consulting a lawyer is strongly recommended when dividing a retirement asset!

(If neither spouse has pension nor retirement plans, OR the spouses will keep their own pension or retirement plans, a QDRO **isn't** necessary.)

WHAT ARE COMMON LEGAL SEPARATION ISSUES RELATED TO CHILDREN?

- Residential responsibility of children, also known as custody
- Parenting time, also known as visitation
- Decision making responsibilities
- Child support
- Medical coverage, including health insurance premiums, copays, deductibles, etc.

When spouses can't agree on custody and visitation, the court will decide based on the best interests of the children. The 13 best interest factors are found in [Section 14-09-06.2 of the North Dakota Century Code](#).

Child Support:

Child support is based on guidelines set by the North Dakota Department of Human Services. If a parent can show a different ability to earn income than the guidelines show, the court may order a higher or lower child support payment.

The Child Support Division of the North Dakota Department of Human Services created and provides support for the Child Support Guidelines Calculator. The Calculator can be found at childsupport.dhs.nd.gov/lawyers/child-support-guidelines.

The Child Support Division may be able to provide some assistance with your child support calculations. (701-328-5440; 800-231-4255). Court personnel and staff of the ND Legal Self Help Center can't assist with child support calculations.

LAWYER RESOURCES AND LIMITED LEGAL REPRESENTATION

You're not required to hire a lawyer to bring an action for legal separation in a North Dakota State District Court. If you decide to represent yourself, you must follow all of the rules, laws and procedures that a lawyer is required to follow.

Lawyer Resources

If you decide to find a lawyer to represent you, you may find the following options of interest.

- Legal Services of North Dakota is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is www.legalassist.org.
- The State Bar Association provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is www.sband.org. The cost is \$30.00 for a 30 minute consultation with a lawyer.
- For a list of all lawyers who are licensed to practice in North Dakota, go to the North Dakota Supreme Court website at www.ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called "unbundling") is a way that a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled. For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your legal documents, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

THE LEGAL SEPARATION PROCESS IN NORTH DAKOTA

An Overview of the Basic Legal Separation Process

- Step One: Service of Legal Separation Summons and Complaint**
Starts the District Court Legal Separation action.
- Step Two: Defendant Serves Written Answer**
Defendant must answer the complaint within 21 days of service.
- Step Three: Discovery and Filing of Summons, Complaint and Answer**
The discovery process begins; filing tells the court an action has started.
- Step Four: Processes that May Occur After Filing**
Referral to family mediation; request an interim order; appointment of parenting investigator or guardian ad litem.
- Step Five: Pre-Trial Preparation**
- Step Six: Trial**
- Step Seven: Final Decision/Judgment**
- Optional: Revocation of Legal Separation Judgment to Grant Divorce**

PART ONE: THE PLAINTIFF STARTS THE LEGAL SEPARATION ACTION BY SERVING THE SUMMONS AND COMPLAINT ON THE DEFENDANT

Service of a copy of the summons and complaint on the other spouse starts a legal separation action in North Dakota. When the summons and complaint are served, *****both spouses must obey the restraining provisions contained in the summons.*****

Determine Whether North Dakota is a Real Party in interest:

Review Section 14-09-09.26 of the North Dakota Century Code (www.legis.nd.gov/cencode/t14c09.pdf#nameddest=14-09-09p26) to determine if the State of North Dakota must be listed on your court documents as a Real Party in Interest.

If the State of North Dakota is a Real Party in Interest, list "State of North Dakota" in the caption of all of the documents you create.

See the caption of the complaint with children in the examples of documents found at the end of this Informational Guide.

A note about confidential information in legal separation documents:

Court records are generally available to the public, and anyone can request to look in almost any court file. However, certain information is required to remain confidential, even if it's part of a public court record.

Each spouse is solely responsible for making sure confidential information doesn't appear in the documents they each prepare in a legal separation action. Confidential information includes:

- Full names of minor children
- Full birthdates
- Social security numbers
- Taxpayer identification numbers
- Financial-account numbers

Documents filed in a legal separation action with references to confidential information must include only:

- The minor child's initials
- The year of birth
- The last four (4) digits of the social security number and taxpayer identification number
- The last four (4) digits of the financial-account number

Each spouse must prepare and file a separate confidential information form that contains the full confidential information that isn't allowed in the legal separation documents.

The confidential information form becomes a part of the court records that isn't seen by the public.

The Plaintiff Creates the Following Documents:

- **Summons**
 - Review [Rule 8.4](#) of the North Dakota Rules of Court. A summons notifies the Defendant that the Plaintiff started the legal separation process and the Defendant must file a written answer in order to participate in the case. See the fillable "Summons form – Divorce or Separation Actions" under the [General Use Checklists and Forms](#) link.
 - An example of a legal separation summons is also found at the end of this Informational Guide.

- **Complaint**

- A complaint gives the court information about the Plaintiff and Defendant, their minor or dependent children, and property. Tells the court what the Plaintiff is asking for from the court.
- At minimum, the legal separation complaint must include brief statements that describe the following:
 - How the Plaintiff meets the residency requirements for legal separation.
 - That this action is the only legal separation or divorce-related proceeding in North Dakota, any other state or tribal court, or any other country.
 - Identifying information for the Plaintiff and Defendant.
 - When and where the Plaintiff and Defendant were married.
 - Whether the Plaintiff or Defendant are currently in the Armed Forces and if so, whether currently deployed or deploying.
 - The ground (reason) for the legal separation action.
 - If there are minor or dependent children of the marriage, identifying information for each of the minor or dependent children.
 - Whether the Plaintiff or Defendant is currently pregnant.
 - If there are minor or dependent children of the marriage, statements of how the court has jurisdiction over custody decisions for the children.
 - If the information is included in a separate affidavit (see next bullet), refer to the affidavit.
 - If the required information from [§ 14-14.1-20](#) of the North Dakota Century Code is included in the complaint, the complaint must be verified. (See the “Verification form at www.ndcourts.gov/legal-self-help/general-use-forms.)
 - Statements related to child support and/or spousal support.
 - Statements related to division of property and debt.
 - Whether the Plaintiff wishes to restore his or her prior name.
 - Requests for relief, also called demands for relief.
 - Tells the court what the Plaintiff wants the court to do.
- The Plaintiff will need to create and prepare their own Complaint document. The ND Legal Self Help Center doesn't have a Complaint form.
 - See the “Caption and Signature form” at www.ndcourts.gov/legal-self-help/general-use-forms. The form may be of use as a starting point.
 - Two examples of legal separation complaints are found in the Appendix at the end of this Informational Guide.

- **Affidavit of Custody Jurisdiction** (*required if minor or dependent children are part of the legal separation action*)
 - Plaintiff's sworn, written statement required by [§ 14-14.1-20](#) of the North Dakota Century Code. The Affidavit must include:
 - Each child's present address or whereabouts;
 - The places where each child has lived during the last five years;
 - The names and present addresses of the persons with whom each child lived during the last five years;
 - Whether the Plaintiff has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with each child. If so, list the following:
 - The court;
 - The case number; and
 - The date of the child custody determination.
 - Whether the Plaintiff knows of any proceeding that could affect the current proceeding, including, but not limited to, the following:
 - Proceedings for enforcement;
 - Proceedings relating to domestic violence;
 - Proceedings relating to protective orders;
 - Proceedings relating to termination of parental rights; and
 - Proceedings relating to adoptions.
 If so, list the following:
 - The court;
 - The case number; and
 - The nature of the proceeding.
 - Whether the Plaintiff knows the names and addresses of any person not listed as a party to the legal separation action who:
 - Has physical custody of the child; or
 - Claims rights of legal custody or physical custody of the child; or
 - Claims rights of visitation with the child.
 If so, list the following:
 - The names and addresses of those persons.
 - **NOTE:** rather than creating a separate affidavit, the affidavit information may be added to the legal separation complaint. If the affidavit information is added to the complaint, the complaint must be verified. (See the "Verification form at www.ndcourts.gov/legal-self-help/general-use-forms.)
 - For an example of a verified complaint that includes the affidavit information, see the example at the end of this Informational Guide.

- **Confidential Information Form**
 - Review [Rule 3.4](#) of the North Dakota Rules of Court. The Confidential Information form lists the full confidential information that isn't allowed to appear in documents filed with the court. This form isn't part of the public court record.
 - See the form in [Appendix H](#) of the North Dakota Rules of Court.
 - An example of a confidential information form is also found in the Appendix at the end of this Informational Guide.

Make **TWO** copies of the following:

- Completed Summons;
- Completed Complaint; and
- Completed Affidavit of Custody Jurisdiction (*if the Plaintiff created a separate affidavit*).

Keep one copy of each for your records. The other copy of each document is for service on the Defendant.

Make **ONE** copy of the following:

- Completed Confidential Information form.

Keep the copy for your records. A copy of the completed Confidential Information form isn't served on the Defendant. You'll file the Confidential Information form with the Clerk of District Court later in the process.

The Plaintiff Arranges for Service of Copies of the Following Documents on the Defendant:

- Summons
- Complaint
- Affidavit of Custody Jurisdiction (*if the Plaintiff created a separate affidavit*)
 - **NOTE:** If minor or dependent children aren't part of the legal separation action, you don't need an affidavit, or to include the affidavit information in the complaint.

Service of the summons and complaint on the Defendant starts the legal separation action. Filing with the Clerk of District Court doesn't start a legal separation action and isn't required to start a legal separation action.

Information about service to start a civil action and blank affidavit of service forms are available at www.ndcourts.gov/legal-self-help by clicking on the "Service Instructions and Forms" link under "District Court Civil".

The completed affidavit of service document is your proof of service. Make a copy of the completed affidavit of service document for your records.

You'll file the completed, original affidavit of service document with the Clerk of District Court in Part Three of the legal separation process. The District Court won't act on your legal separation action until you file proof of service.

If the Plaintiff is Unable to Locate the Defendant for Service:

If the Plaintiff, after making a diligent effort to locate the Defendant for service of the summons and complaint, is unable to locate the Defendant, service by publication may be available.

Information about service by publication to start a civil action and a blank affidavit for publication form is available at www.ndcourts.gov/legal-self-help by clicking on the "Service Instructions and Forms" link in the "District Court Civil" section.

If the Defendant is served by publication, service by publication is complete fifteen (15) days after the first publication of the summons in the newspaper.

If the Defendant Doesn't Answer the Summons and Complaint:

If the Defendant doesn't serve a written answer to the summons and complaint on the Plaintiff within the required timeline, the Plaintiff may request a default legal separation judgment.

The Plaintiff may request a default legal separation judgment if the Plaintiff can prove to the court that the Defendant was served the summons and complaint correctly and didn't answer. The request is made in a written motion to the court.

The ND Legal Self Help Center doesn't have forms or instructions for making a motion for a default legal separation judgment.

- Review [Rule 55 of the North Dakota Rules of Civil Procedure](#) for the requirements of making a motion for default judgment in a civil case.

After reviewing Rule 55 of the North Dakota Rules of Civil Procedure, if you believe you meet the requirements for making a motion for a default legal separation judgment, the basic motion process, including the type of documents you'll need to create to make a motion are available at:

- "Making a Motion" at www.ndcourts.gov/legal-self-help/making-a-motion.

PART TWO: THE DEFENDANT SERVES A WRITTEN ANSWER TO THE SUMMONS AND COMPLAINT ON THE PLAINTIFF

Service of the summons and complaint on the Defendant starts the legal separation action. Filing with the Clerk of District Court doesn't start a legal separation action and isn't required to start a legal separation action.

THE DEFENDANT HAS LIMITED TIME TO ANSWER. DON'T DELAY!

The Defendant has twenty-one (21) days, not including the date of service, to serve a written answer on the Plaintiff. If the Plaintiff is represented by a lawyer, serve the written answer on the lawyer. If the Defendant doesn't respond within twenty-one (21) days, not including the date of service, the Plaintiff can ask the court for a default judgment.

If the Defendant was served by publication, service by publication is complete fifteen (15) days after the first publication of the summons in the newspaper.

A note about confidential information in legal separation documents:

Court records are generally available to the public, and anyone can request to look in almost any court file. However, certain information is required to remain confidential, even if it's part of a public court record.

Each spouse is solely responsible for making sure confidential information doesn't appear in the documents they each prepare in a legal separation action. Confidential information includes:

- Full names of minor children
- Full birthdates
- Social security numbers
- Taxpayer identification numbers
- Financial-account numbers

Documents filed in a legal separation action with references to confidential information must include only:

- The minor child's initials
- The year of birth
- The last four (4) digits of the social security number and taxpayer identification number
- The last four (4) digits of the financial-account number

Each spouse must prepare and file a separate confidential information form that contains the full confidential information that isn't allowed in the legal separation documents.

The confidential information form becomes a part of the court records that isn't seen by the public.

The Defendant Creates the Following Documents:

- **Answer and Counterclaim**
 - Defendant's written response to the Plaintiff's complaint. If the Defendant has counterclaims related to the legal separation, counterclaims are included in the answer.
 - The Answer part of the document:
 - A paragraph by paragraph response to the complaint.
 - Must state defenses in short, plain statements.
 - **NOTE:** the Defendant may not have any defenses.
 - The Counterclaim part of the document:
 - A counterclaim is a written demand or request to the court for judgment granting the relief the Defendant is seeking. A counterclaim allows the Defendant to bring claims against the Plaintiff.
 - See the requirements for the Plaintiff's Complaint above.
 - See the "Answer and Counterclaim form" at www.ndcourts.gov/legal-self-help/general-use-forms.
 - Two examples of a legal separation answer and counterclaim are found at the end of this Informational Guide.
 - If the required information from the Affidavit of Custody Jurisdiction is included in the counterclaim part of the answer and counterclaim, the answer and counterclaim must be verified. (See the "Verification form at www.ndcourts.gov/legal-self-help/general-use-forms.)
- **Affidavit of Custody Jurisdiction** (*required if minor or dependent children are part of the legal separation action*)
 - Defendant's sworn, written statement required by [§ 14-14.1-20](#) of the North Dakota Century Code. The Affidavit must include:
 - Each child's present address or whereabouts;
 - The places where each child has lived during the last five years;
 - The names and present addresses of the persons with whom each child lived during the last five years;
 - Whether the Defendant has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with each child. If so, list the following:
 - The court;
 - The case number; and

- The date of the child custody determination.
- Whether the Defendant knows of any proceeding that could affect the current proceeding, including, but not limited to, the following:
 - Proceedings for enforcement;
 - Proceedings relating to domestic violence;
 - Proceedings relating to protective orders;
 - Proceedings relating to termination of parental rights; and
 - Proceedings relating to adoptions.

If so, list the following:

- The court;
- The case number; and
- The nature of the proceeding.
- Whether the Defendant knows the names and addresses of any person not listed as a party to the legal separation action who:
 - Has physical custody of the child; or
 - Claims rights of legal custody or physical custody of the child; or
 - Claims rights of visitation with the child.

If so, list the following:

- The names and addresses of those persons.
- If the Defendant chooses to create a separate affidavit, the Defendant will need to create and prepare their own affidavit document.
- **NOTE:** rather than creating a separate affidavit, the affidavit information may be added to the legal separation answer and counterclaim. If the affidavit information is added to the answer and counterclaim, the answer and counterclaim must be verified. (See the “Verification form at www.ndcourts.gov/legal-self-help/general-use-forms.)

- **Confidential Information Form**

- Review [Rule 3.4](#) of the North Dakota Rules of Court. Lists the full confidential information that isn’t allowed to appear in documents filed with the court. This form isn’t a part of the public court record. See the form in [Appendix H](#) of the North Dakota Rules of Court.
- An example of a confidential information form is also found in the Appendix at the end of this Informational Guide.

Make **TWO** copies of the following:

- Completed Answer and Counterclaim; and
- Completed Affidavit of Custody Jurisdiction (if the Defendant created a separate affidavit).

- **NOTE:** If minor or dependent children aren't part of the legal separation action, you don't need an affidavit, or to include the affidavit information in the answer and counterclaim.

Keep one copy of each for your records. The other copy of each document is for service on the Plaintiff, or the Plaintiff's lawyer.

Make **ONE** copy of the following:

- Completed Confidential Information form.

Keep the copy for your records. A copy of the completed Confidential Information form isn't served on the Plaintiff. You'll file the Confidential Information form with the Clerk of District Court later in the process.

The Defendant Arranges for Service of Copies of the Following Documents on the Plaintiff:

- Answer and Counterclaim
- Affidavit of Custody Jurisdiction (if the Defendant created a separate affidavit)
 - **NOTE:** You don't need a separate affidavit, or to include the affidavit information in the answer and counterclaim, if minor or dependent children aren't part of the legal separation action.

If the Plaintiff is represented by a lawyer, serve the copy of the answer and counterclaim and affidavit of custody jurisdiction on the lawyer.

Information about service after a civil action has started and blank affidavit of service forms are available at www.ndcourts.gov/legal-self-help/service-in-a-civil-action. Use the information, instructions and forms in the "Information and Instructions for Service After a District Court Civil Action Has Started" section of the webpage.

The completed affidavit of service document is your proof of service. Make a copy of the completed affidavit of service document for your records.

You file the completed, original affidavit of service document with the Clerk of District Court later in the process. The District Court won't act on your legal separation action until you file proof of service.

If the Defendant Doesn't Answer the Summons and Complaint:

If the Defendant doesn't serve a written answer to the summons and complaint on the Plaintiff within the required timeline, the Plaintiff may request a default legal separation judgment.

The Plaintiff may request a default legal separation judgment if the Plaintiff can prove to the court that the Defendant was served the summons and complaint correctly and didn't answer. The request is made in a written motion to the court.

When the Defendant is served a motion for a default legal separation judgment, the Defendant has limited time to answer the motion.

The ND Legal Self Help Center doesn't have forms or instructions for answering a motion for a default legal separation judgment.

- Review [Rule 55 of the North Dakota Rules of Civil Procedure](#) for the requirements the Plaintiff must follow to making a motion for default judgment in a civil case.

The basic answering a motion process, including the type of documents you'll need to create to answer a motion are available at:

- "Answering a Motion" at www.ndcourts.gov/legal-self-help/answering-a-motion.

(This space left intentionally blank.)

IMPORTANT!

Following are the remaining basic parts of a Legal Separation action.

HOWEVER, individual District Courts may have a different process for Parts Three, Four & Five than is provided in this Legal Separation Informational Guide.

In divorce cases, spouses must follow the requirements of [Rule 8.3](#) of the North Dakota Rules of Court. Since legal separations have requirements that are very similar to the requirements for granting a divorce, individual courts may require spouses in legal separation cases to follow Rule 8.3. To ask if the court follows Rule 8.3 for legal separation cases, contact the Clerk of Court's office in the County where you'll file.

This Informational Guide DOESN'T include the Rule 8.3 requirements.

If the individual District Court requires legal separation actions to follow the requirements of Rule 8.3 of the North Dakota Rules of Court, you can find the requirements in Rule 8.3 (link above in Section One: Laws and Rules). You can find the basic Rule 8.3 process in Section Two of the Contested Divorce Informational Guide at www.ndcourts.gov/legal-self-help/divorce.

PART THREE: DISCOVERY; FILING OF SUMMONS AND COMPLAINT; FILING OF ANSWER AND COUNTERCLAIM

You May Begin the Discovery Process:

Once the legal separation starts, both spouses may begin the discovery process.

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 of the Guide to Civil Action at [Guide to a District Court Civil Action](#).

File the Summons and Complaint and Proof of Service:

Filing is bringing or sending documents to the Clerk of District Court's office and asking the clerk to file the documents. The filing fee is paid before the documents are accepted for filing.

Although filing isn't required to start a legal separation action, there are actions that a court can't take until the summons and complaint are filed. For example, if you need to request something from the court, such as an order or a subpoena, the summons and complaint is filed first.

File the following completed, original documents with the Clerk of District Court and pay the **\$80.00 filing fee**:

- Summons
- Complaint
- Affidavit of Custody Jurisdiction
 - ONLY required if minor or dependent children are part of the legal separation action and the affidavit information wasn't included in the complaint.
- Proof of Service of Summons, Complaint and Plaintiff's Affidavit of Custody Jurisdiction on Defendant

You may ask the court to waive the \$80.00 filing fee due to financial hardship. Forms to request the fee waiver are available at www.ndcourts.gov/legal-self-help/fee-waiver.

If the Clerk of District Court accepts your documents for filing, a case number will be assigned.

Notice of Filing the Summons and Complaint:

The spouse who filed the above documents must serve notice of filing on the other spouse. See the "Notice of Filing form" available at www.ndcourts.gov/legal-self-help/general-use-forms.

For more information about filing documents in a civil court action, including when the Defendant may file the summons and complaint, see the "Filing Documents with the District Court" section of the Guide to Civil Action at [Guide to a District Court Civil Action](#).

The Defendant Files the Answer and Counterclaim:

Within a reasonable time after receiving notice of filing of the summons and complaint, the Defendant must file the following completed, original documents with the Clerk of District Court and pay the **\$50.00 filing fee**:

- Answer and Counterclaim
- Defendant's Affidavit of Custody Jurisdiction (*if minor or dependent children are part of the legal separation action and the affidavit information wasn't included in the counterclaim part of the answer and counterclaim.*)
- Proof of Service of Answer and Counterclaim, and Defendant's Affidavit of Custody Jurisdiction on Plaintiff
- Defendant's Confidential Information Form

The Defendant may ask the court to waive the \$50.00 filing fee due to financial hardship. Forms to request the fee waiver are available at www.ndcourts.gov/legal-self-help/general-use-forms.

Notice of Filing the Answer and Counterclaim:

The Defendant must serve notice of filing the answer and counterclaim on the other spouse. See the “Notice of Filing form” available at www.ndcourts.gov/legal-self-help/general-use-forms.

PART FOUR: AFTER THE LEGAL SEPARATION SUMMONS AND COMPLAINT ARE FILED WITH THE CLERK OF DISTRICT COURT

You May Be Referred to Family Mediation:

Within 10 days of filing the case, you may be referred to the Family Mediation Program for mediation of the disputed or unresolved parental rights and responsibilities issues.

The Family Law Mediation Program will provide up to 6 hours of combined pre-mediation orientation and mediation at no cost to the spouses.

If your case is referred to the Family Mediation Program, you’ll receive an order and schedule for mediation. Read the order and schedule carefully, as you’ll need to follow the requirements and meet the deadlines.

For more information about the Family Mediation Program, go to www.ndcourts.gov/state-court-administration/family-law-mediation-program.

Either Spouse May Request an Interim or Temporary Order:

Review [Rule 8.2](#) of the North Dakota Rules of Court.

Generally, either spouse can request an interim order after a legal separation case is served and filed.

This is a request for a temporary order for any of the following:

- Support;
- Parental rights and responsibilities;
- Attorney’s fees and costs; and
- Use of property.

The interim order, if signed by the court, is in effect until there is a different or final decision in the legal separation action.

Informational guides to making a motion and answering a motion for an interim order is available at www.ndcourts.gov/legal-self-help/temporary-orders.

The informational guides include:

- The basic steps for making a motion and answering a motion for an interim order.
- Formatting examples of the common motion and answer to motion for an interim order documents.

Appointment of a Parenting Investigator or Guardian Ad Litem for the Child(ren):

Review [§ 14-09-06.3](#) and [§ 14-09-06.4](#) of the North Dakota Century Code. Review [Rule 8.6](#) and [Rule 8.11](#) of the North Dakota Rules of Court.

When one of the contested issues in a legal separation action is parenting rights and responsibilities, either spouse may petition the court to appoint a parenting investigator or a guardian ad litem to represent the child concerning parenting rights and responsibilities.

The court may require one or both spouses to pay the guardian ad litem or investigator fees.

If neither spouse is able to pay the fees, the court may require that the county pay the fees, in whole or in part. The court may then require one or both spouses to reimburse the county, in whole or in part, for payment of the fees.

The ND Legal Self Help Center doesn't have forms or instructions for petitioning the court to appoint a parenting investigator or a guardian ad litem for the child(ren).

For more information about making and answering motions in a civil action, including the type of documents you'll need to create, go to:

- "Making a Motion" at www.ndcourts.gov/legal-self-help/making-a-motion.
- "Answering a Motion" at www.ndcourts.gov/legal-self-help/answering-a-motion.

Prepare Proposed Parenting Plans:

If your legal separation action involves minor or dependent children, a parenting plan is required to be part of the final legal separation judgment.

If you and your spouse don't agree to a parenting plan, you'll each likely need to prepare a proposed parenting plan as part of the legal separation process.

The State Bar Association of North Dakota created a Model North Dakota Parenting Plan that may be of interest to you. It is found in the Parenting Plan section of the Legal Services of North Dakota Family Law Manual. It is also found in the Forms section of the State Bar Association of North Dakota website at www.sband.org.

Spouses May Settle All or Part of the Issues in the Legal Separation:

At any point during the legal separation case, spouses may discuss settlement of all or part of the issues.

If you and your spouse reach an agreement on an issue, prepare a written settlement agreement. This may also be referred to as a stipulation or a stipulated agreement. Written settlement agreements must be signed by both spouses.

Written settlement agreements are filed with the Clerk of District Court.

Spouses May Request, or the Court May Order, a Pre-Trial Conference:

Review [Rule 16](#) of the North Dakota Rules of Civil Procedure.

Either spouse may request a pre-trial conference in writing. The court may order a pre-trial conference. Rule 16 lists the events that, if triggered, require the court to schedule a pre-trial conference. Depending on the circumstances of the legal separation case, more than one pre-trial conference may be required.

The purpose of the pre-trial conference is:

- To expedite disposition of the legal separation case;
- To establish early and continuing control so that the legal separation case won't be drawn-out because of lack of management;
- To discourage wasteful pre-trial activities;
- To improve the quality of the trial through more thorough preparation;
- To facilitate settlement; and
- To discuss the desirability of using alternative dispute resolution.
 - Information about [Alternative Dispute Resolution](#) is available at www.ndcourts.gov.

At any pre-trial conference, the court may consider and take appropriate action on the matters and issues listed in Rule 16.

After any pre-trial conference, the court must issue an order detailing the action taken.

Read the order and schedule carefully, as you'll need to follow the requirements and meet the deadlines.

Prepare for and Attend All Scheduled Hearings:

Various types of hearings may occur throughout your legal separation action.

For example, you may have a hearing on a motion for an interim order, a scheduling conference, or a pre-trial conference.

You must attend all hearings that are scheduled unless you have received permission from the court not to attend.

You can ask the court for permission to attend a hearing by telephone or by some other reliable electronic means. The court isn't required to grant this type of request. Forms and instructions for this request can be found at www.ndcourts.gov/legal-self-help by clicking on the "Appear by Phone or Other Electronic Means Request" link under "Miscellaneous."

If You Need Special Assistance at the Hearings:

If you have a disability, don't read or understand English well, or require special accommodations in the courtroom, contact the Clerk of Court's office as soon as possible.

PART FIVE: PRE-TRIAL PREPARATION

If you and your spouse don't reach a settlement on all issues, your legal separation action will eventually go to trial. Issues on which you and your spouse don't agree will be decided by a District Court Judge or Judicial Referee.

Caution! Preparing for trial is often a complex and confusing process. You're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. This informational guide gives only the basics of the process. You'll need to conduct additional research to prepare.

Review pre-trial and trial guidebooks for self-represented litigants and lawyers. Your local public or academic library may have resources available.

Library Resources: (Not all legal resources are available online.)

ODIN is a shared library database of many North Dakota academic, public, state agency, and special libraries. Search ODIN for resources that may be available in a North Dakota library near you. (www.odin.nodak.edu)

If the book is available for interlibrary loan through ODIN, ask the librarian or library staff of your local North Dakota library how to request the book.

Following are a selection of library resources on ODIN that may be of interest to you:

[A Short & Happy Guide to Evidence](#), Sydney Beckman, West Academic Publishing, 2018.

[Courtroom Evidence Handbook: 2018-2019 Student Edition](#), Steven Goode, Olin Wellborn III, West Academic Publishing, 2018.

[The Legal Answer Book for Families](#), Emily Duskow, Marcia Stewart, NOLO, 2014.

[Objections at Trial](#), Ronald Carlson, Edward Imwinkelried, Myron Bright, National Institute for Trial Advocacy, c2015.

[Represent Yourself in Court: How to Prepare & Try a Winning Case](#), Paul Bergman, Sara Berman, NOLO, 2016.

[North Dakota Century Code Annotated](#), Lexis Nexis, Creation Date c1959 – present.

[North Dakota Court Rules Annotated](#), Lexis Nexis, Creation Date c1990 – present.

If You Need Special Assistance at the Trial:

If you have a disability, don't read or understand English well, or require special accommodations in the courtroom, contact the Clerk of Court's office as soon as possible.

Prepare for and Attend the Pre-Trial Conference:

Both spouses must attend the pre-trial conference, unless excused by the court.

The spouses must come to the pre-trial conference prepared to discuss the matters and issues listed in [Rule 16](#) of the North Dakota Rules of Civil Procedure.

Review Your Scheduling Order carefully!

Each spouse is required to follow the requirements and deadlines in the scheduling order.

Copies of documents each spouse prepares as required by the scheduling order must be served on the other spouse. The original must be filed with the Clerk of District Court.

The Plaintiff arranges for service of copies of documents on the Defendant.

The Defendant arranges for service of copies of documents on the Plaintiff.

Information about service after a civil action has started and blank affidavit of service forms are available www.ndcourts.gov/legal-self-help/service-in-a-civil-action.

Finish Your Pre-Trial Preparations:

Review the [North Dakota Rules of Evidence](#) carefully! The North Dakota Rules of Evidence govern whether your evidence is admitted at trial. The Rules also govern how you object to evidence your spouse wants to admit at trial.

- An Evidence Research Guide is available at www.ndcourts.gov/legal-self-help by clicking on the "Evidence" link under "District Court Civil."

Review [Rule 45](#) of the North Dakota Rules of Civil Procedure carefully! If you require a witness to appear at trial or require production of documents, electronically stored information or other tangible things, you may need the Clerk of District Court to issue a subpoena. Only a Clerk of District Court or a lawyer for a party may issue a subpoena.

- A Subpoena Informational Guide is available at www.ndcourts.gov/legal-self-help by clicking on the "Subpoenas" link under "District Court Civil."

Organize the information, documents, etc. that you think you'll need for the trial. At minimum, prepare an outline of your remarks and arguments.

PART SIX: TRIAL

The trial is an examination of the facts and law, presided over by the judge or judicial referee. The trial is the final hearing in a legal separation action. The decision of the judge or judicial referee is called a judgment.

Caution! Representing yourself at trial is often a complex and confusing process. You're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. This informational guide gives only the basics of the process. You'll need to conduct additional research to prepare.

Review the Library Resources above in Part Five: Pre-Trial Preparation.

If you need special assistance at the Trial:

If you have a disability, don't read or understand English well, or require special accommodations in the courtroom, contact the Clerk of Court's office as soon as possible.

Arrive Early to the Courthouse on the Date of the Trial:

Don't miss your trial date and time. If you have a serious, unavoidable reason you can't get to court on the date and time scheduled for trial, call the Clerk of District Court as soon as you can.

Bring the Information, Documents, Etc. You Prepared for the Trial:

Bring all of the files, paperwork, etc., that you gathered and organized while preparing for the trial. Bring the outline of what you want to say.

Conduct of the Trial:

In a legal separation trial, the judge or judicial referee hears both sides and then issues a final judgment. Sometimes, the final judgment is issued at the end of the trial. Often the final judgment is issued at a later date.

Before the trial officially begins:

- Organize your files and paperwork on your assigned table in the courtroom so you can easily locate information as needed.

In general, a trial in a legal separation action proceeds in the following order:

- Judge or Judicial Referee Begins the Trial
 - The trial officially begins when all are asked to rise when the judge or judicial referee comes into the courtroom.
- Opening Statements
 - Each spouse gives an opening statement. Usually, the Plaintiff goes first.
- Plaintiff Presents Witnesses and Evidence
 - The Plaintiff presents their case first. The Defendant may cross-examine witnesses and object to the Plaintiff's evidence.
- Defendant Presents Witnesses and Evidence
 - The Defendant presents their case after the Plaintiff. The Plaintiff may cross-examine witnesses and object to the Defendant's evidence.
- Closing Arguments
 - Each spouse gives a closing argument. Usually, the Plaintiff goes first.

Before You Leave the Courthouse:

Make sure you understand what happens next. Ask if you aren't sure what, if anything, you need to do next.

PART SEVEN: FINAL JUDGMENT

You aren't legally separated until a final judgment of legal separation is signed by the judge or judicial referee and filed with the Clerk of District Court.

Proposed Findings of Fact, Conclusions of Law and Order for Judgment:

Review [Rule 52](#) of the North Dakota Rules of Civil Procedure and [Rule 7.1](#) of the North Dakota Rules of Court carefully!

Findings of fact are the judge's or judicial referee's written determination of the facts made from the evidence presented. This explains what facts the judge or judicial referee found to be true.

Conclusions of law are the rulings of law made by the judge or judicial referee based on, or in connection with, the findings of fact. These are the legal consequences of the facts the judge or judicial referee found to be true.

If your legal separation action involves minor or dependent children, the parenting plan must be included in the conclusions of law, or incorporated by reference into the conclusions of law if the parenting plan is a separate document.

The judge or judicial referee may require one or both spouses to prepare and file proposed findings of fact, conclusions of law and an order for judgment. The proposed findings of fact, conclusions of law and an order for judgment must also be served on all parties, and proof of service filed with the Clerk of District Court.

The judge or judicial referee will decide whether the proposed findings of fact, conclusions of law and order for judgment are appropriate. If the judge or judicial referee decides they are appropriate, the judge or judicial referee will sign and date the findings of fact, conclusions of law and order for judgment.

The findings of fact, conclusions of law and order for judgment aren't official until signed and dated by the judge or judicial referee.

Proposed Judgment:

Review [Rule 54](#) of the North Dakota Rules of Civil Procedure and [Rule 7.1](#) of the North Dakota Rules of Court carefully!

The judgment is the written order of the judge's or judicial referee's final decision in your legal separation action.

If your legal separation action involves minor or dependent children, the parenting plan must be included in the judgment, or incorporated by reference into the judgment if the parenting plan is a separate document.

The judge or judicial referee may require one or both spouses to prepare and file a proposed judgment. The proposed judgment must also be served on all parties, and proof of service filed with the Clerk of District Court.

The judge or judicial referee will decide whether the proposed judgment is appropriate. If the judge or judicial referee decides it is appropriate, the clerk of court will sign and date the judgment.

You aren't legally separated until a final judgment of legal separation is signed by the clerk of court and filed with the District Court.

Notice of Entry of Judgment

Review [Rule 58](#) of the North Dakota Rules of Civil Procedure.

Within 14 days after the judgment is entered, the prevailing spouse must serve notice of entry of judgment on the other spouse. A copy of the judgment must be included with the notice of entry of judgment. See the "Notice of Entry of Judgment form" at www.ndcourts.gov/legal-self-help/general-use-forms.

After service is complete, the prevailing spouse must file the original, completed Notice of Entry of Judgment and proof of service on the other spouse with the Clerk of District Court.

PART EIGHT (OPTIONAL): REVOCATION OF DECREE OF SEPARATION

After a North Dakota District Court grants a decree or judgment of legal separation, either spouse may apply to the court to revoke the decree of legal separation and request a divorce decree.

The requirements for revoking a decree of legal separation are contained in this [North Dakota Century Code Chapter 14-05](#). [Section 14-05-29](#) includes requirements for applications for revocation of a decree of legal separation and request for a divorce decree.

Copies of the application documents must be served on your spouse at least ten (10) days, but not more than twenty (20) days, before filing the application with the court.

The ND Legal Self Help Center doesn't have forms or instructions for applying for a revocation of a decree of legal separation and requesting a divorce decree.

You'll need to create your own legal documents, should you decide to make a request yourself.

Examples of the legal separation documents listed below are found on the following pages.

- **Summons in Action for Legal Separation (Appendix A)**
- **Complaint – No Children**
- **Answer and Counterclaim – No Children**
- **Complaint – With Children**
- **Answer and Counterclaim – With Children**
- **Confidential Information Form (Appendix H)**
- ***Informational Statement (Appendix C)**
- ***Pretrial Conference Statement (Appendix D)**
- ***Confidential Property and Debt Listing (Appendix E)**

*(*Documents that are required in divorce actions and may be required by an individual district court in a legal separation action.)*

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff))

Case No. _____

PLAINTIFF,)

SUMMONS

Vs)

(Defendant))

DEFENDANT,)

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to appear and defend against the Complaint in this action, which is served upon you, by serving upon the undersigned an Answer or other proper response within twenty-one (21) days after the service of this Summons and Complaint upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

NOTICE OF TEMPORARY RESTRAINING PROVISIONS

Under Rule 8.4 of the North Dakota Rules of Court, upon service of this Summons, you, and your spouse, are bound by the following restraints:

1. Neither spouse shall dispose of, sell, encumber, or otherwise dissipate any of the parties' assets, except:
 - a. For necessities of life or for the necessary generation of income or preservation of assets; or
 - b. For retaining counsel to carry on or to contest the proceeding.

If a spouse disposes of, sells, encumbers, or otherwise dissipates assets during the interim period, that spouse shall provide to the other spouse an accounting within thirty (30) days.

2. Neither spouse shall harass the other spouse.
3. All currently available insurance coverage must be maintained and continued without change in coverage or beneficiary designation.
4. Except for temporary periods, neither spouse may remove any of their minor children from North Dakota without the written consent of the other spouse or order of the court.

IF EITHER SPOUSE VIOLATES ANY OF THESE PROVISIONS, THAT SPOUSE MAY BE IN CONTEMPT OF COURT.

Dated this _____ day of _____, 20____

_____, Plaintiff
(Signature of Plaintiff)

(Printed Name of Plaintiff)

_____ (Address),

City of _____, North Dakota _____

Dated this _____ day of _____, 20____

Clerk of Court

FORMATTING EXAMPLE OF A COMPLAINT FOR LEGAL SEPARATION WITHOUT CHILDREN

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF ANYCOUNTY

CENTRAL JUDICIAL DISTRICT

John Doe)	
)	
)	PLAINTIFF,
vs)	
)	Case No. 00-2018-DM-00001
)	
Jane Doe)	COMPLAINT
)	
)	DEFENDANT,
)	

The Plaintiff for his cause of action, states as follows:

1. Plaintiff John Doe, is now, and for the entire 6 months immediately before the start of these legal separation proceedings, a resident of North Dakota.
2. No separate proceeding for legal separation or divorce has been started or is pending in North Dakota or elsewhere.
3. The identifying information for Plaintiff and Defendant is as follows:

Plaintiff's full legal name is John Doe.

Address: 123 North 4th Street
Anytown, North Dakota 58000

Birth Year: 1980

Last 4 Digits of Social Security Number: XXX-XX-1234

Employer's Name and Address: Any Employer, Inc.
567 Industrial Avenue
Anytown, North Dakota 58000

Defendant's full legal name is Jane Doe.

Address: 567 South 8th Street
Othertown, North Dakota 58100

Birth Year: 1980

Last 4 Digits of Social Security Number: XXX-XX-5678

Employer's Name and Address: Other Employer, LLC
890 Commerce Lane
Othertown, North Dakota 58100

4. Plaintiff and Defendant were married on January 1, 2012 at Anytown, North Dakota and have been married ever since.

5. Neither Plaintiff nor Defendant is currently in the Armed Services of the United States of America or its allies.
6. Irreconcilable differences have arisen between Plaintiff and Defendant making continuation of the marriage impossible.
7. Plaintiff and Defendant have no minor children nor are expecting any children to be born of the marriage.
8. Plaintiff and Defendant are owners of property, which should be divided by the Court and an equitable portion awarded to each party.
9. Plaintiff and Defendant have accumulated a certain amount of debt throughout the marriage, which should be divided, and an equitable portion assessed to each party.

WHEREFORE, Plaintiff asks for judgment as follows:

10. That Plaintiff be granted a decree of legal separation from Defendant that confers upon the parties all the rights of property, business, and contracts as if unmarried and releases both parties from all obligations of maintenance, except as may be required by the decree.
11. For a fair and equitable division of the property.
12. For a fair and equitable distribution of the accumulated debts of the Plaintiff and Defendant.
13. For such further and additional relief as this Court may deem just and proper.

Dated this 31st day of July, 2018.

John Doe

John Doe
123 North 4th Street
Anytown, North Dakota 58000
(701) 234-5678

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF ANYCOUNTY

CENTRAL JUDICIAL DISTRICT

John Doe)
)
 PLAINTIFF,)
 vs) **Case No. 00-2018-DM-00001**
)
 Jane Doe) **ANSWER AND COUNTERCLAIM**
 DEFENDANT,)
)

ANSWER

Refer to the Complaint formatting example in the Guide.

Jane Doe, the Defendant in this legal separation case, submits this Answer to the allegations in Plaintiff's Complaint:

1. Defendant denies each and every allegation in Plaintiff's Complaint unless specifically admitted to below.
2. Defendant admits to the allegations in the following paragraphs in Plaintiff's Complaint: 1, 2, 4, 5, 6, 7, 8 and 9.
3. Defendant admits part and denies part of paragraph 3 of Plaintiff's Complaint: Defendant admits her address, birth year, and employer's name and address are correct. Defendant denies the last four digits of her social security number are XXX-XX-5678.

COUNTERCLAIM

Jane Doe, the Defendant in this legal separation case, submits this Counterclaim to Plaintiff's Complaint:

4. Defendant incorporates the paragraphs admitted to in the Answer into this Counterclaim and in this Counterclaim states the following:
5. Last 4 Digits of Defendant's Social Security Number: XXX-XX-5687
6. Defendant is entitled to spousal support and the Plaintiff has the ability to pay spousal support.
7. Defendant wishes to have her name restored to Jane Jones.

THEREFORE, Defendant asks for the following relief on the Answer and Counterclaim:

8. That Plaintiff's Complaint be dismissed.
9. That Defendant be granted a decree of legal separation from Plaintiff that confers upon the parties all the rights of property, business, and contracts as if unmarried and releases both parties from all obligations of maintenance, except as may be required by the decree.
10. For a fair and equitable division of the property.
11. For a fair and equitable distribution of the accumulated debts of the Plaintiff and Defendant.
12. That Plaintiff and Defendant pay their own attorney's fees and costs associated with bringing this action.
13. Defendant's name restored to Jane Jones.
14. For such further and additional relief as this Court may deem just and proper.

Dated this 13th day of August, 2018.

Jane Doe

Jane Doe
567 South 8th Street
Othertown, North Dakota 58100
(701) 901-2345

FORMATTING EXAMPLE OF A COMPLAINT FOR LEGAL SEPARATION WITH CHILDREN

4. Plaintiff and Defendant were married on January 1, 2012 at Anytown, North Dakota and have been married ever since.
5. Neither Plaintiff nor Defendant is currently in the Armed Services of the United States of America or its allies.
6. Irreconcilable differences have arisen between Plaintiff and Defendant making continuation of the marriage impossible.
7. Plaintiff and Defendant have minor children together, namely:
A.B.D. Year of Birth: 2014
Last 4 Digits of Social Security Number: XXX-XX-9012
Address: 567 South 8th Street, Othertown, North Dakota 58100
C.D.D. Year of Birth: 2016
Last 4 Digits of Social Security Number: XXX-XX-3456
Address: 567 South 8th Street, Othertown, North Dakota 58100
8. It is in the best interests of the minor child(ren) that primary residential responsibility is granted to Defendant, subject to Plaintiff's reasonable parenting time.
9. Defendant is not pregnant.
10. This Court has jurisdiction to determine parenting rights and responsibilities and decision making responsibility of the minor child(ren) pursuant to N.D.C.C. § 14-14.1-12 because the child(ren) have lived in North Dakota with Defendant for at least six consecutive months immediately before the start of this proceeding.
11. This proceeding will affect the custody of the minor children. The following information is required by N.D.C.C. § 14-14.1-20:

The information in Paragraph 11(a)-(e) may be included in a verified complaint, or provided in a separate affidavit.

- a. Within the past five (5) years, the children have lived at the following addresses:

Child's Initials	Address (street, city, state, zip code)	Date From	Date To
A.B.D.	567 South 8 th Street, Othertown, North Dakota 58100	1/14	Present
C.D.D.	567 South 8 th Street, Othertown, North Dakota 58100	1/16	Present

FORMATTING EXAMPLE OF A COMPLAINT FOR LEGAL SEPARATION WITH CHILDREN

- b. The names and current addresses of the persons with whom the children have lived in the past five (5) years are as follows:

Child's Initials	Name of Person(s)	Current Address (street, city, state, zip code)
A.B.D.	John Doe Jane Doe	123 North 4 th Street, Anytown, North Dakota 58000 567 South 8 th Street, Othertown, North Dakota 58100
C.D.D.	John Doe Jane Doe	123 North 4 th Street, Anytown, North Dakota 58000 567 South 8 th Street, Othertown, North Dakota 58100

- c. Plaintiff has not participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the children.
- d. Plaintiff does not know of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, neglect, abuse, deprivation, guardianship, or paternity.
- e. Plaintiff does not know of any person who is not a party to this proceeding who has physical custody of the children or claims rights of legal custody or physical custody of, or visitation with, the children.
12. There is a North Dakota District Court child support order already in existence. The case number is 00-2017-DM-00111.
13. Plaintiff and Defendant are owners of property, which should be divided by the Court and an equitable portion awarded to each party.
14. Plaintiff and Defendant have accumulated a certain amount of debt throughout the marriage, which should be divided, and an equitable portion assessed to each party.

WHEREFORE, Plaintiff asks for judgment as follows:

15. That Plaintiff be granted a decree of legal separation from Defendant that confers upon the parties all the rights of property, business, and contracts as if unmarried and releases both parties from all obligations of maintenance, except as may be required by the decree.
16. For a fair and equitable division of the property.
17. For a fair and equitable distribution of the accumulated debts of the Plaintiff and Defendant.
18. For residential responsibility and parenting time that serve the minor children's best interests.

19. For such further and additional relief as this Court may deem just and proper.

Dated this 31st day of July, 2018.

John Doe

John Doe
123 North 4th Street
Anytown, North Dakota 58000
(701) 234-5678

VERIFICATION

Required if Paragraph 11(a)-(e) information is included in the complaint.

John Doe, being first duly sworn on oath, deposes and says that I am the Plaintiff in the above-entitled action; that I have read the Complaint for legal separation and know the contents thereof and that the same is true, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true.

Dated July 31, 2018

John Doe

State of: North Dakota

County of: Anycounty

Signed and sworn to before me on July 31, 2018 by John Doe.

Sma N. Public

If Notary, my commission expires: January 31, 2022

(If notarized by a Notary Public, the Notary will stamp near the Notary's signature.)

FORMATTING EXAMPLE OF AN ANSWER TO LEGAL SEPARATION WITH CHILDREN COMPLAINT

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF ANYCOUNTY

CENTRAL JUDICIAL DISTRICT

John Doe)
)
 PLAINTIFF,)
 vs)
)
 Jane Doe)
 DEFENDANT,)
 and)
 State of North Dakota)
 STATUTORY REAL PARTY IN INTEREST.)

Case No. 00-2018-DM-00001

ANSWER AND COUNTERCLAIM

*Not required for every case.
Review pages 9 & 15 of Guide.*

*Refer to the Complaint formatting
example in the Guide.*

ANSWER

Jane Doe, the Defendant in this legal separation case, submits this Answer to the allegations in Plaintiff's Complaint:

1. Defendant denies each and every allegation in Plaintiff's Complaint unless specifically admitted to below.
2. Defendant admits to the allegations in the following paragraphs in Plaintiff's Complaint: 1, 2, 4, 5, 6, 7, 9, 10, 11(a), 11(b), 12, 13 and 14.
3. Defendant specifically denies the allegations in paragraph 8 in Plaintiff's Complaint.
4. Defendant admits part and denies part of paragraph 3 of Plaintiff's Complaint: Defendant admits her address, birth year, and employer's name and address are correct. Defendant denies the last four digits of her social security number are XXX-XX-5678.
5. Defendant does not have sufficient knowledge to either admit or deny the allegations in the following paragraphs of Plaintiff's Complaint: 11(c), 11(d) and 11(e).

COUNTERCLAIM

Jane Doe, the Defendant in this legal separation case, submits this Counterclaim to Plaintiff's Complaint:

6. Defendant incorporates the paragraphs admitted to in the Answer into this Counterclaim and in this Counterclaim states the following:
7. Last 4 Digits of Defendant's Social Security Number: XXX-XX-5687

FORMATTING EXAMPLE OF AN ANSWER TO LEGAL SEPARATION WITH CHILDREN COMPLAINT

8. It is in the best interests of the minor children that equal residential responsibility is granted to Plaintiff and Defendant.
9. It is in the best interests of the minor children that joint decision making responsibility is granted to Plaintiff and Defendant.
10. This proceeding will affect the custody of the minor children. The following information is required by N.D.C.C. § 14-14.1-20:

The information in Paragraph 10(a)-(e) may be included in a verified answer, or provided in a separate affidavit.

- a. Within the past five (5) years, the children have lived at the following addresses:

Child's Initials	Address (street, city, state, zip code)	Date From	Date To
A.B.D.	567 South 8 th Street, Othertown, North Dakota 58100	1/14	Present
C.D.D.	567 South 8 th Street, Othertown, North Dakota 58100	1/16	Present

- b. The names and current addresses of the persons with whom the children have lived in the past five (5) years are as follows:

Child's Initials	Name of Person(s)	Current Address (street, city, state, zip code)
A.B.D.	John Doe Jane Doe	123 North 4 th Street, Anytown, North Dakota 58000 567 South 8 th Street, Othertown, North Dakota 58100
C.D.D.	John Doe Jane Doe	123 North 4 th Street, Anytown, North Dakota 58000 567 South 8 th Street, Othertown, North Dakota 58100

- c. Defendant has not participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the children.
- d. Defendant does not know of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, adoptions, neglect, abuse, deprivation, guardianship, or paternity.
- e. Defendant does not know of any person who is not a party to this proceeding who has physical custody of the children or claims rights of legal custody or physical custody of, or visitation with, the children.
11. Defendant is entitled to spousal support and the Plaintiff has the ability to pay spousal support.
12. Defendant wishes to have her name restored to Jane Jones.

THEREFORE, Defendant asks for the following relief on the Answer and Counterclaim:

13. That Plaintiff's Complaint be dismissed.
14. That Defendant be granted a decree of legal separation from Plaintiff that confers upon the parties all the rights of property, business, and contracts as if unmarried and releases both parties from all obligations of maintenance, except as may be required by the decree.
15. For a fair and equitable division of the property.
16. For a fair and equitable distribution of the accumulated debts of the Plaintiff and Defendant.
17. For residential responsibility and parenting time that serve the minor children's best interests.
18. That Plaintiff and Defendant pay their own attorney's fees and costs associated with bringing this action.
19. Defendant's name restored to Jane Jones.
20. For such further and additional relief as this Court may deem just and proper.

Dated this 13th day of August, 2018.

Jane Doe

Jane Doe
567 South 8th Street
Othertown, North Dakota 58100
(701) 901-2345

VERIFICATION

Required if Paragraph 10(a)-(e) information is included in an answer.

Jane Doe, being first duly sworn on oath, deposes and says that I am the Defendant in the above-entitled action; that I have read the Answer and Counterclaim and know the contents thereof and that the same is true, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true.

Dated August 13, 2018

Jane Doe

State of: North Dakota

County of: Anycounty

Signed and sworn to before me on August 13, 2018 by Jane Doe.

Ima N. Public

If Notary, my commission expires: January 31, 2022

(If notarized by a Notary Public, the Notary will stamp near the Notary's signature.)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____)
 _____)
 (Plaintiff))
 PLAINTIFF,)
 Vs)
 _____)
 (Defendant))
 DEFENDANT.)

Case No. _____

CONFIDENTIAL INFORMATION FORM

FULL INFORMATION

REDACTED INFORMATION

PLAINTIFF:

Name: _____

Date of Birth: _____

Social Security #: _____

Year of Birth: _____

XXX-XX-_____

DEFENDANT:

Name: _____

Date of Birth: _____

Social Security #: _____

Year of Birth: _____

XXX-XX-_____

MINOR CHILD:

Name: _____

Date of Birth: _____

Social Security #: _____

Initials: _____

Year of Birth: _____

XXX-XX-_____

MINOR CHILD:

Name: _____

Date of Birth: _____

Social Security #: _____

Initials: _____

Year of Birth: _____

XXX-XX-_____

MINOR CHILD:

Name: _____

Date of Birth: _____

Social Security #: _____

Initials: _____

Year of Birth: _____

XXX-XX-_____

FULL INFORMATION

REDACTED INFORMATION

FINANCIAL ACCOUNT NUMBERS:

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Dated this _____ day of _____, 20_____

_____, Plaintiff (OR) Defendant
(Signature)

(Printed Name)

(Address, City, State, Zip Code)

(Telephone Number)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____)
 _____)
 (Plaintiff))
 PLAINTIFF,)
 Vs)
 _____)
 (Defendant))
 DEFENDANT.)

Case No. _____

RULE 8.3, N.D.R.Ct.,
INFORMATIONAL STATEMENT

1. This case involves the following (*check all that apply and supply estimates where indicated*):

a. Minor children: No Yes Number _____

1) Parenting dispute: No Yes

Specify: _____

2) Visitation dispute: No Yes

Specify: _____

3) Child support dispute: 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: No Yes

(*If "yes," you must add the state as a party to the title under N.D.R. Civ. P. 10(a)*)

b. Property dispute: No Yes

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

2) Complex valuations issues: No Yes Specify:

c. Spousal support dispute: No Yes

2. It is estimated that the discovery specified below can be completed within _____ months from the date of this form. *(Check all that apply and supply estimates where indicated.)*

a. Written discovery: No Yes

b. Factual depositions: No Yes

Identify the persons who will be deposed by either party:

c. Medical/Vocational/Parenting Evaluations: No Yes

Identify the person who will conduct such evaluations [for either party]:

d. Experts: No Yes

Identify any experts or area of expertise for either party:

3. The dates and deadlines below are suggested.

a. _____ Deadline for filing motion regarding:

b. _____ Deadline for completion and review of property valuation.

c. _____ Deadline for completion and review of mediation/alternative dispute resolution.

d. _____ Deadline for completion of parent education.

e. _____ Deadline for completion and review of parenting evaluation.

f. _____ Date for pretrial conference.

g. _____ Date for trial.

4. Estimated length of trial: _____.

5. 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:

6. The parties believe a scheduling conference is necessary. No Yes

Telephone or In Court _____

(Date)

(Date)

(Plaintiff)

(Defendant)

(Attorney for Plaintiff)

(Attorney for Defendant)

(Address)

(Address)

(City, State, Zip Code)

(City, State, Zip Code)

(Telephone Number/Email)

(Telephone Number/Email)

(Attorney Identification Number)

(Attorney Identification Number)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____)
 _____)
 (Plaintiff))
 PLAINTIFF,)
 Vs)
 _____)
 (Defendant))
 DEFENDANT.)

Case No. _____

RULE 8.3, N.D.R.Ct., PRETRIAL
CONFERENCE STATEMENT

1. PERSONAL INFORMATION

Full Name _____

Present Mailing Address _____

Employer _____

Street Address _____

City, State, Zip _____

Birth year and present age _____

Marriage Date _____

Separation Date (Different Residences) _____

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

Minor children born to this marriage or who will be affected by this legal action:

Initials: Birth Year: Age: Living With:

Is the wife pregnant? Yes No

If yes, the due date is _____.

Are parenting rights and responsibilities of any child contested? Yes No

If yes, attach your proposed parenting plan for each child.

2. EMPLOYMENT/INCOME

Provide the following data for each employer:

	<u>PLAINTIFF</u>	<u>DEFENDANT</u>
A) Name of Employer	_____	_____
Length of Employment	_____	_____
Income Per Month:		
(1) Gross income	_____	_____
Guideline deductions:		
Federal Income Tax	_____	_____
State Income Tax	_____	_____
FICA/Medicare	_____	_____
Health Insurance for children	_____	_____
Union dues	_____	_____
Mandatory retirement	_____	_____
(2) 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 \$ _____; and attach an itemized list of your monthly expenses.

5. REAL PROPERTY (For Each Parcel of Property)

A) Description of Property _____

- (1) In Possession of _____
- (2) Date Acquired/Age _____
- (3) Purchase Price \$ _____
- (4) Present FMV (Date of Valuation) \$ _____
- (5) First Mortgage Balance \$ _____
- (6) Second Mortgage Balance or Home Improvement Loan \$ _____
- (7) Net Value \$ _____
- (8) Monthly Payment \$ _____
- (9) Income from Property \$ _____

6. BUSINESS/FARM ASSETS (For Each Asset)

A) Description of Asset _____

- (1) In Possession of _____
- (2) Date Acquired/Age _____
- (3) Purchase Price \$ _____
- (4) Present FMV (Date of Valuation) \$ _____
- (5) Debt Balance \$ _____
- (6) Net Value \$ _____
- (7) Monthly Payment \$ _____
- (8) Income from Property \$ _____

7. FINANCIAL ASSETS (For Each Asset)

A) Description of Asset _____

(1) In Possession of _____
(2) Date Acquired/Age _____
(3) Purchase Price \$ _____
(4) Present FMV (Date of Valuation) \$ _____
(5) Debt Balance \$ _____
(6) Net Value \$ _____

8. LIFE INSURANCE (For Each Policy)

A) Description of Policy _____
(1) Name of Company _____
(2) Policy Number _____
(3) Type of Insurance _____
(4) Face Amount _____
(5) Cash Value _____
(6) Loans _____
(7) Insured _____
(8) Beneficiary _____
(9) Owner _____

9. PENSION PLAN AND/OR PROFIT SHARING PLAN

	<u>PLAINTIFF</u>	<u>DEFENDANT</u>
A) Through employment:		
(1) Value	_____	_____
B) Private Plans (IRA, Koegh, SEP) Value	_____	_____
C) Deferred Compensation Value	_____	_____
D) Military Pension or Disability	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

10. PERSONAL PROPERTY (For Each Asset)

A) Household Items in Plaintiff's Possession

<u>Description of Item</u>	<u>Value</u>
(1) _____	_____
(2) _____	_____

B) Household Items in Defendant's Possession

<u>Description of Item</u>	<u>Value</u>
(1) _____	_____
(2) _____	_____

C) Household Items in Joint Possession

<u>Description of Item</u>	<u>Value</u>
(1) _____	_____
(2) _____	_____

D) Motor Vehicles (For Each Asset)

(1) Year, Make Model	_____
(a) In Possession of	_____
(b) Market Value	_____
(c) Encumbrances	_____
(d) Net Value	_____
(e) Monthly Payments	_____

E) Boats, Campers, Snowmobiles, Trailers (For Each Asset)

(1) Year, Make Model	_____
(a) In Possession of	_____
(b) Market Value	_____
(c) Encumbrances	_____
(d) Net Value	_____
(e) Monthly Payments	_____

F) Other Personal Property (For Each Asset)

(1) Description of Item	_____
(a) In Possession of	_____
(b) Market Value	_____
(c) Encumbrances	_____
(d) Net Value	_____
(e) Monthly Payments	_____

11. DEBTS (Not listed previously)

A) Secured Debts:

- (1) Secured debt: _____
(a) Creditor _____
(b) Total Amount Owing \$ _____
(c) Monthly Payment \$ _____
(d) When Incurred _____
(e) Party Obligated _____
(f) Consideration _____
(g) Date of final payment _____

TOTALS: Plaintiff \$ _____ Defendant \$ _____ Joint \$ _____

B) Unsecured Debts: (Include Attorney's Fees and Costs)

- (1) Unsecured debt: _____
(a) Creditor _____
(b) Total Amount Owing \$ _____
(c) Monthly Payment \$ _____
(d) When Incurred _____
(e) Party Obligated _____
(f) Consideration _____
(g) Date of final payment _____

TOTALS: Plaintiff \$ _____ Defendant \$ _____ Joint \$ _____

I hereby represent that the above is 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)

_____, Bar ID # _____
(Attorney for Plaintiff (OR) Defendant)

(Address, City, State, Zip Code)

(Telephone Number/Email)

	<u>Plaintiff</u>	<u>Defendant</u>	<u>Court</u>
HOUSEHOLD GOODS			
16.	_____	_____	_____
17.	_____	_____	_____
18.	_____	_____	_____

DEBTS

19.	_____	_____	_____
20.	_____	_____	_____
21.	_____	_____	_____

SUMMARY

REAL ESTATE	_____	_____	_____
BUSINESS/FARM ASSETS	_____	_____	_____
FINANCIAL ASSETS	_____	_____	_____
RETIREMENT/PENSION ASSETS	_____	_____	_____
VEHICLES	_____	_____	_____
HOUSEHOLD GOODS	_____	_____	_____
DEBTS	_____	_____	_____
TOTAL	_____	_____	_____

Dated this _____ day of _____, 20____.

(Plaintiff's Signature)

Subscribed and sworn to before me this _____ day of _____,
20_____.

(Notary Public or Clerk of Court)

Dated this _____ day of _____, 20____.

(Defendant's Signature)

Subscribed and sworn to before me this _____ day of _____,
20_____.

(Notary Public or Clerk of Court)