

Read Before Filling Out The Findings of Fact, Conclusions of Law & Order for Judgment (Proposed) (Form 8)

Determining parenting rights and responsibilities between unmarried parents can have serious long-term legal consequences. It's strongly recommended that you [consult a lawyer](#) and carefully consider all of your options.

Only a lawyer who agrees to represent you can give you legal advice and tell you about your options based on your circumstances.

This Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) is part of the *Filing for Parenting Responsibility Together* forms packet. You may use this packet if **All** of the following are true:

- The parents of the minor children have never been married to each other.
- Both parents are currently in communication with each other.
- Both parents agree on **All** issues. **Both parents must sign and date Forms 3 & 4.** (*See Forms 3 & 4 for the issues that you both must agree to in writing.*)
- All of the minor children of the marriage have lived in North Dakota with a parent for at least the past 6 months (*or since birth*);

or

Within the past 6 months, North Dakota was the home state of all of the minor children and one parent still lives in North Dakota.

- This is the only legal action in North Dakota, any other state, or tribe between the parents regarding your minor children.
- The father of the minor child(ren) is recognized as the father by a signed Acknowledgment of Paternity, a court order, or an adoption order.
- If either parent is currently in the military, they're not deploying or deployed.
- There's **no** domestic violence protection order or disorderly conduct restraining order currently in effect regarding either parent.

If any of the above don't apply to your situation, you can't use this form or forms packet.

Read the instructions for the forms packet and this form **Before** filling out this Findings of Fact, Conclusions of Law and Order for Judgment (Form 8). If you're unsure how to proceed, [consult a lawyer](#).

This form must be filled out completely. If this form isn't filled out completely, it may not be accepted by the clerk of court for filing.

If this form is accepted for filing, but the judge or judicial referee assigned to the parenting responsibility case decides the form is incomplete, your case may be dismissed.

Filing for Parenting Responsibility Together

Instructions for Form 8: Findings of Fact, Conclusions of Law and Order for Judgment

(Form 8: Findings of Fact, Conclusions of Law and Order for Judgment is part of the Filing for Parenting Responsibility Together packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement and Exhibit A: Parenting Plan before completing this form.)

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

ND Legal Self Help Center forms aren't official court forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Don't include this instruction sheet when you serve or file the completed form.

The Plaintiff & Defendant Must Work Together to Complete This Form:

To complete this form you need your **completed Form 3: Settlement Agreement**.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.

Page 1 Paragraph: Don't fill in any information. If Judge or Judicial Referee assigned to your divorce case uses this form, they fill in the information in the introductory paragraph.

Findings of Fact: Paragraphs 1 – 13

To complete this section of the form, refer to the completed "Agreement as to Facts" section of your completed *Form 3: Settlement Agreement*.

Copy the information **Exactly** from each paragraph of the "Agreement as to Facts" section into the corresponding paragraphs of the "Findings of Fact."

Conclusions of Law: Paragraphs 14 – 34

To complete this section of the form, refer to the completed "Stipulated Terms For Judgment" section of your completed *Form 3: Settlement Agreement*.

Copy the information **Exactly** from each paragraph of the "Stipulated Terms For Judgment" section into the corresponding paragraphs of the "Conclusions of Law."

Order for Judgment

Leave this section blank. If Judge or Judicial Referee assigned to your divorce case uses this form, they sign and date the form.

State of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,)

Case No. _____

vs)

**Findings of Fact, Conclusions of Law
and Order for Judgment**

Defendant.)

A Summons and Complaint for Parenting Responsibility brought under N.D.C.C. Chapter 14-09 were filed by the Plaintiff in the above-named Court.

Based on the written Settlement Agreement, and Exhibit A: Parenting Plan of the parties and upon all the pleadings and proceedings, the Court makes the following:

A hearing was held _____, by the Honorable _____ District Judge, in the District Court, _____ County, North Dakota. Plaintiff

did did not appear personally. Defendant did did not appear personally. A Settlement Agreement, and Exhibit A: Parenting Plan signed by both parties have been submitted to the Court. After hearing all of the evidence and being fully advised in the premises, and being advised of the written Settlement Agreement, and Exhibit A: Parenting Plan of the parties and upon all the pleadings and proceedings, the Court makes the following:

Findings of Fact

1. The Summons and Complaint were personally served upon Defendant as indicated by the Admission of Service on file.

2. Plaintiff, _____, is the (choose one) mother or father of the minor child(ren). Plaintiff's demographic information is as follows:

Address: _____
(street address) (city, state, zip code)

Birth Year: _____

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

Employer's Name and Address: _____

Length of Residence in North Dakota (Months/Years): _____

3. Defendant, _____, is the (choose one) mother or father of the minor child(ren). Defendant's demographic information is as follows:

Address: _____
(street address) (city, state, zip code)

Birth Year: _____

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

Employer's Name and Address: _____

Length of Residence in North Dakota (Months/Years): _____

4. Plaintiff and Defendant have never been married to each other.

5. That no decree, judgment or order of parenting responsibility has been granted to either party against the other in any Court of competent jurisdiction of North Dakota or any other state, territory or country, and that there is no other action pending for parenting responsibility by either party against the other in any Court.

6. (Choose one)

Neither Plaintiff nor Defendant is currently in the Armed Services of the United States of America or its allies.

(choose all that apply) Plaintiff/ Defendant is/are currently in the Armed Services of the United States of America or its allies but is not/are not currently deployed or notified of deployment.

7. No domestic violence protection order or disorderly conduct restraining order is in effect regarding either Plaintiff or Defendant.

8. This Settlement Agreement applies to the following minor child(ren) of the Plaintiff and Defendant:

a. Minor Child's Initials: _____ Year of Birth: _____

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

State of Residence for Last 6 Months: _____

b. Minor Child's Initials: _____ Year of Birth: _____

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

State of Residence for Last 6 Months: _____

c. Minor Child's Initials: _____ Year of Birth: _____

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

State of Residence for Last 6 Months: _____

Additional sheets are attached. (Choose if applicable)

9. The mother-child relationship was established by (*choose one*):

Giving birth to the child(ren)

Adjudication of maternity: Order dated _____, State of _____

Adoption: Order dated _____, State of _____

10. The father-child relationship was established by (*choose one*):

Acknowledgement of paternity

Adjudication of paternity: Order dated _____, State of _____

Adoption: Order dated _____, State of _____

11. (*Choose one*)

The child(ren) has/have lived in North Dakota with a parent for at least six consecutive months immediately before the start of this proceeding. If a child is less than six months old, the child has lived in North Dakota with a parent since their birth. Name of parent(s) residing in North Dakota: _____.

North Dakota was the home state of the child(ren) within six months of the start of this proceeding, and one parent continues to reside in North Dakota. Name of parent(s) residing in North Dakota: _____.

12. (*Choose one*)

(*choose one*) Plaintiff/ Defendant is not pregnant.

(*choose one*) Plaintiff/ Defendant is pregnant. However, the (*choose one*) Plaintiff/

Defendant is not the father, and the child is not at issue in this proceeding.

13. Child support (*choose one*):

There is a child support order already in existence. The case number is: _____.

There is no child support order already in existence.

Conclusions of Law

14. Jurisdiction: The parties stipulate that the District Court, _____ County, North Dakota, has jurisdiction over the parties and subject matter of the present action and that the proper venue of this action is in the District Court, _____ County, North Dakota.

15. Parenting Responsibility Established And Court Approval: The Plaintiff is awarded a Judgment Establishing Parenting Responsibility, all in accordance with the provisions of the North Dakota Century Code.

16. Parental Rights and Responsibilities: The parties shall have the parental rights and responsibilities as set forth in North Dakota Century Code Section 14-09-32, which are as follows:

- a. The right to access and obtain copies of the child's educational, medical, dental, religious, insurance, and other records or information.
- b. The right to attend educational conferences concerning the child. This right does not require any school to hold a separate conference with each parent.
- c. The right to reasonable access to the child by written, telephonic, and electronic means.
- d. The duty to inform the other parent as soon as reasonably possible of a serious accident or serious illness for which the child receives health care treatment. The parent must provide to the other parent a description of the serious accident or serious illness, the time of the serious accident or serious illness, and the name and location of the treating health care provider.
- e. The duty to immediately inform the other parent of residential telephone numbers and address, and any changes to the same.
- f. The duty to keep the other parent informed of the name and address of the school the child attends.

17. Parenting Plan: As required by North Dakota Century Code § 14-09-30, the Parenting Plan is set forth in Exhibit A: Parenting Plan. Exhibit A is incorporated by reference into this Findings of Fact, Conclusions of Law, and Order for Judgment.

18. Child Support: In accordance with the North Dakota Child Support Guidelines and N.D.C.C. § 14-09-09.7 (*choose one; Paragraph 18 continues on Page 7*):

A child support order already exists for the child(ren). The child support case number is _____ . The existing child support payment amounts shall be incorporated into the judgment in this case. A copy of the child support order is attached.

Since primary residential responsibility shall be with Plaintiff, Defendant shall pay \$_____ per month as and for child support based on net monthly income of _____ . Defendant's income was determined by (*explain*):

_____.

Since primary residential responsibility shall be with Defendant, Plaintiff shall pay \$_____ per month as and for child support based on net monthly income of _____ . Plaintiff's income was determined by (*explain*):

_____.

Plaintiff and Defendant have equal residential responsibility. Based on Plaintiff's net monthly income of \$_____ and child support obligation of \$_____, and Defendant's net monthly income of \$_____ and child support obligation of \$_____, child support amounts will be offset for payment purposes. The lesser obligation of \$_____ owed by (*choose one*) Plaintiff/ Defendant will be subtracted

from the greater obligation of \$ _____ owed by (choose one) Plaintiff/ Defendant.

(Choose one) Plaintiff/ Defendant shall pay the difference of \$ _____ per month.

If child support rights become assigned because the child(ren) receives public assistance, the offset is no longer allowed. Each parent will be responsible for paying the full amount the parent's obligation as long as the assignment is in effect.

19. Deviation from child support calculator (choose one):

Does not apply. A child support order already exists for the child(ren)

The child support amount listed in Paragraph 18 does not deviate from the child support calculator.

The child support amount listed in Paragraph 18 deviates from the child support calculator.

\$ _____ is the presumptively correct child support amount. Pursuant to N.D.C.C. § 14-09-09.7, the presumption is rebutted because (explain):

and is in the best interests of the child(ren) because (explain): _____

Additional sheets are attached. (Choose if applicable)

20. Child support shall begin (*choose one*):

As required by the existing child support order. The child support case number is

_____.

Before the 10th day of each month starting with the month after the judgment is entered.

21. The support obligation of (*choose one*) Plaintiff/ Defendant for the minor children shall continue (*choose one; paragraph 21 continues on page 9*):

As required by the existing child support order. The child support case number is

_____.

Until the last day of the month in which the child reaches age eighteen (18), unless the child is still in high school and still living at that time with the parent receiving support. If support is to continue or resume after the month in which the child reaches age eighteen (18), the parent receiving support must file the Affidavit of Custodial Parent with the court. If the affidavit is filed, child support will continue or resume until the last day of the month in which the child graduates or reaches age nineteen (19), whichever comes first. Unless the step-down child support obligation is specified in Paragraph 22, a child support obligation for more than one child will not automatically be reduced when the support obligation expires for the oldest child.

22. Step-down child support obligation (*choose one; Paragraph 22 continues on page 9*):

Does not apply. A child support order already exists for the child(ren).

Does not apply. This Findings of Fact, Conclusions of Law, and Order for Judgment applies to one minor child of Plaintiff and Defendant.

Plaintiff and Defendant reserve the step-down child support obligation issue.

Plaintiff and Defendant have _____ minor children together, to which this Findings of Fact, Conclusions of Law, and Order for Judgment applies. **The step-down child support obligation is:**

After child support terminates for one child, (*choose one*) Plaintiff/Defendant shall pay \$_____ child support per month. The first payment is due on the day indicated in Paragraph 20 on the first month after child support terminates for one child. Subsequent payments are due on each successive month on the day indicated in Paragraph 20 **until** child support terminates for a second child.

After child support terminates for two children, (*choose one*) Plaintiff/ Defendant shall pay \$_____ child support per month. The first payment is due on the day indicated in Paragraph 20 on the first month after child support terminates for one child. Subsequent payments are due on each successive month on the day indicated in Paragraph 20 **until** child support terminates for a third child.

Additional sheets are attached. (*Choose if applicable*)

23. Child support orders are subject to income withholding in accordance with N.D.C.C. § 14-09-09.24. The obligation will accrue interest if not paid timely in accordance with N.D.C.C. § 14-09-08.19.

24. All child support payments must be made through the North Dakota State Disbursement Unit (SDU), P.O. Box 7280, Bismarck, ND 58507-7280 in a form acceptable to the SDU for forwarding to the parent receiving support. Any child support payment made directly to the parent receiving support, rather than through the SDU, will be treated as a gift unless Child Support agrees to give credit for the payment.

25. This order subjects the income of the parent paying support to immediate income withholding, regardless of whether their support payment is delinquent.

26. Child support orders are subject to periodic review under N.D.C.C. § 14-09-08.4. Either party may request a review of an order by applying to the child support agency as provided in N.D.C.C. § 14-09-08.9.

27. Each party subject to this order must provide SDU with the following information within ten days of the order or within ten days of any change of information as provided in N.D.C.C. § 14-09-08.1:

- Social Security number;
- Home address, mailing address, and any change of address;
- Telephone number;
- Driver license number;
- Employer's name, address, and telephone number;
- Electronic mail address; and
- Change of any other condition that could affect paying or receiving support. Examples include getting or losing health insurance for the child(ren), being approved for disability payment, and becoming incarcerated.

28. Health Insurance (*Paragraph 28 continues on page 11*): In accordance with the provisions of N.D.C.C. § 14-09-08.10, the parent with physical custody of the minor child(ren) must provide satisfactory health insurance for the minor child(ren) whenever that coverage is available at no or nominal cost, now or in the future.

In the event the parent with physical custody of the minor child does not have satisfactory health insurance at no or nominal cost, the parent without physical custody of the minor child(ren) must provide satisfactory health insurance for the minor child(ren) whenever that coverage is available at reasonable cost or becomes available at reasonable cost, now or in the future. Reasonable cost is defined pursuant to N.D.C.C. § 14-09-08.15.

The parent providing health insurance for the child(ren) must notify Child Support when the health insurance is obtained and must include:

- a. Name of insurance company;
- b. Name of policyholder;
- c. Policy number; and
- d. Date insurance coverage started.

(Choose if applicable) Existing coverage: (choose one) Plaintiff/ Defendant currently provides medical coverage of the minor child(ren) and must continue to provide coverage as long as it is available at a reasonable cost.

29. Uninsured and Unreimbursed Medical Expenses: Plaintiff and Defendant shall divide uninsured and unreimbursed medical expenses associated with the child(ren), including, but not limited to medical, dental, orthodontia, vision, counseling, co-pays, deductible and prescription drugs, in the following way:

Plaintiff must pay _____% and the Defendant must pay _____%.

Plaintiff and Defendant must exchange written verification of their respective out-of-pocket medical costs for the child(ren) on a (choose one) monthly quarterly annual basis. Reimbursement must be made to the other party within _____ days.

If one party paid for the child(ren)'s uninsured or unreimbursed medical expenses and the other party is reimbursed by the insurance company, the party who receives the reimbursement must immediately pay the reimbursed amount to the party who paid the health care provider.

30. Childcare Costs (Paragraph 30 continues on page 12): Plaintiff and Defendant must divide childcare costs in the following way:

31. Child Tax Exemption: Only one party may claim a deduction for each child on their income tax return. Each party must execute any IRS or similar forms to allow the other party to take the exemption, deduction and credit in the appropriate years.

(Choose one):

For each minor child, the child tax exemption shall be claimed according to the following schedule:

(P = Plaintiff, D = Defendant)

Child's Initials	Deduction claimed every year by:		Deduction claimed odd years by:		Deduction claimed even years by:	
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D

Additional sheets are attached. (Choose if applicable)

The parent who provided health insurance coverage for the minor child for _____% or more of the tax year shall claim the child tax exemption for that child.

Other: _____

32. Income Tax Returns: The parties agree to share historical accounting and tax information, documents and records with the other as may be necessary for each to prepare a complete and accurate income tax return for subsequent tax years. Each party must execute any IRS or similar forms as may be necessary for each to prepare a complete and accurate income tax return for subsequent tax years.

In accordance with the Affordable Care Act (ACA), the party providing, or who has provided health insurance coverage for a child being claimed as a dependent, must supply the other party proof of coverage (IRS Form 1095-A, IRS Form 1095-B, or IRS Form 1095-C) on or before January 31, or as soon thereafter as proof of coverage is received, of every applicable calendar year.

33. Execution Of Required Documents: The parties must, within ten (10) days from the date of Entry of Judgment, or upon presentation, whichever occurs first, execute any document, transfer papers, titles or other documents required to effect the terms and provisions of the Judgment.

34. Waiver Of Counsel: The parties acknowledged to the court that each has the right to be represented by a lawyer of their choice. The parties expressly waived that right and freely and voluntarily entered into this Settlement Agreement which became a basis for the order for judgment and judgment. **The parties acknowledge that this is a legal document and binding upon them.**

Order for Judgment

Let Judgment be Entered Accordingly.

(Judge/Judicial Referee of District Court)