

NORTH DAKOTA
COURT FEE SCHEDULE

Effective May 1, 2007

This schedule has been compiled to assist clerks of district court in determining the fee to be charged under Section 27-05.2-03 and other related sections of the North Dakota Century Code. Any question regarding the appropriate fee to be charged for clerk of court services should be referred to the Office of State Court Administrator. Note: Except where otherwise indicated, ALL fees must be forwarded to the State Treasurer for deposit in the state general fund or a state special fund.

I. Fee for filing a case for decision in district court.

- 1.....For filing for dissolution or reinstatement
.....of corporation [Titles 6 and 10]\$80¹
- 2.....For filing a petition for divorce, annulment
.....or separation from bed and board [Title 14]\$80²
- 3.....For filing a motion to modify an order for
.....alimony, property division, child support,
.....or child custody; for filing a stipulation
.....to such a modification\$30⁴
- 4.....For filing a motion for enforcement or
modification of child visitation No Fee
- 5.....For filing an application for domestic
.....violence protection order [14-07.1-03(6)]No Fee
- 6.....For filing petition for disorderly conduct
restraining order [12.1-31.2-01].....\$80¹
- 7.....For filing petition for disorderly conduct
restraining order and proceeding seeks
relief due to domestic violence [12.1-31.2-01(11)]No Fee
- 8.....For filing an action for support of a
.....child where there is no previous existing
.....court order for support of the child
.....[Chapter 14-08.1].....\$80¹
.....except where action is filed by state's
.....attorney, regional child support enforcement
.....unit, county social service board or
.....department of human services [14-08.1-04]No Fee
- 9.....For filing UIFSA support order or action
.....[14-12.2-25]No Fee
- 10.....For registering a foreign child custody order
(14-14.1-25) (*County fund deposit*). \$10
- 11.....For filing action for termination of
.....parental rights [Chapter 14-17].....\$80¹

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-except where action is part of adoption
proceeding and filing fee for adoption has
been paid or where action is part of
juvenile proceedings [27-20-44]No Additional Fee

- 12. For filing proceedings in domestic matters
 not otherwise provided for in I 2-6 [Title
 14 - i.e., adoption, 14-15-09; determination
of father/child relationship, 14-17-05]\$80¹

- 13.....For filing appeal from decision of board of
county commissioners [11-11-39]\$80¹

except where decision involves taking of
lands by a county for highway purposes
[24-05-14]No Fee

- 14.....For filing appeal from decision of highway
commissioner [Titles 24 and 39 - i.e.,
administrative driver license suspensions,
revocations, or cancellations, 39-20-06]\$80¹

except where decision involves taking of
land by the state for highway purposes
[24-01-25]No Fee

- 15.....For filing appeal from administrative
traffic hearing officer's findings
[39-06.1-03(5)]......No Fee

- 16.....For filing appeal from municipal court
[40-18-19]No Fee

- 17.....For filing appeal from denial of unemployment
compensation benefits by Job Service Bureau
[52-06-32]No Fee

- 18.....For filing appeal from decision of administrative
agency, board, bureau, commission, state officer,
or political subdivision not otherwise provided
for in I 8-12 [Chapter 28-32 or other appellate
review statutes - i.e., municipalities, 40-39-10;
public service commission, 40-39-12; board of
massage therapists, 43-25-12; worker's
compensation bureau, 65-10-01]\$80¹

- 19.....For filing probate, guardianship, or any
other testamentary cases [Title 30.1] (exceptions below).....\$80¹

.....except:

.....where petition for guardianship is
.....filed by member of individual habilitation
.....plan team or other state employee in
.....performance of official duties [30.1-28-03].....No Fee

.....filing authenticated copies of appointment as domiciliary
.....foreign personal representative (30.1-24-05)[*County fund*].. \$10

20.....For filing, not registering, trust proceedings
.....[Titles 30.1 and 59].....\$80¹

21.....For filing a civil action for judicial remedy
.....[Title 32 - i.e., personal injury, 32-03-01;
.....injunction, 32-07-01; quiet title, 32-17-01;
.....writ of habeas corpus, 32-22-04; establish/
.....citizenship, 32-27-02; change of name,
.....32-38-02; writ of certiorari, 32-33-01;
.....writ of mandamus, 32-34-01; establish date
.....and place of birth, 32-37-02]\$80¹

22.....For filing an action to foreclose on lien
.....[Title 35]\$80¹

23.....For filing claim affidavit and answer
.....when defendant removes action to district
.....court [27-08.1-04].....\$80¹

24.....For filing an Affidavit of Custodial Parent under
.....N.D.C.C. 14-09-08.2.....No Fee

Ia. Fee for filing foreign judgment, petition of subsequent administration, statement registering trust, or foreign domestic violence protection order.

1.....For filing a foreign decree or judgment under N.D.C.C.
.....26.1-02-19 or 28-20.1-05 (*County fund deposit*).....\$10

2.....For filing a petition for subsequent administration of
.....an estate under N.D.C.C. 30.1-21-08 (*County fund
.....deposit*).....\$10

3.....For filing a trust registration statement or petition for
.....allowance of trustee's annual report or other remedies
.....under N.D.C.C. 30.1-32-02 (*County fund deposit*).....\$10

4.....For filing a foreign domestic violence protection order.....No Fee

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Ib. Fee for filing small claims action.

- 1.....For filing claim affidavit [27-08.1-03] (*County fund deposit*)\$10³
- 2.....For filing counterclaim affidavitor answer [27-08.1-03].....No Fee

Ic. Fee for filing an answer.

- 1.....For filing an answer to a case that is not a small claims action\$50⁴
- 2.....For filing an answer to a motion to modify an order for alimony, property division, child support, or custody.....\$30⁴

Where a change of venue occurs by the order of any court, no additional filing fee shall be charged by the clerk of the court to which the case has been moved.

II. Fee for filing any matter authorized to be filed in office of clerk other than a case for decision. **Note: All fees under this section must be forwarded to the *county treasurer*.**

- 1.....For filing custody order from another statewhere the order is not filed as part of anexisting court proceeding [14-14-15].....\$10
- 2.....For filing and docketing a transcript ofjudgment or order from another districtcourtNo Fee
- 3.....For filing and entering an assignment ofjudgment [28-20-20]No Fee
- 4.....For filing and entering a renewal ofjudgment [28-20-22]No Fee
- 5.....For filing an acknowledgment ofsatisfaction of judgment [28-20-24].....No Fee
- 6.....For filing bankruptcy discharge forcancellation of judgment [28-20-30]No Fee
- 7.....For filing a regular or special executionon return [28-21-06].....No Fee
- 8.....For filing and indexing or recording a lien[Title 35 - i.e., miner's lien, 35-15-05;hospital lien [35-18-04] except no feeshould be charged for filing an attorney'slien pursuant to 35-20-08].....\$10

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- 9.....For filing and entering a certificate of
discharge of a statutory lien [Title 35 -
i.e., personal property, 35-01-28].....No Fee
- 10.....For filing application, affidavit, and
undertaking for release of lien\$10
- 11.....For all services in proceedings for
deposit in court.....\$10
-except where the deposit is being made in
conjunction with a previously filed case.....No Fee

III. Fee for preparing, certifying, issuing, or transmitting any document. There is **no** per page charge for copies when a certified copy of a document is provided. **Note: All fees under this section must be forwarded to the county treasurer.**

- 1.....For issuing a certified abstract or certified
copy of a judgment, order, or other paper
filed or recorded in the office of the clerk,
for each document certified.....\$10
-except where a single request is made for
more than one certified copy of the same
document
 - a) ..First certified copy issued\$10
 - b) ..Each additional certified copy of
the same document issued.....\$5
- 2.....For certifying and transmitting a record
on appeal to Supreme Court.....No Fee
- 3.....For preparing and transmitting a certified
transcript of a judgment or order to
another district court\$10
- 4.....For issuing a notice of cancellation and
discharge of judgment to another district
court to which judgment has been
transcribed [28-20-27]No Fee
- 5.....For preparing and issuing a regular or
special execution [Chapter 28-21]\$10
- 6.....For preparing and issuing a subpoena
[Rule 45, N.D.R.Civ.P.].....\$10
-except where defendant requests subpoena
in a criminal case [31-03-09]No Fee

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7.....For certifying to county recorder that
action has not been commenced to enforce
a mechanic's lien and that lien is
satisfied [35-27-25].....No Fee

8.For taking and certifying an acknowledgment
of (notarizing) any document [44-05-03].....\$5

9.For certifying a domestic violence
 protection orderNo Fee

IV. Record Searches

1. For civil record searches [e.g., unsatisfied
 judgment\$10 per
 Name Searched

2.For criminal record searches \$10 per
 Name Searched

Note: Federal, state, and local governmental entities are exempt from fees for record searches. Search fees received by state-employed clerks must be forwarded for deposit in the state general fund.

V. Court Forms. State court forms are now available to the public on the Supreme Court's website: www.ndcourts.gov. The public may access these forms, posted in fillable format, on the website and use the forms to file certain actions. If a person does not have access to a computer, sets of these forms will be provided by the clerk upon request for the designated fee. The available forms and applicable fees are:

1.....Simple Divorce \$5 per set

2.....Modification and Enforcement of
 Child Visitation \$5 per set

3.....Probate\$5 per set

4.....Child Support Review and Amendment \$5 per set

5.....Waiver of Fees\$2 per set

6.....Small Claims.....\$5 per set
 Individual forms from a set \$.50 per form

Note: If a person does not have access to a computer to retrieve the *small claims* forms, clerks should provide the pre-printed sets acquired from the printer. Purchase price is the same: \$5.00.

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State-employed clerks must report forms revenue to the state general fund under UCIS Code 220. County-employed clerks will report the revenue under UCIS Code 103 or 106, as appropriate, for deposit in the county general fund.

VI. Copies and FAXes. The following fees will be assessed by state-employed clerks:

1.....Copies \$.10 per page

\$1.00 min.

Note: There is **no** per page charge for copies when a certified copy of a document is provided

2.....FAXed documents (outgoing).....\$.25 per page;

\$1.00 min.

VII. There is no charge for a government agency to make a copy of a document if the purpose of making the copy is retention by the clerk of court while the original is withdrawn.

VIII. The clerk of court shall not charge or collect any of the fees in schedules I, Ia, Ib, II, or III from the state, or any state agency, or from a political subdivision or agency thereof. Nor shall any such fees be charged or collected from the public service commission [60-04-10].

¹ \$15 of the \$80 is paid to the state treasurer for deposit in the Indigent Civil Legal Services Fund [27-05.2-03]. The remaining \$65 must be forwarded to the state treasurer for deposit in the state general fund.

² \$50 of the \$80 fee is paid to the state treasurer for deposit in displaced homemaker account [14-06.1-15]. \$15 of the \$80 fee is paid to the state treasurer for deposit in the Indigent Civil Legal Services Fund [27-05.2-03]. The remaining \$15 must be forwarded to the state treasurer for deposit in the state general fund.

³ If the small claim is dismissed without prejudice, the fee is refunded to the plaintiff [27-08.1-04.1].

⁴ The fee collected under this subsection must be deposited by the clerk of court with the state treasurer and credited to the state general fund.