

INSTRUCTIONS FOR PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER FOR JUDGMENT.

This form contains much of the information provided on previous forms and will allow the Court to make legal findings and conclusions relating to your case. Parties must work together to complete these forms prior to the hearing and **bring the proposed findings to the hearing.**

FINDINGS OF FACT

1. Fill in the Plaintiff's name, address, date of birth, Plaintiff's employer, and employer's address.
2. Fill in the defendant's name, address, date of birth, defendant's employer, and employer's address.
3. Provide the date and place in which you were married.
4. Plaintiff and/or defendant must have lived in North Dakota for the entire six (6) months immediately before filing this action or you cannot file for divorce in North Dakota.
5. Provide information on whether plaintiff is a member of the armed forces.
6. Provide information on whether defendant is a member of the armed forces.
7. Informational only.
8. Provide information on whether there is an existing Protection or Restraining Order between the parties.
9. List all of plaintiff's income from all sources.
10. List all of defendant's income from all sources.
11. Provide information on whether the plaintiff will ask for spousal support.
12. Provide information on whether the defendant will ask for spousal support.
13. List the initials and birth years of any children born of this marriage (names and birthdates will be listed on the judgment).
14. List your outstanding debts.
15. List vehicles you own.
16. Divide all personal property to your satisfaction prior to the hearing.
17. Provide details of any real estate property owned by the parties.
18. Provide information relating to plaintiff's retirement or pension accounts.
19. Provide information relating to defendant's retirement or pension accounts.
20. List any other assets not included above.
21. Provide information relating to proposed name changes for plaintiff.
22. Provide information relating to proposed name changes for defendant.

INSTRUCTIONS FOR PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER FOR JUDGMENT

CONCLUSIONS OF LAW

1. Information required for the judgment.
2. Check the appropriate line by letter a, b, or c, and the proposed dates for support.
3. Circle whether the plaintiff or defendant will have primary residential responsibility (physical custody) of the children. Then check all other parenting time (visitation) conditions which will apply and a proposed starting date. The Judge or Judicial Referee will review this at your hearing.
4. You must complete the appropriate pages of the Child Support Guideline Worksheet and bring it to court with you. The Judge or Judicial Referee will use that information to calculate the monthly child support obligation. The Court will also fill in the starting date of support payments.
5. Circle whether you propose that the plaintiff or the defendant will claim the children as dependents for tax purposes. You may also provide a suggestion for other arrangements.
6. List your proposal for which party will receive each vehicle owned.
7. Informational only.
8. Informational only.
9. List your debts and which party will be responsible for that debt.
10. Check which party will be awarded the homestead and provide the legal description and address of the property.
11. Dividing pension plans and retirement accounts is extremely complicated. If each party will not be awarded the plans in their names, this proceeding must not be filed as a summary proceeding.
12. Dividing pension plans and retirement accounts is extremely complicated. If each party will not be awarded the plans in their names, this proceeding must not be filed as a summary proceeding.
13. List proposed awards of any other property owned by the parties.
14. List proposed name changes for plaintiff if applicable.
15. List proposed name changes for defendant if applicable.
16. Informational only.
17. Informational only.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

Civil No. _____

Plaintiff,

vs.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, and
ORDER FOR JUDGMENT**

Defendant.

The above-entitled proceeding came before the Court on the _____ day of _____, 20____, and was heard by the Honorable _____, in the District Court, _____ County, North Dakota. The plaintiff did/did not appear personally. The defendant did/did not appear personally.

After hearing all of the evidence at said hearing and being fully advised in the premises, upon all the pleadings and proceedings herein, the Court makes the following:

FINDINGS OF FACT

1. Plaintiff's name, address, & year of birth are: Year of Birth: _____

_____		_____		_____
First		Middle		Last
Street	City	County	State	Zip

Plaintiff's employer: _____

Employer address: _____
Street City State Zip

2. Defendant's name, address, & year of birth are: Year of Birth: _____

_____		_____		_____
First		Middle		Last
Street	City	County	State	Zip

Defendant's employer: _____

Employer address: _____
Street City State Zip

3. Plaintiff and defendant were married on _____, _____ in the City of _____, County of _____, State of _____.
4. Plaintiff and/or defendant lived in North Dakota for the entire six (6) months immediately before serving this Petition for Divorce.
5. Plaintiff is a member of the armed forces: Yes _____ No _____
6. Defendant is a member of the armed forces: Yes _____ No _____
7. Irreconcilable differences have arisen between the parties making the continuation of the marriage impossible.
8. A Protection Order or Restraining Order is in effect regarding the plaintiff or defendant: Yes ___ No _____. If YES, the order protects plaintiff / defendant. The Order was filed in _____ County on the following date _____ and the court file number is _____.
9. Plaintiff has the following sources of monthly income:

Source/Describe	Amount
Employment	\$
Public Assistance/Soc. Security/ Unemployment/ Workers Comp.	\$
Interest/Dividend Income	\$
Other	\$

10. Defendant has the following sources of monthly income:

Source/Describe	Amount
Employment	\$
Public Assistance/Soc. Security/ Unemployment/ Workers Comp.	\$
Interest/Dividend Income	\$
Other	\$

11. Plaintiff needs spousal support. Yes _____ No _____ N/A _____ If YES, this is because: _____

12. Defendant needs spousal support. Yes _____ No _____ N/A _____ If YES, this is because: _____

13. The initials and birth years of children born of this marriage are:

Child's name (INITIALS ONLY ON THIS FORM)	Birth year

If a child support order is already in existence, the case number is _____
(bring a copy to the hearing).

14. Plaintiff and defendant have the following outstanding debts.

Debt Owed To	Purpose of Debt	Debt Incurred by	Balance owed

15. Plaintiff and defendant own the following vehicles:

Vehicle (year/make)	Name(s) on Title	Balance owed	Value

16. Plaintiff and defendant jointly own other property, including household goods, furniture, and furnishings, all of which has been divided to the parties' satisfaction.

17. Plaintiff and/or defendant own real property: Yes _____ No _____

**If YES, the street address of this property is _____,
in the city of _____, County of _____, State of _____,
And it is legally described as: _____**

**This real property was purchased on _____, for \$_____.
There is a mortgage or loan against the property in the amount of \$_____.
The market value of this property is \$_____.**

18. Plaintiff or plaintiff's past or present employer or union or other group pays or has paid money into a pension, profit-sharing plan, IRA or other retirement plan for plaintiff: Yes _____ No _____ Valued at _____

If YES, describe the plan: _____

19. Defendant or defendant's past or present employer or union or other group pays or has paid money into a pension, profit-sharing plan, IRA or other retirement plan for defendant: Yes _____ No _____ Valued at _____

If YES, describe the plan: _____

20. List all of your financial or other assets not otherwise mentioned in detail and identify which party will be awarded the asset.

Asset	Location	Account or Policy (last 4 digits only)	Value

21. Plaintiff wants to change his or her name: Yes _____ No _____
If YES, name shall be changed to _____. Plaintiff's
maiden or previous name was _____. Plaintiff has no
intent to defraud or mislead anyone by changing his/her name.

22. Defendant wants to change his/her name: Yes _____ No _____
If YES, name shall be changed to _____. Defendant's
maiden or previous name was _____. Defendant has no
intent to defraud or mislead anyone by changing his/her name.

FROM THE ABOVE AND FOREGOING, the Court now makes and enters the following:

CONCLUSIONS OF LAW

1. Divorce and Court approval. The plaintiff is awarded an absolute Decree of Divorce from the defendant on the grounds of irreconcilable differences, all in accordance with the provisions of the North Dakota Century Code.

2. _____ a. Defendant shall pay to plaintiff the amount of \$_____ per month as and for spousal support for a period of _____.

_____ b. Plaintiff shall pay to defendant the amount of \$_____ per month as and for spousal support for a period of _____.

_____ c. Neither plaintiff nor defendant will be awarded permanent or rehabilitative spousal support and the court not have jurisdiction to make any awards of spousal support in the future.

3. Primary residential responsibility (custody) of the children shall be with:

_____ mom _____ dad _____ shared jointly _____ Other

Parenting time (visitation) to be:

Weekends: _____ alternating _____ Other: _____

Weekdays: _____ One night per week(_____) Other: _____

Holidays: _____

Days off from school: _____

Birthdays: _____ alternating the child(ren)'s birthdays _____ Parties' birthdays

Summers: _____

Vacations: _____

Parenting time (visitation) beginning date: _____

4. In Accordance with North Dakota Child Support Guideline and NDCC 14-09-09.7,
_____ a. Defendant shall pay plaintiff \$ _____ per month as and for child support beginning _____, based on monthly income of _____.
_____ b. Plaintiff shall pay to defendant \$ _____ per month as and for child support beginning _____, based on monthly income of _____.
_____ c. A child support order already exists for the child(ren). The case number is _____. The order shall continue as originally ordered.
(Attach the child support worksheet or a copy of the order).

Child support orders are subject to income withholding in accordance with NDCC 14-09-09.24. The obligation will accrue interest if not paid timely in accordance with NDCC 14-09-08.19. Payment shall be made through the North Dakota Disbursement Unit, and mailed to: SDU, P.O. Box 7280, Bismarck, ND 58507-7280.

Post-judgment custody modifications are subject to NDCC 14-09-06.6.

Notice of right to request review. Child support orders are subject to periodic review under NDCC 14-09-08.4. Either party may request a review of an order by applying to the child support agency as provided in NDCC 14-09-08.9.

Notice of obligation to provide information to the state disbursement unit (SDU). Each party subject to this order shall provide SDU with their social security number, address, telephone number, driver's license number, employer name and address order within ten days from the date of the order or within ten days of any change of information as provided in NDCC 14-09-08.1.

Both parents shall not criticize the other in the presence of the child and take all reasonable steps necessary to minimize the child's involvement in any future dispute that may arise between them. Both parents shall have access to education, medical insurance, and other records. Both parents shall allow reasonable access to the child by phone or other means.

Health Insurance shall be provided for any minor children as required by NDCC 14-09-08.10. Party with physical custody shall provide satisfactory health insurance whenever that coverage is available at no or nominal cost. If not available at no or nominal cost, then the non-custodial parent shall provide satisfactory health insurance coverage whenever that coverage is available at reasonable cost or becomes available at reasonable cost.

- 5. Income Taxes. Parties have filed income tax returns for previous years and shall execute and file Federal and State income tax returns, whether joint or separate, for the year in which this divorce is granted.**

The plaintiff / defendant shall claim the child(ren) as dependent(s) for income tax purposes. Other arrangement (specify children by initials only on this form).

- 6. The vehicles shall be awarded to plaintiff and defendant as follows, and the party receiving each vehicle shall pay for all loans and insurance associated with the vehicle:**

Year/Make/Model	Awarded to:

- 7. Plaintiff and defendant's household goods, furniture, and furnishings have already been divided to the parties' satisfaction.
- 8. Each party shall be solely responsible for his or her separately incurred debts and may not ask the other party to help pay those debts.
- 9. Plaintiff and defendant's marital debts shall be paid as follows, and each party shall release the other from any responsibility for the debts each is ordered to pay:

Debt Owed to	To be paid by:

10. Plaintiff _____ Defendant _____ shall be awarded sole title and interest in the homestead located at _____, in the City of _____, County of _____, State of _____, legally described as, _____.

_____ Does Not Apply

Homestead is subject to a mortgage or loan against the property in the amount of \$ _____, to be paid by plaintiff/defendant. _____ Does Not Apply

11. Plaintiff's pension, profit, sharing, retirement plan, or IRA shall be awarded to plaintiff. _____ Does Not Apply

12. Defendant's pension, profit, sharing, retirement plan, or IRA shall be awarded to defendant. _____ Does Not Apply

13. The parties shall be awarded all right, title, interest and equity in and to the following assets, financial or otherwise, as follows:

Asset	Location	Account or Policy (last 4 digits)	Awarded to:

14. Plaintiff's name shall be changed to _____.
_____ Does Not Apply

15. Defendant's name shall be changed to _____.
_____ Does Not Apply

16. Execution of Required Documents. Each party shall, within ten (10) days from and after the date of Entry of Judgment, or upon presentation, whichever occurs first, execute all documents, transfer papers, or titles required to effect the terms and provisions of the Judgment and Decree. In the event that a party fails to sign transfer papers, as required, the Judgment shall operate to transfer title to property, as awarded herein.

17. Waiver of Counsel. The parties acknowledged that each has the right to be represented by a lawyer of his/her choice.

ORDER FOR JUDGMENT

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated on _____, 20____.

BY THE COURT:

Judge / Judicial Referee of the District Court

Civil No. _____

INSTRUCTIONS FOR CONFIDENTIAL INFORMATION SHEET (APPENDIX H) AND PROPOSED JUDGMENT

The judgment form contains information provided on previous forms and will be signed by the clerk to finalize your divorce. Appendix H includes confidential information so that the confidential information will not be required in the publicly accessible part of the file. Parties must work together to complete these forms and **file them with the clerk at least one week prior to the hearing**. Fill in the names of the parties and include your case number on the top of the forms.

APPENDIX H - Form 4 (a)

1. Provide the plaintiff's name, phone number, social security number, and birth date.
2. Provide the defendant's name, phone number, social security number, and birth date.
3. Provide the names, social security numbers, and birth dates of any children of the parties.

JUDGMENT– Form 4 (b)

1. Informational only.
2. Provide information on proposed spousal support.
3. Provide information on proposed residential responsibility (custody) and parenting time schedules (visitation). Include only the initials of each child on this form.
4. Leave this blank. The Judge or Judicial Referee will complete this at the hearing.
5. Informational only.
6. Provide proposed method of claiming dependents for tax purposes.
7. Informational only.
8. Informational only.
9. List your proposal for which party will receive each vehicle owned. Include VIN numbers for making title transfers.
10. Informational only.
11. List your debts and which party will be responsible for that debt.
12. List which party will be awarded the homestead and provide the legal description and address of the property.
13. Dividing pension plans and retirement accounts is extremely complicated. If each party will not be awarded the plans in their names, this proceeding must not be filed as a summary proceeding.
14. List proposed name changes if applicable.
15. Informational only.
16. Informational only.
17. Informational only.
18. Informational only.

STATE OF NORTH DAKOTA
_____ COUNTY

IN DISTRICT COURT
Civil No. _____

Plaintiff,

vs.

Defendant.

**CONFIDENTIAL INFORMATION FORM
APPENDIX H**

Pursuant to N.D.R.O.C. 3.4, the information on this form is confidential and must not be placed in the publicly accessible portion of the file.

	NAME	SOCIAL SECURITY NUMBER, PHONE NUMBER and BIRTH DATE
1. Plaintiff		
2. Defendant		
3. Minor children (include gender)		

Information Supplied by:

(print name of party submitting form to the court)

Signed _____

_____ COUNTY

Civil No. _____

_____,
Plaintiff,

JUDGMENT

vs.

_____,
Defendant.

The above-entitled proceeding was heard by the Honorable _____, in _____ County, North Dakota. The plaintiff did/did not appear personally. The defendant did/did not appear personally.

The court having reviewed the Petition and financial affidavits executed by both parties,

IT IS HEREBY ORDERED AND ADJUDGED AND DECREED AS FOLLOWS:

- 1. **Divorce.** An absolute Decree of Divorce is granted upon the grounds of irreconcilable differences.
- 2. **Spousal support.** The plaintiff / defendant shall pay alimony or spousal support in the amount of \$ _____ for a period of _____. N/A.
- 3. **Residential Responsibility and Parenting Time.** The parties have the following children born of this marriage and no other children are expected to be born of these parties:

Children's initials only on this form	Year of Birth

Primary residential responsibility (custody) of the children shall be with:

___ mom ___ dad ___ shared jointly ___ Other _____

Parenting time (visitation) and parenting schedule shall be as follows:

Weekends: ___ alternating ___ Other: _____

Weekdays: ___ One night per week(___) Other: _____

Holidays: _____

Days off from school: _____

Birthdays: ___ alternating the child(ren)'s birthdays ___ Parties' birthdays

___ Other: _____

Summers: _____

Vacations: _____

Parenting schedule beginning date: _____

4. **Child support.** In Accordance with North Dakota Child Support Guideline and NDCC 14-09-09.7,
_____ a. Defendant shall pay plaintiff \$_____ per month as and for child support
based on monthly income of _____.
_____ b. Plaintiff shall pay to defendant \$_____ per month as and for child support
based on monthly income of _____.
_____ c. A child support order already exists for the child(ren). The case number is
_____. The order shall continue as originally ordered.

Support payments shall continue until each child reaches nineteen years of age or graduates from 12th grade, whichever occurs first. Child support orders are subject to income withholding in accordance with NDCC 14-09-09.24. The obligation will accrue interest if not paid timely in accordance with NDCC 14-09-08.19. Payments will commence on _____, are due on the _____ of each month, and paid through the North Dakota Disbursement Unit, P.O. Box 7280, Bismarck, ND 58507-7280.

Post-judgment custody modifications are subject to NDCC 14-09-06.6.

Notice of right to request review. Child support orders are subject to periodic review under NDCC 14-09-08.4. Either party may request a review of an order by applying to the child support agency as provided in NDCC 14-09-08.9.

Notice of obligation to provide information to the state disbursement unit (SDU). Each party subject to this order shall provide SDU with their social security number, address, telephone number, driver's license number, employer name and address order within ten days from the date of the order or within ten days of any change of information as provided in NDCC 14-09-08.1.

5. **Health Insurance.** Health Insurance shall be provided for any minor children as required by NDCC 14-09-08.10. Party with physical custody shall provide satisfactory health insurance whenever that coverage is available at no or nominal cost. If not available at no or nominal cost, then the non-custodial parent shall provide satisfactory health insurance coverage whenever that coverage is available at reasonable cost or becomes available at reasonable cost. Medical, dental, and eye care expenses in excess of insurance coverage shall be divided equally between the plaintiff and the defendant.

6. **Dependents for IRS purposes.** Parties shall claim the child(ren) as dependents for tax purposes as follows: (include only initials of children on redacted form).

7. **Income Taxes.** Parties have filed income tax returns for previous years and shall execute and file Federal and State returns, whether joint or separate, for the year in which this divorce is granted.

8. **Household goods, etc.** Plaintiff and defendant's household goods, furniture, and furnishings have already been divided to the parties' satisfaction.

9. **Vehicles** shall be awarded to plaintiff and defendant as follows, and the party receiving each vehicle shall pay for all loans and insurance associated with the vehicle:

Year/Make/Model <u>with VIN number</u> for title transfers	Awarded to:

10. **Individual debts.** Each party shall be solely responsible for his or her separately incurred debts and may not ask the other party to help pay those debts.

11. **Marital debts.** Plaintiff and defendant's marital debts shall be paid as follows, and each party shall release the other from any responsibility for the debts each is ordered to pay:

Debt Owed to	To be paid by:

12. **Homestead.** Plaintiff _____ Defendant _____ shall be awarded sole title and interest in the homestead located at _____, in the City of _____, County of _____, State of _____, legally described as, _____

and subject to a mortgage or loan against the property in the amount of \$ _____
 _____ Does Not Apply

13. **Retirement accounts.** Each party shall be awarded the funds in their own pension, retirement plan, or IRA. _____ Does Not Apply

14. **Names.** Plaintiff's name shall be changed to: _____
 _____ Does Not Apply
 Defendant's name shall be changed to: _____
 _____ Does Not Apply
15. **Execution of Required Documents.** Each party shall, within ten (10) days from and after the date of entry of Judgment, or upon presentation, whichever occurs first, execute all documents, transfer papers, or titles required to effect the terms and provisions of the Judgment and Decree. In the event that a party fails to sign transfer papers, as required, the Judgment shall operate to transfer title to property, as awarded.
16. **Waiver of Counsel.** The parties acknowledged that each has the right to be represented by a lawyer of his/her choice.
17. **Remarriage.** Either party may remarry at any time after entry of judgment.
18. **Social Security Numbers.** In accordance with N.D.C.C. 14-05-02.1 and N.D.R.C.T. 3.4, the social security numbers of the parties are filed in Appendix H.

WITNESS the Honorable _____, and my hand and seal of this Court this _____ day of _____, 20_____.

 Clerk / Deputy Clerk of the District Court

Civil No. _____

INSTRUCTIONS FOR PROPOSED PARENTING PLAN

State law requires parties to file a parenting plan with all divorces involving minor children filed after August 1, 2009. The law changes some of the terminology with which parties may be familiar. The new terms are identified below:

“Parenting time” is the new term for the time when a child is to be in the care of a parent – formerly known as visitation.

“Residential responsibility” is the new term for custody. Primary residential responsibility means a parent with more than fifty percent of the residential responsibility.

“Parenting Plan” is a written plan required in any proceeding to establish or modify a judgment providing parenting time.

Fill in the names of the parties and include the case number on the top of the form.

- 1-3. Read these items which contain important information regarding your children, decision making, and information sharing and access.
4. Circle the appropriate party for designation of legal residence of the child for school attendance purposes.
5. Complete the appropriate designation of residential responsibility (custody).
6. Clarify Parenting times and parenting schedule (visitation) as clearly as possible.
7. Discuss who will be responsible for transportation and exchange of the children, including timing and locations. It is important that these discussions be ongoing and consider the best interests of the children.
8. Discuss how you will handle adjustments to the parenting time schedule.
9. Discuss which types of third parties you will use to resolve various types of disputes and how the costs of hiring a professional mediator will be shared.
10. If the parties have developed a parenting plan agreement that includes more detail than space allows on this form, additional pages may be attached.

STATE OF NORTH DAKOTA
_____ COUNTY

IN DISTRICT COURT
Civil No. _____

_____,
Plaintiff,

vs.

PARENTING PLAN

_____,
Defendant.

Pursuant to NDCC 14-09-30, the Court enters the following plan dealing with parenting time and hereby incorporates the same into the Judgment.

1. Both parents shall not criticize the other in the presence of the child and shall take all reasonable steps necessary to minimize the child's involvement in any future dispute that may arise between them. Neither parenting time nor child support may be withheld because of either parent's failure to comply with this plan. Parties must apply to the court for sanctions related to violations of the plan.
2. Decision making. Each parent is authorized to make routine day-to-day decisions while the children reside with that parent. Major decisions such as education, health care, and spiritual development shall be made jointly.
3. Information Sharing and Access. Both parents shall have access to educational, medical, dental, religious, insurance, and other records. Both parents have the right to attend school conferences. This right does not require any school to hold a separate conference with each parent. Both parents shall allow reasonable access to the child by phone or other means. Each parent shall inform the other as soon as reasonably possible of serious accidents or illness which require health care treatment, providing the time of the accident or illness and the name of the treating health care provider. Parents shall inform each other of address and phone number changes immediately. Parties shall keep each other informed of the name and address of the school the child(ren) attend.
4. Legal residence of the children for school attendance shall be with Mom / Dad.
5. Primary residential responsibility shall be

___ with Mom ___ with Dad ___ shared jointly ___ other _____

6. Parents intend the following guideline to provide ongoing consistent parenting time for the children. Parties recognize that there will be times that the schedule requires adaptation for the best interest of the children. Parties agree to negotiate changes to the schedule in the best interest of the children.

Parenting time, and parenting schedule shall be as follows:

Weekends: ___ alternating ___ Other: _____

Weekdays: ___ One night per week(___) Other: _____

Holidays: _____

Days off from school: _____

Birthdays: _____ alternating the child(ren)'s birthdays

_____ Parties' birthdays ___ Other: _____

Summers: _____

Vacations: _____

Parenting time (visitation) beginning date: _____

7. Transportation and exchange of the children shall be made with the safety of the parties in consideration.

8. Review and adjustments to the parenting plan will be made through discussion by the parties and in the best interests of the children.

9. Disputes arising as a result of this plan shall be resolved by consulting a qualified third party appropriate to the decision. Parties shall share in the cost of these services.

BY THE COURT:

Judge / Judicial Referee of the District Court

Civil No. _____