

## Instructions for Filing for Divorce Together – With Children

### **Important! Read Before Using this Packet of Forms.**

ND Legal Self Help staff and court employees **can't** help you fill out the form(s). If you're unsure if these forms and instructions suit your circumstances, 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.**

**If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.** Go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer) for information about finding a lawyer to represent you.

**When you represent yourself, you're expected to know and follow the law, including:**

- State or federal laws that apply to your case, which include,
  - [Chapter 14-05 of the North Dakota Century Code](#) governing divorce;
  - [Chapter 14-09 of the North Dakota Century Code](#) governing custody, visitation, and child support; and
  - [Chapter 14-14.1 of the North Dakota Century Code](#) governing jurisdiction;
- 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; and
  - Any local court rules.

Links to the state laws, case law, and court rules are available at [ndcourts.gov](https://ndcourts.gov).

A glossary with definitions of legal terms is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

**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.**

***These instructions and forms aren't a complete statement of the law.** They cover the basic procedure for spouses to file for divorce together in a North Dakota State District Court. The forms packet is for spouses with children who **agree 100% in writing** to all issues related to the divorce. There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided. **Use these forms and instructions at your own risk.***

## Who May Use This Packet of Forms?

You and your spouse may use these forms **Only** if **All** of the following statements are **True**.

1. You and your spouse are currently in communication with each other.
2. You and your spouse agree on **All** issues. **Both spouses must date and sign Forms 3, 4 & 5.** (See Forms 3, 4, & 5 for the issues that you both must agree to in writing.)
3. The spouse listed as Plaintiff has lived in North Dakota for the last six months.
4. All of the minor children have lived in North Dakota with a spouse 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 children **And** one spouse still lives in North Dakota.
5. This is the only legal action in North Dakota, any other state, or tribe between you and your spouse regarding your marriage or your minor children.
6. The reason for your divorce is irreconcilable differences (*no-fault by either spouse*).
7. Neither you nor your spouse are currently in the military; **\*Or\*** one or both spouses are currently in the military but not deploying or deployed.
8. There's **No** domestic violence protection order or disorderly conduct restraining order currently in effect protecting one spouse from the other.

## Before You Begin, Review Forms 3, 4 & 5

Before you begin the steps for this packet of forms, review the Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property and Debts and Values (Form 4), and Exhibit B: Parenting Plan (Form 5).

**Form 3, Form 4 and Form 5 make up the full (100%) written agreement for your divorce.** If you believe that you and your spouse can reach a full agreement on every paragraph of Form 3, Form 4 and Form 5, continue.

If you **don't** believe that you and your spouse can reach an agreement on every paragraph of Form 3, Form 4 and Form 5, **Stop! You can't use this packet of forms.**

Go to [ndcourts.gov/legal-self-help/divorce](https://ndcourts.gov/legal-self-help/divorce) for all other divorce forms and resources available through the ND Legal Self Help Center.

## Forms Suitable for Uncomplicated Divorces Only

**This packet of forms is only for divorces involving common and uncomplicated circumstances.**

If this packet of forms doesn't work for you, **Stop! You can't use this packet of forms.** Go to [ndcourts.gov/legal-self-help/divorce](https://ndcourts.gov/legal-self-help/divorce) for all other divorce forms and resources available through the ND Legal Self Help Center, or retain a lawyer to create the documents for you.

## You Must Calculate Child Support

**Since your divorce includes minor or dependent children, you're required to calculate child support.** You must calculate child support even if you and your spouse have agreements between yourselves related to child support.

**If you don't want to establish child support as part of your divorce, you still must complete the child support calculations.** The judge or judicial referee decides whether it's in the best interests of your children to waive, or stay, your child support payments.

**If you plan to ask the judge or judicial referee to allow you to pay a different amount of child support than the child support calculations say,** you must prove you meet one of the limited exceptions for paying a different amount. You must also prove paying a different amount is in the best interests of your children.

**You may be able to apply for services with [North Dakota Child Support](#).** If your application for full services is approved by [North Dakota Child Support](#), they can help to establish an order for child support and medical support in a separate child support case.

## Dividing Individual Pension or Retirement Plans (QDRO's)

**Read this section if you and your spouse are planning to divide individual pension or retirement plans between you.**

If neither you nor your spouse have pension or retirement plans, **Or** each spouse plans to keep their own pension or retirement plans, **without** dividing an individual plan, skip this section.

**Dividing pension plans and retirement accounts is extremely complicated.** You and your spouse are responsible for making sure these assets are divided, which requires a separate court order dividing the assets.

**The separate court order is called a qualified domestic relations order (QDRO).** You and your spouse are responsible for getting the proposed QDRO and presenting the proposed QDRO to the judge or judicial referee. **The judge or judicial referee won't draft a QDRO document or an order including a QDRO.**

See **Step Six** for more information about how to get a proposed QDRO **before** you file this completed forms packet with the clerk of court.

\*\*\*The ND Legal Self Help Center **Doesn't** have QDRO forms or instructions and **Can't** help you draft or obtain a QDRO. [Consult a lawyer](#) when dividing a retirement asset!\*\*\*

## Caution Regarding Domestic Violence

Domestic violence protection orders and disorderly conduct restraining orders don't allow communication between the person protected by the order and the person the order is against.

**This packet of forms is for spouses who represent themselves and agree In Writing on All issues related to the divorce. The spouses Must communicate with each other** to share information, make decisions, and complete the forms before filing with the Clerk of court. If there's a domestic violence protection order or disorderly conduct restraining order in effect to protect one spouse from the other, you **Can't** use these forms.

If there's **no** domestic violence protection order or disorderly conduct restraining order in effect, **but** you're concerned about the impact of domestic violence on you, consult a lawyer or contact a domestic violence intervention center to help you navigate your situation.

Contact North Dakota Domestic & Sexual Violence Coalition for information about domestic violence/sexual assault (DA/SA) victim advocacy centers across North Dakota staffed with professionals who can help you with safety planning, finding shelter, obtaining a protection order, and more.

North Dakota Domestic & Sexual Violence Coalition  
521 E Main Ave, Suite 320  
Bismarck, ND 58501  
(701) 255-6240, Ext. 1016  
(888) 255-6240 – [nddsvc.org/FIND-HELP](https://nddsvc.org/FIND-HELP)

## Who Are the Parties in Your Divorce?

The spouse starting the divorce case is the **Plaintiff**. The spouse listed as Plaintiff in your divorce case must have lived in North Dakota for at least the past six months.

The other spouse is the **Defendant**.

If neither you nor your spouse have lived in North Dakota for the past six months, **Stop!** You can't use this packet of forms. [Consult a lawyer](#) for help.

## 11 Forms for Filing for Divorce Together – With Children

\*Each individual form includes instructions to complete the form.\*

### 10 Forms You and Your Spouse Must Complete Before Filing for Divorce Together

Form Title	Description
<b>Form 1: Summons</b> <i>(Plaintiff completes)</i>	Notifies the Defendant that the Plaintiff started the process for a divorce. A summons is required for every divorce, even when the spouses are in 100% agreement. <b>The summons must be signed and dated by the clerk of court to be valid.</b>
<b>Form 2: Complaint</b> <i>(Plaintiff completes)</i>	Gives the judge or judicial referee information about the Plaintiff and Defendant, and their children. Tells the judge or judicial referee what the Plaintiff is asking for in the divorce. A complaint is required for every divorce, even when the spouses are in 100% agreement.
<b>Form 3: Settlement Agreement</b> <i>(Plaintiff &amp; Defendant complete)</i>	A written and signed agreement of the Plaintiff and Defendant deciding 100% of <b>All</b> issues of the divorce, including the parenting rights and responsibilities to the minor child(ren). After completing Form 3, Plaintiff and Defendant must each sign in front of a notary public or clerk of court.

## 10 Forms You and Your Spouse Must Complete Before Filing for Divorce Together

Form Title	Description
<p><b>Form 4: Exhibit A: Confidential Division of Property &amp; Debt &amp; Values</b> <i>(Plaintiff &amp; Defendant complete)</i></p>	<p>Lists the assets and debts of the marriage, as well as the agreed on values of the assets and outstanding amount of each debt. Divides each asset and debt of the marriage between the spouses.</p> <p>After completing Form 4, Plaintiff and Defendant must each sign in front of a notary public or clerk of court.</p> <p>This form is a part of the court record that isn't seen by the public.</p>
<p><b>Form 5: Exhibit B: Parenting Plan</b> <i>(Plaintiff &amp; Defendant complete)</i></p>	<p>Divorces involving children require a parenting plan. Lists the full agreement of the Plaintiff and Defendant regarding their parenting rights and responsibilities. The agreement must be based on the best interests of their children, not the spouses.</p> <p>Both Plaintiff and Defendant must sign in front of a notary public or clerk of court.</p>
<p><b>Form 6: Confidential Information Form</b> <i>(Plaintiff &amp; Defendant complete)</i></p>	<p>Lists the full confidential information that isn't allowed to appear in other documents filed with the court.</p> <p>This form is a part of the court record that isn't seen by the public.</p>
<p><b>Form 7: Admission of Service</b> <i>(Defendant completes)</i></p>	<p>Proof that copies of the completed Form 1, Form 2, Form 3, Form 4, Form 5, Form 6, Form 8, Form 9, and Form 10 were delivered to and accepted by the Defendant.</p> <p>After the Defendant dates and signs the Admission of Service, the Summons and Complaint are served, which officially starts the divorce case.</p>
<p><b>Form 8: Affidavit of Proof for Stipulated Judgment</b> <i>(Plaintiff completes)</i></p>	<p>The Plaintiff's written and signed statement of the facts and the court's authority (jurisdiction) to decide the divorce.</p> <p>Plaintiff must sign in front of a notary public or clerk of court.</p>

## 10 Forms You and Your Spouse Must Complete Before Filing for Divorce Together

Form Title	Description
<b>Form 9: Findings of Fact, Conclusions of Law and Order for Judgment (Proposed)</b> <i>(Complete using Form 3)</i>	Findings of Fact are the judge or judicial referee’s written determination of the facts made from the evidence presented. Conclusions of Law are the rulings of law made by the Judge or judicial referee or judicial referee based on, or in connection with, the Findings of Fact. These are your <b>proposed</b> findings of fact and conclusions of law, which are based on your Settlement Agreement (Form 3).
<b>Form 10: Judgment (Proposed)</b> <i>(Complete using Form 3)</i>	A written order of the judge or judicial referee’s decision. The divorce isn’t granted until the judgment is signed and filed. This is your <b>proposed</b> judgment, which is based on your Settlement Agreement (Form 3).

### 1 Form Plaintiff May Need to Complete Before the Divorce is Granted

Form Title	Description
<b>Form 4b: Summary Real Estate Disposition Judgment</b> <i>(Plaintiff &amp; Defendant complete)</i>	<p>This form is a part of Form 4: Exhibit A: Confidential Division of Property &amp; Debts &amp; Values. This is completed and filed <b>only</b> if the Plaintiff and Defendant have real property (real estate) and need to transfer ownership of the property.</p> <p>To transfer ownership of the real property to the spouse awarded the real property in the divorce, you may file a certified copy of Form 4b with the County Recorder’s Office instead of filing the entire Judgment and Exhibit A. (Review the instructions for Exhibit A: Confidential Division of Property &amp; Debts &amp; Values <b>and</b> the instructions for the Summary Real Estate Disposition Judgment.)</p> <p>This is your <b>proposed</b> summary real estate disposition judgment, which is based on your Settlement Agreement and Exhibit A.</p>

### 1 Form Plaintiff Must Complete After the Divorce is Granted

Form Title	Description
<b>Form 11: Notice of Entry of Judgment</b> <i>(Plaintiff completes)</i>	A required notice from the Plaintiff to the Defendant. Served on the Defendant within 14 days after the divorce judgment is signed and filed.

## All of the Forms Must be Filled out Completely!!

**Don't leave any of the paragraphs within the forms unanswered.**

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable." Type or write \$0.00 if a dollar amount doesn't apply to you.

If a form isn't completely filled out, the clerk may not accept your forms for filing, or the court may send your forms back to you to complete. It could also mean the judge or judicial referee will require you and your spouse to attend a hearing to explain why you left blanks in the forms.

**Follow and Carefully Read All Instructions!** In the instructions for each form there are checkboxes () before each step. Check each box as you finish the step. Don't go to the next step **until** the previous step is completed.

### Step One:

#### Review All Forms and Instructions; Gather Information and Make Decisions

**Review All of the forms and instructions:**

Read these instructions **carefully**. Review **All** of the individual forms and their instructions **carefully**. Decide if the forms apply to your situation. If you don't know if you should use this packet of forms, [consult a lawyer](#) licensed to practice in North Dakota.

**Gather information and Make Decisions:**

You and your spouse must gather information to help you make decisions about the following:

- Dividing marital property and debts.
  - Make a list of all assets and debts, including the value of each asset and amount of each debt.
- Residential responsibility of the minor child(ren). (Also called custody.)
- Parenting time, including scheduling. (Also called visitation.)
- Decision making responsibility for the minor child(ren).
- Child support, including wages and other earnings information.
- Medical coverage, including health insurance premiums, copays, deductibles, etc.



**❑ Complete your child support calculations:**

If you already have a Child Support Order, get a copy of the Order to include with your completed packet of forms. You don't need new child support calculations.

If you **don't** already have a Child Support Order, you need to complete your child support calculations **Before** you or your spouse sign the Settlement Agreement. **If you don't want to establish child support at this time, Stop! You can't use this packet of forms.**

**Warning:** If you attempt to file this packet of forms without completing the child support calculations, the judge or judicial referee will either require you to complete the calculations before making a decision on your divorce case, or dismiss your divorce case entirely.

The Child Support Division of the North Dakota Department of Human Services created and provides support for the Child Support Guidelines Calculator.

Go to [childsupport.dhs.nd.gov/partners/lawyers/child-support-guidelines](https://childsupport.dhs.nd.gov/partners/lawyers/child-support-guidelines).

If the parents will have equal residential responsibility, you must calculate child support amounts for **both** parents.

If **one** parent will have primary residential responsibility (more than 50% of the residential responsibility), you must calculate the child support amount for the parent with **less** than 50% of the residential responsibility.

**Warning:** If you plan to ask the judge or judicial referee to allow a parent to pay a different amount of child support than the Child Support Guidelines Calculator amount, [consult a lawyer](#) for help. The Calculator amount is presumed to be the correct amount of child support. The parent asking for a different amount than the Calculator amount must prove they meet one of the limited exceptions for deviation, **and** the deviation is in the best interests of the child(ren). See [North Dakota Century Code Section 14-09-09.7](#) and [North Dakota Administrative Code Section 75-02-04.1-09](#).

Court personnel and staff of the ND Legal Self Help Center **Can't** help you with your child support calculations.

You may be able to apply for services with [North Dakota Child Support](#) (701-328-5440; 800-231-4255). If your application for full services is approved by North Dakota Child Support, they can help to establish an order for child support and medical support in a separate child support case.

## Step Two:

**You and Your Spouse Complete the Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property and Debt and Values (Form 4), Summary Real Estate Disposition Judgment (*optional*) (Form 4b) and Exhibit B: Parenting Plan (Form 5)**

**You and your spouse work together to complete these forms.**

Instructions for completing the Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property and Debt and Values (Form 4), **Summary Real Estate Disposition Judgment (*optional*) (Form 4b) and** Exhibit B: Parenting Plan (Form 5) are attached to each form.

**Fill out the Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property and Debt and Values (Form 4), Summary Real Estate Disposition Judgment (*optional*) (Form 4b) and Exhibit B: Parenting Plan (Form 5) Only if you and your spouse agree on all issues in each form.**

- ***If you don't need the Summary Real Estate Disposition Judgment (Form 4b), throw it away.***

You make copies of the completed Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property and Debt and Values (Form 4), Summary Real Estate Disposition Judgment (*optional*) (Form 4b) and Exhibit B: Parenting Plan (Form 5) in Step 9.

**Stop!** You can't use this set of forms if both spouses haven't signed the Settlement Agreement (Form 3), the Exhibit A: Confidential Division of Property and Debt and Values (Form 4), **And** the Exhibit B: Parenting Plan (Form 5) in the presence of a notary public or clerk of court. **You haven't reached a 100% agreement on All issues.**

*(This space is left intentionally blank.)*

### **Step Three:**

#### **The Plaintiff Completes the Summons (Form 1)**

The spouse listed as Plaintiff completes this form.

Instructions for completing the Summons (Form 1) are attached to the form.

**Filling out this form is required even though you and your spouse agree to the divorce.**

**Fill out the Summons (Form 1):**

**You go to the Clerk of Court's Office in Step 9 and ask the clerk of court to sign and date the summons.** The summons must be signed and dated by the clerk of court to be valid.

You make copies of the completed Summons (Form 1) in Step 9.

### **Step Four:**

#### **The Plaintiff Completes the Complaint (Form 2)**

The spouse listed as Plaintiff completes this form.

Instructions for completing the Complaint (Form 2) are attached to the form.

**Filling out this form is required even though you and your spouse agree to the divorce.**

**Fill out the Complaint (Form 2):**

You make Copies of the completed Complaint (Form 2) in Step 9.

### **Step Five:**

#### **You and Your Spouse Complete the Confidential Information Form (Form 6)**

**You and your spouse work together to complete this form.**

Instructions for completing the Confidential Property are attached to the form.

**Fill out the Confidential Information Form (Form 6):**

You make copies of the completed Confidential Information Form (Form 6) in Step 9.

## Step Six (Optional):

### Get a Proposed Qualified Domestic Relations Order (QDRO)

Complete this section **Only** if you and your spouse are dividing individual pension or retirement plans between the spouses.

If neither spouse has pension nor retirement plans, **Or** the spouses keep their own pension and retirement plans, **Without** dividing an individual plan, skip this step.

#### **Caution! Individual Courts may have a Differently Ordered Process And/Or Additional Requirements to the QDRO Process!**

**The QDRO process is extremely complicated.** The information that follows is the basic process for QDROs. However, there are many possible variations to this process.

**Individual state district courts may require you to follow a differently ordered process** than the basic process that follows. Individual state district courts may have additional requirements to those that follow.

**If you need assistance, [consult a lawyer](#) licensed to practice in North Dakota.** ND Legal Self Help Center staff **Can't** provide any assistance beyond the information below.

**Dividing pension plans and retirement accounts is extremely complicated.** You and your spouse are responsible for making sure these assets are divided, which requires a separate court order dividing the assets.

**The separate court order is called a qualified domestic relations order (QDRO).** You and your spouse are responsible for getting a proposed QDRO and presenting the proposed QDRO to the judge or judicial referee. **The judge or judicial referee won't draft a QDRO document or an order including a QDRO.**

For more information about QDRO's, go to [dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce](https://dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce) and scroll to the "Retirement" section.

**If Plaintiff's plan will be divided,** the Plaintiff is responsible for obtaining the proposed QDRO.

**If Defendant's plan will be divided,** the Defendant is responsible for obtaining the proposed QDRO.

Contact the plan administrator early in the process. Some plan administrators have sample QDRO documents for you to follow when drafting your own QDRO.

**Don't sign the proposed QDRO.** The QDRO is signed by the judge or judicial referee.

**Make a copy of all proposed QDRO(s) for your records.** The original proposed QDRO(s) are filed in Step 11.

**\*\*\*The ND Legal Self Help Center Doesn't have QDRO forms or instructions and Can't help you draft or obtain a QDRO. Consulting a lawyer is strongly recommended when dividing a pension or retirement asset! Even if you use a plan administrator's form, you may want a lawyer to advise whether you're giving up any important benefits.\*\*\***

## **Step Seven:**

### **The Plaintiff Completes the Affidavit of Proof for Stipulated Judgment (Form 8)**

**The spouse listed as Plaintiff completes this form.**

Instructions for completing the Affidavit of Proof for Stipulated Judgment are attached to the form.

#### **Fill out the Affidavit of Proof for Stipulated Judgment (Form 8).**

This packet of forms is designed to be presented to a North Dakota state district court judge or judicial referee without requiring a hearing. Evidence is presented by an affidavit of proof, which is the Plaintiff's written statement of the facts of the divorce.

**The judge or judicial referee may still decide to hold a hearing before making a final decision.**

**You make a copy of the completed Affidavit of Proof for Stipulated Judgment (Form 8) in Step 9.**

*(This space is left intentionally blank.)*

## **Step Eight:**

### **You and Your Spouse Complete the Findings of Fact, Conclusions of Law and Order for Judgment (Form 9) and the Judgment (Form 10)**

**You and your spouse work together to complete these forms.**

Instructions for filling out the Findings of Fact, Conclusions of Law and Order for Judgment are attached to the form.

- Fill out the Findings of Fact, Conclusions of Law and Order for Judgment (Form 9).**

Instructions for filling out the Judgment are attached to the form.

- Fill out the Judgment (Form 10)**

You make copies of the completed Findings of Fact, Conclusions of Law and Order for Judgment (Form 9) and the Judgment (Form 10) in Step 9.

## **Step Nine:**

### **Get Signatures; Make Copies of Completed Forms**

#### **All of the Forms Must be Filled out Completely!!**

**Make sure all of the paragraphs within the forms are answered.**

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable." Type or write \$0.00 if a dollar amount doesn't apply to you.

If a form isn't completely filled out, the clerk may not accept your forms for filing, or the court may send your forms back to you to complete. It could also mean the judge or judicial referee will require you and your spouse to attend a hearing to explain why you left blanks in the forms.

#### **Sign Forms And Get Signatures:**

- The spouse listed as Plaintiff must make sure the Summons (Form 1) is signed by the clerk of court.**

The Plaintiff also signs and fills in their information on the Summons (Form 1).

**The spouse listed as Plaintiff must complete and sign the following forms:**

1. Complaint (Form 2); and
2. Affidavit of Proof for Stipulated Judgment (Form 8), which must be signed in the presence of a notary public or clerk of court.

**Both spouses must complete the following forms and sign them in the presence of a notary public or clerk of court:**

1. Settlement Agreement (Form 3);
2. Exhibit A: Confidential Division of Property and Debts and Values (Form 4);
3. Exhibit B: Parenting Plan (Form 5)

**Both spouses must complete and sign the following form:**

1. Confidential Information Form (Form 6).

**Make Copies of Forms:**

**After getting all signatures as indicated above, make 2 copies of the following:**

1. Summons (Form 1);
2. Complaint (Form 2);
3. Settlement Agreement (Form 3);
4. Exhibit A: Confidential Division of Property and Debts and Values (Form 4);
5. (Optional) 4b: Summary Real Estate Disposition Judgment – **Not Signed**;
6. Exhibit B: Parenting Plan (Form 5);
7. Confidential Information Form (Form 6);
8. Affidavit of Proof for Stipulated Judgment (Form 8);
9. Findings of Fact, Conclusions of Law and Order for Judgment (Form 9) – **Not Signed**; and
10. Judgment (Form 10) – **Not Signed**.

**Keep one copy for your records.**

You give the other copy to the Defendant in Step 10. You file the originals with the Clerk of court in Step 11.

## Step Ten:

### Give Copies of Completed Forms to Defendant; Defendant Completes the Admission of Service (Form 7)

**☐ The spouse listed as Plaintiff gives one copy of each form to the Defendant as follows:**

1. Summons (Form 1)
  - Must be signed by the Plaintiff and clerk of court
2. Complaint (Form 2)
  - Must be signed by Plaintiff
3. Settlement Agreement (Form 3)
  - Must be signed by **both** Plaintiff and Defendant in the presence of a notary public or clerk of court
4. Exhibit A: Confidential Division of Property and Debts and Values (Form 4)
  - Must be signed **both** Plaintiff and Defendant in the presence of a notary public or clerk of court
  - (Optional) 4b: Summary Real Estate Disposition Judgment
    - **Not Signed**
5. Exhibit B: Parenting Plan (Form 5)
  - Must be signed **both** Plaintiff and Defendant in the presence of a notary public or clerk of court
6. Confidential Information Form (Form 6)
  - Must be signed **both** Plaintiff and Defendant
7. **Blank** Admission of Service (Form 7)
  - To be completed and signed by the Defendant
8. Affidavit of Proof for Stipulated Judgment (Form 8)
  - Must be signed by Plaintiff in the presence of a notary public or clerk of court
9. Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 9)
  - **Not Signed**
10. Judgment (Proposed) (Form 10)
  - **Not Signed**

**☐ The Defendant completes, dates and signs the Admission of Service (Form 7):**

- The Defendant completes the Admission of Service (Form 7);
- The Defendant dates and signs the Admission of Service (Form 7);
- The Defendant makes a copy of the Admission of Service (Form 7) for their records; and
- The Defendant returns the original, completed Admission of Service (Form 7) to you.



You and your spouse are now required to obey the Summons. **Read it carefully!**

**Warning:** Once the Defendant receives copies of the completed Summons and Complaint, **And** dates and signs the Admission of Service, neither you nor your spouse can take your minor child(ren) from North Dakota without the written permission of the other spouse or an order of the Court. (*This doesn't include taking your minor child(ren) from North Dakota for temporary periods.*) If a spouse disobeys this temporary restraining provision, that spouse may be in contempt of court.

**Make a copy of the original, completed and signed Admission of Service (Form 7) for your records.**

**After you receive the completed and signed Admission of Service (Form 7) from the Defendant, go to Step 11.**

You **Must** make a copy of the completed Form 1, Form 2, Form 3, Form 5, Form 7, Form 8, Form 9, and Form 10 if any of the following are **True**:

- You applied and were accepted for Child Support services for any child listed in the Settlement Agreement (Form 3); or
- You currently receive financial or medical assistance from the State of North Dakota for any child listed in the Settlement Agreement (Form 3).

You **Must** serve the copies on North Dakota Child Support. Contact [North Dakota Child Support](#) and ask who you serve.

## **Step Eleven:**

### **File the Original, Completed Forms with the Clerk of Court**

**Take or mail the completed Originals of each of the following Completed forms to the Clerk of Court in the North Dakota county where you plan to file your divorce forms:**

- Summons (Form 1);
- Complaint (Form 2);
- Settlement Agreement (Form 3);
  - You **must** include your child support calculations and any additional sheets
- Exhibit A: Confidential Division of Property and Debts and Values (Form 4)
  - (Optional) 4b: Summary Real Estate Disposition Judgment

- Exhibit B: Parenting Plan (Form 5);
- Confidential Information Form (Form 6);
- Admission of Service (Form 7);
- Affidavit of Proof for Stipulated Judgment (Form 8);
- Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 9);
- Judgment (Proposed) (Form 10); and
- All proposed QDRO's (If you divided individual pension or retirement plans).

**Pay the \$80.00 filing fee for a divorce case.** If you can't afford to pay the filing fee, the judge or judicial referee may waive it under certain circumstances.

Forms and instructions to request an order to waive filing fees are available at [ndcourts.gov/legal-self-help/fee-waiver](https://ndcourts.gov/legal-self-help/fee-waiver). File the completed forms when you file your completed divorce forms.

A judge or judicial referee reviews the filing fee waiver request to decide whether you can afford to pay the filing fee. Be prepared to pay the filing fee if your request isn't granted or the Clerk of court can't file your documents.

**The original documents are kept in the court file. If your documents are accepted for filing by the Clerk of court, a case number is assigned to your divorce case.**

## Step Twelve: Divorce Judgment

**After the judge or judicial referee reviews all of the completed forms, they may decide to hold a hearing.** If they require a hearing, you're notified of the date, time and location of the hearing. If you don't attend, the judge or judicial referee may not grant your divorce.

If the judge or judicial referee approves the Settlement Agreement, the Clerk of Court sends you a copy of the Judgment telling you the judge signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment is entered (filed). After the signed and dated Judgment is entered (filed), your divorce is granted and is final.

**If the judge or judicial referee doesn't require a hearing **And** they approve the Settlement Agreement,** the clerk of court sends you a copy of the Judgment telling you the judge or judicial referee signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment is entered (filed). After the signed and dated Judgment is entered (filed), your divorce is granted and is final.

**Warning: You're Not Divorced Until the Judgment is Signed and Entered (Filed).**

### **Step Thirteen:**

#### **The Plaintiff Serves the Notice of Entry of Judgment (Form 11) on the Defendant and Files Proof of Service**

**The spouse listed as Plaintiff completes this form.**

Within 14 days after the divorce judgment is entered, the Plaintiff must serve a Notice of Entry of Judgment (Form 11) on the Defendant.

Instructions for completing and serving the Notice of Entry of Judgment (Form 11) are attached to the form.

- **Fill out the Notice of Entry of Judgment (Form 11).**

After service is complete, file the original completed Notice of Entry of Judgment (Form 11) **And** proof of service on the Defendant with the clerk of court.

### **Certified Copies of Your Divorce Judgment**

**You can request certified copies of your divorce judgment from the Clerk of Court's Office.** Contact information for clerks of court by county is available at [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations).

**There is a cost for certified copies:**

- \$10 for the first certified copy;
- \$5 for each additional certified copy (if requested at the same time).

**Your divorce judgment is made up of 3 documents:**

- Judgment (Form 10);
- Exhibit A: Confidential Division of Property and Debts and Values (Form 4); and
- Exhibit B: Parenting Plan (Form 5).

**You need certified copies of the all 3 documents.**

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## Filing for Divorce Together – With Children

### Instructions for Form 1: Summons

(Form 1: Summons is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B before completing the Summons.)

**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 sheets when you serve or file the completed form.**

**The Plaintiff Completes & Signs This Form. The Clerk of Court Must Also Sign and Date this Form.**

**Service of a Summons is required in every divorce case, without exception.**

Service of the Summons (Form 1) happens in Step Ten of the [instructions for the packet of forms](#).

- Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- Paragraphs 1 through 4:** Read carefully. Once the Summons is served on the Defendant in Step Ten, both spouses are required to obey the Summons.
- Date and Signature:**

**Don't date and sign the Summons (Form 1).** You'll date and sign the Summons in Step Nine of the [instructions for the packet of forms](#).

In divorce cases, when a Plaintiff isn't represented by a lawyer, the summons must be issued by the Clerk of Court. **The Clerk of Court must sign and date the summons before it's served on the Defendant.**

You take the Summons to the Clerk of Court to sign in Step Nine of the [instructions for the packet of forms](#).

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

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## Filing for Divorce Together – With Children

### Instructions for Form 2: Complaint

(Form 2: Complaint is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms.](#) You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B before completing the Complaint.)

**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 these instruction sheets when you serve or file the completed form.**

#### The Plaintiff Completes & Signs This Form:

##### Definitions

**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 and debt is divided equitably (fairly) in a divorce. Equitable distribution doesn't mean equal distribution.

**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.

**Parenting time** – (also called *visitation*) the time when the child is to be in the care of a parent.

**Residential responsibility** – (also called *custody*) a parent's responsibility to provide a home for the child.

**A Complaint is required to be served with the Summons in every divorce case, even if you and your spouse agree to 100% of all issues in your divorce.**

- Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- Paragraphs 1 & 2:** If the statements in Paragraphs 1 and 2 aren't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 3(a):** Refer to Paragraph 2 of *Form 3: Settlement Agreement* to fill in your information.
- Paragraph 3(b):** Refer to Paragraph 3 of *Form 3: Settlement Agreement* to fill in the Defendant's information.
- Paragraph 4:** Refer to Paragraph 4 of *Form 3: Settlement Agreement* to fill in your marriage information.
- Paragraph 5:** Put a checkmark (✓) next to the same statement as Paragraph 7 of *Form 3: Settlement Agreement*.
  - See the [Instructions for the packet of forms](#) for the definitions of deployed or deploying parent.
- Paragraph 6:** If the statement in Paragraph 6 isn't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 7:** Fill in the same information as Paragraph 10 of *Form 3: Settlement Agreement*.
- Paragraph 8:** Put a checkmark (✓) next to the residential responsibility option that you and the Defendant will request from the Court. **Don't** put a checkmark in more than one box.
  - See the [Instructions for the packet of forms](#) for definitions of residential responsibility and parenting time.

The *Filing for Divorce Together – With Children* packet of forms **doesn't** include an option for split residential responsibility (dividing the minor children between the parents). If you want a court to establish split residential responsibility, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.



- Paragraph 9:** Put a checkmark (✓) next to the same statement as Paragraph 11 of *Form 3: Settlement Agreement*.
  - Type or write the full, legal name of the parent(s).
  
- Paragraph 10:** Put a checkmark (✓) next to the same statement as Paragraph 12 of *Form 3: Settlement Agreement*.
  
- Paragraph 11:** Complete all 5 parts of Paragraph 11.
  - Paragraph 11(a): Fill in the information for each minor child listed in Paragraph 7. (Initials **only**)
  - Paragraph 11(b): Fill in the information for each minor child listed in Paragraph 7. (Initials **only**)
  - Paragraph 11(c): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
  - Paragraph 11(d): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
  - Paragraph 11(e): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
  - If you need more space to answer any of Paragraph 11, attach a sheet or sheets with the additional information. Type or write on one side only.
    - Put a checkmark (✓) in the box at the end of Paragraph 11.
    - Type or write “Complaint Paragraph 11” on top of the additional sheet(s).
  
- Paragraph 12:** Put a checkmark (✓) next to the statement that’s true for your situation. If you select the first option, fill in the case number of the child support order.
  - If you already have a child support order, make sure you use the same case number as the first option of Paragraph 13 of *Form 3: Settlement Agreement*.
  
- Paragraphs 13 & 14:** You don’t need to write anything for these paragraphs. You provide detailed information about your property and outstanding debts and liabilities in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).
  - You **must** complete Exhibit A: Confidential Division of Property and Debts and Values (Form 4) even if you don’t have property and outstanding debts and liabilities.

- Paragraph 15:** Put a checkmark (✓) next to the statement that's true for your situation. Make sure you select the same option as Paragraph 18 of *Form 3: Settlement Agreement*.
- Paragraphs 16 through 20:** Read the statements carefully. This tells the court what you're asking for from the court.
- Paragraph 21:** This is your verified statement, under penalty of perjury.

By signing your name you're telling the Court that you're telling the truth and that you have a good faith reason for your requests. If you're not telling the truth or if you're misleading the Court, or if you're serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

- Date and Signature:** Complete the date and signature block.
  - Fill in the date you sign this document.
  - Sign the signature line.
  - Print your name.
  - Fill in the address lines. If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.
  - Fill in the telephone number and email address lines.

**Don't include these instruction sheets when you serve or file the completed form.**

## Filing for Divorce Together – With Children

### Instructions for Form 3: Settlement Agreement

(Form 3: Settlement Agreement is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms](#) before completing the Settlement Agreement, Exhibit A, and Exhibit B.)

**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 these instruction sheets when you serve or file the completed form.**

**Fill out the Settlement Agreement (Form 3) ONLY if you and your spouse agree on ALL issues in the Settlement Agreement (Form 3), Exhibit A (Form 4), and Exhibit B (Form 5). If you haven't reached a full agreement on ALL issues, you can't use this packet of forms.**

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

#### Definitions

**Child Support** – payments for the support of a child, including payments for health insurance coverage or other medical support, and payments for the support of spouses or former spouses with whom the child is living as long as the spousal support payment is owed to the spouse or former spouse under the same order as the payments for the child, if the payment is required by the order of a court or other governmental agency having authority to issue such orders, and includes past-due support.

**Debts** (also called Liabilities) – Everything owed by either spouse, whether owed jointly or individually, or incurred before or during the marriage. Debts include, but aren't limited to, mortgage, 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 and debt is divided equitably (fairly) in a divorce. Equitable distribution doesn't mean equal distribution.

**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.

**Liabilities** – See Debts.

**Marital Property** – All of the assets and debts owned by either spouse, whether owned or owed jointly or individually, or acquired or incurred before or during the marriage.

**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 time** – (*also called visitation*) the time when the child is to be in the care of a parent.

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

**Residential responsibility** – (*also called custody*) a parent's responsibility to provide a home for the child.

- Top of form (Caption):** Fill in the name of the North Dakota County where you plan to file your divorce case. Go to [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations) for a map of court locations listed by County.
- Fill in the name of the Judicial District where the County is located. Click on the name of the County to find the name of the Judicial District.
  - Fill in the full, legal name of the spouse who will be listed as the Plaintiff.
  - Fill in the full, legal name of the spouse who will be listed as the Defendant.

- Leave Case No blank. If the Clerk of Court accepts all of completed *Filing for Divorce Together – With Children* forms, the Clerk of Court assigns a case number. (See Step Eleven of the [Instructions for the forms packet.](#))

**Whereas:** Review the statements carefully.

### Agreement as to Facts:

- Paragraph 1:** You don't need to write anything for this paragraph.
  - However, you can't file this completed Form 3 with the Clerk of Court until you complete Step Ten of the [Instructions for the forms packet.](#)
- Paragraph 2:** Fill in the information for the Plaintiff.
- Paragraph 3:** Fill in the information for the Defendant.
- Paragraph 4:** Fill in your marriage information.
- Paragraphs 5 & 6:** If the statements in Paragraphs 5 and 6 aren't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 7:** Put a checkmark (✓) next to the statement that's true for your situation. If neither statement is true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
  - See the [Instructions for the forms packet](#) for the definitions of deployed or deploying spouse.
- Paragraphs 8 & 9:** If the statements in Paragraphs 8 and 9 aren't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 10:** Fill in the information for each minor child of the Plaintiff and Defendant.

If you have more than three minor children together, attach a sheet that lists the information for each additional child. Type or write on one side only.

- Put a checkmark (✓) in the box at the end of Paragraph 10.
- Type or write "Settlement Agreement Paragraph 10" on the top of the additional sheet(s).

**Paragraph 11:** Put a checkmark (✓) next to the statement that's true for your situation.

- Type or write the full, legal name of the spouse.

If neither statement is true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

**Paragraph 12:** Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

**Paragraph 13:** Refer to Paragraph 12 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that is true for your situation. If you select the first option, fill in the case number of the child support order.

- If you already have a child support order, make sure you have a copy. You file the copy of the child support order with the court. (See Step Eleven of the [Instructions for the forms packet](#).)

**Paragraph 14:** List all of the Plaintiff's sources of income. List the amount of the monthly income from each source.

**Paragraph 15:** List all of the Defendant's sources of income. List the amount of the monthly income from each source.

### Important Information for Paragraph 16 – Spousal Support

In deciding to award spousal support, the Court would consider any factors the court considers relevant in deciding the amount and duration of spousal support, and **must consider the following factors** from [Section 14-05-24.1 of the North Dakota Century Code](#):

- The age of the Plaintiff and Defendant;
- The earning of the Plaintiff and Defendant;
- The duration of the marriage;
- The conduct of the Plaintiff and Defendant during the marriage;
- The station in life of the Plaintiff and Defendant;
- The circumstances and necessities of the Plaintiff and Defendant;
- The health and physical condition of the Plaintiff and Defendant; and

- The Plaintiff’s and Defendant’s financial circumstances as shown by the property owned at the time, its value at the time, its income-producing capacity, if any, whether accumulated before or after the marriage.

Once spousal support is awarded, or reserved, the court may change or set the amount or the length of time the spousal support is paid under certain circumstances.

### Duration of Spousal Support for Paragraph 16

[Section 14-05-24.1 of the North Dakota Century Code](#) lists the amount of time a spouse may receive spousal support as follows:

Length of Marriage	Duration of Spousal Support Award as Percentage (%) of the Number of Months of the Length of the Marriage
Less than 5 Years	Up to 50%
Between 5 and 10 Years	Up to 60%
Between 10 and 15 Years	Up to 70%
Between 15 and 20 Years	Up to 80%
20 Years or More	Duration Agreed by Parties, or a Limited Time as Decided by the Court

**If you plan to include a different duration of spousal support than the amount listed above, Stop! You can’t use this form or the *Filing for Divorce Together – With Children* packet of forms.**

- Paragraph 16:** Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the information completely, and explain the need spousal support.
- Paragraph 17:** You don’t need to write anything for this paragraph. You provide detailed information about your property and outstanding debts and liabilities in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).
  - You **must** complete Exhibit A: Confidential Division of Property and Debts and Values (Form 4) even if you don’t have property and outstanding debts and liabilities.
- Paragraph 18:** Put a checkmark (✓) next to the statement that is true for the Plaintiff. If yes, write or type the full, legal name the Plaintiff requests.

- Paragraph 19:** Put a checkmark (✓) next to the statement that is true for the Defendant. If yes, write or type the full, legal name the Defendant requests.

### Stipulated Terms for Judgment:

- Paragraph 20:** Fill in the name of the North Dakota County you listed in the Caption.
- Paragraphs 21 and 22:** You don't need to write anything for these paragraphs. If the statements in Paragraphs 21 and 22 aren't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

A Parenting Plan is required in **every** divorce involving residential responsibility (*custody*) and parenting time (*visitation*). The Plaintiff and Defendant **must** complete and sign Exhibit B: Parenting Plan (Form 5). Otherwise, you can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

- Paragraph 23:** You don't need to write anything for this paragraph. You provide a detailed parenting plan in Exhibit B: Parenting Plan (Form 5).

### Paragraph 24 through Paragraph 35 is Your Child Support Agreement

If you **don't** already have a child support order, you must calculate your child support amount. Calculate your child support **before** completing Paragraph 24 through Paragraph 35.

The link to the Child Support Calculator is [childsupport.dhs.nd.gov/resources-lawyers/child-support-guidelines/current-child-support-guidelines](https://childsupport.dhs.nd.gov/resources-lawyers/child-support-guidelines/current-child-support-guidelines). The Calculator is maintained and supported by the Child Support Division of the North Dakota Department of Health and Human Services.

If you **don't** want to establish child support at this time, or if you and your spouse agreed to a different child support amount than child support calculator indicates, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

If you attempt to file this packet of forms without completing the child support calculations, the court will either require you to complete the calculations before making a decision on your divorce case, or dismiss your divorce case entirely.

You may be able to apply for services with [North Dakota Child Support](#).

If your application for full services is approved by [North Dakota Child Support](#) they can help to establish an order for child support and medical support in a separate child support case.



- Paragraph 24:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
- Paragraph 25:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
- **WARNING:** The Calculator amount is presumed to be the correct amount of child support. If you ask for a deviation from the Calculator amount you must prove you meet one of the limited exceptions for deviation, **and** the deviation is in the best interests of the child(ren). You're strongly urged to consult an attorney if you're asking for deviation from the Calculator amount.
  - If you're asking for a deviation and need additional space to prove you meet one of the limited exceptions for deviation **and** best interests of the children, you may attach an additional sheet or sheets. Type or write on one side only.
    - Put a checkmark (✓) in the box at the end of Paragraph 25.
    - Type or write "Settlement Agreement Paragraph 25" on the top of the additional sheet(s).
- Paragraph 26:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
- Paragraph 27:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
- Paragraph 28:** Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. **Don't** checkmark more than one option.
- This section allows spouses with more than one minor child to calculate child support amounts when the child support obligation ends for an older child. For example, for spouses with three children, when the oldest child turns 18 or graduates high school, child support payment "steps-down" to the amount calculated for two children, rather than three.
  - You aren't required to include step-down child support obligations. You may choose to reserve the issue for some time in the future.
  - If you choose to include a step-down, you need to complete the [Calculator](#) for each step-down child support obligation.
  - If you have more than three minor children, you may use an additional sheet to complete Paragraph 28 for more than three children. Type or write on one side only.

- Put a checkmark (✓) in the box at the end of Paragraph 28. Type or write “Settlement Agreement Paragraph 28” on the top of the additional sheet(s).
- ❑ **Paragraphs 29 through 33:** Read carefully. You don’t need to write anything for these paragraphs.
- ❑ **Paragraph 34:** Read carefully. If existing coverage applies to your situation, put a checkmark (✓) next to “Existing Coverage” and a checkmark (✓) next to either Plaintiff or Defendant.
- ❑ **Paragraph 35:** Read carefully. Fill in the details of your agreement for uninsured and unreimbursed medical expenses.
- ❑ **Paragraph 36:** Fill in the details of your agreement for childcare costs.
- ❑ **Paragraph 37:** Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. **Don’t** checkmark more than one option.
- ❑ **Paragraph 38:** Refer to Paragraph 16. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. **Don’t** checkmark more than one option.
  - If you select an option for payment of spousal support, type or write when spousal support payments will begin.
  - If the same spouse paying spousal support will also pay child support, you may wish to start both payments at the same time. (Refer to Paragraph 26.)
- ❑ **Paragraph 39:** You don’t need to write anything for this paragraph. You must complete Exhibit A: Confidential Division of Property and Debts and Values (Form 4) even if you don’t have property and outstanding debts and liabilities.
- ❑ **Paragraph 40:** Read carefully. You don’t need to fill out anything for Paragraph 40.
- ❑ **Paragraph 41:** Refer to Paragraph 18. Put a checkmark (✓) next to the option that matches the option you chose in Paragraph 18. If the option requires details, fill in the details. **Don’t** checkmark more than one option.
- ❑ **Paragraph 42:** Refer to Paragraph 19. Put a checkmark (✓) next to the option that matches the option you chose in Paragraph 19. If the option requires details, fill in the details. **Don’t** checkmark more than one option.
- ❑ **Paragraphs 43 through 50:** Read carefully. You don’t need to fill out anything for Paragraphs 43 through 50.

- ❑ **Plaintiff Completes and Signs Page 18.** The Plaintiff must sign and date in the presence of a Notary Public or a Clerk of Court.
- ❑ **Defendant Completes and Signs Page 19.** The Defendant must sign and date in the presence of a Notary Public or a Clerk of Court.

Each spouse may sign on separate dates and at separate locations, but **both spouses must sign and date BEFORE filing this completed packet of forms with the court.**

- The form doesn't have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

### **Both Spouses Must Sign the Settlement Agreement (Form 3)!**

You can use this packet of forms **Only If** the forms are completed and signed as follows:

- **Summons (Form 1)** – signed by Plaintiff and a clerk of court
- **Complaint (Form 2)** – signed by Plaintiff
- **Settlement Agreement (Form 3)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Exhibit A: Property and Debt Listing (Form 4)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Exhibit B: Parenting Plan (Form 5)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Confidential Information Form (Form 6)** – signed by Plaintiff & Defendant
- **Admission of Service (Form 7)** – signed by Defendant
- **Affidavit of Proof (Form 8)** – signed by Plaintiff in presence of notary public or clerk of court
- **Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 9)** – unsigned
- **Judgment (Proposed) (Form 10)** – unsigned

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## Filing for Divorce Together – With Children

### Instructions for Form 4: Exhibit A: Confidential Division of Property & Debts & Values

(Form 4: Exhibit A: Confidential Division of Property & Debts & Values is part of the Filing for Divorce Together – With Children packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B **before** you complete the Complaint.)

**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 these instruction sheets when you serve or file the completed form.**

Fill out Exhibit A (Form 4) **Only** if you and your spouse agree on **All** issues in the Settlement Agreement (Form 3), Exhibit A (Form 4), and Exhibit B (Form 5). If you haven't reached a full agreement on **All** issues, you can't use this packet of forms.

**Even if You Don't Have Any Property or Debt, you and your spouse Must complete this form.** If you attempt to file this packet of forms without including Exhibit A (Form 4), the Clerk of Court won't accept your other completed forms for filing.

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

Exhibit A: Confidential Division of Property & Debts & Values (Form 4) tells the judge or judicial referee the following:

- The value of your assets and debts;
- How you agree to divide your assets and debts; and
- Allows the judge or judicial referee to determine the fairness to both spouses of your agreed on division of property and the debts.

*(The Exhibit A: Confidential Division of Property and Debt and Values (Form 4) is a confidential court record that isn't generally available to be viewed by the public after the document is filed with the clerk of court. However, any person with good cause may make a written request to the judge or judicial referee for access to Exhibit A (Form 4).*

*If a person makes a written request, they must notify the parties in the divorce. The parties then have the option to tell the judge or judicial referee in writing why they agree or disagree with the request. If the judge or judicial referee finds that the public interest, or the personal interest of the person making the request, outweighs the privacy interest of the parties, or their dependent children, the judge or judicial referee grants access to Exhibit A (Form 4).)*

## **Equitable Distribution of Property & Debt in Divorce**

**[Section 14-05-24 of the North Dakota Century Code](#) requires an equitable distribution of property and debt in a divorce. This is also called equitable division of property and debts.**

Equitable distribution means that property and debts are divided fairly, rather than equally.

When the judge or judicial referee reviews your completed and signed Exhibit A (Form 4), they consider the following factors (the Ruff-Fischer guidelines) to decide if you and your spouse have reached an equitable distribution of property in your Exhibit A (Form 4) agreement:

- The respective ages of the spouses;
- The earning ability of each spouse;
- The duration of the marriage and conduct of the spouses during the marriage;
- The station in life of each spouse;
- The circumstances and necessities of each spouse;
- The health and physical condition of each spouse;
- Their financial circumstances as shown by the 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 important.

**The division of property, once approved by the judge or judicial referee, is final and can only be changed under limited circumstances. Consult a Lawyer if you have Any Questions!**

### **Definitions:**

**Assets** – Everything owned by either spouse, whether owned jointly or individually, or acquired before or during the marriage. Assets include, but aren't limited to, real property, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

**Date of Valuation** – The date the Fair Market Value (FMV) was established.

**Debts** (also called Liabilities) – Everything owed by either spouse, whether owed jointly or individually, or incurred before or during the marriage. Debts include, but aren't limited to, mortgages, credit cards, student loans and car loans.

**Equitable Distribution** (also called Equitable Division) – Marital property and debt is divided equitably (fairly) in a divorce. Equitable distribution doesn't mean equal distribution.

**Equity** – Fair Market Value (FMV) of the asset, real property, or personal property, minus the debt connected to the asset, real property or personal property.

**Fair Market Value (FMV), or Market Value** – The price at which the property would sell.

**Liabilities** – See Debts.

**Marital Property** – All of the assets and debts owned by either spouse, whether owned or owed jointly or individually, or acquired or incurred before or during the marriage.

**Net Value** – See Equity.

**Personal property** – Every kind of property that isn't real property.

**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 divorce judgment. There are many different QDRO's that are specific to the type of retirement plan. For more information about QDRO's, go to [dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce](https://dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce) and scroll to the "Retirement" section.

\*\*\*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. Center staff **Can't** help you draft a QDRO. Consult a lawyer when dividing a retirement asset!\*\*\*

**Real Property** (also called Real Estate) – Land either with or without buildings on it. For example, a home is real property.

**Secured Debt** – A debt that's backed by collateral you, the borrower, have. Collateral is an asset of value pledged to secure a debt. (For example, a home loan is a secured debt because you put your home up as collateral to secure the loan.)

**Unsecured Debt** – Debt that isn't backed by collateral. Instead, unsecured debt relies on consideration. Consideration refers to the benefit each party receives in exchange for what the party gives up. Consideration may be a promise, performance, or forbearance. (Unsecured debts may include credit cards, medical bills, utility bills, etc.)

**Valuation Date** – This is the date on which the fair market value (FMV) of property is established. This is also the date the total amount owed on a debt or liability is established. When you divorce, you need to figure out the valuation date for your property and debt.

See [N.D.C.C. Section 14-05-24\(1\)](#) for the valuation dates for property and debt in a divorce.

In general, the valuation date is the date to which **both spouses agree**.

There may be property to which federal law applies. If so, the valuation date is the date required by the federal law(s) that applies to the property.

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

**Paragraphs 1 & 2:** If the statements in Paragraphs 1 and 2 aren't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

**Paragraph 3: Real Property Jointly Owned by Both Spouses.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.

**Paragraph 4: Real Property Solely Owned by Plaintiff.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.

**Paragraph 5: Real Property Solely Owned by Defendant.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, complete all of the information. **Don't leave any blanks.**

The legal description of the real property **isn't** the street address. The legal description may be found on the warranty deed, mortgage, title insurance, or from the County Recorder.



- Paragraph 6: Motor Vehicles, Boats, Watercraft, Campers, Snowmobiles, or Trailers.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for every motor vehicle, boats, watercraft, camper, snowmobile, or trailer you and your spouse own jointly and separately, acquired both before and during the marriage.

Don't leave any blanks. If you finish Paragraph 6 and have blank spaces left, type or write "not applicable" in the blank spaces.

- Paragraph 7: Household Goods, Furniture, and Furnishings.** Before you complete Paragraph 7, you and your spouse must agree how to divide **all** of the household goods, furniture, and furnishings you own jointly and separately, acquired both before and during the marriage.

After you divide **all** of your household goods, furniture, and furnishings, you must agree on the total value of each spouse's share of divided household goods, furniture, and furnishings.

Fill in the total agreed upon value of each spouse's share of the divided household goods, furniture, and furnishings.

- Paragraph 8: Other Personal Property.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of the other personal property you and your spouse own jointly and separately, acquired both before and during the marriage, that isn't listed anywhere else on Exhibit A (Form 4).

You can't use Paragraph 8 to list real property (real estate). All real property must be listed in Paragraphs 3, 4, and 5.

Don't leave any blanks. If you finish Paragraph 8 and have blank spaces left, type or write "not applicable" in the blank spaces.

## Caution for Paragraphs 9 & 10: Dividing Pension Plans and Retirement Accounts

**Dividing pension plans and retirement accounts is extremely complicated. You and your spouse are responsible for making sure these assets are divided with a separate court order.**

**The separate court order is called a qualified domestic relations order (QDRO) and each spouse is responsible for getting their own proposed QDRO and presenting the proposed QDRO to the judge or judicial referee to sign.**

**The judge or judicial referee Won't draft a QDRO document or draft an order including a QDRO. The ND Legal Self Help Center Doesn't have QDRO forms. Center staff Can't help you draft a QDRO or help you get a proposed QDRO.**

**If Plaintiff's plan will be divided**, the Plaintiff is responsible for getting the proposed QDRO for the judge or judicial referee to sign.

**If Defendant's plan will be divided**, the Defendant is responsible for getting the proposed QDRO for the judge or judicial referee to sign.

Contact the plan administrator early in the process. Some plan administrators have sample QDRO documents for you to follow when drafting your own QDRO.

Make sure your proposed QDRO shows **only** the year of birth and the last 4 digits of any Social Security Number. Full birthdates and full Social Security Numbers must be listed in Form 6.

**Don't** sign the proposed QDRO. The QDRO is signed by the judge or judicial referee.

**If neither spouse has pension nor retirement plans, Or each spouse will keep their own pension or retirement plans, Without Dividing The Plans, you don't need to get a QDRO.**

**Paragraph 9: Plaintiff's Pensions, Profit-Sharing Plans, IRAs, Other Retirement Plans.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of Plaintiff's pensions, profit-sharing plans, IRAs, and other retirement plans acquired both before and during the marriage.

**Don't leave any blanks. If you finish Paragraph 9 and have blank spaces left, type or write "not applicable" in the blank spaces.**

- Paragraph 10: Defendant’s Pensions, Profit-Sharing Plans, IRAs, Other Retirement Plans.** Put a checkmark (✓) next to the statement that’s true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of Defendant’s pensions, profit-sharing plans, IRAs, and other retirement plans acquired both before and during the marriage.

Don’t leave any blanks. If you finish Paragraph 10 and have blank spaces left, type or write “not applicable” in the blank spaces.

- Paragraph 11: Life Insurance.** Put a checkmark (✓) next to the statement that’s true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of the life insurance policies for you and your spouse acquired both before and during the marriage.

- The face amount of the policy is the amount of the benefit purchased. For example, a \$100,000 life insurance policy would have a face amount of \$100,000.
- Calculate the cash value – add the total premium and payments made, subtract fees, commission, and expenses charged by the insurer. (You may find the cash value on the life insurance statement or call your insurer to get the cash value.)

Don’t leave any blanks. If you finish Paragraph 11 and have blank spaces left, type or write “not applicable” in the blank spaces.

- Paragraph 12: Business or Farm Interests or Assets.** Put a checkmark (✓) next to the statement that’s true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of the business or farm interests or assets owned jointly or separately by you and your spouse, acquired both before and during the marriage.

- Examples of business or farm interests or assets include, but aren’t limited to, farm machinery, grain on hand, accounts receivable, business equipment, etc.

Don’t leave any blanks. If you finish Paragraph 12 and have blank spaces left, type or write “not applicable” in the blank spaces.

- Paragraph 13: Financial Assets.** Put a checkmark (✓) next to the statement that’s true for your situation.

This is the Paragraph to list other financial assets not listed anywhere else on Exhibit A.

You can't use Paragraph 13 to list real property (real estate). All real property must be listed in Paragraphs 3, 4, and 5.

If you choose the second statement, read the instructions on the form. Complete all of the information for all of the other financial assets owned jointly or separately by you and your spouse, acquired both before and during the marriage.

- Examples of other financial assets include, but aren't limited to, checking accounts, savings accounts, money market accounts, stocks, bonds, Certificates of Deposit, notes (money owed in writing), money owed (not in writing).

Don't leave any blanks. If you finish Paragraph 13 and have blank spaces left, type or write "not applicable" in the blank spaces.

### Caution for Paragraph 14: Creditors Not Bound By This Agreement

In general, creditors aren't bound by the agreement of the parties.

When a debt is assigned to a spouse in a divorce judgment and that spouse doesn't pay, the creditor may still go after the spouse who wasn't assigned the debt for payment.

[Consult a lawyer](#) if you have questions.

- Paragraph 14: Secured and Unsecured Debts and Liabilities.** Put a checkmark (✓) next to the statement that's true for your situation.

If you choose the second statement, read the instructions on the form. Complete all of the information for secured and unsecured debt or liability you and your spouse owe jointly and separately, incurred both before and during the marriage. **Don't include mortgages on real property.** (Mortgages must be listed in Paragraphs 3, 4, and 5.)

Don't leave any blanks. If you finish Paragraph 14 and have blank spaces left, type or write "not applicable" in the blank spaces.

- Paragraph 15: Summary.** This is the total division of property and debts listed in \$\$ for Plaintiff and Defendant.

List the total for Plaintiff and the total for Defendant for each category of the Summary.

For both Plaintiff and Defendant, subtract the Mortgages on Real Property and Debts and Liabilities to list the **Total**.

## Both Spouses Must Sign Exhibit A (Form 4)!

You can use this packet of forms **Only If** the forms are completed and signed as follows:

- **Summons (Form 1)** – signed by Plaintiff and a clerk of court
- **Complaint (Form 2)** – signed by Plaintiff
- **Settlement Agreement (Form 3)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Exhibit A: Property and Debt Listing (Form 4)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Exhibit B: Parenting Plan (Form 5)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- **Confidential Information Form (Form 6)** – signed by Plaintiff & Defendant
- **Admission of Service (Form 7)** – signed by Defendant
- **Affidavit of Proof (Form 8)** – signed by Plaintiff in presence of notary public or clerk of court
- **Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 9)** – unsigned
- **Judgment (Proposed) (Form 10)** – unsigned

**Plaintiff Completes and Signs Page 15.** The Plaintiff must sign and date in the presence of a Notary Public or a Clerk of Court.

**Defendant Completes and Signs Page 16.** The Defendant must sign and date in the presence of a Notary Public or a Clerk of Court.

Each spouse may sign on separate dates and at separate locations, but **both spouses must sign and date **Before** filing this completed packet of forms with the court.**

- The form doesn't have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

## Instructions for Summary Real Estate Disposition Judgment Form 4b

**This form is optional.**

**You only complete this form if** you listed real property in Paragraphs 3, 4, or 5 of your “Exhibit A: Confidential Division of Property & Debts & Values” Form 4, **And** you need to transfer ownership of real property as part of the divorce.

If you don’t need Form 4b, discard Form 4b and these instructions.

When one of the divorcing parties presents a certified copy of a Divorce Judgment to the County Recorder’s office to transfer ownership of real estate, the County Recorder’s office needs them to submit (as an attachment) Exhibit A: Confidential Division of Property & Debts & Values since that is where the legal description of the real estate is found.

Divorcing parties may not want to do this because, once recorded, the information in the Exhibit A: Confidential Division of Property & Debts & Values becomes public. All documents recorded with a County Recorder’s Office are subject to public searches and open records laws. The County Recorder’s Office can only allow social security numbers to be redacted (crossed out). Everything else in the document is public.

When a Summary Real Estate Disposition Judgment document is submitted for recording, it only includes the real estate information. All the other confidential property and debt information in the Exhibit A: Confidential Division of Property & Debts & Values form remains confidential because it’s only filed with the District Court.

This is your proposed Summary Real Estate Disposition Judgment for the Court to sign if the Judge or Judicial Referee grants your divorce.

### Filling Out The Form

**Note:** Refer to your completed Settlement Agreement (Form 3) and Exhibit A: Confidential Division of Property & Debts & Values (Form 4). The information you type or write in the Summary Real Estate Disposition Judgment must be **Exactly** the same as your Form 3 and Form 4.

#### Opening Paragraph:

- Leave the date of the Judgment blank. You can’t fill this date in until a Judgment is signed and dated granting your divorce.

**Paragraph 1:**

- Fill in the date of your marriage from Paragraph 4 of your completed Settlement Agreement (Form 3);
- Leave the date of the Judgment blank. You can't fill this date in until a Judgment is signed and dated granting your divorce.

**Paragraph 2:**

- Fill in "pro se" on both lines.

**Paragraph 3:**

- Leave the name of the Judge or Judicial Referee blank. You won't know the name until after you complete and file all of the forms in Step 11.

**Paragraph 4 (check only one box):**

- Check  the "Stipulation" box.

**Paragraph 5 (check only one box):**

- Check  the "Yes, the real property was described by a legal description" box indicating the real property is described by a legal description in your Exhibit A: Confidential Division of Property & Debts & Values Form 4.
  - Your completed Exhibit A **Must** have the legal description(s) for the real property listed in Paragraphs 3, 4, and/or 5.

**Paragraph 6 (check only one box):**

- Check  the first box indicating the Judgment didn't result from a default judgment.

**Paragraph 7:**

- Check  The first box ("Yes") indicating the Summons and Complaint were personally served on the Defendant.
  - Check  the Admission of Service box.
  - You can't fill in the date the Defendant signed the Admission of Service form until after you complete Step 10.

**Paragraph 8:**

- Write "Not Published" on the first line.
- Write "N/A" on the second and third lines.

**Paragraph 9:**

- Check () all appropriate boxes indicating whether the parties are changing their names as part of the divorce judgment. If Plaintiff or Defendant are changing their names, write their new name. See Paragraphs 18 and 19 of your completed Settlement Agreement Form 3.

**Paragraph 10:**

- Check () each box for the legal description of the property your divorce judgment transfers. See Paragraphs 3, 4, and/or 5 of your completed Exhibit A: Confidential Division of Property & Debts & Values (Form 4). (If you **don't** need the 2<sup>nd</sup> or 3<sup>rd</sup> boxes, write "N/A" in the blank space and **don't** check the box.
  - Fill in the name of the County where the property is located **Exactly** as it appears in your completed Exhibit A.
  - Fill in the full legal description **Exactly** as it appears in your completed Exhibit A.

**Paragraph 11:**

- Fill in the name(s) of the persons awarded an interest in each parcel of real estate and a description of the interest awarded. This information is in Paragraphs 3, 4, and/or 5 of your completed Exhibit A: Confidential Division of Property & Debts & Values (Form 4).

**Some examples are listed below. Remember, these are only examples. Write the exact information as it appears in your completed Exhibit A!**

**Example 1**

The Plaintiff, John Doe, is awarded all right, title and interest in and to the above identified real property, subject to encumbrances of record, but free and clear of any right title or interest in the property by the Defendant, Jane Doe, n/k/a Jane Smith.

**Example 2**

John Doe is awarded all right, title, interest, and equity in and to the above-described property, free and clear of any claim on the part of Jane Doe. John Doe shall be solely responsible for all expenses associated with the real property, including, but not limited to, routine maintenance and repair costs, utility bills, and monthly payments of principal, interest, taxes, and insurance.

**Paragraph 12:**

- Fill in all liens, mortgages, encumbrances, or other interests as described in Paragraphs 3, 4, and/or 5 of your completed Exhibit A: Confidential Property & Debts & Values (Form 4). If there are none, write "none".



**Paragraph 13:**

- Fill in any and all triggering or contingent events as listed in Paragraphs 3, 4, and/or 5 of your completed Exhibit A: Confidential Property & Debts & Values (Form 4). If there aren't any triggering or contingent events, write "none". If there are triggering or contingent events, explain.

**Paragraph 14:**

- Review this statement. You **must** have a **certified** copy of the signed and dated Summary Real Estate Disposition Judgment to be recorded or filed in place of the original Judgment and Decree in the office of any county recorder or registrar of titles where the real property is located.

### Now What?

The Summary Real Estate Disposition Judgment is filed in Step 11 with the Clerk of Court.

This is your proposed Summary Real Estate Disposition Judgment for the Court to sign if the Judge or Judicial Referee grants your divorce.

If the Judge or Judicial Referee grants your divorce, they review your proposed Summary Real Estate Disposition Judgment to decide if it's filled out correctly. If it's filled out correctly, the Court signs and dates the Summary Real Estate Disposition Judgment.

Get a certified copy of the signed and dated Summary Real Estate Disposition Judgment from the Clerk of Court. You're required to pay a fee.

Take the certified copy to the county recorder or registrar of titles in the North Dakota county where the real property is located.

**If you need assistance with this form or have questions about whether this form is correct for your situation, [consult a lawyer](#) licensed to practice in North Dakota. The ND Legal Self Help Center **can't** give you any assistance filing out this form.**

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## **Filing for Divorce Together – With Children**

### **Instructions for Form 5: Exhibit B: Parenting Plan**

(Form 5: Exhibit B: Parenting Plan is part of the Filing for Divorce Together – With Children packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B **before** completing the Summons.)

**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 these instruction sheets when you serve or file the completed form.**

**Fill out Exhibit B (Form 5) ONLY if you and your spouse agree on ALL issues in the Settlement Agreement (Form 3), Exhibit A (Form 4), and Exhibit B (Form 5). If you haven't reached a full agreement on ALL issues, you can't use this packet of forms.**

**A Parenting Plan is required in every divorce involving residential responsibility (also known as custody) and parenting time (also known as visitation). If you attempt to file this packet of forms without including Exhibit B (Form 5), the Clerk of Court won't accept any of your other completed forms for filing.**

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

Exhibit B: Parenting Plan (Form 5) tells the judge or judicial referee the full parenting rights and responsibilities agreement of the spouses. North Dakota law requires the parenting plan to include, at minimum, the following 7 provisions:

1. Decision making responsibility for day to day decisions and major decisions such as education, health care and spiritual development.
2. Information sharing and access, including telephone and electronic access.
3. Legal residence of each child for school attendance.
4. Residential responsibility, parenting time, and parenting schedule for holidays, days off from school, birthdays, vacation planning, weekends, weekdays, and summers.
5. Transportation and exchange of the child, considering the safety of the parties.
6. Procedure for review and adjustment of the plan.
7. Methods for resolving disputes.

### **Best Interests of the Child ([N.D.C.C. Section 14-09-06.2](#))**

The judge or judicial referee in your divorce case uses the 13 “Best Interests of the Child” factors to review residential responsibility (custody), parenting time (visitation), and everything else involved in the parenting plan. Best interests look at the child’s needs and who will best meet the child’s needs.

**Review the 13 “Best Interests of the Child” factors at [N.D.C.C. Section 14-09-06.2](#) before completing this form.** If the judge or judicial referee questions your parenting plan and schedules a hearing, you and your need to be prepared to argue how each factor applies to your parenting plan.

### **Definitions**

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

**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** – (*also called visitation*) the time when the child is to be in the care of a parent.

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

**Residential responsibility** – (*also called custody*) a parent's responsibility to provide a home for the child.

- Top of the Form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- Paragraphs 1 & 2:** If the statements in Paragraphs 1 and 2 aren't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 3:** Fill in the same information as Paragraph 10 of *Form 3: Settlement Agreement*.

**Paragraph 4:** Put a checkmark  in the box indicating the legal residence of the minor child(ren) for school attendance. If you check “Other,” list the name of the person you want to have legal residency of the child(ren).

- **Legal residence** is the place at which a person has been physically present, that the person regards as home, and to where, whenever absent, the person intends to return.

**Paragraph 5: Residential Responsibility and Parenting Time**

- **Residential responsibility** (also known as custody) is a parent’s responsibility to provide a home for the child.
- **Parenting time** (also known as visitation) is the time when the child is to be in the care of a parent.

**a. Residential Responsibility.**

Put a checkmark  in the box next to **equal residential responsibility** if you and your spouse believe it’s in the best interests of the minor child(ren) for the spouses to share residential responsibility of the child(ren) 50% of the time.

- Explain in detail the schedule you’re proposing the Plaintiff have.
- Explain in detail the schedule you’re proposing the Defendant have.

\*Following are some examples of equal residential responsibility stated in Nolo’s Essential Guide to Divorce, by Emily Duskow, June 2016.

**Fourteen Overnights:**

(Split time between parents and alternate schedule each week as follows:)

Parent A/Week One: Sunday evening to Wednesday morning;

Parent B/Week One: Wednesday afternoon to Sunday evening;

Parent A/Week Two: Sunday evening to Wednesday morning;

Parent B/Week Two: Wednesday afternoon to Sunday evening.

**Fourteen Overnights:**

(Split midweeks and every other weekend as follows:)

Parent A: Monday evening to Wednesday evening each week, and every other weekend from Friday evening to Monday morning;

Parent B: Wednesday evening to Friday morning each week, and every other weekend from Friday evening to Monday morning.

The examples listed above aren't the only equal residential responsibility options. You may wish to review guidebooks for self-represented litigants and lawyers. Your local public or academic library may have guidebook resources available. Consult a lawyer if you need more assistance.

Put a checkmark  in the box next to **Plaintiff having primary residential responsibility** if you and your spouse believe it's in the best interests of the minor child(ren) for the Plaintiff to have primary residential responsibility of the child(ren).

- Put a checkmark  in the box next to any or all agreed upon parenting time options. If you have checked "Other," describe the parenting schedule for Defendant, as well as pickup times.

Put a checkmark  in the box next to **Defendant having primary residential responsibility** if you and your spouse believe it's in the best interests of the minor child(ren) for the Defendant to have primary residential responsibility of the child(ren).

- Put a checkmark  in the box next to any or all agreed upon parenting time options. If you have checked "Other," describe the parenting schedule for Plaintiff, as well as pickup times.

**b. Alternate Schedules.**

This is your alternate schedule. If you have no alternate schedule, write "*No Alternate Schedule*" on the first line of each section. If you and your spouse agree to an alternate schedule, state in detail the schedule for any or all of the following, including pickup times.

Examples of definitions include (but aren't limited to):

- Summertime – "According to the public school calendar;" "From June 1-August 15;" etc.
- School Release Days – "Days as defined by the public school calendar;" "non-holiday school breaks;" etc.
- Vacation with Parents – "two consecutive weeks in the summer time;" "two non-consecutive weeks at any time;" "to be scheduled during normal parenting time;" "only upon 30 days written notice;" etc.
- **Summer Time.** Fill in the definition of summer time to which you and your spouse agree. If you want an alternative schedule, fill in the agreed upon schedule. Otherwise, write "*No Alternate Schedule.*"

- **School Release Days.** Fill in the definition of school release days to which you and your spouse agree. If you want an alternative schedule, fill in the agreed upon schedule. Otherwise, write *“No Alternate Schedule.”*
- **Summer Time/School Release Days. (Please note** the statement about summer time and school release dates taking precedence over summer activities. If you and your spouse don’t want this, **Stop!** You can’t use this form or the *Filing for Divorce Together – With Children* packet of forms.)
- **Vacation with Parents.** Fill in the schedule to which you and your spouse agree. Otherwise, write *“No Alternate Schedule.”*
- c. Schedule for Holidays and Other Special Days.** Fill in the Holidays and Special Days schedule to which you and your spouse agree with as many specifics as possible. Include when each holiday and special day is scheduled for Plaintiff and Defendant.
  - In the space provided after the Holidays and Special Days schedule, write the beginning times and ending times for the holiday/special day. If you agree the holiday/special day will include the weekend if it falls during a weekend or on a Friday or a Monday, write that here. If there are any other special arrangements with regard to holidays/special days, write them here.
- d. Children’s Activities During Parenting Time.** Fill in details of the agreement of how the spouses will inform each other of the minor child(ren)’s extracurricular activities.
- e. Timeliness.** Fill in the agreement to handle timeliness of visits.
- f. Missing Parenting Time.** Fill in the agreement to handle missed parenting time.
  - Examples include (but aren’t limited to) *“missed parenting time isn’t made up;”* *“missed parenting time is made up the following week;”* *“a missed holiday is or isn’t made up;”* etc.
- g. Notification.** Fill in the agreement for notifying each other in advance of missed parenting time.
  - Examples include (but aren’t limited to) *“24 hours in advance;”* *“by phone;”* *“text;”* etc.
- h. Restrictions on Contact with the Child(ren).** Put a checkmark  in the box to which you and your spouse agree.
  - If you put a checkmark  in the box restricting a spouse’s contact with the child(ren), fill in the agreement.

- Paragraph 6. Limitations on Residential Responsibility and Parenting Time Modifications.** Read carefully. You don't need to fill out anything. If you and your spouse don't agree with this statement, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 7. Decision Making Responsibility.** Complete all parts of Paragraph 7 (a through g). The Parenting Plan must include decision making responsibility for routine or day-to-day decisions, and major decisions such as education, health care and spiritual development.
  - a. Emergency Medical Decisions.** Read carefully. You don't need to fill out anything. If you and your spouse don't agree with this statement, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
  - b. Day-to-Day Decisions.** Read carefully. You don't need to fill out anything. If you don't agree with this statement, **Stop!** You and your spouse can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
  - c. Daycare/Afterschool Provider.** Put a checkmark  in the box next to the option or options to which you and your spouse agree and fill out any blanks associated with the checkmark .
  - d. Education Decisions.** Put a checkmark  in the box next to the option to which you and your spouse agree. **Don't** checkmark more than one option.
  - e. Non-Emergency Health Care Decisions.** Put a checkmark  in the box next to the option to which you and your spouse agree. **Don't** checkmark more than one option.
  - f. Spiritual Development Decisions.** Put a checkmark  in the box next to option to which you and your spouse agree. **Don't** checkmark more than one option.
  - g. Both parents must consent.** Fill out the agreement of what both spouses must agree to before the minor child(ren) is/are permitted to do something.
- Paragraph 8. Information Sharing and Access.**
  - a – i.** Read carefully. If you don't agree to these provisions, **Stop!** You and your spouse can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
  - j.** Fill out the agreement for telephone access to the child(ren). Examples for j, k, and l, include (but aren't limited to) "daily;" "once every 3 days;" etc.
  - k.** Fill out the agreement for electronic access to the child(ren).
  - l.** Fill out the agreement for contact with the child(ren) during long vacations with the child(ren).



- Paragraph 9. Communication Between Parents.** Read carefully. You don't need to fill out anything. If you don't agree with this paragraph, **Stop!** You and your spouse can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 10. Children's Clothing and Personal Items.** Put a checkmark  in the box next to any option or options to which you and your spouse agree. Put a checkmark  in the "Other" box, if needed, and explain other agreements related to clothing and personal items.
- Paragraph 11. Transportation and Exchange Arrangements Considering the Safety of the Child(ren).** The Parenting Plan must include arrangements for transportation and exchange of the minor child(ren). Put a checkmark  in the box next to the option or options to which you and your spouse agree. If an option requires additional information, fill in the information. Put a checkmark  in the "Other" box, if needed, and explain other agreements related to transportation and exchange arrangements.
- Paragraph 12. Procedure for Review and Adjustment to Parenting Plan.** Read carefully. You don't need to fill out anything. If you and your spouse don't agree with this paragraph, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 13. Changes to Residence of the Children.** Read carefully. You don't need to fill out anything. If you and your spouse don't agree with this paragraph, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Paragraph 14. Dispute Resolution.** Complete all 4 parts of Paragraph 14. The Parenting Plan must include methods for resolving disputes.
  - a.** Put a checkmark  in the box next to the option to which you and your spouse agree. If the option requires details, fill in the details. **Don't** checkmark more than one option.
  - b.** Put a checkmark  in the box next to the option to which you and your spouse agree. If the option requires details, fill in the details. **Don't** checkmark more than one option.
  - c.** Put a checkmark  in the box next to the option, or options, to which you and your spouse agree. If the option requires details, fill in the details.
  - d.** Read carefully. If you don't agree to these provisions, **Stop!** You and your spouse can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

- Paragraph 15. Compliance.** Read carefully. If you don't agree to these provisions, **Stop!** You and your spouse can't use this form or the *Filing for Divorce Together – With Children* packet of forms.
- Plaintiff Completes and Signs Page 14.** The Plaintiff must sign and date in the presence of a Notary Public or a Clerk of Court.
- Defendant Completes and Signs Page 15.** The Defendant must sign and date in the presence of a Notary Public or a Clerk of Court.  
Each spouse may sign on separate dates and at separate locations, but **both spouses must sign and date Before filing this completed packet of forms with the court.**
  - The form doesn't have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
  - If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

### **Both Spouses Must Sign Exhibit B (Form 5)!**

You can use this packet of forms **Only If** the forms are completed and signed as follows:

- Summons (Form 1)** – signed by Plaintiff and a clerk of court
- Complaint (Form 2)** – signed by Plaintiff
- Settlement Agreement (Form 3)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- Exhibit A: Property and Debt Listing (Form 4)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- Exhibit B: Parenting Plan (Form 5)** – signed by Plaintiff & Defendant in presence of notary public or clerk of court
- Confidential Information Form (Form 6)** – signed by Plaintiff & Defendant
- Admission of Service (Form 7)** – signed by Defendant
- Affidavit of Proof (Form 8)** – signed by Plaintiff in presence of notary public or clerk of court
- Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 9)** – unsigned
- Judgment (Proposed) (Form 10)** – unsigned

## Filing for Divorce Together – With Children

### Instructions for Form 6: Confidential Information Form

(Form 6: Confidential Information Form is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B 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 these instruction sheets when you serve or file the completed form.**

#### **The Plaintiff and Defendant Work Together to Complete & Sign This Form.**

**When you file your *Filing for Divorce Together – With Children* packet of forms with the North Dakota state district court, all documents, except Form 4: Exhibit A and Form 6: Confidential Information Form, are available to the public to view.**

However, certain information is protected and required to remain confidential within publically available documents filed in divorce cases.

#### **Protected Information is:**

- Social Security Number.
- Taxpayer Identification Number.
- Birthdates.
- Minor child's name.
- Financial account number.

**When you fill out the *Filing for Divorce Together – With Children* packet of forms you need to refer to Protected Information. Except for Form 4 and Form 6, when you fill out the forms, write or type ONLY:**

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

**The district court still needs to have access to the full Protected Information.** Complete Form 6: Confidential Information Form with the full Protected Information you reference in the rest of the forms.

Form 6: Confidential Information Form is filed as a confidential document and isn't available to the public to view.

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

**Plaintiff, Defendant and Minor Child(ren) Information:**

**Full Information Column**

Fill in the full, legal names, birth dates and social security numbers of the Plaintiff, Defendant and each minor child listed in Paragraph 10 of *Form 3: Settlement Agreement*.

If a minor child doesn't have a social security number, type or write "N/A."

If you have more than three minor children together, attach a sheet that lists the information for each additional child.

**Redacted Information Column**

Fill in the information as it appears in Paragraph 10 of *Form 3: Settlement Agreement*.

**Financial Account Information** (*choose one*):

**Checkmark the first box** if all financial account numbers are listed in full on *Form 4: Exhibit A: Confidential Division of Property & Debts & Values*. Go to the Date and Signature section.

**Checkmark the second box** if the last 4 digits of any financial account numbers are listed on any other form in the packet of forms. Complete the Financial Account Number section of the form.

**Full Information Column**

Fill in the full financial account number information for each financial account listed on any other form in the packet of forms **except** Form 4: Exhibit A.

**Redacted Information Column**

Fill in the last 4 digits of each financial account number.

**Plaintiff's Date and Signature:**

The Plaintiff must date and sign *Form 6: Confidential Information Form*, and fill in their address, telephone number, and email address.

**Defendant's Date and Signature:**

The Defendant must date and sign *Form 6: Confidential Information Form*, and fill in their address, telephone number, and email address.

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## Filing for Divorce Together – With Children Instructions for Admission of Service (Form 7)

(*Admission of Service (Form 7)* is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement (Form 3), Exhibit A (Form 4), and Exhibit B (Form 5) before completing the Admission of Service.)

**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 these instruction sheets when you serve or file the completed form.**

**The Plaintiff Fills Out the Caption of This Form. The Defendant Completes, Signs and Dates this Form.**

**Service of a Summons is required in every divorce case, without exception.** A completed, dated, and signed *Admission of Service (Form 7)* is your proof of service.

Service of the *Summons (Form 1)* and copies of all other completed forms listed in Paragraph 1 of the *Admission of Service (Form 7)* happens in Step Ten of the [instructions for the packet of forms](#).

- Plaintiff Fills Out the Top of Form (Caption):** Fill in the caption exactly as you filled in the caption on the *Settlement Agreement (Form 3)*.
- Defendant Completes the Form:**
  - Paragraph 1:** Fill in the date you received your copy of the completed and signed *Summons (Form 1)* and all other forms listed in Paragraph 1.
  - Paragraphs 2 & 3:** Read carefully.
  - Date and Signature:** Date and sign the form. Fill in the county, state and country where you sign this form. Fill in the lines following your signature.

**After the Defendant dates and signs *Admission of Service (Form 7)*, both spouses are required to obey the *Summons (Form 1)*.**

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## Filing for Divorce Together – With Children

### Instructions for Form 8: Affidavit of Proof for Stipulated Judgment

(Form 8: Affidavit of Proof for Stipulated Judgment is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B 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 these instruction sheets when you serve or file the completed form.**

#### **The Plaintiff Completes & Signs This Form:**

This packet of forms is designed to be presented to a North Dakota state district court judge or judicial referee without requiring a hearing. Evidence is presented by an affidavit of proof, which is the Plaintiff's written statement of the facts of the divorce.

**The judge or judicial referee may still decide to hold a hearing before making a final decision.**

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

**First Sentence:** Fill in your full, legal name.

**Paragraph 1:** Read carefully.

**Paragraph 2:** If the statement in Paragraph 2 isn't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

**Paragraph 3:** Refer to Paragraph 4 of *Form 3: Settlement Agreement* to complete Paragraph 3.

**Paragraph 4:** Refer to Paragraph 10 of *Form 3: Settlement Agreement* to complete Paragraph 4.

**Paragraph 5:** Put a checkmark (✓) next to the option that is true for you, the Plaintiff.

**Paragraph 6:** Put a checkmark (✓) next to the option that is true for the Defendant.

**Paragraph 7:** Refer to Paragraph 11 of *Form 3: Settlement Agreement* to complete Paragraph 7.

**Paragraph 8:** Refer to Paragraph 7 of *Form 3: Settlement Agreement* to complete Paragraph 8.

**Paragraphs 9, 10, 11 & 12:** Read carefully. If the statements in Paragraphs 9, 10, 11 and 12 aren't true, **Stop!** You can't use this form or the *Filing for Divorce Together – With Children* packet of forms.

**Paragraph 13:** Read carefully. Fill in your, the Plaintiff's, full name.

**Don't sign and date until you're in the presence of a Notary Public or a Clerk of Court.**

The Plaintiff signs and dates the completed form. Fill in your address, telephone number(s), and email address(es).

- The form doesn't have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

# Filing for Divorce Together – With Children

## Instructions for Form 9: Findings of Fact, Conclusions of Law and Order for Judgment

(Form 9: Findings of Fact, Conclusions of Law and Order for Judgment is part of the Filing for Divorce Together – With Children packet of forms. [Review the instructions for the packet of forms](#). You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B 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**.

**Form 9: Findings of Fact, Conclusions of Law and Order for Judgment must Exactly match your completed Form 3: Settlement Agreement.**

**Exactly** means to type or write every word, every punctuation mark, every capital letter, every checkmark, etc. exactly as you typed or wrote it in your completed *Form 3: Settlement Agreement*. **Don't** change anything! Everything you type or write in your *Form 9: Findings of Fact, Conclusions of Law and Order for Judgment* **must 100% match** your completed *Form 3: Settlement Agreement*.

**If anything you type or write in your *Form 9: Findings of Fact, Conclusions of Law, and Order for Judgment* is different from your *Form 3: Settlement Agreement*, the clerk of court, Judge, or Judicial Referee will reject your divorce forms!**

**Top of form (Caption):** Fill in the caption **Exactly** like the caption on *Form 3: Settlement Agreement*.

- Leave Case No. blank as you did on your *Form 3: Settlement Agreement*.

**Page 1 Paragraph: Don't fill in any information.** If the 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 – 19

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

- Paragraph 1:** You don’t need to type or write anything for this paragraph.
- Paragraph 2:** Put a checkmark (✓) in the **Exact** same box and fill in Plaintiff’s information **Exactly** like Paragraph 2 of *Form 3: Settlement Agreement*.
- Paragraph 3:** Put a checkmark (✓) in the **Exact** same box and fill in Defendant’s information **Exactly** like Paragraph 3 of *Form 3: Settlement Agreement*.
- Paragraph 4:** Fill in your marriage information **Exactly** like Paragraph 4 of *Form 3: Settlement Agreement*.
- Paragraphs 5 & 6:** You don’t need to type or write anything for these paragraphs.
- Paragraph 7:** Put a checkmark (✓) in the **Exact** same boxes like Paragraph 7 of *Form 3: Settlement Agreement*.
- Paragraphs 8 & 9:** You don’t need to type or write anything for these paragraphs.
- Paragraph 10:** Fill in your children’s information **Exactly** like Paragraph 10 of *Form 3: Settlement Agreement*.

If you used additional sheets, fill in the information **Exactly** like Paragraph 10 of *Form 3: Settlement Agreement*.

- Paragraph 11:** Put a checkmark (✓) in the **Exact** same box and fill in the information **Exactly** like Paragraph 11 of *Form 3: Settlement Agreement*.
- Paragraph 12:** Put a checkmark (✓) in the **Exact** same boxes like Paragraph 12 of *Form 3: Settlement Agreement*.
- Paragraph 13:** Put a checkmark (✓) in the **Exact** same box and fill in the child support information **Exactly** like Paragraph 13 of *Form 3: Settlement Agreement*.
- Paragraph 14:** Fill in Plaintiff’s income information **Exactly** like Paragraph 14 of *Form 3: Settlement Agreement*.
- Paragraph 15:** Fill in Defendant’s income information **Exactly** like Paragraph 15 of *Form 3: Settlement Agreement*.
- Paragraph 16:** Put a checkmark (✓) in the **Exact** same boxes and fill in the spousal support information **Exactly** like Paragraph 16 of *Form 3: Settlement Agreement*.

- Paragraph 17:** You don't need to type or write anything for this paragraph.
- Paragraph 18:** Put a checkmark (✓) in the **Exact** same box and fill in the Plaintiff's name information **Exactly** like Paragraph 18 of *Form 3: Settlement Agreement*.
- Paragraph 19:** Put a checkmark (✓) in the **Exact** same box and fill in the Defendant's name information **Exactly** like Paragraph 19 of *Form 3: Settlement Agreement*.

## Conclusions of Law: Paragraphs 20 – 47

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

- Paragraph 20:** Fill in the information **Exactly** like Paragraph 20 of *Form 3: Settlement Agreement*.
- Paragraphs 21 through 23:** You don't need to type or write anything for these paragraphs.
- Paragraph 24:** Put a checkmark (✓) in the **Exact** same boxes and fill in the child support information **Exactly** like Paragraph 24 of *Form 3: Settlement Agreement*.
- Paragraph 25:** Put a checkmark (✓) in the **Exact** same boxes and fill in the deviation from child support information **Exactly** like Paragraph 25 of *Form 3: Settlement Agreement*.
- Paragraph 26:** Put a checkmark (✓) in the **Exact** same box and fill in the child support information **Exactly** like Paragraph 26 of *Form 3: Settlement Agreement*.
- Paragraph 27:** Put a checkmark (✓) in the **Exact** same boxes and fill in the information **Exactly** like Paragraph 27 of *Form 3: Settlement Agreement*.
- Paragraph 28:** Put a checkmark (✓) in the **Exact** same boxes like Paragraph 28 of *Form 3: Settlement Agreement*.

If you used additional sheets, fill in the information **Exactly** like Paragraph 28 of *Form 3: Settlement Agreement*.

- Paragraph 29 through 33:** You don't need to type or write anything for these paragraphs.
- Paragraph 34:** Put a checkmark (✓) in the **Exact** same boxes like Paragraph 34 of *Form 3: Settlement Agreement*.
- Paragraph 35:** Put a checkmark (✓) in the **Exact** same boxes and fill in the medical expenses information **Exactly** like Paragraph 35 of *Form 3: Settlement Agreement*.
- Paragraph 36:** Fill in the information regarding child care costs **Exactly** like Paragraph 36 of *Form 3: Settlement Agreement*.

- Paragraph 37:** Put a checkmark (✓) in the **Exact** same boxes and fill in the child tax exemption information **Exactly** like Paragraph 37 of *Form 3: Settlement Agreement*.
- Paragraph 38:** Put a checkmark (✓) in the **Exact** same boxes and fill in the spousal support information **Exactly** like Paragraph 38 of *Form 3: Settlement Agreement*.
- Paragraphs 39 & 40:** You don't need to type or write anything for these paragraphs.
- Paragraph 41:** Put a checkmark (✓) in the **Exact** same box and fill in Plaintiff's Former Name information **Exactly** like Paragraph 41 of *Form 3: Settlement Agreement*.
- Paragraph 42:** Put a checkmark (✓) in the **Exact** same box and fill in Defendant's Former Name information **Exactly** like Paragraph 42 of *Form 3: Settlement Agreement*.
- Paragraph 43 through 47:** You don't need to type or write anything for these paragraphs.

### Order for Judgment

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

**Don't include these instruction sheets when you serve or file the completed form.**

## Filing for Divorce Together – With Children

### Instructions for Form 10: Judgment

(*Form 10: Judgment* is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms.](#) You **must complete** the Settlement Agreement, Exhibit A, and Exhibit B 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*.

***Form 10: Judgment* must **Exactly** match your completed *Form 3: Settlement Agreement*.**

**Exactly** means to type or write every word, every punctuation mark, every capital letter, every checkmark, etc. exactly as you typed or wrote it in your completed *Form 3: Settlement Agreement*. **Don't** change anything! Everything you type or write in your *Form 10: Judgment* **must 100% match** your completed *Form 3: Settlement Agreement*.

**If anything you type or write in your *Form 10: Judgment* is different from your *Form 3: Settlement Agreement*, the clerk of court, Judge, or Judicial Referee will reject your divorce forms!**

**Top of form (Caption):** Fill in the caption **Exactly** like the caption on *Form 3: Settlement Agreement*.

- Leave Case No. blank as you did in the Settlement Agreement.

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

## It is Ordered and Adjudged and Decreed as Follows: Paragraphs 1 – 28

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

- Paragraph 1:** Fill in the information **Exactly** like Paragraph 20 of *Form 3: Settlement Agreement*.
- Paragraphs 2 through 4:** You don’t need to type or write anything for these paragraphs.
- Paragraph 5:** Put a checkmark (✓) in the **Exact** same boxes and fill in the child support information **Exactly** like Paragraph 24 of *Form 3: Settlement Agreement*.
- Paragraph 6:** Put a checkmark (✓) in the **Exact** same boxes and fill in the deviation from child support information **Exactly** like Paragraph 25 of *Form 3: Settlement Agreement*.
- Paragraph 7:** Put a checkmark (✓) in the **Exact** same box and fill in the child support information **Exactly** like Paragraph 26 of *Form 3: Settlement Agreement*.
- Paragraph 8:** Put a checkmark (✓) in the **Exact** same boxes and fill in the information **Exactly** like Paragraph 27 of *Form 3: Settlement Agreement*.

- Paragraph 9:** Put a checkmark (✓) in the **Exact** same boxes like Paragraph 28 of *Form 3: Settlement Agreement*.

If you used additional sheets, fill in the information **Exactly** like Paragraph 28 of *Form 3: Settlement Agreement*.

- Paragraph 10 through 14:** You don’t need to type or write anything for these paragraphs.
- Paragraph 15:** Put a checkmark (✓) in the **Exact** same boxes like Paragraph 34 of *Form 3: Settlement Agreement*.
- Paragraph 16:** Put a checkmark (✓) in the **Exact** same boxes and fill in the medical expenses information **Exactly** like Paragraph 35 of *Form 3: Settlement Agreement*.
- Paragraph 17:** Fill in the information regarding child care costs **Exactly** like Paragraph 36 of *Form 3: Settlement Agreement*.
- Paragraph 18:** Put a checkmark (✓) in the **Exact** same boxes and fill in the child tax exemption information **Exactly** like Paragraph 37 of *Form 3: Settlement Agreement*.
- Paragraph 19:** Put a checkmark (✓) in the **Exact** same boxes and fill in the spousal support information **Exactly** like Paragraph 38 of *Form 3: Settlement Agreement*.



- Paragraphs 20 & 21:** You don't need to type or write anything for these paragraphs.
- Paragraph 22:** Put a checkmark (✓) in the **Exact** same box and fill in Plaintiff's Former Name information **Exactly** like Paragraph 41 of *Form 3: Settlement Agreement*.
- Paragraph 23:** Put a checkmark (✓) in the **Exact** same box and fill in Defendant's Former Name information **Exactly** like Paragraph 42 of *Form 3: Settlement Agreement*.
- Paragraph 24 through 28:** You don't need to type or write anything for these paragraphs.
- Paragraph 29:** Fill in the last 4 digit's of the Plaintiff's Social Security Number **Exactly** like Paragraph 2 of *Form 3: Settlement Agreement*. Fill in the last 4 digit's of the Defendant's Social Security Number **Exactly** like Paragraph 3 of *Form 3: Settlement Agreement*.

### Final Paragraph

- Leave this section blank.** If the Judge or Judicial Referee uses this form, the Clerk of Court fills in the information and dates and signs the form.

**Don't include these instruction sheets when you serve or file the completed form.**

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## Filing for Divorce Together – With Children

### Instructions for Form 11: Notice of Entry of Judgment

(*Form 11: Notice of Entry of Judgment* is part of the *Filing for Divorce Together – With Children* packet of forms. [Review the instructions for the packet of forms](#). You **must have a completed Form 10: Judgment signed and dated by the Clerk of Court** 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 these instruction sheets when you serve or file the completed form.**

#### **The Plaintiff Completes & Signs This Form:**

Within 14 days after Judgment is entered, the Plaintiff must serve a completed copy of the *Form 11: Notice of Entry of Judgment* on the Defendant.

**A copy of the signed and dated *Form 10: Judgment* and *Form 4: Exhibit A* and *Form 5: Exhibit B* must be served with the copy of the *Form 11: Notice of Entry of Judgment*.**

- Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- To:** Fill in the full, legal name of the Defendant.
- Paragraph:** Fill in the date the Clerk of Court signed the *Form 10: Judgment*. Fill in the County and City of the North Dakota District Court where the *Form 10: Judgment* was signed. Fill in the Docket Number (Index #) of the *Form 10: Judgment*.

To find the Docket Number (Index #) of the judgment:

- Go to [ndcourts.gov](http://ndcourts.gov) and click on "Search Records & Pay Fines".
- Read the information and then click "Click here to Proceed".
- From the "Select a Location" drop down menu, select the county where your divorce case was decided, or select State of North Dakota.
- Click on the "Civil, Family & Probate Case Records" link.

- Select “Case” in the “Search By:” field.
- Enter your case number in the “Case Number” field.
- Click on the “Search” box.
- Click on the link for your case number.
- Scroll through the list of documents until you find the judgment. (The date on the judgment should match the date of the judgment in the list of documents.)
- The Docket Number is shown as “Index # \_\_\_”.

**Plaintiff’s Date and Signature:** Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Print your name.
- Fill in the address lines. If you have a physical address **and** a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.
- Fill in the telephone number and email address lines.

**Make 2 Copies of Form 11: Notice of Entry of Judgment, Signed and Dated Form 10: Judgment, and Form 4: Exhibit A and Form 5: Exhibit B.**

**Make 2 copies of the completed, signed and dated Form 11: Notice of Entry of Judgment.**

- One copy for you and one for you to serve on the Defendant. You file the original with the court.

**Make 2 copies of the signed and dated Form 10: Judgment.**

- One copy for you and one for you to serve on the Defendant.

**Make 2 copies of the signed and dated Exhibits.** You **must** serve a copy of *Form 4: Exhibit A: Confidential Division of Property & Debt & Values*; **and** a copy of *Form 5: Exhibit B: Parenting Plan* on the Defendant.

- One copy for you and one for you to serve on the Defendant.

## Serve Copies of Form 11: Notice of Entry of Judgment, Form 10: Judgment, Form 4: Exhibit A and Form 5: Exhibit B.

Serve copies of the *Form 11: Notice of Entry of Judgment*, *Form 10: Judgment*, *Form 4: Exhibit A: Confidential Division of Property & Debt & Values*, and *Form 5: Exhibit B: Parenting Plan* on the Defendant or their lawyer, if the Defendant is represented.

### Gather the following copies of documents to serve on the Defendant:

- Form 11: Notice of Entry of Judgment;
- Form 10: Judgment;
- Form 4: Exhibit A: Confidential Division of Property & Debt & Values; and
- Form 5: Exhibit B: Parenting Plan.

### The person serving by mail does the following:

- The person serving by mail must be at least 18 years old.
- Put the copies of documents listed above in an envelope.
- Address the envelope with the Defendant's last known address.
  - If you know the Defendant is currently represented by a lawyer, address the envelope with the lawyer's address, **not** the Defendant's.
- List your address as the return address on the envelope.
- Put the correct first class postage on the envelope.
  - Postage must be prepaid.
  - **It's very important to put the correct postage on the envelope.** If you don't, the envelope may be returned to you causing you to miss the service deadline.
- Put the envelope in the United States mail.
- Service by mail is complete upon mailing.

## Complete the Declaration of Service by Mail Form

**The person who mailed the envelope must complete the Declaration of Service by Mail form.** (If the envelope is mailed at a United States Post Office, the United States Post Office employee **doesn't** complete Declaration of Service by Mail form.)

- Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 3: Settlement Agreement*.
- Paragraph 1:** Fill in your name.
- Paragraph 2:** The documents you served are already listed for you.
- Paragraph 3:** Review.
- Paragraph 4:** Fill in the date you served the documents listed in Paragraph 2 by mail.
- Paragraph 5:** Fill in the Defendant's name and the address where you mailed the documents listed in Paragraph 2.
- Paragraph 6:** Review carefully.

### **File Original Form 11: Notice of Entry of Judgment and Declaration of Service by Mail Form with the Clerk of Court**

File the following **original, completed** forms with the Clerk of Court where your divorce case is filed:

- Form 11: Notice of Entry of Judgment; and
- Declaration of Service by Mail.

### **What Do I Do Next?**

Review your Judgment **carefully**.

If the Judgment requires you to do certain things, such as pay off a debt, return items to your ex-spouse, get a new loan on the home, etc., you must do that now. **Failure to do so could result in an order finding you in contempt of court.**