

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.

State of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,

Case No. _____

vs

**Affidavit of Proof for
Stipulated Judgment**

Defendant.

I, _____ (*Plaintiff*), the undersigned,

state and allege as follows:

1. I am the Plaintiff in the above-entitled case.
2. I am currently a resident of the State of North Dakota, and have in good faith been a resident of the State of North Dakota for six (6) months before serving the Summons and Complaint for this case.
3. The Defendant and I were married to each other on _____ in the City of _____, County of _____, State of _____, and have since that date remained spouses.
4. The Defendant and I have _____ minor child(ren) together. The initials and year of birth of each minor child is as follows:

 Initials: _____ Year of Birth: _____

 Initials: _____ Year of Birth: _____

 Initials: _____ Year of Birth: _____
5. I am the (*choose one*) mother/ father of the minor child(ren).

6. The Defendant is the (*choose one*) mother/ father of the minor child(ren).

7. (*Choose one*)

The minor child(ren) has/have lived in North Dakota with (*choose one*) me/ the Defendant for at least six consecutive months, or since birth if less than six months old, immediately before the start of this proceeding.

North Dakota was the home state of the minor child(ren) within six months of the start of this proceeding, and (*choose one*) I continue/ the Defendant continues to reside in North Dakota.

8. (*Choose one*)

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

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

9. Irreconcilable differences exist between the Defendant and I, and these differences have made it impossible for us to continue our marriage.

10. The Defendant and I have entered into an agreement regarding distribution of property, the allocation of debts, the issues of parenting responsibility, parenting time, and child support, and all other issues of the marriage and divorce. We believe the Settlement Agreement, Exhibit A: Confidential Division of Property and Debts and Values, and Exhibit B: Parenting Plan provide for a fair and equitable division of the property and debts incurred during the marriage, the parenting rights and responsibilities determinations are in the best interests of the child(ren), and makes other appropriate determinations.

11. I have reviewed a signed copy of the Settlement Agreement, Exhibit A: Confidential Division of Property and Debts and Values, and Exhibit B: Parenting Plan, know the Defendant's signature, and agree that it appears on the Settlement Agreement, Exhibit A and Exhibit B. My signature also appears on the Settlement Agreement, Exhibit A, and Exhibit B.

12. I ask that the court adopt the Settlement Agreement, Exhibit A: Confidential Division of Property and Debts and Values, and Exhibit B: Parenting Plan as a full, complete, final and conclusive settlement of all issues pertaining to the dissolution of our marriage and that I be awarded a divorce incorporating the terms of the Settlement Agreement into the judgment.

13. I, _____, **Plaintiff**, state under penalty of perjury that the information in this Affidavit of Proof for Stipulated Judgment is true and correct.

Dated _____.

(Plaintiff's Signature) (Plaintiff's Printed Name)

(Address) (City, State, Zip Code)

(Telephone Number) (Email Address)

STATE OF _____)

COUNTY OF _____)SS

Signed and sworn before me on _____ by

_____.

(Notary Public or Clerk of Court)

If notary, my commission expires: _____