

Read Before Filling Out The Findings of Fact, Conclusions of Law & Order for Judgment (Proposed) (Form 9)

Divorce can have serious long-term legal and financial consequences. It's strongly recommended that you [consult a lawyer](#) and carefully consider all of your options.

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

This Findings of Fact, Conclusions of Law and Order for Judgment (Form 9) is part of the *Filing for Divorce Together – With Children* forms packet. You may use this packet if **All** of the following are true:

- You and your spouse are currently in communication with each other.
- Both spouses agree on **All** issues and have completed and signed Forms 3, 4 & 5.
- The spouse listed as Plaintiff has lived in North Dakota for at least the last six months.
- All of the minor children of the marriage 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 minor children of the marriage and one spouse still lives in North Dakota.

- This is the only legal action in North Dakota, any other state, or tribe between you and your spouse regarding the marriage or your minor children.
- The reason for your divorce is irreconcilable differences (*no-fault by either spouse*).
- If either spouse is currently in the military, they're not deploying or deployed.
- There's **no** domestic violence protection order or disorderly conduct restraining order currently in effect regarding either spouse.

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

Read the instructions for the forms packet and this form **Before** filling out this Findings of Fact, Conclusions of Law and Order for Judgment (Form 9). If you're unsure how to proceed, [consult a lawyer](#).

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

If this form is accepted for filing, but the judge or judicial referee assigned to the divorce decides the form is incomplete, your case may be dismissed without granting a divorce.

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

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**.

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

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

Findings of Fact: Paragraphs 1 – 19

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

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

Conclusions of Law: Paragraphs 20 – 47

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

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

Order for Judgment

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

State of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,)

Case No. _____

vs)

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

Defendant.)

A Summons and Complaint for Divorce brought under N.D.C.C. Chapter 14-05 were filed by the Plaintiff in the above-named Court.

Based on the written Settlement Agreement, Exhibit A: Confidential Division of Property and Debts and Values, and Exhibit B Parenting Plan of the parties and upon all the pleadings and proceedings, the Court makes the following:

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

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

Findings of Fact

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

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

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

Birth Year: _____

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

Employer's Name and Address: _____

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

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

Birth Year: _____

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

Employer's Name and Address: _____

4. Plaintiff and Defendant were married on _____ in the City of _____, County of _____, State of _____.

5. Plaintiff is now, and for the entire 6 months immediately before serving the Summons and Complaint, a resident of the State of North Dakota.

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

7. (Choose one)

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

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

8. Irreconcilable differences have arisen between the Plaintiff and Defendant making the continuation of the marriage impossible.

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

10. The minor child(ren) of the Plaintiff and Defendant are as follows:

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

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

State of Residence for Last 6 Months: _____

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

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

State of Residence for Last 6 Months: _____

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

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

State of Residence for Last 6 Months: _____

Additional sheets are attached. (Choose if applicable)

11. (Choose one)

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

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

12. (Choose one)

(choose one) Plaintiff/ Defendant is not pregnant.

(choose one) Plaintiff/ Defendant is pregnant. However, the (choose one) Plaintiff/
Defendant is not the father, and the child is not at issue in this proceeding.

13. Child support (choose one):

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

There is no child support order already in existence.

14. Plaintiff has the following sources of monthly income:

Source	Amount
Employment	\$
Public Assistance	\$
Social Security Benefits	\$
Unemployment/Workers Compensation	\$
Interest/Dividend Income	\$
Other (describe)	\$

15. Defendant has the following sources of monthly income:

Source	Amount
Employment	\$
Public Assistance	\$
Social Security Benefits	\$
Unemployment/Workers Compensation	\$
Interest/Dividend Income	\$
Other (<i>describe</i>)	\$

16. Spousal support (*choose one*):

Neither Plaintiff nor Defendant needs spousal support.

(*choose one*) Plaintiff/ Defendant needs spousal support from (*choose one*) Plaintiff/
Defendant.

This is because (*choose one*) Plaintiff/ Defendant is _____ years of age, has been married to (*choose one*) Plaintiff/ Defendant for _____ years, has a monthly income totaling \$_____, and because:

17. Plaintiff and Defendant own property and have outstanding debts and liabilities, all of which are listed on Exhibit A: Confidential Division of Property and Debt and Values. Exhibit A is incorporated by reference into this Findings of Fact, Conclusions of Law and Order for Judgment.

18. Plaintiff wants to restore their name. Yes No

If **Yes**, the new name is _____.

Plaintiff has no intent to defraud or mislead anyone by changing their name.

19. Defendant wants to restore their name. Yes No

If **Yes**, the new name is _____.

Defendant has no intent to defraud or mislead anyone by changing their name.

From The Above And Foregoing, the Court now makes and enters the following:

Conclusions of Law

20. **Jurisdiction:** The District Court, _____ County, North Dakota, has jurisdiction over the parties and subject matter of the present action and that the proper venue of this action is in the District Court, _____ County, North Dakota. **21.**

Divorce And Court Approval. The Plaintiff is awarded an absolute Decree of Divorce on the grounds of irreconcilable differences, all in accordance with the provisions of the North Dakota Century Code.

22. **Parental Rights And Responsibilities** (*Paragraph 22 continues on next page*): The parties shall have the parental rights and responsibilities as set forth in North Dakota Century Code Section 14-09-32, which are as follows:

- a. The right to access and obtain copies of the child's educational, medical, dental, religious, insurance, and other records or information.
- b. The right to attend educational conferences concerning the child. This right does not require any school to hold a separate conference with each parent.
- c. The right to reasonable access to the child by written, telephonic, and electronic means.

d. The duty to inform the other parent as soon as reasonably possible of a serious accident or serious illness for which the child receives health care treatment. The parent must provide to the other parent a description of the serious accident or serious illness, the time of the serious accident or serious illness, and the name and location of the treating health care provider.

e. The duty to immediately inform the other parent of residential telephone numbers and address, and any changes to the same.

f. The duty to keep the other parent informed of the name and address of the school the child attends.

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

24. Child Support: In accordance with the North Dakota Child Support Guidelines and N.D.C.C. § 14-09-09.7 (*choose one; Paragraph 24 continues on next page*):

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

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

Since primary residential responsibility shall be with Defendant, Plaintiff shall pay

\$_____ per month as and for child support based on net monthly income of _____ . Plaintiff's income was determined by (*explain*):

Plaintiff and Defendant have equal residential responsibility. Based on Plaintiff's net monthly income of \$_____ and child support obligation of \$_____, and Defendant's net monthly income of \$_____ and child support obligation of \$_____, child support amounts will be offset for payment purposes. The lesser obligation of \$_____ owed by (*choose one*) Plaintiff/ Defendant will be subtracted from the greater obligation of \$_____ owed by (*choose one*) Plaintiff/ Defendant. (*Choose one*) Plaintiff/ Defendant shall pay the difference of \$_____ per month. If child support rights become assigned because the child(ren) receives public assistance, the offset is no longer allowed. Each parent will be responsible for paying the full amount the parent's obligation as long as the assignment is in effect.

25. Deviation from child support calculator (*choose one; Paragraph 25 continues on next page*):

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

The child support amount listed in Paragraph 24 does not deviate from the child support calculator.

The child support amount listed in Paragraph 24 deviates from the child support calculator.

\$_____ is the presumptively correct child support amount. Pursuant to N.D.C.C. §

14-09-09.7, the presumption is rebutted because (*explain*): _____

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

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

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

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

_____.

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

27. The support obligation of (*choose one*) Plaintiff/ Defendant for the minor children shall continue (*choose one*):

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

_____.

Until the last day of the month in which the child reaches age eighteen (18), unless the child is still in high school and still living at that time with the parent receiving support. If support is to continue or resume after the month in which the child reaches age eighteen (18), the parent receiving support must file the Affidavit of Custodial Parent with the court. If the affidavit is filed, child support will continue or resume until the last day of the month in which the child graduates or reaches age nineteen (19), whichever comes first. Unless the step-down child support obligation is specified in Paragraph 28, a child support obligation for more than one child will not automatically be reduced when the support obligation expires for the oldest child.

28. Step-down child support obligation (*choose one; Paragraph 28 continues on next page*):

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

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

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

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

After child support terminates for one child, (*choose one*) Plaintiff/Defendant shall pay \$_____ child support per month. The first payment is due on the day indicated in Paragraph 26 on the first month after child support terminates for one child. Subsequent payments are due on each successive month on the day indicated in Paragraph 26 **until** child support terminates for a second child.

After child support terminates for two children, (*choose one*) Plaintiff/ Defendant shall pay \$_____ child support per month. The first payment is due on the day indicated in Paragraph 26 on the first month after child support terminates for one child. Subsequent payments are due on each successive month on the day indicated in Paragraph 26 **until** child support terminates for a third child.

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

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

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

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

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

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

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

34. Health Insurance (*Paragraph 34 continues on next page*): In accordance with the provisions of N.D.C.C. § 14-09-08.10, the parent with physical custody of the minor child(ren) must provide satisfactory health insurance for the minor child(ren) whenever that coverage is available at no or nominal cost, now or in the future.

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

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

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

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

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

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

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

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

36. Childcare Costs: Plaintiff and Defendant must divide childcare costs in the following way: _____

37. Child Tax Exemption (*Paragraph 37 continues on next page*): Only one party may claim a deduction for each child on their income tax return. Each party must execute any IRS or similar forms to allow the other party to take the exemption, deduction and credit in the appropriate years.

(Choose one):

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

(P = Plaintiff, D = Defendant)

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

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

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

Other: _____

_____.

38. Spousal Support (choose one):

Defendant must pay to Plaintiff the amount of \$_____ per month as and for spousal support for a period of _____, beginning _____.

Plaintiff must pay to Defendant the amount of \$_____ per month as and for spousal support for a period of _____, beginning _____.

Neither Plaintiff nor Defendant are awarded general term or rehabilitative spousal support and the court shall be divested from any jurisdiction to make any awards of spousal support in the future.

39. Property And Debt: Plaintiff and Defendant shall be awarded the property, debts, and liabilities as stated on Exhibit A: Confidential Division of Property and Debt and Values. Exhibit A is incorporated by reference into this Findings of Fact, Conclusions of Law and Order for Judgment.

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

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

41. Plaintiff's Former Name (choose one):

Plaintiff does not want to restore their name.

Plaintiff, presently known as _____

and year of birth _____, will be restored to their former name of

_____ in any Judgment issued herein

and will be known thereafter as _____.

42. Defendant's Former Name (choose one):

Defendant does not want to restore their name.

Defendant, presently known as _____

and year of birth _____, will be restored to their former name of

_____ in any Judgment issued herein

and will be known thereafter as _____.

43. Remarriage: There shall be no restrictions on remarriage.

44. Execution Of Required Documents: The parties must, within ten (10) days from the date of Entry of Judgment, or upon presentation, whichever occurs first, execute any document, transfer papers, titles or other documents required to effect the terms and provisions of the Judgment. In the event that a party fails to sign transfer papers, as required, the Judgment shall operate to transfer title to property, as awarded.

45. Effects Of Bankruptcy: The division of property set forth in this Findings of Fact, Conclusions of Law and Order for Judgment, including the payment of debts, is made with the understanding that the party assuming such debt shall and will have sufficient assets and income to serve the debts, and that neither party will file bankruptcy. The net value of the property received by one party will be substantially impaired if the other party would be required to pay debts or obligations assumed by that party as set forth in this Findings of Fact, Conclusions of Law and Order for Judgment. Accordingly, if either party files bankruptcy and it results in the other party having to pay any debts or obligations by the parties set forth in this Findings of Fact, Conclusions of Law and Order for Judgment, then the aggrieved party shall be entitled to relief under Rule 60 of the North Dakota Rules of Civil Procedure and grounds for relief will exist within the meaning of Rule 60.

46. Full Disclosure And Reliance: The parties warranted to each other that there has been accurate, complete and current disclosure of all income, assets, and liabilities.

47. Waiver Of Counsel: The parties acknowledged that each has the right to be represented by a lawyer of his or her choice. The parties expressly waived that right and freely and voluntarily entered into the Settlement Agreement which became a basis for the Findings of Fact, Conclusions of Law and Order for Judgment and Judgment.

Order for Judgment

Let Judgment Be Entered Accordingly.

(Judge/Judicial Referee of District Court)