

Read Before Filling Out The Judgment (Proposed) (Form 10)

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 Judgment (Form 10) is part of the *Filing for Divorce Together – With Children* forms packet. You may use this forms 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 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 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 this forms packet.

Read the instructions for the forms packet and this form **Before** filling out this Judgment (Form 10). 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 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 9: Findings of Fact, Conclusions of Law and Order for Judgment**.

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

Page 1 Introductory Paragraph: Don't fill in any information. If the Court uses this form, the Clerk of Court will 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 the "Conclusions of Law" section of your completed *Form 9: Findings of Fact, Conclusions of Law and Order for Judgment*.

Copy the information **Exactly** from each paragraph of the "Conclusions of Law" section of your completed *Form 9: Findings of Fact, Conclusions of Law and Order for Judgment* into the corresponding paragraphs of *Form 10: Judgment*.

Paragraph 29

Fill in the last four digits of the Plaintiff's Social Security Number and the last four digits of the Defendant's Social Security Number.

Final Paragraph

Leave this section blank. If the Court uses this form, the Clerk of Court will fill in the information and date and sign the form.

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

State of North Dakota

In District Court

County Of _____

_____ Judicial District

Plaintiff,

Case No. _____

vs

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, and having made its Findings of Fact, Conclusions of Law and Order for Judgment:

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. The Court having reviewed the 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, and being fully advised in the premises, and having made its Findings of Fact, Conclusions of Law and Order for Judgment:

It is Ordered and Adjudged and Decreed as Follows:

1. 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.

2. 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.

3. Parental Rights And Responsibilities: 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.

4. **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 Judgment.

5. **Child Support:** In accordance with the North Dakota Child Support Guidelines and N.D.C.C. § 14-09-09.7 (choose one; Paragraph 5 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.

6. Deviation from child support calculator (choose one; Paragraph 6 continues Page 5):

- Does not apply.** A child support order already exists for the child(ren)
- The child support amount listed in Paragraph 5 does not deviate** from the child support calculator.
- The child support amount listed in Paragraph 5 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*)

7. **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.

8. The support obligation of (*choose one*) Plaintiff/ Defendant for the minor children shall continue (*choose one; Paragraph 8 continues on next page*):

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 9, a child support obligation for more than one child will not automatically be reduced when the support obligation expires for the oldest child.

9. Step-down child support obligation (*choose one*):

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

Does not apply. This 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 Judgment applies. **The step-down child support obligation is:**

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 7 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 7 **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 7 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 7 **until** child support terminates for a third child.

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

10. 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.

11. 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.

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

13. 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.

14. 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:

- a. Social Security number;
- b. Home address, mailing address, and any change of address;
- c. Telephone number;
- d. Driver license number;
- e. Employer's name, address, and telephone number;
- f. Electronic mail address; and
- g. 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.

15. Health Insurance: 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.

16. Uninsured and Unreimbursed Medical Expenses (*Paragraph 16 continues on next page*): 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.

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

_____.

18. Child Tax Exemption: 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 (*Paragraph 18 continues on next page*).

(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: _____

_____.

19. Spousal Support (choose one; Paragraph 19 continues on next page):

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.

20. 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 Judgment.

21. 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.

22. 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 _____.

23. 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 _____.

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

25. 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.

26. Effects Of Bankruptcy: The division of property set forth in this 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 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 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.

27. 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.

28. 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 Judgment.

29. In accordance with North Dakota Century Code Section 14-05-02.1:

Plaintiff's Social Security Number is XXX-XX-_____.

Defendant's Social Security Number is XXX-XX-_____.

Witness the hand and seal of this Court in the City of _____,

State of North Dakota, on _____, Clerk of the District Court,

County of _____.

(Clerk of the District Court)

Civil No. _____