

# 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 past 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 the 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 regarding either spouse.

## 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 need to create your own documents, 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 the 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 the 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 the you and your spouse are planning to divide individual pension or retirement plans between the you.**

If neither spouse has pension nor retirement plans, **Or** the spouses will 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 to divide these 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 generally 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 against either spouse, 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, this packet of forms may not be suitable.

Before using this packet of forms, consult a lawyer and to contact a domestic violence intervention center in your area to help you navigate your situation.

CAWS North Dakota can help you find a domestic violence intervention center in your area. The phone number is (888) 255-6240; the website is [cawsnorthdakota.org](http://cawsnorthdakota.org).

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## 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 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 from the judge or judicial referee. 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 and the parenting rights and responsibilities to the minor child(ren).  After completing Form 3, Plaintiff and Defendant must each sign in the presence 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 upon 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 the presence 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 parenting rights and responsibilities. The agreement must be based on the best interests of the children, not the spouses.</p> <p>Both Plaintiff and Defendant must sign in the presence 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 action.</p> <p>Plaintiff must sign in the presence 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 the Settlement Agreement.
<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 the Settlement Agreement.

## 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, it could result in the clerk not accepting the forms for filing, or the court may send the form 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 answer why there are blanks in the form.

**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 the **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 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 the 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** your 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), 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), 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), and Exhibit B: Parenting Plan (Form 5) Only if you and your spouse agree on all issues in each form.**

You make copies of the completed Settlement Agreement (Form 3), Exhibit A: Confidential Division of Property and Debt and Values (Form 4), 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.**

### **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 to divide these assets.

The separate court order is called a qualified domestic relations order (QDRO) and 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.

## **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, it could result in the clerk not accepting the forms for filing, or the court may send the form 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 answer why there are blanks in the form.

#### **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. Exhibit B: Parenting Plan (Form 5);
6. Confidential Information Form (Form 6);
7. Affidavit of Proof for Stipulated Judgment (Form 8);
8. Findings of Fact, Conclusions of Law and Order for Judgment (Form 9) – **Not Signed**; and
9. 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.

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## 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
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)
  - 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 filing fee.** The filing fee for a divorce action is currently \$80.00. 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 request to determine whether you must 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, the judge or judicial referee may decide to hold a hearing.** If the judge or judicial referee requires a hearing, you're notified of the date, time and location of the hearing. If you fail to attend the hearing, 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 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.

**Warning: You're Not Divorced Until the Judgment is 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.**