

INSTRUCTIONS FOR DIVORCE WITH A WRITTEN AGREEMENT – WITH CHILDREN

IMPORTANT! READ BEFORE USING THESE FORMS AND INSTRUCTIONS

ND Legal Self Help Center staff and court employees cannot help you fill out forms.

If you are unsure how to proceed, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.

To protect your rights, carefully read this information and any instructions to which you are referred.

When you represent yourself, you must abide by the following:

- State or federal laws that apply to your case;
- 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 can be found at www.ndcourts.gov.

When you represent yourself, you are held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you are unsure if these forms and instructions suit your circumstances, consult a lawyer.

A glossary with definitions of legal terms is available at www.ndcourts.gov/legal-self-help.

These instructions and forms are not a complete statement of the law. They cover the basic procedure for asking a North Dakota District Court for a divorce that includes children and the spouses agree in writing on all issues related to the divorce. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center is not responsible for any consequences that may result from the forms or information provided. Use at your own risk.

You may only use these forms if your answer to ALL of the following statements is “Yes.”

1. Both spouses are currently in communication with each other.
2. Both spouses agree on all issues. (*See Forms 3 and 4 for all issues on which you must agree.*)
3. One of the spouses 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. There is no other custody, visitation, divorce, legal separation or paternity order from a North Dakota court or court of another state.
6. This is the only legal action pending between the spouses regarding the marriage or the minor children.
7. Neither spouse is currently in the military; ***OR*** one or both spouses are currently in the military but not deploying or deployed.
8. There is no domestic violence protection order or disorderly conduct restraining order currently in effect regarding either spouse.

If you answered “No” to any of the above, you may not use this forms packet.

BEFORE YOU BEGIN – REVIEW FORM 3 AND FORM 4

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

Forms 3 and 4 make up the full written agreement for your divorce. If you believe that you and your spouse can reach an agreement on every paragraph of Forms 3 and 4, continue.

If you **do not** believe that you and your spouse can reach an agreement on every paragraph of Forms 3 and 4, this set of forms may not be suitable.

IF YOU DO NOT MEET THE REQUIREMENTS OF WHO MAY USE THIS PACKET OF FORMS

If your situation does not meet the requirements of who may use this packet of forms, you may still bring a summary divorce or a contested divorce action to a North Dakota District Court.

To see if you meet the requirements for a summary divorce, review the summary divorce instructions and forms available at www.ndcourts.gov/legal-self-help/divorce.

If you do not meeting the requirements for a summary divorce, review the Contested Divorce Information Guide available at www.ndcourts.gov/legal-self-help/divorce.

If you decide to represent yourself in a contested divorce, you will need to create your own legal documents, or retain an attorney to create the legal documents for you. Examples of many of the legal documents you will need to create are available at the end of the Contested Divorce Informational Guide.

CAUTION REGARDING DOMESTIC VIOLENCE.

Domestic violence protection orders and disorderly conduct restraining orders generally do not allow communication between the person protected by the order and the person the order is against.

This packet of forms is designed to be used by spouses who represent themselves and agree on all issues related to the divorce and minor child(ren). The spouses must be in communication with each other to share information, make decisions and complete the forms before filing with the Clerk of Court. If there is a domestic violence protection order or disorderly conduct restraining order in effect against either spouse, you may not use these forms.

If there is no domestic violence protection order or disorderly conduct restraining order in effect, but you are concerned about the impact of domestic violence on you or your child(ren), this packet of forms may not be suitable. Before using this packet of forms, you are strongly urged to 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) 255-6242; the website is www.cawsnorthdakota.org.

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NORTH DAKOTA LAWS RELATED TO DIVORCE AND PARENTING RIGHTS AND RESPONSIBILITIES:

[Chapter 14-05 of the North Dakota Century Code](#) governs divorce.

[Chapter 14-09 of the North Dakota Century Code](#) governs parenting rights and responsibilities, such as custody, visitation, and child support.

[Chapter 14-14.1 of the North Dakota Century Code](#) is the Uniform Child Custody Jurisdiction and Enforcement Act. This Chapter governs when a North Dakota district court has the authority to make binding decisions on determining parenting rights and responsibilities.

Chapter 14-05, 14-09 and 14-14.1 are Chapters within [Title 14 of the North Dakota Century Code](#). There are many other laws related to families in Title 14. You may find them of interest.

Laws constantly change through legislation, administrative rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws apply to your situation.

DEFINITIONS:

******The following definitions are intended to be helpful, BUT they are not intended to constitute legal advice OR address every possible meaning of the terms in this section.******

Assets – everything owned by owned by either spouse, whether owned jointly or individually. Assets include, but are not limited to, real property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

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.

Debts – (also called Liabilities) everything owned by either spouse, whether owned jointly or individually. Debts include, but are not limited to, mortgages, 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 do not permit family members to move to the deployment location.

Equitable distribution – (also called Equitable Division) marital property is distributed equitably (fairly) in a divorce. A court would make an equitable distribution based on the following factors:

- Respective ages of the spouses;
- Earning ability;
- Duration of the marriage and conduct of the spouses during the marriage;
- Station in life;
- Circumstances and necessities of the spouses;
- Health and physical condition;
- Financial circumstances as shown by the property owned at the time;
- Value of the property owned at the time;
- Income-producing capacity of the property owned at the time, if any;
- Whether the property was accumulated before or after the marriage; and
- Any other matters that may be material.

Generally, the factors above are applied when spouses do not agree. However, a court has the authority to decide whether a settlement agreement between the spouses was entered into as a result of mistake, duress, menace, fraud, or undue influence.

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.

Marital property – all of the assets and debts owned by either spouse, whether owned jointly or individually.

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 schedule – the schedule of when the child is in the care of each parent.

Parenting time – the time when the child is to be in the care of a parent. (Also known as visitation.)

Personal property – every kind of property that is not real property. (See real property definition below.) Personal property includes, but is not limited to, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

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

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 www.dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce.

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 WILL NOT draft a QDRO for you. The ND Legal Self Help Center DOES NOT have QDRO forms or instructions. Consulting a lawyer is strongly recommended when dividing a retirement asset!

Real property – land either with or without buildings upon it. For example, a home is real property. (Also known as real estate.)

Residency requirement – the amount of time a spouse must live in North Dakota before they can ask a North Dakota district court to grant a divorce. The residency requirement for North Dakota is 6 months.

Residential responsibility – a parent's responsibility to provide a home for the child. (Also known as custody.)

THE PARTIES:

The spouse starting the divorce action is called the **Plaintiff**. The other spouse is called the **Defendant**.

The spouse who will be listed as Plaintiff to this divorce action should be a spouse who can answer “Yes” to Statement #3 on page 1 of these instructions. If neither spouse can answer “Yes” to Statement #3, you may not use this packet of forms.

DIVIDING PENSION OR RETIREMENT PLANS:

Read this section if the spouses are planning to divide individual pension or retirement plans between the spouses.

If neither spouse has pension nor retirement plans, OR the spouses will keep their own pension or retirement plans, without dividing an individual plan, move to STEP ONE.

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order to divide these assets.

The separate court order is called a qualified domestic relations order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. **The court will not draft a QDRO document or an order including a QDRO.**

See STEP FIVE for more information about how to obtain a proposed QDRO before you file the completed forms packet with the Clerk of Court.

The ND Legal Self Help Center does not have QDRO forms or instructions and cannot assist with drafting or obtaining QDRO's. Consulting a lawyer is strongly recommended when dividing a retirement asset!

FORMS IN THE PACKET:

See the individual form for instructions to complete the form.

Form Title	Description
Form 1: Summons <i>(Plaintiff completes)</i>	Notifies the Defendant that the Plaintiff started the process for a divorce. <u>The summons must be signed and dated by the clerk of court to be valid.</u>
Form 2: Complaint <i>(Plaintiff completes)</i>	Gives the court information about the Plaintiff and Defendant, and their children. Tells the court what the Plaintiff is asking for from the court.
Form 3: Settlement Agreement <i>(Plaintiff & Defendant complete)</i>	A written and signed agreement of the Plaintiff and Defendant determining all issues of the divorce and the parenting rights and responsibilities to the minor child(ren). Both Plaintiff and Defendant must sign in the presence of a notary public or clerk of court.
Form 4: Exhibit A: Confidential Division of Property & Debt & Values <i>(Plaintiff & Defendant complete)</i>	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. Both Plaintiff and Defendant must sign in the presence of a notary public or clerk of court. This form is a part of the court record that is not seen by the public.
Form 5: Confidential Information Form <i>(Plaintiff & Defendant complete)</i>	Lists the full confidential information that is not allowed to appear in other documents filed with the court. This form is a part of the court record that is not seen by the public.
Form 6: Admission of Service <i>(Defendant completes)</i>	Proof that copies of the completed Form 1: Summons, Form 2: Complaint, and Form 4: Exhibit A: Confidential Division of Property & Debt & Values were delivered to and accepted by the Defendant.
Form 7: Affidavit of Proof for Stipulated Judgment <i>(Plaintiff completes)</i>	The Plaintiff's written and signed statement of the facts and the court's authority (jurisdiction) to decide the action. Plaintiff must sign in the presence of a notary public or clerk of court.

<p>Form 8: Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) <i>(Complete using Form 3)</i></p>	<p>Findings of Fact are the Court’s written determination of the facts made from the evidence presented. Conclusions of Law are the rulings of law made by the Court based on, or in connection with, the Findings of Fact. These are your <u>proposed</u> findings of fact and conclusions of law, which are based on the Settlement Agreement.</p>
<p>Form 9: Judgment (Proposed) <i>(Complete using Form 3)</i></p>	<p>A written order of the judge’s decision. The divorce is not granted until the judgment is signed and filed. This is your <u>proposed</u> judgment, which is based on the Settlement Agreement.</p>
<p>Form 10: Notice of Entry of Judgment <i>(Plaintiff completes)</i></p>	<p>A required notice from the Plaintiff to the Defendant. Served on the Defendant within 14 days after the judgment is entered.</p>

**STEP ONE:
Review the Forms and Instructions; Gather Information and Make Decisions**

Review the forms and instructions:

Read these instructions carefully. Review the individual forms and their instructions carefully. Determine if the forms apply to your situation. If you do not know if you should use this packet of forms, consult a lawyer who is licensed to practice in North Dakota.

Gather information and Make Decisions:

Both spouses should gather information to help make decisions about the following:

- Dividing marital property.
 - 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 known as custody.)
- Parenting time, including scheduling. (Also known as 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 do not need new child support calculations.

If you do not already have a Child Support Order, you need to complete your child support calculations before either parent signs the Settlement Agreement. If you do not want to establish child support at this time, you may not use this packet of forms.

The Child Support Division of the North Dakota Department of Human Services created and provides support for the Child Support Guidelines Calculator. You will find the Calculator at <http://www.nd.gov/dhs/services/childsupport/progserv/guidelines/guidelines.html>.

The Child Support Division may be able to provide some assistance with your child support calculations. (701-328-5440; 800-231-4255) Court personnel and staff of the ND Legal Self Help Center cannot assist with child support calculations.

Proceed to the Child Support Guidelines Calculator. You can complete your child support calculations in Excel or on paper. Read and follow the instructions carefully!

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 court to allow a parent to pay a different amount of child support than the Child Support Guidelines Calculator amount, you are strongly urged to consult a lawyer for assistance. The Calculator amount is presumed to be the correct amount of child support. The parent asking for a deviation from 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](#).

STEP TWO:

Fill out the “Summons” and “Complaint” Forms; Make Copies

Fill out the Summons (Form 1):

The Summons (Form 1) tells the Defendant that the Plaintiff has filed a lawsuit against him or her asking the North Dakota District Court to grant a divorce. The Summons also tells the Defendant that if he or she does not file a written Answer to your lawsuit, the Court may give the Plaintiff everything they ask for in the lawsuit.

Filling out this form is required even though you and the other parent agree on all issues in the divorce action.

Instructions for completing the Summons are attached to the form.

Both parties are required to obey the Summons. **Read it carefully!**

Take the completed summons form to the clerk of district court of the North Dakota county where you intend to file the completed packet of forms. The clerk of district court must sign the summons before you complete STEP FOUR.

Fill out the Complaint (Form 2):

Fill out the Complaint (Form 2). The Complaint is divided into three parts. The first part gives the Court information about both spouses, your minor child(ren), and your property. The second part tells the Court and the Defendant what the Plaintiff is asking for from the Court. The third part is the Plaintiff’s sworn statement to the Court that the Plaintiff is telling the truth.

Instructions for completing the Complaint are attached to the form.

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

Make Copies of Completed “Summons” and “Complaint” Forms:

Make TWO copies of the completed Summons (Form 1) and TWO copies of the completed Complaint (Form 2). Keep one copy for yourself. You will give one copy to the Defendant in STEP FOUR.

STEP THREE:

Fill out the “Settlement Agreement,” “Exhibit A: Confidential Division of Property and Debt and Values,” and “Confidential Information” Forms

THE COURT WILL NOT ACT ON THE SETTLEMENT AGREEMENT IF THE SETTLEMENT AGREEMENT AND EXHIBIT A: CONFIDENTIAL DIVISION OF PROPERTY AND DEBT AND VALUES DO NOT HAVE THE NOTARIZED SIGNATURES OF BOTH THE PLAINTIFF AND DEFENDANT.

Fill out the Settlement Agreement and the Exhibit A: Confidential Division of Property and Debt and Values forms ONLY if both spouses agree on all issues. If agreement has not been reached on every issue, you may not use this packet of forms.

The Settlement Agreement (Form 3) and the Exhibit A: Confidential Division of Property and Debt and Values (Form 4) tells the Court that the spouses have reached an agreement settling all of the issues involved in this divorce action. It also tells the Court exactly what the terms of the agreement are.

Instructions for completing the Settlement Agreement and the Exhibit A: Confidential Division of Property and Debt and Values are attached to each form.

The Settlement Agreement is not completed until the date from the completed Admission of Service (Form 6) is filled in.

Fill out the Confidential Information Form (Form 5). Instructions for completing the Confidential Property is attached to the form.

A Note About Confidential Information In Documents Filed with the Court:

Court records are generally available to the public, and anyone can request to look in almost any court file. However, certain information is required to remain confidential, even if it is part of a public court record.

You and your spouse are solely responsible for making sure confidential information does not appear in the documents you each prepare. Confidential information includes:

- Social security numbers
- Taxpayer identification numbers
- Birthdates
- Financial-account numbers.

Documents filed with the Court with references to confidential information must include only:

- The last four (4) digits of the social security number and taxpayer identification number
- The year of birth
- The last four (4) digits of the financial-account number

Since the forms in this packet include references to confidential information, you must prepare a Confidential Information form. The form must contain the full confidential information that is referenced in the documents.

STEP FOUR:

Sign and Date the “Settlement Agreement” Form; Serve the “Summons” and “Complaint” Forms on the Defendant

Sign and Date the Settlement Agreement:

The Settlement Agreement is not completed until the date from the completed Admission of Service (Form 6) is filled in.

Get Defendant’s Signatures on the Settlement Agreement, Exhibit A: Confidential Division of Property and Debt and Values, and Confidential Information Form:

If the Defendant has not already signed the completed Settlement Agreement (Form 3) and Exhibit A: Confidential Division of Property and Debt and Values (Form 4), and Confidential Information Form (Form 5) send or give the original, completed Settlement Agreement and Exhibit A: Confidential Division of Property and Debt and Values, and Confidential Information Form (Form 5) to the Defendant.

Ask the Defendant to do the following:

- Sign the Settlement Agreement, Exhibit A: Confidential Division of Property and Debt and Values, and Confidential Information Form.
- Make a copy of each for the Defendant’s records.
- Return the original, signed Settlement Agreement, Exhibit A: Confidential Division of Property and Debt and Values, and Confidential Information Form to you.

Serve One Copy of the Completed “Summons” and “Complaint” Forms on the Defendant:

Fill out the caption of the Admission of Service (Form 6).

Send or give the following to the Defendant:

- One copy of the completed Summons;
- One copy of the completed Complaint; and
- The original Admission of Service.

Ask the Defendant to do the following:

- On the Admission of Service, fill in the Defendant's full, legal name and the date the Defendant received their completed copies of the Summons and Complaint;
- Sign the Admission of Service;
- Make a copy of the Admission of Service for the Defendant's records; and
- Return the original, completed Admission of Service to you.

Make a copy of the original, completed Admission of Service for your records.

WARNING: Once the Defendant receives copies of the completed Summons and Complaint, and the Defendant dates and signs the Admission of Service, neither 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 does not 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.

After all documents are signed by the Defendant and returned to you, proceed to Step Five.

STEP FIVE (OPTIONAL):

Obtain a Proposed Qualified Domestic Relations Order (QDRO)

Complete this section **ONLY** if the spouses are dividing individual pension or retirement plans between the spouses.

If neither spouse has pension nor retirement plans, OR the spouses kept their own pension and retirement plans, without dividing an individual plan, you may skip this step.

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order to divide these assets. **The separate court order is called a qualified domestic relations order (QDRO)** and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. **The court will not draft a QDRO document or an order including a QDRO.**

For more information about QDRO's, go to www.dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce.

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.

DO NOT 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 EIGHT.

*****The ND Legal Self Help Center does not have QDRO forms or instructions and cannot assist with drafting or obtaining QDRO's. 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 are giving up any important benefits.*****

PROCEED TO STEP SIX AFTER YOU HAVE COMPLETED STEPS ONE THROUGH FIVE.

STEP SIX:

Fill out the "Affidavit of Proof for Stipulated Judgment" Form

This forms packet is designed to be presented to a North Dakota District Court without requiring an in-person hearing. Evidence is presented by affidavit, which is a written statement of the facts of the divorce action.

Please be aware that the Court may still request an in-person hearing before making a final decision.

Fill out the Affidavit of Proof for Stipulated Judgment (Form 7). This is the Plaintiff's written statement of the facts of the action.

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

Make a copy of the completed Affidavit of Proof for Stipulated Judgment for your records.

STEP SEVEN:

Fill out the “Findings of Fact, Conclusions of Law and Order for Judgment” AND the “Judgment” Forms

Findings of fact are the Court’s written determination of the facts made from the evidence presented in the divorce action. This explains what facts the Court found to be true.

Conclusions of law are the rulings of law made by the Court based on, or in connection with, the findings of fact. These are the legal consequences of the facts the Court found to be true.

The Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) are your **PROPOSED** findings of fact, conclusions of law and order for judgment for the divorce. The Judge or Referee assigned to your action will decide whether to grant your divorce. The Judge or Referee will also decide whether to use your proposed findings of fact, conclusions of law and order for judgment.

The Judgment (Form 9) is your **PROPOSED** judgment for divorce. If the Judge or Referee assigned to your action grants your divorce and uses your proposed findings of fact, conclusions of law and order for judgment, the Clerk of Court will sign and date your proposed judgment.

Fill out the Findings of Fact, Conclusions of Law and Order for Judgment and the Judgment.

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

Make a copy of the completed Findings of Fact, Conclusions of Law and Order for Judgment and the Judgment for your records.

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STEP EIGHT:

File All of the Completed Forms with the Clerk of Court

Take or mail the completed **ORIGINAL** of each of the following documents to the Clerk of Court's Office in the County where your action is located:

- Summons (Form 1);
- Complaint (Form 2);
 - Include any additional sheets.
- Settlement Agreement (Form 3);
 - Include any additional sheets and/or child support calculations.
- Exhibit A: Confidential Division of Property and Debts and Values (Form 4)
 - Include any additional sheets.
- Confidential Information Form (Form 5);
- Admission of Service (Form 6);
- Affidavit of Proof for Stipulated Judgment (Form 7);
- Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8);
 - Include any additional sheets.
- Judgment (Proposed) (Form 9); and
 - Include any additional sheets.
- All proposed QDRO's. (If you divided pension or retirement plans.)

You will need to pay a filing fee. The filing fee for a divorce action is \$80.00.

If you cannot afford to pay the filing fee, the judge may waive it under certain circumstances. Forms and instructions to request an order to waive filing fees are available at www.ndcourts.gov/legal-self-help by clicking on the "Filing Fee Waiver Request – District Court/Small Claims Court" link under "Miscellaneous". File the completed forms when you file your action. If your request is not granted by the Court, you must be prepared to pay the filing fee or the Clerk of Court cannot accept your documents.

The original documents will be kept in the court file. The Clerk of Court will assign a case number to your case and send you a letter telling you the case number and the date that your documents were filed.

After the Court reviews all of the paperwork, the Court might require a hearing. If the Court requires a hearing, you will be notified of the date, time and location of the hearing. You must attend the hearing. If you fail to attend the hearing the Court may not grant your divorce. If the Court approves the Settlement Agreement, the Clerk of Court will send you and the Defendant a copy of the Judgment telling you the judge signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment has been filed which means the divorce is granted and is final.

If the Court does not require a hearing and the Court approves the Settlement Agreement, the Clerk of Court will send you and the Defendant a copy of the Judgment telling you the judge has signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment, has been filed which means the divorce is granted and is final.

WARNING: THE DIVORCE IS NOT GRANTED AND FINAL UNTIL THE JUDGMENT IS FILED.

STEP NINE:

Serve the Notice of Entry of Judgment on the Defendant; File Proof of Service

Within 14 days after the divorce judgment is entered, the Plaintiff must serve a Notice of Entry of Judgment (Form 10) on the Defendant. Fill out the form and follow the instructions for service on the Defendant. You must include a copy of the Judgment when you serve the completed Notice of Entry of Judgment.

Instructions for completing and serving the Notice of Entry of Judgment are attached to the form.

After service is complete, file the original completed Notice of Entry of Judgment and proof of service on the Defendant with the Clerk of Court.