

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed interim order so it is accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult an attorney. The ND Legal Self Help Center cannot review your document or advise you.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff))
 PLAINTIFF,)
Vs)
))

(Defendant))
 DEFENDANT.)
))

Case No. _____

FINDINGS AND INTERIM ORDER

THE COURT FINDS:

1. The [Plaintiff's] [Defendant's] Motion for an Interim Order and supporting documentation; and the [Plaintiff's] [Defendant's] Answer to Motion for an Interim Order and supporting documentation came before the Court for hearing at the [name] County Courthouse in [city], North Dakota on [date] at [time]. The Plaintiff, [was] [was not] present in Court and [self-represented][represented by attorney,]. The Defendant, [was] [was not] present in Court and [self-represented] [represented by attorney,].
2. The Court reviewed the motion, affidavits, testimony and being otherwise fully advised of the current facts and circumstances related to this case, the Court issues an Interim Order.
3. This Court has jurisdiction in the domestic relations action to enter interim orders regarding [payment of child support, payment of spousal support, temporary parental rights and responsibilities, a parenting schedule of minor children, payment of attorney's fees and costs, use of real or personal property, restraining from or eviction from property].

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed interim order so it is accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult an attorney. The ND Legal Self Help Center cannot review your document or advise you.

(Include the following paragraph if the interim order applies to minor children of Plaintiff and Defendant.)

4. This order applies to the minor children named below:

[Initials for child] Birth Year: [...]

[Initials for child] Birth Year: [...]

[Initials for child] Birth Year: [...]

(Include the following paragraph if the interim order applies to minor children of Plaintiff and Defendant and child support was granted.)

5. The Court makes the following findings regarding payment of child support:

In accordance with North Dakota Child Support Guidelines, and based on the [Plaintiff's] [Defendant's] Child Support Guidelines Worksheet, the person responsible for paying child support should pay \$[monthly amount] per month. The current mailing addresses for the Plaintiff and Defendant are as follows: [...].

(Include the following paragraph if the interim order applies to a married Plaintiff and Defendant and spousal support was granted.)

6. The Court makes the following findings regarding payment of spousal support: The [Plaintiff] [Defendant] needs spousal support from the [Plaintiff] [Defendant] because [...].

The current mailing addresses for the Plaintiff and Defendant are as follows: [...].

(Include the following paragraph if interim order applies minor children of Plaintiff and Defendant and temporary parental rights and responsibilities, and a parenting schedule were granted.)

7. The Court finds that an interim order providing for temporary parental rights and responsibilities and a parenting schedule are in the best interests of the minor children.

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed interim order so it is accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult an attorney. The ND Legal Self Help Center cannot review your document or advise you.

(Include the following paragraph if the Plaintiff or Defendant were granted attorney's fees and costs.)

8. The Court finds that the following evidence establishes that the [Plaintiff] [Defendant] has insufficient personal income or funds with which to pay attorney's fees and costs.

(Include the following paragraph if the use of real and/or personal property was granted.)

9. The Court finds that an interim order providing for the use of the Plaintiff's and Defendant's [real] [personal] property is necessary.

(Include the following paragraph if restraining or eviction from property was granted.)

10. The Court makes the following findings regarding [restraining] [evicting] from [real] [personal] property: [....].

THE COURT ORDERS:

(Include the following paragraph if the interim order applies to minor children of the Plaintiff and Defendant and child support was granted.)

11. **Child Support:** The [Plaintiff] [Defendant] shall pay the [Plaintiff] [Defendant] \$[monthly amount] per month as and for child support based on net monthly income of \$[net monthly income]. Child support shall commence before the 10th day of each month starting with the month following the signing of this Interim Order. Child support is based on the [Plaintiff's] [Defendant's] Child Support Guidelines Worksheet, which is incorporated by reference. All child support payments shall be made through the North Dakota State Disbursement Unit (SDU), and mailed to: SDU, P.O. Box 7280, Bismarck, ND 58507-7280. A parent owing support may make payments by personal check until a check is returned for nonsufficient funds. After that, payments must be made by case, money order, or certified check. Any child support

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed interim order so it is accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult an attorney. The ND Legal Self Help Center cannot review your document or advise you.

payment made directly by the parent paying support 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.

(Include the following paragraph if the interim order applies to married Plaintiff and Defendant and spousal support was granted.)

12. **Spousal Support:** The [Plaintiff] [Defendant] shall pay to the [Plaintiff] [Defendant] \$[monthly amount] per month as and for spousal support for a period of [time period], commencing [date]. All spousal support payments shall be made through the North Dakota State Disbursement Unit (SDU), and mailed to: SDU, P.O. Box 7280, Bismarck, ND 58507-7280. A spouse owing support may make payments by personal check until a check is returned for nonsufficient funds. After that, payments must be made by cash, money order, or certified check. Any spousal support payment made directly by the spouse paying support to the spouse receiving support, rather than through the SDU, will be treated as a gift unless Child Support agrees to give credit for the payment.

(Include the following paragraphs if the interim order applies minor children of the Plaintiff and Defendant and temporary parental rights and responsibilities, and a parenting schedule were granted.)

13. **Temporary Parental Rights and Responsibilities:**

- a. Both the Plaintiff and Defendant have parental rights and responsibilities for the [child] [children]. Those parental rights and responsibilities and responsibilities shall be defined in accordance with Section 14-09-32 of the North Dakota Century Code, giving both the Plaintiff and Defendant the following rights and duties:

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed interim order so it is accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult an attorney. The ND Legal Self Help Center cannot review your document or advise you.

- i. Right to access and obtain copies of the child's educational, medical, dental, religious, insurance, and other records or information.
 - ii. Right to attend educational conferences concerning the child. This right does not require any school to hold a separate conference with each parent.
 - iii. Right to reasonable access to the child by written, telephonic, and electronic means.
 - iv. 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 shall 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.
 - v. Duty to immediately inform the other parent of residential telephone numbers and address, and any changes to the same.
 - vi. Duty to keep the other parent informed of the name and address of the school the child attends.
- b. Residential Responsibility: [Shared equally between the Plaintiff and Defendant.]
- [Primary residential responsibility shall be with the [Plaintiff] [Defendant]. The [Plaintiff] [Defendant] shall have parenting time according to the Parenting Schedule below.]
- c. Decision Making Responsibility: [The Plaintiff and Defendant shall share the decision making responsibilities for any major decisions relating to the healthcare, education and spiritual development of the [child] [children]. The Plaintiff and Defendant shall each have decision making responsibility for day-to-day decisions for the [child] [children] during his or her parenting time.]
- [Decision making responsibility shall be awarded as follows: [...].]

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed interim order so it is accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult an attorney. The ND Legal Self Help Center cannot review your document or advise you.

14. **Parenting Schedule:** Parenting time, and the parenting schedule shall be as follows:

Weekends:

Weekdays:

Holidays:

Days off from school:

Birthdays:

Summers:

Vacations:

Parenting time beginning date:

(Include the following paragraph if the Plaintiff or Defendant were granted attorney's fees and costs.)

15. **Attorney's Fees and Costs:** The [Plaintiff] [Defendant] shall pay \$[...], a reasonable amount to obtain legal representation, to [Plaintiff] [Defendant] within [...] days.

(Include the following paragraph if the use of real and/or personal property was granted.)

16. **Use of Real and/or Personal Property:** Use and possession of real property and personal property shall be awarded as follows [...].

[Payment of debts shall be made as follows [...].]

(Include the following paragraph if restraining or eviction from property was granted.)

17. **Restraining or Eviction from Property:** The [Plaintiff] [Defendant] shall be [restrained from entering] [evicted from] the property located at [...] as follows: [...].

18. This Order shall remain in effect until further Order of this Court.

Dated this _____ day of _____, 20_____.

Judge/Judicial Referee