

Instructions for Proposed Parenting Plan ([N.D.R.Ct. Rule 8.3.1](#))

Parenting Responsibility Case (Custody & Visitation) – Case Management

A Proposed Parenting Plan isn't Required in [Rule 8.3.1 of the North Dakota Rules of Court](#).

However, the judge or judicial referee may require the parents to each serve and file a proposed parenting plan by a specific deadline.

Review the Deadlines in Your Scheduling Order Carefully! If your scheduling order, or any other order, requires the parents to serve and file a proposed parenting plan, you must serve and file your proposed parenting plan **by the deadline listed in the Order**.

A Parenting Plan is required to be included in the final judgment of every Parenting Responsibility case.

If parents are unable to reach a full agreement before the trial about all of the issues in the parenting responsibility case, the judge or judicial referee decides the disputed issues at trial.

The judge or judicial referee **may** require both parents to serve and file their proposed parenting plans **before** the date of the trial. This gives the judge or judicial referee information about what each parent wants in a parenting plan, and where they agree and disagree.

If your scheduling order tells you to submit a proposed parenting plan, this form is an option for you. **This Proposed Parenting Plan form is designed for common, uncomplicated parenting responsibility cases.** If this form doesn't fit your circumstances, you may use this form as a template to create your own document. You may want to contact a lawyer to assist you.

The Proposed Parenting Plan Form Must be Filled out Completely!! Don't leave any of the paragraphs within the form unanswered.

If a section of the form doesn't apply to you, type or write "N/A" or "Not Applicable".

If a section of the form asks for information you don't know and are unable to find, write "Unknown."

If the section of the form asks for a dollar amount and there is none, type or write \$0.00 in the space.

If the form isn't completely filled out, it could result in the clerk not accepting your form for filing, or the court may send the form back to you to complete.

Follow and Carefully Read All Instructions! There are boxes (□) before each step. Check each box as you finish the step. Don't go on to the next step **until** the previous step is completed.

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 these instruction sheets when you serve or file the completed form.

Complete the Proposed Parenting Plan (If Required in Your Orders)

Best Interests of the Child ([N.D.C.C. Section 14-09-06.2](#))

The judge or judicial referee in your case uses the 13 “Best Interests of the Child” factors to decide residential responsibility (custody), parenting time (visitation), and everything else required to be in the parenting plan.

Best interests look at the child’s needs and who will best meet their needs.

Review the 13 “Best Interests of the Child” factors at [N.D.C.C. Section 14-09-06.2](#). If your case goes to trial, you need to be prepared to argue how each factor applies to your proposed parenting plan.

Fill in the Top of the Form:

The information to fill out the top part of the form (“Caption”) is the same as on the Summons.

- Put a checkmark in the box indicating if you’re the Plaintiff or Defendant.

Paragraph 1: Read carefully. You don’t need to do anything with this paragraph.

Paragraph 2: Put a checkmark in the box indicating if you are the Plaintiff or Defendant.

Paragraph 3: List the minor child(ren) in this parenting responsibility case. Include **only** the minor child(ren)’s initials, birth year, and age.

If you have more than four minor children together, attach a sheet that lists the information for each additional child. Type or write on one side only.

- Put a checkmark in the box at the end of Paragraph 3.

Paragraph 4: Read carefully. If you don’t agree with this statement, you can’t use this form.

Paragraph 5: Put a checkmark in the box indicating the legal residence of the minor child(ren) for school attendance. If you check "Other," list the name of the person you want to have legal residency of the child(ren).

Legal residence is the place at which a person has been physically present, that the person regards as home, and to where, whenever absent, the person intends to return.

Paragraph 6: Residential Responsibility and Parenting Time

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

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

a. Residential Responsibility.

Put a checkmark in the box next to **equal residential responsibility** **if** you believe it's in the best interests of the minor child(ren) for the parents to share residential responsibility of the child(ren) 50% of the time.

- Explain in detail the schedule you're proposing the Plaintiff have.
- Explain in detail the schedule you're proposing the Defendant have.

*Some examples of equal residential responsibility are the following as stated in Nolo's Essential Guide to Divorce, by Emily Doskow, June 2016.

Fourteen Overnights:

(Split time between parents and alternate schedule each week as follows:)

Parent A/Week One: Sunday evening to Wednesday morning;

Parent B/Week One: Wednesday afternoon to Sunday evening;

Parent A/Week Two: Sunday evening to Wednesday morning;

Parent B/Week Two: Wednesday afternoon to Sunday evening.

Fourteen Overnights:

(Split midweeks and every other weekend as follows:)

Parent A: Monday evening to Wednesday evening each week, and every other weekend from Friday evening to Monday morning;

Parent B: Wednesday evening to Friday morning each week, and every other weekend from Friday evening to Monday morning.

- Put a checkmark in the box next to **Plaintiff having primary residential responsibility** if you believe it's in the best interests of the minor child(ren) for the Plaintiff to have primary residential responsibility of the child(ren).
 - Put a checkmark in the box next to any or all proposed parenting time options. If you check "Other," explain the proposed parenting schedule for Defendant, as well as pickup times.
- Put a checkmark in the box next to **Defendant having primary residential responsibility** if you believe it's in the best interests of the minor child(ren) for the Defendant to have primary residential responsibility of the child(ren).
 - Put a checkmark in the box next to any or all proposed parenting time options. If you check "Other," explain the proposed parenting schedule for Plaintiff, as well as pickup times.

a. Alternate Schedules.

- This is your alternate schedule. If you have no alternate schedule, write "No Alternate Schedule" on the first line of each section. If you're proposing an alternate schedule, state in detail the schedule for any or all of the following, including pickup times:
- **Summer Time.** Fill in your proposed definition of summer time. If you want an alternative schedule, fill in your proposed schedule. Otherwise, write "No Alternate Schedule."
- **School Release Days.** Fill in your proposed definition of school release days. If you want an alternative schedule, fill in your proposed schedule. Otherwise, write "No Alternate Schedule."

- **Summer Time/School Release Days.** (Please note the statement about summer time and school release dates taking precedence over summer activities. If you don't want this, you can't use this form.)
- **Vacation with Parents.** Fill in your proposed schedule. Otherwise, write "No Alternate Schedule."

Examples of definitions include (but aren't limited to):

- Summertime – "According to the public school calendar;" "From June 1-August 15;" etc.
- School Release Days – "Days as defined by the public school calendar;" "non-holiday school breaks;" etc.
- Vacation with Parents – "two consecutive weeks in the summer time;" "two non-consecutive weeks at any time;" "to be scheduled during normal parenting time;" "only upon 30 days written notice;" etc.

c. Schedule for Holidays and Other Special Days. Fill in your proposed Holidays and Special Days schedule with as many specifics as possible. Include when each holiday and special day is scheduled for both the Plaintiff and Defendant.

- In the space provided after the Holidays and Special Days schedule, write the beginning times and ending times for the holiday/special day. If you'd like the holiday/special day to include the weekend if it falls during a weekend or on a Friday or a Monday, write that here. If there are any other special arrangements with regard to holidays/special days, write them here.

d. Children's Activities During Parenting Time. Fill in your proposed details of how the parents will inform each other of their minor child(ren)'s extracurricular activities.

e. Timeliness. Fill in your proposal to handle timeliness of visits.

f. Missing Parenting Time. Fill in your proposal to handle missed parenting time.

- **Examples include (but aren't limited to)** "missed parenting time isn't made up;" "missed parenting time is made up the following week;" "a missed holiday is or isn't made up;" etc.

- g. Notification.** Fill in your proposal for notifying each other in advance of missed parenting time.
 - Examples include (but aren't limited to) "24 hours in advance;" "by phone;" "text;" etc.
- h. Restrictions on Contact with the Child(ren).** Put a checkmark in the box next to whether you are proposing restrictions on the other parent's ability to contact the child(ren).
 - If you put a checkmark in the box restricting the other parent's contact with the child(ren), fill in your proposal.
- Paragraph 7. Limitations on Residential Responsibility and Parenting Time Modifications.** Read carefully. You don't need to fill out anything. If you don't agree with this statement, you can't use this form.
- Paragraph 8. Decision Making Responsibility.** Complete all parts of Paragraph 8 (a through g). The Parenting Plan must include decision making responsibility for routine or day-to-day decisions, and major decisions such as education, health care and spiritual development.
 - a. Emergency Medical Decisions.** Read carefully. You don't need to fill out anything. If you don't agree with this statement, you can't use this form.
 - b. Day-to-Day Decisions.** Read carefully. You don't need to fill out anything. If you don't agree with this statement, you can't use this form.
 - c. Daycare/Afterschool Provider.** Put a checkmark in the box next to the option or options you propose. Fill out any blanks associated with the checkmark .
 - d. Education Decisions.** Put a checkmark in the box next to the option you propose. **Don't** checkmark more than one option.
 - e. Non-Emergency Health Care Decisions.** Put a checkmark in the box next to the option you propose. **Don't** checkmark more than one option.
 - f. Spiritual Development Decisions.** Put a checkmark in the box next to option you propose. **Don't** checkmark more than one option.
 - g. Both parents must consent.** Fill out your proposal to what both parents must agree to before the minor child(ren) is permitted to do something.

- Paragraph 9. Information Sharing and Access.**
 - For **paragraphs 9a – 9i**, read carefully. If you don't agree to these provisions, you can't use this form.
 - j. Fill out your proposal for telephone access to the child(ren) by the other parent.
Examples for j, k, and l, include (but aren't limited to) "daily," "once every 3 days;" etc.
 - k. Fill out your proposal for electronic access to the child(ren) by the other parent.
 - l. Fill out your proposal for contact with the child(ren) by the other parent during long vacations with the child(ren).
- Paragraph 10. Communication Between Parents.** Read carefully. You don't need to fill out anything. If you don't agree with this paragraph, you can't use this form.
- Paragraph 11. Children's Clothing and Personal Items.** Put a checkmark in the box next to any option or options you propose. Put a checkmark in the "Other" box, if needed, and explain other proposed options.
- Paragraph 12. Transportation and Exchange Arrangements Considering the Safety of the Child(ren).** The Parenting Plan must include arrangements for transportation and exchange of the minor child(ren). Put a checkmark in the box next to your proposed option or options. If an option requires additional information, fill in the information. Put a checkmark in the "Other" box, if needed, and explain other proposed options.
- Paragraph 13. Procedure for Review and Adjustment to Parenting Plan.** Read carefully. You don't need to fill out anything. If you don't agree with this paragraph, you can't use this form.
- Paragraph 14. Changes to Residence of the Children.** Read carefully. You don't need to fill out anything. If you don't agree with this paragraph, you can't use this form.
- Paragraph 15. Dispute Resolution.** Complete all 4 parts of Paragraph 15. The Parenting Plan must include methods for resolving disputes.
 - a. Put a checkmark in the box next to the option you propose. If the option requires details, fill in the details. **Don't** checkmark more than one option.
 - b. Put a checkmark in the box next to the option you propose. If the option requires details, fill in the details. **Don't** checkmark more than one option.

- c.** Put a checkmark in the box next to the option, or options, you propose. If the option requires details, fill in the details.
 - d.** Read carefully. If you don't agree to these provisions, you can't use this form.
- Paragraph 16. Compliance.** Read carefully. If you don't agree to these provisions, you can't use this form.
- Date and Signature:** You, the parent who completed this form:
 - Date the document.
 - Sign the signature line and put a checkmark in the correct box indicating if you're the Plaintiff or Defendant.
 - Print your name.
 - Fill in your address, phone number, and email address. (*If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.*)

Make 2 Copies of the Proposed Parenting Plan and Serve One Copy on the Other Parent.

- Make two copies: one for you, one for the other parent.

Caution Regarding Domestic Violence

If there's a domestic violence protection order or disorderly conduct restraining order in effect, review the order to see if you are allowed to contact or serve the other parent! **Be careful not to violate the order!** Violating the order could have legal consequences for you and/or the other parent.

Before serving the other parent, consult a lawyer or a domestic violence intervention center in your area to help you navigate your situation. **Only follow the steps below once you know you can serve the other parent.**

Serve the other parent by first-class U.S. mail:

- The person serving by mail must be at least 18 years old.
- Put the copy of the completed Proposed Parenting Plan in an envelope.
- Address the envelope with the other parent's last known address.
- **If you know the other parent is currently represented by a lawyer, address the envelope with the lawyer's address, Not the other parent's.**
- List your address as the return address on the envelope.
- Put the correct first-class U.S. postage on the envelope.
 - Postage must be prepaid.
 - **It's very important to put the correct postage on the envelope.** If you don't, the envelope may be returned to you causing you to miss the service deadline.
- Put the envelope in the U.S. mail.
- Service by mail is complete upon mailing.

Service by mail is a common way to serve answer documents. However, there are other ways to serve your documents. To review other service options, go to ndcourts.gov/legal-self-help/service-in-a-civil-action. Scroll to the “Service After a District Court Civil Action Has Started” section of the webpage.

Complete the Declaration of Service by Mail

- The information to fill out the top part of the form (“Caption”) is the same as on the proposed Parenting Plan.
- Paragraph 1:** Fill in your full name.
- Paragraph 2:** Review – the Proposed Parenting Plan should be listed.
- Paragraph 3:** Review the information to make sure it's correct. If it isn't, you can't use this form.
- Paragraph 4:** Fill in the date you mailed the documents.
- Paragraph 5:** Fill in the name of the other parent and the mailing address you used to serve the documents.
 - If you know the other parent is currently represented by a lawyer, fill in the name of the lawyer and the mailing address you used to serve the documents.

Paragraph 6: Review carefully! You're declaring, under penalty of perjury under the laws of North Dakota, that everything you stated on the Declaration of Service by Mail form is true and correct.

Signature Block:

- Fill in the date you signed this Declaration;
- Fill in the city, county, state, and country where you signed this Declaration;
- Sign your name and
- Fill in all of the lines following your signature.

File the Following Documents with the Court:

File the following original, completed documents with the Clerk of Court by the deadline in your scheduling order:

1. Proposed Parenting Plan; and
2. Declaration of Service by Mail.

What are the Next Steps?

Check your scheduling order and any other orders to make sure you complete everything ordered by the judge or judicial referee!

Begin preparing for the trial. Start your preparation at ndcourts.gov/preparing-for-your-parenting-responsibility-trial.

State of North Dakota

In District Court

County of _____ **Judicial District** _____

Plaintiff, _____) Case No. _____

vs _____)

Defendant. _____)

Proposed Parenting Plan
of (*choose one*) Plaintiff / Defendant

*(Review your scheduling order and other orders for the deadline in your parenting responsibility case to file proposed parenting plans. Each parent **must** complete a proposed parenting plan to serve and file with the Court by the deadline in the order.)*

1. The Plaintiff and Defendant in this parenting responsibilities case disagree on parenting rights and responsibilities of the minor child(ren).
2. Paragraphs 3 through 15 are the proposed Parenting Plan of the (*choose one*) Plaintiff Defendant, which is submitted as required by their Rule 8.3.1, N.D.R.Ct., scheduling order.
3. The proposed Parenting Plan applies to the following child(ren) in this parenting responsibilities case:

Initials: Birth Year: Age:

(choose is applicable) Additional sheets are attached for Paragraph 3.

4. Parental Rights and Responsibilities: The Plaintiff and Defendant shall have the parental rights and responsibilities as set forth in North Dakota Century Code Section 14-09-32.

5. **Legal Residence:** The legal residence of the minor children for school attendance shall be (choose one):

- The Plaintiff's place of residence.
- The Defendant's place of residence.
- Other: _____.

6. **Residential Responsibility and Parenting Time:**

a. It is in the best interests of the minor child(ren) that (choose one of the three options in Paragraph 6a below; Paragraph 6a continues on next page):

- The Plaintiff and Defendant shall have equal residential responsibility of the minor child(ren). Equal residential responsibility means each parent must have the child(ren) 50% of the time. With that in mind (describe the schedule for each parent; see instructions for examples):

The Plaintiff shall have residential responsibility of the minor child(ren) as follows:

The Defendant shall have residential responsibility of the minor child(ren) as follows:

Primary residential responsibility shall be with the Plaintiff. Defendant shall have

parenting time in the following Parenting Time Schedule (*select any that apply*):

Wednesday evenings from 6:00 p.m. to 8:00 p.m.

Every other weekend from Friday at _____, until Sunday at _____.

Other: _____

Primary residential responsibility shall be with the Defendant. Plaintiff shall have

parenting time in the following Parenting Time Schedule (*select any that apply*):

Wednesday evenings from 6:00 p.m. to 8:00 p.m.

Every other weekend from Friday at _____, until Sunday at _____.

Other: _____

b. Alternate Schedules: The above Parenting Time schedule for Paragraph 6a is the default "normal" schedule **except** as described below. The alternate schedules will be as follows (*if you don't have an alternate schedule, write "No Alternate Schedule" on the first line of each section*):

Summer Time*: Summer time is defined as: _____

The Summer Time alternate schedule is: _____

School Release Days*: School release days are defined as: _____

The School Release Days alternate schedule is: _____

***Summer Time/School Release Days** with the other parent take precedence over summer activities, such as sports, when Parenting Time cannot be reasonably scheduled around such events.

Vacation with Parents: Each parent shall have vacation with the child(ren) as follows: _____

c. **Schedule for Holidays and Other Special Days:** The parenting schedule for holidays and other special days applies to the residential responsibility in Paragraph 6a. The parenting schedule for the child(ren) for holidays and other special days is:

	With the Plaintiff (Odd, Even, Every Year, or Regular Parenting Time)	With the Defendant (Odd, Even, Every Year, or Regular Parenting Time)
New Year's Day		
Martin Luther King Day		
President's Day		
Spring Break		
Easter		
Mother's Day		

	With the Plaintiff (Odd, Even, Every Year, or Regular Parenting Time)	With the Defendant (Odd, Even, Every Year, or Regular Parenting Time)
Father's Day		
Independence Day		
Labor Day		
Teacher's Break (Convention)		
Halloween		
Veteran's Day		
Thanksgiving Day		
Winter Break		
Christmas Eve Day		
Christmas Day		
Plaintiff's Birthday		
Defendant's Birthday		
Child's Birthday		

For the purposes of the Holidays and Other Special Days parenting schedule, a holiday includes (*indicate whether the holiday includes the entire weekend and the time of day/night during which holiday parenting time will occur*): _____

d. Child(ren)'s Activities During Parenting Time: In order to promote the development of well-rounded healthy children, both parents will support the extracurricular activities of the child(ren). The parents will work together to ensure the child(ren)'s activities are not planned as to interfere with the relationship of either parent. The parents will inform each other of the child(ren)'s extracurricular activities by:

e. Timeliness: If a parent is more than _____ minutes late to pick up the child(ren) for a visit, that visit will be cancelled, **or:** _____

f. If either parent misses their parenting time for any reason, the parents will deal with the missed parenting time as follows: _____

g. Except in extreme emergencies, each parent must notify the other parent that they will not be able to exercise their scheduled parenting time as follows:

h. Restrictions on Contact with the Child(ren) (choose one):

- There are no restrictions on contact with the child(ren).
- Until further order of the Court, the child(ren)'s time with the
(choose one) Plaintiff / Defendant is subject to the following conditions: _____

7. Limitations on Residential Responsibility and Parenting Time Modifications:

Modifications to residential responsibility and parenting time shall be governed by North Dakota Century Code Section 14-09-06.6 and North Dakota Century Code Chapter 14-14.1, the Uniform Child Custody Jurisdiction and Enforcement Act.

8. Decision Making Responsibility:

- a. Emergency Medical Decisions:** Each parent is authorized to make emergency health care decisions while the child(ren) is/are in that parent's care.
- b. Day-to-day Decisions:** Each parent is authorized to make decisions regarding the day-to-day care and control of the child(ren) while the child(ren) reside with that parent, except as provided in 8c, 8d, 8e, 8f, and 8g below.
- c. Daycare/Afterschool provider (select any that apply; Paragraph 8c continues on next page):**
 - When the parents reside in the same community, they will use the same daycare/afterschool provider.
 - Each parent may decide to utilize the daycare/afterschool provider of their own choosing.
 - The Plaintiff will designate the daycare/afterschool provider.

- The Defendant will designate the daycare/afterschool provider.
- The child(ren)'s daycare/afterschool provider is _____.
- Other: _____.

d. Education Decisions will be made by (*choose one*):

- The Plaintiff
- The Defendant
- The Plaintiff and Defendant jointly

e. Non-Emergency Health Care Decisions will be made by (*choose one*):

- The Plaintiff
- The Defendant
- The Plaintiff and Defendant jointly

f. Spiritual Development Decisions will be made by (*choose one*):

- The Plaintiff
- The Defendant
- The Plaintiff and Defendant jointly

g. Both parents must consent before any minor child will be permitted to _____

9. Information Sharing and Access:

a. Both parents shall have access to educational, medical, dental, religious, insurance, and other records. Both parents have the right and shall notify and authorize the daycare, the school, and the children's doctors and other professionals to communicate directly with and outside the presence of the other parent. Each parent shall be listed as the child(ren)'s parent and as an emergency contact with the daycare, the school, and all health professionals unless directed by court order to the contrary.

- b.** Both parents have the right to attend school conferences. This right does not require any school to hold a separate conference with each parent. Each parent shall keep the other parent informed of the name and address of the school the child(ren) attend.
- c.** Each parent must communicate with the other parent with regard to grade reports, extra-curricular activities, and any other notices from the daycare, the school, and related entities regarding the child(ren). Both parents must notify the child(ren)'s daycare and school(s) of the split households and advise to send copies of the child(ren)'s school documents, notices, and related information to each parent.
- d.** Each parent must inform the other as soon as reasonably possible of serious accidents or serious illness which require health care treatment, providing the time of the accident or illness and the name of the treating health care provider. If the child is taking medications, the parents must communicate regarding instructions, dosage, and related information.
- e.** The parent who has medical insurance coverage on the children must supply to the other parent an insurance card and, as applicable, insurance forms and a list of insurer-approved or HMO-qualified health care providers in the area where the other parent is residing.
- f.** Both parents must notify the other parent in writing of any change in residence, telephone numbers, names and addresses of employers, changes in health insurance coverage for the child(ren), and changes in health insurance available through employer which could cover the child(ren).

g. Communication between parents and children must be liberally permitted at reasonable hours and at the expense of the parent initiating contact.

h. At all other times, the parent with whom the child is staying shall not refuse to allow contact or take any action in order to deny the other parent contact. Each parent shall facilitate the communication between the child and the other parent.

i. Both parents shall allow reasonable access to the child by phone or other means.

j. Telephone access to the child(ren) shall be as follows: _____

k. Electronic access to the child(ren) shall be as follows: _____

l. During long vacations the parent with whom the child is on vacation shall make the child available for contact as follows: _____

10. Communication Between Parents: The parents shall communicate only in positive ways.

The parents shall not make and shall not allow others to make derogatory remarks about the other parent in the child(ren)'s presence.

11. Children's Clothing and Personal Items (*select any that apply; Paragraph 11 continues on next page*):

- Each parent must supply the appropriate children's clothing with them for their scheduled time with the other parent.
- Each parent must supply appropriate clothing for the child(ren) to remain at that parent's home during parenting time.
- The clothing is considered the child(ren)'s clothes and must be returned clean, when reasonably possible, with the child(ren) by the other parent.

- The child(ren) must leave personal items at each parent's home and must not remove those items from that home.
- The child(ren) must take personal items between each parent's home, and it is the responsibility of each parent to ensure the personal items remain with the child(ren).
- In the cold months of the year, each parent shall ensure that the child(ren) have appropriate winter clothing to wear, regardless of parenting time.
- Other: _____
- Other: _____

12. Transportation and Exchange Arrangements Considering the Safety of the Child(ren)

(select any that apply):

- When Plaintiff and Defendant live in the same community, the responsibility of picking up and returning the child(ren) is shared with the *(choose one)* Plaintiff / Defendant picking up the child(ren) and *(choose one)* Plaintiff / Defendant dropping off the child(ren).
- The child(ren) shall be picked up and returned to the front entrance of the appropriate residence.
- The parent dropping off the child(ren) shall not leave the premises until the child(ren) are safely inside.
- Any change in pick up or drop off location will be determined by _____
_____.
- The person picking up or dropping off the child(ren) during times of parenting time has an obligation to be punctual, arriving at the agreed time and place, not substantially earlier or later.
- Other: _____
_____.
- Other: _____
_____.

13. Procedure for Review and Adjustment to Parenting Plan: If the parents want to make permanent changes to the Parenting Plan, those changes shall be reduced to writing and submitted to the Court for approval.

14. Changes to Residence of the Child(ren):

- a. A parent with primary residential responsibility for a child may not change the primary residence of the child to another state except upon order of the Court or with the written consent of the other parent, if the other parent has been given parenting time by order of the Court.
- b. A parent with equal residential responsibility for a child may not change the residence of the child to another state except with the written consent of the other parent or upon order of the Court allowing the move and awarding that parent primary residential responsibility.
- c. A court order is not required if the other parent:
 - 1) Has not exercised parenting time for a period of one year; or
 - 2) Has moved to another state and is more than 50 miles (80.47 kilometers) from the residence of the parent with primary residential responsibility.

15. Dispute Resolution:

- a. In the event Plaintiff and Defendant are unable to resolve their differences with regard to the Parenting Plan, disputes shall be submitted to (*choose one*):
 Counseling
 Mediation
 Other: _____

b. The cost of the process in Paragraph 15(a) will be allocated between Plaintiff and Defendant as follows (*choose one*):

- Plaintiff and Defendant shall each pay one-half.
- As determined in the dispute resolution process.
- Other: _____

c. A parent will begin the dispute resolution process by notifying the other parent by (*select all that apply*):

- Written request
- Certified mail
- Other: _____

d. In the dispute resolution process with regard to the parenting plan:

- 1) Preference will be given to carrying out this Parenting Plan.
- 2) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
- 3) A written record will be prepared of any agreement reached in counseling or mediation and of each arbitration award and will be provided to each parent.
- 4) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorneys' fees and financial sanctions to the other parent.

16. Compliance: After this Parenting Plan has been made a part of a court order or judgment, repeated, unjustified violations of these provisions may subject the offender to court sanctions, or, if continuous and serious, may result in modification of the Parenting Plan. One parent's failure to comply with a provision of the Parenting Plan does not affect the other parent's obligation to comply with the Parenting Plan. Violation of provisions of this plan with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense. Violation of this plan may subject a violator to arrest, fines, imprisonment or sanctions or other remedies available under the law.

(Date)

_____, Plaintiff (OR) Defendant
(Signature)

(Printed Name)

(Address, City, State, Zip Code)

(Telephone Number/Email)

State of North Dakota

In District Court

County of _____

Judicial District _____

vs

Defendant.)

Plaintiff,)

)
Case No. _____

Declaration of Service by Mail

The person serving court documents by mail states:

1. My name is _____ (*name of person who mailed document*) and I am at least 18 years of age.

2. List of Court Documents Served:

- Proposed Parenting Plan

3. Service by Mail:

As required by Rule 5(b)(3) of the North Dakota Rules of Civil Procedure, I served a true and correct copy of the court document listed in Paragraph 2 by mailing it, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing it in the United States Mail, directed to the person listed in Paragraph 5.

4. Date of Service by Mail:

Date Court Document Was Served by Mail: _____

5. Person Served by Mail:

Name of Person Served: _____

Mailing Address: _____

City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on _____ (date) in _____ (city),
_____ County, _____ (state), _____ (country).

Signature of Person Who Mailed Documents

Printed Name of Person Who Mailed Documents

Address

City, State, Zip Code

Telephone Number

Email Address