

READ BEFORE COMPLETING THE PROPOSED AMENDED ORDER FOR JUDGMENT GENERAL-USE TEMPLATE (FAMILY LAW CASE)

This General-Use template may be used to create your proposed Amended Order for Judgment when making a motion to modify a judgment in a family law case. The modifications must be based on a written stipulated agreement between all parties.

To complete this general-use template:

- 1) Refer to the written stipulated agreement of the modifications to the Findings of Fact, Conclusions of Law and Order for Judgment you want the Court to amend.**
- 2) Copy the EXACT wording of the paragraphs of the written stipulated agreement showing the agreed upon modifications.**
- 3) If you want to delete words from the paragraph, write the words EXACTLY as they appear, then ~~cross through the words~~.**
- 4) If you are asking the court to add new paragraphs, copy and underline the EXACT wording of each NEW paragraph you want to add.**

You have two options to create your proposed amended order for judgment:

Option One: Use this fillable form as is. This form includes 4 blank pages in which you may type the words and formatting of your proposed amended order for judgment, including paragraph numbers. If your proposed amended order for judgment does not fit within the existing pages, use Option Two.

CAUTION: The ND Legal Self Help Center webpage DOES NOT automatically save what you've typed into a form. Remember to save the form as you go, so you don't lose what you've typed.

Option Two: Use a word processing program. Use a word processing program, such as Microsoft Word, WordPerfect, Google Docs, or OpenOffice, to type the words and formatting of your proposed order for amended judgment, including paragraph numbers.

Copy and paste the ENTIRE first page of this form, EXCEPT the *italicized* paragraphs in (parentheses), into the first page of your document. Then, using the words and formatting from the rest of the form, type the words and formatting of your proposed amended order for judgment, including paragraph numbers. Include the Clerk of Court date and signature block at the end.

IMPORTANT: Make sure the formatting of the words you copied and pasted are the same as the formatting in the amended order for judgment general use template.

Do not include this cover sheet when you serve or file the completed form.

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

(Plaintiff))
)
PLAINTIFF,)
Vs)
)

(Defendant))
)
DEFENDANT.)

Case No. _____
ORDER TO AMEND THE
 JUDGMENT (*choose one*)
 _____ AMENDED JUDGMENT

This matter came before the Court on the Plaintiff's/Defendant's (*choose one*)
Motion to Amend Judgment pursuant to North Dakota Century Code Section
_____ and Rule 3.2 of the North Dakota Rules of Court. A Stipulated
Agreement to Amend Judgment signed by the Plaintiff and Defendant was filed with the
motion. The Court having read and reviewed the file and the Stipulated Agreement, and the
Court being fully advised in the matter, now makes and enters the following Order to Amend
the Judgment _____ Amended Judgment accordingly (*choose one – if an amended
judgment, fill in the number; i.e. First, Second*):

*(To complete the rest of this proposed order, you will need to refer to your completed
stipulated agreement.)*

***(Copy the EXACT wording of the paragraphs of the stipulated agreement showing the
modifications to your judgment or amended judgment to which you both agreed. If your
judgment or amended judgment is missing any of the 7 required parenting plan provisions or
does not identify the child tax exemptions, the missing provisions and missing child tax
exemption must be added as new paragraphs to your amended judgment.)***

THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:

1. That Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

2. That Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

3. That Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

4. That Paragraph _____ of the Judgment _____ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

ORDER FOR _____ AMENDED JUDGMENT

LET THE _____ AMENDED JUDGMENT BE ENTERED ACCORDINGLY.

Dated this _____ day of _____, 20____

(Judge of District Court)

INSTRUCTIONS FOR CREATING PROPOSED ORDER TO AMEND JUDGMENT (FAMILY LAW CASE) BASED ON A STIPULATED AGREEMENT

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

Do not include these instruction sheets when you serve or file the completed form.

A **stipulated agreement** is a document both parties sign stating they agree, or stipulate, there is no dispute concerning the specific matters involved. The stipulated agreement spells out the terms of the issue at hand, as well as stating the agreement of both parties.

A **proposed order** is the order you would like the court to sign if your request is granted.

If you are making a motion to modify a North Dakota state district court family law case, you will probably be required to file a proposed Order to Amend and proposed Amended Judgment. This general-use form is to assist you in creating your own Order to Amend.

For information about how to make a motion, go to www.ndcourts.gov/legal-self-help/making-a-motion.

IMPORTANT! Review the parenting plan in the judgment you are asking the Court to modify. In any motion to modify parenting time in a judgment, a parenting plan must be included as part of an amended judgment. The parenting plan **must** include, at minimum, the following 7 provisions:

- 1) Decision making responsibility for day to day decisions and major decisions such as education, health care and spiritual development.
- 2) Information sharing and access, including telephone and electronic access.
- 3) Legal residence of each child for school attendance.
- 4) Residential responsibility, parenting time, and parenting schedule for holidays, days off from school, birthdays, vacation planning, weekends, weekdays, and summers.
- 5) Transportation and exchange of the child, considering the safety of the parties.
- 6) Procedure for review and adjustment of the plan.
- 7) Methods for resolving disputes.

The judgment **must** also identify the parent who may claim each child as a dependent for filing income taxes.

If the parenting plan in the judgment you are asking the Court to modify does not include all 7 provisions, or identify the child tax exemption, add each missing provision to your stipulated agreement and proposed Order to Amend. **Failure to do so may result in the motion being rejected by the court.**

(If you need to add any of the 7 provisions or the child tax exemption, see the General-Use template form for proposed amended order in a family law case that IS NOT based on a stipulated agreement. The General-Use template form includes pages to add each of the 7 provisions and the child tax exemption.)

Caption:

- Fill in the name of the County in North Dakota where the family law action is filed.
- Fill in the name of the Judicial District in North Dakota where the family law action is filed. (The County is within the Judicial District.) County and Judicial District information and maps are available at www.ndcourts.gov.
- Fill in the full, legal name of the Plaintiff in the original family law action on the Plaintiff line.
- Fill in the full, legal name of the Defendant in the original family law action on the Defendant line.
- If the State of North Dakota or child support is listed as a party in interest on your family law case, add them to the caption as a party in interest.
- Fill in the case number. The case number will be on the document you are seeking to amend.
- Check if you are amending the Judgment **or** write in the number of the Amended Judgment (*i.e., First, Second*) you are seeking to amend.

Opening Paragraphs:

- Check if you are the Plaintiff or Defendant.
- Fill in the appropriate North Dakota Century Code Section.

(See <https://www.legis.nd.gov/general-information/north-dakota-century-code> for the appropriate section number.

If you do not know the appropriate section, you will need to research the law to determine what section to list.

Information and resources for legal research are available through the North Dakota Legal Self Help Center. Go to <https://www.ndcourts.gov/legal-self-help>. Scroll to the “Legal Research” section.)

Body of Order:

To complete the rest of this proposed order to amend, you will need to refer to your stipulated agreement and the final judgment in your case if it has not been amended, or the most recently amended judgment in your case.

Copy the EXACT wording of the paragraphs of your stipulated agreement showing the modifications to your judgment or amended judgment. Add additional pages if needed.

Judge’s Signature Block:

- Fill in the number of the Order for _____ Amended Judgment (i.e., First, Second).
- Fill in the number of the Order for (Let the _____ Amended Judgment) (i.e., First, Second).

****DO NOT** sign and date the (proposed) order to amend judgment. If the court grants your motion, and uses your proposed order to amend judgment, the judicial officer assigned to your case will sign and date the order. The proposed order to amend judgment is not effective until it is signed and dated by the judicial officer.

Page Numbering:

The pages of documents prepared for a civil action must be numbered.

First: If you did not use paragraph 2, 3 or 4 for your (proposed) order to amend judgment, remove the unused page or pages.

Second: Using the page numbering at the bottom of each page, number the pages of your (proposed) order to amend judgment.

- Count the total number of pages.
- Fill in the total number of pages in the second blank space of the page number on each page.
 - For example, if you have 4 total pages, the second blank space of the page number will look like this: “Page ___ of 4.”

- Now fill in the first blank space of the page number on each page.
 - Fill in “1” in the first blank space of the page number on the first page.
 - Fill in “2” in the first blank space of the page number on the second page.
 - And so on for each page of your proposed order to amend.
 - For example, if you have 4 total pages, the page number on each consecutive page will look like this: “Page 1 of 4,” “Page 2 of 4,” “Page 3 of 4,” “Page 4 of 4.”

Service:

In general, copies of documents filed, or intended to file, with the court must be provided to the other parties in the civil action. This is called service. **This includes serving the proposed Order to Amend.**

There are specific requirements for serving documents. [Rule 4](#) and [Rule 5](#) of the North Dakota Rules of Civil Procedure give the requirements for service in a civil action.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

****The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center is not intended for legal advice but only a general guide to the civil court process. The Center cannot guarantee that all judges and courts will accept forms available through the Self Help Center. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state. Use at your own risk.****