

Instructions for Using General-Use Template To Create a Proposed Order to Amend Judgment (Family Law Case) Based on a Stipulated Agreement

This General-Use template may be used to create your proposed Order to Amend 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're asking the court to add new paragraphs, copy and **underline** the exact wording of each **new** paragraph you want to add.

ND Legal Self Help Center Staff and Court employees can't help you fill out forms, or create documents for you. If you're unsure how to proceed, consult a lawyer.

ND Legal Self Help Forms aren't official 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 instructions sheets when you serve or file the completed form.

A **Stipulated Agreement, or Settlement 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're making a Motion to Modify a North Dakota state district court family law Judgment, you'll probably be required to file a proposed Order to Amend Judgment and a proposed Amended Judgment. This general-use form may assist you in creating your own Order to Amend Judgment.

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

You have two options to create your proposed Order to Amend 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 Order to Amend Judgment, including paragraph numbers. It also includes pages to add missing provisions of your parenting plan or child tax exemption. If your proposed Order to Amend Judgment doesn't fit within the existing pages, use Option Two.

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 to Amend 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 Order to Amend Judgment, including paragraph numbers. Include the Judge's 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 Order to Amend Judgment general-use template.

All of the Forms Must be Filled out Completely!! Don't leave any of the paragraphs within the forms unanswered.

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

If a form isn't completely filled out, it could result in the clerk not accepting your forms 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.

Important! Review the parenting plan in the Judgment you're 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're asking the Court to modify **doesn't include all 7 provisions, or identify the child tax exemption**, add each missing provision to your Stipulated Agreement and proposed Order to Amend Judgment.

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 Order to Amend Judgment in a family law case that **isn't** 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, or case, is filed.
- ☐ Fill in the name of the Judicial District in North Dakota where the family law case is filed. (The County is within the Judicial District.) County and Judicial District information and maps are available at ndcourts.gov/court-locations.
- ☐ Fill in the full, legal name of the Plaintiff in the original family law case on the Plaintiff line.
- ☐ Fill in the full, legal name of the Defendant in the original family law case 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 is on the document you want to amend.
- ☐ Check if you're amending the Judgment **or** write in the number of the Amended Judgment (*i.e., First, Second*) you want to amend.

Opening Paragraphs:

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

(See ndlegis.gov/general-information/north-dakota-century-code for the appropriate section number.

If you don't know the appropriate section, you need to research the law to decide what section to list.

Information and resources for legal research are available through the North Dakota Legal Self Help Center. Go to ndcourts.gov/legal-self-help. Scroll to the "Legal Research" section.)

- ☐ Check if you're amending the Judgment **or** write in the number of the Amended Judgment (*i.e., First, Second*) you want to amend.

Body of Order:

To complete the rest of this proposed Order to Amend Judgment, you'll need to refer to your Stipulated Agreement and the final Judgment in your case if it hasn't 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.

- ☐ **Paragraphs 1-4 of general-use form** (*You can either delete or add more paragraphs as needed. For example, if you only have one paragraph to amend, delete 2-4. If you have more paragraphs to amend, you can renumber and add more paragraphs*):
 - ☐ In the blank, list the number of the paragraph you want to amend.
 - ☐ Choose one blank (Judgment or Amended Judgment). If you want to amend an Amended Judgment, fill in the number, *i.e., First Second*).
- ☐ **Parenting Plan Section. Review the parenting plan in the Judgment you're 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.

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).

****Don't** 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 signs and dates the Order. The proposed Order to Amend **judgment isn't effective** until it's signed and dated by the judicial officer.

Page Numbering:

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

First: If you **didn't use** paragraph 2, 3 or 4 for your (proposed) Order to Amend Judgment, remove the unused page or pages.

If you **didn't use** the paragraphs to add provisions related to decision making, information sharing, legal residence of the child(ren) for school attendant, parenting time (visitation) schedule, transportation and exchange arrangements, procedure for review of the parenting plan, dispute resolution, and child tax deduction, remove the unused 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 be filed, with the court must be provided to the other parties in the civil case. This is called service. **This includes serving the proposed Order to Amend Judgment**

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 case.

Proof of service is an important step in the legal process. The court **won’t** act on papers filed with the court until proof of service is filed.

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

****Disclaimer: 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 isn’t intended for legal advice but only a general guide to the civil court process. The Center can’t guarantee that all judges and courts will accept forms available through the Legal Self Help Center. The Center isn’t responsible for any consequences that may result from the information provided. The information can’t replace the advice of competent legal counsel licensed in the state. Use at your own risk.****

State of North Dakota

County of _____

In District Court

_____ Judicial District

Plaintiff,
vs

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 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 doesn't 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:

(Use if the parenting plan in your current Judgment is missing the legal residence of the minor children for school attendance provision. Remove this page if this provision is in your current Judgment or Amended Judgment).

____. That Paragraph ____ shall be added to the ☐ Judgment ☐ _____ Amended Judgment (*choose one – if an Amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

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: _____.

(This space left intentionally blank.)

(Use if the parenting plan in your current Judgment is missing the parenting time provision. Remove this page if this provision is in your current Judgment or Amended Judgment).

____. That Paragraph _____ shall be added to the ☐ Judgment ☐ _____ Amended Judgment (*choose one – if an Amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

Parenting time: ☐ Plaintiff/☐ Defendant (*choose one*) shall have parenting time as agreed in the Parenting Time Schedule below.

Plaintiff and Defendant intend the following guideline to provide ongoing consistent parenting time for the children. Plaintiff and Defendant recognize that there will be times that the schedule requires adaptation for the best interest of the children. Plaintiff and Defendant agree to negotiate changes to the schedule in the best interest of the children.

Parenting time, and the parenting schedule shall be as follows:

Weekends: ☐ Alternating ☐ Other: _____

Weekdays: ☐ One night per week (_____) ☐ Other: _____

Holidays: _____

Days off from school: _____

Birthdays: ☐ Alternating the child(ren)'s birthdays: _____

☐ Other: _____

Plaintiff's Birthday: _____

Defendant's Birthday: _____

Summers: _____

Vacations: _____

Parenting time beginning date: _____

(Use if the parenting plan in your current Judgment is missing the decision making responsibility provision. Remove this page if this provision is in your current Judgment or Amended Judgment).

____. That Paragraph _____ shall be added to the ☐ Judgment ☐ _____ Amended Judgment (*choose one – if an Amended Judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

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 7c, 7d, 7e, 7f, and 7g below.
- c. Daycare/Afterschool provider** (*select any that apply; Paragraph 7c 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 _____

(This space left intentionally blank.)

(Use if the parenting plan in your current Judgment is missing the information sharing and access provision. Remove this page if this provision is in your current Judgment or Amended Judgment).

____. That Paragraph _____ shall be added to the ☐ Judgment ☐ _____ Amended Judgment (*choose one – if an Amended Judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

Information sharing and access: Both parents shall have access to educational, medical, dental, religious, insurance, and other records. Both parents have the right to attend school conferences. This right does not require any school to hold a separate conference with each parent. Both parents shall allow reasonable access to the child by phone or other means. Each parent shall inform the other as soon as reasonably possible of serious accidents or illness which require health care treatment, providing the time of the accident or illness and the name of the treating health care provider. Parents shall inform each other of address and phone number changes immediately. Parties shall keep each other informed of the name and address of the school the child(ren) attend.

Telephone access to the children shall be as follows: _____

Electronic access to the children shall be as follows: _____

(This space left intentionally blank.)

(Use if the parenting plan in your current Judgment is missing the transportation and exchange arrangements provision. Remove this page if this provision is in your current Judgment or Amended Judgment).

____. That Paragraph ____ shall be added to the ☐ Judgment ☐ _____ Amended Judgment (*choose one – if an Amended Judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

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: _____.

(Use if the parenting plan in your current Judgment is missing the review and adjustment to parenting plan provision. Remove this page if this provision is in your current Judgment or Amended Judgment).

____. That Paragraph _____ shall be added to the ☐ Judgment ☐ _____ Amended Judgment (*choose one – if an Amended Judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

Review and adjustment to parenting plan: When family necessities, illnesses, or commitments reasonably require, the parenting plan will be modified fairly. The parent requesting modification shall act in good faith and give as much notice as circumstances permit.

Plaintiff and Defendant also anticipate that at some point circumstances may fundamentally change, and agree that the parenting plan will be reviewed upon the following events: (*choose any that apply.*)

- ☐ Plaintiff and Defendant may change this plan by agreement, but all changes must be in writing, signed, and dated by both.
- ☐ The oldest child reaches age _____.
- ☐ If either Plaintiff or Defendant intends to move more than _____ miles from their current residence.
- ☐ After recommendation of a professional (i.e. doctor, therapist, pastor).
- ☐ After arrest or criminal activity by one or both parties.
- ☐ Upon verified chemical abuse /relapse.
- ☐ Upon an agency or Court finding of child abuse or neglect by one or both parties.
- ☐ Upon a court finding of domestic violence by one or both parties.
- ☐ Prolonged lack of contact with the child.
- ☐ Other: _____

(Use if the parenting plan in your current Judgment is missing the dispute resolution provision. Remove this page if this provision is in your current Judgment or Amended Judgment).

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

Dispute resolution: 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 _____.

The cost of the dispute resolution process will be allocated between Plaintiff and Defendant as follows:

☐ Plaintiff and Defendant shall each pay one-half.

☐ As determined in the dispute resolution process.

☐ Other _____.

The parent beginning the dispute resolution process shall notify the other parent by:

_____.

In the dispute resolution process with regard to the parenting plan, preference will be given to carrying out this parenting plan. Unless an emergency exists, Plaintiff and Defendant shall use the designated process to resolve disputes, except those related to financial support.

(This space left intentionally blank.)

(Use if the parenting plan in your current Judgment is missing the child tax exemption provision. Remove this page if this provision is in your current Judgment or Amended Judgment).

____. That Paragraph ____ shall be added to the ☐ Judgment ☐ _____ Amended Judgment (choose one – if an Amended Judgment, fill in the number; i.e. First, Second) previously entered in this case, and reads as follows:

Child tax exemption: Only one parent may claim an exemption for each child on their income tax return. Each parent shall execute any IRS or similar forms to allow the other parent to take the exemption, deduction and credit in the appropriate years.

(Choose one)

☐ For each minor child, the child tax exemption shall be claimed according to the following schedule (*P = Plaintiff, D = Defendant*):

Child's Initials	Exemption claimed every year by:		Exemption claimed odd years by:		Exemption claimed even years by:	
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D

☐ The parent who provided health insurance coverage for the minor child for _____% or more of the tax year shall claim the child tax exemption for that child.

☐ Other: _____

(This space left intentionally blank.)

Order for ____ Amended Judgment

Let the _____ Amended Judgment Be Entered Accordingly.

Dated _____.

(Judge of District Court)