

Motion for Default Divorce Judgment

Instructions for Form 7a: (Proposed) Judgment (With Children)

(Form MP7a: (Proposed) Judgment (With Children) is part of the *Motion for Default Divorce Judgment*. [Review the instructions for the packet of forms.](#))

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.

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Don't include these instruction sheets when you serve or file the completed form.

A (proposed) Judgment (With Children) is one of a set of required documents that make up a written Motion for Default Divorce Judgment.

The **MP7a: (Proposed) Judgment (With Children)** form is signed by the Clerk of Court if the judge signs your proposed Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment.

You're not divorced until a divorce judgment is dated, signed and filed.

You, the Plaintiff, Complete this Form.

To complete this form you need your **completed** *Form 6a: Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment (With Children)*.

Top of Form (Caption): Fill in the caption exactly as you filled in the caption on the *Summons*.

- ☐ **Paragraph 1:** Fill in the same North Dakota county from Paragraph 1 of your completed Form 6a: Findings of Fact, Conclusions of Law, and Order for Default Divorce Judgment (With Children).
- ☐ **Paragraphs 2 through 3:** Read carefully. If this information isn't true, you can't use this form.

It is Hereby Ordered, Adjudge and Decreed, as Follows: Paragraphs 4 - 28

To complete this section of the form, refer to the **Conclusions of Law** section of your completed *Form 6a: Findings of Fact, Conclusions of Law and Order for Default Divorce Judgment (With Children)*.

Copy the information **Exactly** from each paragraph of the “Conclusions of Law” section of your completed *Form 6a: Findings of Fact, Conclusions of Law and Order for Default Divorce Judgment (With Children)*.

Paragraph 29

Fill in the last four digits of your Social Security Number and the last four digits of the Defendant’s Social Security Number. (If you don’t know Defendant’s Social Security Number, write “Not Known”).

Final Paragraph

Leave this section blank. If the Court uses this form, the Clerk of Court fills in the information and dates and signs the form.

What do I do next?

- ☐ Set aside the completed proposed Judgment (With Children) form. (You make copies later.)
- ☐ Complete the next form in the set. (Exhibit A: Confidential Division of Property & Debts & Values)
- ☐ The originals are filed with the court in **Step 7**. Make sure to also file the Declaration of Service by Mail.

For divorces **(With Children)**, the following forms are required:

- MP1: Notice of Motion for Default Divorce Judgment;
- MP2: Motion for Default Divorce Judgment;
- MP3: Brief in Support of Default Divorce Judgment;
- MP4: Declaration of Default, Identification and Active Military Status;
- MP5a: Declaration of Proof for Default Divorce Judgment (*With Children*);
- MP6a: Proposed Findings of fact, Conclusions of Law, and Order for Default Divorce Judgment (*With Children*);
- **MP7a: Proposed Judgment (*With Children*)**;
- MP8: Exhibit A: Confidential Division of Property & Debts & Values
 - Summary Real Estate Disposition Judgment (*if needed*);
- MP9: Exhibit B: Parenting Plan;
- MP10a: Confidential Information Form (*With Children*);
- MP11a: Declaration of Service by Mail

Don’t include these instruction sheets when you serve or file the completed form

State of North Dakota

In District Court

County of _____

_____ Judicial District

Plaintiff,
vs

Defendant.

)
)
)
)
)
)

Case No. _____

Judgment
(With Children)

1. The above-entitled action for divorce under N.D.C.C. Chapter 14-05 came on duly for review before the undersigned at the District Court, _____ County, North Dakota as a default matter.
2. The Plaintiff is self-represented. It appears to the Court that the Summons has been served upon the Defendant in accordance with the laws of the State of North Dakota. The Defendant failed to respond to the Summons in any manner.
3. The Court having been fully advised in this matter and having considered the same; and the Court having made its Findings of Fact, Conclusions of Law and Order for Default Divorce Judgment:

It is Hereby Ordered, Adjudged and Decreed, as Follows:

4. **Jurisdiction.** The District Court has jurisdiction over the parties and subject matter of the present action and this Court is the proper venue of this action.
5. **Divorce Awarded.** The Plaintiff is awarded an absolute Decree of Divorce on the grounds of irreconcilable differences, all in accordance with the provisions of the North Dakota Century Code.

6. Parental Rights and Responsibilities: The parties shall have the parental rights and responsibilities as set forth in North Dakota Century Code Section 14-09-32, which are as follows:

- a. The right to access and obtain copies of the child's educational, medical, dental, religious, insurance, and other records or information.
- b. The right to attend educational conferences concerning the child. This right does not require any school to hold a separate conference with each parent.
- c. The right to reasonable access to the child by written, telephonic, and electronic means.
- d. The 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.
- e. The duty to immediately inform the other parent of residential telephone numbers and address, and any changes to the same.
- f. The duty to keep the other parent informed of the name and address of the school the child attends.

7. Parenting Plan: As required by North Dakota Century Code § 14-09-30, the Parenting Plan is set forth in Exhibit B: Parenting Plan. Exhibit B is incorporated by reference into this Judgment.

8. Child Support: In accordance with the North Dakota Child Support Guidelines and N.D.C.C. § 14-09-09.7 (choose one; Paragraph 8 continues on next page):

☐ **A child support order already exists for the child(ren).** The child support case number is _____ . The existing child support payment amounts shall be incorporated into the judgment in this case.

☐ **Since primary residential responsibility shall be with Plaintiff, Defendant shall pay** \$_____ **per month** as and for child support based on net monthly income of _____ . Defendant's income was determined by (*explain*):

_____.
A copy of the completed child support calculation forms that were used to calculate the child support obligation are on file in this case.

☐ **Since primary residential responsibility shall be with Defendant, Plaintiff shall pay** \$_____ **per month** as and for child support based on net monthly income of _____ . Plaintiff's income was determined by (*explain*):

_____.
A copy of the completed child support calculation forms that were used to calculate the child support obligation are on file in this case.

☐ **Plaintiff and Defendant shall have equal residential responsibility.** Based on Plaintiff's net monthly income of \$_____ and child support obligation of \$_____, and Defendant's net monthly income of \$_____ and child support obligation of \$_____, child support amounts will be offset for payment purposes. The lesser obligation of \$_____ owed by (choose one) ☐ Plaintiff/ ☐ Defendant will be subtracted from the greater obligation of \$_____ owed by (choose one) ☐ Plaintiff/ ☐ Defendant. (Choose one) ☐ Plaintiff/ ☐ Defendant must pay the difference of \$_____ per month.

If child support rights become assigned because the child(ren) receive/s public assistance, the offset is no longer allowed. Each parent will be responsible for paying the full amount of the parent's obligation as long as the assignment is in effect.

The completed child support calculation forms that were used to calculate the child support obligation are on file in this case.

9. Deviation from child support calculator (choose one):

☐ **Does not apply.** A child support order already exists for the child(ren).

☐ **The child support amount listed in Paragraph 8 does not deviate** from the child support calculator.

☐ **The child support amount listed in Paragraph 8 deviates** from the child support calculator.

\$_____ is the presumptively correct child support amount. Pursuant to N.D.C.C. § 14-09-09.7, the presumption is rebutted because (*explain*):

and is in the best interests of the child(ren) because (*explain*):

10. Child support shall begin (*choose one*):

☐ **As required by the existing child support order.** The child support case number is

_____.

☐ **Before the 10th day of each month** starting with the month after the judgment is entered.

11. The support obligation of (*choose one*) ☐ Plaintiff/ ☐ Defendant for the minor children

must continue (*choose one*):

☐ **As required by the existing child support order.** The child support case number is

_____.

☐ **Until the last day of the month in which the child reaches age eighteen (18)**, unless the child is still in high school and still living at that time with the parent receiving support. If support is to continue or resume after the month in which the child reaches age eighteen (18), the parent receiving support must file the Affidavit of Custodial Parent with the court. If the affidavit is filed, child support will continue or resume until the last day of the month in which the child graduates or reaches age nineteen (19), whichever comes first. Unless the step-down child support obligation is specified in Paragraph 12, a child support obligation for more than one child will **not** automatically be reduced when the support obligation expires for the oldest child.

12. Step-down child support obligation (choose one):

- ☐ **Does not apply.** A child support order already exists for the child(ren).
- ☐ **Does not apply.** This Judgment applies to one minor child of Plaintiff and Defendant.
- ☐ **Plaintiff and Defendant reserve the step-down child support obligation issue.**
- ☐ **Plaintiff and Defendant have (number of children) _____ minor children together, to**

which this Judgment applies. The step-down child support obligation is:

After child support terminates for **one** child, (choose one) ☐Plaintiff/ ☐Defendant must pay \$_____ child support per month. The first payment is due on the day indicated in Paragraph 10 on the first month after child support terminates for one child. Subsequent payments are due on each successive month on the day indicated in Paragraph 10 **until** child support terminates for a **second** child.

After child support terminates for **two** children, (choose one) ☐Plaintiff/ ☐Defendant shall pay \$_____ child support per month. The first payment is due on the day indicated in Paragraph 10 on the first month after child support terminates for one child. Subsequent payments are due on each successive month on the day indicated in Paragraph 10 **until** child support terminates for a **third** child.

13. Child support orders are subject to income withholding in accordance with N.D.C.C. § 14-09-09.24. The obligation will accrue interest if not paid timely in accordance with N.D.C.C. §§ 14-09-08.19, and 14-09-25(6).

14. All child support payments must be made through the North Dakota State Disbursement Unit (SDU), P.O. Box 7280, Bismarck, ND 58507-7280 in a form acceptable to the SDU for forwarding to the parent receiving support. Any child support 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.

15. This order subjects the income of the parent paying support to immediate income withholding, regardless of whether their support payment is delinquent.

16. Child support orders are subject to periodic review under N.D.C.C. § 14-09-08.4. Either party may request a review of an order by applying to the child support agency as provided in N.D.C.C. § 14-09-08.9.

17. Each party subject to this order must provide SDU with the following information within ten days of the order or within ten days of any change of information as provided in N.D.C.C. § 14-09-08.1:

- a. Social Security number;
- b. Home address, mailing address, and any change of address;
- c. Telephone number;
- d. Driver license number;
- e. Employer's name, address, and telephone number;
- f. Electronic mail address; and
- g. Change of any other condition that could affect paying or receiving support. Examples include getting or losing health insurance for the child(ren), being approved for disability payment, and becoming incarcerated.

18. Health Insurance: In accordance with the provisions of N.D.C.C. § 14-09-08.10, the parent with physical custody of the minor child(ren) must provide satisfactory health insurance for the minor child(ren) whenever that coverage is available at no or nominal cost, now or in the future.

In the event the parent with physical custody of the minor child(ren) does not have satisfactory health insurance at no or nominal cost, the parent without physical custody of the minor child(ren) must provide satisfactory health insurance for the minor child(ren) whenever that coverage is available at reasonable cost or becomes available at reasonable cost, now or in the future. Reasonable cost is defined pursuant to N.D.C.C. § 14-09-08.15.

The parent providing health insurance for the child(ren) must notify Child Support when the health insurance is obtained and shall include:

- a. Name of insurance company;
- b. Name of policyholder;
- c. Policy number; and
- d. Date insurance coverage started.

☐ (choose if applicable) Existing coverage:

(choose one) ☐ Plaintiff/ ☐ Defendant currently provides medical coverage of the minor child(ren) and must continue to provide coverage as long as it is available at a reasonable cost.

19. Uninsured and Unreimbursed Medical Expenses: Plaintiff and Defendant shall divide uninsured and unreimbursed medical expenses associated with the child(ren), including, but not limited to medical, dental, orthodontia, vision, counseling, co-pays, deductible and prescription drugs, as follows (*Paragraph 19 continues on next page*):

Plaintiff shall pay _____% and the Defendant shall pay _____%.

Plaintiff and Defendant shall exchange written verification of their respective out-of-pocket medical costs for the child(ren) on a (*choose one*) ☐monthly ☐quarterly ☐annual basis. Reimbursement shall be made to the other party within _____ days.

If one party paid for a child's uninsured or unreimbursed medical expenses and the other party is reimbursed by the insurance company, the party who receives reimbursement must immediately pay the reimbursed amount to the party who paid the health care provider.

20. Childcare Costs: Plaintiff and Defendant must divide childcare costs in the following way: _____

21. Child Tax Exemption: Only one party may claim a deduction for each child on their income tax return. Each party must execute any IRS or similar forms to allow the other party to take the exemption, deduction and credit in the appropriate years.

(*Choose one; Paragraph 21 continues on next page*):

☐ For each minor child, the child tax exemption must be claimed according to the following schedule:

(P = Plaintiff, D = Defendant)

Child's Initials	Deduction claimed every year by:		Deduction claimed odd years by:		Deduction 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: _____

 _____.

22. Spousal Support (*choose one*):

☐ Neither Plaintiff nor Defendant are awarded permanent or rehabilitative spousal support and the court is divested from any jurisdiction to make any awards of spousal support in the future.

☐ Defendant must pay to Plaintiff the amount of \$_____ per month as and for spousal support for a period of _____, beginning _____.

☐ Plaintiff must pay to Defendant the amount of \$_____ per month as and for spousal support for a period of _____, beginning _____.

23. Property and Debt: Plaintiff and Defendant shall be awarded the property, debts, and liabilities as stated on Exhibit A: Confidential Division of Property and Debt and Values. Exhibit A is incorporated by reference into this Judgment.

24. Income Tax Returns:

The parties shall share historical accounting and tax information, documents and records with the other as may be necessary for each to prepare a complete and accurate income tax return for subsequent tax years. Each party must execute any IRS or similar forms as may be necessary for each to prepare a complete and accurate income tax return for subsequent tax years.

In accordance with the Affordable Care Act (ACA), the party providing, or who has provided health insurance coverage for a child being claimed as a dependent, must supply the other party proof of coverage (IRS Form 1095-A, IRS Form 1095-B, or IRS Form 1095-C) on or before January 31, or as soon thereafter as proof of coverage is received, of every applicable calendar year.

25. Plaintiff's Former Name (*choose one*):

☐ Plaintiff **does not want** to restore their name.

☐ Plaintiff, presently known as _____

and year of birth _____, is restored to their former name of

_____ in any Judgment issued herein

and known thereafter as _____.

26. Remarriage: There are no restrictions on remarriage.

27. Execution of Required Documents: The parties must, within ten (10) days from the date of Entry of Judgment, or upon presentation, whichever occurs first, execute any document, transfer papers, titles or other documents required to effect the terms and provisions of the Judgment and Decree.

In the event a party fails to sign transfer papers, as required, the Judgment shall operate to transfer title to property, as awarded.

28. Effects of Bankruptcy: The division of property set forth in this Judgment, including the payment of debts, is made with the understanding that the party assuming such debt shall and will have sufficient assets and income to serve the debts, and that neither party will file bankruptcy. The net value of the property received by one party will be substantially impaired if the other party would be required to pay debts or obligations assumed by that party as set forth in this Judgment. Accordingly, if either party files bankruptcy and it results in the other party having to pay any debts or obligations by the parties set forth in this Judgment, then the aggrieved party shall be entitled to relief under Rule 60 of the North Dakota Rules of Civil Procedure and grounds for relief will exist within the meaning of Rule 60.

(This space left intentionally blank.)

29. In accordance with North Dakota Century Code Section 14-05-02.1:

Plaintiff's Social Security Number is XXX-XX-_____.

Defendant's Social Security Number is XXX-XX-_____.

Witness, the hand and seal of this Court in the City of _____,

State of North Dakota, on _____, Clerk of District Court,

County of _____.

(Clerk of the District Court)

Civil No. _____