

## **Divorce When the Spouses Don't Agree Instructions for (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment (With Children)**

After the divorce trial, the judge signs their Findings of Fact, Conclusions of Law, and Order for Judgment. Once dated and signed, the clerk of court issues a Judgment, which officially ends the marriage.

These are the instructions for the (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment (With children) form.

**The judge may require one or both parties to provide proposed Findings of Fact, Conclusions of Law and Order for Judgment for the judge to sign!**

If you're assigned to provide proposed Findings of Fact, Conclusions of Law and Order for Judgment, you may find this form helpful.

**\*\*Pay attention to the judge's instructions or order regarding the deadline to serve and file your proposed Findings of Fact, Conclusions of Law and Order for Judgment.**

**Important!!** The final Findings of Fact, Conclusions of Law, and Order for Judgment in a divorce depend on the unique circumstances of the marriage. It's impossible for a form to reflect every possible finding or order that may occur in a divorce trial.

**The Findings of Fact, Conclusions of Law and Order for Judgment must reflect what the judge found to be true and ordered at trial.**

**This (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment form is designed for common, uncomplicated divorces. This form won't work as is for many divorces.**

**If everything from the trial isn't included on this form and/or doesn't reflect what the judge found or ordered at trial, you need to create your own Findings of Fact, Conclusions of Law and Order for Judgment document.**

**You may use this form as a template to create your own document.**

**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 this instruction sheet when you serve or file the completed form.**

**Before you start, make sure you have your notes from the trial to complete this form. Your notes should include everything the judge found to be true and everything the judge ordered.**

**If your notes are missing information from the trial, contact the Clerk of Court to ask how to get a copy of the recording.**

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

**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.

If this form doesn't reflect everything the judge found to be true and ordered at the trial, you can't use this form. However, you may use this form as a template to create your own document.

### **Complete the (Proposed) Findings of Fact, Conclusions of Law, and Order for Judgment (With Children)**

Findings of Fact are the Court's written determination of the facts made from the evidence presented at the divorce trial. This section explains the facts the judge found to be true.

Conclusions of Law are the rulings of law made by the judge based on, or in connection with, the Findings of Fact. This section contains the legal consequences of the facts the judge found to be true.

The "Findings of Fact, Conclusions of Law and Order for Judgment form is your **Proposed** Findings of Fact, Conclusions of Law and Order for Judgment to finalize your divorce.

The judge ultimately decides whether or not to grant your divorce. The judge also decides whether or not to use your proposed Findings of Fact, Conclusions of Law and Order for Judgment.

**Fill in the Top of the Form:**

The information to fill out the top part of the form (“the caption”) is the same as all of the other forms you’ve filled out.

**Paragraph 1:**

- Fill in the date (month, day, year) of the trial.
- Fill in the name of the judge.
- Fill in the county where the trial was held;
- Put a checkmark  in the correct box indicating whether the Plaintiff appeared personally.
- Put a checkmark  in the correct box indicating whether the Defendant appeared personally.

- Paragraph 2:** This paragraph states the court makes the following findings and order based upon all pleadings and proceedings. “The court” is the judge.

### Findings of Fact:

**Important!!** The final Findings of Fact, Conclusions of Law, and Order for Judgment in a divorce depend on the unique circumstances of the marriage. It’s impossible for a form to reflect every possible finding or order that may occur in a divorce trial.

This Findings of Fact, Conclusions of law and Order for Judgment form is designed for common, uncomplicated divorces. This section won’t work as is for many divorces.

This Findings of Fact section must reflect what the the judge found to be true at trial.

Make sure you have your notes from the trial to complete this section. Your notes should include everything the judge found to be true.

If everything from the trial isn’t included in this section and/or doesn’t reflect what the judge found at trial, you need to create your own Findings of Fact, Conclusions of Law and Order for Judgment document.

You may use this form as a template to create your own document.

- Paragraph 3:** This paragraph finds the Summons and Complaint were personally served upon Defendant.
- Paragraph 4:** Fill in the **Plaintiff's** information which includes:
- Full name and address.
  - Put a checkmark  in the correct box indicating whether the Plaintiff is the mother or father of the minor child(ren).
  - Birth year.
  - Last 4 numbers of social security number.
  - Employer's name and address.
- Paragraph 5:** Fill in the **Defendant's** information which includes:
- Full name and address.
  - Put a checkmark  in the correct box indicating whether the Defendant is the mother or father of the minor child(ren).
  - Birth year.
  - Last 4 numbers of social security number.
  - Employer's name and address.
- Paragraph 6:** Fill in your marriage information which includes:
- The date (month, date, year) you and your spouse were married.
  - The city, county, and state where you were married.
- Paragraph 7:** This paragraph finds the Plaintiff meets the residency requirement for divorce in North Dakota.
- Paragraph 8:** This paragraph finds no decree, judgment, or order for divorce, separation or annulment has been granted against the other in any court, state, tribe, territory, or county of North Dakota and no action is pending.
- Paragraph 9:** This paragraph finds whether Plaintiff or Defendant served in the Armed Services of the United States of American. Put a checkmark  in the box next to the option the judge found to be true at the trial.
- Paragraph 10:** This paragraph finds there are irreconcilable difference between Plaintiff and Defendant making continuation of the marriage impossible.

**Paragraph 11:** Fill in the following information for each minor child of the Plaintiff and Defendant.

- Minor child's initials.
- Birth year.
- Last 4 numbers of social security number.
- State of minor child's residence for the last 6 months.

If you have more than three 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 11.
- Type or write "Findings Paragraph 11" on the top of the additional sheet(s).

**Paragraph 12:** This paragraph finds where the child(ren) have lived and who they lived with within six months of service of the Summons and Complaint on Defendant. Put a checkmark  next to the statement the judge found to be true. List the full name of the parent(s) with whom the child is living with in North Dakota.

**Paragraph 13:** This paragraph finds whether Plaintiff or Defendant are pregnant. Complete the paragraph by putting a checkmark  next to the statement the judge found to be true and fill in the information requested.

**Paragraph 14:** This paragraph finds the parenting plan is set forth in Exhibit B. A parenting plan is required in divorces involving minor child(ren).

**You must complete Exhibit B after you complete this form and the proposed Judgment.**

**Paragraph 15:** This paragraph finds whether a child support order already exists. Put a checkmark  next to the statement the judge found to be true and fill in the information requested.

**Paragraph 16:** This paragraph lists **Plaintiff's** monthly income by all sources that the judge found to be true at the trial. If a source isn't listed, write the source in the "Other" box and list the monthly amount. If you don't have any income from a source, write \$0.00.

**Paragraph 17:** This paragraph lists the **Defendant's** monthly income by all sources that the judge found to be true at the trial. If a source isn't listed, write the source in the "Other" box and list the monthly amount. If you don't have any income from a source, write \$0.00.

- Paragraph 18:** This paragraph finds whether the judge found that Plaintiff or Defendant needs spousal support. Put a checkmark  in the box by the option the judge found to be true at the trial. If you choose the second option, fill in the details on page 5.
- Paragraph 19:** This paragraph finds the Plaintiff and Defendant have property and outstanding debts and liabilities which are listed on Exhibit A and is incorporated by reference.

**You must complete Exhibit A after you complete this form and the proposed Judgment.**

- Paragraph 20:** Put a checkmark  in the box indicating whether the judge found that Plaintiff wants to restore their name and indicate Plaintiff's new name.
- Paragraph 21:** Put a checkmark  in the box indicating whether the judge found that Defendant wants to restore their name and indicate Defendant's new name.

## Conclusions of Law:

**Important!!** The final Findings of Fact, Conclusions of Law, and Order for Judgment in a divorce depend on the unique circumstances of the marriage. It's impossible for a form to reflect every possible finding or order that may occur in a divorce trial.

This (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment form is designed for common, uncomplicated divorces. This section won't work as is for many divorces.

This Conclusions of Law section must reflect what the judge ordered at trial.

Make sure you have your notes from the trial to complete this section. Your notes should include everything the judge found to be true.

If everything from the trial isn't included in this section and/or doesn't reflect what the judge found or ordered at trial, you need to create your own Findings of Fact, Conclusions of Law and Order for Judgment document.

You may use this form as a template to create your own document.

- Paragraph 22. Jurisdiction:** This paragraph orders the North Dakota State District Court has jurisdiction and venue over the parties and subject matter of the divorce.

- Paragraph 23. Divorce and Court Approval:** This paragraph awards the Plaintiff an absolute Decree of Divorce on the grounds of irreconcilable differences in accordance with North Dakota law.
- Paragraph 24. Parental Rights and Responsibilities.** This paragraph orders the parties shall have parental rights and responsibilities set forth in North Dakota Century Code Section 14-09-32.
- Paragraph 25. Parenting Plan:** This paragraph orders the parenting plan is set forth as Exhibit B.
- Paragraph 26. Child Support:** This paragraph orders child support in accordance with North Dakota Century Code 14-09-09.7. Choose and put a checkmark  next to the box in the paragraph that the judge ordered. Fill in all information as ordered. Read each paragraph carefully.
  - The first paragraph (option) orders a child support order already exists and will continue as ordered.
  - The second paragraph (option) orders the Defendant to pay child support because the Plaintiff has residential responsibility. *(Complete this paragraph as ordered by the court).*
  - The third paragraph (option) orders the Plaintiff to pay child support because the Defendant has residential responsibility. *(Complete this paragraph as ordered by the court).*
  - The fourth paragraph (option) orders either the Plaintiff or Defendant to pay child support based on equal residential responsibility. *(Complete this paragraph as ordered by the court).*
- Paragraph 27. Deviation from child support calculator:** If you asked for a deviation from the Calculator amount and the judge ordered you met one of the limited exceptions for deviation, put a checkmark  in box in the third option, fill in the amount and explanations as ordered by the judge.

If more room is needed put a checkmark  in the box at the end of the paragraph and attach additional sheets.

Otherwise, checkmark  the first or second box as ordered at the trial.

- Paragraph 28: Child support shall begin:** Put a checkmark  in the box that reflects the option the judge ordered. If you choose the first option, fill in the number of the existing child support order.
  
- Paragraph 29:** Put a checkmark  in the box that reflects which party is ordered to pay child support.
  - If the judge ordered the existing child support order will remain in effect, fill in the case number of the order.
  
  - If the judge ordered a new child support order will be in effect, put a checkmark  in the box stating “**Until the last day of the month in which the child reaches eighteen (18).**” The paragraph orders that if the child is 19 but still living with the parent receiving child support and still attending high school, the parent receiving child support must file an Affidavit of Custodial Parent with the court in order to continue to receive that child support until the child graduates from high school.

This paragraph also informs the parent that the child support obligation won’t be automatically reduced when the support expires for the oldest child unless the step-down method in 30 is specified.
  
- Paragraph 30. Step-down child support obligation:** Put a checkmark  in the box next to the paragraph that the judge ordered and fill in all ordered information.
  - This paragraph allows spouses with more than one minor child to have child support amounts ordered when the child support obligation ends for an older child. For example, for spouses with three children, when the oldest child turns 18 or graduates high school, child support payment automatically “steps-down” to the amount ordered for two children, rather than three.
  
- Paragraphs 31:** This paragraph orders child support orders are subject to income withholding under the North Dakota Century Code.
  
- Paragraph 32:** This paragraph orders all child support payments must be made through the North Dakota State Disbursement Unit. Read the information carefully.
  
- Paragraph 33:** This paragraph orders that it subjects the income of the paying parent support to immediate withholding.
  
- Paragraph 34:** This paragraph orders child support orders are subject to periodic review. It also states either party may request a review.

- Paragraph 35:** This paragraph orders each party must provide specific information to the SDU within ten days of the order or within ten days of any change of information.
- Paragraph 36. Health Insurance:** Review carefully to make sure the judge found these statements to be true as stated.
  - **Under d, “Date Insurance Coverage Started,”** put a checkmark  in the box the judge ordered existing coverage will continue and put a checkmark  in the box of the party who was ordered to continue health insurance.
- Paragraph 37. Uninsured and Unreimbursed Medical Expenses:** This paragraph orders the percentage each party will pay for uninsured or unreimbursed medical expenses.
  - In the second paragraph, indicate what percentage each party is ordered to pay.
  - In the third paragraph, put a checkmark  in the box indicating whether the judge ordered monthly, quarterly or annual payments for your respective out-of-pocket costs to the other party. Fill in the blank indicating within how many days payment must be made.
  - Review the fourth paragraph regarding reimbursement by the insurance company and repayment to the other party.
- Paragraph 38. Childcare Costs:** If the judge ordered the parties must divide childcare costs, write what was ordered here. If childcare costs weren’t ordered to be divided, state that childcare costs weren’t ordered to be divided.
- Paragraph 39. Child Tax Exemptions:** This paragraph orders who claims each child for income tax exemptions and how that will be done. Fill in this information according to the judge’s order.
- Paragraph 40. Spousal Support:** This paragraph orders who pays spousal support, for what amount, and for what period of time. Put a checkmark  in the box next to the correct statement and fill in all information.
- Paragraph 41. Property and Debt:** This paragraph orders that the Plaintiff and Defendant shall be awarded the property, debts, and liabilities as stated in Exhibit A; Confidential Property and Debt and Values.
- Paragraph 42. Income Tax Returns:** This paragraph contains the order regarding the sharing of income tax return.

- Paragraph 43. Plaintiff's Former Name** (*Choose only one option*): Put a checkmark  in the box by the option the judge ordered at the trial. If the judge ordered Plaintiff can change their name, fill in their present full name and year of birth, and fill in their restored name and the name they will be known as from the date of the Judgment.
- Paragraph 44. Defendant's Former Name** (*Choose only one option*): Put a checkmark  in the box by the option the judge ordered at the trial. If the judge ordered Defendant can change their name, fill in their present full name and year of birth, and fill in their restored name and the name they will be known as from the date of the Judgment.
- Paragraph 45. Remarriage:** This paragraph orders there are no restrictions on remarriage.
- Paragraphs 46. Execution of Required Documents:** This paragraph orders when required documents must be executed.
- Paragraph 47. Effects of Bankruptcy:** This paragraph explains the effects of bankruptcy upon the judgment as ordered by the judge.

### Order for Judgment:

- Stop!** Don't sign or put the case number in this section. This section is for the judge's use.

### Make 2 Copies of the (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment

- Make two copies: one for you, one for your spouse.
- You'll serve your proposed Findings of Fact, Conclusions of Law and Order for Judgment with your proposed Judgment and your proposed Exhibit A and Exhibit B to your spouse.

*(Instructions for service and the Declaration of Service will follow.)*

### Complete the (Proposed) Exhibits

- Complete the following exhibits:
  - (Proposed) Exhibit A: Confidential Division of Property and Debt and Values; and
  - (Proposed) Exhibit B: Parenting Plan.
    - Instructions are included with each exhibit.

## Complete the (Proposed) Judgment (With Children)

- Keep your (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment handy. You need this form to complete your Judgment form!
  - Instructions are included with the (Proposed) Judgment.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
 )  
 PLAINTIFF, )  
 vs )  
 )  
 \_\_\_\_\_ )  
 DEFENDANT. )

Case No. \_\_\_\_\_  
**Findings of Fact, Conclusions of Law  
 and Order for Judgment**  
*(With Children)*

1. The above-entitled proceeding for divorce came on for hearing before the above-named Court on \_\_\_\_\_ (*date*), and was heard by the Honorable \_\_\_\_\_ District Judge, in the District Court, \_\_\_\_\_ County, North Dakota. Plaintiff  did  did not appear personally. Defendant  did  did not appear personally.

2. Based upon all the pleadings and proceedings, the Court makes the following:

**FINDINGS OF FACT**

3. The Summons and Complaint were personally served upon Defendant as indicated by the proof of service on file.

4. Plaintiff, \_\_\_\_\_ (*full name*), is the (*choose one*)

mother **OR**  father of the minor child(ren). Plaintiff's demographic information is as follows:

Plaintiff's Address: \_\_\_\_\_  
 \_\_\_\_\_

Plaintiff's Birth Year: \_\_\_\_\_

Last 4 Digits of Plaintiff's Social Security Number: XXX-XX-\_\_\_\_\_

Plaintiff's Employer's Name and Address: \_\_\_\_\_  
 \_\_\_\_\_

5. Defendant, \_\_\_\_\_ (*full name*), is the (*choose one*)

mother **OR** father of the minor child(ren). Defendant's demographic information is as

follows:

Defendant's Address: \_\_\_\_\_  
\_\_\_\_\_

Defendant's Birth Year: \_\_\_\_\_

Last 4 Digits of Defendant's Social Security Number: XXX-XX-\_\_\_\_\_

Defendant's Employer's Name and Address: \_\_\_\_\_  
\_\_\_\_\_

6. Plaintiff and Defendant were married on \_\_\_\_\_ (*date*) in the City of \_\_\_\_\_, \_\_\_\_\_ County, \_\_\_\_\_ (*state*).

7. Plaintiff is now, and for the entire 6 months immediately before serving the Summons and Complaint, a resident of the State of North Dakota.

8. No decree, judgment or order of divorce, separation or annulment has been granted to either party against the other in any Court of North Dakota or any other state, tribe, territory or country, and no other action is pending for divorce by either party against the other in any Court.

9. (*Choose one*):

Neither Plaintiff nor Defendant is currently in the Armed Services of the United States of America or its allies.

(*choose one*) Plaintiff/ Defendant is currently in the Armed Services of the United States of America or its allies but is not currently deployed or notified of deployment.

**10.** Irreconcilable differences have arisen between the Plaintiff and Defendant making the continuation of the marriage impossible.

**11.** The minor child(ren) of the Plaintiff and Defendant are as follows:

a. Minor Child's Initials: \_\_\_\_\_ Year of Birth: \_\_\_\_\_  
Last 4 Digits of Social Security Number: XXX-XX-\_\_\_\_\_  
State of Residence for Last 6 Months: \_\_\_\_\_

b. Minor Child's Initials: \_\_\_\_\_ Year of Birth: \_\_\_\_\_  
Last 4 Digits of Social Security Number: XXX-XX-\_\_\_\_\_  
State of Residence for Last 6 Months: \_\_\_\_\_

c. Minor Child's Initials: \_\_\_\_\_ Year of Birth: \_\_\_\_\_  
Last 4 Digits of Social Security Number: XXX-XX-\_\_\_\_\_  
State of Residence for Last 6 Months: \_\_\_\_\_

Additional sheets are attached. (*Choose if applicable*)

**12.** (*Choose one*):

The child(ren) has/have lived in North Dakota with a parent for at least six consecutive months immediately before the start of this proceeding. If a child is less than six months old, the child has lived in North Dakota with a parent since their birth. Name of parent(s) residing in North Dakota: \_\_\_\_\_.

North Dakota was the home state of the child(ren) within six months of the start of this proceeding, and one parent continues to reside in North Dakota. Name of parent(s) residing in North Dakota: \_\_\_\_\_.

13. (Choose one):

(choose one) Plaintiff/ Defendant is not pregnant.

(choose one) Plaintiff/ Defendant is pregnant. However, (choose one) Plaintiff/

Defendant is not the father, and the child is not at issue in this proceeding.

14. The Parenting Plan, which is in the best interest of the minor child(ren), is set forth in Exhibit B: Parenting Plan. Exhibit B is incorporated by reference into this Findings of Fact, Conclusions of Law and Order for Judgment.

15. Child support (choose one):

There is a child support order already in existence. The case number is:

\_\_\_\_\_. (In order to choose this option, child support must already be ordered by a North Dakota state district court, another state's court, or a tribal court and you must write or type the case number.)

There is no child support order already in existence.

16. Plaintiff has the following sources of monthly income:

Source	Amount
Employment	\$
Public Assistance	\$
Social Security Benefits	\$
Unemployment/Workers Compensation	\$
Interest/Dividend Income	\$
Other (describe)	\$

17. Defendant has the following sources of monthly income:

Source	Amount
Employment	\$
Public Assistance	\$
Social Security Benefits	\$
Unemployment/Workers Compensation	\$
Interest/Dividend Income	\$
Other ( <i>describe</i> )	\$

18. Spousal support (*choose one*):

Neither Plaintiff nor Defendant needs spousal support.

(*choose one*) Plaintiff/ Defendant needs spousal support from (*choose one*) Plaintiff/  
Defendant.

This is because (*choose one*) Plaintiff/ Defendant is \_\_\_\_\_ years of age, has been married to (*choose one*) Plaintiff/ Defendant for \_\_\_\_\_ years, has a monthly income totaling \$ \_\_\_\_\_, and because:

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19. Plaintiff and Defendant own property and have outstanding debts and liabilities, all of which are listed on Exhibit A: Confidential Division of Property and Debt and Values. Exhibit A is incorporated by reference into this Findings of Fact, Conclusions of Law and Order for Judgment.

20. Plaintiff wants to restore their name. Yes No

If **Yes**, Plaintiff's new name is \_\_\_\_\_.

Plaintiff has no intent to defraud or mislead anyone by changing their name.

21. Defendant wants to restore their name. Yes No

If **Yes**, the Defendant's new name is \_\_\_\_\_.

Defendant has no intent to defraud or mislead anyone by changing their name.

**FROM THE ABOVE AND FOREGOING, the Court now makes and enters the following:**

#### **CONCLUSIONS OF LAW**

22. **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.

23. **DIVORCE AND COURT APPROVAL.** 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.

24. **PARENTAL RIGHTS AND RESPONSIBILITIES** (*Paragraph 24 continues on next page*): 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.

**25. 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 Findings of Fact, Conclusions of Law and Order for Judgment.

**26. CHILD SUPPORT:** In accordance with the North Dakota Child Support Guidelines and N.D.C.C. § 14-09-09.7 (*choose one; Paragraph 26 continues on Pages 8-9*):

**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.

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

**27. 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 26 does not deviate** from the child support calculator.

**The child support amount listed in Paragraph 26 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*):

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

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Additional sheets are attached. (*Choose if applicable*)

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

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

\_\_\_\_\_.

**Before the 10<sup>th</sup> day of each month** starting with the month after the judgment is entered.

**29. 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 30, a child support obligation for more than one child will not automatically be reduced when the support obligation expires for the oldest child.

**30. Step-down child support obligation (choose one; Paragraph 30 continues on next page):**

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

**Does not apply.** This Findings of Fact, Conclusions of Law, and Order for 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 Findings of Fact, Conclusions of Law, and Order for 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 28 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 28 **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 28 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 28 **until** child support terminates for a third child.

Additional sheets are attached. (Choose if applicable)

**31.** 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).

**32.** 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.

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

**34.** 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.

**35.** 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.

**36. Health Insurance** (*Paragraph 36 continues on next page*): 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.

**37. 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:

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.

**38. CHILDCARE COSTS:** Plaintiff and Defendant must divide childcare costs in the following way: \_\_\_\_\_

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**39. 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):*

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
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D

Additional sheets are attached. *(Choose if applicable)*

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: \_\_\_\_\_

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**40. SPOUSAL SUPPORT** (*choose one*):

Neither Plaintiff nor Defendant will be awarded permanent or rehabilitative spousal support and the court shall be 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 \_\_\_\_\_, commencing \_\_\_\_\_.

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

**41. 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 Findings of Fact, Conclusions of Law and Order for Judgment.

**42. INCOME TAX RETURNS** (*Paragraph 42 continues on next page*):

The parties agree to 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.

**43. PLAINTIFF'S FORMER NAME** (*choose one*):

Plaintiff's name did not change with the marriage and does not need to be restored.

Plaintiff does not want to restore their name.

Plaintiff, presently known as \_\_\_\_\_

and year of birth \_\_\_\_\_, will be restored to their former name of

\_\_\_\_\_ in any Judgment issued herein

and known thereafter as \_\_\_\_\_.

**44. DEFENDANT'S FORMER NAME** (*choose one*):

Defendant's name did not change with the marriage and does not need to be restored.

Defendant does not want to restore their name.

Defendant, presently known as \_\_\_\_\_

and year of birth \_\_\_\_\_, will be restored to their former name of

\_\_\_\_\_ in any Judgment issued herein

and known thereafter as \_\_\_\_\_.

**45. REMARRIAGE:** There are no restrictions on remarriage.

**46. EXECUTION OF REQUIRED DOCUMENTS** (*Paragraph 46 continues on next page*): 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.

**47. 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.

**ORDER FOR JUDGMENT**

LET JUDGMENT BE ENTERED ACCORDINGLY.

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*(Judge of District Court)*

Civil No. \_\_\_\_\_