

Instructions for (Proposed) Findings of Fact, Conclusions of Law and Order for Judgment

Parenting Responsibility Case (Custody & Visitation)

After the Parenting Responsibility trial, the Judge or Judicial Referee 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 Parenting Responsibility case.

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

The Judge or Judicial Referee may require one or both parents to provide proposed Findings of Fact, Conclusions of Law and Order for Judgment for the Judge or Judicial Referee to review and 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 or Judicial Referee'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 Parenting Responsibility case depend on the unique circumstances. It's impossible for a form to reflect every possible finding or order that may occur in a Parenting Responsibility trial.

The Findings of Fact, Conclusions of Law and Order for Judgment must reflect what the Judge or Judicial Referee 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 Parenting Responsibility Cases. This form won't work as is for many Parenting Responsibility cases.

If everything from the trial isn't included on this form and/or doesn't reflect what the Judge or Judicial Referee 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.

Before you start, make sure you have your notes from the trial to complete this form. Your notes should include everything the Judge or Judicial Referee found to be true and everything the Judge or Judicial Referee 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 or Judicial Referee 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.

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

ND Legal Self Help Forms aren't official forms. Judges, Judicial Referees, and courts aren't required to accept them. There's no guarantee Center forms will be accepted. Use at your own risk.

Complete the (Proposed) Findings of Fact, Conclusions of Law, and Order for Judgment

Findings of Fact are the Court's written determination of the facts made from the evidence presented at the Parenting Responsibility trial. This section explains the facts the Judge or Judicial Referee found to be true.

Conclusions of Law are the rulings of law made by the Judge or Judicial Referee based on, or in connection with, the Findings of Fact. This section contains the legal consequences of the facts the Judge or Judicial Referee 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 the Parenting Responsibility case.

The Judge or Judicial Referee decides the custody and visitation issues for the parties and children. The Judge or Judicial Referee 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 or Judicial Referee.
- Fill in the county where the trial was held;
- Put a checkmark in the correct box indicating whether the Plaintiff appeared at the trial personally.
- Put a checkmark in the correct box indicating whether the Defendant appeared at the trial 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 or Judicial Referee.

Findings of Fact:

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

This Findings of Fact, Conclusions of Law and Order for Judgment form is designed for common, uncomplicated Parenting Responsibility cases. This section won’t work as is for many Parenting Responsibility cases.

This Findings of Fact section must reflect what the Judge or Judicial Referee 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 or Judicial Referee ordered.

If everything from the trial isn't included in this section and/or doesn't reflect what the Judge or Judicial Referee 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.
 - Put a checkmark in the correct box indicating whether the Plaintiff is the mother or father of the minor child(ren).
 - Full address.
 - 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.
 - Put a checkmark in the correct box indicating whether the Defendant is the mother or father of the minor child(ren).
 - Full address.
 - Birth year.
 - Last 4 numbers of social security number.
 - Employer's name and address.
- Paragraph 6:** This paragraph finds the parties have never been married to each other.
Caution: Don't use this form is this isn't true.
- Paragraph 7:** This paragraph finds that no decree, judgment or order of parenting responsibility has been granted to either party and no other action is pending.
Caution: Don't use this form is this isn't true.
- Paragraph 8:** 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 or Judicial Referee found to be true at the trial.

- If you choose the second checkbox, put a checkmark in the box or boxes the Judge or Judicial Referee found to be true at the trial.

Paragraph 9: 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 9.
- Type or write "Findings Paragraph 9" on the top of the additional sheet(s).

Paragraph 10: 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 or Judicial Referee found to be true. List the full name of the parent(s) with whom the child is living in North Dakota.

Caution: Don't use this form if neither option is true.

Paragraph 11: This paragraph finds whether Plaintiff or Defendant are pregnant. Complete the paragraph by putting a checkmark next to the statement the Judge or Judicial Referee found to be true.

Paragraph 12: This paragraph finds the Parenting Plan is set forth in Exhibit A. A Parenting Plan is required in Parenting Responsibility cases.

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

Paragraph 13: This paragraph finds whether a child support order already exists. Put a checkmark next to the statement the Judge or Judicial Referee found to be true.

- If you choose the first checkbox, type or write the case number of your current child support order.

Conclusions of Law:

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

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

This Conclusions of Law section must reflect what the Judge or Judicial Referee ordered at trial.

Make sure you have your notes from the trial to complete this section. Your notes should include everything the Judge or Judicial Referee ordered.

If everything from the trial isn't included in this section and/or doesn't reflect what the Judge or Judicial Referee 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 14. Jurisdiction:** This paragraph orders the North Dakota State District Court has authority over the parties and subject matter of the Parenting Responsibility case.
- Paragraph 15. 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. The rights and responsibilities are listed in Paragraph 15.
- Paragraph 16. Parenting Plan:** This paragraph orders the Parenting Plan is set forth as Exhibit A.
- Paragraph 17. 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 or Judicial Referee ordered. Fill in all information as ordered. Read each paragraph carefully.
 - The first checkbox orders a child support order already exists and will continue as ordered.

- The second checkbox orders the Defendant to pay child support because the Plaintiff has primary residential responsibility. (*Complete this paragraph as ordered by the court*).
- The third checkbox orders the Plaintiff to pay child support because the Defendant has primary residential responsibility. (*Complete this paragraph as ordered by the court*).
- The fourth checkbox orders either the Plaintiff or Defendant to pay child support based on equal residential responsibility. (*Complete this paragraph as ordered by the court*).

Paragraph 18. Deviation from child support calculator: If you asked for a deviation from the Calculator amount and the Judge or Judicial Referee ordered you met one of the limited exceptions for deviation, put a checkmark in third box, fill in the amount and explanations as ordered by the Judge or Judicial Referee

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 19. Child support shall begin: Put a checkmark in the box that reflects the option the Judge or Judicial Referee ordered. If you choose the first checkbox, fill in the case number of the existing child support order.

Paragraph 20: Put a checkmark in the box that reflects when child support payments end.

- If the Judge or Judicial Referee ordered the existing child support order will remain in effect, fill in the case number of the order.

Paragraph 21. Step-down child support obligation: Put a checkmark in the box next to the paragraph that the Judge or Judicial Referee ordered and fill in all ordered information.

- This paragraph allows the parties with more than one minor child together to have child support amounts automatically reduced when the child support obligation ends for an older child. For example, for parties with three children together, when the oldest child turns 18 or graduates high school, the child support payment automatically “steps-down” to the amount ordered for two children, rather than three.

Paragraphs 22: This paragraph orders child support orders are subject to income withholding under the North Dakota Century Code.

- Paragraph 23:** This paragraph orders all child support payments must be made through the North Dakota State Disbursement Unit. Read the information carefully.
- Paragraph 24:** This paragraph orders that it subjects the income of the paying parent support to immediate withholding.
- Paragraph 25:** This paragraph orders child support orders are subject to periodic review. It also states either party may request a review.
- Paragraph 26:** 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 27. Health Insurance:** Review carefully to make sure the Judge or Judicial Referee ordered these statements as stated.
 - **Under d, "Date Insurance Coverage Started,"** put a checkmark in the box the Judge or Judicial Referee ordered existing coverage will continue and put a checkmark in the box of the party who is ordered to continue health insurance.
- Paragraph 28. Uninsured and Unreimbursed Medical Expenses:** This paragraph orders the percentage each party will pay for uninsured or unreimbursed medical expenses. Review carefully to make sure the Judge or Judicial Referee ordered these statements as stated.
 - 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 or Judicial Referee 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 29. Childcare Costs:** If the Judge or Judicial Referee 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 30. 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 or Judicial Referee's order.

- Paragraph 31. Income Tax Returns:** This paragraph contains the order regarding the sharing of income tax return. Review carefully to make sure the Judge or Judicial Referee ordered these statements as stated.
- Paragraph 32. Execution of Required Documents:** This paragraph orders when required documents must be executed. Review carefully to make sure the Judge or Judicial Referee ordered these statements as stated.

Order for Judgment:

- Stop!** Don't sign or put the case number in this section. This section is for the Judge's or Judicial Referee'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 the other parent.
- You serve your proposed Findings of Fact, Conclusions of Law and Order for Judgment with your proposed Judgment and your proposed Exhibit A to the other parent.

(See the Declaration of Service form for service instructions.)

Complete the (Proposed) Judgment

- 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.

Complete the (Proposed) Exhibit A: Parenting Plan

- Complete the following exhibit:
 - (Proposed) Exhibit A: Parenting Plan.
 - Instructions are included with the Parenting Plan.

State of North Dakota

In District Court

County of _____ **Judicial District** _____

vs

Plaintiff,)
)
)
Defendant.)
)
Case No. _____
Findings of Fact, Conclusions of Law
and Order for Judgment
(Contested Parenting Responsibility)

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

2. Based on 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 have never been married to each other.
7. No decree, judgment or order of parenting responsibility 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 parenting responsibility by either party against the other in any Court.

8. (*Choose one*):

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

(*Select all that apply*) 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.

9. The minor child(ren) of the Plaintiff and Defendant are as follows (*Paragraph 9 continues on next page*):

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*)

10. (*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: _____.

11. (*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.

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

13. 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.

From the Above and Foregoing, the Court now makes and enters the following:

Conclusions of Law

14. Jurisdiction. The District Court has jurisdiction over the subject matter and parties of the present action and this Court is the proper venue of this action.

15. Parental Rights and Responsibilities (*Paragraph 15 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.

16. Parenting Plan: As required by North Dakota Century Code § 14-09-30, the Parenting Plan is set forth in Exhibit A: Parenting Plan. Exhibit A is incorporated by reference into this Findings of Fact, Conclusions of Law and Order for Judgment.

17. Child Support: In accordance with the North Dakota Child Support Guidelines and N.D.C.C. § 14-09-09.7 (*choose one; Paragraph 16 continues on Pages 6-7*):

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.

18. 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 17 does not deviate from the child support calculator.

The child support amount listed in Paragraph 17 deviates from the child support calculator.

\$ _____ is the presumptively correct child support amount. Under 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*):

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

19. 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.

20. 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 21, a child support obligation for more than one child will **not** automatically be reduced when the support obligation expires for the oldest child.

21. **Step-down child support obligation** (*choose one; Paragraph 21 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 19 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 19 **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 19 on the first month after child support terminates for two children. Subsequent payments are due on each successive month on the day indicated in Paragraph 19 **until** child support terminates for a **third** child.

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

22. 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).

23. 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.

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

25. 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.

26. 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.

27. *Health Insurance* (Paragraph 27 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.

28. 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.

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

_____.

30. 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

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: _____

_____.

31. Income Tax Returns:

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.

32. 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.

(This space left intentionally blank.)

Order for Judgment

Let Judgment be Entered Accordingly.

(Judge/Judicial Referee of District Court)

Civil No. _____