

## Instructions for (Proposed) 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) Judgment form.

**The Judge or Judicial Referee may require one or both parents to provide a proposed Judgment for the Judge or Judicial Referee to review and clerk of court to sign!**

If you're assigned to provide a proposed 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 Judgment.**

**Important!!** The final Judgment in a Parenting Responsibility case depends 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 Judgment must reflect what the Judge or Judicial Referee ordered at trial.**

**This (proposed) Judgment form must be an exact copy of the Conclusions of Law section found in your (Proposed) Findings of Fact, Conclusions of Law, and Order for Judgment form. Copy each paragraph exactly as it is in your the Conclusions of Law section.**

This (Proposed) 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 ordered at trial, you need to create your own 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 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 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) Judgment

The Judgment is the Court's written order made from the evidence presented at the Parenting Responsibility trial. This section contains the legal consequences of the facts the Judge or Judicial Referee found to be true.

The "Judgment" form is your **Proposed** Judgment to finalize your Parenting Responsibility case.

The Judge or Judicial Referee ultimately decides whether to grant custody and visitation in your Parenting Responsibility case. The Judge or Judicial Referee also decides whether to use your proposed 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 your proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.

**Paragraph 1:** This paragraph is the same as Paragraph 1 of your proposed Findings of Fact, Conclusions of Law, and Order for Judgment. Fill in the information exactly as you filled in Paragraph 1 of the proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.

- Paragraph 2:** This paragraph states the Judge or Judicial Referee issued their Findings of Fact, Conclusions of law, and Order for Judgment.
- Paragraph 3. Jurisdiction:** This is an **exact** copy of **Paragraph 14** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 4. Parental Rights and Responsibilities.** This is an **exact** copy of **Paragraph 15** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 5. Parenting Plan:** This is an **exact** copy of **Paragraph 16** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 6. Child Support:** Copy this paragraph **exactly** as **Paragraph 17** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 7. Deviation from child support calculator:** Copy this paragraph **exactly** as **Paragraph 18** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 8: Child support shall begin:** Copy this paragraph **exactly** as **Paragraph 19** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 9:** Copy this paragraph **exactly** as **Paragraph 20** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 10. Step-down child support obligation:** Copy this paragraph **exactly** as **Paragraph 21** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraphs 11:** This is an **exact** copy of **Paragraph 22** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.

- Paragraph 12:** This is an **exact** copy of **Paragraph 23** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 13:** This is an **exact** copy of **Paragraph 24** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 14:** This is an **exact** copy of **Paragraph 25** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 15.** This is an **exact** copy of **Paragraph 26** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 16. Health Insurance:** Copy this paragraph **exactly** as **Paragraph 27** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 17. Uninsured and Unreimbursed Medical Expenses:** Copy this paragraph **exactly** as **Paragraph 28** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 18. Childcare Costs:** Copy this paragraph **exactly** as **Paragraph 29** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 19. Child Tax Exemptions:** Copy this paragraph **exactly** as **Paragraph 30** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 20. Income Tax Returns:** This is an **exact** copy of **Paragraph 31** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Paragraph 21. Execution of Required Documents:** This is an **exact** copy of **Paragraph 32** of the Conclusions of Law section in the Proposed Findings of Fact, Conclusions of Law, and Order for Judgment form.
- Date and Signature:**  **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) Judgment

- Make two copies: one for you, one for the other parent.
- You serve your proposed Judgment and your proposed Findings of Fact, Conclusions of Law and Order for Judgment with your proposed Exhibit A to the other parent.

*(See the Declaration or Service form for service instructions.)*

## Make Sure You've Completed the Proposed Exhibit A: Parenting Plan

If you haven't completed the proposed Exhibit listed below, do it now!

- (Proposed) Exhibit B: Parenting Plan.

**State of North Dakota**

**In District Court**

**County of** \_\_\_\_\_ **Judicial District** \_\_\_\_\_

\_\_\_\_\_  
vs  
\_\_\_\_\_  
Defendant. )  
Plaintiff, )  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment  
(*Contested Parenting Responsibility*)  
Case No. \_\_\_\_\_

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. The Court being fully advised and having made its Findings of Fact, Conclusions of Law and Order for Judgment:

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

3. **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.

4. **Parental Rights and Responsibilities** (*Paragraph 4 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.

5. **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 Judgment.

6. **Child Support:** In accordance with the North Dakota Child Support Guidelines and N.D.C.C. § 14-09-09.7 (choose one; Paragraph 6 continues on Pages 3-4):

**A child support order already exists for the child(ren).** The child support case number is \_\_\_\_\_ . The existing child support payment amounts are incorporated into this Judgment.

**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.

**7. 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*):

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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*)

8. **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 this Judgment is entered.

9. 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 10, a child support obligation for more than one child will **not** automatically be reduced when the support obligation expires for the oldest child.

10. **Step-down child support obligation (choose one; Paragraph 10 continues on next page):**

**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 8 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 8 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 8 **until** child support terminates for a **third** child.

Additional sheets are attached. (Choose if applicable)

**11.** 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).

**12.** 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.

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

**14.** 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.

**15.** 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.

**16. *Health Insurance*** (*Paragraph 16 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.

**17. 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.

**18. Childcare Costs:** Plaintiff and Defendant must divide childcare costs in the following way: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

**19. 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

**20. 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.

**21. 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 this Judgment.

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

*(This space left intentionally blank.)*

**Witness** the hand and seal of this Court in the City of \_\_\_\_\_.

State of North Dakota, on \_\_\_\_\_, Clerk of the District

Court, County of \_\_\_\_\_.

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*(Clerk of District Court)*

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