INSTRUCTIONS FOR DIVORCE WITH A WRITTEN AGREEMENT – WITH CHILDREN

IMPORTANT! READ BEFORE USING THESE FORMS AND INSTRUCTIONS

ND Legal Self Help Center staff and court employees can't help you fill out forms.

If you're unsure how to proceed, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.

Carefully read this information and any instructions to which you're referred.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
  - North Dakota Rules of Civil Procedure;
  - North Dakota Rules of Court;
  - North Dakota Rules of Evidence;
  - North Dakota Administrative Rules and Orders; and
  - Any local court rules.

Links to the state laws, case law, and court rules can be found at www.ndcourts.gov.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

- For more information about finding a lawyer, www.ndcourts.gov/legal-self-help/finding-a-lawyer.

A glossary with definitions of legal terms is available at www.ndcourts.gov/legal-self-help.

These instructions and forms aren't a complete statement of the law. *They cover the basic procedure for asking a North Dakota District Court for a divorce that includes children and the spouses agree in writing on all issues related to the divorce. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided.* ***Use at your own risk.***

You may only use these forms if your answer to ALL of the following statements is "Yes."

1. Both spouses are currently in communication with each other.
2. Both spouses agree on all issues. (*See Forms 3 and 4 for all issues on which you must agree.*)
3. One of the spouses has lived in North Dakota for the past six months.
4. All of the minor children have lived in North Dakota with a spouse for at least the past 6 months (or since birth); ***OR*** Within the past 6 months, North Dakota was the home state of all of the children and one spouse still lives in North Dakota.
5. There is no other custody, visitation, divorce, legal separation or paternity order from a North Dakota court or court of another state.
6. This is the only legal action pending between the spouses regarding the marriage or the minor children.
7. Neither spouse is currently in the military; ***OR*** one or both spouses are currently in the military but not deploying or deployed.
8. There is no domestic violence protection order or disorderly conduct restraining order currently in effect regarding either spouse.

If you answered YES to all of the statements, you may proceed. **If you answered NO to any of the statements in 1 through 8, STOP! You can't use this set of forms.**

BEFORE YOU BEGIN – REVIEW FORM 3 AND FORM 4

Before you begin the steps for this packet of forms, review the Settlement Agreement (Form 3) and Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

Forms 3 and 4 make up the full written agreement for your divorce. If you believe that you and your spouse can reach an agreement on every paragraph of Forms 3 and 4, continue.

If you **don't** believe that you and your spouse can reach an agreement on every paragraph of Forms 3 and 4, this set of forms may not be suitable.

IF YOU DON'T MEET THE REQUIREMENTS OF WHO MAY USE THIS PACKET OF FORMS

If your situation doesn't meet the requirements of who may use this packet of forms, you may still bring a summary divorce action or a formal contested divorce action to a North Dakota District Court.

To see if you meet the requirements for a summary divorce, review the summary divorce instructions and forms available at www.ndcourts.gov/legal-self-help/divorce.

If you don't meet the requirements for a summary divorce, review the Contested Divorce Information Guide available at www.ndcourts.gov/legal-self-help/divorce.

- If you decide to represent yourself in a **formal contested divorce**, you'll need to create your own legal documents, or retain an attorney to create the legal documents for you.
- Examples of many of the legal documents you will need to create are available at the end of the Contested Divorce Informational Guide.

WARNINGS!

You have the choice to be represented by an attorney of your choice at your own expense. By using these forms you are agreeing to expressly waive that right and that you are freely and voluntarily representing yourself in this action.

ND Legal Self Help Center staff and Court personnel **can't** help you fill out the form(s) in this packet.

ND Legal Self Help Center staff and Court personnel **can't** assist with any questions that require legal advice to answer.

See a lawyer if you don't know how to answer the questions on these forms or if you think the other spouse will hire a lawyer.

As you fill out the form(s) in this packet you **must** follow the instructions.

Type your answers or print neatly using dark ink.

Dividing property and real estate is complicated. See a lawyer if you have any questions.

There may be tax consequences associated with spousal support or the division of assets. See a tax professional if you have any questions.

CAUTION REGARDING DOMESTIC VIOLENCE.

Domestic violence protection orders and disorderly conduct restraining orders generally don't allow communication between the person protected by the order and the person the order is against.

This packet of forms is designed to be used by spouses who represent themselves and agree in writing on all issues related to the divorce. The spouses must be in communication with each other to share information, make decisions and complete the forms before filing with the Clerk of Court. If there is a domestic violence protection order or disorderly conduct restraining order in effect against either spouse, you **can't** use these forms.

If there is no domestic violence protection order or disorderly conduct restraining order in effect, but you're concerned about the impact of domestic violence on you, this packet of forms may not be suitable.

Before using this packet of forms, you're strongly urged to consult a lawyer and to contact a domestic violence intervention center in your area to help you navigate your situation.

CAWS North Dakota can help you find a domestic violence intervention center in your area. The phone number is (888) 255-6242; the website is www.cawsnorthdakota.org.

NORTH DAKOTA LAWS RELATED TO DIVORCE AND PARENTING RIGHTS AND RESPONSIBILITIES:

Chapter 14-05 of the North Dakota Century Code governs divorce.

Chapter 14-09 of the North Dakota Century Code governs parenting rights and responsibilities, such as custody, visitation, and child support.

Chapter 14-14.1 of the North Dakota Century Code is the Uniform Child Custody Jurisdiction and Enforcement Act. This Chapter governs when a North Dakota district court has the authority to make binding decisions on determining parenting rights and responsibilities.

Chapter 14-05, 14-09 and 14-14.1 are Chapters within Title 14 of the North Dakota Century Code. There are many other laws related to families in Title 14. You may find them of interest.

Laws constantly change through legislation, administrative rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions.

Interpreting what the law means for a specific set of circumstances is a fundamental part of legal representation. ND Legal Self Help Center staff can't provide legal representation of any kind under any circumstances. Legal representation can only be provided to you by an attorney who has agreed to represent you.

As a self-represented individual, you perform all of the functions of a lawyer for yourself, which includes interpreting what the law means as it applies to your circumstances.

To see how the North Dakota Supreme Court has interpreted the laws or rules related to divorce, research North Dakota Supreme Court opinions at www.ndcourts.gov/supreme-court/opinions. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.

You can also find notes of North Dakota Supreme Court opinions related to North Dakota law in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

DEFINITIONS:

******The following definitions are intended to be helpful, BUT they aren't intended to constitute legal advice OR address every possible meaning of the terms in this section.******

Assets – everything owned by owned by either spouse, whether owned jointly or individually. Assets include, but aren't limited to, real property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Child Support – payments for the support of a child, including payments for health insurance coverage or other medical support, and payments for the support of spouses or former spouses with whom the child is living as long as the spousal support payment is owed to the spouse or former spouse under the same order as the payments for the child, if the payment is required by the order of a court or other governmental agency having authority to issue such orders, and includes past-due support.

Decision making responsibility – the responsibility to make decisions concerning the child. The term may refer to decisions on all issues or on specific issues, but not child support issues.

Debts – (also called Liabilities) everything owed by either spouse, whether owed jointly or individually. Debts include, but aren't limited to, mortgages, credit cards, student loans and car loans.

Deploying or deployed parent – a deploying or deployed parent is a uniformed service member who has been notified of orders of movement or mobilization for more than ninety days but less than eighteen months **AND** the orders are designated as unaccompanied, not authorized for dependent travel, or don't permit family members to move to the deployment location.

Equitable distribution – (also called Equitable Division) marital property is distributed equitably (fairly) in a divorce. A court would make an equitable distribution based on the following factors:

- Respective ages of the spouses;
- Earning ability;
- Duration of the marriage and conduct of the spouses during the marriage;
- Station in life;
- Circumstances and necessities of the spouses;
- Health and physical condition;
- Financial circumstances as shown by the property owned at the time;
- Value of the property owned at the time;
- Income-producing capacity of the property owned at the time, if any;
- Whether the property was accumulated before or after the marriage; and
- Any other matters that may be material.

Generally, the factors above are applied when spouses don't agree. However, a court has the authority to decide whether a settlement agreement between the spouses was entered into as a result of mistake, duress, menace, fraud, or undue influence.

Home state – the state in which a child lived with a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, home state means the state in which the child lived from birth with a parent. A period of temporary absence of any of the mentioned persons is part of the period.

Irreconcilable differences – (also called No Fault) substantial reasons for not continuing the marriage and which make it appear the marriage should be dissolved. The court need only find that irreconcilable differences exist.

Marital property – all of the assets and debts owned by either spouse, whether owned or owed jointly or individually.

Obligor – the person ordered by the court to pay child support or spousal support.

Obligee – the person receiving child support or spousal support ordered by the court.

Parental rights and responsibilities – all the rights and responsibilities a parent has concerning the parent's child.

Parenting plan – a written plan describing each parent's rights and responsibilities.

Parenting schedule – the schedule of when the child is in the care of each parent.

Parenting time – the time when the child is to be in the care of a parent. (Also known as visitation.)

Personal property – every kind of property that isn't real property. (See real property definition below.) Personal property includes, but isn't limited to, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Primary residential responsibility – a parent with more than fifty percent of the residential responsibility.

Qualified Domestic Relations Order (QDRO) – an order of the court that directs the administrator of a retirement plan to divide retirement assets as granted in a divorce judgment. There are many different QDRO's that are specific to the type of retirement plan. For more information about QDRO's, go to www.dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce and scroll to the "Retirement" section.

If you divide a retirement asset between spouses, a QDRO is required. The spouses MUST present a proposed QDRO to the court to consider and sign. The court WON'T draft a QDRO for you. The ND Legal Self Help Center DOESN'T have QDRO forms or instructions. Consulting a lawyer is strongly recommended when dividing a retirement asset!

Real property – land either with or without buildings upon it. For example, a home is real property. (Also known as real estate.)

Residency requirement – the amount of time a spouse must live in North Dakota before they can ask a North Dakota district court to grant a divorce. The residency requirement for North Dakota is 6 months.

Residential responsibility – a parent's responsibility to provide a home for the child. (Also known as custody.)

THE PARTIES:

The spouse starting the divorce action is called the **Plaintiff**. The other spouse is called the **Defendant**.

The spouse who will be listed as Plaintiff to this divorce action should be a spouse who can answer "Yes" to Statement #3 on page 2 of these instructions. If neither spouse can answer "Yes" to Statement #3, you may not use this packet of forms.

DIVIDING PENSION OR RETIREMENT PLANS:

Read this section if the spouses are planning to divide individual pension or retirement plans between the spouses.

If neither spouse has pension nor retirement plans, OR the spouses will keep their own pension or retirement plans, without dividing an individual plan, move to STEP ONE.

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order to divide these assets.

The separate court order is called a qualified domestic relations order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. **The court won't draft a QDRO document or an order including a QDRO.**

See STEP FIVE for more information about how to obtain a proposed QDRO before you file the completed forms packet with the Clerk of Court.

The ND Legal Self Help Center doesn't have QDRO forms or instructions and can't assist with drafting or obtaining QDRO's. Consulting a lawyer is strongly recommended when dividing a retirement asset!

(*This space left intentionally blank.*)

FORMS IN THE PACKET:

See each individual form for instructions to complete the form.

9 FORMS YOU MUST COMPLETE BEFORE FILING WITH THE COURT:

Form Title	Description
Form 1: Summons (*Plaintiff completes*)	Notifies the Defendant that the Plaintiff started the process for a divorce. The summons must be signed and dated by the clerk of court to be valid.
Form 2: Complaint (*Plaintiff completes*)	Gives the court information about the Plaintiff and Defendant, and their children. Tells the court what the Plaintiff is asking for from the court.
Form 3: Settlement Agreement (*Plaintiff & Defendant complete*)	A written and signed agreement of the Plaintiff and Defendant determining all issues of the divorce and the parenting rights and responsibilities to the minor child(ren). Both Plaintiff and Defendant must sign in the presence of a notary public or clerk of court.
Form 4: Exhibit A: Confidential Division of Property & Debt & Values (*Plaintiff & Defendant complete*)	Lists the assets and debts of the marriage, as well as the agreed upon values of the assets and outstanding amount of each debt. Divides each asset and debt of the marriage between the spouses. Both Plaintiff and Defendant must sign in the presence of a notary public or clerk of court. This form is a part of the court record that isn't seen by the public.
Form 5: Confidential Information Form (*Plaintiff & Defendant complete*)	Lists the full confidential information that isn't allowed to appear in other documents filed with the court. This form is a part of the court record that isn't seen by the public.
Form 6: Admission of Service (*Defendant completes*)	Proof that copies of the completed Form 1: Summons, Form 2: Complaint, and Form 4: Exhibit A: Confidential Division of Property & Debt & Values were delivered to and accepted by the Defendant.

9 FORMS YOU MUST COMPLETE BEFORE FILING WITH THE COURT:

Form Title	Description
Form 7: Affidavit of Proof for Stipulated Judgment (*Plaintiff completes*)	The Plaintiff's written and signed statement of the facts and the court's authority (jurisdiction) to decide the action. Plaintiff must sign in the presence of a notary public or clerk of court.
Form 8: Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (*Complete using Form 3*)	Findings of Fact are the Court's written determination of the facts made from the evidence presented. Conclusions of Law are the rulings of law made by the Court based on, or in connection with, the Findings of Fact. These are your proposed findings of fact and conclusions of law, which are based on the Settlement Agreement.
Form 9: Judgment (Proposed) (*Complete using Form 3*)	A written order of the judge's decision. The divorce isn't granted until the judgment is signed and filed. This is your proposed judgment, which is based on the Settlement Agreement.

1 FORM YOU MUST COMPLETE AFTER THE COURT GRANTS THE DIVORCE:

Form Title	Description
Form 10: Notice of Entry of Judgment (*Plaintiff completes*)	A required notice from the Plaintiff to the Defendant. Served on the Defendant within 14 days after the judgment is entered.

ALL OF THE FORMS MUST BE FILLED OUT COMPLETELY BEFORE FILING WITH THE COURT!!

Don't leave any of the paragraphs within the forms unanswered.

If a section of the form doesn't apply to you, type or write "0.00" for the dollar amount, or "N/A" for not applicable.

If a form isn't completely filled out, it could result in the clerk not accepting the forms for filing, or the court may send the form back to you to complete. It could also mean the judge will require you to appear in person in court to answer why there are blanks in the form.

FOLLOW AND CAREFULLY READ ALL INSTRUCTIONS! There are checkboxes (❑) for your convenience. Check each box as you finish the step. Don't go on to the next step UNTIL the previous step has been completed.

STEP ONE:
Review the Forms and Instructions; Gather Information and Make Decisions

❑ **Review the forms and instructions:**

Read these instructions carefully. Review the individual forms and their instructions carefully. Determine if the forms apply to your situation. If you don't know if you should use this packet of forms, consult a lawyer who is licensed to practice in North Dakota.

❑ **Gather information and Make Decisions:**

Both spouses should gather information to help make decisions about the following:

- Dividing marital property.
    - Make a list of all assets and debts, including value of each asset and amount of each debt.
- Residential responsibility of the minor child(ren). (Also known as custody.)
- Parenting time, including scheduling. (Also known as visitation.)
- Decision making responsibility for the minor child(ren).
- Child support, including wages and other earnings information.
- Medical coverage, including health insurance premiums, copays, deductibles, etc.

❑ **Complete your child support calculations:**

If you already have a Child Support Order, get a copy of the Order to include with the completed packet of forms. You don't need new child support calculations.

If you don't already have a Child Support Order, you need to complete your child support calculations BEFORE either parent signs the Settlement Agreement. **If you don't want to establish child support at this time, you may not use this packet of forms.**

WARNING: If you attempt to file this packet of forms without completing the child support calculations, the court will either require you to complete the calculations before making a decision on your divorce case, or dismiss your divorce case entirely.

The Child Support Division of the North Dakota Department of Human Services created and provides support for the Child Support Guidelines Calculator. You'll find the Calculator at www.nd.gov/dhs/services/childsupport/progserv/guidelines/guidelines.html.

You can complete your child support calculations in Excel or on paper. Read and follow the instructions carefully!

If the parents will have equal residential responsibility, you must calculate child support amounts for both parents.

If one parent will have primary residential responsibility (more than 50% of the residential responsibility), you must calculate the child support amount for the parent with less than 50% of the residential responsibility.

WARNING: If you plan to ask the court to allow a parent to pay a different amount of child support than the Child Support Guidelines Calculator amount, you're strongly urged to consult a lawyer for assistance. The Calculator amount is presumed to be the correct amount of child support. The parent asking for a deviation from the Calculator amount must prove they meet one of the limited exceptions for deviation, and the deviation is in the best interests of the child(ren). See North Dakota Century Code Section 14-09-09.7 and North Dakota Administrative Code Section 75-02-04.1-09.

The Child Support Division may be able to provide some assistance with your child support calculations. (701-328-5440; 800-231-4255) Court personnel and staff of the ND Legal Self Help Center can't assist with child support calculations.

STEP TWO:
Fill out the Settlement Agreement (Form 3) and Exhibit A: Confidential Division of Property and Debt and Values (Form 4)

Both spouses work together to complete these forms.

- ❑ **Fill out the Settlement Agreement (Form 3) and the Exhibit A: Confidential Division of Property and Debt and Values (Form 4) ONLY if both spouses agree on all issues.**

The Settlement Agreement (Form 3) and the Exhibit A: Confidential Division of Property and Debt and Values (Form 4) tells the Court that the spouses have reached an agreement settling all of the issues involved in this divorce action. It also tells the Court exactly what the terms of the agreement are.

Instructions for completing the Settlement Agreement (Form 3) and the Exhibit A: Confidential Division of Property and Debt and Values (Form 4) are attached to each form.

The Settlement Agreement (Form 3) isn't completed until the date from the completed Admission of Service (Form 6) is filled in.

STOP! YOU CAN'T USE THIS SET OF FORMS if both spouses haven't signed both the Settlement Agreement (Form 3) AND the Confidential Division of Property and Debt and Values (Form 4) in the presence of a notary public or clerk of court. You haven't reached an agreement on ALL issues.

To see other divorce resources available through the ND Legal Self Help Center, go to www.ndcourts.gov/legal-self-help/divorce.

(*The Exhibit A: Confidential Division of Property and Debts and Values (Form 4) is a confidential court record that isn't generally available to be viewed by the public after the document is filed with the clerk of court.*

However, any person with good cause may make a written request to the court for access to the Exhibit A: Confidential Division of Property and Debts and Values (Form 4). If a written request is made, the person making the request must notify the parties in the divorce. The parties will then have the option to tell the court in writing why they agree or disagree with the request.

If the court finds that the public interest, or the personal interest of the person making the request, outweighs the privacy interest of the parties, or their dependent children, the court will grant access.)

STEP THREE:
Fill out the Summons (Form 1)

The spouse listed as Plaintiff completes this form.

The Summons (Form 1) tells your spouse that you have filed a lawsuit against them asking for a divorce, and also tells your spouse that if they do not file a written Answer to your lawsuit, the court may give you everything you ask for in your lawsuit. **Filling out this form is required even though you and your spouse agree to the divorce.**

❑ **Fill out the Summons (Form 1):**

Instructions for completing the Summons (Form 1) are attached to the form.

Go to the Clerk of District Court's Office and ask the clerk of court to sign and date the summons.

Both parties are required to obey the Summons. **Read it carefully!**

You'll make copies of the completed Summons (Form 1) in Step 9.

STEP FOUR:
Fill out the Complaint (Form 2)

The spouse listed as Plaintiff completes this form.

The Complaint (Form 2) is divided into two parts. The first part gives the Court information about you, your spouse, and your property. The second part tells the Court and your spouse what you are asking for from the Court. **Filling out this form is required even though you and your spouse agree to the divorce.**

❑ **Fill out the Complaint (Form 2):**

Instructions for completing the Complaint (Form 2) are attached to the form.

WARNING: By signing your name you're telling the Court that you're telling the truth and that you have a good faith reason for your requests. If you're not telling the truth or if you're misleading the Court of if you're serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

You'll make Copies of Completed Complaint (Form 2) in Step 9.

STEP FIVE:
Fill out the Confidential Information Form (Form 5)

Both spouses work together to complete out this form.

Court records are generally available to the public, and anyone can request to look in almost any court file. However, certain information is required to remain confidential, even if it is part of a public court record.

❑ **Fill out the Confidential Information Form (Form 5):**

Instructions for completing the Confidential Property is attached to the form.

A Note About Confidential Information In Documents Filed with the Court:

You and your spouse are solely responsible for making sure confidential information doesn't appear in the documents you each prepare.

Confidential information includes:

- Social security numbers
- Taxpayer identification numbers
- Birthdates
- Financial-account numbers.

Documents filed with the Court with references to confidential information must include only:

- The last four (4) digits of the social security number and taxpayer identification number
- The year of birth
- The last four (4) digits of the financial-account number

Since the forms in this packet include references to confidential information, you must prepare a Confidential Information form. The form must contain the full confidential information that is referenced in the documents.

You'll make copies of the completed Confidential Information Form (Form 5) in Step 9.

STEP SIX (OPTIONAL):
Obtain a Proposed Qualified Domestic Relations Order (QDRO)

CAUTION!!

Individual Courts may have a Differently Ordered Process
AND/OR Additional Requirements to the QDRO Process!!

The QDRO process is extremely complicated. The information that follows is the basic process for QDROs. HOWEVER, there are many possible variations to this process.

Individual state district courts may require you to follow a differently ordered process than the basic process that follows. Individual state district courts may have additional requirements to those that follow.

If you feel you need assistance, consult a lawyer licensed to practice in North Dakota. ND Legal Self Help Center staff CAN'T provide any assistance beyond the information below.

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order to divide these assets. **The separate court order is called a qualified domestic relations order (QDRO)** and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. **The court won't draft a QDRO document or an order including a QDRO.**

Complete this section ONLY if the spouses are dividing individual pension or retirement plans between the spouses.

If neither spouse has pension nor retirement plans, OR the spouses kept their own pension and retirement plans, without dividing an individual plan, you may skip this step.

For more information about QDRO's, go to www.dol.gov/agencies/ebsa/workers-and-families/separation-and-divorce and scroll to the "Retirement" section.

If Plaintiff's plan will be divided, the Plaintiff is responsible for obtaining the proposed QDRO.

If Defendant's plan will be divided, the Defendant is responsible for obtaining the proposed QDRO.

Contact the plan administrator early in the process. Some plan administrators have sample QDRO documents for you to follow when drafting your own QDRO.

DON'T sign the proposed QDRO. The QDRO is signed by the Judge or Judicial Referee.

Make a copy of all proposed QDRO(s) for your records. The original proposed QDRO(s) are filed in Step 11.

*****The ND Legal Self Help Center doesn't have QDRO forms or instructions and can't assist with drafting or obtaining QDRO's. Consulting a lawyer is strongly recommended when dividing a pension or retirement asset! Even if you use a plan administrator's form, you may want a lawyer to advise whether you're giving up any important benefits.*****

PROCEED TO STEP 7 AFTER YOU'VE COMPLETED STEPS 1 THROUGH 6.

STEP SEVEN:
Fill out the Affidavit of Proof for Stipulated Judgment (Form 7)

The spouse listed as Plaintiff completes this form.

This forms packet is designed to be presented to a North Dakota District Court without requiring an in-person hearing. Evidence is presented by affidavit, which is the Plaintiff's written statement of the facts of the divorce action.

Please be aware that the Court may still request an in-person hearing before making a final decision.

- ❑ **Fill out the Affidavit of Proof for Stipulated Judgment (Form 7).**

Instructions for completing the Affidavit of Proof for Stipulated Judgment are attached to the form.

You'll make a copy of the completed Affidavit of Proof for Stipulated Judgment (Form 7) in Step 9.

STEP EIGHT:
Fill out the Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) AND the Judgment (Form 9)

Both spouses work together to complete out these forms.

Findings of fact are the Court's written determination of the facts made from the evidence presented in the divorce action. This explains what facts the Court found to be true.

Conclusions of law are the rulings of law made by the Court based on, or in connection with, the findings of fact. These are the legal consequences of the facts the Court found to be true.

- ❑ **Fill out the Findings of Fact, Conclusions of Law and Order for Judgment (Form 8).**

The Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) are your **PROPOSED** findings of fact, conclusions of law and order for judgment for the divorce.

Instructions for filling out the Findings of Fact, Conclusions of Law and Order for Judgment is attached to the form.

The Judge or Referee assigned to your action will decide whether to grant your divorce. The Judge or Referee will also decide whether to use your proposed findings of fact, conclusions of law and order for judgment.

❑ **Fill out the Judgment (Form 9)**

The Judgment (Form 9) is your **PROPOSED** judgment for divorce.

Instructions for filling out the Judgment is attached to the form.

If the Judge or Referee assigned to your action grants your divorce and uses your proposed findings of fact, conclusions of law and order for judgment, the Clerk of Court will sign and date your proposed judgment.

You'll make copies of the completed Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) and the Judgment (Form 9) in Step 9.

STEP NINE:
Get Signatures; Make Copies of Completed Forms

ALL OF THE FORMS MUST BE FILLED OUT COMPLETELY!! If a section of a form doesn't apply to you, type or write "0.00" for the dollar amount, or "N/A" for not applicable.

If a form isn't completely filled out, it could result in the clerk not accepting the forms for filing, or the court may send the form back to you to complete. It could also mean the judge will require you to appear in person in court to answer why there are blanks in the form.

SIGNING DOCUMENTS

❑ **The spouse listed as Plaintiff must make sure the Summons (Form 1) is signed by the clerk of court.**

The Plaintiff also signs and fills in their information.

❑ **The spouse listed as Plaintiff must complete and sign the following forms:**

1. Complaint (Form 2); and
2. Affidavit of Proof for Stipulated Judgment (Form 7), which must be signed in from of a notary public or clerk of court.

- ❑ **Both spouses must complete the following forms and sign them in the presence of a notary public or clerk of court:**

    1. Settlement Agreement (Form 3); and
    2. Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Both spouses must complete and sign the following form:**

    1. Confidential Information Form (Form 5).

MAKING COPIES

- ❑ **After obtaining all signatures as indicated above, make 2 copies of the following:**

    1. Summons (Form 1);
    2. Complaint (Form 2);
    3. Settlement Agreement (Form 3);
    4. Exhibit A: Confidential Division of Property and Debts and Values (Form 4);
    5. Confidential Information Form (Form 5);
    6. Affidavit of Proof for Stipulated Judgment (Form 7);
    7. Findings of Fact, Conclusions of Law and Order for Judgment (Form 8) – **NOT Signed**; and
    8. Judgment (Form 9) – **NOT Signed**.

- ❑ **Keep one copy for your records.**

You'll give one copy to the Defendant in Step 10. You'll file the originals with the Court in Step 11.

(*This space left intentionally blank.*)

STEP TEN:
Give Copies of Completed Forms to Defendant; Defendant Completes the Admission of Service (Form 6)

- ❑ **The spouse listed as Plaintiff mails or gives one copy of each form to the Defendant as follows:**
  1. Summons (Form 1)
     - Must be signed by the Plaintiff and Clerk of Court
  2. Complaint (Form 2)
     - Must be signed by Plaintiff
  3. Settlement Agreement (Form 3)
     - Must be signed by both Plaintiff and Defendant in front of a notary public or clerk of court
  4. Exhibit A: Confidential Division of Property and Debts and Values (Form 4)
     - Must be signed both Plaintiff and Defendant in front of a notary public or clerk of court
  5. Confidential Information Form (Form 5)
  6. Blank Admission of Service (Form 6)
     - To be completed and signed by the Defendant
  7. Affidavit of Proof for Stipulated Judgment (Form 7)
     - Must be signed by Plaintiff in front of a notary public or clerk of court
  8. Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8)
     - **NOT SIGNED**
  9. Judgment (Proposed) (Form 9)
     - **NOT SIGNED**

- ❑ **Ask the Defendant to do the following:**

  - Complete the Admission of Service (Form 6);
  - Date and sign the Admission of Service (Form 6);
  - Make a copy of the Admission of Service (Form 6) for the Defendant's records; and
  - Return the original, completed Admission of Service (Form 6) to you.

- ❑ **Make a copy of the original, completed and signed Admission of Service (Form 6) for your records.**

After you receive the completed and signed Admission of Service (Form 6) from the Defendant, proceed to Step 11.

WARNING: Once the Defendant receives copies of the completed Summons and Complaint, and the Defendant dates and signs the Admission of Service, neither spouse can take your minor child(ren) from North Dakota without the written permission of the other spouse or an order of the Court. (This doesn't include taking your minor child(ren) from North Dakota for temporary periods.) If a spouse disobeys this temporary restraining provision, that spouse may be in contempt of court.

STEP ELEVEN:
File the Original, Completed Forms with the Clerk of Court

- ❑ **Take or mail the completed ORIGINAL of each of the following documents to the Clerk of District Court's Office in the North Dakota county where you will file your divorce forms:**

  - Summons (Form 1);
  - Complaint (Form 2);
  - Settlement Agreement (Form 3);
    - Include any additional sheets and/or child support calculations.
  - Exhibit A: Confidential Division of Property and Debts and Values (Form 4)
  - Confidential Information Form (Form 5);
  - Admission of Service (Form 6);
  - Affidavit of Proof for Stipulated Judgment (Form 7);
  - Findings of Fact, Conclusions of Law and Order for Judgment (Proposed) (Form 8);
  - Judgment (Proposed) (Form 9); and
  - All proposed QDRO's (If you divided pension or retirement plans).

- ❑ **Pay the filing fee.** The filing fee for a divorce action is currently $80.00.

If you can't afford to pay the filing fee, the judge may waive it under certain circumstances.

Forms and instructions to request an order to waive filing fees are available at www.ndcourts.gov/legal-self-help/fee-waiver. File the completed forms when you file your completed divorce forms.

A judge reviews the request to determine whether you must pay the filing fee. Be prepared to pay the filing fee if your request isn't granted or the Clerk of Court can't file your documents.

The original documents will be kept in the court file. If your documents are accepted for filing by the Clerk of District Court, a case number will be assigned to your divorce case.

STEP TWELVE:
Divorce Judgment

After the Court reviews all of the paperwork, the Court <u>might</u> require a hearing. If the Court requires a hearing, you'll be notified of the date, time and location of the hearing. If you fail to attend the hearing, the court may not grant your divorce.

If the Court approves the Settlement Agreement, the Clerk of Court will send you and the Defendant a copy of the Judgment telling you the judge signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment has been filed which means the divorce is granted and is final.

If the Court doesn't require a hearing <u>and</u> the Court approves the Settlement Agreement, the Clerk of Court will send you and the Defendant a copy of the Judgment telling you the judge has signed the Findings of Fact, Conclusions of Law, and Order for Judgment and the Judgment, has been filed which means the divorce is granted and is final.

If you need a certified copy of the judgment, contact the Clerk of Court's office. You may obtain a copy for a fee.

WARNING: YOU'RE NOT DIVORCED UNTIL THE JUDGMENT IS FILED.

STEP THIRTEEN:
Serve the Notice of Entry of Judgment (Form 10) on the Defendant; File Proof of Service

The spouse listed as Plaintiff completes this form.

Within 14 days after the divorce judgment is entered, the Plaintiff must serve a Notice of Entry of Judgment (Form 10) on the Defendant.

- ❑ **Fill out the Notice of Entry of Judgment (Form 10).**

Instructions for completing and serving the Notice of Entry of Judgment (Form 10) are attached to the form.

After service is complete, file the original completed Notice of Entry of Judgment (Form 10) <u>and</u> proof of service on the Defendant with the Clerk of Court.

DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 1: SUMMONS

(*Form 1: Summons* is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Summons.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include this instruction sheet when you serve or file the completed form.

THE PLAINTIFF COMPLETES AND SIGNS THIS FORM. THE CLERK OF COURT MUST SIGN AND DATE THIS FORM.

Top of Form (Caption): Fill in the name of the County in North Dakota where you intend to file the divorce action.

- Fill in the name of the Judicial District in North Dakota where the County is located. (The County is within the Judicial District.) County and Judicial District information and maps are available at www.ndcourts.gov.
- Fill in the full, legal name of the spouse who will be listed as the Plaintiff.
- Fill in the full, legal name of the spouse who will be listed as the Defendant.
- Leave Case No blank. When all of the completed documents are accepted for filing, the Clerk of Court will assign a case number. (See Step Eight of the Instructions for the forms packet.)

Date and Signature: Sign and date the summons.

- Go to the clerk of court's office in the County in North Dakota where you will file the divorce action. The clerk of court must date and sign the summons.
- In divorce actions, when a Plaintiff is not represented by a lawyer, the summons must be issued by the Clerk of Court. **The Clerk of Court must sign and date the summons before it is served on the Defendant.**

Do not include this instruction sheet when you serve or file the completed form.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 2: COMPLAINT

(*Form 2: Complaint* is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Complaint.)

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

There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

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

THE PLAINTIFF COMPLETES AND SIGNS THIS FORM.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Paragraphs 1 & 2: If the statements in Paragraphs 1 and 2 aren't true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 3: Fill in your information.

Paragraph 2: Fill in the information for the Defendant.

Paragraph 4: Fill in your marriage information.

Paragraph 5: Put a checkmark (✓) next to the statement that's true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- See the instructions for the packet of forms for the definitions of deployed or deploying parent.

Paragraph 6: If the statement in Paragraph 6 isn't true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 7: Fill in the information for each minor child of you and Defendant.

- Be sure to use only the initials of each minor child.
- If the minor child does not have a social security number, type or write "N/A".

If you have more than three minor children together, attach a sheet that lists the information for each additional child.

- Put a checkmark (✓) in the box at the end of Paragraph 7.
- Type or write "Complaint Paragraph 7" on the top of the additional sheet(s).

Paragraph 8: Put a checkmark (✓) next to the residential responsibility option that you and the Defendant will request from the Court. DON'T put a checkmark in more than one box.

- See the instructions for the packet of forms for definitions of residential responsibility and parenting time.

Please note that this forms packet doesn't include an option for split residential responsibility (dividing the minor children between the parents). If you want a court to establish split residential responsibility, consult a lawyer. You can't use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 9: Put a checkmark (✓) next to the statement that's true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 10: Put a checkmark (✓) next to the statement that's true for your situation.

- Type or write the full, legal name of the parent.

If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 11: Complete all 5 parts of Paragraph 11.

- Paragraph 11(a): Fill in the information for each minor child listed in Paragraph 7. (Initials only)
- Paragraph 11(b): Fill in the information for each minor child listed in Paragraph 7. (Initials only)
- Paragraph 11(c): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- Paragraph 11(d): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- Paragraph 11(e): Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the additional information.
- If you need more space to answer any of Paragraph 11, attach a sheet or sheets with the additional information.
    - Put a checkmark (✓) in the box at the end of Paragraph 11.
    - Type or write "Complaint Paragraph 11" on top of the additional sheet(s).

Paragraph 12: Put a checkmark (✓) next to the statement that's true for your situation. If you select the second option, fill in the case number of the child support order.

- If you already have a child support order, make sure you have a copy so you can write or type the correct case number in Paragraph 12.

Paragraphs 13 & 14: If the statements in Paragraphs 13 and 14 aren't true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 15: Put a checkmark (✓) next to the statement that's true for your situation.

Paragraphs 16 through 20: Read the statements carefully. This tells the court what you're asking for from the court.

Date and Signature: Complete the date and signature block.

- Fill in the date you sign this document.
- Sign the signature line.
- Fill in the address lines. If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.
- Fill in the telephone number line.

Verification: Complete the verification page.

> **WARNING:** By signing your name you're telling the Court that you're telling the truth and that you have a good faith reason for your requests. If you're not telling the truth or if you're misleading the Court, or if you're serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

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

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DIVORCE WITH A WRITTEN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 3: SETTLEMENT AGREEMENT

(*Form 3: Settlement Agreement* is part of the *Divorce With a Written Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Settlement Agreement and Exhibit A.)

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

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

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

Fill out the Settlement Agreement (Form 3) ONLY if you and your spouse agree on ALL issues. If you haven't reached agreement on ALL issues, you may not use these forms.

THE PLAINTIFF AND DEFENDANT WORK TOGETHER TO COMPLETE THIS FORM.

- ❑ **Top of form (Caption):** Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.
- ❑ **Whereas:** Review the statements carefully.

AGREEMENT AS TO FACTS:

- ❑ **Paragraph 1:** Fill in the date the Defendant signed *Form 6: Admission of Service*. This may need to be filled in after you complete the rest of *Form 3: Settlement Agreement*, but BEFORE you sign *Form 3*.
  - Refer to STEP FOUR of the Instructions for the *Divorce With a Written Agreement – With Children* packet of forms for obtaining the Defendant's signature on *Form 6: Admission of Service*.
- ❑ **Paragraph 2:** Refer to Paragraph 3(a) of *Form 2: Complaint*. Fill in your information.
- ❑ **Paragraph 3:** Refer to Paragraph 3(b) of *Form 2: Complaint*. Fill in the information for the Defendant.
- ❑ **Paragraph 4:** Refer to Paragraph 4 of *Form 2: Complaint*. Fill in your marriage information.

- ❑ **Paragraphs 5 & 6:** If the statements in Paragraphs 5 and 6 aren't true, you may not use this form or the *Divorce With a Written Agreement – With Children* packet of forms.

- ❑ **Paragraph 7:** Refer to Paragraph 5 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that true for your situation. If neither statement is true, you may not use this form or the *Divorce With a Written Agreement – With Children* packet of forms.

  - See the instructions for the packet of forms for the definitions of deployed or deploying spouse.

- ❑ **Paragraphs 8 & 9:** If the statements in Paragraphs 8 and 9 aren't true, you may not use this form or the *Divorce With a Written Agreement – With Children* packet of forms.

- ❑ **Paragraph 10:** Refer to Paragraph 7 of *Form 2: Complaint*. Fill in the information for each minor child of you and Defendant.

  If you have more than three minor children together, attach a sheet that lists the information for each additional child.

  - Put a checkmark (✓) in the box at the end of Paragraph 10.
  - Type or write "Settlement Agreement Paragraph 10, Agreement as to Facts" on the top of the additional sheet(s).

- ❑ **Paragraph 11:** Refer to Paragraph 10 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that is true for your situation.

  - Type or write the full, legal name of the spouse.

  If neither statement is true, you may not use this form or the *Divorce With a Written Agreement – With Children* packet of forms.

- ❑ **Paragraph 12:** Refer to Paragraph 9 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, you may not use this form or the *Divorce With a Written Agreement – With Children* packet of forms.

- ❑ **Paragraph 13:** Refer to Paragraph 12 of *Form 2: Complaint*. Put a checkmark (✓) next to the statement that is true for your situation. If you select the first option, fill in the case number of the child support order.

  - If you already have a child support order, make sure you have a copy. You'll file the copy of the child support order with the court. (See Step Ten of the Instructions for the forms packet.)

❑ **Paragraph 14:** List all of the Plaintiff's sources of income and describe the source of income. List the amount of the monthly income from each source.

❑ **Paragraph 15:** List all of the Defendant's sources of income and describe the source of income. List the amount of the monthly income from each source.

WARNING FOR PARAGRAPHS 16 THROUGH 25

In deciding to award spousal support and divide property and debts, the Court would consider the following factors (the Ruff-Fischer guidelines):

- The respective ages of the parties;
- Their earning ability;
- The duration of the marriage and conduct of the parties during the marriage;
- Their station in life;
- The circumstances and necessities of each;
- Their health and physical condition;
- Their financial circumstances as shown by the property owned at the time, its value at the time, its income-producing capacity, if any, whether accumulated before or after the marriage; and
- Such other matters as may be material.

Once spousal support is awarded, or reserved the court can change or set the amount or the length of time the spousal support is paid under certain circumstances. The division of property, once approved by the court, is final and can only be changed under limited circumstances.

PROCEED CAREFULLY AND CONSULT A LAWYER IF YOU HAVE ANY QUESTIONS.

❑ **Paragraph 16:** Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, fill in the information completely, and explain the need spousal support.

❑ **Paragraph 17:** Put a checkmark (✓) next to the statement that is true for whether you and your spouse jointly own real estate. If you select the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

❑ **Paragraph 18:** Put a checkmark (✓) next to the statement that is true for whether Plaintiff solely owns real estate. If you select the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 19:** Put a checkmark (✓) next to the statement that is true for whether Defendant solely owns real estate. If you select the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 20:** Put a checkmark (✓) next to the statement that is true for whether you and your spouse own any vehicles or watercraft. If you select the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 21:** If the statement in Paragraph 21 isn't true, you may not use this form or the *Divorce With a Written Agreement – With Children* packet of forms.

WARNING FOR PARAGRAPHS 22 AND 23

Dividing pension plans and retirement accounts is extremely complicated. The parties are responsible for making sure these assets are divided, which will require a separate court order to divide these assets. The separate court order is called a qualified domestic relations order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. The court won't draft a QDRO document or an order including a QDRO.

See the instructions for the *Divorce With a Written Agreement – With Children* packet of forms for additional information on how to obtain a QDRO.

If Plaintiff and Defendant don't have pension or retirement accounts, or keep their own pension and retirement accounts, without dividing them, a QDRO isn't necessary.

Proceed carefully!
You're strongly advised to consult a lawyer if you're dividing these assets.

- ❑ **Paragraph 22:** Put a checkmark (✓) next to the statement that is true for whether Plaintiff has retirement plan(s). If you select the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 23:** Put a checkmark (✓) next to the statement that is true for whether Defendant has retirement plan(s). If you select the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 24:** Put a checkmark (✓) next to the statement that is true for whether you and your spouse have other financial or other assets not already mentioned. If you select the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

WARNING FOR PARAGRAPH 25

Creditors aren't bound by the agreement of the Plaintiff and Defendant. If a debt is awarded to the other party and he or she doesn't make payment, the creditor can still seek payment from the party who was not awarded the debt.

PROCEED CAREFULLY AND CONSULT A LAWYER IF YOU HAVE ANY QUESTIONS.

- ❑ **Paragraph 25:** Put a checkmark (✓) next to the statement that is true for your situation. If you select the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).
- ❑ **Paragraph 26:** Put a checkmark (✓) next to the statement that is true for the Plaintiff. If yes, write or type the full, legal name the Plaintiff requests.
- ❑ **Paragraph 27:** Put a checkmark (✓) next to the statement that is true for the Defendant. If yes, write or type the full, legal name the Defendant requests.

STIPULATED TERMS FOR JUDGMENT

- ❑ **Paragraph 1:** Fill in the name of the County in North Dakota where you intend to file the divorce action.
- ❑ **Paragraph 2 and 3:** Read carefully. You don't need to fill out anything for Paragraphs 2 and 3.

PARAGRAPHS 4 THROUGH 18 ARE THE PARENTING PLAN.

A Parenting Plan is required in every action involving residential responsibility and parenting time. The spouses must develop and file a Parenting Plan with the Court.

- ❑ **Paragraph 4:** Read carefully. You don't need to fill out anything for Paragraph 4.
- ❑ **Paragraph 5:** Complete all 10 parts of Paragraph 5.

  Please note that this forms packet doesn't include an option for split residential responsibility (dividing the minor children between the spouses). If you want a court to establish split residential responsibility, you may not use this form or the *Divorce With a Written Agreement – With Children* packet of forms. Consult a lawyer.

  - Paragraph 5(a): Put a checkmark (✓) next to the residential responsibility option that you selected on Paragraph 8 of *Form 2: Complaint*.

- Paragraph 5(b): Put a checkmark (✓) next to the option to which both spouses agree. DON'T checkmark more than one option.
- Paragraph 5(c): Fill in the weekly schedule with as many specifics as possible, including pick up times. This is your normal schedule for parenting time.
- Paragraph 5(d): Put a checkmark (✓) next to any options to which both spouses agree. For every option you checkmark, you must fill in the details. This is your alternate schedule for parenting time.
    - Examples of definitions include (but aren't limited to):
        - Summertime – "According to the public school calendar;" "From June 1-August 15;" etc.
        - School Release Days – "Days as defined by the public school calendar;" "non-holiday school breaks;" etc.
        - Vacation with Parents – "two consecutive weeks in the summer time;" "two non-consecutive weeks at any time;" "to be scheduled during normal parenting time;" "only upon 30 days written notice;" etc.
- Paragraph 5(e): Fill in the Holidays and Special Days schedule with as many specifics as possible. Include when each holiday and special day is scheduled for both the Plaintiff and Defendant.
    - In the space provided after the Holidays and Special Days schedule, type or write the beginning times and ending times for the holiday/special day. If you would like the holiday/special day to include the weekend if it falls during a weekend or on a Friday or a Monday, type or write that here. If there are any other special arrangements with regard to holidays/special days, type or write them here.
- Paragraph 5(f): Fill in the details of how the spouses agree to inform each other of their minor child(ren)'s extracurricular activities.
- Paragraph 5(g): Fill in the details of your agreement on timeliness of visits.
- Paragraph 5(h): Fill in the details of your agreement on missed parenting time.
    - Examples include (but aren't limited to) "missed parenting time isn't made up;" "missed parenting time is made up the following week;" "a missed holiday is or isn't made up;" etc.
- Paragraph 5(i): Fill in the details of your agreement on notifying each other in advance of missed parenting time.
    - Examples include (but aren't limited to) "24 hours in advance;" "by phone;" "text;" etc.

- Paragraph 5(j): If you agree to restrictions on contact with the children, fill in the details of your agreement. If Paragraph 5(j) doesn't apply to your situation, type or write "Not applicable."

❑ **Paragraph 6:** Read carefully. You don't need to fill out anything for Paragraph 6.

❑ **Paragraph 7:** Complete all 7 parts of Paragraph 7. The Parenting Plan must include decision making responsibility for routine or day-to-day decisions, and major decisions such as education, health care and spiritual development.

- Paragraph 7(a): Read carefully. You don't need to fill out anything for Paragraph 7(a).
- Paragraph 7(b): Read carefully. You don't need to fill out anything for Paragraph 7(b).
- Paragraph 7(c): Put a checkmark (✓) next to the option or options to which both spouses agree.
- Paragraph 7(d): Put a checkmark (✓) next to the option to which both spouses agree. DON'T checkmark more than one option.
- Paragraph 7(e): Put a checkmark (✓) next to the option to which both spouses agree. DON'T checkmark more than one option.
- Paragraph 7(f): Put a checkmark (✓) next to the option to which both spouses agree. DON'T checkmark more than one option.
- Paragraph 7(g): Put a checkmark (✓) next to the option or options to which both spouses agree.

❑ **Paragraph 8 and 9:** Read carefully. You don't need to fill out anything for Paragraphs 8 and 9.

❑ **Paragraph 10:** Put a checkmark (✓) next to the option or options to which both spouses agree.

❑ **Paragraph 11:** Fill in the details of your agreement.

- Examples include (but aren't limited to) "alcohol;" "drugs;" "smoking environment; "violence;" etc.

❑ **Paragraph 12:** The Parenting Plan must include arrangements for transportation and exchange of the minor child(ren). Put a checkmark (✓) next to the option or options to which both spouses agree. If an option requires additional information, fill in the information.

- ❑ **Paragraph 13:** Read carefully. Fill in the agreed upon frequency of contact during long vacations.
  - Examples include (but aren't limited to) "daily;" "once every 3 days;" etc.
- ❑ **Paragraph 14:** Read carefully. You don't need to fill out anything for Paragraph 14.
- ❑ **Paragraph 15:** Read carefully. Put a checkmark (✓) next to the option or options to which both spouses agree.
- ❑ **Paragraph 16:** Read carefully. You don't need to fill out anything for Paragraph 16.
- ❑ **Paragraph 17:** Complete all 4 parts of Paragraph 17. The Parenting Plan must include methods for resolving disputes.
  - Paragraph 17(a): Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DON'T checkmark more than one option.
  - Paragraph 17(b): Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DON'T checkmark more than one option.
  - Paragraph 17(c): Put a checkmark (✓) next to the option or options to which both spouses agree.
  - Paragraph 17(d): Read carefully. You don't need to fill out anything for Paragraph 17(d).
- ❑ **Paragraph 18:** Read carefully. You don't need to fill out anything for Paragraph 18.

PARAGRAPH 19 IS YOUR CHILD SUPPORT AGREEMENT

If you <u>don't</u> already have a child support order, calculate your child support amount <u>before</u> completing Paragraph 19. Review Step One of the Instructions for the forms packet for information about completing child support calculations.

Paragraph 19 <u>must</u> be complete <u>before</u> either spouse signs this Settlement Agreement. The Child Support Division of the North Dakota Department of Human Services may be able to provide some assistance with child support calculations.

If you don't want to establish child support at this time, OR if you and your spouse have agreed to a different child support amount than child support calculator indicates, YOU CAN'T USE THIS PACKET OF FORMS. If you attempt to file this packet of forms without completing the child support calculations, the court will either require you to complete the calculations before making a decision on your divorce case, or dismiss your divorce case entirely.

❑ **Paragraph 19:** Complete **all** parts of Paragraph 19.

- Paragraph 19(a): Put a checkmark (✓) next to the option that fits your circumstances. Fill in the details. DON'T checkmark more than one option.
- Paragraph 19(b): Put a checkmark (✓) next to the option that fits your circumstances. If the option requires details, fill in the details. DON'T checkmark more than one option.
    - **WARNING:** The Calculator amount is presumed to be the correct amount of child support. The spouse asking for a deviation from the Calculator amount must prove they meet one of the limited exceptions for deviation, and the deviation is in the best interests of the child(ren). You're strongly urged to consult an attorney if you're asking for deviation from the Calculator amount.
    - If you're asking for a deviation and need additional space to prove you meet one of the limited exceptions for deviation and best interests of the children, you may attach an additional sheet or sheets.
        - Put a checkmark (✓) in the box at the end of Paragraph 19(b).
        - Type or write "Settlement Agreement Paragraph 19(b), Stipulated Terms for Judgment" on the top of the additional sheet(s).
- Paragraph 19(c): Put a checkmark (✓) next to the option that fits your circumstances. If the option requires details, fill in the details. DON'T checkmark more than one option.
- Paragraph 19(d): Put a checkmark (✓) next to the option that fits your circumstances. If the option requires details, fill in the details. DON'T checkmark more than one option.
- Paragraph 19(e): Put a checkmark (✓) next to the option that fits your circumstances. If the option requires details, fill in the details. DON'T checkmark more than one option.
    - This section allows spouses with more than one minor child to calculate child support amounts 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 "steps-down" to the amount calculated for two children, rather than three.
    - Please note that you're not required to include step-down child support obligations. You may choose to reserve the issue for some time in the future.
    - If you choose to include a step-down, you'll need to complete the Calculator for each step-down child support obligation.
    - If you have more than three minor children, you may use an additional sheet to complete Paragraph 19(e) for more than three children.
        - Put a checkmark (✓) in the box at the end of Paragraph 19(e).

        - Type or write "Settlement Agreement Paragraph 19(e), Stipulated Terms for Judgment" on the top of the additional sheet(s).
    - Paragraph 19(f): Read carefully. You don't need to fill out anything for Paragraph 19(f).
    - Paragraph 19(g): Read carefully. You don't need to fill out anything for Paragraph 19(g).
    - Paragraph 19(h): Read carefully. You don't need to fill out anything for Paragraph 19(h).
    - Paragraph 19(i): Read carefully. You don't need to fill out anything for Paragraph 19(i).

- ❑ **Paragraph 20:** Complete **all** parts of Paragraph 20.
    - Paragraph 20(a): Read carefully. If existing coverage applies to your situation, put a checkmark (✓) next to "Existing Coverage" and a checkmark (✓) next to either Plaintiff or Defendant.
    - Paragraph 20(b): Read carefully. Fill in the details.
- ❑ **Paragraph 21:** Fill in the details of your agreement for childcare costs.
- ❑ **Paragraph 22:** Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DON'T checkmark more than one option.
- ❑ **Paragraph 23:** Refer to Paragraph 16 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DON'T checkmark more than one option.
    - If you select an option for payment of spousal support, type or write when spousal support payments will commence, or start.
    - If the same spouse paying spousal support will also pay child support, you may wish to start both payments at the same time. (Refer to Paragraph 19(c) of Stipulated Terms for Judgment.)
- ❑ **Paragraph 24:** Put a checkmark (✓) next to the same option as Paragraph 17 of Agreement as to Facts. If you selected the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).
- ❑ **Paragraph 25:** Put a checkmark (✓) next to the same option as Paragraph 18 of Agreement as to Facts. If you selected the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 26:** Put a checkmark (✓) next to the same option as Paragraph 19 of Agreement as to Facts. If you selected the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 27:** Put a checkmark (✓) next to the same option as Paragraph 20 of Agreement as to Facts. If you selected the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 28:** If the statement in Paragraph 28 isn't true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms. (Refer to Paragraph 21 of Agreement as to Facts.)

- ❑ **Paragraph 29:** Put a checkmark (✓) next to the same option as Paragraph 22 of Agreement as to Facts. If you selected the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 30:** Put a checkmark (✓) next to the same option as Paragraph 23 of Agreement as to Facts. If you selected the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 31:** Put a checkmark (✓) next to the same option as Paragraph 24 of Agreement as to Facts. If you selected the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 32:** Put a checkmark (✓) next to the same option as Paragraph 25 of Agreement as to Facts. If you selected the second option, you'll provide detailed information in Exhibit A: Confidential Division of Property and Debts and Values (Form 4).

- ❑ **Paragraph 33:** Read carefully. You don't need to fill out anything for Paragraph 33.

- ❑ **Paragraph 34:** Read carefully. You don't need to fill out anything for Paragraph 34.

- ❑ **Paragraph 35:** Refer to Paragraphs 26 and 27 of Agreement as to Facts. Put a checkmark (✓) next to the option to which both spouses agree. If the option requires details, fill in the details. DON'T checkmark more than one option.

- ❑ **Paragraph 36:** Read carefully. You don't need to fill out anything for Paragraph 36.

- ❑ **Paragraph 37:** Read carefully. You don't need to fill out anything for Paragraph 37.

- ❑ **Paragraph 38:** Read carefully. You don't need to fill out anything for Paragraph 38.

- ❑ **Paragraph 39:** Read carefully. You don't need to fill out anything for Paragraph 39.

- ❑ **Paragraph 40:** Read carefully. You don't need to fill out anything for Paragraph 40.
- ❑ **Paragraph 41:** Read carefully. You don't need to fill out anything for Paragraph 41.
- ❑ **Date and Signature: <u>BOTH</u> YOU AND YOUR SPOUSE MUST SIGN AND DATE THE COMPLETED SETTLEMENT AGREEMENT FORM IN THE PRESENCE OF A NOTARY PUBLIC OR CLERK OF COURT.**

  Sign and date the Settlement Agreement form and fill in your address.

  Each spouse may sign at separate dates and locations, but **both spouses must sign and date BEFORE filing this completed packet of forms with the court**.

  - The form doesn't have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
  - If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

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

DIVORCE WITH A WRITTEN AGREEMENT – WITH CHILDREN
INSTRUCTIONS FOR FORM 4: EXHIBIT A: CONFIDENTIAL DIVISION OF PROPERTY & DEBTS & VALUES

(*Form 4: Exhibit A: Confidential Division of Property and Debts and Values* is part of the *Divorce With a Written Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Settlement Agreement and Exhibit A.)

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

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file the completed form.

THE PLAINTIFF AND DEFENDANT WORK TOGETHER TO COMPLETE THIS FORM.

Refer to the completed *Form 3: Settlement Agreement* to fill out this form.

Fill out Exhibit A: Confidential Division of Property and Debts and Values (Form 4) only if Plaintiff and Defendant have agreed to a property settlement and have agreed upon the value of each item of property and the outstanding amount of each debt. If Plaintiff and Defendant have not agreed on the value of each of item of property and the outstanding amount of each debt, you may not use this form or the *Divorce With a Written Agreement – With Children* packet of forms.

Exhibit A: Confidential Division of Property and Debts and Values (Form 4) tells the Court the value of your assets and liabilities, how you have agreed to divide your assets and liabilities, and allows the Court to determine the fairness of the division of the property and the debts.

WARNING FOR DIVIDING PROPERTY AND DEBT:

In deciding to divide property and debt, the Court would consider the following factors (the Ruff-Fischer guidelines):

- The respective ages of the parties;
- Their earning ability;
- The duration of the marriage and conduct of the parties during the marriage;
- Their station in life;
- The circumstances and necessities of each;
- Their health and physical condition;

- Their financial circumstances as shown by the property owned at the time, its value at the time, its income-producing capacity, if any, whether accumulated before or after the marriage; and
- Such other matters that may be material.

The division of property, once approved by the Court, is final and can only be changed under limited circumstances. **PROCEED CAREFULLY AND CONSULT A LAWYER IF YOU HAVE ANY QUESTIONS.**

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Paragraph 1: Put a checkmark (✓) in the same option you chose for Paragraph 17 of the Agreement as to Facts and Paragraph 24 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

(1) Fill in the street address, city, county, and state where your jointly owned property is located; (2) Fill in the legal description of the property; (3) State the date the property was purchased and its purchase price; (4) State the amount of any existing loans or mortgages; (5) State the market value of the property (this can be found on the most recent property tax statement).

Note: the legal description of the property is not the same as the street address. The legal description can be found on the warranty deed, mortgage, title insurance, or from the County Recorder in the county where the property is located.

Put a checkmark (✓) in the box next to the spouse who will be the owner of the property if the court grants your divorce. List the amount of the mortgage or loan.

Repeat, if you jointly own another property. If not, checkmark (✓) "Does Not Apply."

Paragraph 2: Put a checkmark (✓) in the same option you chose for Paragraph 18 of the Agreement as to Facts and Paragraph 25 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

(1) Fill in the street address, city, county, and state where Plaintiff's solely owned property is located; (2) Fill in the legal description of the property; (3) State the date the property was purchased and its purchase price; (4) State the amount of any existing loans or mortgages; (5) State the market value of the property (this can be found on the most recent property tax statement).

Note: the legal description of the property is not the same as the street address. The legal description can be found on the warranty deed, mortgage, title insurance, or from the County Recorder in the county where the property is located.

Put a checkmark (✓) in the box next to the spouse who will be the owner of the property if the court grants your divorce. List the amount of the mortgage or loan.

Repeat, if Plaintiff solely owns another property. If not, checkmark (✓) "Does Not Apply."

Paragraph 3: Put a checkmark (✓) in the same option you chose for Paragraph 19 of the Agreement as to Facts and Paragraph 26 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

(1) Fill in the street address, city, county, and state where Defendant's solely owned property is located; (2) Fill in the legal description of the property; (3) State the date the property was purchased and its purchase price; (4) State the amount of any existing loans or mortgages; (5) State the market value of the property (this can be found on the most recent property tax statement).

Note: the legal description of the property is not the same as the street address. The legal description can be found on the warranty deed, mortgage, title insurance, or from the County Recorder in the county where the property is located.

Put a checkmark (✓) in the box next to the spouse who will be the owner of the property if the court grants your divorce. List the amount of the mortgage or loan.

Repeat, if Defendant solely owns another property. If not, checkmark (✓) "Does Not Apply."

Paragraph 4: Put a checkmark (✓) in the same option you chose for Paragraph 20 of the Agreement as to Facts and Paragraph 27 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

List all vehicles and watercraft (cars, trucks, boats, RVs, snowmobiles, jet skis, motorcycles) owned by you, your spouse, or both of you together. List the vehicle even if it is not working, or not licensed, or uninsured. Include the type of vehicle, year/make/model, whose name is on the title, the balance owed (if any), and the monthly payment (if any). If you own a manufactured or mobile home that HAS NOT been converted to real property, list it here.

List the current agreed upon value in the column of the spouse who will own the vehicle or watercraft if the court grants your divorce.

Paragraph 5: Refer to Paragraph 21 of the Agreement as to Facts and Paragraph 28 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

Fill in the total agreed upon value of each spouse's share of the household goods, furniture, and furnishings.

WARNING FOR PARAGRAPHS 6 AND 7:

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order. The separate court order is called a qualified domestic relations order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. The court <u>will not</u> draft a QDRO document or an order including a QDRO. The ND Legal Self Help Center <u>does not</u> have QDRO forms.

If Plaintiff's plan will be divided, the Plaintiff is responsible for obtaining the proposed QDRO.

If Defendant's plan will be divided, the Defendant is responsible for obtaining the proposed QDRO.

Contact the plan administrator early in the process. Some plan administrators have sample QDRO documents for you to follow when drafting your own QDRO.

DO NOT sign the proposed QDRO. The QDRO is signed by the Judge or Judicial Referee.

If neither spouse has pension nor retirement plans, OR each spouse will keep their own pension or retirement plans, <u>without dividing an individual plan</u>, a QDRO <u>is not</u> required.

Paragraph 6: Put a checkmark (✓) in the same option you chose for Paragraph 22 of the Agreement as to Facts and Paragraph 29 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

If Plaintiff or Defendant, or Plaintiff's past or present employer or union or other group pays or has paid money into a pension, profit-sharing plan, individual retirement account, or other retirement plan for Plaintiff, describe the plan by listing the employer, union, or other group which provides the plan; the date Plaintiff started working at the job or date Plaintiff joined the union or group plan; the type of pension or retirement plan, and the present value. For an individual retirement account, list the account number, the bank which has the individual retirement account, and the present account balance.

List the current agreed upon value in the column of the spouse who will be awarded the pension plan or retirement account if the court grants your divorce.

Paragraph 7: Put a checkmark (✓) in the same option you chose for Paragraph 23 of the Agreement as to Facts and Paragraph 30 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

If Plaintiff or Defendant, or Defendant's past or present employer or union or other group pays or has paid money into a pension, profit-sharing plan, individual retirement account or other retirement plan for Defendant, describe the plan by listing the employer, union, or other group which provides the plan; the date Defendant started working at the job or date Defendant joined the union or group plan; the type of pension or retirement plan, and the present value. For an individual retirement account, list the account number, the bank which has the individual retirement account, and the present account balance.

List the current agreed upon value in the column of the spouse who will be awarded the pension plan or retirement account if the court grants your divorce.

Paragraph 8: Put a checkmark (✓) in the option that is accurate for you and your spouse.

If you or your spouse own a business or a farm, all assets that are part of the operation should be listed under "Business/Farm." These items would include, but are not limited to: farm machinery, grain on hand, accounts receivable, business equipment, etc.

List the current agreed upon value in the column of the spouse who will be awarded the business or farm interest or asset if the court grants your divorce.

Paragraph 9: Put a checkmark (✓) in the same option you chose for Paragraph 24 of the Agreement as to Facts and Paragraph 31 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

List all of your financial or other assets not already mentioned. Include checking accounts, savings accounts, money market accounts, stocks, bonds, Certificates of Deposit, life insurance policies, notes (money owed in writing), money owed (not in writing), investments in limited partnerships, etc. Include where the asset is located, the account numbers or policy numbers, and the value of each asset.

List the current agreed upon value in the column of the spouse who will be awarded the financial or other asset if the court grants your divorce.

WARNING FOR PARAGRAPH 10:

Creditors are not bound by the agreement of the parties. If one of your debts is awarded to the other party and he or she does not make payment, the creditor can still seek payment from you. **PROCEED CAREFULLY AND CONSULT A LAWYER IF YOU HAVE ANY QUESTIONS.**

Paragraph 10: Put a checkmark (✓) in the same option you chose for Paragraph 25 of the Agreement as to Facts and Paragraph 32 of the Stipulated Terms for Judgment of *Form 3: Settlement Agreement*.

If you and your spouse have debts and liabilities, list your outstanding debts and liabilities. List all of the debts you and your spouse now have, even if only one of you created the debt. Include credit card bills, gas bills, water bills, telephone bills, school loans, car loans, and other bills and loans. List to whom the debt is owed (such as "Visa"), the purpose of the debt (such as "clothing for the children), who created the debt (Plaintiff, Defendant, or both parties).

List the current balance due in the column of the spouse who will pay the debt if the court grants your divorce.

Paragraph 11: The Summary is the place to list the total of your assets by category and the total of your debts.

Date and Signature: THE PLAINTIFF AND DEFENDANT MUST EACH SIGN AND DATE THIS COMPLETED FORM IN THE PRESENCE OF A NOTARY PUBLIC OR CLERK OF COURT.

Sign and date the "Exhibit A: Confidential Division of Property and Debts and Values " form and fill in your address.

Each spouse may sign at separate dates and locations, **but** both spouses **must** sign and date **before** filing this completed packet of forms with the court.

- The form does not have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the form in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

(*The Exhibit A: Confidential Division of Property and Debt and Values form is a confidential court record that is not generally available to be viewed by the public after the document is filed with the clerk of court. However, any person with good cause may make a written request to the court for access to the Exhibit A: Confidential Division of Property and Debt and Values.*

If a written request is made, the person making the request must notify the parties in the divorce. The parties will then have the option to tell the court in writing why they agree or disagree with the request. If the court finds that the public interest, or the personal interest of the person making the request, outweighs the privacy interest of the parties, or their dependent children, the court will grant access.)

Do not include these instruction sheets when you serve or file the completed form.

DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 5: CONFIDENTIAL INFORMATION FORM

(*Form 5: Confidential Information Form* is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Confidential Information Form.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include this instruction sheet when you serve or file the completed form.

THE PLAINTIFF AND DEFENDANT WORK TOGETHER TO COMPLETE FORM.

Form 5: Confidential Information Form gives the court the confidential information that cannot be included in any other forms filed in the case. This form remains confidential and is not a public record.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Plaintiff, Defendant and Minor Child(ren) Information:

- **Full Information Column**

  Fill in the full, legal names, birth dates and social security numbers of the Plaintiff, Defendant and each minor child listed in Paragraph 5 of *Form 2: Complaint*.

  If a minor child does not have a social security number, type or write "N/A."

  If you have more than three minor children together, attach a sheet that lists the information for each additional child.

- **Redacted Information Column**

  Fill in the information as it appears in the documents that will be seen by the public.

Financial Account Information:

Review the Settlement Agreement (Form 3) for all financial account numbers. Only the last 4 digits of the financial account numbers should be listed on the Settlement Agreement.

- **Full Information Column**

  Fill in the full information for each financial account listed in the Settlement Agreement.

- **Redacted Information Column**

  List the last 4 digits of the financial account number next to the full information for each financial account.

Date and Signature:

Sign and date the completed form.

Do not include this instruction sheet when you serve or file the completed form.

DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 6: ADMISSION OF SERVICE

(*Form 6: Admission of Service* is part of the *Divorce with an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Admission of Service.)

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

There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Don't include this instruction sheet when you serve or file the completed form.

THE PLAINTIFF FILLS OUT THE CAPTION OF THIS FORM. THE DEFENDANT COMPLETES, SIGNS AND DATES THIS FORM.

Plaintiff:

Top of Form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Defendant:

Paragraph 1: Fill in the date you received your copy of the completed and signed Summons (Form 1) and Complaint (Form 2).

Date and Signature: Date and sign the form. You must fill in the county, state and country where you sign this form. Fill in the lines following your signature.

Don't include this instruction sheet when you serve or file the completed form.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 7: AFFIDAVIT OF PROOF FOR STIPULATED JUDGMENT

(*Form 7: Affidavit of Proof for Stipulated Judgment* is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Affidavit of Proof for Stipulated Judgment.)

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, you should consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Do not include these instruction sheets when you serve or file the completed form.

THE PLAINTIFF COMPLETES AND SIGNS THIS FORM.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

First Sentence: Fill in your (the Plaintiff's) full, legal name.

Paragraph 1: Read carefully. You, the Plaintiff, do not need to fill out anything for Paragraph 1.

Paragraph 2: Read carefully. If the statement is not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

Paragraph 3: Fill in the date you and the Defendant were married.

Paragraph 4: Fill in the initials and year of birth each minor child of you and the Defendant.

- If you have more than three minor children together, type or write the initials and year of birth of each additional child in the blank space available in Paragraph 4.

Paragraph 5: Put a checkmark (✓) next to the option that is true for you, the Plaintiff.

Paragraph 6: Put a checkmark (✓) next to the option that is true for the Defendant.

Paragraph 7: Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- Complete the option you checkmarked.

Paragraph 8: Put a checkmark (✓) next to the statement that is true for your situation. If neither statement is true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- See the instructions for the packet of forms for the definitions of deployed or deploying spouse.

Paragraph 9: Read carefully. You do not need to fill out anything for Paragraph 9.

Paragraph 10: Read carefully. You do not need to fill out anything for Paragraph 10.

Paragraph 11: Read carefully. If this statement is not true, you may not use this form or the *Divorce With an Agreement – With Children* packet of forms.

- Put a checkmark (✓) next to the option that is true for you.

Paragraph 12: Read carefully. You do not need to fill out anything for Paragraph 12.

Do not sign and date until you are in the presence of a Notary Public or a Clerk of Court.

The Plaintiff signs and dates the completed form. Fill in your address.

- The affidavit does not have to be signed in North Dakota or signed by a North Dakota Notary Public or a North Dakota Clerk of Court.
- If you sign the affidavit in a state other than North Dakota, sign in the presence of a Notary Public or Clerk of Court of that state.

Do not include these instruction sheets when you serve or file the completed form.

DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 8: FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR JUDGMENT

(*Form 8: Findings of Fact, Conclusions of Law and Order for Judgment* is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms BEFORE completing the Findings of Fact, Conclusions of Law and Order for Judgment.)

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

There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Don't include this instruction sheet when you serve or file the completed form.

To complete this form you'll need the original or a copy of your completed *Form 3: Settlement Agreement*.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Introductory Paragraph: DO NOT fill in any information. If the Court uses this form, the Judge or Referee assigned to your action will fill in the information in the introductory paragraph.

FINDINGS OF FACT: PARAGRAPHS 1 – 27

To complete this section of the form, you'll need to refer to the completed "Agreement as to Facts" section of your completed *Form 3: Settlement Agreement*.

Copy the information **EXACTLY** from each paragraph of the "Agreement as to Facts" section of your completed *Form 3: Settlement Agreement* into the corresponding paragraphs of the "Findings of Fact."

CONCLUSIONS OF LAW: PARAGRAPHS 1 – 37

To complete this section of the form, you'll need to refer to the completed "Stipulated Terms For Judgment" section of your completed *Form 3: Settlement Agreement*.

Copy the information **EXACTLY** from each paragraph of the "Stipulated Terms For Judgment" section of your completed *Form 3: Settlement Agreement* into the corresponding paragraphs of the "Conclusions of Law."

ORDER FOR JUDGMENT

Leave this section blank. If the Court uses this form, the Judge or Referee assigned to your divorce action will fill in the information.

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DIVORCE WITH AN AGREEMENT – WITH CHILDREN

INSTRUCTIONS FOR FORM 9: JUDGMENT

(*Form 9: Judgment* is part of the *Divorce With an Agreement – With Children* packet of forms. Review the instructions for the packet of forms before completing the Judgment.)

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

There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Don't include this instruction sheet when you serve or file the completed form.

To complete this form you'll need the original or a copy of your completed *Form 3: Settlement Agreement*.

Top of form (Caption): Fill in the caption exactly as you filled in the caption on *Form 1: Summons*.

Introductory Paragraph: DON'T fill in any information. If the Court uses this form, the Clerk of Court will fill in the information in the introductory paragraph.

IT IS HEREBY ORDERED AND ADJUDGED AND DECREED AS FOLLOWS: PARAGRAPHS 1 – 38

To complete this section of the form, you'll need to refer to the completed "Stipulated Terms For Judgment" section of your completed *Form 3: Settlement Agreement*.

Copy the information **EXACTLY** from each paragraph of the "Stipulated Terms For Judgment" section of your completed *Form 3: Settlement Agreement* into the corresponding paragraphs of *Form 9: Judgment*.

PARAGRAPH 38

Fill in the last four digits of the Plaintiff's Social Security Number and the last four digits of the Defendant's Social Security Number.

FINAL PARAGRAPH

Leave this section blank. If the Court uses this form, the Clerk of Court will fill in the information.

Don't include this instruction sheet when you serve or file the completed form.