

## **READ BEFORE COMPLETING THE PROPOSED AMENDED ORDER FOR JUDGMENT GENERAL-USE TEMPLATE (FAMILY LAW CASE)**

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This General-Use template may be used to create your proposed Amended Order for Judgment when making a motion to modify a judgment in a family law case.

### **To complete this general-use template:**

- 1) Refer to the Findings of Fact, Conclusions of Law and Order for Judgment you want the Court to amend.**
- 2) When you come to the paragraphs you want the Court to amend, write the EXACT paragraph number so the Court can easily identify the paragraph.**
- 3) If you want to delete words from the paragraph, write the words EXACTLY as they appear, then ~~cross through the words~~.**
- 4) If you are asking the court to add new paragraphs, copy and underline the EXACT wording of each NEW paragraph you want to add.**

### **You have two options to create your proposed amended order for judgment:**

**Option One: Use this fillable form as is.** This form includes 4 blank pages in which you may type the words and formatting of your proposed amended order for judgment, including paragraph numbers. It also includes pages to add missing provisions of your parenting plan or child tax exemption. If your proposed amended order for judgment does not fit within the existing pages, use Option Two.

CAUTION: The ND Legal Self Help Center webpage DOES NOT automatically save what you've typed into a form. Remember to save the form as you go, so you don't lose what you've typed.

**Option Two: Use a word processing program.** Use a word processing program, such as Microsoft Word, WordPerfect, Google Docs, or OpenOffice, to type the words and formatting of your proposed order for amended judgment, including paragraph numbers.

Copy and paste the ENTIRE first page of this form, EXCEPT the *italicized* paragraphs in (parentheses), into the first page of your document. Then, using the words and formatting from the rest of the form, type the words and formatting of your proposed amended order for judgment, including paragraph numbers. Include the Clerk of Court date and signature block at the end.

IMPORTANT: Make sure the formatting of the words you copied and pasted are the same as the formatting in the amended order for judgment general use template.

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

STATE OF NORTH DAKOTA  
COUNTY OF \_\_\_\_\_

IN DISTRICT COURT  
\_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
(Plaintiff) )  
 )  
PLAINTIFF, )  
Vs )  
 )  
\_\_\_\_\_  
(Defendant) )  
 )  
DEFENDANT. )

Case No. \_\_\_\_\_  
ORDER TO AMEND THE  
 JUDGMENT (*choose one*)  
 \_\_\_\_\_ AMENDED JUDGMENT

This matter came before the Court on the Plaintiff's/Defendant's (*choose one*)  
Motion to Amend Judgment pursuant to North Dakota Century Code Section  
\_\_\_\_\_ and Rule 3.2 of the North Dakota Rules of Court.

- A hearing was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
- No hearing was held.

The Court being fully advised in the matter, now makes and enters the following Order to  
Amend the Judgment \_\_\_\_\_ Amended Judgment accordingly (*choose one – if an  
amended judgment, fill in the number; i.e. First, Second*):

*(To complete the rest of this proposed order to amend, you will need to refer to either  
the final judgment in your case if it has not been amended, or the most recently amended  
judgment in your case.)*

**Find the EXACT paragraphs of the judgment, or most recently amended judgment,  
that you want to modify. On the following pages, you will tell the court the EXACT paragraph  
#'s and the EXACT words of the modifications to the paragraphs you wish to modify).**

**THEREFORE IT IS HEREBY ORDERED AS FOLLOWS:**

1. That Paragraph \_\_\_\_\_ of the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

2. That Paragraph \_\_\_\_\_ of the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

3. That Paragraph \_\_\_\_\_ of the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

4. That Paragraph \_\_\_\_\_ of the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, shall be amended to read as follows:

***(Use if the parenting plan in your current judgment is missing the legal residence of the minor children for school attendance provision. Remove this page if this provision is in your current judgment or amended judgment).***

\_\_\_\_. That Paragraph \_\_\_\_\_ shall be added to the  Judgment  \_\_\_\_\_ Amended

Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*)

previously entered in this case, and reads as follows:

**Legal residence of the minor children for school attendance shall be: \_\_\_\_\_**

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*(This space left intentionally blank.)*

***(Use if the parenting plan in your current judgment is missing the parenting time provision. Remove this page if this provision is in your current judgment or amended judgment).***

\_\_\_\_. That Paragraph \_\_\_\_\_ shall be added to the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

**Parenting time:**  Plaintiff/ Defendant (*choose one*) shall have parenting time as agreed in the Parenting Time Schedule below.

Plaintiff and Defendant intend the following guideline to provide ongoing consistent parenting time for the children. Plaintiff and Defendant recognize that there will be times that the schedule requires adaptation for the best interest of the children. Plaintiff and Defendant agree to negotiate changes to the schedule in the best interest of the children.

Parenting time, and the parenting schedule shall be as follows:

Weekends:  Alternating  Other: \_\_\_\_\_

Weekdays:  One night per week (\_\_\_\_\_)  Other: \_\_\_\_\_

Holidays: \_\_\_\_\_

Days off from school: \_\_\_\_\_

Birthdays:  Alternating the child(ren)'s birthdays: \_\_\_\_\_

Other: \_\_\_\_\_

Plaintiff's Birthday: \_\_\_\_\_

Defendant's Birthday: \_\_\_\_\_

Summers: \_\_\_\_\_

Vacations: \_\_\_\_\_

Parenting time beginning date: \_\_\_\_\_



***(Use if the parenting plan in your current judgment is missing the decision making responsibility provision. Remove this page if this provision is in your current judgment or amended judgment).***

\_\_\_\_. That Paragraph \_\_\_\_\_ shall be added to the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*)

previously entered in this case, and reads as follows:

**Decision making responsibility:** Each parent is authorized to make emergency health care decisions while the children are in that parent’s care.

Each parent is authorized to make routine day-to-day decisions while the children reside with that parent, except: \_\_\_\_\_

\_\_\_\_\_

Major decisions such as education, health care, and spiritual development, shall be made by  Plaintiff  Defendant  Plaintiff and Defendant jointly (*choose one*).

Both Plaintiff and Defendant must consent before any minor child shall be allowed to:

\_\_\_\_\_

*(This space left intentionally blank.)*

***(Use if the parenting plan in your current judgment is missing the information sharing and access provision. Remove this page if this provision is in your current judgment or amended judgment).***

\_\_\_\_. That Paragraph \_\_\_\_\_ shall be added to the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

**Information sharing and access:** Both parents shall have access to educational, medical, dental, religious, insurance, and other records. Both parents have the right to attend school conferences. This right does not require any school to hold a separate conference with each parent. Both parents shall allow reasonable access to the child by phone or other means. Each parent shall inform the other as soon as reasonably possible of serious accidents or illness which require health care treatment, providing the time of the accident or illness and the name of the treating health care provider. Parents shall inform each other of address and phone number changes immediately. Parties shall keep each other informed of the name and address of the school the child(ren) attend.

Telephone access to the children shall be as follows: \_\_\_\_\_

Electronic access to the children shall be as follows: \_\_\_\_\_

*(This space left intentionally blank.)*

***(Use if the parenting plan in your current judgment is missing the transportation and exchange arrangements provision. Remove this page if this provision is in your current judgment or amended judgment).***

\_\_\_\_. That Paragraph \_\_\_\_\_ shall be added to the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

**Transportation and exchange arrangements:** (*choose any that apply*)

When Plaintiff and Defendant live in the same community, the responsibility of picking up and returning the children is shared with pickup at \_\_\_\_\_ and drop off at \_\_\_\_\_.

Pick up at \_\_\_\_\_.

Drop off at \_\_\_\_\_.

Alternative Pick up/Drop off at \_\_\_\_\_.

Any change in pick up or drop off location will be determined by: \_\_\_\_\_

Other \_\_\_\_\_

*(This space left intentionally blank.)*

***(Use if the parenting plan in your current judgment is missing the review and adjustment to parenting plan provision. Remove this page if this provision is in your current judgment or amended judgment).***

\_\_\_\_. That Paragraph \_\_\_\_\_ shall be added to the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

**Review and adjustment to parenting plan:** When family necessities, illnesses, or commitments reasonably require, the parenting plan will be modified fairly. The parent requesting modification shall act in good faith and give as much notice as circumstances permit.

Plaintiff and Defendant also anticipate that at some point circumstances may fundamentally change, and agree that the parenting plan will be reviewed upon the following events: (*choose any that apply.*)

Plaintiff and Defendant may change this plan by agreement, but all changes must be in writing, signed, and dated by both.

The oldest child reaches age \_\_\_\_\_.

If either Plaintiff or Defendant intends to move more than \_\_\_\_\_ miles from their current residence.

After recommendation of a professional (i.e. doctor, therapist, pastor).

After arrest or criminal activity by one or both parties.

Upon verified chemical abuse /relapse.

Upon an agency or Court finding of child abuse or neglect by one or both parties.

Upon a court finding of domestic violence by one or both parties.

Prolonged lack of contact with the child.

Other: \_\_\_\_\_

***(Use if the parenting plan in your current judgment is missing the dispute resolution provision. Remove this page if this provision is in your current judgment or amended judgment).***

\_\_\_\_. That Paragraph \_\_\_\_\_ shall be added to the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

**Dispute resolution:** In the event Plaintiff and Defendant are unable to resolve their differences with regard to the parenting plan, disputes shall be submitted to: (choose one)

- Counseling.
- Mediation.
- Other \_\_\_\_\_.

The cost of the dispute resolution process will be allocated between Plaintiff and Defendant as follows:

- Plaintiff and Defendant shall each pay one-half.
- As determined in the dispute resolution process.
- Other \_\_\_\_\_.

The parent beginning the dispute resolution process shall notify the other parent by:  
\_\_\_\_\_.

In the dispute resolution process with regard to the parenting plan, preference will be given to carrying out this parenting plan. Unless an emergency exists, Plaintiff and Defendant shall use the designated process to resolve disputes, except those related to financial support.

*(This space left intentionally blank.)*

***(Use if the parenting plan in your current judgment is missing the child tax exemption provision. Remove this page if this provision is in your current judgment or amended judgment).***

\_\_\_\_. That Paragraph \_\_\_\_\_ shall be added to the  Judgment  \_\_\_\_\_ Amended Judgment (*choose one – if an amended judgment, fill in the number; i.e. First, Second*) previously entered in this case, and reads as follows:

**Child tax exemption:** Only one parent may claim an exemption for each child on their income tax return. Each parent shall execute any IRS or similar forms to allow the other parent to take the exemption, deduction and credit in the appropriate years.

*(Choose one)*

For each minor child, the child tax exemption shall be claimed according to the following schedule (*P = Plaintiff, D = Defendant*):

Child's Initials	Exemption claimed every year by:		Exemption claimed odd years by:		Exemption claimed even years by:	
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D
	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D	<input type="checkbox"/> P	<input type="checkbox"/> D

The parent who provided health insurance coverage for the minor child for \_\_\_\_\_% or more of the tax year shall claim the child tax exemption for that child.

Other: \_\_\_\_\_  
\_\_\_\_\_

*(This space left intentionally blank.)*

**ORDER FOR \_\_\_\_\_ AMENDED JUDGMENT**

**LET THE \_\_\_\_\_ AMENDED JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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*(Judge of District Court)*

# INSTRUCTIONS FOR CREATING PROPOSED ORDER TO AMEND JUDGMENT (FAMILY LAW CASE)

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.

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

A **proposed order** is the order you would like the court to sign if your request is granted.

If you are making a motion to modify a North Dakota state district court family law case, you will probably be required to file a proposed Order to Amend and proposed Amended Judgment. This general-use form is to assist you in creating your own Order to Amend.

For information about how to make a motion, go to [www.ndcourts.gov/legal-self-help/making-a-motion](http://www.ndcourts.gov/legal-self-help/making-a-motion).

## **Caption:**

- Fill in the name of the County in North Dakota where the family law action is filed.
- Fill in the name of the Judicial District in North Dakota where the family law action is filed. (The County is within the Judicial District.) County and Judicial District information and maps are available at [www.ndcourts.gov](http://www.ndcourts.gov).
- Fill in the full, legal name of the Plaintiff in the original family law action on the Plaintiff line.
- Fill in the full, legal name of the Defendant in the original family law action on the Defendant line.
- If the State of North Dakota or child support is listed as a party in interest on your family law case, add them to the caption as a party in interest.
- Fill in the case number. The case number will be on the document you are seeking to amend.
- Check if you are amending the Judgment or write in the number of the Amended Judgment (*i.e., First, Second*) you are seeking to amend.



## Opening Paragraphs:

- Check if you are the Plaintiff or Defendant.
- Fill in the appropriate North Dakota Century Code Section.

(See <https://www.legis.nd.gov/general-information/north-dakota-century-code> for the appropriate section number.

*If you do not know the appropriate section, you will need to research the law to determine what section to list.*

*Information and resources for legal research are available through the North Dakota Legal Self Help Center. Go to <https://www.ndcourts.gov/legal-self-help>. Scroll to the “Legal Research” section.)*

- Check whether a hearing will be held.
  - If a hearing date and time have been set and you know that information, fill it in. Otherwise, leave that information blank.

## Body of Order:

To complete the rest of this proposed order to amend, you will need to refer to either the final judgment in your case if it has not been amended, or the most recently amended judgment in your case.

**Find the EXACT paragraphs of the judgment, or most recently amended judgment, that you want to modify. On the following pages, you will tell the court the EXACT paragraph #'s and the EXACT words of the modifications to the paragraphs you wish to modify.**

- Paragraphs 1-4 of general-use form:** *(Please note you can either delete or add more paragraphs as needed. For example, if you only have one paragraph to amend, delete 2-4. If you have more paragraphs to amend, you can renumber and add more paragraphs)*
- In the blank, list the number of the paragraph you are seeking to amend.
- Choose one blank (Judgment or Amended Judgment). If you are seeking to amend an Amended Judgment, fill in the number, i.e., First Second).
- Parenting Plan Section.** Review the parenting plan in the judgment you are asking the Court to modify. In any motion to modify parenting time in a judgment, a parenting plan must be included as part of an amended judgment.

The parenting plan must include, at minimum, the following 7 provisions:

1. Decision making responsibility for day to day decisions and major decisions such as education, health care and spiritual development.
2. Information sharing and access, including telephone and electronic access.
3. Legal residence of each child for school attendance.
4. Residential responsibility, parenting time, and parenting schedule for holidays, days off from school, birthdays, vacation planning, weekends, weekdays, and summers.
5. Transportation and exchange of the child, considering the safety of the parties.
6. Procedure for review and adjustment of the plan.
7. Methods for resolving disputes.

The judgment **must also** identify the parent who may claim each child as a dependent for filing income taxes.

If the parenting plan in the judgment you are asking the Court to modify does not include all 7 provisions, or identify the child tax exemption, add each missing provision to your proposed Order to Amend.

**Judge's Signature Block:**

- Fill in the number of the Order for \_\_\_\_\_ Amended Judgment (i.e., First, Second).
- Fill in the number of the Order for (Let the \_\_\_\_\_ Amended Judgment) (i.e., First, Second).

**\*\*DO NOT** sign and date the (proposed) order to amend judgment. If the court grants your motion, and uses your proposed order to amend judgment, the judicial officer assigned to your case will sign and date the order. The proposed order to amend judgment is not effective until it is signed and dated by the judicial officer.

**Page Numbering:**

The pages of documents prepared for a civil action must be numbered.

**First:** If you did not use paragraph 2, 3 or 4 for your (proposed) order to amend judgment, remove the unused page or pages.

If you did not use the paragraphs to add provisions related to decision making, information sharing, legal residence of the child(ren) for school attendant, parenting time (visitation) schedule, transportation and exchange arrangements, procedure for review of the parenting plan, dispute resolution, and child tax deduction, remove the unused pages.

**Second:** Using the page numbering at the bottom of each page, number the pages of your (proposed) order to amend judgment.

- Count the total number of pages.
- Fill in the total number of pages in the second blank space of the page number on each page.
  - For example, if you have 4 total pages, the second blank space of the page number will look like this: “Page \_\_\_ of 4.”
- Now fill in the first blank space of the page number on each page.
  - Fill in “1” in the first blank space of the page number on the first page.
  - Fill in “2” in the first blank space of the page number on the second page.
  - And so on for each page of your proposed order to amend.
  - For example, if you have 4 total pages, the page number on each consecutive page will look like this: “Page 1 of 4,” “Page 2 of 4,” “Page 3 of 4,” “Page 4 of 4.”

**Service:**

In general, copies of documents filed, or intended to file, with the court must be provided to the other parties in the civil action. This is called service. **This includes serving the proposed Order to Amend.**

There are specific requirements for serving documents. [Rule 4](#) and [Rule 5](#) of the North Dakota Rules of Civil Procedure give the requirements for service in a civil action.

Proof of service is an important step in the legal process. The court will not act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

*\*\*\*The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center is not intended for legal advice but only a general guide to the civil court process. The Center cannot guarantee that all judges and courts will accept forms available through the Self Help Center. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state. Use at your own risk.\*\*\**