

## What Effect Does My Divorce Judgment Have On My Obligation To Pay Creditors?

A court's distribution of the marital debt requires each spouse to be responsible for paying specific debts. The court's distribution does not change either spouse's obligation to pay the debt to the creditor.

Consequently, if the divorce court orders one spouse to pay a specific debt and that spouse does not pay the debt, the creditor may sue either or both spouses for nonpayment of the debt.

***Note: The 2009 North Dakota Legislature changed traditional legal terms such as custody and visitation to residential responsibility and parenting time.***

DISCLAIMER: This information is not legal advice. If you have a legal problem, you should talk to a lawyer and ask for advice about your options.

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## Who Do I Contact With Additional Questions?

Call: 1-800-634-5263  
**Seniors 60 and over Call  
1-866-621-9886**

Legal Services of North Dakota

Bismarck Law Office  
418 E Broadway #7  
Bismarck, ND 58501

Fargo Law Office  
112 N University #220, PO Box 1327  
Fargo, ND 58107-1327

Minot Law Office  
20 1st St SW #201  
Minot, ND 58701

New Town Law Office  
345 Main St, PO Box 217  
New Town, ND 58763-0217

Belcourt Law Office  
BIA Road 7 Bldg 85, PO Box 1365  
Belcourt, ND 58316-1365



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## What Can You Tell Me About Divorce Actions?



General Information - Flyer #322

## How May A Marriage Be Terminated In North Dakota?

A marriage is terminated when one person dies or by a judgment of a district court.

- Divorces in North Dakota may be granted for the following reasons.
  1. Adultery
  2. Extreme cruelty
  3. Willful desertion
  4. Willful neglect
  5. Abuse of alcohol or controlled substances
  6. Conviction of a felony
  7. Irreconcilable differences
- The most common reason given for a divorce is **Irreconcilable Differences**.
- By using **Irreconcilable Differences**, the court is not asked to decide which of the parties is at fault. The court need only decide there are substantial reasons for not continuing the marriage which make it appear that the marriage should be dissolved.



## Are There Any Residency Requirements I Must Meet To Get A Divorce in North Dakota?

- A divorce in North Dakota can be granted if the plaintiff has been a resident for **six consecutive months** preceding the entry of the divorce.
- The divorce action may be filed during the six month waiting period.

## What Are Common Issues In A Divorce?

- Residential Responsibility of Children (custody)
- Parenting Time (visitation)
- Child Support
- Medical Coverage
- Spousal Support
- Division of Property
- Division of Debts

The court makes an equitable distribution of the property and debts upon granting a divorce, but may redistribute property or debts after the divorce is granted if either spouse fails to disclose property during the divorce proceeding.

The court may also allow a party in a divorce the right to resume the use of their previously used surname.

## What Are Things I Need To Know About Divorce Procedures?

Once divorce papers are served neither spouse can sell or get rid of property unless permitted by the court.

Within 30 days of serving the divorce papers both spouses and their attorneys are to meet and prepare a joint informational statement and a property and debt listing.

Both spouses are also required to share employment and pay information, tax return information, and pension information.

Once divorce papers are served neither spouse may harass the other. All insurance coverages must be maintained and continued without change.

