

# **AMENDED JUDGMENT AND DECREE IN A DISSOLUTION OR PATERNITY ACTION**

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### **See following sample forms on website:**

- Stipulation To Amend Judgment And Decree
- Order To Amend Judgment And Decree

## **I. Introduction And General Information**

This information is to assist individuals in filing stipulated; non-contested amended judgments in marriage dissolution or paternity cases in Hennepin County. If you have questions regarding the preparation of these documents, you should consult with an attorney. Please be advised that if you are filing your own documents, you are acting as your own attorney or “pro se” for yourself. ***You are responsible for complying with the rules of court in the same way as any attorney.***

This same procedure applies for Amended Paternity Findings, Order for Judgment, Judgment and Decree.

Note: If the parties do not agree or if they stipulate to amend the Judgment and Decree, a motion to amend must be filed with the court and a hearing will be held. Following the hearing, an Order to Amend the Judgment and Decree will be prepared by the Court or one of the attorneys (or the pro se party) upon instructions from the Court. You or your attorney will still need to prepare the Amended Judgment and Decree.

### **Required Forms**

- Stipulation to Amend Judgment and Decree (section II)
- Order to Amend Judgment and Decree (section III)
- Amended Judgment and Decree (section IV)

## **II. Stipulation to Amend Judgment and Decree**

A. The document must set forth the reason why you are changing the Judgment and Decree and the specific paragraph(s) in the Judgment and Decree you wish to have amended.

B. In preparing the Stipulation, you should have before you the original Judgment and Decree.

Complete the following:

- Put the file number listed on the original Judgment and Decree in the space marked DC File # \_\_\_\_\_.
- Put the date of the original Judgment and Decree in the first “Whereas”
- Indicate whether a party is representing themselves or is represented by an attorney in the second “Whereas” for petitioner and the third “Whereas” for respondent.
- List the reason(s) for the amendment in the fourth “Whereas”. Some examples are: the parties have discovered an improper legal description, the financial circumstances have changed and the parties wish to change support or maintenance or their personal circumstances have changed and the parties wish to modify the custody or visitation provision of their Judgment and Decree. If there are specific Findings in the Judgment and Decree that were inaccurate and you want the Order to reflect the correct information, a statement of correction information shall be placed in this section.
- In paragraph number one of the “Therefore” clause, list the specific paragraph(s) in the Judgment and Decree you wish to change.
- In paragraph number two of the “Therefore” clause, insert the language you now want included in the Judgment and Decree. If you have more than one paragraph to be amended, you should state a separate paragraph for each one that is to be amended.

C. Each party should sign this stipulation and agreement. If a party is not represented by counsel, their signature must be notarized. The address and telephone number of each party and attorney’s name (if any) must be included.

### **III. Order to Amend Judgment And Decree**

- A. This is prepared unsigned. District Court staff will send this to the judicial officer for signing. The Order to Amend consists of Findings and Order. The exact number of the amended paragraph(s) to be amended must be specified in the Order and the exact new wording must be placed in the Order
- B. Complete the following:
- Put the file number listed on the original Judgment and Decree in the space marked DC File # \_\_\_\_\_.
  - Leave blank the date the case comes before the Court (you don't yet know what date that will be).
  - Indicate whether a party is representing themselves or is represented by an attorney in the second paragraph.
  - In paragraph number two of "The Court Finds", insert each paragraph of the "Whereas" clause from your Stipulation that explains what circumstances have changed and the reasons you wish the Judgment and Decree changed (the fourth "Whereas" on the Stipulation). Those provisions included here in the "The Court Finds" that are changing the Findings of Fact are not included in the Amended Judgment and Decree.
  - In paragraph number one of "It is Ordered", insert the date the original Judgment and Decree was entered.
  - In paragraph number two of "It is Ordered", insert each paragraph of the original Conclusions of Law you wish to amend. The only paragraph(s) included in the Amended Judgment and Decree are the paragraph(s) amended in the Conclusions of Law provisions.

#### **IV. Amended Judgment and Decree**

- A. This consists of the preamble, all the paragraphs of the old Conclusions of Law that were not amended and the new Amended Conclusions of Law. The Findings of Fact are not included in the Amended Judgment and Decree. In cases where the Findings of Fact have also been changed, the new Findings of Fact are in the Order to Amend and need not be repeated in the Amended Judgment and Decree.
- B. The Amended Judgment and Decree is prepared from the Order to Amend the Judgment and Decree. Complete the following:
- Put the file number listed on the original Judgment and Decree in the space marked DC File # \_\_\_\_\_.
  - Put the date of the original hearing (which you will find on the Judgment and Decree) in the first blank of the first paragraph.
  - Put the date the Judgment and Decree was entered in the second blank of the first paragraph.
  - Leave blank the date on which the Order to Amend the Judgment and Decree was entered.
  - Put the date of the original Judgment and Decree in the second paragraph.
  - Insert the paragraphs, as they will appear in your new Amended Judgment and Decree. The first paragraph shall be the first paragraph of the original Conclusions of Law which is always the paragraph dissolving the marriage. Type each paragraph in the order of the original Conclusions of Law word for word if the paragraph has not been amended. If an Order amends the paragraph, the new wording should replace the previous wording.

## **V. Where To File All Documents**

File all three documents with Hennepin County District Court at:

Hennepin County – Family Court Division  
Fourth Judicial District  
Family Justice Center  
110 South 4<sup>th</sup> Street Ste. 600  
Minneapolis, MN 55401-2279

The staff will proofread all documents. If they are in order, staff will submit your proposed Order to Amend the Judgment and Decree to the judicial officer for review and signature. The judicial officer will then sign the Order to Amend the Judgment and Decree as presented or determine whether or not a hearing is necessary. If a hearing is necessary, the parties will be notified. Therefore it is necessary that the parties' names, address and telephone numbers be included in the Stipulation to Amend Judgment and Decree.

All parties or their attorneys will be notified by mail once the Amended Judgment and Decree is filed.

## VI. Helpful Hints

1. Be sure the document title states what you are preparing.
2. The case title indicating petitioner and respondent must appear exactly as it appears on the original Judgment and Decree. If there is a name change, the name is listed after the former name with NKA (now known as). For example, if Mary Smith changes her name to Mary Jones, it would be listed in the caption as:

Mary Smith, NKA Mary Jones

3. Stipulated Amended Judgment and Decrees have a turnaround time of about three weeks. Each one must be checked word for word and sent to several departments.
4. Some common errors made in preparing the documents are:
  - a) Typographical errors
  - b) Missing either the written stipulation or the Order to Amend (these must be separate documents, not a part of the Amended Judgment and Decree).
  - c) Findings of Fact in the Amended Judgment and Decree – only Conclusions of Law should be in the Amended Judgment and Decree.
  - d) Amended Judgment and Decree does not correspond to the original Judgment and Decree.

**To prevent delays, please review this list before submitting your documents to the court.**

**VII. Definitions**

**Amended Judgment and Decree** – A Judgment and Decree entered after an original Judgment and Decree which changes one or more of the provisions of the original decision.

**Caption** – The heading on the title page of a court document which includes the jurisdiction, the venue, the case title (names of parties), the court number and the document title (example):

|  |  |             |  |  |  |  |            |  |  |             |  |  |  |  |            |  |                 |
|--|--|-------------|--|--|--|--|------------|--|--|-------------|--|--|--|--|------------|--|-----------------|
| STATE OF MINNESOTA<br>COUNTY OF HENNEPIN   | FOURTH JUDICIAL DISTRICT COURT<br>FAMILY COURT |             |  |  |  |  |            |  |  |             |  |  |  |  |            |  |                 |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">John Smith,</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 40%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Petitioner</td> <td></td> <td style="text-align: right;">Stipulation to Amend Judgment and Decree</td> </tr> <tr> <td style="padding-top: 10px;">Mary Smith,</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Respondent</td> <td></td> <td style="text-align: right;">DC File # _____</td> </tr> </table> |  | John Smith, |  |  |  |  | Petitioner |  | Stipulation to Amend Judgment and Decree | Mary Smith, |  |  |  |  | Respondent |  | DC File # _____ |
| John Smith,  |  |             |  |  |  |  |            |  |  |             |  |  |  |  |            |  |                 |
|  | Petitioner                                     |             | Stipulation to Amend Judgment and Decree |  |  |  |            |  |  |             |  |  |  |  |            |  |                 |
| Mary Smith,  |  |             |  |  |  |  |            |  |  |             |  |  |  |  |            |  |                 |
|  | Respondent                                     |             | DC File # _____                          |  |  |  |            |  |  |             |  |  |  |  |            |  |                 |

**Conclusions of Law** – Ruling of law made by the Court based on, or in connection with, the Findings of Fact.

**Findings of Fact** – The Court’s determination of the facts made from the evidence in a case. These may be presented by Stipulation.

**Judgment and Decree** – The final decision of the Court which is entered in the Court’s official docket or record

**Order** – a written direction of the Court.

**Preamble** – The introductory paragraph of the order or judgment identifying the type of proceeding, summarizing the facts or circumstances which bring the matter before the court and stating the basis for the Order.

**Pro Se** – Representing oneself as in the case of one whom does not retain a lawyer and appears for him or herself in Court.

**Stipulation** – An agreement between the parties.



**Order to Amend Judgment and Decree**

\_\_\_\_\_  
*Petitioner*

VS

\_\_\_\_\_  
*Respondent*

File No. \_\_\_\_\_

The above entitle matter came on for review and approval of the parties' stipulation before the above named Court on \_\_\_\_\_.

The petitioner was represented by       (himself/herself or name of attorney)      . The respondent was represented by       (himself/herself or name of attorney)      .

**THE COURT FINDS:**

1. The parties have stipulated to amend the Judgment and Decree.
2. Insert any specific Findings of Fact you wish the Court to Order

**IT IS ORDERED:**

1. That the Judgment and Decree dated \_\_\_\_\_ shall be reopened and paragraph \_\_\_\_ added/amended or deleted to read as follows:  
  
Paragraph #. (Insert amended language).
2. (Repeat for each paragraph of the original Conclusions of Law you wish amended.)
3. That the Judgment and Decree in all other respects shall remain in full force and effect.

**LET THE AMENDED JUDGMENT AND DECREE BE ENTERED ACCORDINGLY**

Dated: \_\_\_\_\_

THE FOREGOING FACTS WERE FOUND BY ME AFTER DUE HEARING AND THE FOREGOING ORDER THEREON IS RECOMMENDED.

FINDINGS OF FACT AND ORDER APPROVED AS OF DATE HEARD.

\_\_\_\_\_  
Referee of District Court

\_\_\_\_\_  
Judge of District Court  
Family Court Division

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**Amended Judgment and Decree**

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*Petitioner*

VS

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*Respondent*

File No. \_\_\_\_\_

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The above entitled proceeding having been regularly placed on the calendar of the above-named Court on \_\_\_\_\_ *(date of original hearing)*, and the Court, having reviewed all the files, records and the evidence in this proceeding, and having been fully advised in the premises, did, on \_\_\_\_\_ *(date of original Judgment and Decree)*, duly make and file its Findings and Order for Judgment herein, and THEREAFTER, on \_\_\_\_\_, the Court did make its Order amending said judgment.

Now, pursuant to said Order, it is hereby adjudged and decreed:

That the Judgment and Decree entered herein on \_\_\_\_\_ *(date of original Judgment and Decree)*, be, and hereby amended to read as follows:

*(Copy of each paragraph of the original Conclusions of Law except for paragraphs that are amended. Those paragraphs shall be copied as amended.)*

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Date

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District Court Clerk