

SUPREME COURT OF NORTH DAKOTA

Kingstone v. Tedrow Kingstone

Kingstone, 2026 ND 29 (N.D. 2026) · No. No. 20250346 · Decided February 12, 2026

SUMMARY

The North Dakota Supreme Court affirms an order reinstating a \$1,500 monthly upward deviation from presumptive child support guidelines and a requirement that the obligor maintain \$750,000 in life insurance. The court holds that the district court’s supplemental findings adequately supported deviations based on the child’s medical and developmental needs and her prior standard of living. The court also concludes that reinstating the insurance obligation complied with the limited scope of the prior remand because the child support amount remained unchanged.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jon J. Jensen; Lisa Fair McEvers, Chief Justice; Daniel J. Crothers; Jerod E. Tufte; Douglas A. Bahr
JURISDICTION	Supreme Court of North Dakota
DECIDED	February 12, 2026
DOCKET	No. 20250346
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brett Michael Kingstone appealed from a district court order entered after remand that reinstated a \$1,500 upward deviation from the presumptive child-support guideline amount and reinstated his obligation to maintain a \$750,000 life-insurance policy for the child's benefit.
STANDARD OF REVIEW	Child-support determinations involve de novo review of legal questions, clearly erroneous review of factual findings, and abuse-of-discretion review in limited areas. The life-insurance obligation was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Brett Michael Kingstone v. Trisa Ranae Tedrow Kingstone

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the district court's supplemental findings sufficiently explained why an upward deviation from the presumptive child-support guideline amount was in L.R.K.'s best interest.
2. Whether the district court's findings sufficiently supported the \$750 monthly needs-based component of the upward deviation.
3. Whether the district court's findings sufficiently supported the \$750 monthly standard-of-living component of the upward deviation.
4. Whether the district court properly reinstated the \$750,000 life-insurance obligation after remand.
5. Whether the mandate rule barred relitigation of issues resolved in the first appeal.

HOLDINGS

1. An upward deviation is permissible when it is in the child's best interest and one or more enumerated criteria under N.D. Admin. Code § 75-02-04.1-09(2) is met. The district court's findings that deviation served L.R.K.'s needs and preserved her prior standard of living were sufficiently explicit.
2. The district court's findings sufficiently supported the \$750 monthly needs-based deviation, and the finding was not clearly erroneous because evidence supported the amount.
3. The district court's findings sufficiently supported the \$750 monthly standard-of-living deviation, and the finding was not clearly erroneous because evidence supported the amount.
4. The district court properly reinstated the \$750,000 life-insurance obligation because the amount of child support remained unchanged and the reinstatement was within the limited scope of the remand.

KEY QUOTATIONS

“Under N.D. Admin. Code § 75-02-04.1-09(2), an upward deviation from the presumptive child support amount is permissible if it is in the best interest of the child and one or more of the enumerated criteria under subsection (2) is met.” (¶ 10)

“Where the facts remain the same . . . the mandate rule . . . requires the trial court to follow pronouncements of an appellate court on legal issues in subsequent proceedings of the case and to carry the appellate court’s mandate into effect according to its terms.” (¶ 26)

FACTUAL BACKGROUND

The district court awarded Trisa Tedrow Kingstone \$5,000 per month in child support for L.R.K., including a \$1,500 upward deviation from the presumptive guideline amount. L.R.K. has genetic, lifelong health conditions and developmental and medical needs requiring frequent travel and services, while Brett Kingstone has monthly

income near or above \$120,000 and significant assets. On remand, the district court attributed \$750 of the deviation to L.R.K.'s needs and \$750 to preserving her prior standard of living, and reinstated the requirement that Brett maintain \$750,000 in life insurance.

PROCEDURAL HISTORY

The district court originally awarded \$5,000 per month in child support, including a \$1,500 upward deviation, and required Brett Kingstone to maintain \$750,000 in life insurance. In the first appeal, the North Dakota Supreme Court reversed the upward deviation for insufficient findings, remanded for additional findings and reconsideration of the insurance amount, and otherwise upheld the life-insurance obligation. On remand, the district court made supplemental findings, reinstated the deviation and the \$750,000 policy, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Kingstone v. Tedrow Kingstone, 2025 ND 40, 17 N.W.3d 596
- Williams v. Williams, 2023 ND 240, 999 N.W.2d 192
- Nuveen v. Nuveen, 2012 ND 260, 825 N.W.2d 863
- Montgomery v. Montgomery, 481 N.W.2d 234 (N.D. 1992)
- Bernhardt v. Bernhardt, 1997 ND 80, 561 N.W.2d 656
- L.C.V. v. D.E.G., 2005 ND 180, 705 N.W.2d 257
- Wolf v. Wolf, 474 N.W.2d 257 (N.D. 1991)
- Entzie v. Entzie, 2010 ND 194, 789 N.W.2d 550
- Shae v. Shae, 2014 ND 149, 849 N.W.2d 173
- Thompson v. Johnson, 2018 ND 142, 912 N.W.2d 315
- Walstad v. Walstad, 2013 ND 176, 837 N.W.2d 911
- State ex rel. N.D. Department of Labor v. Riemers, 2010 ND 43, 779 N.W.2d 649
- Carlson v. Workforce Safety & Insurance, 2012 ND 203, 821 N.W.2d 760