
DOMESTIC RELATIONS

CHAPTER 120

H. B. No. 555

(Legislative Research Committee)

RESIDENCE FOR MARRIAGE LICENSE

AN ACT

To amend and reenact section 14-0310 of the North Dakota Revised Code of 1943, relating to marriage license.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 14-0310 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-0310. MARRIAGE MAY NOT BE SOLEMNIZED WITHOUT LICENSE; RESIDENCE REQUIRED.) No person shall solemnize any marriage until the parties thereto shall produce a license issued not more than sixty days prior to the date of such marriage by the county judge of the county in which either of the contracting parties or the parents of either of the parties resides, or if such county is unorganized, or disorganized, of the county to which it is attached for judicial purposes.

Approved January 31, 1951.

CHAPTER 121

S. B. No. 39

(Legislative Research Committee)

RECOGNITION OF DECREES OF DIVORCE AND ANNULMENT OF MARRIAGE

AN ACT

Concerning the recognition of decrees of divorce and annulment of marriage and to make uniform the law with reference thereto.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) A decree of divorce or of annulment of marriage obtained in a court of another jurisdiction shall be of no force or

effect in this state, if the parties to the marriage were domiciled in this state at the time such decree was rendered.

§ 2.) If a person obtains a decree of divorce or of annulment of marriage from a court of another jurisdiction and was domiciled in this state within less than twelve months prior to obtaining the decree and resumes residence in this state within six months after obtaining the decree, it shall be prima facie evidence that such person did not abandon his or her domicile in this state prior to obtaining the decree.

§ 3.) The provisions of this Act shall not apply to any divorce or annulment of marriage obtained in proceedings begun prior to the passage of this Act.

Approved February 9, 1951.

CHAPTER 122

S. B. No. 40

(Legislative Research Committee)

RECIPROCAL ENFORCEMENT OF SUPPORT

AN ACT

Providing for reciprocal enforcement of support.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. PURPOSES.) The purposes of this Act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

§ 2. DEFINITIONS.) As used in this Act unless the context otherwise requires:

1. "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted;
2. "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced;
3. "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced;

4. "Court" means the district court of this state and when the context requires, means the court of any other state as defined in a substantially similar other state as defined in a substantially similar reciprocal law;
5. "Law" includes both common and statute law;
6. "Duty of support" includes any duty of support imposed or imposed by law, or by any court order, decree of judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise;
7. "Obligor" means any person owing a duty of support and
8. "Obligee" means any person to whom a duty of support is owed.

§ 3. REMEDIES ADDITIONAL TO THOSE NOW EXISTING.) The remedies herein provided are in addition to and not in substitution for any other remedies.

§ 4. EXTENT OF DUTIES OF SUPPORT.) The duty of support imposed by the laws of this state or by the laws of the state where the obligee was present when the failure to support commenced as provided in Section 7 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

§ 5. INTERSTATE RENDITION.) The governor of this state may demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and may surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of crime was in the demanding or the other state.

§ 6. RELIEF FROM THE ABOVE PROVISIONS.) Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of

support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

§ 7. WHAT DUTIES ARE ENFORCEABLE.) Duties of support enforceable under this law are those imposed or impossible under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee.

§ 8. REMEDIES OF A STATE OR POLITICAL SUBDIVISION THEREOF FURNISHING SUPPORT.) Whenever the state or a political subdivision thereof has furnished support to an obligee it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made.

§ 9. HOW DUTIES OF SUPPORT ARE ENFORCED.) All duties of support are enforceable by petition irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the district court.

§ 10. CONTENTS OF PETITION FOR SUPPORT.) The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the respondent and his dependents for whom support is sought and all other pertinent information.

§ 11. DUTY OF COURT OF THIS STATE AS INITIATING STATE.) If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or his property, he shall so certify and shall cause certified copies of the petition, the certificate and an authenticated copy of this Act to be transmitted to the court of the responding state.

§ 12. DUTY OF THE COURT OF THIS STATE AS RESPONDING STATE.) When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall docket the cause, set a time and place for a hearing and take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

§ 13. ORDER OF SUPPORT.) If the court of the responding state finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to such order.

§ 14. RESPONDING STATE TO TRANSMIT COPIES TO INITIATING STATE.) The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or orders for reimbursement therefor.

§ 15. ADDITIONAL POWERS OF COURT.) In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

1. To require the respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent;
2. To require the respondent to make payments at specified intervals to the clerk of the court or the obligee and to report personally to such clerk at such times as may be deemed necessary; and
3. To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

§ 16. ADDITIONAL DUTIES OF THE COURT OF THIS STATE WHEN ACTING AS RESPONDING STATE.) The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

1. Upon receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state; and
2. Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.

§ 17. ADDITIONAL DUTY OF THE COURT OF THIS STATE WHEN ACTING AS AN INITIATING STATE.) The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state.

§ 18. EVIDENCE OF HUSBAND AND WIFE.) Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

Approved February 27, 1951.

CHAPTER 123

H. B. No. 672
(Rhode)

WHO MAY PETITION FOR ADOPTION

AN ACT

To amend and reenact section 14-1108 of the North Dakota Revised Code of 1943, as amended and reenacted by section 3 of chapter 130 of the Session Laws of 1949, relating to who may petition for adoption.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 14-1108 of the North Dakota Revised Code of 1943, as amended and reenacted by Section 3 of Chapter 130 of the Session Laws of 1949 is hereby amended and reenacted to read as follows:

14-1108. WHO MAY PETITION FOR ADOPTION.) Any adult may petition the district court in any county in the judicial district of his residence for leave to adopt a person of any age at least ten years younger than himself, and if he desired for a change of such person's name, and any nonresident of the state who is related to the person to be adopted may petition the district court in any county in the judicial district in which such person to be adopted resides for such adoption. Such petition for adoption shall be filed in the office of the clerk of court before any hearing is had or any order made.

Approved March 6, 1951.