

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2040

Introduced by

Legislative Council

(Child Support Committee)

1 A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota  
2 Century Code, relating to the rights and duties of parents in child custody and visitation  
3 proceedings; and to amend and reenact section 14-09-24 of the North Dakota Century Code,  
4 relating to enforcement of child visitation.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **Parental custody and visitation rights and duties.**

- 9 1. Each parent of a child has the following custody and visitation rights and duties:
- 10 a. Right to access and obtain copies of the child's educational, medical, dental,  
11 religious, insurance, and other records or information.
- 12 b. Right to attend educational conferences concerning the child. This right does  
13 not require any school to hold a separate conference with each parent.
- 14 c. Right to reasonable access to the child by written, telephonic, and electronic  
15 means.
- 16 d. Duty to inform the other parent as soon as reasonably possible of a serious  
17 accident or serious illness for which the child receives health care treatment.  
18 The parent shall provide to the other parent a description of the serious  
19 accident or serious illness, the time of the serious accident or serious illness,  
20 and the name and location of the treating health care provider.
- 21 e. Duty to immediately inform the other parent of a change in residential  
22 telephone number and address.
- 23 f. Duty to keep the other parent informed of the name and address of the school  
24 the child attends.

1           2.   The court shall include in an order establishing or modifying visitation the rights  
2                   and duties listed in this section; however, the court may restrict or exclude any  
3                   right or duty listed in this section if the order states the reason in support of the  
4                   restriction or exclusion. The court shall consider any domestic violence protection  
5                   orders relating to the parties when determining whether to restrict or exclude any  
6                   right or duty listed in this section.

7           **SECTION 2. AMENDMENT.** Section 14-09-24 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9           **14-09-24. Interference with visitation - Attorney's fees - Enforcement remedies**  
10 **and tools.** In any proceeding ~~where~~ in which child visitation is properly in dispute between the  
11 parents of a ~~minor~~ child, the court shall award the noncustodial parent reasonable attorney's  
12 fees and costs if the court determines there has been willful and persistent denial of visitation  
13 rights by the custodial parent with respect to the ~~minor~~ child. The court may use any remedy  
14 that is available to enforce a child support order and which is appropriate to enforce visitation.