

Introduced by

Legislative Council

(Judiciary Committee)

1 A BILL for an Act to amend and reenact sections 14-05-24 and 14-09-06.4 of the North Dakota  
2 Century Code, relating to the division of property in divorce proceedings and immunity for  
3 guardians ad litem and child custody investigators.

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

5 **SECTION 1. AMENDMENT.** Section 14-05-24 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **14-05-24. ~~Permanent alimony~~– Division of property.**

8 1. When a divorce is granted, the court shall make ~~such an~~ an equitable distribution of  
9 the ~~real and personal~~ property and debts of the parties ~~as may seem just and~~  
10 ~~proper, and may compel either of the parties to provide for the maintenance of the~~  
11 ~~children of the marriage, and to make such suitable allowances to the other party~~  
12 ~~for support during life or for a shorter period as to the court may seem just, having~~  
13 ~~regard to the circumstances of the parties respectively. The court from time to~~  
14 ~~time may modify its orders in these respects.~~

15 2. The court may redistribute property in a postjudgment proceeding if a party has  
16 failed to disclose property and debts as required by rules adopted by the supreme  
17 court, or the party fails to comply with the terms of a court order distributing  
18 property and debts.

19 **SECTION 2. AMENDMENT.** Section 14-09-06.4 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **14-09-06.4. Appointment of guardian ad litem or child custody investigator for**  
22 **children in custody, support, and visitation proceedings - Immunity.** In any action for an  
23 annulment, divorce, legal separation, or other action affecting marriage, where either party has  
24 reason for special concern as to the future of the minor children, and in ~~actions affecting the~~

1 ~~marriage relationship~~ any action where the custody or visitation of ~~such~~ children is contested,  
2 either party to the action may petition the court for the appointment of a guardian ad litem to  
3 represent the children concerning custody, support, and visitation. The court, in its discretion,  
4 may appoint a guardian ad litem or child custody investigator on its own motion. If appointed, a  
5 guardian ad litem shall serve as an advocate of the children's best interests. If appointed, the  
6 child custody investigator shall provide those services as prescribed by the supreme court. The  
7 court may direct either or both parties to pay the guardian ad litem or child custody investigator  
8 fee established by the court. ~~If neither of the parties are~~ party is able to pay the fee, the court  
9 may direct the fee to be paid, in whole or in part, by the county of venue. The court may direct  
10 either or both parties to reimburse the county, in whole or in part, for such payment. Any  
11 guardian ad litem or child custody investigator appointed under this section who acts in good  
12 faith in making a report to the court is immune from any civil liability resulting from the report.  
13 For the purpose of determining good faith, the good faith of the guardian ad litem or child  
14 custody investigator is a disputable presumption.