

HOUSE CONCURRENT RESOLUTION NO. 3004

Introduced by

Representatives Gulleason, DeKrey, Delmore, Hunskor, Kretschmar, Potter

Senators Heitkamp, Krebsbach, Triplett

1 A concurrent resolution directing the Legislative Council to study issues relating to child
2 custody, visitation, and child support in this state, including issues of fairness and equity as they
3 relate to the issuance and enforcement of child custody, visitation, and child support orders and
4 whether the state should pursue nonadversarial alternatives for the resolution of family law
5 disputes.

6 **WHEREAS**, the issues involved in family relationships, including custody, visitation,
7 support of children, and the rights and responsibilities of parents to their children, result in a
8 complex family law system; and

9 **WHEREAS**, approximately 70 percent of the caseload of North Dakota courts involves
10 issues related to family law, including divorce, custody, visitation, and child support, as well as
11 modifications to custody, visitation, and child support orders; and

12 **WHEREAS**, child visitation and custody arrangements are often established through an
13 adversarial process that may detrimentally affect the possibility of a continuing relationship
14 between a child and both parents; and

15 **WHEREAS**, traditional custody and visitation enforcement actions promote an
16 adversarial climate between the parties involved and are not always effective in resolving
17 custody and visitation disputes; and

18 **WHEREAS**, every child has a right to be guided, nurtured, and supported emotionally,
19 physically, and financially by both parents regardless of the parents' marital status; and

20 **WHEREAS**, North Dakota law provides that for the purposes of determining custody,
21 there is no presumption as to which parent will better promote the best interests of the child;
22 and

23 **WHEREAS**, concerns have been expressed that there are inequities in the enforcement
24 of child custody and visitation orders and in the child support guidelines as they relate to
25 persons who are obligors;

1 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
2 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

3 That the Legislative Council study issues relating to child custody, visitation, and child
4 support in this state, including issues of fairness and equity as they relate to the issuance and
5 enforcement of child custody, visitation, and child support orders and whether the state should
6 pursue nonadversarial alternatives for the resolution of family law disputes; and

7 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
8 recommendations, together with any legislation required to implement the recommendations, to
9 the Sixty-first Legislative Assembly.