

June 2009

## **TITLE 14**

### **Domestic Relations and Persons**

### **Summary of Bills Enacted by 2009 Legislative Assembly**

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 14. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to domestic relations and persons may be classified in these subject areas: domestic violence, discrimination, child support, marriage and divorce, parent and child, minors, and abortion.

#### **DOMESTIC VIOLENCE**

**House Bill No. 1291** provides that if an individual charged with or arrested for a crime involving domestic violence is released from custody, a court may require electronic home detention or global positioning system monitoring be used for the individual as a condition of release.

**House Bill No. 1336** repeals Section 14-07.1-13, which relates to an order prohibiting contact, and relocates the language of this repealed section to a new section in Chapter 12.1-31.2, which relates to disorderly conduct restraining orders.

#### **DISCRIMINATION**

**Senate Bill No. 2143** provides that a person whose collective bargaining agreement, employment contract, or public employee rights provides a process through which recourse of discriminatory acts is available must exercise that process to completion before commencing an action under Section 14-02.4-19.

#### **CHILD SUPPORT**

**House Bill No. 1175** amends and updates various provisions with respect to child support enforcement. The bill also provides that if an obligee is deceased, the order in which any past-due child support that is received is disbursed must include a refund to the obligor if the court determines that the past-due child support cannot be disbursed to those parties that precede the obligor in the order of disbursement under Section 14-09-25(9).

**House Bill No. 1329** provides that the child support guidelines may not take into consideration cases of atypical overtime wages or nonrecurring bonuses over which the obligor does not have significant influence or control. The bill also provides that if an income payer makes an error in the remittal information the income payer provides to the state disbursement unit, the income payer has not complied with Section 14-09-09.3 and is responsible for the error but has a cause of action for reimbursement against any person that receives funds from the disbursement unit as a result of the error and refuses to return the funds upon request.

**Senate Bill No. 2072** codifies the amendments to the Uniform Interstate Family Support Act approved by the National Conference of Commissioners on Uniform State Laws in 2008. The amendments modify the current version of the Act's international provisions to comport with the obligations of the United States under the 2000 Hague Convention.

#### **MARRIAGE AND DIVORCE**

**House Bill No. 1252** authorizes either party to a marriage to change the middle name by which that individual wishes to be known after the solemnization of the marriage by entering the new middle name in the space provided on the marriage license application. The bill also provides that if an individual elects to change that individual's middle name, the middle name entry on the marriage license application or marriage license must consist of the premarriage surname or former surname of that individual.

#### **PARENT AND CHILD**

**Senate Bill No. 2042** provides for changes in the terminology used in family law; requires that in any proceeding to establish or modify a judgment providing for parenting time with a child, a parenting plan is required to be developed and filed with the court; adds several best interest factors; clarifies several current best interest factors; and establishes a parenting coordinator program.

## **MINORS**

**Senate Bill No. 2157** authorizes an individual who is at least 16 years of age to donate blood on a voluntary and noncompensatory basis without obtaining the consent of the individual's parent or guardian.

**Senate Bill No. 2394** authorizes a physician or other health care provider to provide to a minor pregnancy testing, pain management related to pregnancy, and prenatal care in the first trimester or a single prenatal visit in the second or third trimester of pregnancy without the consent of a parent or guardian. The bill also provides that a physician or other health care professional may inform the parent or guardian of any pregnancy care services given or needed if, in the judgment of the physician or other health care provider, failure to inform the parent or guardian would seriously jeopardize the health of the minor or her unborn child, surgery or hospitalization is needed, or informing the parent or guardian would benefit the health of the minor or her unborn child.

## **ABORTION**

**House Bill No. 1371** provides that an abortion facility may not perform an abortion on a woman without first offering the woman an opportunity to receive and view an active ultrasound of the fetus. The bill provides that the opportunity to receive and view an ultrasound must occur at least 24 hours before the abortion is scheduled to be performed. The bill also requires the abortion facilities to keep records of the number of women who availed themselves of the opportunity to receive and view an ultrasound image and the number who did not and of those numbers, the number who went on to obtain the abortion.

**House Bill No. 1445** requires that as a part of the informed consent requirements before the performance of an abortion, the physician must inform the woman that the abortion will terminate the life of a whole, separate, unique, living human being.

**Senate Bill No. 2265** requires an abortion facility to display signs in locations that ensure maximum visibility to women at the time a woman gives consent to an abortion which states that the woman cannot be forced to have an abortion and that it is against the law for anyone to force a woman to have an abortion.