

HOUSE BILL NO. 1358

Introduced by

Representative Mickelson

1 A BILL for an Act to amend and reenact section 14-09-06.3 of the North Dakota Century Code,
2 relating to the costs of custody investigations and reports.

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

4 **SECTION 1. AMENDMENT.** Section 14-09-06.3 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-09-06.3. Custody investigations and reports - Costs.**

- 7 1. In contested custody proceedings the court ~~may~~, upon the request of either party,
8 or, upon its own motion, may order an investigation and report concerning
9 custodial arrangements for the child. The court shall designate a person or agency
10 responsible for making the investigation and report, which designees may include
11 the county social service board, public health officer, school officials, and any other
12 public agency or private practitioner it deems qualified to make the investigation.
13 The court shall notify the county social service board of the county of residence of
14 the party bringing the custody action that an investigation and report has been
15 ordered.
- 16 2. The investigator may consult any person who may have information about the child
17 and any potential custody arrangements, and upon order of the court may refer the
18 child to any professional personnel for diagnosis.
- 19 3. The court shall mail the investigator's report to counsel and to any party not
20 represented by counsel at least thirty days before the hearing. The investigator
21 shall make available to any such counsel or party the complete file of data and
22 reports underlying the investigator's report and the names and addresses of all
23 persons whom the investigator has consulted. A party may call the investigator
24 and any person whom the investigator has consulted for cross-examination at the

- 1 hearing. A party may not waive the party's right of cross-examination before the
2 hearing.
- 3 4. The court shall enter an order for the costs of ~~any such~~ the investigation against
4 either or both parties, except that if the parties are indigent the expenses must be
5 ~~borne~~ paid by the county of residence of the party bringing the custody action. The
6 court shall allow the county to recover the costs of the investigation from the party
7 that brought the custody action.