

HOUSE BILL NO. 1346

Introduced by

Representatives Kliniske, Belter, Fairfield, Devlin

Senators Cook, Lee

1 A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota
2 Century Code, relating to mediation in divorce cases.

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

4 **SECTION 1.** A new section to chapter 14-05 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Divorce proceeding - Mandatory mediation - Fee.**

- 7 1. The supreme court shall establish a divorce mediation program and shall establish
8 training and experience qualifications for mediators providing services under this
9 section.
- 10 2. Before a final decree is granted or a final order entered in an action for divorce, the
11 parties to the action shall participate in mediation. The court may waive this
12 requirement for any of the following reasons:
- 13 a. The parties participated in mediation before the action for divorce was
14 commenced;
 - 15 b. A record of adjudication of abuse or a factual basis of abuse exists;
 - 16 c. A record of adjudication of substance abuse or a factual basis of substance
17 abuse exists;
 - 18 d. No issues are in dispute; or
 - 19 e. Other good cause shown.
- 20 3. Each party to the divorce action shall pay to the clerk of court, in addition to any
21 other fee required by law, a mediation fee of fifty dollars. The plaintiff shall pay the
22 mediation fee at the time the complaint is filed and the defendant shall pay the
23 mediation fee at the time an answer is filed. The court may waive all or part of the
24 mediation fee if a party is unable to pay, if the parties have participated in

- 1 mediation before the action was commenced, or if the parties have agreed to a
- 2 stipulation.