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Seventieth
Legislative Assembly
of North Dakota

SECOND DRAFT:
Prepared by the Legislative Council staff for the
Child Custody Review Task Force Committee
April 2026

Introduced by

A BILL for an Act to create a committee to study the feasibility, structure, fiscal impact, and implementation requirements for establishing a family court; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE FAMILY COURT REVIEW COMMITTEE - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2027-28 interim, the legislative management shall establish and provide staffing and administrative services to a legislative family court review committee to study the feasibility, structure, fiscal impact, and implementation requirements for establishing a family court in this state.
2. The fifteen-member committee must consist of:
   a. Six members of the legislative assembly, three members from the house of representatives and three members from the senate, appointed by the chairman of the legislative management;
   b. The state court administrator;
   c. Two judges representing separate judicial districts, appointed by the supreme court;
   d. Two members of the family law section, one member representing an urban practice area and one member representing a rural practice area, appointed by the state bar association;
   e. One family mediator, appointed by the supreme court;
   f. One parent subject to a custody order;
   g. One representative of the clerks of court, appointed by the state court administrator's office; and

h. One member representing domestic violence advocacy services, appointed by the chairman of the legislative management.

3. The study must include:

a. An examination of the constitutional authority for establishing a family court and the identification of any necessary changes to state law;

b. Identification of the types of cases to be included within the jurisdiction of the family court and an analysis of how the family court would interact with existing courts;

c. Development of a proposed court structure and governance model, including the number and location of judges and staff, geographic districts, qualification and training requirements, and case assignment procedures;

d. Consideration of whether new or revised procedural rules are required, including expedited hearing timelines, standardized forms, and emergency or ex parte procedures;

e. Review and evaluation of existing alternative dispute resolution roles, including mediators and parenting coordinators, and consideration of establishing new roles;

f. Analysis of state and local fiscal impacts and efficiencies, including costs associated with judges, judicial referees, staff, court facilities, technology, and case management systems or enhancements; and

g. Recommendations regarding implementation, including consideration of a phased approach or pilot program.

4. The committee shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the legislative management.

5. a. A member of the committee who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the legislative council.

b. A state employee who is a member of the committee is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency.

c. A member of the committee who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the committee. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the committee who is a member of the legislative assembly.