



CHILD CUSTODY REVIEW TASK FORCE

Monday, April 13, 2026
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator David A. Clemens, Chairman, called the meeting to order at 10:00 a.m.

Members present: Senators David A. Clemens, Jose L. Castaneda*; Representatives Nels Christianson, Mary Schneider; Citizen Members James D. Hovey, Corey Johnson, Jason Kraft, Jason W. McLean,* Stacy Moldenhauer, Catie Palsgraaf, Derrick Sherwood*

Member absent: Citizen Member Victoria S. Konidaris

Others present: See [appendix](#)
**Attended remotely*

It was moved by Representative Schneider, seconded by Senator Castaneda, and carried on a voice vote that the minutes of the February 23, 2026, meeting be approved as distributed.

REVIEW OF BILL DRAFTS

Ms. Beth Dittus, Assistant Legal Division Director, Legislative Council, presented a bill draft [[27.0074.01000](#)] relating to the creation of a committee to study the feasibility, structure, fiscal impact, and implementation requirements for establishing a family court.

Task force members:

- Expressed support for maintaining a 15-member committee while increasing representation from judges and family law attorneys, adding a clerk of court representative, and adding a parent subject to a custody order.
- Emphasized the importance of including consideration of special procedural rules for domestic proceedings within the scope of the study.
- Noted the need for the study to evaluate both state and local fiscal impacts, as well as potential efficiencies associated with specialized family court functions.

It was moved by Senator Castaneda, seconded by Representative Schneider, and carried on a voice vote that subdivision d of subsection 3 of Section 1 of bill draft [[27.0074.01000](#)] be retained.

It was moved by Citizen Member Moldenhauer, seconded by Senator Castaneda, and carried on a voice vote that bill draft [[27.0074.01000](#)] be revised to ensure the study include the analysis of state and local fiscal impacts and efficiencies, and the composition of the Legislative Family Court Review Committee be revised as follows:

- **Reduce the legislative membership from four to three members of each chamber;**
- **Increase the number of judges from one to two judges representing separate judicial districts;**

- Increase the number of members of the family law section from one to two members, with one member representing an urban practice area and one member representing a rural practice area;
- Replace one member of the Supreme Court Self Help Program with one parent subject to a custody order; and
- Replace one mental health professional with one representative of the clerks of court.

It was moved by Citizen Member Palsgraaf, seconded by Citizen Member Sherwood, and carried on a roll call vote that bill draft [\[27.0074.01000\]](#), as revised, relating to the creation of a committee to study the feasibility, structure, fiscal impact, and implementation requirements for establishing a family court be approved and recommended to the Legislative Management. Senators Clemens and Castaneda; Representatives Christianson and Schneider; and Citizen Members Hovey, Johnson, Kraft, McLean, Moldenhauer, Palsgraaf, and Sherwood voted "aye." No negative votes were cast.

Ms. Dittus presented a bill draft [\[27.0075.01000\]](#) relating to parent participation in a family transition program. She noted the bill draft requires a party in a contested proceeding involving parental rights and responsibilities to participate in and complete a family transition program.

Task force members:

- Expressed concern that the term "family transition program" was unclear and supported replacing it with "parenting education program."
- Noted that broader education about the family court process, including legal procedures and the potential consequences of certain conduct during custody disputes, may be beneficial for parents.
- Expressed concern regarding the cost of the program and other practical complications that may arise if parents are required to participate in the program.

It was moved by Citizen Member Hovey, seconded by Senator Castaneda, and carried on a roll call vote that bill draft [\[27.0075.01000\]](#) be revised to replace "family transition program" with "parenting education course" and be approved, as revised, and recommended to the Legislative Management. Senator Clemens; Representatives Christianson and Schneider; and Citizen Members Hovey, Kraft, Moldenhauer, and Palsgraaf voted "aye." Senator Castaneda and Citizen Members Johnson, McLean, and Sherwood voted "nay."

Ms. Dittus presented a bill draft [\[27.0076.01000\]](#) relating to contempt proceedings for intentional interference with court-ordered parenting time. She noted the bill draft requires the court to schedule a hearing within 30 days after a request for a contempt citation is filed in a case in which one parent alleges the other parent intentionally interfered with court-ordered parenting time.

It was moved by Citizen Member Hovey, seconded by Citizen Member Sherwood, and carried on a voice vote that bill draft [\[27.0076.01000\]](#) be revised to replace "is satisfied" with "has reasonable grounds to believe" and to clarify that an individual subject to a parenting time order may request the contempt citation and if requested, the court must hold the hearing within 30 days.

It was moved by Citizen Member Palsgraaf, seconded by Citizen Member Sherwood, and carried on a roll call vote that bill draft [\[27.0076.01000\]](#), as revised, relating to contempt proceedings for intentional interference with court-ordered parenting time be approved and recommended to the Legislative Management. Senators Clemens and Castaneda; Representatives Christianson and Schneider; and Citizen Members Hovey, Johnson, Kraft, McLean, Moldenhauer, Palsgraaf, and Sherwood voted "aye." No negative votes were cast.

Ms. Dittus presented a bill draft [\[27.0077.01000\]](#) relating to contempt citation forms for interference with court-ordered parenting time. She noted the bill draft requires the State Court Administrator to provide forms that may be used in contempt proceedings when one parent alleges the other parent intentionally interfered with court-ordered parenting time, and to ensure the forms are available in each office of the clerk of district court and on the Supreme Court's website.

It was moved by Citizen Member McLean, seconded by Representative Schneider, and carried on a voice vote that bill draft [\[27.0077.01000\]](#) be revised to replace "parent" with "individual subject to a parenting time order."

It was moved by Citizen Member McLean, seconded by Citizen Member Hovey, and carried on a roll call vote that bill draft [\[27.0077.01000\]](#), as revised, relating to contempt citation forms for interference with court-ordered parenting time be approved and recommended to the Legislative Management. Senators Clemens and Castaneda; Representatives Christianson and Schneider; and Citizen Members Hovey, Johnson, Kraft, McLean, Moldenhauer, Palsgraaf, and Sherwood voted "aye." No negative votes were cast.

Ms. Dittus presented a bill draft [\[27.0078.01000\]](#) relating to rules of procedure for domestic proceedings. Ms. Dittus noted the bill draft requires the Supreme Court to adopt rules of procedure, distinct from the rules governing general civil actions, to govern proceedings under North Dakota Century Code Chapter 14-09.

Task force members:

- Noted there are legitimate procedural issues in family law motion practice, particularly involving potential conflicts between the North Dakota Rules of Court and the requirements under state law governing certain custody modification proceedings.
- Noted the adoption of clearer and more uniform procedures tailored to child custody proceedings may improve efficiency, consistency, and access for families and attorneys navigating the system.
- Expressed concern that the bill draft lacked sufficient guidance regarding the specific rules to be developed.

It was moved by Citizen Member McLean, seconded by Senator Castaneda, and carried on a voice vote that bill draft [\[27.0078.01000\]](#) be revised to add "motion" before "proceedings" on line 8 of page 1.

It was moved by Citizen Member McLean, seconded by Senator Castaneda, and failed on a roll call vote that bill draft [\[27.0078.01000\]](#) be revised to clarify that any rules of procedure adopted by the Supreme Court must conform with the requirements of Section 14-09-06.6. Senator Castaneda and Citizen Members Johnson, Kraft, and McLean voted "aye." Senator Clemens; Representatives Christianson and Schneider; and Citizen Members Hovey, Moldenhauer, Palsgraaf, and Sherwood voted "nay."

It was moved by Citizen Member McLean that bill draft [\[27.0078.01000\]](#), as revised, relating to rules of procedure for domestic proceedings be approved and recommended to the Legislative Management. Chairman Clemens announced the motion failed for lack of a second.

It was moved by Citizen Member Hovey, seconded by Citizen Member Johnson, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and the bill drafts recommended by the committee and to present the report and recommended bill drafts to the Legislative Management.

It was moved by Citizen Member McLean, seconded by Citizen Member Moldenhauer, and carried on a voice vote that the committee be adjourned sine die.

No further business appearing, Chairman Clemens adjourned the committee sine die at 1:34 p.m.

Beth Dittus
Assistant Legal Division Director

ATTACH:1