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Prepared by the Legislative Council staff for Representative Vetter
April 1, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2186

Introduced by

Senators Clemens, Luick

Representatives Koppelman, Marschall

A BILL ~~for an Act to amend and reenact section 12.1-18-05 of the North Dakota Century Code, relating to the removal or withholding of a child in violation of a custody decree and false information or reports to law enforcement or the department of health and human services; and to provide a penalty.~~for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to interference with court-ordered parenting time; to provide a penalty; to create a child custody review task force; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~**SECTION 1. AMENDMENT.** Section 12.1-18-05 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**12.1-18-05. Removal of child from state in violation of custody decree - False information or reports - Penalty.**~~

~~Any person~~

~~1.~~ ~~An individual who intentionally removes, causes the removal of, or detains the person'sindividual's own child under the age of eighteen years outside this state with the intent to deny another person'sindividual's rights in violation of an existinga custody decree is guilty of a class C felony. Detaining the child outside this state in violation of the custody decree for more than seventy-two hours is prima facie evidence that the personindividual charged intended to violate the custody decree at the time of removal.~~

~~2. An individual who intentionally removes, causes the removal of, or detains the individual's own child under the age of eighteen years within this state with the intent to deny another individual's rights in violation of a custody decree is guilty of an infraction for a first and second offense, a class B misdemeanor for a third offense, and a class A misdemeanor for a fourth offense. Detaining the child within this state in violation of the custody decree for more than seventy-two hours is prima facie evidence that the individual charged intended to violate the custody decree at the time of removal.~~

~~3. An individual who gives false information or a false report alleging harm to a child by one parent against the other to a law enforcement officer or the department of health and human services which that individual knows to be false, is guilty of an infraction for a first and second offense, a class B misdemeanor for a third offense, and a class A misdemeanor for a fourth offense.~~

SECTION 1. A new section to chapter 14-09 of the North Dakota Century Code is created and enacted as follows:

Parenting time - Interference - Penalty.

1. Unless a party shows by clear and convincing evidence that additional parenting time should not be ordered, if the court finds one parent intentionally interfered with the other parent's court-ordered parenting time, the court shall order additional parenting time to the parent who lost parenting time due to the interference to indemnify that parent for any lost court-ordered parenting time.
2. The additional parenting time:
   a. Must at least be of the same type and duration of parenting time lost due to the interference and may be up to double the period of time lost, as determined by the court.
   b. May include weekend, holiday, and summer parenting time.
   c. Must occur within two years of the date the court finds the parent intentionally interfered with the other parent's court-ordered parenting time.
3. A court shall:

a. Give deference to the proposed additional parenting time schedule of the parent entitled to additional parenting time under subsection 1 when determining the schedule of the additional parenting time subject to subsection 2.

b. Consider ordering the parents to use a co-parenting application to assist with scheduling and communication.

4. The court may sanction a parent who fails to comply with this section as a contempt of court.

SECTION 2. CHILD CUSTODY REVIEW TASK FORCE - REPORT TO THE LEGISLATIVE MANAGEMENT.

1. During the 2025-26 interim, the legislative management shall create a child custody review task force. The task force consists of:
   a. One member of the supreme court self-help program, appointed by the supreme court;
   b. One member representing the district courts, appointed by the supreme court;
   c. One member appointed by the state bar association;
   d. Two members of the house or senate judiciary committees, appointed by the chairman of the legislative management;
   e. One member of the senate, appointed by the senate majority leader;
   f. One member of the house, appointed by the house majority leader;
   g. Two members representing parents subject to a child custody order;
   h. One member representing law enforcement;
   i. One member representing family mediators; and
   j. The director of legal services of North Dakota.
2. The presiding officer of the task force must be a member of the legislative assembly appointed by the chairman of the legislative management.
3. The task force shall meet at the call of the presiding officer. The presiding officer of the task force may invite guests to participate in task force activities.
4. The task force shall:
   a. Meet at least once each calendar quarter or more frequently at the call of the presiding officer;

b. Address issues involving the withholding of a child in violation of a custody decree and issues relating to a parent or party who provides false information against another parent or party in connection to a child custody order;

c. Consider ways to expeditiously and effectively enforce violations of custody orders, particularly the withholding of a child;

d. Consider the development of self-help or artificial intelligence assisted forms and processes, expedited access to ex parte contempt of court orders, and other civil and criminal penalties, including possible additional compensatory time, and successful remedies used in other states; and

e. Before June 30, 2026, submit a report of its findings and recommendations, and any proposed legislation necessary to implement the recommendations, to the legislative management.

5. A member of the task force 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. A state employee who is a member of the task force 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. A member of the task force 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 task force. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the task force who is a member of the legislative assembly.

6. The legislative council shall provide staffing and administrative services for the task force through July 30, 2026.