

DOMESTIC RELATIONS AND PERSONS

CHAPTER 144

HOUSE BILL NO. 1511

(Representatives Rohr, Lefor, D. Ruby, Steiner, Vigessaa)
(Senators Gerhardt, Hogue, Klein, Myrdal)

AN ACT to create and enact a new subsection to section 43-17-27.1 of the North Dakota Century Code, relating to physician continuing education requirements; to amend and reenact section 14-02.1-04 of the North Dakota Century Code, relating to limitations on the performance of an abortion; to provide an appropriation; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-02.1-04 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-04. Limitations on the performance of abortions - Penalty.

1. An abortion may not be performed by any ~~person~~individual other than a physician who is using applicable medical standards and who is licensed to practice in this state. All physicians performing abortion procedures must have admitting privileges at a hospital located within thirty miles [42.28 kilometers] of the abortion facility and staff privileges to replace hospital on-staff physicians at that hospital. These privileges must include the abortion procedures the physician will be performing at abortion facilities. An abortion facility must have a staff member trained in cardiopulmonary resuscitation present at all times when the abortion facility is open and abortions are scheduled to be performed.
2. After the first twelve weeks of pregnancy but before the time at which the unborn child may reasonably be expected to have reached viability, an abortion may not be performed in any facility other than a licensed hospital.
3. An abortion facility may not perform an abortion on a woman without first offering the woman an opportunity to receive and view at the abortion facility or another facility an active ultrasound of her unborn child. The offer and opportunity to receive and view an ultrasound must occur at least twenty-four hours before the abortion is scheduled to be performed. The active ultrasound image must be of a quality consistent with standard medical practice in the community, contain the dimensions of the unborn child, and accurately portray the presence of external members and internal organs, including the heartbeat, if present or viewable, of the unborn child. The auscultation of the fetal heart tone must be of a quality consistent with standard medical practice in the community. The abortion facility shall document the woman's response to the offer, including the date and time of the offer and the woman's signature attesting to her informed decision.

4. A physician may not perform an abortion unless the physician has reviewed the educational information created under section 43-17-27.1 within two years before the performance of an abortion. This subsection does not apply in the case of a medical emergency.
5. Any physician who performs an abortion without complying with the provisions of this section is guilty of a class A misdemeanor.
- ~~5-6.~~ It is a class B felony for any ~~person~~ individual, other than a physician licensed under chapter 43-17, to perform an abortion in this state.

SECTION 2. A new subsection to section 43-17-27.1 of the North Dakota Century Code is created and enacted as follows:

The board shall provide access on the board's website to an instructional course on chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters relate to the practice of medicine. The instructional course must be developed by contract through the office of management and budget, in consultation with and with final approval from the attorney general. This section does not create a right of action against the board by a physician acting upon reliance of the instructional course. The instructional course must be updated periodically to accurately reflect state law.

SECTION 3. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - INSTRUCTIONAL COURSE DEVELOPMENT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of developing an instructional course on chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters relate to the practice of medicine, for the biennium beginning July 1, 2025, and ending June 30, 2027. The contract must be awarded to an individual who is or an organization that includes a physician with a minimum of twenty-five years of experience in the practice of obstetrics in the state, and must be developed with and granted final approval from the attorney general.

SECTION 4. EFFECTIVE DATE. Sections 1 and 2 of this Act become effective on January 1, 2026.

SECTION 5. EMERGENCY. Section 3 of this Act is declared to be an emergency measure.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 145

HOUSE BILL NO. 1489

(Representatives Satrom, Klemin, Ostlie)
(Senator Conley)

AN ACT to create and enact chapter 14-07.7 of the North Dakota Century Code, relating to civil protection orders; to amend and reenact sections 11-15-32 and 12-60-23, subsection 2 of section 12.1-17-13, section 14-05-23, subsection 4 of section 14-07.1-01, sections 14-07.1-02.1 and 14-07.1-11, subsection 1 of section 14-07.1-14, section 14-07.1-19, subdivision a of subsection 1 of section 14-07.6-01, subdivision b of subsection 1 of section 15.1-09-33.4, sections 16.1-02-07 and 29-01-15, subdivision g of subsection 1 of section 29-06-15, and subdivision a of subsection 2 of section 47-16-17.1 of the North Dakota Century Code, relating to restraining orders and protection orders; to repeal sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, 14-07.1-03.1, 14-07.1-04, 14-07.1-05, 14-07.1-05.1, 14-07.1-06, 14-07.1-07, and 14-07.1-08 of the North Dakota Century Code, relating to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-15-32 of the North Dakota Century Code is amended and reenacted as follows:

11-15-32. Issuance of civil protection ~~and restraining~~ orders - Duty of sheriff.

The sheriff shall notify the bureau of criminal investigation of any ~~disorderly conduct~~ ~~restraining~~ civil protection order issued against an individual in the sheriff's county ~~pursuant to section 12.1-31.2-01 under chapter 14-07.7~~ within twenty-four hours of issuance. The notice must include any information required by the bureau of criminal investigation. The law enforcement agency shall enter the order into any information system available in the state that is used to list outstanding warrants for a ~~period of one year or until the date of expiration or termination as specified in the order.~~ The order is enforceable in any jurisdiction in this state.

SECTION 2. AMENDMENT. Section 12-60-23 of the North Dakota Century Code is amended and reenacted as follows:

12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact, and restraining orders.

The bureau shall maintain a registry of all orders of which it receives notice under sections 11-15-32; and 12.1-31.2-02; ~~14-07.1-02; and 14-07.1-03~~ chapter 14-07.7.

SECTION 3. AMENDMENT. Subsection 2 of section 12.1-17-13 of the North Dakota Century Code is amended and reenacted as follows:

2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-03, 12.1-17-04, 12.1-17-05, 12.1-17-07, 12.1-17-07.1, 12.1-18-02, 12.1-18-03, 12.1-21-05, 12.1-21-06.1, ~~12.1-31.2-01, 12.1-31.2-02, or 14-07.1-06~~ 14-07.7-07 against an intimate partner, must include an order to complete a domestic violence offender assessment and

intervention program as determined by the court. A court may not order the offender to attend anger management classes or individual counseling unless a domestic violence offender intervention program is not reasonably available to the defendant and the court makes findings for the record explaining why an order to complete a domestic violence offender intervention program would be inappropriate.

SECTION 4. AMENDMENT. Section 14-05-23 of the North Dakota Century Code is amended and reenacted as follows:

14-05-23. Temporary support, attorney's fees, and parental rights and responsibilities.

During any time in which an action for separation or divorce is pending, the court, upon application of a party, may issue an order requiring a party to pay such support as may be necessary for the support of a party and minor children of the parties and for the payment of attorney's fees. The court in the order may make an order concerning parental rights and responsibilities concerning the children of the parties. The order may be issued and served in accordance with the North Dakota Rules of Court. The court may include in the order a provision for domestic violence protection provided the party has submitted a verified ~~application~~petition for the order which is sufficient to meet the criteria defined in subsection 2 of section 14-07.1-01. A violation of the protection provision of the order is subject to the penalties established in section ~~14-07.1-06~~14-07.1-17 and the arrest procedures authorized in section ~~14-07.1-14~~14-07.1-18.

SECTION 5. AMENDMENT. Subsection 4 of section 14-07.1-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Family or household member" means a spouse, family member, former spouse, parent, child, ~~persons~~individuals related by blood or marriage, ~~persons~~individuals who are ~~or were~~ in a dating relationship, ~~persons~~individuals who are presently residing together or who have resided together in the past, ~~persons and individuals~~ who have a child in common regardless of whether they are or have been married or have lived together at any time, ~~and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02.~~

SECTION 6. AMENDMENT. Section 14-07.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-02.1. Allegation of domestic violence - Effect.

If the court finds that a party's allegation of domestic violence in a ~~domestic violence~~civil protection order proceeding, divorce proceeding, ~~child custody~~parenting responsibility proceeding, ~~child visitation~~parenting time proceeding, separation proceeding, or termination of parental rights proceeding is false and not made in good faith, the court shall order the party making the false allegation to pay court costs and reasonable attorney's fees incurred by the other party in responding to the allegation.

SECTION 7. AMENDMENT. Section 14-07.1-11 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-11. Arrest without warrant.

1. ~~A law enforcement officer shall arrest a person without a warrant if the person has committed the offense of violating a protection order under section 14-07.1-06, whether or not the violation was committed in the presence of the officer.~~
2. A law enforcement officer may arrest ~~a person~~ an individual without a warrant if the arrest is made within twelve hours from the time the officer determines there is probable cause to arrest for an assault of a family or household member as defined in section 14-07.1-01, whether or not the assault took place in the presence of the officer. After twelve hours has elapsed, the officer ~~must~~ shall secure an arrest warrant before making an arrest. A law enforcement officer may not arrest ~~a person~~ an individual pursuant to this subsection without first observing that there has been recent physical injury to, or impairment of physical condition of, the alleged victim. This subsection does not apply to an arrest made by a law enforcement officer in accordance with section 14-07.7-18.
- 3-2. A law enforcement officer may not be held criminally or civilly liable for making an arrest ~~pursuant to~~ under this section if the officer acts in good faith on probable cause and without malice.

SECTION 8. AMENDMENT. Subsection 1 of section 14-07.1-14 of the North Dakota Century Code is amended and reenacted as follows:

1. Every law enforcement agency shall develop and implement, with assistance from the criminal justice training and statistics division, specific operational guidelines for arrest policies and procedures in crimes involving domestic violence. The guidelines must include procedures for the conduct of criminal investigations, procedures for arrests and victim assistance by law enforcement officers, procedures concerning the provision of services to victims, and any additional procedures as may be necessary to carry out sections ~~14-07.1-02~~ 14-07.1-08.1 through 14-07.1-14 and chapter 14-07.7.

SECTION 9. AMENDMENT. Section 14-07.1-19 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-19. Release conditions.

If an individual charged with or arrested for a crime involving domestic violence, including a violation of a ~~domestic violence~~ civil protection order under ~~section 14-07.1-03~~ chapter 14-07.7 or an order prohibiting contact under ~~section 14-07.1-13~~ 12.1-31.2-02, is released from custody, a district or municipal court may require that electronic home detention or global positioning system monitoring be used for the individual as a condition of release.

⁴⁸ **SECTION 10. AMENDMENT.** Subdivision a of subsection 1 of section 14-07.6-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. The parties have or had an intimate partner relationship or any other ~~person~~ individual with a sufficient relationship to the abusing ~~person~~ individual as determined by the court under section ~~14-07.1-02~~ 14-07.7-07;

⁴⁸ Section 14-07.6-01 was also amended by section 3 of House Bill No. 1031, chapter 64.

SECTION 11. Chapter 14-07.7 of the North Dakota Century Code is created and enacted as follows:

14-07.7-01. Definitions.

For purposes of this chapter:

1. a. "Civil protection order" means a protection order that prohibits the restrained individual from:
 - (1) Contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting, or abusing any protected individual;
 - (2) Entering or remaining on premises;
 - (3) Coming within a specified distance of the protected individual or premises; or
 - (4) Any other action necessary to protect the protected individual from imminent danger to life or health.
- b. A civil protection order may be a:
 - (1) Disorderly conduct restraining order;
 - (2) Domestic violence protection order; or
 - (3) Sexual assault restraining order.
2. "Contact" means any interaction or communication with another individual, directly or indirectly, including electronic, digital, and social media communication.
3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of another individual. Disorderly conduct includes human trafficking and attempted human trafficking as defined in title 12.1. Disorderly conduct does not include constitutionally protected activity.
4. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household member.
5. "Family or household member" means a spouse, family member, former spouse, parent, child, individual related by blood or marriage, individuals who are or were in a dating relationship, individuals residing together or who have resided together in the past, individuals with a child in common regardless of relationship status and, for the purpose of the issuance of a civil protection order, any other individual with a sufficient relationship to the abusing individual as determined by the court under section 14-07.7-07.

6. "Protected individual" means the individual identified in a civil protection order issued under this chapter as the individual for whose benefit the civil protection order was issued.
7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.
8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and disorderly conduct include stalking.

14-07.7-02. Petition for civil protection order.

1. An individual who is or has been a victim of disorderly conduct, domestic violence, or sexual assault may file a petition for a civil protection order against:
 - a. A family or household member who commits an act of domestic violence;
or
 - b. An individual who has committed disorderly conduct or sexual assault.
2. The petition must identify which type of civil protection order is sought.
3. If the individual to be protected is a minor, the parent, guardian, or attorney guardian ad litem shall file a petition on behalf of the minor. The parent, guardian, or attorney guardian ad litem of the minor is the petitioner and the minor is the protected individual. A minor of sufficient and competent age may petition for a civil protection order on their own behalf.
4. If the respondent is a minor, the parent or guardian must be notified of the petition and any subsequent order.
5. The petition must allege facts sufficient to show:
 - a. The name of the alleged victim;
 - b. The name of the respondent engaging in the alleged conduct; and
 - c. The respondent engaged in the alleged conduct.
6. The petition must contain:
 - a. A declaration stating the specific facts and circumstances supporting the relief sought; and
 - b. A statement listing each civil or criminal action involving both parties.
7. A petition may be against only one respondent. Dual protection orders in a single action are prohibited.
8. A petition may be brought under this chapter without regard to the commencement of an action for legal separation, annulment, divorce, or parenting rights and responsibilities.
9. A filing fee may not be charged for a civil protection order petition.

14-07.7-03. Civil protection order - General provisions - Confidentiality.

1. A civil protection order must contain a conspicuous notice to the respondent providing:
 - a. The specific conduct that constitutes a violation;
 - b. The penalties for violation of the order; and
 - c. A peace officer may arrest the respondent without a warrant and take the respondent into custody if the peace officer has probable cause to believe the respondent violated the order.
2. The court may amend an order following a motion filed by either party.
3. An order entered under this chapter expires on the expiration date provided in the order at eleven fifty-nine p.m. central standard time.
4. No order under this chapter affects title to real property.
5. A court record maintained in relation to a civil protection order is open to inspection by a law enforcement officer.
6. The name of a protected individual in a case involving domestic violence or sexual assault under this chapter is confidential and must be redacted from a record accessible to the public. Any record that may reveal the identity or location of a protected individual in a case involving domestic violence or sexual assault under this chapter is confidential.
7. A hearing on a petition for a domestic violence protection order filed under section 14-07.7-07 or a sexual assault restraining order filed under section 14-07.7-09 is closed to the public. The court shall allow to be present the parties, the parties' attorneys, the state's attorney, the protected individual, any witness, and a certified domestic violence sexual assault advocate, as defined under the North Dakota Supreme Court Administrative Rules. The court may allow to be present any other individual the court determines has a proper interest in the hearing.

14-07.7-04. Temporary disorderly conduct restraining order.

1. If the petition for relief alleges reasonable grounds that a respondent engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual.
2. A temporary restraining order may be entered:
 - a. Against the respondent named in the petition; and
 - b. Without notice to the respondent.
3. Unless otherwise terminated by the court, the temporary restraining order is in effect until an order issued under section 14-07.7-05 is served.

14-07.7-05. Disorderly conduct restraining order.

1. The court may grant a disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary restraining order issued under section 14-07.7-04 and with notice of the time and place of the hearing;
 - c. The court sets a hearing for no later than fourteen days after issuance of the temporary restraining order, or a later date if good cause is shown; and
 - d. After the hearing, the court finds reasonable grounds exist to believe the respondent engaged in disorderly conduct.
2. If a respondent claims to have engaged in constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
3. Relief granted by the restraining order may not exceed two years.

14-07.7-06. Temporary domestic violence protection order.

1. If the petition for relief alleges reasonable grounds to believe a respondent engaged in domestic violence, the court, pending a full hearing, may grant a temporary domestic violence protection order that may include provisions:
 - a. Restraining the respondent from having contact with or committing acts of domestic violence on another individual.
 - b. Excluding the respondent from the residence of another individual or from a place necessary to ensure the safety of the protected individual.
 - c. Awarding temporary primary residential responsibility or establishing temporary parenting time with regard to minor children.
 - d. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, which is in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence.
2. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:
 - a. The sheriff, or the sheriff's designee, of the county in which the respondent resides; or
 - b. The chief of police, or the chief's designee, of the city in which the respondent resides.

3. If the respondent is ordered to surrender a firearm or other dangerous weapon and fails to do so within twenty-four hours, a law enforcement officer may arrest the respondent in accordance with section 14-07.7-18 and take possession of the firearm or dangerous weapon.
4. A temporary domestic violence protection order may be entered only against the respondent named in the petition.
5. The court may issue a temporary domestic violence protection order without giving notice to the respondent.
6. Unless otherwise terminated by the court, the temporary domestic violence protection order is in effect until a protection order issued under section 14-07.7-07 is served.

14-07.7-07. Domestic violence protection order.

1. The court may enter a domestic violence protection order if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary domestic violence protection order issued under section 14-07.7-06 and with notice of the time and place of the hearing;
 - c. The court sets a hearing for no later than fourteen days after issuance of the temporary domestic violence protection order or at a later date if good cause is shown; and
 - d. The court finds after the hearing that:
 - (1) The relationship between the respondent and protected individual is sufficient to warrant protection; and
 - (2) There was a showing of actual or imminent domestic violence.
2. The relief provided in the domestic violence protection order may include:
 - a. Restraining any party from threatening, molesting, injuring, harassing, or having contact with any other individual.
 - b. Excluding the respondent from the residence of another individual or from a place necessary to ensure the safety of the protected individual.
 - c. Awarding temporary primary residential responsibility or establishing temporary parenting time with regard to minor children.
 - d. Recommending or requiring that the respondent complete a domestic violence offender assessment and attend a domestic violence intervention program as determined appropriate by the court. The court may request a report from the designated program within a time period established by the court. The costs of the court-ordered assessment and subsequent reports must be borne by the respondent or, if indigent, by the respondent's county of residence.

- e. Requiring a party to pay any support necessary for the support of a party and any minor children of the parties and reasonable attorney fees and costs.
- f. Awarding temporary use of personal property, including motor vehicles, to either party.
- g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:
 - (1) The sheriff, or the sheriff's designee, of the county in which the respondent resides; or
 - (2) The chief of police, or the chief's designee, of the city in which the respondent resides.
- 3. If the respondent is ordered to surrender a firearm or other dangerous weapon and fails to do so within twenty-four hours, a law enforcement officer may arrest the respondent in accordance with section 14-07.7-18 and take possession of the firearm or dangerous weapon.

14-07.7-08. Temporary sexual assault restraining order.

- 1. If the petition for relief alleges reasonable grounds to believe an individual has committed sexual assault, the court, pending a full hearing, may grant a temporary sexual assault restraining order.
- 2. A temporary restraining order may be entered only against the individual named in the petition. The order must include provisions prohibiting the individual from:
 - a. Harassing, stalking, or threatening the protected individual;
 - b. Appearing at the residence, school, and place of employment of the protected individual; and
 - c. Contacting the protected individual.

14-07.7-09. Sexual assault restraining order.

- 1. The court may grant a sexual assault restraining order if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary sexual assault restraining order issued under section 14-07.7-08 and with notice of the time and place of the hearing;

- c. The court sets a hearing for no later than fourteen days after issuance of the temporary sexual assault restraining order or a later date if good cause is shown; and
 - d. The court finds after the hearing there are reasonable grounds to believe the respondent committed sexual assault.
 2. The order must include provisions prohibiting the respondent from:
 - a. Harassing, stalking, or threatening the protected individual;
 - b. Appearing at the residence, school, and place of employment of the protected individual; and
 - c. Contacting the protected individual.
 3. The relief granted by the sexual assault restraining order may not exceed two years.

14-07.7-10. Assistance of state's attorney or domestic violence sexual assault advocate.

1. Notwithstanding subsection 5 of section 11-16-05, a victim witness coordinator or a state's attorney staff member may assist an individual in preparation of documents necessary to secure a civil protection order under this section.
2. Notwithstanding section 27-11-01, a certified domestic violence sexual assault advocate, as defined under the North Dakota Supreme Court Administrative Rules, may assist an individual in preparation of documents necessary to secure a civil protection order under this chapter and may sit with the petitioner during court proceedings.

14-07.7-11. Notification of stalking law.

When an order is issued under this chapter, the order must include or have attached to it a copy of section 12.1-17-07.

14-07.7-12. Service.

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit a copy of the order to the sheriff of the county in which the respondent resides for service on the respondent.
2. If the respondent cannot be served, the order may be served on the respondent by publication under rule 4 of the North Dakota Rules of Civil Procedure.
3. Service must be made on the respondent at least five days before the hearing. If service cannot be made or if additional time is required to complete service by publication, the court may set a new date for the hearing.
4. No service fee may be charged to the petitioner.

14-07.7-13. Right to apply for relief.

An individual's right to apply for relief under this chapter is not affected if the individual leaves the residence or dwelling to avoid domestic violence. The court may not require security or bond from any party unless the court deems it necessary in exceptional cases.

14-07.7-14. Appointment of guardian ad litem of minor.

1. The court, upon the request of either party or upon its own motion, may appoint an attorney guardian ad litem in an action for a civil protection order to represent a minor if either party or the court has reason for special concern for the immediate future of the minor.
2. A guardian ad litem may be appointed at the time of a temporary civil protection order or any time before the full hearing.
3. The role of the guardian ad litem consists of investigation and making a recommendation and report to the court. At no time may the involvement of the guardian ad litem alter the requirements set forth in section 14-07.7-02.
4. Appointment of the guardian ad litem expires immediately after the full hearing unless the court retains the right, upon specific finding of need, to continue the appointment of a guardian ad litem to represent a minor in matters concerning parenting time.
5. The guardian ad litem shall have access to records before the court, except as otherwise provided by law.
6. The court may direct either or both parties to pay the guardian ad litem fees established by the court. If neither party is able to pay the fees, the court, after notice to the state's attorney of the county of venue, may direct the fees to be paid, in whole or in part, by the county of venue. The court may direct either or both parties to reimburse the county, in whole or in part, for the payment.

14-07.7-15. Nonexclusive remedy.

Any proceeding under this chapter may be in addition to other civil or criminal remedies.

14-07.7-16. Transmittal to bureau of criminal investigation.

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit the order electronically to the bureau of criminal investigation.
2. The bureau of criminal investigation shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
3. The sheriff of the county in which the order was issued shall maintain and respond to inquiries regarding a record in the national crime information center database provided by the federal bureau of investigation in accordance with the bureau of criminal investigation and federal requirements.

4. When a protection order is issued, the clerk of court shall forward a copy of the order to the local law enforcement agency with jurisdiction over the residence of the protected party by the close of business on the day the protection order is issued.
5. If the bureau of criminal investigation, after consultation with the state court administrator, determines and implements an electronic method to notify the sheriff of the county that issued the order, the clerk of court's requirement to forward the order to a law enforcement agency will be satisfied.

14-07.7-17. Penalty for violation of a civil protection order.

When a civil protection order is granted under this chapter and the respondent or individual to be restrained is served a copy of the order, the first violation of an order is a class A misdemeanor. A violation of a civil protection order also constitutes contempt of court. Following a conviction, a second or subsequent violation under this chapter is a class C felony.

14-07.7-18. Arrest without warrant.

1. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a protection order under subsection 1 of section 14-07.7-03, regardless of whether the violation was committed in the presence of the officer.
2. A law enforcement officer may not be held criminally or civilly liable for making an arrest under this section if the officer acts in good faith on probable cause without malice.

14-07.7-19. Assistance of law enforcement.

When an order is issued upon request of the petitioner, the court shall order the sheriff or other appropriate law enforcement officer to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in execution of the protection order, which may include referral to a domestic violence shelter care facility.

14-07.7-20. Orders issued before January 1, 2026.

An order issued under sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, or 14-07.1-08 before January 1, 2026, remains in effect for the period indicated in the court order.

⁴⁹ **SECTION 12. AMENDMENT.** Subdivision b of subsection 1 of section 15.1-09-33.4 of the North Dakota Century Code is amended and reenacted as follows:

b. The student has:

- (1) ~~An order prohibiting contact~~ a civil protection order issued against the student at the request of another student or employee of the school under section 12.1-31.2-02chapter14-07.7;

⁴⁹ Section 15.1-09-33.4 was also amended by section 9 of Senate Bill No. 2037, chapter 302.

- ~~(2) A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or~~
- ~~(3) A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;~~

SECTION 13. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-07. Reporting changes of names - Changes to records in the central voter file.

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of the court since the last report. Any individual who has obtained a civil protection order under ~~section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section 12.1-31.2-01~~ chapter 14-07.7 must be listed in the central voter file with a "secured active" designation. A "secured active" designation means a record maintained as an active voter for pollbook purposes, but otherwise is an exempt record. The state court administrator or the bureau of criminal investigation shall make available upon request of the secretary of state the name of each individual who has obtained such an order.

SECTION 14. AMENDMENT. Section 29-01-15 of the North Dakota Century Code is amended and reenacted as follows:

29-01-15. Jurisdiction of municipal judges and small claims court referees.

1. Any municipal judge may:
 - ~~4.~~ a. Act as committing magistrate; provided, that this subsection does not apply to municipal judges who are not attorneys currently licensed under chapter 27-11.
 - ~~2.~~ b. Hear, try, and determine misdemeanors and infractions when jurisdiction has been conferred by the Constitution of North Dakota and this and other laws.
 - ~~3.~~ c. Adjudge and impose the punishment prescribed by law, upon conviction, in all cases within the municipal judge's jurisdiction to hear, try, and determine.
 - ~~4.~~ Grant temporary protection orders under the particular circumstances and for the limited duration set forth in section 14-07.1-08.
2. A small claims court referee authorized pursuant to subsection 3 of section 29-01-14 may act as a committing magistrate. A magistrate appointed by the presiding judge of the judicial district has the authority to act to the extent allowed by rules promulgated by the supreme court.

⁵⁰ **SECTION 15. AMENDMENT.** Subdivision g of subsection 1 of section 29-06-15 of the North Dakota Century Code is amended and reenacted as follows:

- g. For the offense of violating a ~~protection order under section 14-07.1-06~~, an order prohibiting contact under section 12.1-31.2-02, ~~or for an assault involving domestic violence under section 14-07.1-11~~ or a civil protection order under chapter 14-07.7.

SECTION 16. AMENDMENT. Subdivision a of subsection 2 of section 47-16-17.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. The tenant fears imminent domestic violence from a person named in a court order, an order prohibiting contact, or a civil protection order under section 14-07.1-02, ex parte temporary protection order, order prohibiting contact, restraining order, chapter 14-07.7, or other record filed with a court;

SECTION 17. REPEAL. Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, 14-07.1-03.1, 14-07.1-04, 14-07.1-05, 14-07.1-05.1, 14-07.1-06, 14-07.1-07, and 14-07.1-08 of the North Dakota Century Code are repealed.

SECTION 18. EFFECTIVE DATE. This Act becomes effective on January 1, 2026.

Approved April 21, 2025

Filed April 22, 2025

⁵⁰ Section 29-06-15 was also amended by section 1 of House Bill No. 1418, chapter 312.

CHAPTER 146

SENATE BILL NO. 2080

(Judiciary Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact subsection 3 of section 14-09-08.1, section 14-09-08.2, subsection 2 of section 14-09-08.11, section 14-09-08.21, subsection 2 of section 14-09-09.32, subsection 16 of section 50-09-02, and section 50-09-36 of the North Dakota Century Code, relating to establishment and enforcement of child support; and to repeal section 50-09-32 of the North Dakota Century Code, relating to enforcement of child support.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 14-09-08.1 of the North Dakota Century Code is amended and reenacted as follows:

3. Whenever there is failure to make the payments as required, the clerk of court, upon request of the obligee or any employee of the child support agency, shall send notice of the arrears by first-class mail, with affidavit of service, to the person required to make the payments, or request a district judge of the judicial district to issue a citation for contempt of court against the person who has failed to make the payments. The citation may be served on that person by first-class mail with affidavit of service to the person's last-known address.

SECTION 2. AMENDMENT. Section 14-09-08.2 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.2. Support for children after majority - Retroactive application.

1. A judgment or order requiring the payment of child support until the child attains majority continues as to the child until the end of the month during which the child is graduated from high school or attains the age of nineteen years, whichever occurs first, if:
 - a. The child is enrolled and attending high school and is eighteen years of age before the date the child is expected to be graduated; and
 - b. The child resides with the person to whom the duty of support is owed.
2. A judgment or order may require payment of child support after majority under substantially the circumstances described in subsection 1.
3. The person to whom the duty of support is owed under either subsection 1 or 2 may file an affidavit declaration with the district court and provide a copy to the child support agency stating that the requirements of subsection 1 are met, the school in which the child is enrolled, and the anticipated date of the child's graduation. Upon filing of the affidavit declaration, the child support resumes pursuant to subsection 1 or pursuant to the terms of a judgment or order described in subsection 2. A fee may not be charged for filing ~~such an affidavit~~ the declaration.

4. The child support agency shall serve the ~~affidavit~~declaration by first-class mail upon the person owing the duty of support. If at any time thereafter the person owing the duty of support files a motion with the court, supported by that person's ~~affidavit~~declaration that the child is no longer enrolled in or attending high school or is no longer residing with the person to whom the duty of support is owed, the court shall determine if the child is enrolled in and attending high school and residing with the person to whom the duty of support is owed and shall enter an order accordingly. The duty of support terminates by operation of law if the person to whom the duty is owed files a declaration with the child support agency confirming the requirements of subsection 1 are no longer met.
5. This section applies to child support orders concerning children described in subsection 1 or 2, regardless of the date of entry of the order.
6. This section does not preclude the entry of an order for child support which continues after the child reaches age eighteen, if the parties agree, or if the court determines the support to be appropriate.
7. For purposes of this section:
 - a. A child is treated as being in school during summer vacation if the child was enrolled in and attending school and did not graduate from high school at the end of the school period immediately preceding the summer vacation; and
 - b. A child ~~who is currently enrolled in school~~ is not considered to have graduated, even if all required coursework and examinations have been completed, until the ceremony is held by the school to commemorate the child's graduation. For good cause shown by the individual owing the duty of support, the court may determine the child graduated upon completion of all required coursework and examinations if the time between completion of coursework and examinations and the ceremony exceeds ninety days.

SECTION 3. AMENDMENT. Subsection 2 of section 14-09-08.11 of the North Dakota Century Code is amended and reenacted as follows:

2. The obligor may contest the withholding provided for in subdivision e of subsection 1 by filing a request for a hearing within ten days of the date of the national medical support notice issued under section 14-09-08.20. If the obligor contests that withholding, the court shall:
 - a. ~~Hold a hearing within ten working days after the date of the request; and~~
 - b. ~~Confirm~~ confirm the withholding in the absence of a finding:
 - (1)~~a.~~ Of a mistake of fact; or
 - (2)~~b.~~ ~~That the~~The obligee is required to provide health insurance coverage pursuant to section 14-09-08.10.

SECTION 4. AMENDMENT. Section 14-09-08.21 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.21. Termination of parental rights - Duty of support.

~~A termination of parental rights does not terminate the duty of either parent to support the child before the child's adoption unless that duty is specially terminated by order of the court after notice.~~ Notice of a proposed termination or relinquishment ~~is of parental rights must be~~ given to the department of health and human services in the manner appropriate for the service of process in a civil action in this state. A termination of parental rights terminates a ~~child~~ monthly support obligation ~~under this section~~ but does not relieve a parent of the duty to pay any unpaid child support.

SECTION 5. AMENDMENT. Subsection 2 of section 14-09-09.32 of the North Dakota Century Code is amended and reenacted as follows:

2. In a judgment for divorce or other relief under this title in any matter in which the child and both of the child's parents do not reside together, a court shall establish a child support obligation unless the child support agency requests the issue of child support be reserved. Notwithstanding subsection 1, the court may issue a stay of any further accruals under a child support order if the court finds the stay would be in the best interests of the child. Avoidance of income withholding or the requirement to make any child support payment through the state disbursement unit is not a proper basis to stay a child support obligation under this subsection. A child support obligation that is stayed under this subsection may be reinstated on a prospective basis as provided under the terms of the stay or at any time by order of the court or upon affidavit declaration of any party. The party filing the affidavit declaration shall provide a copy of the affidavit declaration to any other party to the action and to the state disbursement unit.

SECTION 6. AMENDMENT. Subsection 16 of section 50-09-02 of the North Dakota Century Code is amended and reenacted as follows:

16. Act as the official agency of the state in the administration of the child support enforcement program and medical support enforcement program in conformity with title IV-D. In administering the child support enforcement and medical support enforcement programs, the state agency may contract with any public or private agency or person to discharge the state agency's duties ~~and must maintain an office in each of the eight planning regions of the state.~~

SECTION 7. AMENDMENT. Section 50-09-36 of the North Dakota Century Code is amended and reenacted as follows:

50-09-36. Protest period.

Except as authorized by the obligor, the state agency shall hold any funds collected under section 28-21-05.2, 50-09-35, or 50-09-40 and may not disburse the funds as a collection of child support until the time has expired for requesting a review by a court under section 50-09-14 or the conclusion of the review, whichever is later. ~~Interest does not accrue under section 28-20-34 after the funds are received by the state agency.~~

SECTION 8. REPEAL. Section 50-09-32 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 147

SENATE BILL NO. 2186

(Senators Clemens, Luick)
(Representatives Koppelman, Marschall)

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 create a child custody review task force; to provide for a legislative management report; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 148

HOUSE BILL NO. 1048

(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact section 14-09.1-07 of the North Dakota Century Code, relating to mediation agreements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-09.1-07 of the North Dakota Century Code is amended and reenacted as follows:

14-09.1-07. Mediation ~~agreements~~summary.

The mediator shall ~~reduce to writing~~ prepare a written summary of any agreement of the parties. The mediator shall inform the parties of their right to review the agreement with counsel before they sign the agreement. ~~After the agreement is signed, the mediator shall present the agreement to the court. The agreement is not binding upon the parties until approved by order of the court. The mediator shall advise the court whether an agreement was reached.~~ summary may not be shown to the court unless signed by the parties, the mediator shall present the agreement to the court. The agreement is not binding upon the parties until approved by order of the court. The mediator shall advise the court whether an agreement was reached.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 149

SENATE BILL NO. 2126

(Judiciary Committee)

(At the request of the Commission on Uniform State Laws)

AN ACT to create and enact chapter 14-14.2 of the North Dakota Century Code, relating to the adoption of the Uniform Child Abduction Prevention Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 14-14.2 of the North Dakota Century Code is created and enacted as follows:

14-14.2-01. Definitions.

As used in this chapter:

1. "Abduction" means the wrongful removal or wrongful retention of a child.
2. "Child" means an unemancipated individual who is seventeen years of age or younger.
3. "Child-custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order.
4. "Child-custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is at issue. The term includes a proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, or protection from domestic violence.
5. "Court" means the district court.
6. "Petition" includes a motion or its equivalent.
7. "Record" means information inscribed on a tangible medium or stored in an electronic or other medium and is retrievable in perceivable form.
8. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe or nation.
9. "Travel document" means a record relating to a travel itinerary, including a travel ticket, pass, or reservation for transportation or accommodations. The term does not include a passport or visa.
10. "Wrongful removal" means the taking of a child which breaches rights of custody or visitation given or recognized under the law of this state.

11. "Wrongful retention" means the keeping or concealing of a child which breaches rights of custody or visitation given or recognized under the law of this state.

14-14.2-02. Cooperation and communication among courts.

Sections 14-14.1-09, 14-14.1-10, and 14-14.1-11 apply to cooperation and communications among courts in proceedings under this chapter.

14-14.2-03. Actions for abduction prevention measures.

1. If a court finds the evidence establishes a credible risk of abduction of the child, the court on its own motion may order abduction prevention measures in a child-custody proceeding.
2. A party to a child-custody determination or another individual or entity having a right under the law of this state or any other state to seek a child-custody determination for the child may file a petition seeking abduction prevention measures to protect the child under this chapter.
3. A prosecutor or public authority designated under section 14-14.1-35 may seek a warrant to take physical custody of a child under section 14-14.2-08 or other appropriate prevention measures.

14-14.2-04. Jurisdiction.

1. A petition under this chapter may be filed in a court that has jurisdiction to make a child-custody determination with respect to the child at issue under chapter 14-14.1.
2. A court of this state has temporary emergency jurisdiction under section 14-14.1-15 if the court finds a credible risk of abduction.

14-14.2-05. Contents of petition.

A petition under this chapter must be verified and include a copy of any existing child-custody determination, if available. The petition must specify the risk factors for abduction, including the relevant factors described in section 14-14.2-06. Subject to section 14-12.2-24, if reasonably ascertainable, the petition must contain:

1. The name, date of birth, and gender of the child;
2. The customary address and current physical location of the child;
3. The identity, customary address, and current physical location of the respondent;
4. A statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the child, and the date, location, and disposition of the action;
5. A statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location, and disposition of the case; and

6. Any other information required to be submitted to the court for a child-custody determination under section 14-14.1-20.

14-14.2-06. Factors to determine risk of abduction.

1. In determining whether there is a credible risk of abduction of a child, the court shall consider whether the petitioner or respondent:
 - a. Has previously abducted or attempted to abduct the child;
 - b. Has threatened to abduct the child;
 - c. Has recently engaged in activities that may indicate a planned abduction, including:
 - (1) Abandoning employment;
 - (2) Selling a primary residence;
 - (3) Terminating a lease;
 - (4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;
 - (5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member, or the child; or
 - (6) Seeking to obtain the child's birth certificate or school or medical records;
 - d. Has engaged in domestic violence, stalking, or child abuse or neglect;
 - e. Has refused to follow a child-custody determination;
 - f. Lacks strong familial, financial, emotional, or cultural ties to the state or the United States;
 - g. Has strong familial, financial, emotional, or cultural ties to another state or country;
 - h. Is likely to take the child to a country that:
 - (1) Is not a party to the Hague convention on the civil aspects of international child abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;
 - (2) Is a party to the Hague convention on the civil aspects of international child abduction but:
 - (a) The Hague convention on the civil aspects of international child abduction is not in force between the United States and that country;
 - (b) Is noncompliant according to the most recent compliance report issued by the United States department of state; or

- (c) Lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague convention on the civil aspects of international child abduction;
 - (3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;
 - (4) Has laws or practices that would:
 - (a) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;
 - (b) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status, or religion; or
 - (c) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's gender, nationality, or religion;
 - (5) Is included by the United States department of state on a current list of state sponsors of terrorism;
 - (6) Does not have an official United States diplomatic presence in the country; or
 - (7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;
 - i. Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;
 - j. Has had an application for United States citizenship denied;
 - k. Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license, or other government-issued identification card or has made a misrepresentation to the United States government;
 - l. Has used multiple names to attempt to mislead or defraud; or
 - m. Has engaged in any other conduct the court considers relevant to the risk of abduction.
2. In the hearing on a petition under this chapter, the court shall consider any evidence the respondent in good faith believed the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

14-14.2-07. Provisions and measures to prevent abduction.

1. If a petition is filed under this chapter, the court may enter an order that must include:
 - a. The basis for the court's exercise of jurisdiction;
 - b. The manner notice and the opportunity to be heard were given to the persons entitled to notice of the proceeding;
 - c. A detailed description of each party's custody and visitation rights and residential arrangements for the child;
 - d. A provision stating a violation of the order may subject the party in violation to civil and criminal penalties; and
 - e. Identification of the child's country of habitual residence at the time of the issuance of the order.
2. If, at a hearing on a petition under this chapter or on the court's own motion, the court after reviewing the evidence finds a credible risk of abduction of the child, the court shall enter an abduction prevention order. The order must include the provisions required by subsection 1 and measures and conditions, including those in subsections 3, 4, and 5, which are reasonably calculated to prevent abduction of the child, giving due consideration to the custody and visitation rights of the parties. The court shall consider the age of the child, the potential harm to the child from an abduction, the legal and practical difficulties of returning the child to the jurisdiction if abducted, and the reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.
3. An abduction prevention order may include:
 - a. An imposition of travel restrictions that require a party traveling with the child outside a designated geographical area to provide the other party with:
 - (1) The travel itinerary of the child;
 - (2) A list of physical addresses and telephone numbers at which the child can be reached at specified times; and
 - (3) Copies of all travel documents;
 - b. A prohibition on the respondent directly or indirectly:
 - (1) Removing the child from this state, the United States, or another geographic area without permission of the court or the petitioner's written consent;
 - (2) Removing or retaining the child in violation of a child-custody determination;
 - (3) Removing the child from school or a child-care or similar facility; or

- (4) Approaching the child at any location other than a site designated for supervised visitation;
 - c. A requirement a party register the order in another state as a prerequisite to allowing the child to travel to that state;
 - d. Regarding the child's passport:
 - (1) A requirement the petitioner place the child's name in the United States department of state's child passport issuance alert program;
 - (2) A requirement the respondent surrender any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child to the court or the petitioner's attorney; and
 - (3) A prohibition on the respondent applying for a new or replacement passport or visa on behalf of the child;
 - e. As a prerequisite to exercising custody or visitation, a requirement the respondent provide:
 - (1) To the United States department of state's office of children's issues and the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child;
 - (2) To the court:
 - (a) Proof the respondent has provided the information in paragraph 1: and
 - (b) An acknowledgment in a record from the relevant foreign consulate or embassy no passport application has been made, or passport issued, on behalf of the child;
 - (3) To the petitioner, proof of registration with the United States embassy or other United States diplomatic presence in the destination country and with the central authority for the Hague convention on the civil aspects of international child abduction, if the convention is in effect between the United States and the destination country, unless one of the parties objects; and
 - (4) A written waiver under the Privacy Act, as amended [5 U.S.C. Section 552a] with respect to any document, application, or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and
 - f. Upon the petitioner's request, a requirement the respondent obtain an order from the relevant foreign country containing terms identical to the child-custody determination issued in the United States.
- 4. In an abduction prevention order, the court may impose conditions on the exercise of custody or visitation which:

- a. Limit visitation or require visitation with the child by the respondent be supervised until the court finds supervision is no longer necessary and order the respondent to pay the costs of supervision;
 - b. Require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorneys fees and costs if there is an abduction; and
 - c. Require the respondent to obtain education on the potentially harmful effects to the child from abduction.
5. To prevent imminent abduction of a child, a court may:
- a. Issue a warrant to take physical custody of the child under any provision of law, including section 14-14.2-08;
 - b. Direct law enforcement to act as reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination under any provision of law, including this chapter; or
 - c. Grant any other relief allowed under law.
6. The remedies provided in this chapter are cumulative and do not affect the availability of other remedies to prevent abduction.

14-14.2-08. Warrant to take physical custody of child.

1. If a petition under this chapter contains allegations, and the court finds there is a credible risk the child is imminently likely to be wrongfully removed, the court may issue an ex parte warrant to take physical custody of the child.
2. The court shall afford a respondent on a petition under subsection 1 an opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.
3. An ex parte warrant under subsection 1 to take physical custody of a child must:
 - a. Recite the facts upon which a determination of a credible risk of imminent wrongful removal of the child is based;
 - b. Direct law enforcement officers to take physical custody of the child immediately;
 - c. State the date and time for the hearing on the petition; and
 - d. Provide for the safe interim placement of the child pending further order of the court.
4. If feasible, before issuing a warrant and determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the national crime information center system and similar state databases to determine whether the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

5. The court shall serve the petition and warrant on the respondent at the time, or immediately after, the child is taken into physical custody.
6. A warrant to take physical custody of a child, issued by this state or another state, is enforceable. If the court finds a less intrusive remedy will not be effective, the court may authorize a law enforcement officer to enter private property to take physical custody of the child. If required by exigent circumstances, the court may authorize law enforcement officers to make a forcible entry at any hour.
7. If the court finds, after a hearing, a petitioner sought an ex parte warrant under subsection 1 for the purpose of harassment or in bad faith, the court may award the respondent reasonable attorney's fees, costs, and expenses.
8. This chapter does not affect the availability of additional relief allowed under the law.

14-14.2-09. Duration of abduction prevention order.

An abduction prevention order remains in effect until the earliest of:

1. The time stated in the order;
2. The emancipation of the child;
3. The child attaining eighteen years of age; or
4. The time the order is modified, revoked, vacated, or superseded by a court with jurisdiction under sections 14-14.1-12 through 14-14.1-14.

14-14.2-10. Uniformity of application and construction.

In applying and construing this chapter, a court shall consider the promotion of uniformity of the law among the jurisdictions that enact it.

14-14.2-11. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act [15 U.S.C. 7001, et seq.] but does not modify, limit, or supersede section 101(c) of the act or authorize electronic delivery of any of the notices described in section 103(b) of the act.

Approved March 18, 2025

Filed March 18, 2025