

Introduced by

1 A concurrent resolution directing the Legislative Council to study the feasibility and desirability
2 of establishing a family court for the resolution of domestic relations cases for low-income
3 persons.

4 **WHEREAS**, more than one-half of all actions filed in district courts involve domestic
5 relations cases, including divorce, separation, adult abuse, custody proceedings, support
6 actions, adoptions, and paternity proceedings; and

7 **WHEREAS**, the present court system results in long delays and adversarial
8 proceedings that many times ruin any chance of effective communication between the parents;
9 and

10 **WHEREAS**, most low-income persons must rely on legal aid offices or attorneys willing
11 to do pro bono domestic relations cases for legal services; and

12 **WHEREAS**, lack of ability to pay for legal services may result in a low-income person
13 staying in an abusive relationship, separating informally without the benefit of court-ordered
14 support, or using other self-help measures to find relief; and

15 **WHEREAS**, North Dakota has a small claims court that uses procedures that are
16 effective and result in a speedy resolution of disputes, often without the intervention of
17 attorneys; and

18 **WHEREAS**, the types of services needed by low-income persons in domestic relations
19 cases could often be achieved using procedures similar to those used in the small claims court;

20 **NOW, THEREFORE, BE IT RESOLVED BY THE _____ OF NORTH DAKOTA, THE**
21 **_____ CONCURRING THEREIN:**

22 That the Legislative Council study the feasibility and desirability of establishing a family
23 court for the resolution of domestic relations cases for low-income persons, with emphasis on
24 using informal procedures and on providing the court with jurisdiction to consider all domestic
25 relations cases using the full range of services available in the community, including guardian

Fifty-sixth
Legislative Assembly

1 ad litem services for minor children, counseling services, addiction and substance abuse
2 treatment programs, mediation services, domestic violence protection orders, child custody,
3 support, and visitation proceedings, and juvenile court services; and

4 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
5 recommendations, together with any legislation required to implement the recommendations, to
6 the Fifty-seventh Legislative Assembly.