

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1258

Introduced by

Representatives Sandvig, Callahan, Kempenich

Senators Lindaas, Nalewaja, Watne

1 A BILL for an Act to create and enact three new sections to chapter 14-05 of the North Dakota
2 Century Code, relating to custodial education before a divorce.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 14-05 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Divorce proceeding - Waiting period - Mandatory custodial education.** In an action
7 for divorce which involves the issue of child custody or visitation, the district court may not issue
8 a final order for at least ninety days from the date of filing the petition. The ninety-day period
9 may be waived by the court for good cause shown and without objection by either party. Within
10 the ninety-day waiting period, the adult parties to the action shall participate in a court-approved
11 course that addresses the effects of divorce on children. A final decree may not be granted or
12 a final order may not be entered until the parties have participated in the course. A party who
13 has a demonstrable history of domestic violence must be ordered to participate in a course
14 provided either through a child visitation and custody exchange center, a community-based
15 domestic violence agency, a regional human service center, or a parenting education program
16 provided in conjunction with a community-based domestic violence program. The program
17 must include education regarding domestic violence, its prevention, and its effect upon a child.
18 The court may waive or delay participation in a course for good cause, including a default by
19 any of the parties or the lack of an available course within a reasonable distance of the parties.
20 Participation in the course is not required if the proceeding involves termination of parental
21 rights of any of the parties.

22 **SECTION 2.** A new section to chapter 14-05 of the North Dakota Century Code is
23 created and enacted as follows:

Custodial education course requirements - Fees - Exceptions - Rulemaking

authority.

1. Each judicial district shall certify approved custodial education courses for those parties required to participate in this type of course. An approved course may be provided by a public or private entity. The course, in order to be approved by the court, must consist of at least four hours of instruction and, at a minimum, provide instruction regarding the following issues:
 - a. Information on the developmental stages of a child;
 - b. Adjustment of a child to parental separation;
 - c. Dispute resolution and conflict management;
 - d. Guidelines for visitation;
 - e. Stress reduction in children; and
 - f. Cooperative parenting.
2. The court may not require both parents to attend the same course at the same time.
3. Each party shall arrange for participation in the course. The parties are responsible for the fees or costs of the course. The court may assess the fees or costs as the court deems equitable. If the court determines that both parents are indigent, the court may not impose the cost of the course on the parents.
4. Each party shall submit certification of completion of the course to the court before the court grants a final decree or entry of an order.

SECTION 3. A new section to chapter 14-05 of the North Dakota Century Code is created and enacted as follows:

Supreme court - Rulemaking authority. The supreme court may adopt rules to implement this Act.