

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2047

Introduced by

Legislative Council

(Judiciary Committee)

1 A BILL for an Act to amend and reenact section 14-09-05.1 of the North Dakota Century Code,
2 relating to grandparental rights of visitation of unmarried minors.

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

4 **SECTION 1. AMENDMENT.** Section 14-09-05.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-09-05.1. Grandparental rights of visitation to unmarried minors - Mediation or**
7 **arbitration.** The grandparents and great-grandparents of an unmarried minor ~~must~~ may be
8 granted reasonable visitation rights ~~and the great-grandparents may be granted reasonable~~
9 ~~visitation rights to the minor by the district court upon application by the grandparents or~~
10 ~~great-grandparents unless a finding is made that visitation is not~~ would be in the best interests
11 of the minor and would not interfere with the parent-child relationship. ~~Visitation rights of~~
12 ~~grandparents to an unmarried minor are presumed to be in the best interest of the minor.~~ The
13 court shall consider the amount of personal contact that has occurred between the
14 grandparents or great-grandparents and the minor and the minor's parents. This section does
15 not apply to agency adoptions or when the minor has been adopted by a person other than a
16 stepparent or grandparent. Any visitation rights granted under this section before the adoption
17 of the minor may be terminated upon the adoption if termination of the rights is in the best
18 interest of the minor. An application for visitation rights under this section may be considered
19 by the district court in conjunction with a divorce proceeding involving the parent of the minor
20 child. If any district court of this state retains jurisdiction over the custodial placement of the
21 minor child or children by virtue of any prior proceedings, the rights conferred by this section
22 may be enforced by the grandparents or the great-grandparents through motion under the prior
23 proceeding. If no district court otherwise has jurisdiction, a proceeding to enforce grandparental
24 rights may be brought against the custodial parent as a civil action and venued in the county of

- 1 residence of the minor child. The district court may require mediation of the matter under
- 2 chapter 14-09.1. If mediation fails and if the mediator agrees, the court may order the dispute
- 3 arbitrated by the person who attempted mediation. Joinder of grandparents or of
- 4 great-grandparents awarded visitation rights under this section must occur in any proceeding to
- 5 terminate parental rights.