

June 2007

TITLE 14

Domestic Relations and Persons

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 14. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to domestic relations and persons may be classified in these subject areas: domestic violence; discrimination; child support; marriage and divorce; and parent and child.

DOMESTIC VIOLENCE

House Bill No. 1238 defines predominant aggressor as an individual who is the most significant but not necessarily the first aggressor. The bill provides that when investigating a domestic violence situation, the law enforcement officer is required to evaluate certain factors to determine which party was the predominant aggressor.

DISCRIMINATION

Senate Bill No. 2074 authorizes the Department of Labor, for purposes of investigating a housing discrimination complaint, to require the attendance of a witness and the production of certain documents and information. The bill also provides that if a person refuses to obey a subpoena, the district court may issue an order for that person to appear and give testimony or produce documentary evidence.

Senate Bill No. 2075 amends the definition of discriminatory practice to provide that the term includes unequal treatment as a result of participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer.

Senate Bill No. 2076 directs the Department of Labor to emphasize conciliation to resolve human rights violation complaints. The bill also authorizes the Department of Labor, for purposes of investigating a human rights violation complaint, to require the attendance of a witness and the production of certain documents and information. The bill also provides that if a person refuses to obey a subpoena, the district court may issue an order for that person to appear and give testimony or produce documentary evidence.

CHILD SUPPORT

Senate Bill No. 2129 provides that when a child support obligee is required to provide health insurance coverage for a child and the obligee's employer has been identified, the public authority may use the national medical support notice to enforce the provision of health insurance coverage for the child. The bill also authorizes the public authority to impose on an obligee an annual fee for child support services. The bill provides that unless a party to a child support order objects, the public authority or clerk of court may change the payee of a child support obligation for the current month or a future month upon request of a guardian or other person who has legal custody of the child for whom the child support is being paid.

Senate Bill No. 2205 changes the definition of "child support agency" to mean the Department of Human Services. The bill also repeals the definitions of "public authority" and "system implementation date" as those terms relate to child support matters.

Senate Bill No. 2336 relates to liability of obligors and obligees for health insurance coverage for children. The bill provides that the responsibility for a child's health insurance coverage or other medical support must be established according to rules adopted by the Department of Human Services. The bill provides that the rules must be based on the income of the obligated parent and include a limitation on

the obligation of a low-income parent to provide medical support unless health insurance coverage is available to the parent at no or nominal cost. The bill also provides that the child support guidelines may include a separate amount of child support for the child's health insurance coverage, reimbursement for public health coverage, and other medical support.

MARRIAGE AND DIVORCE

House Bill No. 1414 clarifies that in a postjudgment hearing, a court may redistribute property and debts, not just property, if a party has failed to disclose property and debts as required by court rule or by the terms of a court order.

PARENT AND CHILD

House Bill No. 1122 removes the reference to the appointment of legal representation with respect to a proceeding to terminate parental rights and refers to the legal counsel as the person representing the party.

House Bill No. 1162 provides that if a minor has an emergency medical condition, consent for an examination, care, or treatment of the minor is implied if reasonable steps to contact the minor's parent or guardian are unsuccessful. The bill also provides that this law does not authorize a minor to withhold consent to emergency examination, care, or treatment.

Senate Bill No. 2064 provides that when a motion for a change of custody is filed during the time a parent is in active duty service, the court may not enter an order modifying or amending a previous judgment or issue a new order that changes the child's placement that existed on the date the parent was called to active duty service. The bill provides that the court may issue a temporary custody order that is in the best interest of the child.

Senate Bill No. 2204 provides that if an individual is convicted of encouraging or contributing to the deprivation or delinquency of a minor, the court is required to consider as mitigating factors, after consuming the alcohol, whether the underage individual was in need of medical assistance as a result of consuming alcohol and, within 12 hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the individual was in need of medical assistance as a result of consuming alcohol.

Senate Bill No. 2366 sets forth a procedure for an adoptive parent to obtain a validation of a foreign decree of adoption. The bill provides, upon the provision of certain required documents and information, the court is directed to issue a decree of validation of foreign adoption. The bill also provides that upon submission of the decree of validation of foreign adoption, the clerk of court is to apply to the State Department of Health for the issuance of a birth record in the new name of the adopted individual.