
DOMESTIC RELATIONS AND PERSONS

CHAPTER 126

H. B. No. 575
(Brooks and Wicks)

MISCEGENATION

AN ACT

To repeal sections 14-0304, 14-0305, 14-0326 and 14-0327 of the North Dakota Revised Code of 1943 relating to miscegenation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Marriage Between White Person and Negro Person Void; Penalty; Repeal.) Section 14-0304 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 2. Definition of a Negro Person; Repeal.) Section 14-0305 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 3. Issuing License of Marriage Between Negroes and Whites; Penalty; Repeal.) Section 14-0326 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 4. Performing Marriage Ceremony Between Negroes and Whites; Penalty; Repeal.) Section 14-0327 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 10, 1955.

CHAPTER 127

S. B. No. 101
(Judiciary Committee)

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

AN ACT

To improve and extend by reciprocal legislation the enforcement of duties of support under chapter 14-12, and amending sections 14-1207, 14-1208, 14-1210, 14-1211, 14-1212, and 14-1218 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to reciprocal enforcement of duties of support.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Officials To Represent Petitioner.) The state's attorney, upon the request of the court, shall represent the petitioner in any proceeding under chapter 14-12 of this title.

§ 2. Petition For A Minor.) A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

§ 3. Costs and Fees.) A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both petitioner and respondent, or either, shall be paid by the county. Where the action is brought by or through the state or an agency thereof, there shall be no filing fee.

§ 4. Jurisdiction by Arrest.) When the court of this state, acting either as an initiating or responding state, has reason to believe that the respondent may flee the jurisdiction it may:

1. As an initiating state request in its certificate that the court of the responding state obtain the body of the respondent by appropriate process if that be permissible under the law of the responding state; or
2. As a responding state, obtain the body of the respondent by appropriate process.

§ 5. State Information Agency.) The attorney general's office is hereby designated as the state information agency under this Act, and it shall be its duty:

1. To compile a list of the courts and their addresses in this state having jurisdiction under this Act and transmit

the same to the state information agency of every other state which has adopted this or a substantially similar Act; and

2. To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this Act.

§ 6. Application of Payments.) Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

§ 7. Uniformity of Interpretation.) Chapter 14-12 of this title shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and may be cited as the Uniform Reciprocal Enforcement of Support Act.

§ 8. Amendment.) Section 14-1207 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1207. What Duties Are Enforceable.) Duties of support enforceable under this law are those imposed or impossible under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

§ 9. Amendment.) Section 14-1208 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1208. Remedies of a State or Political Subdivision Thereof Furnishing Support.) Whenever the state or political subdivision thereof furnishes support to an obligee it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

§ 10. Amendment.) Section 14-1210 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1210. Contents of Petition for Support.) The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the

respondent and his dependents for whom support is sought and all other pertinent information. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent including, but without limitation by enumeration, a photograph of the respondent, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or social security number.

§ 11. Amendment.) Section 14-1211 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1211. Duty of Court of This State As Initiating State.)

If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or his property, it shall so certify and shall cause three copies of (1) the petition, (2) its certificate and (3) this Act to be transmitted to the court of the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

§ 12. Amendment.) Section 14-1212 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1212. Duty of the Court of This State as Responding State.) When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall docket the cause, set a time and place for a hearing and take such action as is necessary in accordance with the laws of this state to obtain jurisdiction. If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the respondent or his property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state.

§ 13. Amendment.) Section 14-1218 of the 1953 Supplement

to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1218. Evidence of Husband and Wife.) Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this Act. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

Approved March 2, 1955.