



North Dakota Legislative Council

Prepared for the Child Custody Review Task Force
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LEGISLATIVE PROPOSALS FOR TASK FORCE CONSIDERATION

The Chairman of the Child Custody Review Task Force invited task force members to submit proposals for potential legislation to the Legislative Council for compilation in advance of the task force meeting on February 23, 2026. Four members submitted written comments (Appendices [A](#), [B](#), [C](#), and [D](#)), which have been compiled and summarized in this memorandum to facilitate discussion.

CREATION OF A FAMILY COURT

Task force members emphasized the need for continued study and discussion regarding the establishment and implementation of a family court. Members submitted suggestions relating to the creation of a family court, including:

- Establishing a study group, task force, or committee to evaluate how a family court could be implemented in this state, including analysis of projected costs, number of judges and support staff required, each judge's geographic jurisdiction, and minimum qualifications.
- Requiring the family court to operate under a charter framework that incorporates a presumptive shared parenting standard.

EDUCATION

Task force members expressed the need for additional education for attorneys, the judiciary, and parents involved in family law disputes. Members submitted suggestions relating to additional educational opportunities, including:

- Requiring parents to complete a uniform family law education seminar or course in certain domestic relations cases to promote a clearer understanding of the applicable law and legal process, including the court's role and limitations, the function of parenting plans, the calculation and enforcement of child support, and the potential benefits of using a parenting application.
- Additional education for the judiciary and private attorneys relating to provisions in law that are underutilized. These provisions include requiring the court to award attorney's fees if the court determines there has been willful and persistent denial of visitation rights with respect to the child and mandatory compensatory additional parenting time, potentially up to double the time lost, when a parent intentionally interferes with court-ordered parenting time.¹

EXPEDITED PROCEEDINGS

Task force members expressed the need for further discussion on establishing expedited timeframes or clear deadlines requiring the court to promptly address allegations of a child being withheld in violation of an order to ensure violations do not persist for an extended period. Members submitted suggestions to address this issue, including:

- Providing expedited civil proceedings for parenting time violations, similar to the expedited proceedings in mental health and civil protection order cases. A member also noted the value of designating an individual or entity to assist parents in completing and filing the required paperwork with the court to allege a violation of a parenting time provision.

¹ North Dakota Century Code (NDCC) §§ 14-09-24 and 14-09-24.1.

- Requiring the court to schedule a hearing within 60 days of the filing of a motion alleging a parenting time violation.

LAW ENFORCEMENT INVOLVEMENT

Task force members expressed concern that criminalizing the withholding of a child would not resolve the underlying issues within the family and that converting parenting time disputes into criminal matters would create significant practical challenges for law enforcement. Members noted that law enforcement would be expected to make quick determinations in complex situations which may take courts months to fully adjudicate, potentially escalating the conflict. Members also observed that district court judges already have the authority, through the contempt process, to impose jail time for a parent's intentional noncompliance with a parenting time order.

PARENTING TIME EXPEDITORS

Task force members expressed the need for further discussion on establishing parenting time expeditors to address parenting time issues for families in a more efficient manner. Members submitted suggestions relating to the establishment of parenting time expeditors, including:

- Authorizing parenting time expeditors to issue binding decisions, including interpretations of order provisions when the parties are unable to reach an agreement, subject to the limitations in the order.
- Limiting the authority of a parenting time expeditor to parenting time matters only, excluding parenting responsibility issues or other matters typically addressed by a parenting coordinator.
- Establishing a defined timeframe within which a parenting time expeditor must issue a decision that is measured in days rather than weeks or months.
- Setting parameters for educational and certification requirements for parenting time expeditors which do not exceed those required for mediators.
- Permitting private appointments of parenting time expeditors.
- Considering whether the costs of parenting time expeditor services should be allocated between the parties or funded by the state.
- Considering whether the North Dakota Family Law Mediation Program could be expanded to include parenting time expeditors.

RULES OF PROCEDURE AND COURT

A member expressed the need to require the court to adopt and implement specific rules of procedure and court for domestic relations matters. The member noted the absence of rules tailored to domestic relations cases has led to variations in practice among jurisdictions, resulting in delays for families who need more timely resolutions. A member suggested a specific directive, similar to the directive in state law requiring the adoption of the child support guidelines, may create greater uniformity.²

ATTACH:4

² NDCC § 14-09-09.7.