Sixtieth
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3004

Introduced by

Representatives Gulleson, DeKrey, Delmore, Hunskor, Kretschmar, Potter

Senators Heitkamp, Krebsbach, Triplett

A concurrent resolution directing the Legislative Council to study issues relating to child
custody, visitation, and child support in this state, including issues of fairness and equity as they
relate to the issuance and enforcement of child custody, visitation, and child support orders and
whether the state should pursue nonadversarial alternatives for the resolution of family law
disputes.

WHEREAS, the issues involved in family relationships, including custody, visitation,
support of children, and the rights and responsibilities of parents to their children, result in a
complex family law system; and

WHEREAS, approximately 70 percent of the caseload of North Dakota courts involves
issues related to family law, including divorce, custody, visitation, and child support, as well as
modifications to custody, visitation, and child support orders; and

WHEREAS, child visitation and custody arrangements are often established through an
adversarial process that may detrimentally affect the possibility of a continuing relationship
between a child and both parents; and

WHEREAS, traditional custody and visitation enforcement actions promote an
adversarial climate between the parties involved and are not always effective in resolving
custody and visitation disputes; and

WHEREAS, every child has a right to be guided, nurtured, and supported emotionally,
physically, and financially by both parents regardless of the parents’ marital status; and

WHEREAS, North Dakota law provides that for the purposes of determining custody,
there is no presumption as to which parent will better promote the best interests of the child;
and

WHEREAS, concerns have been expressed that there are inequities in the enforcement
of child custody and visitation orders and in the child support guidelines as they relate to
persons who are obligors;
NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study issues relating to child custody, visitation, and child support in this state, including issues of fairness and equity as they relate to the issuance and enforcement of child custody, visitation, and child support orders and whether the state should pursue nonadversarial alternatives for the resolution of family law disputes; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-first Legislative Assembly.