

HOUSE BILL NO. 1325

Introduced by

Representative Owens

Senator Myrdal

1 A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code,
2 relating to the valuation date of property in a divorce.

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

4 **SECTION 1. AMENDMENT.** Section 14-05-24 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-05-24. Division of property and debts.**

- 7 1. When a divorce is granted, the court shall make an equitable distribution of the
8 property and debts of the parties. ~~Except in case of manifest injustice, the valuation~~
9 ~~date of marital property is the first day of the month following the earlier of:~~
10 ~~a. The date of service of a summons in an action for divorce or separation;~~
11 ~~b. The actual date on which the parties last separated before the commencement of~~
12 ~~an action for divorce or separation;~~
13 ~~c. A date mutually agreed upon between the parties; or~~
14 ~~d. An earlier date as the court deems appropriate.~~ Except as may be required by
15 federal law for specific property, and subject to the power of the court to
16 determine a date that is just and equitable, the valuation date for marital property
17 is the date mutually agreed upon between the parties. If the parties do not
18 mutually agree upon a valuation date, the valuation date for marital property is
19 the date of service of a summons in an action for divorce or separation or the
20 date on which the parties last separated, whichever occurs first.
21 2. If one party to the divorce is covered by the civil service retirement system or other
22 government pension system in lieu of social security and is not entitled to receive full
23 social security benefits and the other party is a social security recipient, in making an
24 equitable distribution award, the court shall compute what the present value of the

- 1 social security benefits would have been to the party with the government pension
2 during the covered period and subtract that amount from the value of the government
3 pension in order to determine the government pension's marital portion.
- 4 3. The court may redistribute property and debts in a postjudgment proceeding if a party
5 has failed to disclose property and debts as required by rules adopted by the supreme
6 court or the party fails to comply with the terms of a court order distributing property
7 and debts.