

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1496

Introduced by

Representatives Kading, Meier, Rohr, Vetter

Senator Luick

1 A BILL for an Act to amend and reenact section 14-09-00.1 and subsection 1 of section
2 14-09-29 of the North Dakota Century Code, relating to shared parenting time and
3 responsibility.

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

5 **SECTION 1. AMENDMENT.** Section 14-09-00.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-09-00.1. Definitions.**

8 As used in this chapter, unless the context otherwise requires:

- 9 1. "Decisionmaking responsibility" means the responsibility to make decisions concerning
10 the child. The term may refer to decisions on all issues or on specified issues, but not
11 child support issues.
- 12 2. "Equal residential responsibility" means each parent has residential responsibility for
13 the child for an equal amount of time as determined by the court.
- 14 3. "Extended parenting time" means parenting time between a child and a parent
15 scheduled by court order to exceed an annual total of 100 overnights.
- 16 ~~2.4.~~ "Parental rights and responsibilities" means all rights and responsibilities a parent has
17 concerning the parent's child.
- 18 ~~3.5.~~ "Parenting plan" means a written plan describing each parent's rights and
19 responsibilities.
- 20 ~~4.6.~~ "Parenting schedule" means the schedule of when the child is in the care of each
21 parent.
- 22 ~~5.7.~~ "Parenting time" means the time when the child is to be in the care of a parent.
- 23 ~~6.8.~~ "Primary residential responsibility" means a parent with more than fifty percent of the
24 residential responsibility.

1 ~~7.9.~~ "Residential responsibility" means a parent's responsibility to provide a home for the
2 child.

3 10. "Shared residential responsibility" means each parent has residential responsibility for
4 the child at least thirty-five percent of the time, but not an equal amount of time.

5 **SECTION 2. AMENDMENT.** Subsection 1 of section 14-09-29 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 1. a. A court issuing an order that deals with parenting rights and responsibilities of a
8 child entered under this chapter shall award the parental rights and
9 responsibilities concerning the child to a person, agency, organization, or
10 institution as will, in the opinion of the court, promote the best interests and
11 welfare of the child.

12 b. Between the mother and father, whether married or unmarried, there is no
13 presumption as to whom will better promote the best interests and welfare of the
14 child.

15 c. In any proceeding to establish or modify a judgment for providing for parenting
16 time and residential responsibility and subject to the requirements of section
17 14-09-06.6, if one party has requested shared or equal residential responsibility,
18 the court shall consider awarding shared or equal residential responsibility and
19 shall articulate in its decision its rationale for either awarding or denying the
20 request for shared or equal residential responsibility.