

**HOUSE BILL NO. 1264**

Introduced by

Representatives Hanson, M. Johnson, Klemin, Roers Jones

Senators Bakke, Dwyer

1 A BILL for an Act to amend and reenact sections 14-09.2-01, 14-09.2-02, 14-09.2-04, and  
2 14-09.2-06 of the North Dakota Century Code, relating to parenting coordinators.

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

4 **SECTION 1. AMENDMENT.** Section 14-09.2-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-09.2-01. Parenting coordinator - Definition.**

7 A parenting coordinator is a neutral individual authorized to use any dispute resolution  
8 process to resolve ~~parenting-time~~ disputes between parties arising under a parenting plan or  
9 court order. The purpose of a parenting coordinator is to resolve ~~parenting-time~~ disputes by  
10 interpreting, clarifying, and addressing circumstances not specifically addressed by an existing  
11 court order. A parenting coordinator:

- 12 1. May assess for the parties whether there has been a violation of an existing court  
13 order and, if so, recommend further court proceedings.
- 14 2. May be appointed to resolve a one-time ~~parenting-time~~ dispute or to provide ongoing  
15 ~~parenting-time~~ dispute resolution services. ~~Parenting-time dispute also means a~~  
16 ~~visitation dispute under existing orders.~~
- 17 3. Shall attempt to resolve a ~~parenting-time~~ dispute by facilitating negotiations between  
18 the parties to promote settlement and, if it becomes apparent that the dispute cannot  
19 be resolved by an agreement of the parties, shall make a decision resolving the  
20 dispute.

21 **SECTION 2. AMENDMENT.** Section 14-09.2-02 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **14-09.2-02. Appointment of parenting coordinator.**

1 In any action for divorce, legal separation, paternity, or guardianship in which children are  
2 involved, the court, upon its own motion or by motion or agreement of the parties, may appoint  
3 a parenting coordinator to assist the parties in resolving ~~issues or~~ disputes related to the  
4 parenting time plan or court order. A party, at any time before the appointment of a parenting  
5 coordinator, may file a written objection to the appointment on the basis of domestic violence  
6 having been committed by another party against the objecting party or a child who is a subject  
7 of the action. After the objection is filed, a parenting coordinator may not be appointed unless,  
8 on the request of a party, a hearing is held and the court finds that a preponderance of the  
9 evidence does not support the objection. If a parenting coordinator is appointed, the court shall  
10 order appropriate measures be taken to ensure the physical and emotional safety of all parties  
11 and children.

12 **SECTION 3. AMENDMENT.** Section 14-09.2-04 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **14-09.2-04. Agreement or decision binding.**

15 Within five days of notice of the appointment, or within five days of notice of a subsequent  
16 ~~parenting time~~ dispute between the same parties, the parenting coordinator shall meet with the  
17 parties together or separately and shall make a diligent effort to facilitate an agreement to  
18 resolve the dispute. The parenting coordinator may confer with the parties through a telephone  
19 conference or other means. A parenting coordinator may make a decision without conferring  
20 with a party if the parenting coordinator makes a good-faith effort to confer with the party. If the  
21 parties do not reach an agreement, the parenting coordinator shall make a decision resolving  
22 the dispute as soon as possible but not later than five days after receiving all of the information  
23 necessary to make a decision and after the final meeting or conference with the parties. The  
24 parenting coordinator shall put the agreement or decision in writing and provide a copy to the  
25 parties. An agreement of the parties or a written decision of the parenting coordinator is binding  
26 on the parties until further order of the court.

27 **SECTION 4. AMENDMENT.** Section 14-09.2-06 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1       **14-09.2-06. Confidentiality.**

2       1. If there is an ongoing dispute between the parties regarding a specific written decision  
3       of the parenting coordinator, the written decision must be filed with the court and  
4       served upon the parties.

5       2. Statements made and documents produced as part of the parenting coordinator  
6       process, other than the written decision of the parenting coordinator, which are not  
7       otherwise discoverable are not subject to discovery or other disclosure and are not  
8       admissible into evidence for any purpose at trial or in any other proceeding, including  
9       impeachment. Parenting coordinators and lawyers for the parties, to the extent of their  
10      participation in the parenting coordinator process, may not be subpoenaed or called as  
11      witnesses in court proceedings. Notes, records, and recollections of parenting  
12      coordinators are confidential and may not be disclosed unless:

- 13      1. a. The parties and the parenting coordinator agree in writing to the disclosure; or  
14      2. b. Disclosure is required by law or other applicable professional codes. Notes and  
15      records of parenting coordinators may not be disclosed to the court unless after a  
16      hearing the court determines that the notes or records should be reviewed  
17      in camera. Unless the court determines that the notes and records contain  
18      information regarding acts that may be a violation of a state or federal criminal  
19      law, the notes and records may not be released.