

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1392**

Introduced by

Representatives Kading, Kiefert, McWilliams, Pyle, Roers Jones, Vigesaa

1 A BILL for an Act to 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; and to provide for a legislative management study.

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. "Parental rights and responsibilities" means all rights and responsibilities a parent has
13 concerning the parent's child.
- 14 3. "Parenting plan" means a written plan describing each parent's rights and
15 responsibilities.
- 16 4. "Parenting schedule" means the schedule of when the child is in the care of each
17 parent.
- 18 5. "Parenting time" means the time when the child is to be in the care of a parent.
- 19 6. "Primary residential responsibility" means a parent with more than fifty percent of the
20 residential responsibility.
- 21 7. "Residential responsibility" means a parent's responsibility to provide a home for the
22 child.
- 23 8. "Shared parenting time and residential responsibility" means each parent has the child
24 in that parent's care for a time that is as close to fifty percent of the time as can be

1 arranged based on the circumstances but which is not less than thirty-five percent of
2 the time.

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

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

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

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

19 **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - PARENTING RIGHTS AND**
20 **RESPONSIBILITIES.** During the 2017-18 interim, the legislative management shall consider
21 studying, in consultation with the family law task force of the family law section of the state bar
22 association of North Dakota, parental rights and responsibility issues, including shared
23 parenting, joint decisionmaking responsibility for the child, the best interest factors used by the
24 court in making parental rights and responsibilities decisions, and the modification and
25 enforcement of parental rights and responsibilities orders. The legislative management shall
26 report its findings and recommendations, together with any legislation required to implement the
27 recommendations, to the sixty-sixth legislative assembly.