



Enforcing an Out-of-State Court or Tribal Court Custody or Visitation Order – NO Warrant Requested

An Informational Guide to a North Dakota Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided in this informational guide **isn't** intended for legal advice but only as a general guide to a civil court process.

If you decide to represent yourself, you'll need to do additional research to prepare.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules can be found at ndcourts.gov.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you're unsure if this information is right for you, consult a lawyer.

- For more information about finding a lawyer, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

This information isn't a complete statement of the law. This covers basic information about the process of petitioning a North Dakota State District Court to enforce an out-of-state court or tribal court custody or visitation order. This information **doesn't include** the process of asking the Court for a warrant to take physical custody of the child(ren) **before** the required hearing. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state of North Dakota.

Use at your own risk.

IMPORTANT! If you want a North Dakota state district court to MODIFY or AMEND your out-of-state court or tribal court custody or visitation order, you CAN'T use this enforcement process. Consult a [lawyer](#) for assistance.

What is Expedited Enforcement of an Out-of-State Court or Tribal Court Custody or Visitation Order?

An out-of-state court or tribal court custody or visitation order is a judgment, decree, or other order issued by a court of another state or tribe that governs the legal custody, physical custody, or visitation of a minor child or minor children. (*A minor child is less than 18 years old.*)

The order may be a permanent, temporary, initial, or modification order.

Expedited enforcement is a sped-up court process that allows a North Dakota state judge or judicial referee to enforce the physical custody part of an out-of-state court or tribal court order. The child(ren) must be, or must likely be, physically located in North Dakota.

You may make a written request to a North Dakota state district court for expedited, or sped-up, enforcement of the physical custody part of the order if:

1. You're granted legal custody, physical custody, or visitation in the order;
2. You're entitled to immediate physical custody of the child(ren) in the order;
3. The child(ren) are currently in North Dakota (or you strongly believe they are); **and**
4. The person who currently has physical custody won't allow you to take custody of the child(ren).

[\(Uniform Child Custody Jurisdiction and Enforcement Act \(UCCJEA\)\)](#)

Does Expedited Enforcement Transfer the Entire Out-of-State Court or Tribal Court Case to North Dakota?

No. Expedited enforcement doesn't transfer the entire case to North Dakota. The entire case stays with the out-of-state court or tribal court until the out-of-state court or tribal court says they'll give up their jurisdiction over the case, **and** a North Dakota state district court says they'll take over jurisdiction.

Jurisdiction is the power of a court to inquire about the facts, apply the law, and make judgments. Jurisdiction also gives a court the power to modify or amend their judgments.

In cases involving custody or visitation of minor children, jurisdiction doesn't change from one state court to a different state court, or from tribal court to state court unless requirements related to the child and the child's parents or guardians are met. (See the [UCCJEA](#).)

Consult a [lawyer](#) for assistance with this complex court process.

Overview of the Three (3) Step Expedited Enforcement Process

If you have legal custody, physical custody, or visitation in an out-of-state court or tribal court order, you may ask a North Dakota state district court to quickly enforce the order in North Dakota **if the order allows you to take immediate physical custody of the minor child.**

IMPORTANT! Steps One (1) and Two (2) may be combined into one step when you need to petition a North Dakota state district court for expedited enforcement, but you haven't registered the out-of-state court or tribal court custody or visitation order.

Step One (1): Registration

Registration allows the North Dakota state district court to 1) recognize your out-of-state court or tribal court custody or visitation order exists, 2) that the order is in effect, and 3) the order is the most current version.

For information about the registration step, see the "[Registering an Out-of-State Court or Tribal Court Custody or Visitation Order](#)." Informational Guide.

Step Two (2): Petition for Expedited Enforcement

You file a written petition for expedited enforcement that 1) shows you meet the requirements for expedited enforcement, and 2) requests that a North Dakota state district court enforce the physical custody terms of your out-of-state court or tribal court custody or visitation order.

Step Three (3): Attend the Required Hearing

A hearing on the petition for expedited enforcement is required on the next business day after service of the order requiring the other party to appear, unless that date is impossible. Then, on the first business day possible.

The person who has physical custody the child(ren) may be required to bring the child(ren) to the hearing. If you prove that the custody or visitation order entitles you to immediate physical custody of the child(ren), the judge or judicial referee may allow you to take physical custody after the hearing.

IMPORTANT! This Informational Guide doesn't include the steps for asking the Court for a warrant to take physical custody of the child(ren) BEFORE the required hearing is held. If you show in your written application and testimony for the warrant that the child is immediately likely to suffer serious physical harm, and/or the child is immediately likely to be removed from North Dakota, the judge or judicial referee may issue the warrant.

If you want to request a warrant, see the "Enforcing an Out-of-State Court or Tribal Court Custody or Visitation Order – with a Warrant Requested" Informational Guide.

Table of Contents

SECTION ONE: Basic Steps to Petition for Expedited Enforcement of Your Order, If You're NOT Applying for a Warrant for Immediate Physical Custody (Page 6)

Types of Cases Whose Orders May be Registered & Enforced 6

Types of Cases Whose Orders Can't be Registered & Enforced 6

Courts Whose Custody or Visitation Orders May be Registered & Enforced 7

Step One (1): Register the Out-of-State Court or Tribal Court Custody or Visitation Order You Want Enforced 7

Go to Step Two (2) if You Already Registered the Order in North Dakota8

Go to Step Two (2) if You Don't Have Time to Register the Order Separately8

Complete the Process to Register the Order8

Step Two (2): Get Copies of the Out-of-State Court or Tribal Court Custody or Visitation Order; Create the Expedited Enforcement Documents; File the Documents with the Clerk of District Court 9

Get Copies of the Out-of-State Court or Tribal Court Custody or Visitation Order

You Want Enforced9

Create Your Verified Petition for Expedited Enforcement, or your Verified Petition for Registration & Expedited Enforcement 9

Complete the Confidential Information Form10

Create Proposed Orders, if the District Court Requires Proposed Orders11

Make Copies of Your Expedited Enforcement Documents11

File Your Expedited Enforcement Documents12

Arrange to have the Order to Appear at the Hearing Served on the Respondent....13

Step Three (3): Attend the Hearing on the Petition for Expedited Enforcement of an Out-of-State Court Tribal Court Custody or Visitation Order 14

The Hearing on the Petition Happens Very Quickly14

What Happens if You, the Petitioner, Prove Your Side?..... 15

What Does the Respondent Need to Prove for You, the Petitioner, to Lose?15

SECTION TWO (2): Forms & Formatting Examples (Page 17)

Petition for Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28) (*fillable form*)18

Petition for Registration & Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28) (*fillable form*)25

Confidential Information Form (*fillable form*)32

(Proposed) Order to Appear at Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA) (*fillable form*)33

(Proposed) Order After Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA) (*formatting example – not a form*).....36

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SECTION ONE (1): Basic Steps to Petition for Expedited Enforcement of Your Order, if You're NOT Applying for a Warrant for Immediate Physical Custody Before the Required Hearing is Held

Types of Cases Whose Custody or Visitation Orders May be Registered and Enforced

The following types of cases, also called child custody proceedings, which result in an out-of-state court or tribal court custody or visitation judgment, decree, or other order, may be registered and enforced using the process in this Informational Guide:

- Abuse;
- Dependency;
- Divorce;
- Guardianship;
- Legal Separation;
- Neglect;
- Paternity;
- Protection from Domestic Violence; and
- Termination of Parental Rights.

The judgment, decree, or other order may be a permanent, temporary, initial, or modification order.

The judgment, decree, or other order must include provisions for legal custody, physical custody, or visitation.

Types of Cases Whose Custody or Visitation Orders Can't be Registered and Enforced

If your judgment, decree, or other order resulted from either of the following two types of cases, **you can't register or enforce the order using the process in this Informational Guide:**

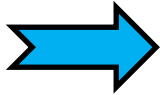
- Juvenile Delinquency; or
- Emancipation.

Courts Whose Custody or Visitation Orders May be Registered and Enforced

Custody orders issued by a court of the following may be registered & enforced:

- A state of the United States;
- The District of Columbia;
- Puerto Rico;
- United States Virgin Islands;
- Any territory or insular possession of the United States;
- An Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state of the United States; and
- A foreign country, [if certain requirements are met](#).

Step One (1):



Register the Out-of-State Court or Tribal Court Custody or Visitation Order You Want Enforced.

Registration allows the North Dakota state district court to:

- 1) Recognize your out-of-state court or tribal court custody or visitation order exists;
- 2) Recognize the order is currently in effect; and
- 3) Recognize the order is the most current version.

A person (Respondent) awarded legal custody, physical custody, or visitation in the order is allowed to **challenge the registration for any of the following limited reasons:**

- 1) The court that issued (signed) the order didn't have jurisdiction (authority) to issue the order;
- 2) The order has been vacated (cancelled), stayed (put on hold), or modified (updated); or
- 3) The person challenging registration didn't get the required notice of the court case that resulted in the order.

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Go to Step Two (2) if You Already Registered the Order in North Dakota

Skip Step One and go directly to Step Two if you've already registered the out-of-state or tribal court custody or visitation order you want enforced.

If you've already registered the order with a North Dakota state district court, you'll have a signed and dated order with the words "North Dakota," "District Court," and a [North Dakota county name](#) listed on the top of the first page. You'll also see a case number listed.

The name of the order will be on the first page and include words like "order confirming registration."



Go to Step Two (2) if You Don't Have Time to Register the Order Separately

Skip Step One and go directly to Step Two if you haven't registered the out-of-state or tribal court custody or visitation order you want enforced, but you don't think you have time to register the order first.

The registration process, on its own, can take 3 to 4 weeks, sometimes longer. People tend to use the stand-alone registration process when they're not experiencing an urgent situation related to getting physical custody of their child(ren) who are currently located in North Dakota.

If you're experiencing an urgent situation where you need a North Dakota state district court to enforce the physical custody part of your order, you're allowed to combine registration with your request for expedited enforcement. The judge or judicial referee assigned to your expedited enforcement request can make a decision without waiting the 3 to 4 weeks required with the stand-alone registration process.

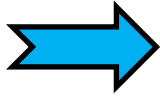


Complete the Process to Register the Order

If you decide to use the stand-alone registration process to register the out-of-state or tribal court custody or visitation order you want enforced, use the [Registering an Out-of-State Court or Tribal Court Custody or Visitation Order Informational Guide](#) to register your order.

The registration process, on its own, can take 3 to 4 weeks, sometimes longer. People tend to use the stand-alone registration process when they're not experiencing an urgent situation related to getting physical custody of their child(ren) who are currently located in North Dakota.

Step Two (2):



- **Get Copies of the Out-of-State Court or Tribal Court Custody or Visitation Order;**
- **Create Your Expedited Enforcement Documents; and**
- **File the Documents with the Clerk of District Court.**



1st

Get Copies of the Out-of-State Court or Tribal Court Order You Want a North Dakota State District Court to Enforce

A North Dakota state district court judge or judicial referee can't enforce your out-of-state court or tribal court order unless you give them a copy.

Contact the out-of-state court or tribal court that issued the custody or visitation judgment, decree, or other order and get copies.

The number of copies and the type of copies you need depend on whether you've already registered the judgment, decree, or other order with a North Dakota state district court.

- **If your order is already registered you need:**
 - ONE certified copy of the order, OR one copy of a certified copy.
- **If your order ISN'T already registered you need:**
 - TWO copies of the order. ONE MUST be a certified copy.
 - (A copy of a certified copy won't be accepted.)



2nd

Create Your Verified Petition

Two verified petition forms are available in Section Two of this Informational Guide.

You, the person requesting expedited enforcement, are the Petitioner.

The Respondent is the person who:

- 1) Currently has physical custody of the child(ren) in North Dakota; and
- 2) Is awarded legal custody, physical custody, or visitation in the out-of-state court or tribal court order you want a North Dakota state district court to enforce.

If you already registered your out-of-state court or tribal court order, see the first verified petition form in Section Two. The name of the form is “Petition for Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28).”

- Use your North Dakota state district court order confirming registration of your out-of-state or tribal court order to fill in the top of the verified petition form.
 - Fill in the same North Dakota county name and case number from the order confirming registration.
 - If a Judicial District name is listed on the order confirming registration, fill in the name. Otherwise, you may leave it blank.

If you HAVEN'T already registered your out-of-state court or tribal court custody or visitation order, see the second verified petition form in Section Two. The name of the form is “Petition for Registration & Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28).”

- Leave the case number blank. A North Dakota state district court case number is assigned by the clerk of court if your documents are accepted for filing.

If neither petition form in this guide is right for your circumstances, you'll need to create your own petition document, or retain a lawyer licensed to practice in North Dakota to create the petition document for you.



3rd

Create the Confidential Information Form (CIF)

The Confidential Information form lists the full confidential information that isn't allowed to appear in other documents filed with a North Dakota state district court. This form is a part of the court record that isn't seen by the public.

Since petitions for expedited enforcement include references to confidential information, you must complete a Confidential Information Form (CIF). The form must contain the full confidential information you reference in your petition.

You're the only person responsible for making sure confidential information doesn't appear in the petition you prepare.

Confidential information includes:

- Full name of minor child
- Full birthdates
- Social security numbers
- Taxpayer identification numbers
- Financial-account numbers

Documents filed with the Court with references to confidential information must include only:

- The initials of the minor child
- The year of birth
- The last four (4) digits of the social security number and taxpayer identification number
- The last four (4) digits of the financial-account number

A Confidential Information Form is available as the third form in Section Two (2) of this Informational Guide.

4th Create Proposed Orders, if the District Court Requires Proposed Orders

A proposed order is a document you create for the judge or judicial referee to sign. If the judge or judicial referee reviews your proposed order and agrees with what you wrote, they date and sign the proposed order and it becomes an official order of the court.

Contact the [North Dakota state district court](#) where you'll file your petition documents. Ask if you're required to file any of the proposed orders listed below when you file your petition.

You **may** be required to create the following proposed orders:

- Proposed order to appear at the hearing on the petition for expedited enforcement; and/or
- Proposed order after hearing on the petition for expedited enforcement.

A form for a proposed order to appear at the hearing on the petition is available as the fourth form in Section Two of this Informational Guide.

A formatting example of a proposed order after the hearing on the petition is available as the fifth document in Section Two of this Informational Guide. **The formatting example isn't a form. You'll be required to create your own document, but may use the example as a guide.**

5th Make Copies of Your Expedited Enforcement Documents

Make copies of all of your completed expedited enforcement documents. You'll need copies to bring with you to the required hearing.

If you don't make copies of your documents, after you file your documents with the clerk of court, you can request copies. You'll be charged for each page of each document the clerk of court copies for you.

**6th****File the Originals of Your Expedited Enforcement Documents**

Decide the venue (North Dakota county) to file your expedited enforcement documents.

If you already registered the order, file in the same North Dakota state district court where you registered the order. Use the same case number.

If you HAVEN'T already registered the order, you need to decide the venue, or North Dakota county, of the North Dakota state district court to file your expedited enforcement documents. Locations of each North Dakota state district court by county are available at ndcourts.gov/court-locations.

North Dakota's [Uniform Child Custody Jurisdiction and Enforcement Act \(UCCJEA\)](#) doesn't say how you decide the venue for registration or for expedited enforcement. Review [Chapter 28-04 of the North Dakota Century Code](#) to decide where to file. You may need to consult a [lawyer](#) for help.

File the following documents with the Clerk of District Court:

- **If you already registered the custody or visitation order in a North Dakota state district court:**
 - Your original, completed verified petition for expedited enforcement;
 - Your original, completed Confidential Information Form;
 - A certified copy, or a copy of a certified copy, of the registered out-of-state court or tribal court custody or visitation order that you want the North Dakota state district court to enforce;
 - If required, your original, completed proposed order to appear at the hearing on the petition for expedited enforcement; and
 - If required, your original, completed proposed order after hearing on the petition for expedited enforcement.

- **If you HAVEN'T registered the custody order in a North Dakota state district court (*list continues on next page*):**
 - Your original, completed verified petition for registration and expedited enforcement;
 - Your original, completed Confidential Information Form;
 - Two copies of the out-of-state court or tribal court custody or visitation order that you want the North Dakota state district court to enforce;
 - One copy **MUST** be a certified copy of the order.

- If required, your original, completed proposed order to appear at the hearing on the petition for expedited enforcement; and
- If required, your original, completed proposed order after hearing on the petition for expedited enforcement.

If the Clerk of District Court accepts your expedited enforcement documents for filing, you may be required to pay a \$10.00 filing fee.

If you already registered the custody order, you won't be charged a filing fee.

If you HAVEN'T registered the custody order, you'll be charged a \$10.00 registration filing fee.

If you're required to pay the \$10.00 filing fee and can't afford to pay, complete the Filing Fee Waiver Request – District Court/Small Claims Court form set at ndcourts.gov/legal-self-help/fee-waiver. File the form set when you file your expedited enforcement documents.



7th

Arrange to have the Order to Appear at the Hearing Served on the Respondent(s)

After your expedited enforcement documents are accepted for filing, the judge or judicial referee assigned to your case decides whether to issue (sign) an order for the Respondent to appear at a hearing on the petition.

The hearing is when both you and the Respondent have your chance to explain your sides.

If the judge or judicial referee allows a hearing to be scheduled and issues (signs) an order for the Respondent to appear at the hearing, **you MUST arrange for the following documents:**

- A copy of the signed Order to Appear at the hearing on the petition; and
- A copy of your Petition for Expedited Enforcement (or Petition for Registration and Expedited Enforcement)

To be served (given) to the following people:

- The Respondent; and
- Any other person who has physical custody of the child(ren).

Service instructions and forms are available at ndcourts.gov/legal-self-help/service-in-a-civil-action in the “Service to Start a District Court Civil Action” section.

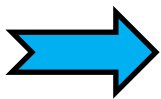
IMPORTANT! You can't serve the documents yourself unless the people you serve agree in writing. Someone who is 18 years old or older **and** not a party or interested in the case serves the documents.

The judge or judicial referee assigned to the case won't hold the hearing unless you file proof of service with the court.

Proof of service tells the District Court when, how, and where the Respondent and any person who has physical custody of the child(ren) were served copies of the above documents.

- A certificate of service gives the court proof of service when a sheriff or other officer served the documents.
- An affidavit of service or a declaration of service gives the court proof of service when a person other than a sheriff or other officer served the documents.
- An admission of service gives the court proof of service when the Respondent or other person with physical custody of the child(ren) agree in writing that you can serve them.

Step Three (3):



Attend the Hearing on the Petition for Expedited Enforcement of Your Out-of-State Court or Tribal Court Custody or Visitation Order.

The Hearing on the Petition Happens Very Quickly.

The hearing on the petition for expedited enforcement of an out-of-state court or tribal court custody order must happen:

- On the next business day after service of the order requiring the other party to appear.
- If the next business day after service is impossible, then, on the first business day possible.

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What Happens if You, the Petitioner, Prove Your Side?

You're required to prove that the out-of-state court or tribal court custody or visitation order entitles you to immediate physical custody of the child(ren).

If the judge or judicial referee assigned to the case finds that you, the Petitioner, proved you're entitled to immediate physical custody:

- The judge or judicial referee **MUST** order that you may take immediate physical custody of the child(ren).
- The judge or judicial referee **MUST also order** that the Respondent pay you the necessary and reasonable expenses you incurred because you brought the petition to the court.
 - This includes costs, communication expenses, lawyer's fees, investigative fees, expenses for witnesses, travel expenses, and child care costs during the course of the expedited enforcement case.
- **HOWEVER, if the Respondent proves that payment of the expenses would be clearly inappropriate**, the Judicial Officer may reduce the amount the Respondent is ordered to pay.

What Does the Respondent Need to Prove for You, the Petitioner, to Lose?

At the hearing, if the Respondent proves the following, the judge or judicial referee **ISN'T REQUIRED** to order that you can take immediate physical custody of the child(ren):

- The out-of-state court or tribal court custody or visitation order **HASN'T** been registered **AND** confirmed by the North Dakota state district court **AND** (*list continues on next page*):
 - The out-of-state court or tribal court that issued (signed) the custody or visitation order **DIDN'T** have jurisdiction (authority) to issue the order under [Sections 14-14.1-12 through 14-14.1-21 of the North Dakota Century Code](#);
 - The out-of-state court or tribal court custody or visitation order you, the Petitioner, seek to enforce has been vacated (cancelled), stayed (put on hold), or modified (updated) by the court of a state or tribe having jurisdiction to do so under [Sections 14-14.1-12 through 14-14.1-21 of the North Dakota Century Code](#); **AND/OR**

- The Respondent was entitled to notice of the case that resulted in the out-of-state court or tribal court that issued the custody or visitation order, but didn't get the required notice. The notice requirements are in [Section 14-14.1-07 of the North Dakota Century Code](#).

OR

- The out-of-state court or tribal court custody order the Petitioner seeks to enforce **HAS BEEN** registered **AND** confirmed by the North Dakota state district court, **BUT** the order has been vacated (cancelled), stayed (put on hold), or modified (updated) by the court of a state or tribe having jurisdiction to do so under [Sections 14-14.1-12 through 14-14.1-21 of the North Dakota Century Code](#).

IMPORTANT! If the judge or judicial referee decides that you, the Petitioner, lost and the Respondent won, the judge or judicial referee MUST order that you, the Petitioner, pay the Respondent their necessary and reasonable expenses that they incurred because you brought the petition to the court. This includes costs, communication expenses, lawyer's fees, investigative fees, expenses for witnesses, travel expenses, and child care costs during the course of the expedited enforcement case.

HOWEVER, if you prove that payment of the expenses would be clearly inappropriate, the judge or judicial referee may reduce the amount they order you to pay to the Respondent.

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SECTION TWO: Forms and Formatting Examples

The following forms and formatting examples for the petition for expedited enforcement process are found on the following pages.

If a form or formatting example isn't right for your circumstances, OR a form you need isn't included in this guide, you'll need to create the legal document yourself, or retain a lawyer licensed to practice in North Dakota to create the document for you.

If you need to create your own legal document, a variety of General-Use template forms to get you started are available at ndcourts.gov/legal-self-help/general-use-forms.

1. Petition for Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28).....18
 - This is a fillable form
2. Petition for Registration & Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28).....25
 - This is a fillable form
3. Confidential Information Form32
 - This is a fillable form
4. (Proposed) Order to Appear at Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA)33
 - This is a fillable form
5. (Proposed) Order After Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA)36
 - This is a formatting example. You'll need to create your own proposed order yourself, but you may use this example as a guide.

STATE OF NORTH DAKOTA
COUNTY OF _____
(same as ND registration case)

IN DISTRICT COURT
_____ JUDICIAL DISTRICT
(leave blank if unknown)

Petitioner (person asking for expedited enforcement),

vs

Respondent (person located in North Dakota with the child(ren)).

Case No. _____
(same as ND registration case)

Petition for Expedited Enforcement of an Out-of-State Court or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28)

1. I, _____ (petitioner's name), petition this Court for expedited enforcement of a child custody determination under Section 14-14.1-28 of the North Dakota Century Code. A child custody determination is an out-of-state court or tribal court judgment, decree, or other order providing for the legal custody, physical custody, or visitation of a minor child. A child custody determination includes a permanent, temporary, initial, or modification order.

2. I am the _____ (relationship to child(ren), i.e. mother, father, guardian) of the following minor child(ren):

Child's Initials _____, Birth Year _____. Child's Initials _____, Birth Year _____.

Child's Initials _____, Birth Year _____. Child's Initials _____, Birth Year _____.

A Confidential Information Form with the full name(s) and birthdate(s) of the child(ren) is filed with this Petition.

3. A child custody determination was entered on _____ (date of court order), in the Court of _____ (name of out-of-state or tribal court), _____ (state), _____ (county), case number _____.

4. A certified copy, or a copy of a certified copy, of the child custody determination is filed with this Petition.

5. The child custody determination that I am seeking to enforce was registered with this Court on _____ (date you filed the affidavit of registration) and assigned the above case number. This Court (choose one):

Confirmed the child custody determination on _____ (the date the North Dakota state district court signed the order that says registration is confirmed).

Has not confirmed the child custody determination.

6. The out-of-state or tribal court custody determination gives me the right to immediate physical custody of the child(ren) listed in Paragraph 2 of this Petition.

7. **Jurisdiction of the Out-of-State Court or Tribal Court that Issued the Child Custody**

Determination (choose one):

The Court that issued the child custody determination **DID NOT** identify the jurisdictional basis it relied on.

The Court that issued the child custody determination **DID** identify the jurisdictional basis it relied on, and the basis was (choose all that apply; continues on next page):

The child(ren) lived in that state or jurisdiction with a parent or person acting as a parentⁱ for at least six consecutive months before the child custody proceeding began.

The child(ren) was/were absent from that state or jurisdiction, but had lived in that state or jurisdiction with a parent or person acting as a parentⁱⁱ within six months before the child custody proceeding began, and at least one parent or person acting as a parent continued to live in that state.

- The child(ren) and at least one parent or person acting as a parentⁱⁱⁱ had a significant connection with that state or jurisdiction and that state or jurisdiction had substantial evidence concerning the child’s care, protection, training and personal relationships.
- All other courts with jurisdiction declined to exercise jurisdiction and the court that issued the child custody determination decided that it was the more appropriate forum.
- Other (*explain*): _____

8. **Status of the Out-of-State Court or Tribal Court Child Custody Determination** (*choose one*):

- The child custody determination that I am seeking to enforce has **NOT** been vacated (cancelled), stayed (put on hold) or modified (updated).
- The child custody determination that I am seeking to enforce has been (*choose all that apply*) vacated (cancelled)/ stayed (put on hold)/ modified (updated) by the following court proceeding:
Name of State or Tribal Court: _____
Nature of Proceeding: _____
Case Number: _____

9. **Other Proceedings** (*choose one*):

- No** other proceedings have been started that may affect this case.
- The following proceedings have been started that may affect this case (*i.e. domestic violence, protective orders, termination of parental rights, adoptions*):
Name of State or Tribal Court: _____
Nature of Proceeding: _____
Case Number: _____

Name of State or Tribal Court: _____

Nature of Proceeding: _____

Case Number: _____

10. **Present Physical Address of Child(ren) (choose one):**

The current, physical address of the child(ren) is unknown. I believe the child(ren) is/are currently located in North Dakota because (*explain*): _____

The current, physical address of the child(ren) is:

Initials & Birth Year(s) of Child(ren): _____

Street Address: _____

City, State, Zip Code: _____

11. **Present Physical Address of Respondent (choose one):**

The current, physical address of the respondent is unknown. I believe the respondent is currently located in North Dakota because (*explain*): _____

The current, physical address of the respondent is:

Street Address: _____

City, State, Zip Code: _____

12. The respondent is violating the out-of-state or tribal court custody determination that I am seeking to enforce because (*explain; Paragraph 12 continues on next page*): _____

13. **I Request that the Court** (choose all that apply):

- Issue an order directing the respondent to appear immediately before the Court with the above-named child(ren).
- Enforce the child custody determination, giving it the same force and effect as a North Dakota order.
- Authorize North Dakota Law Enforcement to help, if necessary, to enforce this Court's order.
- Award me \$_____ in costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care incurred during the course of the proceedings. I will provide actual costs at the time of hearing.
- Other: _____.
- Order any other appropriate relief.

14. **Verification:** I, _____ (*petitioner's name*),
declare under penalty of perjury under the law of North Dakota, that I am the Petitioner in this
action; that I have read the Petition and that I know the contents; that the Petition is true of my
own knowledge, except for those matters stated therein upon information and belief, and that
as to those matters, I state that I believe them to be true.

Signed on _____ (*date*) in _____ (*city*),
_____ County, _____ (*state*), _____ (*country*).

(*Petitioner's Signature*)

(*Petitioner's Printed Name*)

(*Address, City, State, Zip Code*)

(*Telephone Number, Email Address*)

ⁱ A person acting as a parent is a person, other than a parent, who **1)** has physical custody of the child(ren) or had had physical custody for six consecutive months, including temporary absences, within one year before the start of the child custody case; **AND 2)** has been awarded legal custody by a court or claims a right to legal custody under the laws of North Dakota.

ⁱⁱ Same as Endnote i.

ⁱⁱⁱ Same as Endnote i.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____
(ndcourts.gov/court-locations)

_____ JUDICIAL DISTRICT
(leave blank if unknown)

Petitioner (person asking for expedited enforcement),

Case No. _____
(filled in by Clerk of Court)

vs

Petition for Registration & Expedited Enforcement of an Out-of-State Court or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28)

Respondent (person located in North Dakota with the child(ren)).

I, _____ (petitioner's name),

state as follows:

1. I petition this Court for registration and expedited enforcement of child custody determination under Section 14-14.1-25 and Section 14-14.1-28 of the North Dakota Century Code. A child custody determination is an out-of-state court or tribal court judgment, decree, or other order providing for the legal custody, physical custody, or visitation of a minor child. A child custody determination includes a permanent, temporary, initial, or modification order.

2. Petitioner's Information:

My Name: _____

Address: _____

City, State, Zip Code: _____

3. Respondent's Information:

Name of Respondent: _____

Address: _____

City, State, Zip Code: _____

4. **Information About Other Persons Acting as a Parent:** A person acting as a parent is a person, other than a parent, who 1) has physical custody of the child(ren) or has had physical custody for six consecutive months, including temporary absences, within one year before the start of the child custody case; **AND** 2) has been awarded legal custody by a court or claims a right to legal custody under the laws of North Dakota.

(Choose one)

- NO** other persons acting as a parent are awarded custody or visitation in the child custody determination.
- The following persons acting as a parent are awarded custody or visitation in the child custody determination:

Name: _____

Address: _____

City, State, Zip Code: _____

5. I am the _____ (*relationship to child(ren), i.e. mother, father, guardian*) of the following minor child(ren):

Child's Initials _____, Birth Year _____. Child's Initials _____, Birth Year _____.

Child's Initials _____, Birth Year _____. Child's Initials _____, Birth Year _____.

A Confidential Information Form with the full names and birthdates of the children is filed with this Petition.

6. A child custody determination was entered on _____ (*date of court order*), in the Court of _____ (*name of out-of-state or tribal court*), _____ (*state*), _____ (*county*), case number _____. Name of the Child Custody Determination: _____

7. Two copies of the out-of-state or tribal court custody determination, **including one certified copy**, are filed with this Petition for Registration and Expedited Enforcement.

8. The out-of-state or tribal court custody determination gives me the right to immediate physical custody of the child(ren) listed in Paragraph 5 of this Petition.

9. **Jurisdiction of the Court that Issued the Child Custody Determination** (*choose one*):

- The Court that issued the child custody determination **DID NOT** identify the jurisdictional basis it relied on.
- The Court that issued the child custody determination **DID** identify the jurisdictional basis it relied on, and the basis was (*choose all that apply*):
 - The child(ren) lived in that state or jurisdiction with a parent or person acting as a parent for at least six consecutive months before the child custody proceeding began.
 - The child(ren) was/were absent from that state or jurisdiction, but had lived in that state or jurisdiction with a parent or a person acting as a parent within six months before the child custody proceeding began, and at least one parent or person acting as a parent continued to live in that state.
 - The child(ren) and at least one parent or person acting as a parent had a significant connection with that state or jurisdiction and that state or jurisdiction had substantial evidence concerning the child’s care, protection, training and personal relationships.
 - All other courts with jurisdiction declined to exercise jurisdiction and the court that issued the child custody determination decided that it was the more appropriate forum.
 - Other (*explain*): _____

10. **Status of the Out-of-State or Tribal Court Child Custody Determination** (*choose one*):

- The child custody determination that I am seeking to enforce has **NOT** been vacated (cancelled), stayed (put on hold) or modified (updated).
- The child custody determination that I am seeking to enforce has been (*choose all that apply*) vacated (cancelled)/ stayed (put on hold)/ modified (updated) by the following court proceeding:

Name of State or Tribal Court: _____

Nature of Proceeding: _____

Case Number: _____

11. **Other Proceedings** (*choose one*):

- Except for this Petition for Registration and Expedited Enforcement, **NO** other proceedings have been started that may affect this case.
- The following proceedings have been started that may affect this case (*i.e. domestic violence, protective orders, termination of parental rights, adoptions*):

Name of State or Tribal Court: _____

Nature of Proceeding: _____

Case Number: _____

Name of State or Tribal Court: _____

Nature of Proceeding: _____

Case Number: _____

12. **Present Physical Address of Child(ren)** (*choose one; continues on next page*):

- The current, physical address of the child(ren) is unknown. I believe the child(ren) is/are currently located in North Dakota because (*explain*): _____

The current, physical address of the child(ren) is:

Initials & Birth Year of Child(ren): _____

Street Address: _____

City, State, Zip Code: _____

13. **Present Physical Address of Respondent** (*choose one*):

The current, physical address of the respondent is unknown. I believe the respondent is currently located in North Dakota because (*explain*): _____

The current, physical address of the respondent is:

Name of Respondent: _____

Street Address: _____

City, State, Zip Code: _____

14. The respondent is violating the out-of-state or tribal court custody determination that I am seeking to enforce because (*explain; Paragraph 14 continues on next page*): _____

15. **I Request that the Court** *(choose all that apply; continues on next page):*

- Register the child custody determination pursuant to N.D.C.C. § 14-14.1-25.
- Issue an order directing the respondent to appear immediately before the Court with the above-named child(ren).

- Enforce the child custody determination, giving it the same force and effect as a North Dakota order.
- Authorize North Dakota Law Enforcement to help, if necessary, to enforce this Court's order.
- Award me \$ _____ in costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses and child care incurred during the course of the proceedings. I will provide actual costs at the time of hearing.
- Other: _____

 _____.
- Order any other appropriate relief.

16. **Verification:** I, _____ (*petitioner's name*), declare under penalty of perjury under the law of North Dakota, that I am the Petitioner in the above-entitled action; that I have read the Petition and that I know the contents; that the Petition is true of my own knowledge, except for those matters stated therein upon information and belief, and that as to those matters, I state that I believe them to be true.

Signed on _____ (*date*) in _____ (*city*),
 _____ County, _____ (*state*), _____ (*country*).

 (*Petitioner's Signature*)

 (*Petitioner's Printed Name*)

 (*Address, City, State, Zip Code*)

 (*Telephone Number, Email Address*)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT
(leave blank if unknown)

Petitioner (person asking for expedited enforcement),

vs

Respondent (person with physical custody & located in North Dakota).

Case No. _____

Confidential Information Form

FULL INFORMATION

REDACTED INFORMATION

MINOR CHILD:

Name: _____

Initials: _____

Date of Birth: _____

Year of Birth: _____

MINOR CHILD:

Name: _____

Initials: _____

Date of Birth: _____

Year of Birth: _____

MINOR CHILD:

Name: _____

Initials: _____

Date of Birth: _____

Year of Birth: _____

MINOR CHILD:

Name: _____

Initials: _____

Date of Birth: _____

Year of Birth: _____

Dated _____.

(Signature of Petitioner)

(Petitioner's Printed Name)

(Address) (City, State, Zip Code)

(Telephone Number) (Email Address)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____
(same as Petition)

_____ JUDICIAL DISTRICT
(leave blank if unknown)

Petitioner (same as Petition for Expedited
Enforcement),

Case No. _____
(same as Petition)

vs

**Order to Appear at Hearing on Petition for
Expedited Enforcement of an Out-of-State
Court or Tribal Court Custody
Determination (N.D.C.C. § 14-14.1-28)**

Respondent (same as Petition for Expedited
Enforcement).

1. The Petitioner, having filed a petition for expedited enforcement of a child custody determination under Section 14-14.1-28 of the North Dakota Century Code (N.D.C.C) involving the following named child(ren):

Child's Initials _____, Birth Year _____. Child's Initials _____, Birth Year _____.

Child's Initials _____, Birth Year _____. Child's Initials _____, Birth Year _____.

Is it Ordered:

2. **THE RESPONDENT, _____, shall appear in person with / without the child(ren) named above and answer the petition served with this order to appear, at a hearing to be held, as required by N.D.C.C. Section 14-14.1-30 as follows:**

Date: _____ Time: _____

Name of Judge/Judicial Referee: _____

Place: _____

Address of Courthouse or Zoom Hearing Instructions: _____

3. **At the hearing the Court will order the following:**

- That the Petitioner may take immediate physical custody of the child(ren) named in Paragraph 1;
- That the Respondent pay costs, fees and expenses under N.D.C.C. Section 14-14.1-32; and
- That the Court may schedule a hearing to determine whether further relief is necessary,

Unless the Respondent appears at the hearing and establishes either that:

- a. The child custody determination has not been registered and confirmed under N.D.C.C. Section 14-14.1-32 **and** that:
 - i. The court that issued the child custody determination did not have jurisdiction under N.D.C.C. Sections 14-14.1-12 through 14-14.1-21; or
 - ii. The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under N.D.C.C. Sections 14-14.1-12 through 14-14.1-21; or
 - iii. The Respondent was entitled to notice, but notice was not given in accordance with N.D.C.C. Section 14-14.1-07, in the proceedings before the court that issued the child custody determination for which enforcement is sought.

OR

- b. The child custody determination for which enforcement is sought was registered and confirmed under N.D.C.C. Section 14-14.1-24 but has been vacated, stayed, or modified by a court having jurisdiction to do so under N.D.C.C. Sections 14-14.1-12 through 14-14.1-21.

4. Neither party shall remove any child named in Paragraph 1 from the State of North Dakota.

BY THE COURT:

(District Court Judge/Judicial Referee)

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed order so it's accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult a lawyer. The ND Legal Self Help Center can't review your document or advise you.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____
(same as Petition)

_____ JUDICIAL DISTRICT
(leave blank if unknown)

Petitioner (same as Petition for Expedited Enforcement),

Case No. _____
(same as Petition)

vs

Order After Hearing on Petition for Expedited Enforcement of an Out-of-State Court or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28)

Respondent (same as Petition for Expedited Enforcement).

1. The Petitioner's petition for expedited enforcement of a child custody determination under Section 14-14.1-28 of the North Dakota Century Code (N.D.C.C) came before the Hon. [name of Judicial Officer], District Court [Judge] [Judicial Referee], for hearing at the [name] County Courthouse in [city], North Dakota on [date] at [time]. The Petitioner, [was] [was not] present and [self-represented][represented by attorney,]. The Respondent, [was] [was not] present and [self-represented] [represented by attorney,].

2. The Court reviewed the petition, documents, testimony and other evidence offered, and being otherwise fully advised of the current facts and circumstances of this case,

The Court Finds as Follows:

3. A child custody determination concerning [initials and birth years of children] was entered on [date of court order], in the Court of [name of state court or tribal court], [state], [county], case number [...]. The [name of child custody determination] [has] [has not] been registered and confirmed under N.D.C.C. Section 14-14.1-25.

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed order so it's accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult a lawyer. The ND Legal Self Help Center can't review your document or advise you.

4. The child custody determination [has not been vacated, stayed, or modified by a court having jurisdiction to do so] [has been vacated, stayed, or modified by a court having jurisdiction to do so, as follows:].

(Include the following paragraph ONLY if the out-of-state or tribal court child custody determination hasn't been registered.)

5. The child custody determination has not been registered and confirmed under N.D.C.C. Section 14-14.1-25.

a. The court that issued the child custody determination did have jurisdiction to do so under N.D.C.C. Sections 14-14.1-12 through 14-14.1-21.

b. [The Respondent was entitled to notice of the proceedings before the court that issued the child custody determination and notice was given in accordance with N.D.C.C. Section 14-14.1-07.]

OR

[The Respondent was not entitled to notice in accordance with N.D.C.C. Section 14-14.1-07 of the proceedings before the court that issued the child custody determination.]

6. This Court has jurisdiction to enforce the child custody determination and the Petitioner is entitled to immediate physical custody of the child(ren) named above.

7. The Petitioner has incurred \$[...] in costs, \$[...] in communication expenses, \$[...] in attorney's fees, \$[...] in investigative fees, \$[...] in expenses for witnesses, \$[...] in travel expenses, \$[...] in child care, and \$[...] in other expenses during the course of this enforcement proceeding, and the Respondent has not established that an award of any part thereof would be clearly inappropriate.

This example is provided for general formatting purposes ONLY! As a self-represented individual, you must write your proposed order so it's accurate for your circumstances. You must also independently determine whether the document you create is legally sufficient. You may wish to consult a lawyer. The ND Legal Self Help Center can't review your document or advise you.

It is Ordered:

8. The Petition for [name of petition] is **granted**, and the Petitioner may take immediate physical custody of the child(ren) as follows: [....].

*(Include the following paragraph **ONLY** if other parts of the out-of-state or tribal court child custody determination will be enforced.)*

9. The child custody determination shall, further, be enforced as follows: [....].

*(Include the following paragraph **ONLY** if law enforcement will be requested to assist with enforcement.)*

10. All law enforcement officers in the State of North Dakota are hereby requested to assist the Petitioner in giving full effect to this Order [and, in addition, do the following: [....]].

*(Include the following paragraph **ONLY** if the Respondent will be required to pay costs, etc. related to the Petitioner brining the petition for expedited enforcement.)*

11. The Respondent shall pay the Petitioner \$[....] in costs, \$[....] in communication expenses, \$[....] in attorney's fees, \$[....] in investigative fees, \$[....] in expenses for witnesses, \$[....] in travel expenses, \$[....] in child care, and \$[....] in other expenses incurred in connection with the enforcement proceeding.

*(Include the following paragraph **ONLY** if another hearing will be scheduled to decide if additional relief is appropriate.)*

12. A further hearing is scheduled for [date and time] at [court name and location] to determine whether the following additional relief is appropriate: [....].

BY THE COURT:

(District Court Judge/Judicial Referee)