



ENFORCING A FOREIGN (NON-NORTH DAKOTA) CUSTODY ORDER

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 courts. The information provided in this informational guide is not intended for legal advice but only as a general guide to a civil court process.

Carefully read this information and any instructions, laws, or court rules to which you are referred. If you are unsure if this information suits your circumstances, consult a lawyer.

You may go to court without a lawyer, but you must abide by the state or federal laws that apply to your case, the appropriate court rules, including North Dakota Rules of Civil Procedure, North Dakota Rules of Court, North Dakota Administrative Rules and Orders, and any local court rules. Links to the rules and state laws can be found at www.ndcourts.gov.

A glossary with definitions of legal terms is available at www.ndcourts.gov/ndlshc.

This information is not a complete statement of the law. This covers basic information about the process of petitioning a North Dakota District Court to enforce a foreign (non-North Dakota) custody order that is registered in North Dakota. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state.

Enforcing a foreign (non-North Dakota) custody or visitation order is a two-step process in North Dakota.

The first step is to **register** the foreign (non-North Dakota) custody or visitation court order with a North Dakota District Court. (See Registering a Foreign (Non-North Dakota) Custody Order: An Informational Guide to a North Dakota Civil Court Process.)

The second step is to file a **petition to enforce** the registered foreign custody or visitation order.

This informational guide covers basic information about the process of petitioning for enforcement of a foreign custody or visitation order that is registered with a North Dakota District Court.

LAWS AND RULES RELATED TO ENFORCING A REGISTERED FOREIGN CUSTODY ORDER:

[Chapter 14-14.1 of the North Dakota Century Code](#) governs registration and enforcement of a foreign custody or visitation order in North Dakota. Chapter 14-14.1 is known as the Uniform Child Custody Jurisdiction and Enforcement Act, or UCCJEA.

See Section 14-14.1-28 of Chapter 14-14.1 for the requirements for expedited enforcement of a foreign custody or visitation order registered in North Dakota District Court.

North Dakota court rules apply in North Dakota District Court. The rules are found online at www.ndcourts.gov/Rules. The rules are found in print in many North Dakota public and academic libraries.

Laws constantly change through legislation, administrative rulings and court decisions. To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and court decisions. Notes of court decisions related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

DOCUMENTS REQUIRED TO PETITION FOR ENFORCEMENT OF A REGISTERED FOREIGN CUSTODY ORDER:

The ND Legal Self Help Center does not currently have forms specifically for petitioning for enforcement of a registered foreign custody or visitation order.

In general, the following documents are required to petition for enforcement of a registered foreign custody or visitation order:

- A verified petition requesting enforcement that states the following:
 - Whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;
 - Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this chapter and, if so, identify the court, the case number, and the nature of the proceeding;
 - Whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective

- orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;
- The present physical address of the child and the respondent, if known;
- Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought; and
- If the child custody determination has been registered and confirmed under section 14-14.1-25, the date and place of registration.
- Certified copies of all orders sought to be enforced;
 - A copy of a certified copy of an order is allowed
- A certified copy of the order confirming registration of the foreign custody or visitation order(s).
 - A copy of a certified copy of an order is allowed

Make at least two copies of each completed document. You will serve one copy on the other party and any other person who has physical custody of the child(ren). Keep one copy of each completed document for your records. The original documents are filed with the clerk of court.

General Use Forms Available from the [ND Legal Self Help Center](#):

- Caption and Signature Form – Click on the Guide to a Civil Action link. Scroll to the end of the Guide.
- Verification Form – Click on the Guide to a Civil Action link. Scroll to the end of the Guide.

FILE THE ORIGINAL, COMPLETED DOCUMENTS WITH THE CLERK OF COURT; PAY THE FILING FEE:

Contact the [clerk of court](#) in the county where you registered your foreign custody or visitation order for information about how your enforcement petition documents may be submitted for filing.

A filing fee may be required. If a filing fee is required, payment must accompany the documents. Verify the amount of the filing fee, if any, with the clerk of court.

AFTER THE DOCUMENTS ARE FILED, SERVE THE PETITION ON THE OTHER PARTY:

If your documents are accepted for filing, you are required to serve the other party and any other person who has physical custody of the child(ren) with a copy of the verified petition and copies of all other documents you filed with the court.

You must file proof of service with the clerk of court of copies of the petition and other documents on the other party and any other person who has physical custody of the child(ren).

The District Court will not act on your enforcement petition until you file proof of service.

Information about service and blank proof of service forms are available under the [Service](#) link at the ND Legal Self Help Center website.

AFTER PROOF OF SERVICE IS FILED WITH THE CLERK OF COURT:

A hearing date and time will be scheduled.

The District Court will issue an order requiring the other party to appear in person at the hearing, with or without the child(ren).

The order must state the time and place of the hearing and advise the other party that at the hearing the court may order that you, the petitioning party, take immediate physical custody of the child(ren) and may order the payment of fees, costs, and expenses under section 14-14.1-32, and may schedule a hearing to determine whether further relief is appropriate, unless the other party appears at the hearing and establishes that:

- The child custody determination has not been registered and confirmed under section 14-14.1-25 and that:
 - The issuing court did not have jurisdiction under sections 14-14.1-12 through 14-14.1-21;
 - The child custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under sections 14-14.1-12 through 14-14.1-21; or
 - The respondent was entitled to notice, but notice was not given in accordance with section 14-14.1-07, in the proceedings before the court that issued the order for which enforcement is sought; or
- The child custody determination for which enforcement is sought was registered and confirmed under section 14-14.1-24, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 14-14.1-12 through 14-14.1-21.

At the hearing, if the court finds that you, the petitioner, are entitled to immediate physical custody of the child(ren), the court shall order that you, the petitioner, may take immediate physical custody of the child(ren).