



REGISTERING 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 registering a foreign (non-North Dakota) custody order with a North Dakota District Court. 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.

If a court outside North Dakota has issued an order governing the custody and/or visitation of a minor child, and you would like to register your foreign (non-North Dakota) court order with a North Dakota District Court, this informational guide may be of interest to you. You may want to register your foreign custody or visitation order if the minor child or one or more of the parties now reside in North Dakota.

Please note that if you want a North Dakota court to enforce your foreign custody or visitation order, registration is the first step in a two-step process.

For information about the enforcement step of the two-step process for enforcement of a foreign custody or visitation order, see Enforcing a Foreign (Non-North Dakota) Custody Order: An Informational Guide to a North Dakota Civil Court Process.

LAWS AND RULES RELATED TO REGISTERING A 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 14-14.1-25 of Chapter 14-14.1 for the requirements for registering a custody or visitation order.

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 FOR REGISTRATION OF A FOREIGN CUSTODY ORDER:

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

In general, the following documents are required to register a foreign custody or visitation order:

- A letter or other document requesting registration;
- Two copies of the child custody determination sought to be registered;
 - One of the copies must be a certified copy
- An affidavit with the following:
 - A statement under penalty of perjury that to the best of the affiant's knowledge and belief the custody order has not been modified; and
 - The names and addresses of the person seeking registration of the order, the other parent, and any other person acting as a parent who has been awarded custody or visitation in the order sought to be registered.

You may also need to file an affidavit of identification of the other parent. Contact the [clerk of court](#) in the county where you intend to request registration and ask if the county requires this additional document.

Make a copy of each completed document. Keep the 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.
- Affidavit Form – Click on the Guide to a Civil Action link. Scroll to the end of the Guide.
- Affidavit of Identification Form – Click on the Other Forms link.

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

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

The filing fee must accompany the documents. Currently, the filing fee is \$10.00. Verify the amount of the filing fee with the clerk of court.

AFTER THE DOCUMENTS ARE FILED:

If your documents are accepted for filing, the clerk of court will prepare and serve a Notice of Registration of Foreign Child Custody Determination to the parties.

The following information is included in the notice:

- A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of North Dakota;
- A hearing to contest the validity of the registered determination must be requested within twenty days after service of notice; and
- Failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

If a hearing is not requested within 20 days after the service of the notice, registration is confirmed and the parties are notified of the confirmation.

If the other party wants to contest the registration of the order, they have 20 days after service of the notice to request a hearing. At the hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

- The issuing court did not have jurisdiction under sections 14-14.1-12 through 14-14.1-21;
- The child custody determination sought to be registered 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 person contesting registration 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 registration is sought.

Please note that a registered foreign custody or visitation order cannot be modified by a North Dakota District Court unless you meet the requirements of Sections 14-14.1-12 through 14-14.1-21.

REQUESTING ENFORCEMENT OF A REGISTERED FOREIGN CUSTODY ORDER:

Registration is the first step of the two-step process for requesting enforcement of a foreign custody or visitation order.

For information about the enforcement step of the two-step process for enforcement of a foreign custody or visitation order, see *Enforcing a Foreign (Non-North Dakota) Custody Order: An Informational Guide to a North Dakota Civil Court Process*.