



Enforcing an Out-of-State Court or Tribal Court Custody or Visitation Order & Applying for a Warrant

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're unsure how to proceed, or need legal advice or legal representation. Consult a lawyer licensed to practice in North Dakota. If you're unsure if the information in this guide suits your circumstances, consult a lawyer. For information about how to find a lawyer, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

As a self-represented individual, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. 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.

***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 **includes** the process of asking the District Court for a warrant to take physical custody of the child **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 a lawyer 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?

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

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.

(The order is also called a child custody determination).

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 all of the following apply to your situation:

1. You're granted legal custody, physical custody, or visitation in the order;
2. The order entitles you to immediate physical custody of the child;
3. The child is 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.

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

When Should I Apply for a Warrant for Expedited Enforcement of An Out-of-State Court Custody or Visitation Order?

You should file the Application for Warrant to Take Physical Custody of Child(ren) Pursuant to N.D.C.C. § 14-14.1-31 and the proposed Warrant **only if** you, the Petitioner, show in your 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.

Your Application and proposed Warrant are filed at the same time you file the Petition and other accompanying documents.

A North Dakota state district court may then issue a warrant for law enforcement to take physical custody of the child **before** the required hearing.

The District Court may decide whether to grant the warrant based **only** on the documents you file, **or** may hold a hearing about the warrant to help the Court decide.

If the Court grants the warrant, the warrant will indicate to whom law enforcement will deliver the child before the required hearing.

The Court may allow the child to be delivered to you, the Petitioner. However, the Court may require the child to be placed in the physical custody of a social services agency until the required hearing on your petition for enforcement is held.

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 give up their jurisdiction over the case, **and** a North Dakota state district court says they 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 an out-of-state court to North Dakota state court, or from tribal court to North Dakota state court unless requirements related to the child and the child's parents or guardians are met. (See the [UCCJEA](#).)

The ND Legal Self Help Center can provide only limited legal research information about transferring custody jurisdiction. No forms or instructions are available.

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

(This space left intentionally blank).

Overview of the Six (6) Step Expedited Enforcement Process With a Warrant

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 the out-of-state court or tribal court custody or visitation order hasn't been registered.

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 prepare 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.

and Application for a Warrant

You may apply for a warrant to take physical custody of the child **before** the required hearing, **only if** the child is immediately likely to suffer serious physical harm and/or be removed from North Dakota. Your application **must** show this.

Step Three (3): Filing

File the documents from Step One and Step Two with the Clerk of Court.

Step Four (4): The Judicial Officer Makes Decisions

After you file your petition seeking expedited enforcement and your application for a warrant, the judicial officer makes decisions about the following:

- 1) Whether your petition meets the requirements for a hearing to be held;
- 2) Whether an ex parte hearing is necessary to decide on your application for a warrant;
- 3) Whether a warrant will be issued;
- 4) Whether law enforcement officers are authorized to enter private premises to retrieve the child.

**Step Five (5):
Service of the
Documents**

Arrange to have the warrant, the order to appear at the hearing, and the petition for expedited enforcement served on the Respondent.

**Step Six (6):
Attend the
Required
Hearing**

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

If you prove that the custody or visitation order Judicial Officer may allow you to take physical custody after the hearing.

**(Potential)
Step Seven (7):
Service of the
Final Order**

Depending on the District Court or Judicial Officer, you may be required to serve the final order on the Respondent.

(This space left intentionally blank).

Table of Contents

Section One: Basic Steps to Petition for Expedited Enforcement of Your Order, if You’re Applying for a Warrant for Immediate Physical Custody Before the Required Hearing is Held (Page 9)

- Types of Cases Whose Custody or Visitation Orders May be Registered and Enforced 9**
- Types of Cases Whose Custody or Visitation Orders Can’t be Registered and Enforced 9**
- Courts Whose Custody or Visitation Orders May be Registered and Enforced 10**
- Step One (1): Determine if the Out-of-State Court or Tribal Court Custody or Visitation Order You Want Enforced Has Been Registered..... 10**
 - Go to Step Two (2) if the Order is Already Registered in North Dakota11
 - Go to Step Two (2) if You Don’t Have Time to Register the Order Separately11
- Step Two (2): Get Copies of the Out-of-State Court or Tribal Court Custody or Visitation Order; Create Your Expedited Enforcement and Application for Warrant Documents 11**
 - Get Copies of the Out-of-State Court or Tribal Court Order You Want a North Dakota State District Court to Enforce11
 - Create Your Verified Petition 12
 - Create Your Verified Application for a Warrant13
 - Create Your Proposed Warrant14
 - Create Your Confidential Information Form (CIF).....14
 - Create Proposed Orders, if the District Court Requires Proposed Orders15
 - Make Copies of Your Expedited Enforcement Documents16

Step Three (3): File Your Documents With the Clerk of Court 16

Step Four (4): The Judicial Officer Makes Decisions On Your Petition and Application for Warrant and May Schedule An Ex-Parte Hearing 18

Step Five (5): Arrange to Have the Order to Appear at the Hearing Served on the Respondent Along With the Warrant 19

 If the Judicial Officer Doesn't Grant the Warrant, But Does Order the Respondent To Appear at the Hearing on the Petition19

 If the Judicial Officer Grants the Warrant, And Orders the Respondent to Appear at the Hearing on the Petition20

Step Six (6): Attend the Hearing on the Petition for Expedited Enforcement of Your Out-of-State Court or Tribal Court Custody or Visitation Order 22

 The Hearing on the Petition Happens Very Quickly22

 What Happens if You, the Petitioner, Prove Your Side?..... 22

 What Does the Respondent Need to Prove for You, the Petitioner, to Lose?23

(Potential) Step Seven (7): Depending on the District Court or Judicial Officer, You May be Required to Serve the Final Order on the Respondent. 24

Laws & Rules 25

Definitions 26

(This space left intentionally blank.)

Section Two: Forms & Formatting Examples (Page 29)

1. Petition for Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28) (<i>fillable form</i>)	30
2. Petition for Registration & Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28) (<i>fillable form</i>)	37
3. Application for Warrant to Take Physical Custody of Child(ren) Pursuant to N.D.C.C. 14-14.1-31 (<i>fillable form</i>)	44
4. (Proposed) Warrant (<i>fillable form</i>)	52
5. Confidential Information Form (<i>fillable form</i>)	55
6. (Proposed) Order to Appear at Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA) (<i>fillable form</i>)	56
7. (Proposed) Order After Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA) (<i>formatting example – not a form</i>)	59

(This space left intentionally blank.)

Section One: Basic Steps to Petition for Expedited Enforcement of Your Order, if You're 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:**

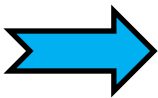
- Juvenile Delinquency; or
- Emancipation.

Courts Whose Custody or Visitation Orders May be Registered and Enforced

Custody orders issued by a court of the following may be registered & enforced using the process in this Informational Guide:

- 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):



Determine if the Out-of-State Court or Tribal Court Custody or Visitation Order You Want Enforced Has Been Registered.

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 three reasons:**

- 1) The out-of-state court or tribal 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).
- 3) The person challenging registration didn't get the required notice of the out-of-state court or tribal court case that resulted in the order.

If the order is already registered with a North Dakota state district court, you'll have a signed and dated order with the words "North Dakota," and "District Court" or "Juvenile 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 the Order is Already Registered in North Dakota

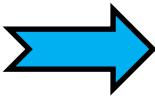
Go directly to Step Two if you or any other person awarded physical custody or visitation in the out-of-state or tribal court custody or visitation order already registered the order you want enforced.

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

Go directly to Step Two if the out-of-state or tribal court custody or visitation order you want enforced **isn't** registered in North Dakota.

If your situation is urgent and you need to quickly ask 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 Judicial Officer assigned to your expedited enforcement request can make a decision without waiting the 3 to 4 weeks required for the stand-alone registration process.

<p>Step Two (2):</p> 	<ul style="list-style-type: none">• Get Copies of the Out-of-State Court or Tribal Court Custody or Visitation Order;• Create Your Petition for Expedited Enforcement and Application for Warrant Documents
---	--

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 Judicial Officer can't enforce your out-of-state court or tribal court order until you give them a copy.

Contact the out-of-state court or tribal court directly to get copies of the custody or visitation judgment, decree, or other order.

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

- **If the order is already registered you need:**
 - ONE certified copy of the order, OR one copy of a certified copy.
- **If the 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 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 the 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 the 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, leave it blank.

If the out-of-state court or tribal court custody or visitation order isn't already registered, 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. The case number is assigned in Step Three (3).

If neither petition form in this guide is right for your circumstances, you 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 Your Verified Application for a Warrant

A North Dakota state district court may issue a warrant for law enforcement to take physical custody of the child **before** the required hearing **only if** the Petitioner shows in their application and testimony for the warrant:

- The child is immediately likely to suffer serious physical harm; and/or
- The child is immediately likely to be removed from North Dakota.

If the Court grants the warrant, the warrant will indicate to whom law enforcement delivers the child before the required hearing.

The Court may allow the child to be delivered to you, the Petitioner. However, the Court may require the child to be placed in the physical custody of a social services agency until the required hearing is held.

You file this application at the same time you file your petition for expedited enforcement. Review [North Dakota Century Code Section 14-14.1-31](#) for the requirements of an application for a warrant.

A form for a verified application for a warrant to take physical custody of the child is the third document in Section 2. The name of the form is “**Application for Warrant to Take Physical Custody of Child(ren) Pursuant to N.D.C.C. § 14-14.1-31.**”

Fill in the caption of the application for warrant the same as you filled out the caption in the petition.

- Read each paragraph **carefully** and fill in the correct information.

You file the Application and Proposed Warrant with the Petition documents in Step Three (3).

- Any documents or affidavits of others with first-hand knowledge that support your application should also be filed with the Application.
 - Affidavits must be originals, but the documents may be copies.

If the application for warrant form in this guide isn't right for your circumstances, you need to create your own application for warrant document, or retain a lawyer licensed to practice in North Dakota to create the application for warrant document for you.

4th Create Your Proposed Warrant

You may be required to create the proposed warrant. A form for a proposed warrant to take physical custody of the child is the fourth document in Section 2. The name of the form is **“Warrant to Take Physical Custody of Child(ren) (UCCJEA).”**

Contact the [Clerk of Court](#) where you'll file your Petition documents. Ask if you're required to file a proposed warrant.

- Fill in the caption of the warrant the same as you filled out the caption in the petition.
- **Stop: Don't** fill out the remainder of the document.
 - The Judicial Officer will either fill out the remainder of the document or direct you to fill it out. **Ask the Clerk of Court if you need to fill this out.**

You file the Application and Proposed Warrant with the Petition documents in Step 3.

If the proposed warrant form in this guide isn't right for your circumstances, you need to create your own proposed warrant document, or retain a lawyer licensed to practice in North Dakota to create the proposed warrant document for you.

5th Create Your 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 part of the court record that isn't seen by the public.

Since petitions for expedited enforcement and applications for warrant 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 and application for warrant.

You're the **only** person responsible for making sure confidential information doesn't appear in the petition and application 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 fifth form in Section Two (2). The name of the form is "**Confidential Information Form.**"

If the Confidential Information Form in this guide isn't right for your circumstances, you need to create your own Confidential Information Form, or retain a lawyer licensed to practice in North Dakota to create the Confidential Information Form for you.



6th

Create Proposed Orders, if the District Court Requires Proposed Orders

A proposed order is a document you create for the Judicial Officer (*judge or judicial referee*) to sign. If the Judicial Officer 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 [Clerk of 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 sixth form in Section Two. The name of the form is "**(Proposed) Order to Appear at Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA).**"

If the proposed Order to Appear form in this guide isn't right for your circumstances, you need to create your own proposed Order to Appear, or retain a lawyer licensed to practice in North Dakota to create the proposed Order to Appear for you.

A formatting example of a proposed order after the hearing on the petition is available as the seventh document in Section Two. The name of the document is “**(Proposed) Order After Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA)**”

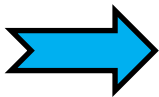
The formatting example isn't a form. You're required to create your own document, but may use the example as a guide.

7th 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.

Step Three (3):



File Your Documents with the Clerk of Court.

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

If the order is already registered, file in the same North Dakota State District Court where the order is registered. Use the same case number.

If the order isn't already registered, 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 North Dakota State District Courts 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](#).

If the custody or visitation order is already registered in a North Dakota state district court, file the following documents with the Clerk of Court:

- Your original, completed verified petition for expedited enforcement;
- Your original, completed verified application for warrant to take physical custody of the child;
- Any documents or affidavits of others with first-hand knowledge that support your application.
 - Affidavits must be originals, but the documents may be copies.
- Your original, proposed warrant;
- 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 the custody or visitation order isn't already registered in a North Dakota state district court, file the following documents with the Clerk of Court:

- Your original, completed verified petition for registration and expedited enforcement;
- Your original, completed verified application for warrant;
- Any documents or affidavits of others with first-hand knowledge that support your application.
 - Affidavits must be originals, but the documents may be copies.
- Your original, proposed warrant;
- 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.

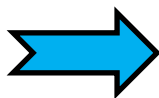
If the Clerk of Court accepts your expedited enforcement documents for filing, you may be required to pay a \$10.00 filing fee.

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

If the custody order isn't registered, 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.

Step Four (4):



The Judicial Officer Makes Decisions On Your Petition and Application for Warrant And May Schedule An Ex-Parte Hearing.

The Judicial Officer assigned to your case may be either a judge or judicial referee.

After reviewing the documents you filed, the Judicial Officer may make decisions based only on the documents you filed.

However, the Judicial Officer may decide to schedule an in-person hearing to decide whether you meet the requirements for the warrant.

Due to the urgent or emergency circumstances you claim in your application, generally the hearing is an ex-parte hearing.

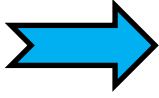
An ex-parte hearing is held without giving notice to the other party, and without the other party having a chance to tell their side.

Note: At the hearing, be prepared to give your testimony related to your application for warrant. You may be allowed to have witnesses with first-hand knowledge give their testimony.

After reviewing your documents and the hearing, if a hearing is held, the Judicial Officer decides if you meet the requirements for a warrant and whether to issue (sign) the warrant and an order for the Respondent to appear at a hearing on the petition.

If the Judicial Officer **Dismisses** your petition and application (**Doesn't** grant the warrant and **Doesn't** order the Respondent to appear at a hearing on the petition), consult a lawyer.

Step Five (5):



Arrange to Have the Order to Appear at the Hearing Served on the Respondent Along With the Warrant.



1st

If the Judicial Officer Doesn't Grant the Warrant, But Does Order the Respondent to Appear at the Hearing on the Petition.

After your expedited enforcement documents are accepted for filing, the Judicial Officer assigned to your case decides whether to grant the warrant to take physical custody of the child, and whether to issue an order for the Respondent to appear at a hearing on your petition for expedited enforcement.

If the Judicial Officer doesn't grant the warrant, the Judicial Officer may still order the Respondent to appear at a hearing on your petition for expedited enforcement.

If the Judicial Officer issues an order for the Respondent to appear at a hearing on the petition, **you must arrange for the Respondent and any person who has physical custody of the child to be served the following:**

- A copy of the 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).

Note: You can't serve the documents, unless the people you serve agree in writing. Someone who is over 18 years of age and not a party or interested in the case serves the documents.

Proof of Service: The District Court won't hold the hearing unless you file proof of service.

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

- A certificate of service gives the Court proof of service when a law enforcement officer served the documents.
- A declaration of service or an affidavit of service gives the Court proof of service when a person other than a law enforcement officer served the documents.

Service by Law Enforcement Officer:

You may arrange for service of the above documents by a law enforcement officer of the North Dakota county where the person you need served is located.

You'll be charged a service fee and for the costs of performing service. Contact the Law Enforcement office directly for more information. At the hearing you may provide proof of the cost of service to the Court and ask that the Respondent be required to pay.

Provide copies of the following for each person you want the law enforcement officer to serve:

- A copy of the 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).

After service is complete, the law enforcement officer will either provide you a certificate of service, or will file the certificate of service directly with the Clerk of Court.

If the law enforcement officer gives you the certificate of service, file it with the Clerk of Court as soon as possible! **The District Court won't hold the hearing unless you file proof of service.**

More information about service to start a case is available at ndcourts.gov/legal-self-help/service-in-a-civil-action in the "Service to Start a District Court Civil Action" section.



2nd

If the Judicial Officer Grants the Warrant, And Orders the Respondent to Appear at the Hearing on the Petition.

After your completed expedited enforcement documents are accepted for filing, the Judicial Officer assigned to your case decides whether to grant the warrant to take physical custody of the child, and whether to issue an order for the Respondent to appear at a hearing on your petition for expedited enforcement.

You must arrange for a law enforcement officer to execute the warrant. No other service option is allowed.

The following must be provided to the law enforcement officer.

- A copy of the Warrant to Take Physical Custody of the Child;
- A copy of the 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).

Ask the law enforcement agency how many copies of the documents (and any other documents or information) are needed in order to serve the Respondent.

The law enforcement officer will attempt to execute the warrant.

The warrant will indicate to whom law enforcement will deliver the child before the required hearing.

The Court may allow the child to be delivered to you, the Petitioner. However, the Court may require the child to be placed in the physical custody of a social services agency until the required hearing is held.

Immediately after taking the child into physical custody, the laws enforcement officer must serve the above documents on the Respondent.

The District Court **won't hold the hearing** unless proof of service of the above documents is filed with the Court.

Proof of service tells the District Court when, how, and where the Respondent was served copies of the above documents.

- A certificate of service gives the Court proof of service when a law enforcement officer served the documents.

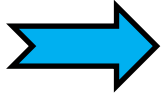
You'll be charged a service fee and the costs of performing service. Contact the law enforcement office directly for more information. At the hearing you may provide proof of the cost of service to the Court and ask that the Respondent be required to pay.

After service is complete, the law enforcement officer will either file the certificate of service directly with the Clerk of Court, or provide you with a certificate of service.

- If the law enforcement officer gives you the certificate of service, file it with the Clerk of Court as soon as possible!

(This space left intentionally blank.)

Step Six (6):



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.

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.

If the Judicial Officer assigned to the case finds that you, the Petitioner, proved you're entitled to immediate physical custody:

- The Judicial Officer **must** order that you may take immediate physical custody of the child.
- The Judicial Officer **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 Judicial Officer Isn't Required to order that you can take immediate physical custody of the child:

- 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
 - 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](#).

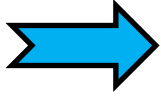
Or

- 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 Judicial Officer decides that you, the Petitioner, lost and the Respondent won, the Judicial Officer 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 Judicial Officer may reduce the amount they order you to pay to the Respondent.

**(Potential)
Step Seven (7):**



Depending on the District Court or Judicial Officer, You May be Required to Serve the Final Order on the Respondent.

After the final hearing, the Judicial Officer may require you, the Petitioner, to serve the final order on the Respondent. Contact the Clerk of Court to find out if you're responsible for service of the final order on the Respondent.

Review [Rule 5 of the of the ND Rules of Civil Procedure](#).

Service by mail is a common way to serve final order documents.

For information and forms to serve documents by mail, go to ndcourts.gov/legal-self-help/service-in-a-civil-action. Scroll to the "Service After a District Court Civil Action Has Started" section of the webpage.

(This space left intentionally blank.)

Laws And Rules Related To Expedited Enforcement Of An Out-of-state Court Or Tribal Court Custody Or Visitation Order.

Chapter 14-14.1 of the North Dakota Century Code is known as the Uniform Child Custody Jurisdiction and Enforcement Act, or UCCJEA. (ndlegis.gov/cencode/t14c14-1.html) The UCCJEA governs registration and enforcement of an out-of-state court or tribal court custody or visitation order in North Dakota.

See particularly:

- **Section 14-14.1-25** for requirements to register an out-of-state court or tribal court custody or visitation order.
- **Section 14-14.1-28** for requirements for expedited enforcement of an out-of-state court or tribal court custody or visitation order in North Dakota State District Court.
- **Section 14-14.1-29** for requirements of serving a petition for enforcement of an out-of-state court or tribal court custody or visitation order.
- **Section 14-14.1-30** for hearing and North Dakota State District Court order requirements on a petition for enforcement of an out-of-state court or tribal court custody or visitation order.
- **Section 14-14.1-31** for requirements of applying for a warrant to take physical custody of the child **before** the hearing and on a petition for enforcement of an out-of-state court or tribal court custody or visitation order.
- **Section 14-14.1-32** for the costs, fees, and expenses that the North Dakota State District Court must award the prevailing party on a petition for enforcement of an out-of-state or tribal court custody or visitation order.

North Dakota court rules apply in North Dakota State District Court civil matters. The rules are available at ndcourts.gov/legal-resources/rules. The rules are available 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 are available in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are available 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.

Definitions of Some Commonly Used Terms

(In 2009 the North Dakota State Legislature changed the term “custody” to “residential responsibility” and changed the term “visitation” to “parenting time.”)

Child custody determination: An out-of-state court or tribal court judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation of a minor child. The term includes a permanent, temporary, initial, and modification order. The term doesn't include an order relating to child support or other monetary obligation of an individual.

Child custody proceeding: The UCCJEA defines the following types of cases as child custody proceedings:

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

Enforcement: A North Dakota state district court's action to compel a person to comply with the requirements of an out-of-state court or tribal court child custody or visitation determination. The North Dakota State District Court may use any remedy available under North Dakota law to enforce the out-of-state court or tribal court child custody or visitation determination, but can't modify the requirements of the out-of-state court or tribal court child custody or visitation determination.

Expedited: A sped up legal process.

Initial determination: The first child custody or visitation determination concerning a particular child.

Issuing court: The out-of-state court or tribal court that made the child custody or visitation determination for which registration and enforcement is sought.

Judicial Officer: Either a District Court judge or a District Court judicial referee. A petition for expedited enforcement of a child custody or visitation determination may be heard by either a District Court judge, or a District Court judicial referee. A judicial referee is appointed by the Presiding Judge.

Jurisdiction: Jurisdiction is the power of a court to inquire into the facts, apply the law, and determine and pronounce judgment. Generally speaking, there are two types of jurisdiction, subject matter and personal.

- **Subject Matter Jurisdiction:** A court's power to hear and determine the type of case or controversy. Comes from the constitution and statutes (laws enacted by a legislature). Subject matter jurisdiction can't be agreed to, consented to, or waived.
- **Personal Jurisdiction:** A court's power over the parties. A party can voluntarily submit to the personal jurisdiction of a court.

Modified determination: Changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it's made by the court that made the previous determination.

Person acting as a parent: An individual, other than a parent, awarded legal custody or visitation by an out-of-state court or tribal court whose custody or visitation order may be registered and enforced.

Petitioner: The individual granted custody or visitation in the out-of-state court or tribal court child custody determination who is requesting enforcement by a North Dakota state district court.

Physical custody: The physical care and supervision of a child.

Prevailing party: The party, either the Petitioner or Respondent, with the North Dakota State District Court's expedited enforcement order granted in their favor.

Proposed order/warrant: Legal documents prepared by a party, the Petitioner or Respondent, for the North Dakota State District Court Judicial Officer to sign. The Petitioner may be required by the Judicial Officer to file a proposed order and/or a proposed warrant when the Petitioner files their petition for expedited enforcement documents. After the hearing on the petition, the Judicial Officer may require the prevailing party to file proposed order and/or a proposed warrant.

Respondent: The individual against whom the Petitioner requires assistance from a North Dakota state district court to enforce the out-of-state court or tribal court custody or visitation order.

Stayed determination: Temporary suspension of a custody or visitation determination. The decision to stay a determination is made by a court.

Vacated determination: Set aside or void a custody or visitation determination. The decision to vacate a determination is made by a court.

Verified: Verification of a document is a statement of the correctness, truth or authenticity of the document by the party submitting the document. Both the petition for enforcement and the application for a warrant to take physical custody of a child must be verified under penalty of perjury.

Warrant to Take Physical Custody of a Child: An order issued by a North Dakota state district court authorizing law enforcement officers to take physical custody of a child **before** the required hearing on the petition, **only if** the Petitioner shows in their application and testimony for the warrant:

- The child is immediately likely to suffer serious physical harm; and/or
- The child is immediately likely to be removed from North Dakota.

(This space left intentionally blank.)

Section Two: Forms and Formatting Examples

The following forms and formatting examples for the petition for expedited enforcement and application for warrant process are available 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 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, go to ndcourts.gov/legal-self-help/general-use-forms for a variety of General-Use template forms to help you get started.

1. Petition for Expedited Enforcement of an Out-of-State or Tribal Court Custody Determination (N.D.C.C. § 14-14.1-28).....	30
○ 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).....	37
○ This is a fillable form	
3. Application for Warrant to Take Physical Custody of Child(ren) Pursuant to N.D.C.C. § 14-14.1-31).....	44
○ This is a fillable form	
4. (Proposed) Warrant	52
○ This is a fillable form	
5. Confidential Information Form	55
○ This is a fillable form	
6. (Proposed) Order to Appear at Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA)	56
○ This is a fillable form	
7. (Proposed) Order After Hearing on Petition to Enforce Out-of-State or Tribal Court Custody Determination (UCCJEA)	59
○ This is a formatting example. No fillable form is available through the ND Legal Self Help Center.	
○ You 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: _____

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 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*): _____

- 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
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)

**Application for Warrant to Take
Physical Custody of Child(ren)
Pursuant to N.D.C.C. § 14-14.1-31**

I, _____ (petitioner's name),
present this Application for Warrant to Take Physical Custody of Child(ren) Pursuant to N.D.C.C.
§ 14-14.1-31 and state as follows:

1. I am the Petitioner for expedited enforcement of a child custody determination under
Section § 14-14.1-28 of the North Dakota Century Code.

2. I am a resident of the State of _____ and live in _____
(city).

3. I am the _____ (relationship, 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 _____.
Child's Initials _____, Birth Year _____. Child's Initials _____, Birth Year _____.

The out-of-state or tribal court custody determination I am petitioning to enforce gives me the
right to immediate physical custody of the child(ren).

4. The out-of-state or tribal court child custody determination that I am petitioning to enforce (*choose one*):

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 _____ (*date*).

Has not confirmed the child custody determination.

Is Not registered with this Court. I am petitioning to register and enforce the out-of-state or tribal court child custody determination.

5. **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; continues on next page*):

The child(ren) lived in that state or jurisdiction with a parent 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 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 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*): _____

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

The child custody determination that I am petitioning to enforce has **not** been vacated, stayed or modified.

The child custody determination that I am petitioning to enforce has been vacated / modified / stayed (*choose all that apply*) by the following court proceeding:

Name of State or Tribal Court: _____

Nature of Proceeding: _____

Case Number: _____

7. **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: _____

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

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

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

Initials & Birth Year of Child(ren): _____

Street Address: _____

City, State, Zip Code: _____

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

The current, physical address of the respondent is unknown.

The current, physical address of the respondent is:

Name of Respondent: _____

Street Address: _____

City, State, Zip Code: _____

10. An emergency exists and a warrant must be issued immediately because (*choose all that apply*):

The above-named child(ren) are imminently likely to suffer serious physical harm before the hearing on the Petition can be held.

The above-named child(ren) are imminently likely to be removed from North Dakota before the hearing on the Petition can be held.

Facts supporting this claim (*explain in specific detail*): _____

- Authorize law enforcement officers to enter private property to take physical custody of the child(ren) if a less intrusive remedy is not effective. *(Choose if you check-marked the 2nd box of Paragraph 11.)*
- Authorize law enforcement officers to make a forcible entry if required by exigent circumstances of the case. *(Choose if you check-marked the 2nd box of Paragraph 12.)*
- 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 the above-entitled action; that I have read the Application for Warrant to Take Physical Custody of Child(ren) Pursuant to N.D.C.C. § 14-14.1-31 and that I know the contents thereof; that the Application 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
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)
**Warrant to Take Physical Custody
of Child(ren)**

TO ANY PEACE OFFICER OF THIS STATE:

1. A verified petition having been filed in the Court, pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), Chapter 14-14.1 of the North Dakota Century Code (N.D.C.C), for an order enforcing a child custody determination, a copy of which petition is attached hereto, and this Court having considered the petition and the testimony of the Petitioner and/or other witnesses, as well as other evidence adduced, the Court finds that the below-named child(ren) is/are imminently likely to suffer serious physical harm and/or imminently likely to be removed from North Dakota because of the following facts:

2. **NOW, THEREFORE, YOU ARE COMMANDED** forthwith to take immediate custody of the following child(ren) who is/are located at the address below or at any other place within this state where you may find such child(ren) (*names, dates of birth, location*):

3. **YOU ARE FURTHER COMMANDED THAT** once the child(ren) are in your physical custody, you must immediately serve the Respondent, _____ (*name*), with a copy of this Warrant, the attached Petition and attached Order to Appear, and then deliver the child(ren) to:

Petitioner, _____ (*name*), at the following location: _____

Other (*specify*): _____

4. **YOU ARE FURTHER COMMANDED THAT** the following instructions are necessary to ensure the appearance of the child(ren) listed above:

5. **SPECIAL INSTRUCTIONS:**

Based on the Court's finding that a less intrusive remedy is not effective, this warrant

may / may not be executed by entering private property.

Based on the Court's finding of exigent circumstances in this case, this warrant

may/ may not be executed by forcible entry, and/or this warrant

may / may not be executed at any hour.

BY THE COURT:

Dated _____

(District Court Judge/Judicial Referee)

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)