

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1121

Page 1, line 1, after “enact” insert “a new section to chapter 14-09 and”

Page 1, line 2, after the first “to” insert “termination of parental rights and”

Page 1, line 3, remove “and” and after “14-15-11” insert “, and subsection 5 of section 23-02.1-13”

Page 1, after line 21, insert:

“**SECTION 2.** A new section to chapter 14-09 of the North Dakota Century Code is created and enacted as follows:

Termination of parental rights – Duty of Support. A termination of parental rights does not terminate the duty of either parent to support the child before the child’s adoption unless that duty is specifically terminated by order of the court after notice of a proposed termination or relinquishment is given to the department of human services in the manner appropriate for the service of process in a civil action in this state. A termination of a child support obligation under this section does not relieve a parent of the duty to pay any unpaid child support.”

Page 4, line 2, after “district” insert “court”

Page 7, remove lines 29 and 30

Page 8, line 9, replace “or otherwise authenticated, under penalty of perjury” with “before a witness.”

Page 8, line 21, replace “two years” with “one year”

Page 8, line 24, replace “or otherwise authenticated” with “before a witness”

Page 8, line 29, remove “or otherwise authenticate”

Page 9, line 3, replace “, or otherwise authenticated.” with “before a witness”

Page 9, line 5, replace “, or otherwise authenticated, under penalty of perjury” with “before a witness”

Page 9, after line 23, insert:

“5. An acknowledgment of paternity or denial of paternity can be completed for a child who was not born in this state.”

Page 9, line 28, after “parent” insert “, and must be recognized as a basis for a support order in any proceeding to establish, enforce, or modify a support order”

Page 10, line 6, replace “commencing a proceeding to rescind” with “a notarized writing filed with the state department of health”

Page 10, line 18, replace “two years” with “one year”

Page 10, line 22, remove “rescission or”

Page 10, line 24, remove “rescind or”

Page 10, line 26, remove “rescission of, or” and remove the second comma

Page 10, line 30, remove “rescind or”

Page 11, line 3, remove “rescind or to”

Page 11, line 6, remove “rescind or”

Page 11, line 19, after period insert “The forms must be approved by the state department of human services and must include the social security numbers of the signatories and any other information required by the secretary of the United States department of health and human services.”

Page 11, line 22, replace “The” with “Upon request, the” and replace “may” with “shall”

Page 11, line 25, after “state” insert “, including the state department of human services and other states’ support enforcement agencies”

Page 15, line 6, remove the third “to”

Page 17, line 13, replace “may be maintained at any time if” with “must be commenced not later than two years after the birth of the child unless”

Page 17, after line 18, insert:

“3. If an action to establish support for a child is commenced against the child’s presumed father, the presumed father may not raise nonpaternity as a defense unless the action is commenced not later than two years after the birth of the child.”

Page 17, line 20, after “father” insert “, to disprove the father-child relationship between a child and the child’s presumed father.”

Page 18, line 1, remove “to adjudicate parentage”

Page 18, line 29, remove "to rescind the"

Page 18, line 30, remove "acknowledgment or denial or"

Page 18, line 31, remove "14-20-17 or"

Page 20, line 25, after "court" insert ", the court"

Page 22, after line 23, insert:

3. The order must include the social security numbers of the child and the individuals determined to be the child's parents.
4. The order may contain any other provision in the best interest of the child, including payment of support, payment of expenses of the mother's pregnancy and confinement, custody of the child, visitation with the child, and furnishing of bond or other security for payment of support. A support order must be for a monthly payment in an amount consistent with the guidelines established under section 14-09-09.7 and must be subject to section 14-09-08.1. All remedies for the enforcement of support, custody, and visitation orders apply. The court has continuing jurisdiction to modify an order for future support and, subject to section 14-09-09.6, custody of and visitation with the child.

Page 22, line 24, replace "3." with "5." and replace "4" with "6"

Page 22, line 30, replace "4." with "6."

Page 23, line 1, replace "5." with "7."

Page 23, line 4, replace "6." with "8."

Page 23, after line 4, insert:

9. An order adjudicating parentage must be filed with the state department of health.

Page 23, line 26, after "support" insert "custody of the child, or visitation with the child"

Page 24, after line 2, insert:

"14-20-58.1. Liability for collection of support.

1. As used in this section, "former parent" means an acknowledged father who successfully rescinded or challenged an acknowledgment of paternity under this chapter, a presumed father whose parentage was successfully rebutted under this chapter, or an adjudicated father whose parentage was disestablished after an order issued under this chapter was vacated.

2. The state is not liable for child support that was collected from or on behalf of a former parent and disbursed to an obligee as defined in section 14-09-09.10.
3. The state is not liable for child support that was collected from or on behalf of a former parent and retained by the state unless ordered by a court after being presented with genetic test results that would otherwise be admissible under this chapter showing that the former parent is not the genetic parent of the child."

Page 25, after line 25, insert:

"SECTION 7. AMENDMENT. Subsection 5 of section 23-02.1-13 of the North Dakota Century Code is amended and reenacted as follows:

5. If the child is not born during the marriage of the mother, or within three hundred days after a marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court, the name of the father may not be entered on the birth certificate unless:
 - a. After the child's birth, the father and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:
 - (1) He has acknowledged his paternity of the child in writing filed with the state registrar;
 - (2) With his consent, he is named as the child's father on the child's birth certificate; or
 - (3) He is obligated to support the child under a written voluntary promise or by court order;
 - b. ~~While the child is under the age of majority, he received the child into his home and openly holds out the child as his natural child;~~
 - e. After the child's birth, the child's natural mother and the father voluntarily acknowledge the child's paternity in a writing signed by both and filed with the state registrar; or
 - d. c. A court or other entity of competent jurisdiction has adjudicated paternity."

Renumber accordingly