

DOMESTIC RELATIONS AND PERSONS

CHAPTER 112

S. B. No. 307
(Lashkowitz, Mahoney)

SOLEMNIZATION OF MARRIAGE CEREMONY

AN ACT

To amend and reenact section 14-03-09 of the North Dakota Century Code, authorizing a local Spiritual Assembly of the Baha'i faith, organized or possessing a certificate of authority pursuant to the North Dakota Nonprofit Corporation Act, to solemnize marriages.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 14-03-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-03-09. Who May Solemnize Marriages.) Marriages may be solemnized by all judges of courts of record and by all county justices within their respective jurisdictions, by ordained ministers of the gospel and priests of every church, by ministers of the gospel licensed by regular church bodies or denominations and serving as pastors of churches, by the Society of Friends or Quakers according to the form used in its meetings, and by a local Spiritual Assembly of the Baha'i faith according to the usage of the community, organized or possessing a certificate of authority pursuant to the North Dakota Nonprofit Corporation Act.

Approved March 15, 1965.

CHAPTER 113

H. B. No. 661
(Hauf)

SEROLOGICAL TEST FEES

AN ACT

To amend and reenact section 14-03-13 of the North Dakota Century Code, relating to fees collected by county judges for serological tests performed in this state prior to the issuance of a marriage license.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 14-03-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-03-13. "Standard Serological Test" Defined.) A standard serological test shall be a laboratory test for syphilis approved by the state officer and shall be performed by the state department of health, or by any other state public health laboratory approved by the state health officer. The county judge shall collect a fee of not to exceed fifty cents for each serological test performed in this state, which shall be paid by him into the state treasury on the first day of July. State public health laboratories outside of the state of North Dakota which have been approved by the state health officer shall make their own arrangements as to the amount and manner of collecting their fees for the service.

Approved March 2, 1965.

CHAPTER 114

S. B. No. 128

(Longmire)

CAUSES FOR DIVORCE

AN ACT

To amend and reenact section 14-05-03 of the North Dakota Century Code, relating to the causes for divorce.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 14-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-05-03. Causes for Divorce.) Divorces may be granted for any of the following causes:

1. Adultery;
2. Extreme cruelty;
3. Willful desertion;
4. Willful neglect;
5. Habitual intemperance;
6. Conviction of felony; or
7. Insanity for a period of five years, the insane person having been an inmate of an institution for such period, and affected with any psychosis. No divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians who are recognized authorities on mental diseases, one of which physicians shall be the superintendent of the state hospital for the insane, or the chief medical officer of a veterans' administration hospital or government institution within or without the state of North Dakota, the other two physicians to be appointed by the court before whom the action is pending, all of whom shall agree that such insane person is incurable. No divorce shall be granted to any person whose husband or wife is an inmate of an institution, except a United States Government hospital or institution, in any other than the state of North Dakota, unless the person applying for such divorce shall have been a resident of the state of North Dakota for at least five years.

Approved March 6, 1965.

CHAPTER 115

S. B. No. 48

(Longmire, Kautzmann, Solberg, Morgan, Forkner)
(From LRC Study)

ALIMONY AND CHILD SUPPORT PAYMENTS

AN ACT

To provide for the making of child support or alimony combined with child support payments through the clerk of court, specifying the duties of the clerk of court, the issuance of contempt citations, the cooperation of the county welfare board in enforcing support payments, allowing support recipients to enforce payments through the clerk of court, providing that the remedies herein provided shall be in addition to existing remedies, and to create subsection 15 of section 11-16-01 of the North Dakota Century Code, to provide that the state's attorney shall assist the district court in enforcing support payments.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Support Payments — Payment to Court — Procedures Upon Failure to Pay.) In any action wherein a court decrees that payments for child support or alimony combined with child support be made, the court may provide in its decree that such payments be paid to the clerk of court in lieu of making such payments directly to the recipient. In such cases the clerk of court shall maintain records listing the amount of such payments, the date when such payments shall be made, the names and addresses of the parties subject to such decree, and any other information deemed necessary for the proper administration of such decree. The parties subject to the decree shall immediately inform the clerk of court of any change of address or change of any other condition which may affect the proper administration of this Act. Where there is failure to make the payments as required, the clerk of court shall send notice of the arrears by registered or certified mail to be delivered only to such person ordered to make the support or alimony payments. Upon proof of receipt of such notice, the clerk of court shall, if payment of the entire arrearage has not been made to the clerk after ten days from the date of proof of such receipt of such notice, request the district judge of the judicial district, on a form provided by such judge, to issue a citation for contempt of court against such person who has failed to make such payments and the citation shall be served on such person as provided by the rules of civil procedure, provided:

1. The clerk of court has received from the attorney of record for the recipient of the support payment, a written consent to proceed as set out in this Act; or
2. The clerk of court has received from the recipient of such payment ordered, or if the recipient is a child of the person ordered to make payments, then the person who is to receive such payment for the care and support of the child, a written consent to proceed as set out in this Act.

§ 2. Notification and Duties of County Welfare Board.) The clerk of court shall inform the county welfare board of the county wherein the recipient of a support payment made pursuant to section 1 of this Act resides for welfare purposes of the fact that a support decree has been made affecting the parties in question and that support payments are being received. The recipient's county welfare board shall notify the clerk of the court making a support decree in all cases where application is made for welfare assistance by a recipient entitled to support payments pursuant to such decree. In such cases the clerk of court immediately upon such notification by the county welfare board and without the necessity of complying with the provisions of subsections 1 and 2 of section 1 of this Act shall initiate the procedures set forth in section 1 of this Act.

§ 3. Aid of Court Available to Recipients of Support.) Any person entitled to child support payments pursuant to a court decree may initiate the proceedings set forth in section 1 of this Act upon notification of the clerk of the court having jurisdiction in such case if there is a written, signed agreement between the original party litigants to the court action concerning the payment of such support payments which has been incorporated or referred to within the court decree, or an order of the court providing for such payments in a manner other than through the clerk of court, and the recipient, in giving the clerk of court a written consent to proceed under the provisions of section 1 of this Act, files with the court an affidavit of failure by the ordered party to pay such support. In such case the written consent of the attorney of record required by subsection 1 of section 1 of this Act may be waived by the court.

§ 4. Remedies Additional to Those Existing.) The remedies provided for in this Act are in addition to and not in substitution for any other remedies provided for by law.

§ 5.) Subsection 15 of section 11-16-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

15. Assist the district court in behalf of the recipient of payments for child support or alimony combined with child support in all proceedings instituted to enforce compliance with a decree or order of the court requiring such payments.

Approved March 15, 1965.