



Fact Sheet Parenting Time (Visitation)

Child Support Enforcement Program

The Child Support Enforcement program understands that you may have issues or questions concerning parenting time (visitation) with your child. While the program does not provide services relating to the establishment or enforcement of orders for parenting time, we hope that this fact sheet will provide you with helpful information.

The enforcement of child support and the enforcement of parenting time are separate issues. Child support and parenting time are both considered to be rights of the child. Because a child is denied one right does not mean that the child should be denied another right. This means that it is not okay for a parent with primary residential responsibility (custodial parent) to deny parenting time to the other parent because the other parent does not pay child support. It also means that it is not okay for a parent to not pay child support because the parent with primary residential responsibility denies parenting time.

A parenting plan is to be developed. State law at N.D.C.C. § 14-09-30 provides that, in any proceeding to establish or modify an order providing for parenting time with a child, the parents are to develop a parenting plan and file it with the court. If the parents are unable to agree on a parenting plan, the court will issue a parenting plan considering the best interests of the child. The parenting plan is included in the court order.

The parenting plan must include several provisions, including residential responsibility (a parent's responsibility to provide a home for the child), parenting time, and a parenting schedule. Other provisions include decision-making responsibility, information sharing and access, legal residence for school attendance, and transportation and exchange of the child, along with a procedure for review and adjustment of the plan and methods for resolving disputes.

Parenting time may be enforced by the court through child support enforcement remedies. State law at N.D.C.C. § 14-09-24 provides that the court may use any remedy to enforce a parenting time order that is available to enforce a child support order, as long as the remedy is appropriate for parenting time enforcement.

If you wish to pursue a parenting time issue in court, you have the option of either hiring an attorney to represent you or representing yourself. If you need assistance with a parenting time issue, you may wish to hire an attorney. For more information on the options available, you can contact the State Bar Association of North Dakota (SBAND) at their toll-free Lawyer Referral number, 1-866-450-9579, or visit their Web site at www.sband.org (under "Resources for the Public"). If you believe you cannot afford to hire an attorney, you may be able to get legal help at a reduced cost by calling the SBAND/LSND Central Intake Office at 1-800-634-5263.

You may also wish to represent yourself (that is, without an attorney's help). Self-Represented Visitation Forms are available on the ND Supreme Court Web site at www.court.state.nd.us/court/forms/Visitation/forms.htm. These forms and instructions are to be used only if there is already a court order giving you or the other parent parenting time rights. You may also contact the Customer Service Unit for copies of the forms. (See contact information at the end of this sheet.)

You may be awarded reasonable attorney's fees and costs. State law at N.D.C.C. § 14-09-24 provides that, in a court proceeding in which there is a dispute over parenting time, the court shall award the parent who was denied parenting time reasonable attorney's fees and costs if the court determines there has been willful and persistent denial of parenting time rights by the other parent.

A parenting coordinator may be appointed. State law at N.D.C.C. ch. 14-09.2 provides for parenting coordinators. In any action for divorce, legal separation, paternity, or guardianship in which children are involved, the court may appoint a parenting coordinator to assist the parents in resolving issues or disputes related to parenting time.

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There are a number of rights and duties that may be included in the court order. State law at N.D.C.C. § 14-09-32 provides that each parent of a child has a number of rights and duties. Rights include the right to access various records of the child; the right to attend school conferences; and the right to reasonable access to the child by letter, telephone, and electronic means. Duties include the duty to inform the other parent if the child has a serious accident or serious illness; the duty to immediately inform the other parent of a change in home telephone number and address; and the duty to keep the other parent informed of the name and address of the school the child attends. With some exceptions, these rights and duties are to be included in a parenting time order.

When a child support order is being established or modified, the amount of child support may be adjusted to consider extended periods of parenting time. State law at N.D.C.C. § 14-09-09.7(1)(e) requires that the Child Support Guidelines* (the administrative rules used to calculate the amount of child support to be ordered) include consideration of extended periods of time a minor child spends with the parent being ordered to pay child support.

The guidelines address this by allowing an adjustment for extended visitation. For this purpose, extended visitation means there is a court order providing for visitation between the parent being ordered to pay child support and a child which exceeds 60 of 90 consecutive nights or an annual total of 164 nights. (N.D. Admin. Code § 75-02-04.1-08.1) A guidelines form (Schedule D – Adjustment for Parenting Time*) may be used to calculate the adjustment.

Three official interpretations* regarding this section of the guidelines have been issued to address frequently asked questions:

- IC-CO-00-07 Extended Visitation – Applicability Determined by Visitation Schedule in Court Order
- IC-CO-00-09 Split Custody and Extended Visitation – Extended Visitation Adjustment to be Completed Prior to Split Custody Calculation
- IC-CO-01-13 Adjustment for Extended Visitation - Number of Visitation Nights to be Counted in the Calculation

* Copies of the Child Support Guidelines, guidelines forms, and guidelines interpretations are available through the Child Support Enforcement Web site at <http://www.childsupportnd.com>. You may also request them by contacting the Customer Service Unit. (See contact information at the end of this sheet.)

When a child support order is being established or modified, the amount of child support may be adjusted to consider travel expenses relating to parenting time. When a parent is responsible for all parenting time expenses, the guidelines allow for a reduction of the child support amount due to a parent's travel costs directly related to the purpose of visiting the child. The reduction must be in the best interest of the child and consideration must be given to the amount of court-ordered parenting time and, when such history is available, actual expenses and practices of the parents. (N.D. Admin. Code § 75-02-04.1-09(2)(j) of the North Dakota Child Support Guidelines.)

Contact Information:

Web site

<http://www.childsupportnd.com>

Customer Service Unit

E-mail: centralofficecse@nd.gov

Ph: 800-231-4255 (National Toll Free)

701-328-5440 (Bismarck/Mandan)

Fax: 701-328-5425

Regional Child Support Enforcement Offices

Bismarck: 701-328-0955

Devils Lake: 701-665-4475

Dickinson: 701-227-7424

Fargo: 701-298-4900

Grand Forks: 701-795-3960

Jamestown: 701-253-6260

Minot: 701-857-7696

Williston: 701-774-7940

Each of the regional offices can also be reached, toll-free, at 800-231-4255.

Telecommunications device users: 800-366-6888 (TTY)

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