

Initiated County Ordinance – Equal Physical Custody) Providing for Equal Physical / Legal Custody to be awarded in separations and divorces, in Walsh County, if no parent is found unfit by clear and convincing evidence.

SPONSORING COMMITTEE

The following are the names of the qualified electors of the county of Walsh who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law.

Mitchell S. Sanderson

Roch M. Tweten

Robert Shane Desautel

BE IT ENACTED BY THE PEOPLE OF WALSH COUNTY:

Acknowledging the long established legal tenet, by the US Supreme Court, and God given right that fit parents act in the best interest of their children and that parents have a fundamental liberty interest in the care, custody and control of their children. No requesting parent shall be denied Equal Physical / Joint Legal Custody of a child in a separation or divorce in Walsh County, without first having been declared unfit, utilizing the clear and convincing evidentiary standard.

Upon the passing of this citizen’s initiative it will be the law and policy / ordinance of the County of Walsh and all courts setting in Walsh County. No parent that has been divorced in Walsh county shall be denied any petition or motion, by the courts in Walsh County or any judge sitting in that court, to have a fitness hearing to obtain Equal Physical /Joint Legal Custody rights. Upon no finding of unfitness by clear and convincing evidence the court shall award Equal Physical / Joint Legal Custody which is in line with the Fourteenth Amendment providing equal protection under the law.

Equal Physical / Joint Legal Custody of the children is defined as a rebuttable presumption of equal time sharing or “as close as possible” by the parents or any written agreement between both parents based on their unique family circumstances and both parents shall be primary caretakers.

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you live in Walsh County. All signers must add their complete residential address or rural route or general delivery address and the date of signing.

QUALIFIED ELECTORS

Month, Day, Year	Name of Qualified Elector	Residential Address or Complete Rural Route or General Delivery Address	City, State, Zip Code
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I, _____, being sworn, say that I reside
(Circulator)

at _____;
(Address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each person whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the person whose name it purports to be.

(Signature of Circulator)

Subscribed and sworn to before me on _____, 20_____, at _____, North Dakota.
(city)

(NOTARY SEAL / STAMP)

(Signature of notary)
Notary Public

My commission expires: _____