

Senate Bill No. 2186
House Judiciary Committee
Written Testimony Presented Seth O'Neill, JD, MSW
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March 10, 2025

Chairman Klemin and members of the House Judiciary Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in opposition to Senate Bill 2186.

This bill would make it a criminal offense for a parent to withhold a child in violation of a custody decree. Although this may be well meaning, we are concerned with how this may be applied in certain situations. In cases of domestic violence, a parent may not withhold the child from the other parent so that the child doesn't get abused by the other parent. Or perhaps more commonly, there could be a situation where a 17 year-old child refuses to see their parent. In this situation, one of the parents could get charged for not forcing their teenager to see their other parent.

This bill would also make it a criminal penalty to report a false allegation of harm to a child was made by the other parent. Although this may seem like a good idea, we are concerned that this situation may be abused when there is not enough evidence to prove an allegation is true. If a parent is concerned that the other parent is causing harm to the child, they may be reluctant to report that parent if they fear retaliation in this regard.

Due to these reasons, we encourage the committee to give SB 2186 a "Do-Not-Pass" Recommendation.

