



Testimony Prepared for the House Judiciary Committee
SB 2186 - Relating to removal or withholding of a child in violation of a custody decree
March 10, 2025
Kim Jacobson, Agassiz Valley Human Service Zone Director

Chair Klemin, and members of the House Judiciary Committee, my name is Kim Jacobson. I serve as the Director for Agassiz Valley Human Service Zone, which includes Steele and Traill Counties. I also serve as the President of the North Dakota Human Service Zone Directors Association. I am here today to provide testimony in opposition of Senate Bill 2186.

Human Service Zones are mandated to provide child welfare services including child protection services (CPS), foster care, in-home case management and handling Children in Need of Services (CHINS) referrals for the state of North Dakota. As authorized agents of the North Dakota Department of Health and Human Services (NDHHS), we are responsible for the fact-gathering and assessment of suspected child abuse or neglect reports to determine whether maltreatment occurred.

Navigating the complexities of civil custody arrangements can be emotionally charged for all parties involved, and balancing the rights of parents with the overall wellbeing of their children is an exceptionally challenging task. This bill has the potential to have court-ordered parenting time rights override child safety and places the legal system in the position of trying to determine “intent.”

On Page 1 (lines 13 and 19-20) the term “intent” is used. In context, it reads “*intent to deny another individual’s rights in violation of a custody decree....*” This places the judicial system and law enforcement in the position of determining a parent’s “intent.” Questions that come to mind with practical application include: What if there were extenuating circumstances delaying parenting time exchange? Did the alleged “offending” parent intending to violate a custody order? It will be exceptionally challenging to confidently ascertain true “intent” in many situations.

Furthermore, if a parent is concerned that it is unsafe for their child to spend time with the other parent, we expect a parent to prioritize their child's safety. There are also circumstances where safety planning in a CPS case may include limiting parenting time until further information can be gathered. This allows for necessary assessment to occur, up to and including the completion of a forensic interview or exam when appropriate. Such efforts prioritize child safety.

Senate Bill 2186 may also negatively impact child safety in situations where there is domestic violence. The cycle of power and control in domestic violence relationships is frequently leveraged and manipulated through parenting time. This bill may provide opportunities for perpetrators of domestic violence to exert threats, coercion, and control over their victims.

Additionally, there is no consideration in this bill addressing when older children refuse parenting time with a parent. SB 2186 allows for one parent to allege that the other "intends" to deny parenting time simply because they do not force their child to spend time with the other parent. The complex and unique nature of family dynamics makes it difficult, if not impossible, to have legislation that provides for all family situations and does not cause unintended harm, especially to children.

Given the stated concerns and the complexity of family dynamics, the committee is urged to vote "do not pass" on SB 2186. Thank you for consideration of my testimony. I stand for any questions from the committee.