

March 10, 2025  
House Judiciary Committee  
SB 2186  
Representative Lawrence R. Klemin, Chair

For the record, I am Stephanie Dassinger Engebretson, and I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities.

The Chiefs of Police appear today in opposition to SB 2186. This bill creates a criminal offense for a parent violating a custody decree and creates a new offense for providing a false report to law enforcement or to the department of health and human services.

Under subsection 2, the Chiefs of Police have concerns about creating an offense for a parent violating a custody decree. Child custody disputes are very complex situations that require the expertise of a judge sorting through all of the evidence regarding the relationship. Even after a custody decree is entered, it is common that situations arise that were not accounted for in the custody decree. Some examples include:

- Allegations of abuse or mistreatment in the other parent's home; and
- A child, especially a teenager, refusing to go to the other parent's home.

Under the current law, if there are these types of situations, either parent can bring those allegations to the court from them to sort out whether the current custody decree is problematic. If the court finds the custody order has been violated, an order to show cause is entered and, at that point, law enforcement can become involved. This bill flips the process and puts law enforcement in the middle of what should be a civil process since the court is better equipped to explore these complex situations.

Section 3 of the bill creates a new offense for "an individual who gives false information or a false report alleging harm to a child by one parent against the other to a law enforcement officer or the department of health and human services."

The portion of section 3 on giving false information to law enforcement is not needed because that is already an offense under North Dakota law. NDCC § 12.1-11-03 provides that it is a class A misdemeanor to give false information or a false report to a law enforcement officer.

The Chiefs of Police Association of North Dakota respectfully requests a Do Not Pass recommendation on SB 2186 because it turns what should be civil disputes determined by a judge into criminal proceedings and because laws already exist covering false statements.