



600 East Boulevard Avenue, Bismarck, ND 58505

CHILD CUSTODY REVIEW TASK FORCE

Wednesday, September 24, 2025

Room J216, State Capitol
Bismarck, North Dakota

Senator David A. Clemens, Chairman, called the meeting to order at 10:03 a.m.

Members present: Senators David A. Clemens, Jose L. Castaneda; Representatives Nels Christianson, Mary Schneider*; Citizen Members Corey Johnson, Victoria S. Konidaris*, Jason Kraft, Jason W. McLean, Stacy Moldenhauer, Catie Palsgraaf, Derrick Sherwood

Member absent: James D. Hovey

Others present: Derek Cruff, West Fargo Police Department; Kirsten Hansen, Department of Health and Human Services; David and DaNae Kawasaki, West Fargo

See [Appendix A](#) for additional persons present.

*Attended remotely

BACKGROUND INFORMATION

Ms. Beth Dittus, Assistant Legal Division Director, Legislative Council, reviewed the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

Ms. Dittus presented a memorandum entitled [Child Custody Review Task Force - Background Memorandum](#).

Chairman Clemens invited citizen members of the task force to present information regarding issues faced in their respective roles relating to task force directives.

Mr. Jason W. McLean, Attorney, State Bar Association of North Dakota Appointee, provided information regarding issues family law attorneys face when representing clients in custody and parenting time disputes. He noted:

- Parent education and court accessibility are two potential focus areas for the task force.
- Some parents wait many months for their cases to be heard in court due to significant court backlogs.
- Parents often lack an understanding of the law and court process.

Ms. Catie Palsgraaf, Law Library Director, Supreme Court, provided information about the North Dakota Legal Self Help Center. She noted:

- The center is an impartial legal reference service that specializes in providing civil court process information to self-represented litigants.
- The center's website provides over 800 forms, including forms to modify existing child custody and parenting time orders.

Mr. Corey Johnson, Williston, provided information about his experience with custody issues. He noted:

- Custody orders often are vague and ambiguous.
- Some custody orders remain unmodified for years when no disputes occur.
- If a parent reappears after several years requesting enforcement of an old provision that has not been followed by the parties, it is unclear what the appropriate response should be from law enforcement or the court.

Captain Jason Kraft, Ward County Sheriff's Department, provided information regarding issues law enforcement faces when responding to domestic disputes. He noted:

- Clearly drafted law and custody orders are beneficial for effective law enforcement response.
- The law does not consistently account for the highly emotional nature of domestic disputes.
- Parents and children rely on law enforcement for quick solutions when disputes arise.

Mr. Derrick Sherwood, Grand Forks, provided information about his experience with custody issues. He noted:

- The system responsible for handling custody matters often assumes the worst about parents and struggles to acknowledge when it has gone too far, leading to decisions based on speculation rather than evidence.
- This task force provides an opportunity to build a system that serves children by strengthening families, instead of dismantling them.

Ms. Stacy Moldenhauer, Attorney, Supreme Court Family Law Mediation Program appointee, provided information about family mediation services in North Dakota. She noted:

- Approximately 85 percent of cases are settled in mediation.
- Mediation orders generally require mediation services be completed within 120 days of the order being issued. The parties may use up to 6 hours of state-paid family mediation services.

Ms. Victoria S. Konidaris, Staff Attorney, Legal Services of North Dakota, provided information regarding her experience in representing clients in family law cases. She noted:

- Cases often are complicated by allegations of domestic violence.
- It is important to work closely with other agencies and programs involved in the process of addressing custody disputes.

LAW ENFORCEMENT

Sergeant Trent Stanton and Captain Derek Cruff, West Fargo Police Department, provided testimony ([Appendix B](#)) regarding law enforcement involvement in domestic disputes. They noted:

- Responding to custody disputes is challenging. These situations often are emotionally charged events in which each party is adamant they are right. The trauma of an arrest during the response process can create conditions that raise concerns for officer safety. The department works closely with social services regarding allegations of child abuse or neglect.
- Law enforcement officers are placed in a difficult position when asked to interpret and enforce custody orders, because parents may have made informal adjustments to parenting time to accommodate their personal circumstances, leaving officers to interpret how these modifications align with the formal order.
- Providing officers with immediate access to child custody orders in the field would be helpful when responding to disputes.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ms. Kirsten Hansen, Prevention and Protection Administrator, Department of Health and Human Services, provided testimony ([Appendix C](#)) regarding child protective services and false reports. She noted:

- The department works in coordination with law enforcement on all reports involving child sexual abuse, physical abuse resulting in significant or visible injury, or any case in which it appears a serious crime connected to suspected child abuse or neglect may have been committed.
- While the department is responsible for assessing the validity of child abuse and neglect allegations, this responsibility does not extend to determining whether a report is false because it may have been made with ulterior motives, such as gaining leverage in a custody dispute.
- The department does not maintain records on the number of referrals to law enforcement for suspected false reporting of child abuse and neglect.

LEGAL SERVICES OF NORTH DAKOTA

Ms. Konidaris provided testimony regarding representing clients in custody and parenting time disputes. She noted:

- If a parent is spending quality time with a child and putting the child's needs first, the allocation of time awarded in a custody decree will not dictate the strength of the relationship between the parent and child.
- A dedicated family court, in which judges hear only family law cases, would ensure expertise in family law and may expedite the judicial process.
- Cases may become more complex when allegations of domestic violence meet certain criteria, resulting in a rebuttable presumption against the perpetrating parent.

Committee members expressed interest in learning more about the use of dedicated family courts and alternative dispute resolution processes in other states, as well as exploring the use of judicial referees to expedite custody and parenting time proceedings.

CUSTODY ISSUES

Mr. David Kawasaki and Ms. DaNae Kawasaki, West Fargo, provided information ([Appendix D](#)) about their experience with custody issues. They noted:

- Ongoing custody disputes are financially and emotionally devastating for families, especially when they involve false allegations against the other parent.
- The task force should consider establishing more serious consequences for making false allegations.

Ms. Lucy Bauer, Jamestown, provided information ([Appendix E](#)) about her experience with custody issues. She noted:

- Prolonged custody disputes can irreparably damage a relationship between a parent and child.
- Finding legal representation in custody cases is difficult, especially when there are false allegations being made against a parent.

No further business appearing, Chairman Clemens adjourned the meeting at 4:25 p.m.

Beth Dittus
Assistant Legal Division Director

ATTACH:5