



CHILD CUSTODY REVIEW TASK FORCE

Thursday, December 11, 2025
Harvest Room, State Capitol
Bismarck, North Dakota

Senator David A. Clemens, Chairman, called the meeting to order at 10:01 a.m.

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

Members absent: None

Others present: Vaughn Anderson, Dickinson*; Alan Blotcky, Birmingham, Alabama*; Jeffrey Fremming, Bismarck; Robert Garza, St. Petersburg, Florida*; Rosario Goze, Minneapolis, Minnesota*; Robert Hellerud, Bismarck*; Ariel Johnson, St. Louis County, Minnesota*; C.T. Marhula, Bemidji, Minnesota; James Street, Tuft, Lach, Jerabek & O'Connell, PLLC*

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

**Attended Remotely*

It was moved by Representative Schneider, seconded by Mr. Sherwood, and carried on a voice vote that the minutes of the December 11, 2025, meeting be approved as distributed.

Ms. Beth Dittus, Assistant Legal Division Director, Legislative Council, presented a memorandum entitled [North Dakota Court Structure and Family Court Overview](#).

FAMILY COURTS IN MINNESOTA

Mr. James Street, Attorney, Mediator, and retired Family Court Referee, Tuft, Lach, Jerabek & O'Connell, PLLC, provided testimony ([Appendix B](#)) regarding the structure of family courts in Minnesota, case management, the role of family court referees, alternative dispute resolution procedures, and parenting time enforcement. He noted:

- Many custody order violations are the result of unclear terms, misunderstandings between the parties, changes in circumstances since the order was issued, or intentional noncompliance with the order.
- Alternative dispute resolution in Minnesota courts includes adjudicative, evaluative, facilitative, and hybrid options. These options often provide parents more autonomy to reach a settlement and establish clear terms agreed upon by both parties.
- Family courts provide a high level of expertise on domestic issues, but may draw funding and resources away from other courts.

In response to questions from task force members, Mr. Street noted:

- Fees for moderated settlement conferences and early neutral evaluations are paid for by the parties and may be tied to attorney fees, based on a per hour rate, or calculated on a sliding fee scale.
- Parents may agree to custody arrangements outside of court, but enforcing those agreements can be challenging. Having both parties agree to changes in writing can improve enforceability.

- Barriers to modifying a custody order may include a parent being anxious or reluctant to be in court, having difficulty filling out forms, or lacking an understanding of the law and court process.

NORTH DAKOTA COURT STRUCTURE

Ms. Sally Holewa, State Court Administrator, Supreme Court, provided testimony ([Appendix C](#)) regarding the court structure in North Dakota and the impact of establishing a family court. She noted:

- Family law cases represent 2 percent of the total court cases filed annually and 87 percent of those cases are never reopened after the final judgment.
- The estimated cost of creating a single new family court judgeship, including salary, benefits, and support staff, is \$867,991 per biennium.
- The estimated cost of creating a single judicial referee, including salary, benefits, and support staff, is \$745,630 per biennium.
- Alternatives to additional judgeships or judicial referees include converting existing referees to judgeships, greater utilization of the existing family mediation programs, and parenting coordinators.
- Establishing parenting education classes and expedited statutory deadlines for addressing contempt of court motions could be cost-effective and reduce hearing wait times.

CUSTODY ISSUES

Mr. Vaughn Anderson, Dickinson, provided testimony regarding child custody issues. He noted the equal shared parenting concept is the best solution for child custody disputes.

Mr. Todd Peterson, West Fargo, provided testimony ([Appendix D](#)) regarding child custody issues.

Mr. C.T. Marhula, Bemidji, Minnesota, provided testimony ([Appendix E](#)) regarding child custody issues. He noted North Dakota law does not advocate for the best interests of the child and adopting the CARE Act would be a substantial improvement to North Dakota law.

Mr. Roger Hellerud, Bismarck, provided testimony regarding child custody issues. He noted a parent's criminal history should not automatically deprive them of parental rights.

Mr. Robert Garza, St. Petersburg, Florida, provided testimony regarding child custody issues. He noted his proposed legislative bills, including a shared parenting bill, would resolve child custody and false testimony issues.

Dr. Alan Blotcky, Birmingham, Alabama, provided testimony regarding child custody issues. He noted he has testified in numerous parental alienation court cases and supports equal shared custody.

Ms. Ariel Johnson, St. Louis County, Minnesota, provided testimony ([Appendix F](#)) regarding child custody issues and noted Minnesota's family court system is not a good example of how family courts should be structured.

Ms. Rosario Goze, Minneapolis, Minnesota, provided testimony ([Appendix G](#)) regarding child custody issues and noted the Minnesota alternative dispute resolution qualified neutrals system is costly for families who cannot afford the services.

Mr. Jeffrey Fremming, Bismarck, provided testimony about his experience with child protective services, custody, and child support issues.

No further business appearing, Chairman Clemens adjourned the meeting at 4:23 p.m.

Beth Dittus
Assistant Legal Division Director

ATTACH:8