

## Testimony in Support of the Rebuttable Shared Parenting Bill

Chair and Members of the Committee,

My name is Robert Garza, and I am here today in strong support of the Rebuttable Shared Parenting bill. I would like to address the application of the "Best Interest of the Child" standard as defined in the North Dakota Code, particularly in matters of decision making and residential responsibility.

The federal government has established clear guidelines for determining when state intervention in a parent-child relationship is justified under the **Social Security Act Title IV-E** and the **Child Abuse Prevention and Treatment Act (CAPTA)**. Specifically, **Title IV-E, Sections 472 and 471(a)(15)(D)(i-iii)**, stipulate that intervention is warranted **only** if a parent has committed **murder, serious bodily injury, or acts that result in death, serious harm, or imminent risk of serious harm to a child**. CAPTA's **Section §5106a(b)(2)(B)(xvi)(I-VI)** reinforces this standard by mandating that federal child abuse prevention grants adhere to these definitions.

These federal laws provide a clear and uniform standard for determining when state action is necessary in the "best interest" of a child. Compliance with these guidelines is a **prerequisite** for states to receive federal funding. Yet, in practice, some states—including North Dakota—have deviated from these standards, which raises concerns about **potential fraud** in the misuse of federal grant funds and the broader impact of such deviations on families and children.

When states misuse their discretion and apply subjective or inconsistent "best interest" standards, they risk violating **fundamental constitutional rights**—including those protected by the **1st, 4th, 5th, 6th, 10th, and 14th Amendments**. Many family courts allow hearsay-based claims in custody proceedings, restraining orders, and child protective cases—often **without due process**—resulting in unjust separations that lack legitimate legal justification. This systemic failure does not serve the best interest of children; rather, it prioritizes financial incentives over their well-being, leading to preventable harm and prolonged family conflict.

The Rebuttable Shared Parenting bill restores fairness and constitutional integrity to family courts by **establishing a default presumption that both parents are equally fit and entitled to shared parenting unless evidence proves otherwise**. This legislation does not remove judicial discretion but rather **ensures that discretion aligns with constitutional due process and federal child welfare guidelines**.

For too long, outdated and arbitrary applications of the "best interest" standard have **disenfranchised fit parents and deprived children of meaningful relationships with both parents**. It is time to correct this injustice.

I urge this committee to **vote green** in support of the Rebuttable Shared Parenting bill. Our children deserve a system that truly serves their best interests—one grounded in fairness, evidence, and respect for constitutional rights.

Thank you for your time and consideration.

**Respectfully,**  
**Robert Garza**

