

Honorable members of the Senate and House or Representatives in the great state of North Dakota. I wish to provide written testimony in opposition of HB 1242 and Senate Bill 2383.

This issue in some manner has been voted on and opposed on at least two referendum measures by the people of North Dakota and failed by significant margins.

When I read this bill and the proposed amendments to the existing century code, it sounds fair. It appears to give both parents equal say on how their children are raised, and the decisions being made for them. The problem is divorce isn't fair, especially to children.

One of the primary reasons that divorce happens is that the two adults involved in the marriage/relationship can't make decisions in a civil manner between them. Children further complicate the divorce situation.

Under these proposed recommendations, when there is a disagreement, how will decisions be made. We already know that in many/most divorce situations the parents already struggle with conflict resolution. Now we are either going to place the child in the middle of the conflict, have the parents argue and be unable to make a decision, or worse yet have a dominant parent threaten or unilaterally make decisions because the other parent can't or won't stand up. In many of these instances these issues will then end up in the hands of attorneys and our legal system.

If these amendments were to pass, I believe our state will see an increase in litigation, forcing our legal system of judges, attorneys and mediators to make numerous decisions. It will force children into legal battles. In the end the only winning parties will be the attorneys who collect their fees regardless of the needs of the children.

In our current legal system if parents choose to do what's fair for their children it is taken care of out of court. A parenting plan, which we have an excellent template for, is developed by both parents. It defines how decisions are made and if there is disagreement what the steps are for resolution.

In our current legal system, if parents can't work together, we also have a solution that is in the best interest of the children. The plan can be completed with the help of a mediator, or when other avenues fail, determined by the court system. At all times the primary focus is on what is in the best interest of the children.

Which is more important? Being equal with parents or being fair to children. I am a divorced father, and I choose being fair to my children over equal with my former spouse.