

Testimony of DeAnn M. Pladson
March 12, 2025



The Honorable Lawrence R. Klemin, Chairman
House Judiciary Committee
State Capital Building
600 E. Boulevard Ave.
Bismarck, ND 58505

RE: SB 2186

Dear Mr. Klemin:

Please accept this letter as my testimony regarding Senate Bill 2186 relating to the removal or withholding of a child in violation of a custody order and false reports to law enforcement or the Department of Human Services. I have several concerns relating to SB 2186 and I am writing in opposition to the same.

Family law matters are often complex and require the special scrutiny of a judge to determine all factual matters. SB 2186 has the potential for serious abuse and could be weaponized in family law matters, especially in high conflict cases, leading to a further toll on our law enforcement and judicial resources. For example, there may be instances where a parent is legitimately out of the state for purposes of travel with a minor child. This may be permitted by a custody order, but not necessarily addressed by the order. SB 2186 would have law enforcement determining the intent of the parties, and it appears that it would have law enforcement do so without any input from the court that handled the original custody dispute.

Likewise, there may be valid reasons for a parent to withhold a child from the other parent prior to seeking relief from the district court. I do not condone this conduct, but there are times when parents need to make these difficult decisions. Resolving these disputes is best left to the district court, rather than having the office of the state's attorney ferret out the facts of each case. This bill would only serve to further protract disputes between parents, it would not expedite a resolution, because ultimately many of the issues would

Testimony of DeAnn M. Pladson

March 12, 2025


Page 2

have to be deferred back to the district court judge in the custody dispute. There are also times when an older child refuses to return to the other parent for legitimate safety reasons, and this bill would subject his parent to criminal liability, all for trying to protect the child from harm. If the child refuses to return to the other parent for 72 hours or longer, it will be presumed that the parent intended to violate the court order. Of course that finding could be rebutted, but not until significant family resources are used in defending actions both in criminal court and in civil court. Further, the district court judge in the custody case is better equipped to assess all of the facts and whether the parent intended to violate the court order, and any remedies or punishments that may be needed.

North Dakota district courts are already tasked with taking into consideration any false reports of harm to a child. N.D.C.C. § 14-09-06.2 (I). Similarly, North Dakota law already has a statute relating to false reports to law enforcement, which would subject the person making the false report to criminal liability. N.D.C.C. §12.1-11.03. Child abuse, child sexual abuse, and child neglect are often very difficult to prove. Simply because a matter cannot be proven, does not mean that the allegations are false. The district courts are in a better position to evaluate the evidence and credibility of the parties and make the determination of the intent of the accuser. Further, the district courts are in a better position to actually remedy the situations with changes of residential responsibility, compensatory parenting time, or other punishments which make the parent whole. A fine or imprisonment doesn't address the real issue of how to compensate the parent for his or her loss of companionship with the child.

I thank you for your consideration.

Very truly yours,



DeAnn M. Pladson
Pladson Law Office, P.L.L.C.