

As my daughter testified for SB 2186, there are instances when a child may flee a custodial parent's custody due to not feeling safe. If this bill had been in effect during these times, I would have faced the dilemma of either risking a criminal offense by providing a safe haven for my child or leaving her to navigate the situation alone.

The removal of the 72-hour provision from the current law, without any replacement time frame, leaves no allowance for unavoidable delays, such as those caused by weather, emergencies, or other unforeseen circumstances. Even a short delay in returning a child could result in legal repercussions.

I have witnessed how vindictive parents can exploit any available law to weaponize litigation and drag others into court. Even when the likelihood of a favorable ruling is minimal, the cost is extraordinarily high to one accused of criminal behavior. I fear the ambiguity and lack of parameters in SB 2186 could exacerbate the potential for vengeful litigation and misapplication of what appears to be the intent of the original law regarding unlawfully taking children out of state in violation of custody orders.

My daughter Halle aptly described how this bill could create a criminal case when a child is seeking comfort and safety. It could also criminalize a parent who is unable to force especially an older child to go with an unsafe or less desirable parent. In addition, it could be misapplied when older children or teenagers rebelliously leave the home or refuse to go to the home of the other parent. Is it justifiable to criminally charge a parent for either protection or inability to control their children?