

**Senate Bill No. 2383**  
**Senate Judiciary Committee**  
**Testimony Presented Seth O'Neill, JD, MSW**  
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**February 3, 2025**

Chairwoman Larson and members of the Senate Judiciary Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in opposition to SB 2283.

This bill would make substantial changes to family law provisions of the North Dakota Century Code. Presently, when there is a custody action in court, the court must consider the best interests of the child when deciding parenting responsibility. This bill would change that by presuming that "equal decision-making responsibility" is in the best interests of the child. Although this presumption may be rebutted, some of the rebuttal provisions are cumbersome and inappropriate. In addition, the provision regarding domestic violence states that a court may not consider a domestic violence protection order as evidence that a party has committed domestic violence. Presently, under the best interest factors, a court may consider a finding of domestic violence in another action.

Also, if the court determines that equal residential responsibility would be detrimental to a child due to the parents living 50 miles apart, the parent who does not have primary residential responsibility must be awarded at least 100 days of parenting time. This provision is unworkable and does not allow a court to consider what is best for the child to craft an arrangement when determining parenting time.

This bill also would modify the best interest factors that would be used if the presumption is properly rebutted. The best interest factor regarding domestic violence would be severely weakened to only apply in cases of serious bodily injury. In addition, the individual who committed the violence must have been convicted of the crime. This provision also does not state what crime exactly they must have been convicted for. If



someone was convicted of trespassing related to an instance of domestic violence does not fit with this best interest factor?

Finally, this bill also would not allow a parent with equal residential responsibility to relocate to another state without the consent of the other parent. Presently, a court may allow a parent to relocate to another state without the permission of the other parent. Removing this provision would not prohibit the court from intervening in situations altogether. If a parent would like to move from Fargo to Moorhead and the other parent does not consent, they could be prohibited from making that move.

Due to these reasons, we strongly encourage the committee to give SB 2383 a “Do-Not-Pass” Recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank You.

