

Madam Chair Larson and members of the Senate Judiciary Committee, my name is Jaci Hall and I live in Mandan ND. I am here as an individual and not as a lobbyist.

I am here to ask you not to pass SB2383.

In 2013, my ex-husband and I divorced. Our children were 2, 4 and 6 at the time. My ex-husband did not have a permanent place to live or, to be honest, the knowledge to care for them 50-50 at the time of our divorce.

Our decree stated that he had six months to find a place to live and be able to furnish his home to care for three young children before our parenting would change.

SB2383 would presume he is fit to care for our young children and allow him to receive 50/50 parenting right away. He was not ready.

Our marriage started out happily, but then we grew distant. With that came arguments and disagreements in front of our children, or at least with them knowing we were not getting along. There were never any domestic violence charges, but after our divorce, my father came and patched up a few walls and doors from my ex-husband's fists.

After our divorce was final, I was told by my daycare providers that they knew something was going on because my son had started to get aggressive with the other children – as a result to the unhappiness at home.

SB2383 takes the child's best interest out of the equation and puts the parent's request front and center. This is wrong. The child's best interest always must come first.

It also requires proof of abuse or other issues to remove the predetermined parenting time. This may cause more police activity – either accurate or false – to happen. Again, this is an issue.

Our decree also placed responsibilities on me for education, health and other matters. This was to ensure the children would live in the same home and the same school as they had prior to our divorce. I will tell you, my ex-husband and I do not agree on all major decisions – he lives in a different town. If my ex-husband wanted my child to stay in band and they did not, would he win?

If my daughter chooses to not play basketball, do our wishes supersede? If my ex-husband believes our son needs braces and I do not, does he get braces when he is with my ex-husband and then we take them off when he is with me? We are taking the decision away from the child.

Every divorce is different, every marriage is different. SB2383 says you need to prove with clear and convincing evidence that one parent is unfit. The process of divorce has also changed. Parenting and family counseling and free mediation are offered. This legislation will increase the cost of divorces because all these situations need to be either spelled out in the decree or worked out.

Let's keep the best interest of the child at the forefront of a divorce. It is not their fault their parents decided it was best for them, and you don't want to create animosity between one parent and the other. This puts the children in a situation they do not deserve to be in.

Please do not pass SB2383.

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