



March 13th, 2025

Chairman Vetter and members of the subcommittee,

For the record my name is Jason Kraft, I am a Captain at the Ward County Sheriff's Department in Minot, and I am providing testimony in opposition to SB 2186. My duties include supervising and training our three sworn deputy divisions. I also provide direct assistance to the Sheriff on issues pertaining to operations, policy and employees.

I also submitted testimony when this bill was heard on Monday. The testimony I have here today is additional testimony to provide further explanation of the challenges of the bill. I have four main points.

1. How are the law enforcement officers in the field going to know what the most current custody order is? Right now, all of the civil and criminal orders we enforce are provided by the clerks office via the NDCourts system called Odyssey. This ensures we have the most up to date information. Specifically, we receive copies of all protection orders, restraining orders, mental health warrants of attachment, committals, etc. These are all civil orders. A custody decree is a civil order. I am not so sure NDCourts would be able to easily automate sending all of these orders for us to catalog for verification the same as all of the others. We also do not arrest for a violation of one of these orders until we independently verify them. Which is why it was important for you to provide us that access as requested in SB 2289.
2. Consider the following situation that has actually occurred here. Parent A is supposed to have parenting time. Instead, Parent A goes out drinking with friends. At 1:30 am, parent A decides he wants his parenting time and has a sober driver go to parent B's. Wakes Parent B up and now wants his parenting time. Parent A is intoxicated but not overly intoxicated to the point they're unable to care for the child, but it's 1:30am and Parent B doesn't want the child uprooted and tells Parent A to come back when it's appropriate. This law would force the responsible parent to turn the child over to a completely irresponsible parent at an inappropriate time of night, otherwise we'll arrest them.
3. Another situation I have had to handle. Parent A hasn't taken their parenting time in the past few months because they've been doing they're own thing. Maybe they've been working, or maybe they've been drinking and doing drugs. None-the-less they're supposed to have parenting time every Saturday. Without any communication, Parent A goes to get his child only to discover that the child is attending an event they've planned to be at since Parent A has been absent. The child doesn't want to go with Parent A because they're out of touch, they're enjoying their day as planned and Parent B is understandably upset Parent A has shown up out of the blue to uproot their child's activities. This law will force the child to go with Parent A. In my opinion, this would not be beneficial for the child. How does Parent B have the child participate in extra-curricular activities when Parent A randomly decides to show up and take



the child with zero communication? They shouldn't be expected to sit around and wait for the other parent or risk being arrested if they go do something else.

4. The children will become evidence of a violation of law. This may sound drastic, but I can assure you there will be future search warrants being sought to force entry into one parents house to search for the child to prove the parent is violating the law or to seize the child for the other parent. If we charge a crime, it is our duty to investigate. This means conducting searches. Consider #2 above. Now let's say Parent A says were not entering their home at 1:30am to take the child to give to the parent that decided to go drinking. Now we must get a search warrant to enter the home to forcefully take the child from Parent B. Imagine the harm that will result from such actions.

I could probably give more examples, but simply stating a child must go to the other parent during their scheduled parenting time is not easily accomplished. I believe it would be much more beneficial for the legislature to study the feasibility of criminal enforcement and get it right, rather than pass a law that has the potential to do serious harm to children and responsible parents.

One provision of the bill that I can agree with is parents should be held accountable for filing false CPS reports (Reports of Child Abuse or Neglect). Currently as it stands, once we become involved in the investigation of a CPS report and open a criminal investigation, if we determine it is false information defined in NDCC 12.1-11-03, we can submit a warrant request for false information to a law enforcement officer.

Creating a new section that makes it an infraction or other criminal offense to file a false report to Health and Human Services would send a clear message that parents can't use these reports of abuse or neglect as a false weapon without consequence.

An acceptable amendment could read:

3. An individual who gives ~~false information or~~ a false report alleging harm to a child by one parent against the other to ~~a law enforcement officer or~~ the department of health and human services which that individual knows to be false, is guilty of an infraction for a first and second offense, a class B misdemeanor for a third offense, and a class A misdemeanor for a fourth offense.

Sincerely,

Jason Kraft, Captain
Ward County Sheriff's Department