

2025 HOUSE JUDICIARY

HB 1242

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1242
2/11/2025

A BILL for an Act to amend and reenact sections 14-09-00.1 and 14-09-29 of the North Dakota Century Code, relating to parental rights and responsibilities; and to provide for application.

10:00 am. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative S. Olson

Discussion Topics:

- Stress imposed upon children through divorce proceedings
- North Dakota divorce attorneys
- Factors considered rebuttable in divorce proceedings

10:01 a.m. Representative Kathy Frelich, North Dakota Representative for District 15, introduced the bill and provided testimony #37007.

10:10 a.m. Todd Peterson, West Fargo, North Dakota, testified in favor and provided testimony #36906, #36907, #36908, #36909, #36910.

10:23 a.m. Craig Richie, Fargo, North Dakota, testified in favor and provided testimony #36922.

10:37 a.m. Halle Peterson, Individual, testified in opposition and provided testimony #37071.

10:47 a.m. Seth O'Neill, Executive Director of the North Dakota Domestic and Sexual Violence Coalition, testified in opposition and provided testimony #36811.

10:55 a.m. Kelsey Wight, Bismarck, North Dakota, testified in opposition and provided testimony #36786.

Additional written testimony:

In favor

#36325, #36330, #36331, #36333, #36334, #36336, #36337, #36339, #36344, #36348, #36353, #36365, #36420, #36430, #36432, #36457, #36771, #36782, #36886, #36893, #36964, #36450, #36959, #36454

In opposition

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#36662, #36687, #36700, #36787, #36833, #36855, #36861, #36891, #36900, #36921,
#37001, #37002, #37039, #36434, #36732, #36810, #36854

11:01 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

Honorable members of the committee,

I am here today to speak on behalf of myself and my children, who have been severely by the lack of enforcement and accountability in family court decisions. My name is Lucy Bauer, and I am a mother who has been fighting for years to maintain a relationship with my children. Since 2017, I have been alienated from my four children due to a series of court decisions that have allowed my abusive ex-husband to control and manipulate our family situation.

In 2017, Judge John Grinsteiner of Morton County forced me to hand over my children to their father, despite their cries for me to protect them. The judge's decision was made in private a week after the court hearing, leaving me with minimal parenting time - every other weekend, certain holidays and four one-week blocks in the summer. The decision was based on false allegations made about me, and I have been treated as if I were the problem, as if I were a criminal. Since that ruling, my children and I have suffered tremendous harm.

I have been alienated from my children - my rights as their mother have been stripped away. But it's not just me who has been cut off

from them; my mother and my 2 sisters have also been shut out of their lives. This has created a rift in our family that has yet to heal.

The neglect and harm caused to my children are devastating. Since 2017, they have been forced to homeschool themselves with no adult supervision or support. At age 15, they were told to get jobs and work full-time during school hours. This lack of guidance and emotional support has caused them to fall far behind in their education. I have been denied any involvement in their schooling, even though the court order grants me the right to be a part of their lives and their education.

THREE STRIKES LAW BILL

I have repeatedly gone to court to enforce my rights, yet I have been denied justice time and time again. There have been numerous occasions when my ex-husband has refused to allow me to see my children, even during my limited parenting time. Each time, I have sought legal help. I've hired six different attorneys, each of whom took my money but failed to take any meaningful action to address the abuse and corruption in this system.

My ex-husband knows he can do whatever he wants, when he wants, because he believes he has all the power, and that no one will hold him accountable. The court system has failed to enforce its own orders, and my children and I continue to suffer. This ongoing violation of my parental rights is not just an inconvenience - it is intentional, and it is destroying my relationship with my children.

THE NEED FOR CHANGE

I am here today to ask for your support of the REBUTTABLE SHARED PARENTING BILL and the THREE STRIKES LAW BILL, because of the damage this has caused to my children and myself is profound and ongoing. My children have been robbed of a healthy, loving relationship with their mother. They have been emotionally abandoned, and I have been left powerless to help them. I urge you to pass these bills to ensure that parents like me are not left to fight an endless battle for our children. No parent should have to endure what I've gone through. No child should be made to feel abandoned by their mother, and no court decision should go unenforced when it comes to protecting children and ensuring their well-being.

Thank you for considering my testimony. I am willing to testify before anyone, at any time, to share how this situation has devastated my children and my family. I sincerely hope that you will take action to protect families like mine and ensure that parents who are fighting for their children's rights are given the support and justice they deserve.

LUCY BAUER

A handwritten signature in black ink that reads "Lucy Bauer". The script is cursive and fluid, with the first letters of "Lucy" and "Bauer" being capitalized and prominent.

701-269-9659

Testimony of Delmer Peterson
December 17, 2024

Chairperson and members of the committee,

My name is Delmer Peterson, and I am here today as a grandparent who has witnessed firsthand the devastating effects of family alienation during a contested divorce. My wife and I have seen our son—an excellent father—spend countless hours, emotional energy, and financial resources simply to have the right to spend time with his children.

The toll on our son has been profound. He has had to fight to prove that the false allegations made by the other parent are untrue, all while trying to maintain a loving relationship with his children. This battle is not only emotionally exhausting but financially draining. The money that could have been spent on his children's future—on their education, health, and well-being—has instead gone to lawyers and experts just to maintain basic parenting rights.

This situation has also had a profound impact on us as grandparents. As the courts grant one parent limited time with the children, we, too, are alienated. We are denied the ability to play an active, supportive role in our grandchildren's lives because the parent we support is given so little time with them. We see less of them, and during this time, the other parent works to undermine the very family structure that could support and uplift these children.

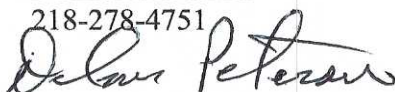
Grandparents like us play a crucial role in the emotional, mental, and social development of our grandchildren. We want nothing more than to be a positive influence, but we need the ability to spend time with them in order to do so.

No child should have to live with half of their support system removed or compromised. I urge you to do the right thing and pass the rebuttable Shared Parenting Bill. This bill will ensure that children are given the opportunity to have both parents, and both sets of grandparents, in their lives without unnecessary barriers or harmful divisions.

Thank you for your time and consideration.

Sincerely,
Delmer Peterson

218-278-4751



Testimony in Support of Shared Parenting

Gabriel J. Benton, Former Lance Corporal, U.S. Marine Corps

Chairperson and Members of the Judiciary Committee,

My name is Gabriel Benton. I am a non-custodial father of four children living in Fargo, a disabled Marine Corps veteran, and a strong advocate for the rights of parents and children. I stand before you today in support of shared parenting because the current system in North Dakota is failing families—especially the men and women who have served this country.

As a Marine, I swore an oath to uphold the U.S. Constitution and defend the rights of all Americans. Yet, many veterans like myself find ourselves engaged in another battle—one we never expected to fight—simply for the right to be active parents in our children's lives. Time and time again, veterans face bias in family courts, with our service-related disabilities being used against us to deny joint custody. The same men and women who risked their lives to protect this nation are being treated as second-class parents.

This is not just a legal issue; it is a life-or-death issue. Veteran suicide rates in this country are staggering, and one of the major contributing factors is the trauma of being unjustly separated from our children. The pain of being treated as a visitor in our children's lives—or worse, being completely erased—takes an unbearable toll. I ask this committee: Does North Dakota want to be complicit in policies that further drive veterans toward crisis and even suicide?

Beyond veterans, the broader impact of our custody laws is undeniable. Research consistently shows that children thrive when both parents are actively involved in their lives. Our current laws, which often result in one parent being marginalized, are not only outdated but actively harmful to the well-being of children and families. Shared parenting is not about one parent winning and the other losing—it is about ensuring that children do not lose the love, support, and guidance of both parents.

I urge you to support this legislation to ensure that no veteran—and no parent—is forced to fight an uphill battle just to be present in their child's life. North Dakota has an opportunity to lead the way in protecting children and families. Please vote in favor of this bill and help restore fairness, dignity, and constitutional rights to all parents, especially those who have sacrificed so much in service to our nation.

Signed,

Gabriel J. Benton

Former Lance Corporal, U.S. Marine Corps

Dear Members of the Legislature.

My name is Brandy Johnson, and I reside in Dickinson, ND. I stand before you today as an erased mother, stripped of the fundamental joys and responsibilities of parenthood due to the devastating effects of parental alienation. For the past nine years, I have been denied meaningful time with my children despite having a court order granting me parenting time and shared holidays. My experience has shown me that our current family law system fails to protect the parent-child bond, leaving children vulnerable to manipulation and emotional harm. I urge you to support the proposed legislation—the Rebuttable Shared Parenting Bill, the Three Strikes Bill, and the Time Taken, Time Back Bill—to address these systemic injustices. This is an executive summary of my case. My full 30+ pages of testimony is available upon request detailing my situation and the negative effects this has had on my children and family over the years.

The Effects of Parental Alienation

Parental alienation is a form of emotional abuse where one parent manipulates a child to reject the other parent. This coercion damages the child's psychological well-being and severs their natural relationship with the targeted parent. In my case, my ex-husband weaponized our children to inflict control and punishment, fabricating false narratives to alienate me from them. This alienation was not only emotionally devastating but has also led to long-term psychological harm for my children, including behavioral issues, emotional instability, and academic struggles.

Children subjected to alienation experience immense confusion and distress, as they are forced to navigate loyalty conflicts and internalize negative messages about the targeted parent. The targeted parent, in turn, is left powerless, unable to enforce court orders or counteract the manipulation effectively. These situations create cycles of trauma that ripple through families, leaving lasting scars.

The Importance of the Proposed Legislation

The legislative measures before you offer tangible solutions to these issues:

1. Rebuttable Shared Parenting Bill This bill promotes equality by establishing a presumption of shared parenting unless evidence demonstrates it is not in the child's best interest. Shared parenting fosters stability and ensures that both parents remain active in their children's lives, reducing opportunities for alienation to take root. It recognizes that children benefit most when they have consistent and meaningful relationships with both parents.

2. Three Strikes Bill This legislation would hold parents accountable for repeated violations of court-ordered parenting time. Chronic non-compliance with court orders undermines the legal process and deprives children of their right to both parents. The Three Strikes Bill would provide enforceable consequences, ensuring compliance and deterring alienating behaviors.

3. Time Taken, Time Back Bill This bill addresses the loss of parenting time caused by unjustified denials of access. For every hour a parent is wrongfully deprived of time with their

child, this legislation seeks to restore that time, reaffirming the child's right to both parents. This measure would provide immediate and restorative relief for families impacted by alienation.

Closing

Our children deserve better than a system that allows their relationships with loving parents to be destroyed. These bills are a step toward safeguarding the parent-child bond, holding alienating parents accountable, and ensuring that our legal framework prioritizes the best interests of children.

I urge you to support these critical legislative measures to protect families from the devastating effects of parental alienation. Let us create a system that truly upholds fairness, accountability, and the well-being of our children.

Thank you for your time and consideration.

Sincerely,
Brandy Johnson
Dickinson, ND



1/1/2025

Dear Members of the Legislature,

My name is Michael Johnson, and I reside in Dickinson, ND. I am here today to submit my testimony in support of the Rebuttable Shared Parenting, Time Taken, Time Back, and Three Strikes laws. These critical reforms aim to protect children, restore fairness, and bring accountability to a system that has, for too long, failed families.

My wife, Brandy, has been completely and unjustly erased from the lives of her three children for nine years due to her ex-husband's deliberate and abusive actions. Without any legitimate cause, he has alienated her from her children's lives, weaponizing them as tools of emotional manipulation. This devastating situation began when the children were just 11, 9, and 5 years old. Today, two are adults, and the youngest is a high school freshman. Their suffering, though not always visible to them due to manipulation and grooming, is undeniable.

I have witnessed the toll this has taken on my wife. Her emotional and physical health has deteriorated due to the relentless abuse and alienation inflicted by her ex-husband. Despite these challenges, Brandy has remained steadfast in her love for her children. A parenting investigator's report to the court explicitly highlighted manipulation, grooming, and parroting on the father's part. The investigator even stated that he was engaging in parental alienation to hurt Brandy. Yet, shockingly, the judge ignored these findings. The report's final recommendation, acknowledging the father's likely continued manipulation, became the basis for granting him primary residential responsibility. It is difficult to believe the judge thoroughly considered the evidence.

For nine years, we have sought justice. We have filed motions to hold the father in contempt of court orders, endured countless false allegations to law enforcement and CPS, and witnessed repeated counselor shopping designed to justify the alienation. All of this has come at an extraordinary cost: the depletion of my 401(k) and the near destruction of my wife's health. This is not justice. This is the result of a broken system that allows unhealthy parents to make false statements without consequence, perpetuating harm to children and families.

Family law has become a lawless, profit-driven industry where no one truly wins except the attorneys. Children lose their relationships, parents lose their hope, and families lose their stability. Alienation is a severe form of child abuse, with lifelong consequences for both the children and the alienated parent. Research shows that alienated children face higher risks of emotional instability, mental health challenges, and even suicide.

The Rebuttable Shared Parenting, Time Taken, Time Back, and Three Strikes bills offer the change we so desperately need:

1. **Rebuttable Shared Parenting:** Creates a presumption of equal parenting time, ensuring children have the love and support of both parents unless clear evidence proves otherwise.
2. **Time Taken, Time Back:** Restores time unjustly taken from a parent-child relationship due to false allegations, discouraging misuse of the system and prioritizing the child's well-being.

3. **Three Strikes Law:** Establishes clear consequences for parents who repeatedly violate court orders, deterring harmful behaviors and protecting children's relationships with both parents.

These laws are commonsense reforms designed to protect children and families. They address the root causes of harm and provide accountability for those who abuse the system. I urge you to stand with the countless children, parents, and families who have been devastated by parental alienation and systemic failures.

Please support these bills with a "Do Pass" recommendation. Your decision will send a powerful message that North Dakota prioritizes the well-being of children, the integrity of families, and the fair application of justice.

Sincerely,
Michael D. Johnson
Dickinson, ND
701-690-8728

Good [morning/afternoon] members of the [Legislative Body],

Thank you for the opportunity to testify today. My name is Shannon Avar, and I am here as an advocate for children's well-being. Today, I urge you to support three critical bills: the Rebuttable Shared Parenting Bill, the Time Taken, Time Back Bill, and the Three Strikes Bill.

Personal Experience

A friend of mine recently shared a podcast discussing the Rebuttable Shared Parenting Bill. After listening, I realized how much this bill, along with the Three Strikes Bill and the Time Taken, Time Back Bill, could have positively impacted my life and the custody battles I faced.

I have three children from two relationships. With the father of my two oldest children, I endured a custody battle that dragged on for six years after he misled me about temporary custody arrangements. During that time, he alienated our children from me, limited my time with them, and disregarded court-mandated rules. Despite my efforts to follow the law and maintain fairness, I had to repeatedly involve law enforcement to uphold the court order—only to discover that police required a judge's directive to enforce it, resulting in additional court proceedings and financial strain. This process felt like a legal and financial trap, enriching attorneys and the court system while undermining my ability to parent.

My second custody battle with the father of my youngest child involved false accusations to social services, further complicating the case. In one instance, a social services agent visited my home and ultimately confirmed the complaint was unfounded, acknowledging that these types of false reports are common. Tragically, my second son later took his own life—a heartbreaking outcome that I believe could have been prevented had the court system better protected his well-being.

1. The Rebuttable Shared Parenting Bill

This bill is founded on a simple yet transformative principle: children thrive when both parents are actively involved in their lives, except in cases where harm is evident. By establishing shared parenting as the default starting point, we are affirming a child's right to have meaningful relationships with both parents. This bill would have prevented the alienation I experienced and ensured fairness from the outset.

2. The Time Taken, Time Back Bill

This bill ensures that any time unjustly taken from a parent will be restored, providing accountability and reinforcing the importance of honoring parenting time agreements. In my experience, lost time with my children was never addressed or compensated, leaving a gap that this legislation seeks to close.

3. The Three Strikes Bill

Child safety is non-negotiable. This bill implements a clear system of accountability for repeated violations of court orders, including patterns of abuse or neglect. Had this been in place, my children's father would have faced consequences for ignoring court orders, and my son might have been protected from the harmful environment he sought to escape.

Closing Remarks

These bills are not just policies; they are lifelines for families. They recognize that children deserve stability, safety, and the love of both parents whenever possible. By supporting these measures, you are taking a stand for a brighter future for North Dakota's children—one where their voices are heard, their rights are protected, and their well-being is paramount.

Please put our children first by supporting and voting for these bills. Thank you for your time and consideration.

Best Regards,

Shannon Avar



Date 1/10/2025

Testimony of Latasha Klein – Date 1/6/2025
In Support of a Rebuttable Shared Parenting Bill

Dear members of the legislature,

My name is Latasha Klein, and I am here today not just as a mother, but as an advocate for children and families who deserve fairness and balance in our family court system.

I am the proud mother of my beautiful daughter, Scarlett, who is six years old. From the moment she was born, I was her primary caretaker, raising her alongside my mother in a loving and stable home. Scarlett was my world, and I was hers.

When I separated from my ex-husband in May of 2022, I approached the situation with an open heart and a commitment to fairness. I told him I was willing to share 50/50 custody because I believe that both parents are essential in a child's life. Unfortunately, once lawyers became involved, our cooperative intentions were overtaken by adversarial tactics. Despite initially agreeing to 50/50 custody in mediation, my ex-husband pursued sole custody aggressively.

In court, on June 5th, 2023, I stood alone—without a lawyer—to advocate for what was best for Scarlett. I spoke only about her needs, her well-being, and her happiness. I believed, naively, that no court or lawyer could strip away the bond between a mother and her child. But I was wrong. The court awarded sole custody to my ex-husband, despite my plea for an equitable arrangement.

Now, I am allowed only limited time with Scarlett: two weekends a month and a few hours of visitation on alternating weeks. This drastic reduction in time has been devastating for both of us. Scarlett, once secure in the love and presence of her mother, struggles to understand why our time together has been so drastically diminished. The joy and stability we shared have been replaced by confusion and heartbreak.

This is not just my story—it is the story of countless parents and children across our state. Our current system often forces families into winner-takes-all outcomes, leaving children to bear the emotional toll of fractured relationships. Rebuttable shared parenting offers a solution that starts with a presumption of fairness and ensures both parents have equal opportunity to remain actively involved in their child's life unless evidence proves otherwise.

This is not about me, nor is it about my ex-husband. It is about Scarlett and children like her, who deserve to grow up with the love and guidance of both parents whenever possible. I urge you to support this bill and give children the chance to thrive in balanced and loving environments.

Thank you for your time and for listening to the voices of parents and children who need your support.

Signed,
Latasha Klein



Testimony in Support of the Rebuttable Shared Parenting Law**Danny Lunde****Date: 12/17/24**

Honorable members of the legislature, thank you for the opportunity to testify today. My name is Danny Lunde, and I stand before you as a father—one who has experienced the profound impact of a broken family court system and the devastating effects of parental alienation.

I became a father at 20, when my first son, Tanner, was born on August 6, 1994. Tanner was my world, and for the first 10 years of his life, I was there every day. We had no behavior problems, no learning difficulties, no self-esteem issues—he was just a joyful, driven child, full of dreams and potential.

But then, starting at age 10, the courts reduced my time with Tanner to just a few days a month. My influence in his life was systematically diminished, and I watched in helplessness as he fell into a pattern of destructive behaviors. The child I had known became a drug and alcohol abuser, dropped out of high school, and struggled with his mental health—all while I was pushed to the sidelines, unable to intervene, unable to be the father he needed.

As Tanner entered his 20s, we started to rebuild our relationship, but it has never been the same. Years of lost time cannot be undone, and the child I once knew is now dependent on me for financial support and stability. It's an awkward relationship, but I'm grateful we've reconnected. Still, I can't help but mourn the connection we once shared—because of the way the system separated us.

Parental alienation is real. It's a consequence of the system's failure to prioritize the best interests of children. The truth is often manipulated, and the voices of fathers are silenced. In the case of my son, Tanner, I can't help but wonder what he could have become, what we could have built together, if only I had been given the chance to remain a constant, guiding presence in his life.

I know I'm not alone. I've seen the same patterns play out with my other children. My second daughter, Tristin, is a bright, high-achieving young woman—she's on her way to becoming a dentist. Despite the system's attempt to divide us, I maintained a strong bond with her. We wrote letters, communicated daily, and I supported her financially through her education and wedding. Still, I can't shake the feeling that I missed so much of her life, that I was robbed of important moments.

And then there's Bryn, my youngest. I fought the system harder for her than anyone. I spent everything I had, emotionally and financially, to secure a relationship with her. I found out how easy it is for falsehoods to be accepted in court, and how fathers are so often dismissed as secondary parents, even when they are the ones who love and care for their children the most. The battle I fought for Bryn was nothing short of heartbreaking, and I will never get back those precious years lost.



This is why I stand before you today in strong support of a Rebuttable Shared Parenting Law. **50/50 shared parenting is in the best interests of every child.** Children deserve to have both parents actively involved in their lives, not just one who is allowed to remain a peripheral figure. The current system, which favors one parent over the other, does irreparable harm to children and families. It causes emotional trauma, loss of connection, and missed opportunities for growth and love.

No parent—especially a father—should be pushed aside by a system that claims to act in the "best interests of the child" when it does exactly the opposite. A rebuttable shared parenting law would ensure fairness and equity, and most importantly, it would protect children from the devastating effects of parental alienation.

I ask you today to put the needs of children first. They have no voice in these matters, and fathers are often left without a fair chance to be the parents they were meant to be. **We need 50/50 shared parenting to be the standard in family law.**

Thank you for your time and consideration. I urge you to support this bill for the sake of our children and future generations.

Testimony in Support of Rebuttable Shared Parenting

Steve Wolt

Chairperson and Members of the Judiciary Committee,

My name is Steve Wolt, and I am here today to urge you to support Rebuttable Shared Parenting. I went through a divorce in North Dakota years ago, and while my children are now grown, the devastating consequences of our state's custody laws continue to affect them to this day.

During my divorce, the "14 Best Interest Factors" were used to justify limiting my time with my children. The vague and subjective nature of these factors allowed false accusations and legal maneuvering to dictate the outcome, rather than the fundamental truth that children thrive when they have both parents actively involved in their lives. Instead of fostering stability, the system effectively severed half of my children's support structure during the most critical years of their development.

The effects of this loss have been profound. My children grew up without the full support, love, and guidance that both parents should provide. Even now, as adults, they continue to struggle with the long-term emotional and psychological impacts of a childhood shaped by unnecessary separation. The state's current approach to custody has not only harmed me as a parent—it has harmed my children, the very people the law is supposed to protect.

This is why Rebuttable Shared Parenting is so critical. It ensures that both parents have equal standing in their children's lives unless proven otherwise. It shifts the burden away from a system that too often enables false accusations and parental alienation, and instead prioritizes what truly benefits children: the presence of both loving parents.

Shared parenting is not about favoring one parent over the other—it is about ensuring that children are not forced to grow up missing half of their family support. Every child deserves the love and involvement of both parents, and every fit parent deserves the opportunity to provide that love.

I urge this committee to pass Rebuttable Shared Parenting and take a stand for the children of North Dakota. Let us move toward a system that truly protects their best interests by ensuring they do not lose one parent due to outdated, harmful legal practices. Our children deserve better.

Signed,

Steve Wolt

Save the Innocent Children

I am writing to express my strong support for the implementation of a much-needed “Rebuttable Shared Parenting, Time Taken, Time Back and Three Strikes Laws .” My family's experience underscores the urgent need for such legislation.

My son faced significant challenges due to the actions of a controlling narcissistic spouse who left him and took their two young children. False allegations, particularly concerning accusations of sexual misconduct, initiated a lengthy and costly legal battle. This situation was exacerbated by parental alienation tactics, which further prolonged the process and caused immense suffering for the children involved.

Despite the family court ultimately finding my son innocent, the emotional turmoil and uncertainty faced by our family were overwhelming. Tragically, my son's life was taken just before he was to reunite with his children.

It is imperative that we advocate for this law to ensure it promotes equal shared parenting and protects the welfare of innocent children. A significant issue within our current system is that perjury is rarely penalized, which often serves as the starting point for these destructive scenarios.

I urge you to consider the powerful impact of instituting a Rebuttable Shared Parenting Law. Together, we can work towards a system that prioritizes the best interests of children while providing fair treatment for all parents.

Thank you for your attention to this crucial matter.

Sincerely,
Robert Mast, Father of John Mast

For the rest of our North Dakota story please watch the documentary on YouTube:

I Stand with John | The story of John Mast | Full Documentary | Custody Exchange Gone Wrong

https://youtu.be/H_z0AfxT2bE?feature=shared



Vaughn Anderson

1268 Empire Rd
Dickinson, ND 58601
(813) 460-2621
vaughn1721@gmail.com

16th December 2024

To whom it may concern,

I am writing to share my story in support of a shared parenting bill. Since March 2023, my life has been turned upside down by false accusations of abuse and manipulation, resulting in alienation from my children. Despite being cleared of all charges in multiple investigations, I have been denied the ability to care for and be with my children for the majority of time, with only limited contact. As a result, the children are almost completely removed from my whole side of the family including grandpa, grandma, uncles, aunts and cousins. This has taken a significant toll on them. Below is a summary of my experience.

In March 2023, my ex-wife left with our children, and I was hit with a protective order (PPO) accusing me of abuse, controlling behavior, and even rape. These allegations were baseless and untrue, but they led to me being blocked from contacting my children. I was unable to see them, and as I was not allowed to to contact them. Despite this, Child Protective Services (CPS) investigated and found no evidence of abuse, closing the case against me.

Unfortunately, my ex-wife moved our children to Michigan without my consent, where the legal proceedings continued. The Michigan court dropped the PPO after hearing the truth, and the judge even apologized for issuing it. However, this victory was short-lived, as my ex-wife continued to alienate me from my children, telling them that I needed help and further distorting the truth.

When I finally had contact with my kids, they were understandably confused and scared, having been told lies about me. This has had a lasting impact on their mental health, particularly my daughter, who suffers from anxiety

exacerbated by the ongoing alienation. Despite this, I continue to fight for my children's well-being, believing that they need both parents equally involved in their lives.

Throughout the court process, my ex-wife's false claims have been challenged by CPS, a psychological evaluator, and a Parent Investigator (PI), Michigan judge, all of whom found no evidence to support her accusations. The private investigator (PI) conducted a thorough investigation and became concerned about my ex's new lifestyle, particularly the men she was bringing into the house and the potential effects on my children. Unfortunately, the situation has unfolded as the PI predicted, with my ex now involved with a boyfriend who has domestic violence charges. Despite all the evidence pointing to the need for my children to be with me, the judge ruled against the recommendations, ignoring the facts in favor of hearsay from my ex-wife.

The impact on my children has been profound. My middle son is emotionally torn, caught between the lies told about me and the love he feels for his family. My daughter suffers from anxiety, which is worsened by the instability in her home life. The emotional and psychological toll this has taken on them is heartbreaking.

I believe that shared parenting is essential for the mental and emotional well-being of children. They need both parents actively involved, not just one who manipulates their perception of the other. I am committed to being the father my children deserve, and I ask you to support legislation that ensures both parents are given the opportunity to raise their children together, with equal responsibility and access.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Anderson'.

Vaughn Anderson

Testimony in Support of the Rebuttable Shared Parenting Bill

Good [morning/afternoon],

My name is Paul Saastad, and I am here to testify in favor of the Rebuttable Shared Parenting Bill. I have nothing personal to gain from this legislation; it is too late for me and my daughters. My sole purpose is to prevent others from experiencing the pain my family endured.

The foundation of this bill is simple: children are equally the responsibility and joy of both parents. Absent abuse or unfitness, there is no reason a fit parent should be denied equal time with their children. Research shows that children in shared parenting arrangements experience better outcomes in mental health, academic performance, and emotional well-being. Shared parenting also reduces conflict between parents, benefiting the entire family.

Another critical argument for this bill is the disparity in scrutiny. While I had to fight in court to prove I was a fit father, my ex-spouse's new partner faced no such evaluation. Despite being a stranger to me and the court, he spent more time with my daughters than I was allowed. This inequity is not only unjust but also puts children at greater risk. Research has consistently shown that children living with a non-biological male, such as a mother's boyfriend, are at a higher risk of abuse and exploitation.

Key sources underscore these risks:

1. **Child Welfare Information Gateway (U.S. Department of Health & Human Services)**
Highlights the increased risk of abuse in single-parent households.
2. **American Psychological Association (APA)**
Examines how family structure impacts a child's safety and well-being.
3. **National Center for Missing & Exploited Children (NCMEC)**
Links family instability to vulnerabilities such as trafficking and exploitation.

In my case, a court-appointed parenting investigator recommended equal custody, yet the judge disregarded this. Afterward, I learned of potential conflicts of interest between the judge and my ex's attorney, raising serious concerns about bias in the family court system. I witnessed favoritism firsthand, including private interactions between the judge and opposing counsel during proceedings.

The current system undermines the children's best interest which is causing tremendous struggles for our children, families and communities. According to research published in the *Journal of Family Psychology*, children in shared custody arrangements report higher satisfaction with their relationships with both parents. A 2023 analysis by the Institute for Family Studies confirms that children in shared parenting arrangements fare as well as those in intact nuclear families.

This is not just a legal issue—it is a moral imperative. Children need the love, support, and presence of both biological parents equally. Being a parent doesn't stop when a marriage ends, and the law must stop treating fit parents like visitors in their children's lives.

It's time for a change. It's time for laws that reflect what research has proven: children thrive with shared parenting. Let's put children's needs above financial and institutional interests.

Thank you for your time and consideration.

Sincerely,

Paul Saastad



01/01/2025

01/01/2025

Written Testimony in Support of the Rebuttable Shared Parenting Bill

Submitted by Dan Smith

Chair and Members of the Committee,

My name is Dan Smith, and I am submitting this testimony in **strong support** of the Rebuttable Shared Parenting bill. As a devoted father of two daughters, I believe that our current family court system does not prioritize the true **best interest of the child** when it comes to ensuring equal access to both parents.

Like many parents, I entered the divorce process expecting fairness. Instead, I found myself **poorly represented, rushed into signing an agreement that drastically limits my time with my children, and left with an arrangement that makes me feel like nothing more than a visitor in their lives.** Under the current custody order, I see my daughters for only four nights a month—a mere fraction of the time I should have as their father. This means that for the next **11 years**, my role in their daily lives will be reduced to the sidelines, despite my unwavering commitment to being an active and loving parent.

My ex-spouse often speaks about "**shared parenting**", but the reality is that what I have now is **not** shared parenting—it's minimal, court-ordered visitation that does not reflect the importance of my role in my children's lives. This is not just my story; it is the reality for thousands of fit and loving parents across our state who are unfairly relegated to the background because of outdated legal presumptions favoring one parent over the other.

The Rebuttable Shared Parenting bill provides a solution. By establishing a **presumption of equal parenting time**, it ensures that courts recognize both parents as equally important in a child's life **unless there is clear and convincing evidence to prove otherwise.** This bill does not remove judicial discretion—it simply **shifts the burden away from fit parents having to fight for time with their own children.**

The current system does not reflect modern research, which overwhelmingly supports shared parenting as the best arrangement for children's well-being. Studies show that children who spend **substantial and meaningful time with both parents** have better emotional, academic, and social outcomes. **The law should reflect what is best for children, not outdated biases that marginalize one parent without just cause.**

I urge this committee to pass the **Rebuttable Shared Parenting bill** and give children the opportunity to thrive in the care of both parents. No loving, responsible father should be forced to accept a system that treats him as a part-time visitor in his own children's lives.

Please support families by **voting green** for this bill.

Respectfully submitted,
Dan Smith

Dear Members of the Legislature,

My name is Craig Gaube, and I am the proud father of three wonderful children. I strongly support HB 1242 – Rebuttable Shared Parenting because children deserve meaningful relationships with both parents after divorce or separation.

During my custody case, my two mature children submitted affidavits expressing their desire for equal time with both parents. Their voices were ignored. The judge refused to speak with them or consider their wishes. My ex-wife and I were both fit, capable parents, yet the court granted her primary custody based on outdated and biased assumptions about parental roles. Because I was the financial provider rather than the one packing school lunches, I was deemed less essential—despite my deep involvement in my children's lives.

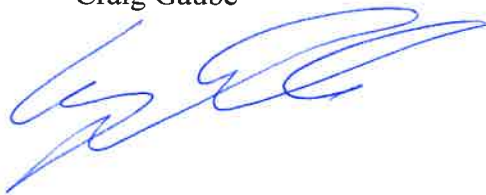
North Dakota's custody determination process is flawed. The 14 best-interest factors, meant to protect children, are often weaponized in court. In my case, my ex-wife made false allegations to gain an advantage. Despite two independent chemical dependency evaluations confirming I had no issue with alcohol, the court continued to treat me as a risk. The only professional who met with both parents and our children—a parenting investigator—testified that equal parenting was in their best interest. Yet, the judge dismissed this expert opinion, prioritized unsupported claims, and awarded primary custody to their mother.

The consequences have been devastating. My children have suffered unnecessary loss, and the signs of parental alienation are undeniable. The system is failing them.

HB 1242 ensures that equal parenting is the starting point—unless actual evidence proves otherwise—so no child needlessly loses a parent. This bill is not about parents; it is about protecting children from the harm caused by an outdated, adversarial system.

I urge you to support HB 1242 and put children first.

Best regards,
Craig Gaube



Testimony in Support of Rebuttable Shared Parenting

Submitted by: Joyce Peterson

Chairman and Members of the Committee,

My name is Joyce Peterson, and I am a grandmother to 21 wonderful grandchildren. I come before you today to express my strong support for the Rebuttable Shared Parenting bill, a necessary step toward protecting the well-being of children and ensuring that they maintain meaningful relationships with both parents and their extended families after separation or divorce.

I have witnessed firsthand the devastating impact of a system that too often removes one parent from a child's life during legal proceedings. My son, a devoted and gentle father in North Dakota, was forced to defend himself against false accusations and spend all of his financial resources just to maintain a relationship with his children. Though he ultimately secured equal parenting time, the long and drawn-out legal battle—lasting over a year and a half—resulted in significant harm to both him and his children.

During this process, his children were deprived of the stability and love of both parents, experiencing unnecessary psychological distress and manipulation. Even after the truth was established, the lost time was irreplaceable. The legal system, in its current state, allowed a delay that harmed the children's emotional and psychological well-being.

As a grandmother, I have always been actively involved in my grandchildren's lives. I write to them every couple of months and have spent countless cherished hours with them when they visit for hunting, fishing, four-wheeling, playing games, and making memories together at our home in Minnesota. But when a fit and loving parent is removed from a child's life for an extended period, it does not just affect the parent—it also limits the involvement of grandparents and the extended family on that side. This is a tragic loss for children who rely on the love, wisdom, and stability that grandparents provide.

Children deserve the full and complete support structure of both parents and their families. Rebuttable Shared Parenting ensures that children do not become casualties of a broken system that favors one parent over another without just cause. Instead, it upholds the principle that both parents should remain actively involved in their children's lives unless evidence proves otherwise.

I urge this committee to stand for the rights of children and families by passing the Rebuttable Shared Parenting bill. Let us prioritize the well-being of our children by preserving their relationships with both parents and the grandparents who love them.

Thank you for your time and consideration.

Sincerely,
Joyce Peterson

Dear Chairman Klemin and members of the Judiciary committee, my name is Jessica Gaube. I am testifying in strong opposition of House Bill 1242 because no separation/divorce situation is alike. Personal stories deserve to be heard before any legal decisions are made or there could be detrimental and lifelong harm to children.

I am a mother of three wonderful children. After many difficult years, I filed for divorce from my husband of 15 years. The next year of my life was exhausting and traumatizing for my children and for me as my ex-husband threw us into daily chaos and hardship through countless legal motions and tens of thousands of dollars in legal bills. As devastating as this past year was, all of these challenges were worth it in the end, because a highly respected judge granted me primary custody (70-30) of my children because it was in their best interests to not have to spend half of their lives living in the chaos provided by their father. We have joint custody where the children get to spend enough time with their father while still having a stable and safe living situation with me for more of their time.

Over the past year, the judge received multiple motions and evidence (41 exhibits to be exact). In April, we spent one day in court providing evidence and witness testimony in an interim order, which was requested and filed by my ex-husband. The judge took our case under advisement for 10 days to grant the interim order. At the interim, based on solid evidence and testimony, I was granted primary custody. In addition to the custody orders, alcohol restrictions were wisely set in place for him. Finally in September, we spent an additional two days in court to determine a final judgement of custody. The judge spent an additional 100 days examining evidence and testimony, and in December I received the final ruling that I would continue to have primary custody and alcohol restrictions would remain in effect as well.

Throughout my children's lives, I have been the primary parent who provided for not only all of the day to day needs of my children, but also ensured that our home was a safe and stable place for them. Meanwhile, my ex-husband spent many hours away from home catering to his own personal desires with very little regard to how it affected our children. There was a recurring roller coaster of alcohol abuse that led to numerous situations that sometimes involved my children witnessing their father in upsetting drunken chaos. The breaking point for me, came after my ex-husband spent an evening out drinking with his friends. He drove home intoxicated hours after the bar closed. Fortunately, my children had no idea because I protected them from these common occurrences the best I could. Without me to be their buffer, their lives could be endangered by his erratic behavior.

I also did my best to shield them from the things that happened during the separation and now the divorce. Unfortunately, my ex-husband selfishly shared information with our children, told them countless lies about me, and involved them whenever he could. He even wrote statements on their behalf for the court and pulled them out of school to have them sign the statements.

Everything I have endured during my marriage and still do today, is abuse. Emotional and mental abuse. Not until I was separated from him and free of his control, did I see his actions for what they were. Unfortunately, the mental and emotional abuse doesn't stop. My ex-husband does not have a criminal record. My ex-husband holds a job. If you met him on the street, you might think he was a nice guy. If you were a fly on my wall, you would have witnessed an entirely different, devastating story of years of abuse. In reality, he claims to be the victim and does everything he can to continue to control me and to make co-parenting a challenge. Not all abuse is physically visible. I don't have bruises or police reports, but I do have real life experiences and documented proof of his abuse and control in my life. Please don't think you know what goes on in someone's home or life. We all have a story to tell. My story is worth hearing. The evidence and testimony provided in court proved that everything I experienced was true as the court granted primary custody to me. Again, this is not sole custody. Their father shares custody with me, he

just has them a few less days a month than me. It would never be in their best interests to spend a week or more in his care as he has proven incapable of meeting even their basic needs. We are still suffering the pain of the aftermath of his choices.

Today, my children and I are in counseling and doing well. We've recently purchased a home and are looking forward to a new beginning. While I wish I was never in this situation, I am so grateful that a judge had the ability to look at my situation individually, view the facts, dismiss the lies, and in the end make the best choice for my kids and me.

It is essential that parents maintain the right to request a judge's professional authority to hear personal stories and examine evidence on a case by case basis, as this ensures that children will not be negatively harmed by a universal rule that completely eliminates personal experiences. Children are not a one-size-fits-all case. No human is. Judges have the proper expertise to assess and determine the best interests of the child by hearing each case individually and studying the evidence. This ensures fair and impartial decisions and provides parents the legal ability to fight for what's in the best interests of their children. If this bill is passed, you will undoubtedly cause incredible harm to children all over our state and take away parental rights.

I am confident that if House Bill 1242 became law, that many families like mine would not have the opportunity to share their story. Without the opportunity to share my story on the stand, under oath, in front of a judge, I'm afraid to think of how my children would be suffering today. Children and families don't deserve a blanket law. Our stories deserve to be heard. Our stories need to be heard. I firmly urge this committee DO NOT recommend House Bill 1242 and to let our individual stories continue to be told and heard. Thank you for your time.

Jessica Gaube 2/9/2025
Jessica Gaube

Testimony in Support of the Rebuttable Shared Parenting Bill

Chair and Members of the Committee,

My name is Robert Garza, and I am here today in strong support of the Rebuttable Shared Parenting bill. I would like to address the application of the "Best Interest of the Child" standard as defined in the North Dakota Code, particularly in matters of decision making and residential responsibility.

The federal government has established clear guidelines for determining when state intervention in a parent-child relationship is justified under the **Social Security Act Title IV-E** and the **Child Abuse Prevention and Treatment Act (CAPTA)**. Specifically, **Title IV-E, Sections 472 and 471(a)(15)(D)(i-iii)**, stipulate that intervention is warranted **only** if a parent has committed **murder, serious bodily injury, or acts that result in death, serious harm, or imminent risk of serious harm to a child**. CAPTA's **Section §5106a(b)(2)(B)(xvi)(I-VI)** reinforces this standard by mandating that federal child abuse prevention grants adhere to these definitions.

These federal laws provide a clear and uniform standard for determining when state action is necessary in the "best interest" of a child. Compliance with these guidelines is a **prerequisite** for states to receive federal funding. Yet, in practice, some states—including North Dakota—have deviated from these standards, which raises concerns about **potential fraud** in the misuse of federal grant funds and the broader impact of such deviations on families and children.

When states misuse their discretion and apply subjective or inconsistent "best interest" standards, they risk violating **fundamental constitutional rights**—including those protected by the **1st, 4th, 5th, 6th, 10th, and 14th Amendments**. Many family courts allow hearsay-based claims in custody proceedings, restraining orders, and child protective cases—often **without due process**—resulting in unjust separations that lack legitimate legal justification. This systemic failure does not serve the best interest of children; rather, it prioritizes financial incentives over their well-being, leading to preventable harm and prolonged family conflict.

The Rebuttable Shared Parenting bill restores fairness and constitutional integrity to family courts by **establishing a default presumption that both parents are equally fit and entitled to shared parenting unless evidence proves otherwise**. This legislation does not remove judicial discretion but rather **ensures that discretion aligns with constitutional due process and federal child welfare guidelines**.

For too long, outdated and arbitrary applications of the "best interest" standard have **disenfranchised fit parents and deprived children of meaningful relationships with both parents**. It is time to correct this injustice.

I urge this committee to **vote green** in support of the Rebuttable Shared Parenting bill. Our children deserve a system that truly serves their best interests—one grounded in fairness, evidence, and respect for constitutional rights.

Thank you for your time and consideration.

Respectfully,
Robert Garza

Feb 10, 2025

What: HB 1242 (Rebuttable Shared Parenting)

Who: Dorothy Kuester

Retired Early Childhood Educator

Williston School District: 38 Years

Nana to 3 precious grandsons (ages 6, 4 and 2)

I am here today to testify in favor of HB 1242 (Rebuttable Shared Parenting)

In the summer of 2023, my daughter in law filed multiple false allegations to CPS and the Police Department in Williston. She accused my son of committing physical and sexual abuse against his three sons. It was all found to be untrue. Eventually, she stole my grandsons and crossed the state line and relocated 150 miles into Montana. My son immediately filed Contempt of Court and served the Divorce papers. The judge did nothing about the Contempt of Court and she was allowed to stay in Montana, 150 miles away from the community the children were born in. The children have a strong connection to Williston. They have two great grandmas, a nana and two papas, uncles, aunts and cousins. They left an amazing neighborhood with friends and a church community. My son became a part time parent, and I have become a part time nana.

Our current system allows for competition when it comes to determining the custody of the children. One parent often tries to “dig up dirt” on the another parent in an effort to gain more parenting time. We rely on one judge to decide who is the best parent. Our current system is broken and the children are the victims.

When one parent is absent from the children’s life, except for an occasional weekend, the children are at risk of thinking that their parent doesn’t really want to be with them. I see the effects of this on my three grandsons. The two

older boys say that they want more “daddy days” and are sad when the weekend is over. I’m deeply concerned about my two year old grandson. He is in Montana with his mother and grandma and spends all of the time with them. He shows severe signs of separation anxiety when he has a daddy weekend. He has to know where his dad is at all times. He cries big tears if he thinks his dad is gone. He frequently checks in with daddy while he is playing to seek out a hug and say “I love you daddy.” He is starving for male attention. When he is with us for a weekend, he can’t get enough of daddy, papa or his “unca” (uncle).

I pray that the limited time we have with him will not result in emotional issues and increased anxiety.

According to **“The Institute of Family Studies”**, the amount of parenting time a child spends with a parent after divorce is highly related to how secure the children feel.

Children living with one primary parent fare worse than other children living in shared parenting environments across these five domains.

1. Academic & Cognitive
2. Emotional & Psychological
3. Behavior Problems
4. Physical Health & Stress Related Problems
5. Parent / Child Relationship Quality

One primary custodial parent is subjected to higher stress and this reduces the parents’ emotional availability to the children.

The following facts are taken from Emma Johnson’s book titled

“50 50 Solution: A Surprisingly Simple Choice that Makes Moms, Dads and Kids Happier & Healthier

1. Equal parenting policies are directly correlated with lower rates of family violence and filing false reports to CPS.

2. In the five years after the Kentucky legislature passed the Rebuttable Shared Parenting Law, the number of domestic violence claims fell by 70%. Family court filings in Kentucky also dropped.
3. We can speculate that by neutralizing the power struggle between divorcing parents, not only is there less reason to go to court but the parents choose to work out custody agreements on their own or with a mediator. There is less incentive to use the court system.

Maintaining strong relationships with both parents promote stability, security and consistency. This is critical for proper emotional and psychological development. Children benefit from having both parents, and all of their great grandparents, grandparents, aunts, uncles and cousins in their lives.

I have been written out of my grandsons' lives. I am a part time nana. I see them on an occasional weekend when they are in town to be with their dad. I try to maintain a relationship with them, but their mother does not give them the mail and care packages that I send them. I have tried to send items to their school, but the boys keep the items in their desks. They don't dare bring the items home. They are a bit too young to connect with by phone. But we don't even have their mother's phone number. I have driven over for a soccer game. I have been allowed to see the two grandsons who were playing. However the third and youngest grandson was kept at home with grandma. These items are all accounted for in the custody agreement. She chooses to ignore them. She continually chooses to show that she has the upper hand.

In closing, my husband and I mourn the loss of our son's lack of parenting time. We so desire to have the ability to love, nurture, and be a positive influence in our grandsons' lives. We want to aid them in growing up to be productive, caring individuals.

Please give this bill a due pass. Please consider North Dakota's children. Please consider the many nanas and papas that have limited access to their

grandchildren. Ultimately, put an end to the cycle of children of divorce being used as pawns in a broken legal system.

2/9/2025

HB 1242 | Rebuttable Shared Parenting

Who | Arlyss Moline
88 yr old great-grandmother

I submit my testimony in favor of House Bill 1242 Rebuttable Shared Parenting

I am an 88 year old great grandmother to three little boys, ages 6, 4 and 2. I have been an active part of their lives, caring for them every Tues afternoon, preparing meals for the family and creating cherished memories. Whether it was going for walks, baking cookies, playing music together, making Valentine Cards or May Baskets, these moments were full of joy and love. I am proud to be their “Gigi”.

In Sept of 2023 everything changed when my grandson’s wife took the three boys without warning for 8 days. Later, I was served with a “No Trespass Order” falsely accusing me of threatening and harassing her. Then in December of 2023 she took the children again, moving 150 miles away to Montana. Despite the clear violation of Court Orders, the judge did nothing to address the Contempt. It was 48 days before we saw the children again.

The pain of being kept from my grandchildren is overwhelming. Their mother has deliberately cut them off from our extended family, and it feels as though something has overtaken her heart. I fear for their emotional well-being and future. My grandson who is trying his best to be a loving father, faces unnecessary barriers and manipulation. She uses their sons and pawns to sever their bond with him and with us.

The boys have limited visitation with their father. It is not enough to maintain the close, supportive family connections that they need. It breaks my heart to know that the packages of love and care I send are never given to them. Every night, I lie awake, praying for their safety and well-being. And hoping that one day they will be reunited with their extended family where they can feel the love and stability that they deserve.

I strongly support the rebuttable shared parenting bill, time taken time back bill, and the three strikes bill.

These bills are essential to ensure children are not used as pawns in a custody dispute and that both parents and extended families have equal rights to maintain meaningful relationships with the children. The emotional well-being of children should always be a priority, and these bills are necessary to protect that.

Thank you for considering this important issue.

Testimony Opposing HB1242

Dear Members of the North Dakota Legislative Assembly,

I am writing to express my opposition to House Bill 1242, which seeks to amend sections 14-09-00.1 and 14-09-29 of the North Dakota Century Code to establish a presumption favoring shared decision-making responsibility in child custody determinations.

While the intention to promote cooperative parenting is commendable, this bill raises several concerns:

1. **Best Interests of the Child:** Mandating a presumption of shared decision-making may not serve the best interests of all children. Each family situation is unique, and imposing a one-size-fits-all standard could lead to arrangements that are not optimal for the child's well-being.
2. **Judicial Discretion:** The current system allows judges to assess the specifics of each case and make custody decisions based on a comprehensive evaluation of factors affecting the child's welfare. This bill could unduly limit judicial discretion, leading to less tailored and potentially less effective custody arrangements.
3. **Parental Conflict:** Forcing shared decision-making in high-conflict situations may exacerbate tensions and negatively impact the child. It is essential to consider the dynamics between parents and the potential effects on the child's emotional and psychological health.

I went through a divorce in December of 2019. Even though my ex husband and myself have a good coparenting relationship now, it took a long time to get to this spot. A mandated forced, blanket ruling like the one that is being discussed now, would have just made an already highly emotional situation much worse.

In conclusion, while promoting shared parenting is a valuable goal, House Bill 1242's prescriptive approach does not account for the complexities of individual family circumstances and will be much worse in application than in theory. I urge the legislature to consider these concerns and prioritize flexible, case-by-case evaluations in child custody matters to truly serve the best interests of North Dakota's children.

Thank you for your attention to this important issue.

Sincerely,

Jessica Staehr

Testimony in Opposition to House Bill 1242

Dear Members of the North Dakota Legislative Assembly,

I am writing to respectfully oppose House Bill 1242, which proposes a presumption favoring shared decision-making responsibility in child custody cases.

While the bill may be intended to promote fairness, its universal approach to parenting time is unworkable for many families and undermines the court's ability to tailor custody arrangements to the best interests of children.

Key Concerns:**Child-Centered Outcomes:**

The best interests of the child must always remain the priority in custody decisions. A universal presumption for shared decision-making overlooks the unique and diverse circumstances of individual families. For some children decision-making may not be appropriate or beneficial, particularly in cases involving abuse neglect or significant parental conflict.

Often times there is a bread winner and a non-breadwinner. This is set up this way in many families to have a primary caregiver support the children (and maintain a career) while the other caregiver focuses on building the wealth of the family. The high conflict co-parent I am working with often cannot fulfill parenting time commitments due to work constraints, and rigid mandates would exacerbate these challenges.

Judicial Autonomy:

Currently, judges have the ability to carefully evaluate the nuances of each case, including factors such as the child's needs, parental capacity, and the history of parental relationships. The bill risks reducing judicial discretion, which is essential for creating custody arrangements that reflects the specific needs of children and families.

My high-conflict divorce has been through mediation, arbitration, and two court hearings over the last 3 years. It continues to be litigated because my ex-husband refuses to follow the court order. However, the parenting time was determined easily and immediately making it possible to legally divorce within the first year. The 60/40 plan has been essential to accommodating my ex-spouse's limited availability, ensuring stability for our children. For example, his parenting days start at 3 p.m. and he picks them up at 6 p.m. while I cover the time after school. He gets approximately 13 days of parenting time and rarely does he attend all 13 days of his parenting time due to last minute work changes or travel. This works well for us, and we needed the flexibility of the parenting plan.

Conflict & Its Impacts:

In high-conflict or adversarial parental relationships, mandating shared decision-making could intensify disputes and place undue stress on children. The potential for prolonged conflicts, strained communication, and repeated legal battles may negatively affect the emotional and mental health of the children. Many families lack the resources to navigate such conflicts effectively.

Implementation Challenges:

The bill does not adequately address how shared decision-making would be enforced or resolved in instances where parents cannot agree. This could lead to increased litigation and additional burdens on the court system, ultimately delaying resolutions that are critical for the stability of children. Families with limited means would face significant hurdles in securing legal support to advocate for their children's needs.

Recommendations

Rather than adopting a universal presumption, I urge the legislature to invest in **family-focused solutions**, such as:

- **Enhanced Mediation Services:** Foster collaborative, family-specific solutions.
- **Parental Education Programs:** Equip parents with tools to prioritize their children's well-being.
- **Case-by-Case Flexibility:** Preserve judicial discretion to address unique family dynamics.

My co-parenting plan acknowledged the limited availability of the bread winning co-parent and relied on my role as the primary caregiver. Supporting initiatives that encourage cooperative parenting could better achieve the bill's goals without compromising the individualized approach essential to custody decisions.

Conclusion:

House Bill 1242, though well-intended, risks undermining the principle of placing the child's welfare above all else. My personal experience demonstrates the necessity of maintaining judicial flexibility and rejecting rigid mandates that cannot account for real-life complexities. I respectfully urge you to reject this bill in its current form and explore alternative strategies that support the best interests of North Dakota's children.

Sincerely,

Jennifer Boub

Personal Testimony Against HB 1242

This bill causes me huge worry not only for the safety and stability of my child's future, but for all children residing in the state of ND. In 2021 my child's mother chose to leave the state offering zero guidance or help with childcare. She offered zero support, and when asked how I was supposed to be able to go to work and make a living to support my son she replied I should "figure it out". In response to this, my mother moved from Indiana to North Dakota to help me take care of my son. I filed a motion for primary residential responsibility, which I was awarded by the court. If house bill 1242 were to pass, my sons mother could motion the court for equal parenting time, and just as easily move out of state again. This is not what is in the best interest of my young child, nor would it give him the stability a child needs in their life. How is this just or right? Why would we allow a parent who has never made an effort to be involved in their child's life the opportunity to remove them from the stability of the parents home that has always been there for them? The consequences of this could horribly damage the physical and emotional safety of too many children to count, and I hope to see the house reconsider.

Testimony Prepared for the
House Judiciary Committee
February 11, 2025
By: Lynn Flieth, RSR Human Service Zone Director

RE: HB 1242: Relating to parental rights and responsibilities

Chair Klemin, and members of the House Judiciary Committee, my name is Lynn Flieth. I am the Director for the RSR Human Service Zone, which includes the counties of Ransom, Sargent and Richland, and am a member of the Human Service Zone Directors Association. I am here today to provide testimony in opposition HB 1242 relating to parental rights and responsibilities in civil custody situations

Human Service Zones are mandated to provide economic assistance and child welfare services, including child protection, foster care, in home case management as well as receive CHINS (Child In Need of Services) referrals. Human Service Zone Directors are also the legal custodian to children in zone public custody.

The Human Service Zone Directors are concerned with the vague and frequent references to “harm” to a child, as well as the omission to child abuse-neglect statutes. The proposed changes in this bill refer to the “court finding” that a child has experienced abuse or neglect. There are two North Dakota Century Code Chapters; 50-25.1 (Child Abuse and Neglect) and 14-09-22 (Parent and Child), which provide definitions of abused and neglected children. It is the role of Child Protection Services, administered by Human Service Zone and the Department of Health and Human Services, to assess and make findings as to whether or not child abuse or neglect has occurred. There are times when criminal child abuse/neglect charges are filed, however a confirmed finding does not always equate to a criminal charge. Criminal proceedings are a separate and independent action from a child protection

assessment, and the outcomes of CPS findings and criminal cases are not always similar. In order to best protect children, we would encourage inclusion or cross-referencing child welfare statutes, specifically relating to confirmed findings of a child protection assessment in the language of this bill.

Thank you for your consideration of my testimony regarding House bill 1242. I stand for questions from the committee.

Who Does What in Child Welfare?

ROLES IN NORTH DAKOTA'S HUMAN SERVICE SYSTEM

* Denotes those with roles in Child Protective Services

HUMAN SERVICE ZONES (HSZ) TEAM MEMBERS

- * **Child Protection Services (CPS) Workers:** Provide protective services for children under age 18, including child protection assessments in response to reports of suspected child abuse or neglect and follow-up services to families.
- * **CPS Central Intake Unit:** (Statewide HSZ team) Is the intake point for reports of suspected child abuse or neglect. Collects facts and provides details to CPS workers at the local HSZ level.
- * **Child Welfare/CPS Supervisor:** Supervise and support child welfare staff in HSZs.

Foster Care Case Manager: Manages case and is main point of contact for child, parents and foster care provider. *Child is not in the home.*

Child Welfare Case Manager: (Also called Family/In-Home/ Wrap-around/Family Preservation Case Manager) Focuses on internal family stability, parental capacities, and identifying needed supports and services. *Child is in the home.*

Family Support/Parent Aide: (Also called Human Service Aide /Transportation Aide) Assist parents in building parental capacities and skills to maintain

or reunify child with family. Not located in all HSZs. Some only provide transportation to support child and family connections and visits. ■

ND HEALTH AND HUMAN SERVICES (HHS) TEAM

Foster Care Licensing Specialist:

Recruits, supports, guides and assesses foster parents through the licensing and renewal process. Works in the HHS Children and Family Services (CFS) Licensing Unit.

* **Field Service Specialist:**

Monitors fidelity and quality of work related to the Safety Framework child welfare practice model and ND policy, in addition to providing technical assistance to the foster care, child protection and in-home case management units within the Human Service Zones and Division of Juvenile Services (DJS). Is employed by HHS – CFS. ■

Other Non-Child Welfare Support to Families

Children in Need of Services (CHINS): HSZ team connects families and children (whose behaviors include truancy, disobeying parents, running away and/ or using tobacco products) to local services. hhs.nd.gov/cfs

OTHER INFORMATION

OUT OF HOME PLACEMENT:

- Legal authority to remove a child is authorized by Juvenile Court or Law Enforcement and affirmed by the Courts.
- Deprivation matters are brought forth by the HSZ CPS workers to the removing authorities.
- Out-of-home placements could occur with relatives, kinship care, foster homes, therapeutic foster homes, or QRTP/PRTFs.

CUSTODIAL AGENCY:

In ND, foster children are placed under the public custody of three public agencies:

- **Human Service Zones:** ND's 19 Human Service Zones that represent 53 counties serve the greatest volume of foster children in ND's foster care system.
- **Division of Juvenile Services**
- **Tribal Social Services:** North Dakota has a formal State-Tribal Title IV-E agreement with four Tribal Nations: Standing Rock Sioux Tribe, Spirit Lake Nation, Turtle Mountain Band of Chippewa and MHA Nation.

GUARDIAN AD LITEM:

Appointed by the court to advocate for the best interests of a child in a juvenile court proceeding.

Testimony in Support of SB 2186
Senate Judiciary Committee
Shayla Davila: Co-Founder of Made Worthy LLC
Lived Experience Expert
January 21, 2025

Chairmen and members of the committee:

For the record my name is Shayla Davila and I am a survivor of human trafficking and the Co-Founder of Made Worthy LLC. Made Worthy is the first and only human trafficking survivor owned and operated trafficking prevention and consulting company in North Dakota. I come to you today to share some of my experiences with the hope that it will help a survivor in the future.

Most people assume that when a survivor escapes their trafficking situation, that things go back to normal. This couldn't be further from the truth. While being trafficked, I endured many inhumane situations. Your decisions are no longer your own. When you wake up, when you have your first unwanted sexual interaction, when you eat, who you spend your day with and when you go to sleep. Many people take advantage of these freedoms and never think twice about them. Most just consider these things part of their daily routine. I had no choice but to endure because I wasn't just thinking about myself, my children were with me while I was trafficked. Being a parent you find you are willing to do anything to keep your children safe even if it compromises your morals. So when we were free I felt like I could finally breathe again. Those breaths didn't last for long.

Shortly after our escape I faced many challenges. Due to not being able to pass a background check because of charges I acquired while being trafficked, I was unable to get a decent job or housing for me and my children. Luckily at this point I was a survivor and surviving is what I knew how to do. I worked multiple jobs at bars and my children and myself lived at extended stay hotels. These were the only places that didn't require background checks. Eventually my children's biological father started making numerous false accusations to CPS (Child Protective Services) which led to my children being taken from me and placed in their father's care without a proper investigation. After CPS got the father's side, all they saw was that I was a prostitute. It didn't matter that I was a victim, they didn't care to hear anything from me and that was that. To this day I can admit that the day my kids were taken, was the worst day of my life. All I could think about was everything I endured at the hands of my trafficker to keep my kids safe and then in a blink of an eye my kids were gone. I didn't understand why since I wasn't a bad mother. If anything I was a great mother who put her life on the line to keep her kids safe. I tried to explain to CPS that the claims were false and their father was the one who actually had a drug addiction, and that he made up all the claims just to get out of paying child support. But I was already labeled as a prostitute and CPS didn't even attempt to investigate. Instead of investigating I was threatened that if they find that I am making false accusations against him, I would be the one in trouble.

All of this led to a family friend coming up with the money for me to pay a retainer for an attorney. At that point a judge luckily ordered drug tests and spoke with the kids. I passed the tests and their father failed. I was then advised to contact the State Ombudsman due to my treatment by CPS. Long story short, the Ombudsman's investigation resulted in two CPS employees being relieved of their positions. This whole process took FOUR years. Four years I was away from my children. I was suppose to have supervised visitation but the children were

never brought to the meet up. Had I not just been labeled and thrown away, and CPS had done a proper investigation none of this would've happened. My children and myself had already endured copious amounts of trauma before they were unjustly taken from me, and all taking them away did was make us all endure even more trauma.

I leave you with this ; My children and I never got any of this time back and that is what this bill will do for the next victim like myself. As a society do we want to be remembered for our efforts that kept families together and helped survivors and their children get their life back, or be remembered for not doing everything we could to prevent further trauma. I ask this Committee to think of survivors and pass this bill. Thank you for your time.

Dear Chair, and Committee Members,

Thank you for your attention to this vital issue. My name is Brooke Sullivan. I'm a proud mom to four amazing children. Two are currently Dean's List student athletes at the University of Jamestown and our senior and sophomore remain home with my husband and I. I'm a Biology major, certified teacher and coach, and decorated former multi-sport college student athlete. I've loved teaching and coaching kids at all levels, college level down. My husband and I currently own and operate multiple successful businesses within the state.

I've worked diligently and been successful in many realms of life. Ultimately though, my passion, my desire, my focus in life has always been about kids. Everything, to me, ultimately circles back to, "What's the best thing, the right thing, for the kids".

Being a multi-generational, lifelong North Dakotan, raised on our centennial family farm, I always believed North Dakota was better and exceptional. When I'd occasionally hear stories of extreme injustice within court systems, I couldn't quite relate. I always knew North Dakota would do better, would be better...until I experienced it myself, firsthand.

For the past 10 years now, I've had to very much experience and watch myself and my entire family, my parents, my siblings, my kids, my nieces and nephews, have our hearts absolutely ripped out, time and time and time again, as my precious brother and niece have been unthinkable failed by every aspect of the "Family Court System", time and time again, over these past ten years. To say it's been a travesty of justice is an extreme understatement. I wouldn't have believed it could be this bad, and this wrong, had I not experienced it and continue to this day to experience it, myself.

With this current system, all that's needed is repeated false accusations to sever, in my case, my niece's access to 90% of her very loving, successful, upstanding family, my brother's whole side of the family, which makes up 90% of my niece's blood relatives. The court rulings have been all based on 100% false accusations made by a skilled manipulator mom, with clinically documented control and psychological issues, that the rookie judge fell for every time, with zero proof. In fact the judge had proof of perjury by the mom's mom, and banned her from the courtroom, but refused to take action on or consider that perjury regarding the credibility of those false accusations against my brother.

My brother and niece were both trapped in an abusive environment. He was repeatedly locked in the basement, lied to and about, and emotionally abused. My niece, since she's been able to express herself as a baby, has begged to have more time with and be with her dad, where she has peace, safety, and love. That only further fueled and enraged the mom. We have pictures of hand print bruises on my niece after she was forced against her will into court ordered time in the mother's care, drag abrasion marks on her upper knees, audio/video of her screaming for help, begging her dad, who was locked in the basement for help for hours. None of it mattered to the court or to CPS. False accusations have trumped all. My niece has been horribly failed by the system every step of the way.

My niece has been forced for 10 years now to spend the majority of her time, very much against her will, with her mom. Presents we gave and sent to our niece, were thrown away. She was denied access to the parties, communications, family gatherings, private violin lessons that she so eagerly wanted that my parents generously funded, and so much more...all was denied my niece by a vindictive mom. We had to force her screaming into vehicles, telling us she's scared and please she just wants to stay with her dad for so many years, to force her back to mom.

Recently my now almost 14 year old niece, wrote a letter to the judge explaining that she wants to spend the last 5 years of her life as a minor living with her dad after being forced to spend the first 13 with her mom, and some reasons why. She was so hopeful and excited to finally have a voice, so she thought. The judge's response was, "I'm not about to let a 13 year old kid tell me what to do". Think about that. Is this about a judge's ego, or about the best interests of the kids. A few generations ago, a 14 year old was expected to be quite competent and before long have a family of their own. Now my niece has zero voice in having access to her dad and 90% of her family. After the judge disregarded my niece's letter and wouldn't allow her to testify in court, my brother's lawyer then requested that my niece be allowed to step into judge's quarters with both lawyers present to speak to the judge that way. The mom refused to let my niece speak, devastating and again silencing her. After being forced to again go back with her mom, she was assaulted upon entering the apartment, by her mom and mom's mom, and her backpack raided and her phone and cash my brother had given her for food was stolen. Shortly after that, she attempted to run away. Her bedroom and bathroom doors have since been removed so she now has no access to privacy, space, escape. She just wants to be free. Her whole life, she's wanted to be free to be with her dad. That's not too much to ask.

How can this be a story from North Dakota? We need to do better, for the children. 50/50 needs to be the default for parenting within the legal system. It's only logical and statistics overwhelmingly show it's desperately needed for the kids to have that access to both parents for best outcomes. The current ND family court system is rife for abuse. In my case, it only took repeating 100% baseless, false allegations against my brother to cost him, and my retired parents, an obscene amount of money, with the hopes of finally achieving some level of justice for my niece and our whole family that's been devastated for over 10 years now with this tragedy...for what? For wanting to be a dad? For wanting to help his daughter/our niece? He's done nothing wrong. My niece has done nothing wrong. They both just want to be free.

Please, I ask you, plead with you, beg of you, to support and vote a strong yes on HB 1242. It's such a simple, common sense, and desperately needed fix to a broken system that's failing the kids. Please vote yes.

Thank you,

Brooke Sullivan

February 10th, 2025

Good Morning Chair Klemin and members of the committee. For the record my name is Kelsey Wight. I am here today as a parent in opposition of HB 1242. I am the mother to two amazing little boys ages 3 and 1.

This bill would change the family law provisions of the NDCC and affect many families. I recently just went through a lengthy divorce and custody battle this last year and a half. Now I won't get into the lengthy details however I will touch on some of them. While I was 8 months pregnant with my youngest my ex-husband walked out on our family.

When reading through this bill it appears with everything that occurred in my situation, he would still be deemed to be a fit 50/50 parent. During the course of our divorce he had moved 3 times, often times did not contact the children, would stop for 15 minutes here and there, many no call no shows after he told our son that he would come see him. At that time my oldest was 2 and his brother was not born yet. How do you explain to a 2-year-old how their father is choosing work or choosing not to see them. Instead, you have to lie and say that something came up and they weren't able to make it. Prior to wanting a divorce, he was with a coworker, and it appeared that when he would have our children, she would be over during the time he was with our children. This was confusing to them. My children struggled for months and still do this day following time with their father.

I'd like to touch on a few more things that occurred. He had a drinking problem, in court he told the Judge on a normal day he would drink 8-10 beers, and he didn't see an issue with that on other nights it would be a case and a half. According to this bill he would still be deemed to be a fit 50/50 parent. He does not manage money well, there was multiple times though the course of our divorce that he did not pay insurance on time or would ask me to cover daycare. These were the only bills he was to pay. Since he left, I have had our children majority of the time, paid all the bills (home, medical, essentials), I schedule all appointments and take them, I worked during my maternity leave in order to keep a roof over my children's heads. I take them to daycare and communicate daily on needs, if they need diapers/pullups, behaviors, take off work when they are sick and ask how their day is going. He only checks in with me sometimes and it's usually the same message how's the boys day. According to this bill he would still be deemed fit to be a 50/50 parent. He does not know the name of their pediatrician, there was one instance that my youngest was to be closely

monitored following a surgery for 72 hours and if anything occurred, he was to go to the ER, He decided it would be a good idea to take him camping 1.5 hours away for the nearest ER. He has not contributed any financial help towards the children. Again, would still deemed fit for 50/50 according to this bill.

As of February 4th, 2025, I was awarded primary custody. The Judge is the one who hears and sees all of the evidence and testimony in each case. No custody case is the same and passing this bill would presume that each situation is the same. Based on these issues that I have brought forth he would still be presumed to be a fit 50/50 parent, and these are not even a majority of the issues that arose during our hearing.

As a parent how can this legislation committee honestly say that the behaviors presented would still be considered "fit"? This bill is not having the children's best interests in mind it is assuming that every parent can be a parent. How would a parent choosing work over their children be in that child's best interest? You have heard in supporting testimony that it would be in the best interest to have 50/50 custody, what if at one parent home that child has no rules, goes to bed when they want, there is no expectations for them but in the other home there is a bedtime, rules and expectations to maintain, how would the unstructured differences help a child's development? From my own personal experience My now 3-year-old following dad's time would be frustrated and was not able to understand his feelings. He would hit himself and hit his head on the walls and floor. There was a time at daycare that he hit his head so hard on the wall that he put a dent in the wall, when relaying to his father the behavior the response was "poor guy". I have worked endless amount of hours ensuring his safety and helping my son understand that it's okay to be frustrated but we cannot harm ourselves, its heart breaking to see your child go through that. My now 1 year old use to scream and cry for hours when he returned home, and I would try everything to help him. You cannot explain to an infant what they are feeling all that I could do was try and comfort.

I urge you all to put yourself in the shoes of those who have had to go through these things and understand that each situation is not the same. This bill would hurt the children, I strongly urge a DO NOT PASS and will stand for any questions.

Thank you,
Kelsey Wight
Kelsey Wight

BRINSTER LAW, P.C.

Kara E. Brinster
Matthew A. Zimney
Attorney at Law

February 10, 2025

House Judiciary Committee
Room 327B
ND State Capital
Bismarck, ND

RE: HB 1242 relating to parental rights and responsibilities

Hon. Members of the House Judiciary Committee,

Thank you for your time and attention to this matter. I have been an attorney for 15 years with the primary area of my private practice in family law. I sat on the Measure 6 committee a few years ago as well, when this same subject went to the voters of North Dakota and was defeated.

I take a lot of pride in what I do as an attorney and my role in helping families through a very difficult process. Looking at the Best Interest Factors as they have been outlined in the North Dakota Century Code has helped many people determine what was best for their children. When I had a copy of those factors to my clients and ask them to outline each one for each parent, I know that they have had to stop and think about what was best for their family. The Best Interest Factors give practitioners and judges something to look to for a framework and structure to outline the facts of each individual case. Cutting those out of the law is going to cut out a huge piece of what works best in our system.

After the Measure 6 campaign, several attorneys from that committee came together and tried to figure out how we could propose changes that would make our laws better. What we found, after surveying several states, was that North Dakota already had it right. We were already doing what many were doing and doing it better than most.

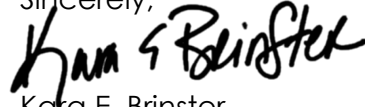
The opposition often sites to attorneys trying to keep the conflict in divorce and custody so we can make money. My answer to that is this, I am pretty familiar with most of the Family Law Bar in North Dakota and I cannot point to one attorney that is in this to draw out the process or to run their bill up. Those of us who do this work are truly in it to help families. We promote mediation and avoiding court whenever possible.

These are unnecessary changes and downright dangerous to families. These changes would take discretion away from the Judges that see people in their courtrooms and can best determine what is happening in their lives.

North Dakota's children and families are not one size fits all. Our citizens deserve better than to have laws that would treat them that way.

Please do NOT pass these changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Kara E. Brinster". The signature is fluid and cursive, with the first name "Kara" being more prominent.

Kara E. Brinster
Attorney at Law

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February 10, 2025

Representative Lawrence Klemin
House Judiciary Chair
State Capital Building
600 E. Boulevard Ave.
Bismarck, ND 58505

RE: House Bill 1242

Dear Representative Klemin:

My name is Jason McLean. I am a family law attorney with Parvey, Larson, and McLean, PLLC, in West Fargo, North Dakota. I have practiced exclusively in the area of family law since becoming licensed in 2004. Prior to that time, I clerked for a family law attorney in Grand Forks. I have also practiced family law in Minnesota since 2003. I am a mediator in what I consider one of the most successful family law programs created, not only in our state, but perhaps in the whole of America: the Family Law Mediation Program. I chaired the Family Law Section of SBAND, co-chaired the SBAND Family Law Task Force with Judge Leah duCharme, both of which explored these very issues. Based upon this experience, I can tell you all, without a shred of doubt, that this Bill is the same flawed and dangerous bill that was roundly rejected twice previously by our voters and on various occasions by the Legislature. While it may seem new, the end result is the same: cookie cutter relief for individual families. It is with this background that I appear today and provide my testimony, as a private citizen, in opposition to House Bill 1242.

As I prepared my testimony today, I looked at the number of "in favor" submissions that were received. It is a daunting number for someone opposed to this Bill. However, I also noted that many of these submissions are telling you only one side of the story, their own side. We don't usually make a sound decision without hearing both sides of anything. Our courts certainly don't do that. And yet, that is what you are getting here, with one notable exception, the Gaubes. When you review the testimony received, please notice that two opposing sides of the same case provided testimony for you. Each party's testimony tells a very different story of what happened and how it happened. Each side deserves to be heard equally, and not with the shield of the presumption favoring one of them. This is also a reason why these personal anecdotes, while powerful on paper, are only half the story and need to be viewed that way. For every person who claims to be wronged, there is another person who presented a valid reason why a court acted as it did. That is why the effects and words in this Bill, not the stories surrounding it should be what matters. That is why the many problems of this Bill should be the focus.



In looking at the presumption of shared residential responsibility, including the definition, the first problem is that shared parenting is not, nor to my knowledge has it ever been, considered to be equal time. Rather it is usually 35% of the time, give or take a few percentage points. Most of our courts understand this and have started to trend to that schedule for parents. Secondly, the methods for rebutting the presumption are vague in nature and will require litigation to determine if the presumption will stand. After all, who is to say what is harmful to a child or if it is feasible to allow exchanges at least every seven days between parties. These questions place our families in the courtroom. Lastly, the idea that the best interest factors of N.D.C.C. § 14-09-06.2 can be used to craft a parenting plan, but not to assess a residential responsibility decision, should be enough to reject this Bill. For example, what if a court looks at those factors and has concerns for an equal division because of emotional abuse of one parent by the parent. Is that Court allowed to then deviate for the schedule or is it required to provide equal time? Answering that question will lead to even more litigation.

Moreover, this Bill seeks to find a solution to a problem that does not exist. Currently, our Family Law Mediation Program is the envy of many States. While I have not seen the most recent numbers, and Cathy Ferderer at the Supreme Court will likely have them, I would estimate that over 80% of family law cases settle as a result, whether directly or in part, of the Program. Those are cases where families are kept out of Court and allowed to have control over their own lives. HB 1242 will dramatically reduce this number as there is no incentive for parties to attempt settlement of their child related issues. As a mediator, I cannot force anyone to make an agreement they do not want to make and I cannot advise them of a position to take. The end result is less attempts at compromise and more litigation for all of the families involved. That should not be our goal. Our goal in family law should be the opposite.

Whenever a presumption—**any presumption**—is involved in the law, there is only **one** option for party to refute that presumption: litigation. Similarly, the protections that are in place regarding domestic violence do not address one of the most prevalent issues in cases with violence: emotional and verbal/abuse along with threats. Our domestic violence laws do not address these issues or protect parties from terroristic threats like other states. They often fail to serve the most vulnerable people in our state. That said adding protections for emotional and verbal abuse to HB 1242 does not prevent litigation. If anything, it will **increase it**. Again, the issue here is the **presumption**. A court will need to make a determination to overcome a presumption, leading to increased litigation and caseloads for judiciary that is stressed to its max at this time

In his 2025 State of the Judiciary Message, Chief Justice Jensen noted that our district courts handle approximately 160,000 new filings and 20,000 reopened cases each year—180,000 cases. While not all of the civil docket involves domestic law cases, close to majority of the civil filings in the past have been family law related. The continuing nature of child-related issues in family law also causes most of the reopened cases to fall within this area as well. Currently, our system is struggling to handle the volume of cases. For



example, one of my clients was required to wait for nearly four months for an interim motion hearing in Stutsman County. Our Rules require a hearing to be held in 30 days, but there was no room on the docket. Now imagine that every single contested residential responsibility case needs to be heard by a judge to answer the questions I posed a few moments ago. The backlog for families—for children—in our state would be disastrous. That backlog means a need for more judges, more clerks, more staff, more everything just to handle the increases in our family law courts that would not exist otherwise. And that is before we deal with what is a ticking time bomb within this bill: “Section 3: Application.”

The most telling part of the actual reason for HB 1242 is found in “Section 3: Application.” The language in this Section **is** a retroactivity clause disguised as an “Application” clause. It essentially is opening the door to reopen **every** final and temporary order that does not already have an equal parenting time award so it may be relitigated with these presumptions. The only families this will help will be those of the attorneys who will have to take up these cases, certainly not the families who have already been through this process and will now be dragged into it again.

Which brings me to something else that should be clear in this Bill and should honestly raise some questions for you. I have just told you that this Bill will increase litigation and create the need for evidentiary hearings in nearly every case that comes along and reopen settled cases under the retroactive application. That raises the logical question: why would a family law attorney oppose something that will make him more money? Representatives, as I told your colleagues in the Senate on a similar bill, I’m not going to sit here and try to tell you that money isn’t important, it is; but it is also not the driving factor for most of us in this profession. If we wanted to make money there are far less stressful areas of law to pursue. That said, if you want to increase my billable hours, this Bill is the perfect vehicle for you to do so. Yet here I am asking you **not** to do so. No amount of money is worth the amount of harm this Bill will cause to families in our State.

What will help North Dakota families is a complete and comprehensive overhaul of the family court system in our state. Currently, our judicial branch is composed of many judges who have never practiced family law or see it as something that is not meant to be dealt with in litigation. Some counties are so overworked that families cannot get court dates for over 12 months, often after they have already waited several months prior. This information is not meant to disparage our judges and our clerks, who are working as hard as they can, as best as they can, in a system that is in need of a reform. The gridlock is one of the problems that we face.

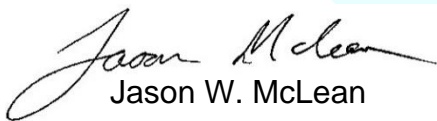


Additionally, proponents of this Bill, and others like it here and around the United States, may claim that other states have implemented presumptions of equal time. This is not accurate. Only one state, Kentucky, has a presumption of equal time in family law cases, but Kentucky also has something we don't have: a family court system that handles only domestic law matters and nothing else. We do not have the infrastructure to handle the drastic change that comes with this Bill with its retroactive effect.

This bill is not the solution to the ills that the vocal minority claims ails us in North Dakota. It will not address the actual stress on the court system. What is needed is a full legislative study to assess the implementation of Family Courts in our state. These courts of limited jurisdiction would address divorce, parentage, child support, and modifications in the domestic relations realm. They would ideally be separate from the juvenile court system and not involve the areas of small claims, both of which could continue to be handled by the Judicial Referee program. Whether domestic violence and disorderly conduct cases should fall under this area would be part of any study. The judicial officers should be attorneys who have a minimum number of years as family law attorneys, not county attorneys or the like. These judicial officers should be people whose clients were and are the people that are affected by our laws.

This will not be an easy fix, and I expect that there will be costs that may be balked at by some of your colleagues. However, if this Body wants to fix what the actual issues are in North Dakota family law, this is the path forward. For these reasons, and the many more I do not have time to state here today, I respectfully submit that this Committee should vote Do Not Pass on HB 1242. I thank the Committee for its time and consideration and am happy to answer any questions you may have. Thank you.

Sincerely,



Jason W. McLean



521 E Main Ave, Suite 320
Bismarck, ND 58501

Phone: 701.255.6240
Toll Free: 888.255.6240

nddsvc.org
contact@nddsvc.org

House Bill No. 1242
House Judiciary Committee
Testimony Presented Seth O'Neill, JD, MSW
Email: soneill@nddsvc.org
February 11, 2025

Chairman Klemin and members of the House Judiciary Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in opposition to HB 1242.

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 "shared decision-making responsibility" is in the best interests of the child. Although this presumption may be rebutted, there are only three instances that allow for the presumption to be rebutted.

These instances are when the presumption:

1. May cause harm to the child
2. May endanger the child's physical or emotional health
3. Is not feasible because the circumstances of the parents do not allow for a parenting schedule that provides for exchanges of the child between parents at least every seven days.

The bill also states that the presumption of shared decision-making responsibility does not apply in cases of domestic violence. However, this provision does not alleviate our concerns as proving domestic violence in a family law matter can be difficult. Perhaps there is a pattern of coercive control but there does not exist one instance of domestic violence which caused serious bodily harm. The current best interest factors allow the court to take a holistic approach in determining residential and decision-making responsibility. This holistic approach allows the court to determine what is best for a child and can take factors regarding the parents into account. Simply put, this bill is dangerous.



Each family is incredibly unique. The presumption that shared decision-making responsibility is best for every family is not accurate. Some parents may not have the capacity to parent 50% of the time but perhaps this wouldn't cause the child harm so the presumption cannot be rebutted.

This bill also does not the situation of default judgments. A parent who obtains a default judgment in a custody action may still have share decision-making responsibility with a parent who did not even show up to court to participate in the proceeding. This does not make sense to reward an absent parent. Again, the parent who does petition would have to show that shared decision-making responsibility would cause harm to the child. This is an additional hurdle for a parent who is likely a solo-parent.

Due to these reasons, we strongly encourage the committee to give HB 1242 a "Do-Not-Pass" Recommendation. I appreciate your time and I am happy to answer any questions you may have. Thank You.



Honorable members of the Senate and House or Representatives in the great state of North Dakota. I wish to provide written testimony in opposition of HB 1242 and Senate Bill 2383.

This issue in some manner has been voted on and opposed on at least two referendum measures by the people of North Dakota and failed by significant margins.

When I read this bill and the proposed amendments to the existing century code, it sounds fair. It appears to give both parents equal say on how their children are raised, and the decisions being made for them. The problem is divorce isn't fair, especially to children.

One of the primary reasons that divorce happens is that the two adults involved in the marriage/relationship can't make decisions in a civil manner between them. Children further complicate the divorce situation.

Under these proposed recommendations, when there is a disagreement, how will decisions be made. We already know that in many/most divorce situations the parents already struggle with conflict resolution. Now we are either going to place the child in the middle of the conflict, have the parents argue and be unable to make a decision, or worse yet have a dominant parent threaten or unilaterally make decisions because the other parent can't or won't stand up. In many of these instances these issues will then end up in the hands of attorneys and our legal system.

If these amendments were to pass, I believe our state will see an increase in litigation, forcing our legal system of judges, attorneys and mediators to make numerous decisions. It will force children into legal battles. In the end the only winning parties will be the attorneys who collect their fees regardless of the needs of the children.

In our current legal system if parents choose to do what's fair for their children it is taken care of out of court. A parenting plan, which we have an excellent template for, is developed by both parents. It defines how decisions are made and if there is disagreement what the steps are for resolution.

In our current legal system, if parents can't work together, we also have a solution that is in the best interest of the children. The plan can be completed with the help of a mediator, or when other avenues fail, determined by the court system. At all times the primary focus is on what is in the best interest of the children.

Which is more important? Being equal with parents or being fair to children. I am a divorced father, and I choose being fair to my children over equal with my former spouse.

Darcie M. Einarson
Attorney at Law
Licensed in ND, MN and AZ



Sydney Einarson Bata
Attorney at Law
Licensed in ND and MN

Samantha M. Onstad
Attorney at Law
Licensed in ND

Peyton J. Cole
Attorney at Law
Licensed in ND

February 10, 2025

The Honorable Lawrence R. Klemin
State Capitol Building
600 E. Boulevard Ave.
Bismarck, ND 58505

RE: House Bill 1242

Dear Chairman Klemin:

My name is Sydney Bata. I reside in Adams, North Dakota with my husband and our three children. I am an attorney in Grafton, North Dakota. I practice primarily family law. I also work as a Parenting Investigator, a third-party neutral, hired to investigate and report to the Court what I feel is in a child's best interests. In addition to these roles, I have been a certified Family Law Mediator since May 2016 and am on the roster of mediators for the North Dakota Family Mediation Program which provides six hours of time with a trained mediator for all cases filed in North Dakota that involve parenting time disputes. I write to address my concerns with House Bill 1242.

I would like to first point out, I went to law school with the intention of practicing family law—a rare goal as attorneys often go running when family law comes up in conversation. When I was fifteen years old, my parents made the (wise) decision to get divorced after twenty-four (24) years of marriage. As a child of divorced parents, I felt strongly that parents often lose sight of the bigger picture—what is best for the child—when immersed in the trauma that exists in any divorce. I wanted to be a voice for the children. I remind myself of that goal daily. Some days that means helping mediation clients find tools for their homes that will help their two year old adjust to transitions between homes. Some days it means submitting testimony against bills that do not protect children's best interests.

HB1242 would create a presumption that equal residential responsibility (otherwise known as 50/50 parenting) is best for children. In some cases, this is true. In those cases, the parents live near each other, communicate well, do not expose their children to conflict, and do not delegate parenting responsibilities to their children. The reality is, many couples, at least at the point of an initial determination being made, are far from the point where they can manage a 50/50 schedule well.

In family law cases, once a case is filed, it is referred to the Family Mediation Program. This happens early on in the case as a way to sort of “stop the bleeding” and try to resolve the pending issues prior to the parties getting wrapped up in the adversarial nature of court proceedings. This program is the envy of Bar Associations across the country. It is *extraordinarily* effective at helping families settle their case. In 2023, the Program reported more than 45% of cases settled their whole case through this program and more than 20% of the remaining cases settled part of their case. This is especially impressive when you think of the wide range of cases that we see come through the Program. I have performed mediations with parents in residential treatment facilities, in jail, in different states, and more. This Program allows us to sit together and come up with a creative solution that will fit their children’s unique needs. Because mediation itself is voluntary and confidential, most participants feel empowered to make decisions and agreements. I always tell my clients it is the only time you have complete control over the outcome of your case. Nearly everyone I meet in this Program tells me “I just know we aren’t going to settle anything” in their orientation, and yet most of them settle most, if not all, of the issues in their case during their joint mediation session.

For the remaining cases that do not settle in the Program, they continue on through the civil litigation process, some settling through negotiating attorneys and some going to trial. Family law trials are generally bench trials, meaning the Judge assigned to the case makes the decision at the end, not a jury, based on the Best Interest Factors that include things like a parent’s ability to provide basic necessities (food, clothing, and shelter), the mental and physical health of the parents, the desires of a mature child, and so on. In some areas of the state, you are lucky to get a trial date within one year of when your case is filed. Luckily, my area is not quite that backlogged. We usually see trials six to nine months out from when the case is filed. Even then, if parties cannot come to an agreement on what is best for their children in nine months with the help of many professionals, they likely cannot communicate well enough to make 50/50 schedules the best-case scenario for their children.

I would like to take a moment to address the issue of child support. In North Dakota, whomever has Primary Residential Responsibility, or more than 50% of the overnights in a year with the children, receives child support from the other parent. In situations where there is Equal Residential Responsibility (50/50), both parents pay child support to each other, offsetting the amounts so only the higher earning spouse pays the other the difference in obligations. While I do not intend to dive into this can of worms for our purposes today, I do want to point out that this process is often viewed as an easy way to escape financial responsibility for your children. It is unfortunately extremely common for parents who have little to nothing to do with their children to suggest they should be awarded Equal Residential Responsibility of their children or even Primary because they don’t want to pay child support. One of my concerns with this bill is that many parents will view it as a way to get out of supporting their children. On more than one occasion, I have had to kick a potential client out of my office for insisting they should be the primary parent of a child for this purpose but could not even spell the child’s name or identify their birthdate.

There is a narrative that, in going through a divorce or custody action, 50/50 is fair. It is a fair way to divide property, so it must be a fair way to divide kids, right? But we cannot divide kids, and they are not property. Moreso, we need to be focused on what is fair to the kids. Is it fair to never be home more than 50% of your time? Is it fair to never be home for more than seven days at a time?

The reality of the situation is that parents do not generally parent equal amounts of time even when they are in a relationship. I urge you to consider how many couples you know, married or otherwise, who spend an exactly equal amount of time parenting over the course of the year. Consider who among you spent an exactly equal amount of time with each of your parents while growing up. Keep in mind, a farmer parenting equally all year except during planting and harvest, is not parenting equally all year. We need to shift our thinking to ensuring children get *quality* time with each parent instead of requiring they have the same quantity of time.

Moreover, please remember that this bill does not just relate to parents who were married and are getting divorced. This bill would apply to the dad who never wanted to meet his child until he was served with a child support case by the State when his child's mother applied for Temporary Assistance for Needy Families. This bill would apply to the breastfeeding mother of a newborn. This bill would apply to the alcoholic parent whose former partner can no longer prove how much they drink because they do not live together. This bill would apply to everyone, without consideration for the unique needs of each child.

In short, some families will excel with 50/50 schedules. Most of them are already doing that or agreed to it early in their case. They've worked together to ensure their kids get the best situation possible. They've made peace with the fact that even though they don't work well in a romantic relationship, they can put that aside and be in a great coparenting relationship. Those families do not need this bill. In all other circumstances, this bill makes things worse for kids and will grossly inflate the amount of litigation occurring in family law cases throughout the state.

For these reasons and the many others I do not have time to address today, I urge you to vote DO NOT PASS on HB 1242. Thank you for your time and consideration. I am happy to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Sydney Einarson Bata".

Sydney Einarson Bata
Attorney at Law



Parvey, Larson, and McLean

Licensed in ND and MN

Shannon E. Parvey
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February 10, 2025

Representative Lawrence Klemin
House Judiciary Chair
State Capitol Building
600 E. Boulevard Ave
Bismarck, ND 58505

Re: House Bill 1242

Dear Representative Klemin:

I've been a resident of our state for my entire life and this is the *first time* I've been compelled to reach out to provide testimony pertaining to proposed legislation. I only wish I was able to be present, in person, to provide this testimony and answer any questions your panel may have, but unfortunately, I'm scheduled to be in mediation—assisting a husband and a father negotiate the terms of his divorce from an uncooperative spouse.

My day-job is an attorney. Specifically, a family law attorney. I spend my days working with husbands, wives, mothers, fathers, and former paramours talking about the highly-charged areas of how to share time with their children; how to share holidays; and who gets to host birthday parties and walk the child to the first day of school.

Prior to law school, I was a social worker. Now, after law school, I'm still very much a social worker (but one with knowledge of the law). Not a single week has gone by that I haven't met with a crying client or a scared parent, since I began this career.

This is why I'm reaching out. I believe the authors of HB 1242 think this bill will make my job easier. If this bill passes, that it'll also be easier for parents, right? If this bill passes, it'll mean less time with lawyers and judges and quicker resolutions between disagreeing parents! But, no, based on what I know and see, it won't.



This HB 1242 will make matters worse for our parents already in conflict. Here's a snapshot of why:

- 1) A lot of parents readily agree to equal time with the other parent. They do so without the need of a statute telling them to do so. HB 1242 will have no impact on the parents that agree, on their own, to share equal time.
- 2) This bill will only impact parents that *don't* agree. I need you to think about why parents might not agree: Abuse. Neglect. Control. Addiction. Pride.
- 3) HB 1242 says the automatic presumption doesn't apply if there's been a restraining order in place—any restraining order. I have many concerns about this well-intentioned loop-hole.

But, succinctly, it's incredibly easy to get a Disorderly Conduct Restraining Order (and it probably should be). But, if a controlling jerk of a parent wants to get a leg-up on his/her spouse, he/she just needs to initiate a disagreement and hide the cell phone camera in his/her front pocket and record the aftermath. Boom. Presumption beat because now there's a DCRO.

More importantly, I know that *domestic violence victims* are more likely to plead *guilty* to domestic violence when they fight back against their perpetrator. I have worked with numerous women that have DV restraining orders *against them* because they fought back, one time.



And, here is why North Dakota does not need HB 1242:

- 1) Our current laws work. When parents disagree on how to share time with their children, lawyers and judges review the statutory Best Interest of the Child factors codified in N.D.C.C. 14-09-06.2. These factors allow for individualized consideration of the family's dynamics. Simply, my children's best interest factor analysis will be personalized to them—and not to your family.

HB 1242 ignores the children's best interests and this analysis and says "Parents get equal time unless a parent can prove otherwise." We won't even look at the children's best interests.

- 2) North Dakota has a *wonderful* mediation program that provides 6 hours of mediation *for free* to parents. The program is described in N.D.R.Ct. 8.1. The program has 10 stated objectives, but the first one is: "To support improved parental decision-making and to promote agreement and compromise in place of litigation over parenting rights and responsibilities and to conserve limited family resources in family cases."

Isn't that amazing?

And, I'll tell you something even more amazing: It works. It really does. I've had clients experience great success participating in mediation, when direct communication wasn't working.

I fear this program will be castrated if HB 1242 becomes law. HB 1242 says there is no discussion because both parents are equal—so unless you can convince me that I really have been controlling; absent; or you've obtained a restraining order against me—I get equal time!

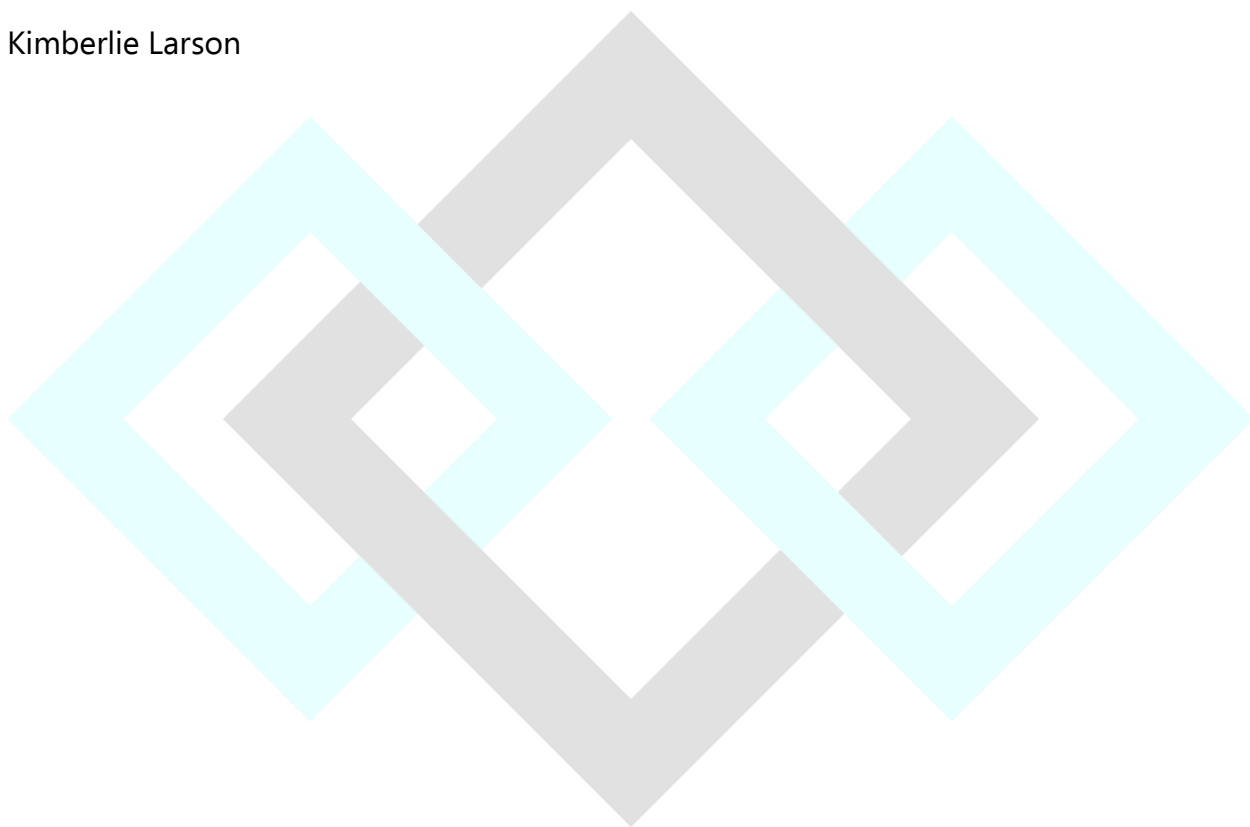
- 3) HB 1242 was written by folks that have no idea how family law is practiced in North Dakota. Lawyers and judges were not consulted. Nobody learned about the Best Interest of the Child factors and nobody researched the Family Mediation Program.



Thank you for considering my testimony. Please, consider the ripple effects of this proposed bill and vote Do Not Pass on HB 1242

Sincerely,

Kimberlie Larson





2800 N Washington Street
Bismarck, ND 58503

Ph: 701.557.3384
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Betsy A. Elsberry | betsy@nodaklaw.com
Erica J. Shively | erica@nodaklaw.com
Christopher Rausch | chris@nodaklaw.com
Quinn Harmon | quinn@nodaklaw.com

February 10, 2025

LETTER SUBMITTED THROUGH LEGISLATIVE TESTIMONY PORTAL

Re: House Bill 1242

Dear Representative Kelmin and Members of the House Judiciary Committee:

We are attorneys at Elsberry & Shively, P.C., based here in Bismarck. We respectfully ask this Committee to urge a “do not pass” on this legislation. HB 1242 focuses on the rights of parents rather than the best interests of children, erasing decades of law designed to protect North Dakota’s most vulnerable citizens. We believe that the best interests of children are paramount to the rights of parents.

Approximately ninety percent of our firm’s caseload is in the area of family law. The cases that pull at our heartstrings are those involving children facing stressors far beyond what their years on Earth have prepared them for – alcohol and substance abuse, physical and emotional abuse, illness of a parent, and intentional and disruptive conflict by a parent. It is these children, the ones who have already endured more stress than can be imagined, that will be forced through additional litigation and have their worlds turned upside down should this bill pass.

HB 1242 is about the rights of parents, while current law properly focuses on the best interests of children. Under current law, when constructing a parenting plan, including determining residential responsibility, district courts rely on the best interest factors outlined in N.D.C.C. § 14-09-06.2. HB 1242 would eliminate analysis of the best interest factors on the front end of a case and grant equal residential responsibility unless that arrangement may: (1) cause harm to a child; (2) endanger the child; or, (3) is not feasible due to the circumstances of the parties. The best interest factors would only apply to the construction of the parenting time schedule.

Applying the above standards to the living arrangements of the children of this state would be sending the message that the bare minimum is enough. If you “may not be harmed” in a home, then a child, whether he be three months old or 16 years old, needs to be in both parents’ homes an equal amount of time. The same analysis applies to the second and third permissive rebuttal options.

Perhaps what is most dangerous about HB 1242 is its retroactivity clause which would allow any party who does not currently have equal residential responsibility to reopen their cases and engage in litigation to determine whether or not the other party can rebut the presumption. This means individuals convicted of domestic violence where a civil domestic violence protection order (DVPO) was never sought or entered, who were found in their family law cases to have abused their children, who have engaged in constant emotional abuse, refusals to cooperate or coparent, and with mental health and substance abuse disorders that they have failed to treat as required in their parenting plans have the ability to rechallenge the other parent at his or her expense. The increased litigation would occur in an already overpacked judicial system and at the expense of North Dakota's children.

HB 1242 is an avenue for abusers to continue abusing. Looking at the records of the supporters of this and the other bill on presumptive parental rights, it is not uncommon to see DVPOs, domestic violence criminal convictions, and civil orders detailing proven domestic violence. This is so prevalent, that it would be interesting for the Committee to ask each individual who stands in support of the bill whether or not that individual has a criminal or civil Judgment finding that they perpetrated domestic violence.

In high emotion cases that come through our office, we often see emotional, financial, and/or physical abusers use children as pawns. These abusers seek to gain their victims' compliance and concessions by threatening to seek as much parenting time as possible. The children are affected by this behavior, by the stress of continued litigation between their parents, and by reduced funds in the household due to continued litigation. HB 1242 misplaces the burden in these kinds of cases. It requires the victims of domestic abuse to rebut the presumption giving those victims a higher wall to scale than the person who abused them.

HB 1242 is also short cited in that it ignores the significant impacts of psychological abuse on children. Whether psychological abuse is aimed at the other parent or the children themselves, those of us who practice law in this area cannot deny that the impacts of psychological abuse, in many if not most cases, surpass those of physical abuse. We have had clients explain that they can understand being hit and that hitting is wrong and so can others, but it is much harder to explain or justify the significant and terrifying impacts of psychological abuse. Abusers who use psychological abuse cause victims to disbelieve their own eyes and ears or cause them to believe they are stupid or mentally ill. Psychological abuse undermines victims on nearly every level. Removing consideration of the best interest factors with regard to residential responsibility erases the factors under which judges review the impacts of psychological abuse, again leaving children at risk of the potential lifelong effects of psychological abuse.

Finally, HB 1242 does not adequately address substance abuse and the mental health of a parent and the potential dangers to a child. It is unclear from the bill how it will impact residential responsibility cases with parents who struggle with substance abuse or mental health disorders. In many of these cases, protections are put in place requiring a parent to

test for alcohol or drugs prior to parenting time, or for continued and consistent contact with mental health professionals. These tools ensure children are not harmed pursuant to the Court's findings under the best interest factors in current law. Under this bill, it appears that parents who have these struggles may have a right to equal parenting time without restriction, absent the other parent proving they may cause harm to their child. Unfortunately, in the practice of family law, a parent causing harm to a child is often proved through history, and often the only witnesses are the children themselves. If a parent drinks throughout their parenting time, to prove harm may come to the child, we, as practitioners, will be relying on these children to establish harm may come to them. In other words, the kids will have to protect themselves. That is a very big burden to put on a young person who should be focusing on their childhood.

We respectfully urge that the Committee urge a "do not pass" on HB 1242 and that its members vote "no" on this bill.

Sincerely,

/s/ Betsy Elsberry, Erica Shively, Chris Rausch, & Quinn Harmon

Betsy Elsberry
Erica Shively
Christopher Rausch
Quinn Harmon

Greetings.

My name is Kathleen A Prescott, 538 5 Ave W, Dickinson, ND 58601.

I am the Maternal Grandmother of three Grandchildren, Jordan, Jamie and Jacob. They live less than 20 miles away from me. Nine years ago, my daughter, Brandy, divorced her husband, Jerald. Within two years of the divorce, the children refused to go with their mother for her parenting time. Jerald would file false allegations against Brandy and they would all be dropped. She went back to court several times, spent thousands of dollars and involved law enforcement to help enforce her visitation, all to no avail. I would reach out to Jerald time after time to spend time with the children and he would tell me they don't want to go or I would get no response at all.

I refer to myself as an erased Grandmother. In fact, the entire maternal side of the children's family has been erased. They will have nothing to do with any of us. I have been to every Birthday, Christmas, Baptism, Prom and Graduation before the divorce and have done nothing but love them and they will have no part of me in their lives. Their father has single handedly wiped out one half of their DNA through alienation.

I have not spent any time with my Grandchildren, Jordan, Jamie and Jacob for seven years. This has to stop.

Thank you for your time.

Respectfully,

Kathleen A Prescott

Kathleen A Prescott

February 7, 2025

To: House Judiciary Committee

Re: HB1242

Chair and Members of the House Judiciary Committee,

I am writing in regard to my opposition of House Bill No. 1242 relating to equal parental rights and responsibilities. After reading this purposed bill, I am concerned for my own family and the countless other parents and children in similar situations as ours and what passing this bill could mean for children of North Dakota.

My name is Tami Van Beek and I reside in Strasburg, ND, District 8, for the last 16 years. I have three children (ages 16, 13, 5) and have spent the last two years working through the North Dakota legal system and courts with the help of my attorney, to simply ensure their safety and well being. While the thought of automatic equal parenting and decision making for our children may seem fair and just to some, unfortunately this is not the reality or the case with many families, including mine.

HOUSE BILL 1242 would presume equal residential responsibility and shared decision making. This means the Court would be required to order equal residential responsibility and decision making, unless the presumption is overcome. In my direct experience, overcoming this presumption can take years and tens of thousands of dollars to do. The vast majority of parents in my situation do not have the financial means or the support to do this to protect their children. Another very concerning issue with this bill is the fact that it also states "there is no presumption as to whom will better promote the best interests and welfare of the child." While this bill addresses domestic violence and sexual abuse, it does not address a multitude of other issues, such as alcohol or drug addiction/abuse or a parent's mental health to name a few. If this bill is passed, it could re-open countless current parenting plans, orders and judgments that parents like me have advocated for to secure stability, safety and the well being for our children. Our current laws are also what helped me secure primary residency and decision making for my children. This bill may also discard the educated opinions of judicial officers who have heard, seen, and weighed these factors to help decide what's in the best interests of the children, not what is wanted by a parent because they feel it should just be equal.

Have you heard the Bible story of King Solomon telling the mothers he'll just cut the baby in half because they can't come to an agreement? One mother is all for it, because she feels it's her right. The other mother falls to her knees and gives in, because she knows and wants what's best, but she wants to keep her child safe above all else. That story best depicts this bill in summary. I feel this bill is geared **ONLY** towards parental rights and would reverse measures put in place to protect these children. Passing this purposed bill would send a message that our children's safety and stability does not outweigh a parent's rights and would put parental rights over protecting and ensuring the best interests and welfare of the children of North Dakota.

I respectfully request that you vote a **DO NOT PASS** recommendation for this bill. I appreciate your representation, service to our state and its citizens. Thank you for your time.

Tami Van Beek

Greetings.

My name is Kathleen A Prescott, 538 5 Ave W, Dickinson, ND 58601.

I am the Maternal Grandmother of three Grandchildren, Jordan, Jamie and Jacob. They live less than 20 miles away from me. Nine years ago, my daughter, Brandy, divorced her husband, Jerald. Within two years of the divorce, the children refused to go with their mother for her parenting time. Jerald would file false allegations against Brandy and they would all be dropped. She went back to court several times, spent thousands of dollars and involved law enforcement to help enforce her visitation, all to no avail. I would reach out to Jerald time after time to spend time with the children and he would tell me they don't want to go or I would get no response at all.

I refer to myself as an erased Grandmother. In fact, the entire maternal side of the children's family has been erased. They will have nothing to do with any of us. I have been to every Birthday, Christmas, Baptism, Prom and Graduation before the divorce and have done nothing but love them and they will have no part of me in their lives. Their father has single handedly wiped out one half of their DNA through alienation.

I have not spent any time with my Grandchildren, Jordan, Jamie and Jacob for seven years. This has to stop.

Thank you for your time.

Respectfully,

Kathleen A Prescott
Kathleen A Prescott

To whomever it may concern,

I am writing this in opposition of HB 1242.

I have been a daycare provider for many years, so I have a bit of experience with different parent situations. I am all for parents having 50/50 custody IF both parents are fit to give proper care to their children. However, I have seen many situations where parents are not fit to take care of their children. I think it is quite ridiculous you would be considering giving parents 50/50 custody regardless of the situation.

I also have my own experiences with one of my parents. If both my biological father would have had the same custody that my mother would have, I would have had a miserable childhood. My mother got sole custody of my sister and I, and I wouldn't have it any other way. I now have an amazing step-father (who I consider to be my "real" dad) who has been more of a father to me than my biological father ever was.

I STRONGLY oppose voting yes on this bill. I think every custody case is different and should stay that way. I think that if a parent wants 50/50 custody of their child, they should have to prove that they want it and are willing to fight for it.

Thank you for your time,

Morgan Kadrmas



7 States Have Passed
Shared Parenting Legislation

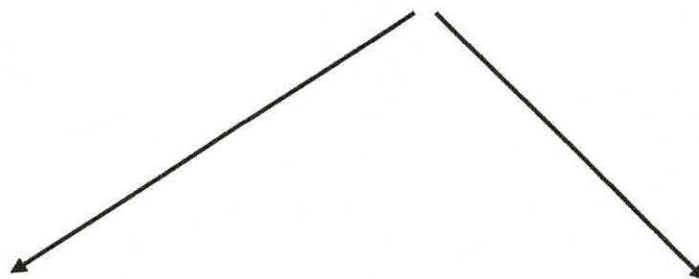
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P = Preponderance
CC = Clear + Convincing

State	Bill #	Year	House		Senate	
			Yes	No	Yes	No
Arizona - P	SB 1127	2012	46	9	28	0
Kentucky (Temporary Orders) - P	HB 492	2017	97	0	38	0
South Dakota (Temporary Orders)	SB 140	2018	64	0	35	0
Kentucky (Final Orders) - P	HB 528	2018	81	2	38	0
Arkansas - CC	SB 18	2021	71	16	33	2
West Virginia - CC	SB 463	2022	82	14	24	8
Florida - P	H 1301	2023	105	7	34	3
Missouri - P	SB 35	2023	114	9	30	4

Divorce Cases/Year

2000



85%
Non-Contested
1700/Cases

15%
Contested
300/Cases

- Group that one or both parents submit false reports or accusations
 - 85% of CPS reports are false or unfounded
 - File for unneeded(false) protection orders
 - False Accusations Utilizing the “14 Best Interest Factors”

- Opposition falsely projecting credit of the Mediation Program for these.

- Mediation program uses the children as pawns to try to drive resolve. Non-primary parent in temporary orders gets pressured they could lose even more time if they do not settle. etc.

- “14 Best Interest Factors” being forced on Non-Contested Cases Driving some to Litigation resulting in Contested Cases. By removing the “14 Best Interest Factors” Parents that did not want to be contested will no longer fill out who is a “subjective” better parent in these factors and therefore eliminate conflict.
- We know from research that 10% of the total 15% of contested cases contain “severe parental alienation”. The next 5% contain “moderate/severe” parental alienation. Most of these cases have added litigation caused by false protective orders, false CPS reporting and false allegations utilizing the “14 Best Interest Factors. Each one of these false reports and accusations is addressed with increased litigation in the courts. Removing the incentive of gaining control over the children and finances will naturally cause some to stay in non-contested and reduce overall litigation.

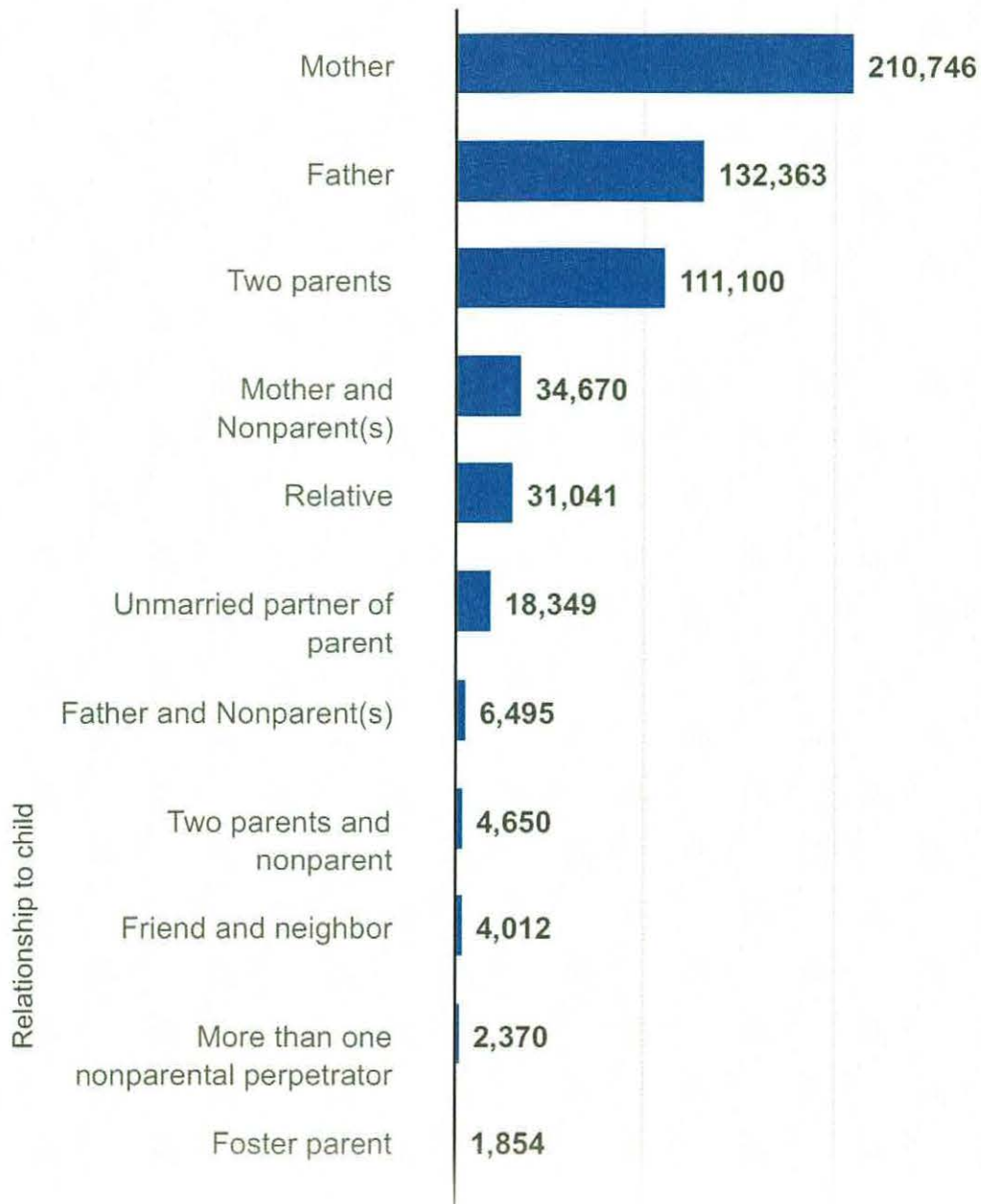
Source:

Arkansas Administrative Office of the Courts

Domestic Relations Cases by Type and Filing Year, 2018 – 2024								
Case Type	Year Filed							Grand Total
	2018	2019	2020	2021	2022	2023	2024	
ANNULMENT	85	81	69	68	61	73	48	485
BODY ATTACHMENT	1	0	0	0	0	0	1	2
CHILD SUPPORT	2,689	2,340	1,466	1,533	1,499	1,444	1,364	12,335
CONTEMPT-DOMESTIC RELATIONS	99	55	44	48	71	57	51	425
CUSTODY	861	793	751	815	750	744	746	5,460
DIVORCE	20,540	20,572	19,486	19,461	18,159	18,001	17,858	134,077
DIVORCE W/SUPPORT	2,392	2,026	1,461	1,390	1,238	1,091	930	10,528
FOREIGN JUDGMENT-DR	577	496	368	431	459	368	283	2,982
ORDER OF PROTECTION	8,338	8,833	7,810	8,188	8,113	8,296	7,806	57,384
OTHER-DOM REL	93	70	33	44	34	20	29	323
PATERNITY	4,309	4,245	3,484	4,387	4,696	5,044	5,756	31,921
PATERNITY/SUPPORT	3,051	2,643	1,767	1,824	1,964	1,766	1,656	14,671
REGISTER ARKANSAS JUDGMENT- DR	2	1	2	5	7	5	0	22
SEPARATE MAINTENANCE	198	155	148	127	120	104	112	964
SUPPORT - OCSE	4,449	5,260	4,725	6,640	7,945	7,697	7,648	44,364
SUPPORT - PRIVATE (NON OCSE)	19	20	15	26	16	19	18	133
SUPPORT-UIFSA	518	542	304	301	318	337	337	2,657
URESA IN	6	5	4	3	2	1	1	22
URESA OUT	1	1	0	0	0	0	1	3
VISITATION	148	149	157	127	135	120	112	948
Grand Total	48,376	48,287	42,094	45,418	45,587	45,187	44,757	319,706

[Society](#) > [Crime & Law Enforcement](#)

Number of child abuse victims in the United States in 2021, by perpetrator relationship



Some of the Challenges Faced by Children, Parents and Society After Having Gone Through the North Dakota Family Court System in the Context of Unequal Parenting Time Post-Separation or Divorce.

These statistics show that when a judge removes or limits half of the support structure of a child during separation or divorce it has devastating effects, not only on the children directly involved but greatly endangers all families and children in ND.

1. Increased Suicide Risk: 63% of teenagers who die by suicide.

- a) 63% of youth suicides (Source: U.S. Department of Health and Human Services, Bureau of the Census)
- b) **American Journal of Orthopsychiatry** – This journal publishes research on the impact of **single-parenting** and **family stress** on children's mental health, including **suicidal ideation** and **behavior**.
 - Link: [American Journal of Orthopsychiatry](#)
- c) **National Institute of Mental Health (NIMH)** – NIMH provides comprehensive information on how **family structure** and **parental conflict**, such as in **divorced families**, can increase the risk of **mental health issues**, including **suicidal thoughts** in children.
 - Link: [NIMH](#)
- d) **Journal of Family Psychology** – This journal explores the relationship between **parental divorce** and **mental health outcomes** for children, noting that children in **divorced families** or **majority-time custody** situations are at greater risk for **suicidal behavior** and emotional distress.
 - Link: [Journal of Family Psychology](#)
- e) **Child Development** – This journal publishes studies on how **single-parent households** and family stressors impact children's emotional and mental well-being, including **suicidal ideation**.
 - Link: [Child Development](#)

These sources provide research and findings on the risks children face in **single-parent** or **majority-time custody** families, particularly regarding **mental health struggles** and **suicide risk**. They highlight how factors such as **family conflict**, **social isolation**, and **economic stress** can contribute to the heightened risk of **suicidal ideation** and behavior in these children.

2) High School Dropout Rates: 71% of high school dropouts.

- a) **The Journal of School Health** – This peer-reviewed journal includes studies that address how children from **single-parent households** are more likely to experience **school disengagement** and **increased dropout rates** due to factors like **economic strain**, **emotional stress**, and **lack of parental involvement**.
 - Link: [The Journal of School Health](#)
- b) **National Longitudinal Study of Adolescent Health (Add Health)** – This large-scale study has examined how children from **divorced families** and **single-parent homes** are at a higher risk of

academic failure and **dropping out**. It looks at the role of **parental involvement** and **family conflict** in influencing academic outcomes.

- **Link:** Add Health

c) **American Sociological Review** – This journal provides research on the effects of **family structure**, including **single-parent homes** and **divorce**, on **children's academic achievement** and the **likelihood of dropping out of school**.

- **Link:** American Sociological Review

d) **Journal of Family Psychology** – This journal explores how **divorce** and **single-parent families** affect **children's academic success** and their likelihood to drop out of school. It discusses the emotional and financial stressors that contribute to these outcomes.

- **Link:** [Journal of Family Psychology](#)

e) **Child Development** – This journal provides studies on the effects of **family dynamics** on **children's school performance** and the increased risk of **dropping out** in households with high **stress levels**, such as **single-parent** and **majority-time custody families**.

- **Link:** [Child Development](#)

These sources provide research and evidence on how **family structure** can influence **school dropout rates**, especially for children from **single-parent** or **majority-time custody homes**. They highlight the significant role that **financial stress**, **emotional support**, and **parental involvement** play in shaping educational outcomes.

3) **Chemical Dependency:** 75% of children in chemical abuse treatment centers.

a) **National Institute on Drug Abuse (NIDA)**

- The **National Institute on Drug Abuse** has published numerous reports linking family dynamics, including single-parent households, to higher rates of substance abuse in adolescents. Their studies consistently show that children in these households are at greater risk for developing addiction problems, often due to factors like lack of parental supervision, economic stress, and emotional strain.
- **Source:** *Adolescent Substance Abuse and Family Structure*. National Institute on Drug Abuse.

b) **The Substance Abuse and Mental Health Services Administration (SAMHSA)**

- According to SAMHSA's national surveys and reports, children from single-parent homes are significantly more likely to experience mental health and substance use issues. Their data shows that family instability, including single-parent households, is a contributing factor to the increased likelihood of adolescents using drugs or alcohol.
- **Source:** *Results from the 2019 National Survey on Drug Use and Health*. SAMHSA.

c) **"The Impact of Family Structure on Substance Abuse in Adolescents" – Journal of Drug and Alcohol Dependence (2014)**

- This journal article explores how family structure, particularly single-parent households, affects the likelihood of adolescent substance abuse. It discusses how family conflict, lack of supervision, and emotional neglect in single-parent homes can lead to higher rates of substance use and addiction.
- **Source:** *Journal of Drug and Alcohol Dependence* (2014).

- [Link to article](#)

d) National Center on Addiction and Substance Abuse (CASA) at Columbia University

- A report from CASA found that children from single-parent homes were at a significantly higher risk of substance abuse. The study emphasizes that children of single parents may be more vulnerable to peer pressure, lack adequate supervision, and face greater emotional challenges, all of which increase the risk of drug and alcohol use.
- **Source:** *"The Importance of Family Structure in Preventing Substance Abuse."* National Center on Addiction and Substance Abuse.

e) American Academy of Child and Adolescent Psychiatry (AACAP)

- The **AACAP** reports that children from single-parent homes, especially those in low-income situations, face higher risks for a range of mental health issues, including substance abuse. They highlight how family instability and lack of consistent parenting contribute to the development of these problems.
- **Source:** *Family Structure and Adolescent Substance Use.* American Academy of Child and Adolescent Psychiatry.

f) "Children of Single-Parent Families: A Review of the Literature on Drug Use and Abuse" – Journal of Family Studies (2008)

- This literature review examines several studies on the relationship between single-parent family structures and the increased likelihood of drug abuse in children. The review found a consistent pattern where children in single-parent households are more likely to experience mental health issues and engage in substance use.
- **Source:** *Journal of Family Studies* (2008).
- [Link to article](#)

Conclusion:

Although the specific statistic of 75% may not always be cited, numerous studies and reports from reputable sources like NIDA, SAMHSA, CASA, and the AACAP confirm that children from single-parent homes are at higher risk for substance abuse and addiction. The family structure, especially the lack of one or both parents, combined with factors such as economic hardship, emotional neglect, and limited supervision, significantly contributes to these risks.

4) Gun Violence Exposure: Children are three times more likely to carry firearms.

- a) The Real Root Causes of Violent Crime: The Breakdown of Marriage, Family and Community - The Heritage Foundation
- b) **National Center for Biotechnology Information (NCBI):**
Research published in journals accessible through NCBI often explores the impact of family structures, including single-parent households, on adolescent behavior. The findings often highlight higher levels of delinquency, aggression, and sometimes weapon carrying among youth from single-parent homes.
Example study: "Family Structure and Adolescent Behavior: The Role of Father

Involvement," which highlights how family dynamics, including single-parent status, contribute to youth behavior.

c) **National Youth Risk Behavior Survey (YRBS):**

This survey, conducted by the Centers for Disease Control and Prevention (CDC), tracks behaviors like weapon carrying, substance use, and violence among high school students. It often indicates that students from single-parent homes have higher rates of risk behaviors compared to their peers from two-parent households.

d) **The Institute for Family Studies:**

Research published by this institute often delves into the effects of family structure on children, including how single-parent households can influence youth behavior. Their reports might provide insights into the correlation between single-parent status and the likelihood of carrying weapons or engaging in violence.

e) **Journal of Research in Crime and Delinquency:**

Several studies published here examine how family structure, including single parent homes, influences adolescent criminal behavior. One study might highlight how a lack of supervision or economic disadvantage often faced by single-parent families can increase the likelihood of engaging in risky behaviors, including carrying guns.

(f) **"Single-Parent Families and Their Impact on Youth in Urban Communities" by the Urban Institute:**

This study specifically addresses the impact of single-parent families on the behavior of youth in urban communities. It often points to increased exposure to violence, economic hardship, and a greater likelihood of involvement in criminal activities, including gun carrying.

g) **"The Effects of Family Structure on Juvenile Delinquency" by the American Psychological Association (APA):**

APA has multiple publications that discuss how family dynamics—such as single-parent households—affect juvenile delinquency. Studies have suggested that children from these households may be more vulnerable to external pressures, leading to behaviors like weapon carrying.

5) **School Shootings:** A recent study found 87% of children involved in school shootings have a history of having one majority time parent, raising concerns for North Dakota.

a) **Breaking the cycle:** How Reimagining Divorce Can Help End School Shootings and one Attorney's Plan to Do Just That – www.anrlaw.com

b) **University of Alabama at Birmingham** "Predictors of School Weapon Carrying Among Adolescents" by Jonathon Adams

- <https://digitalcommons.library.uab.edu/cgi/viewcontent.cgi?article=1950&context=etd-collection>

c) **National Institute of Justice (NIJ)**

The NIJ, part of the U.S. Department of Justice, funds research on topics related to youth violence and the root causes of school shootings. Studies from NIJ often explore the link between family structure, emotional trauma, economic hardship, and violent behavior in youth.

- One study that might be of interest: "Risk Factors for Youth Violence" examines how family instability, including living in single-parent homes, can contribute to emotional and behavioral problems, potentially leading to violence.

d) The National Center for Missing and Exploited Children (NCMEC)

NCMEC conducts research on youth violence, including school shootings. While the connection to single-parent households may not always be explicitly mentioned, reports and statistics often point out that children from disrupted or single-parent families may be more vulnerable to emotional distress and behavioral issues, which could contribute to violent outcomes.

e) The Columbine Study and Other School Shooting Research

Studies analyzing incidents like the Columbine shooting often discuss family dynamics as one of the factors contributing to violent behavior in adolescents. In the case of the Columbine shooters, research pointed to troubled family relationships, which might involve issues like parental divorce or neglect, as contributing factors.

f) American Psychological Association (APA)

The APA provides a range of resources about the psychology of youth violence, including the impact of family structure. Studies suggest that family stressors, including single-parent households, can increase the risk of youth engaging in risky behaviors like substance abuse, gang involvement, and violent acts, which can escalate into more severe behaviors, such as school shootings.

g) "Youth Violence: A Report of the Surgeon General"

This report discusses risk factors for youth violence, including family environment. It addresses how instability, poor supervision, and economic hardship—common issues in single-parent households—can increase the likelihood of violent behavior in children. Though it does not directly link school shootings to single-parent families, it provides insights into the broader context of how family structure can influence violent behavior in youth.

h) Research by the Institute for Family Studies

The Institute for Family Studies publishes research related to family structure and its effects on children's behavior. Studies often explore how living in single-parent homes affects children's emotional development, peer relationships, and likelihood of engaging in risky behaviors, including violence. They often highlight the challenges faced by single-parent families and how they may contribute to behavioral issues.

i) **Journal of Youth and Adolescence**

This journal publishes articles on adolescent development, including the impact of family structure. One study found that children from single-parent homes may be at a higher risk for engaging in delinquent behaviors, including violence. While it doesn't focus solely on school shootings, it discusses factors such as parental involvement, supervision, and socio-economic stress, which could play a role in violent behaviors.

j) **Books and Publications by Psychologists and Sociologists**

Several experts have written extensively on how family structure affects youth behavior. Books like "**The Broken Home: A Sociological Study of Family and Social Disintegration**" by various sociologists and "**Why Are Our Kids Killing Each Other?**" by sociologist, Dr. James Garbarino, explore how family breakdown—such as divorce or single-parent households—can contribute to violence in youth.

k) **The Brady Campaign to Prevent Gun Violence**

While this organization focuses on gun violence in general, their resources sometimes discuss the intersection of family structure and gun violence. They have been involved in advocating for policies that aim to reduce the risk factors associated with youth violence, including those related to family structure and access to guns.

l) **School Safety Organizations**

Many organizations focusing on school safety, such as **The National School Safety Center (NSSC)**, often examine risk factors for school violence. Though they may not always mention single-parent households directly, these organizations explore how factors such as family instability, exposure to violence, and mental health challenges contribute to violent behavior in schools.

m) **American Psychological Association (APA)**

- **Source:** [APA - Parenting and School Success](#)
- **Overview:** This article discusses the importance of **parental involvement** in reducing risky behavior and improving school safety. It highlights how children from homes with engaged parents are less likely to exhibit violent behavior, bullying, or aggression in school.

n) **National Institute of Justice (NIJ)**

- **Source:** NIJ - Youth Violence and Prevention.
- **Overview:** NIJ provides research and reports on **youth violence**, family factors, and prevention strategies. It explores the role of **family structure** in shaping youth behavior and its potential impact on school safety.

o) **Child Trends**

- **Source:** Child Trends - Family Structure and Youth Behavior.

- **Overview:** This report discusses how **family structure**, including single-parent households, can influence various aspects of children's behavior, such as **aggression** and **academic performance**, which are factors in overall school safety.

p) National Center for Education Statistics (NCES)

- **Source:** NCES - Family and School Factors.
- **Overview:** NCES provides data and reports on how **family factors** such as **economic hardship**, **parental involvement**, and **school safety** can impact student behavior. It examines how children from **single-parent homes** or families with less supervision are at higher risk of engaging in risky behaviors.

q) National Institute of Mental Health (NIMH)

- **Source:** [NIMH - Youth Violence](#).
- **Overview:** NIMH explores the **mental health** and **behavioral challenges** associated with youth violence. This includes how **family dynamics**—especially in households with **high conflict** or **lack of supervision**—can contribute to aggression and disruptive behavior at school.

r) Centers for Disease Control and Prevention (CDC)

- **Source:** [CDC - Preventing Youth Violence](#).
- **Overview:** The CDC discusses **youth violence prevention**, with a focus on how **family conflict**, **lack of supervision**, and **parental involvement** can increase the likelihood of violence or disruptive behavior in school.

s) U.S. Department of Justice - Office of Juvenile Justice and Delinquency Prevention (OJJDP)

- **Source:** OJJDP - Juvenile Violence and Prevention.
- **Overview:** This resource provides insights into how **family structure**, including single-parent households, can be linked to a **higher risk of juvenile delinquency** and violent behavior, with implications for school safety.

These sources provide evidence and data on how **family dynamics**, including the structure and level of parental involvement, can affect children's behavior, the likelihood of violent behavior, and overall school safety. They emphasize the importance of parental engagement and support in mitigating youth violence and fostering positive school environments.

6) **Drug Dealing:** Teens are three times more likely to engage in drug trafficking.

a) National Institute on Drug Abuse (NIDA)

NIDA conducts extensive research on substance use and its risk factors, including family structure. They have published reports that examine how family dynamics, such as growing up in a single-parent home, affect the likelihood of adolescents using or dealing drugs.

- You can visit [NIDA's website](#) for research and publications related to youth substance use.

b) Journal of Youth and Adolescence

This peer-reviewed journal often publishes studies on adolescent behaviors, including the impact of family structure on drug use and delinquency. Research in this journal has explored how family factors, including single-parent homes, correlate with increased drug use among adolescents.

- For studies, visit [SpringerLink - Journal of Youth and Adolescence](#).

c) American Academy of Pediatrics (AAP)

The AAP often publishes research on the influence of family environments on child development, including the relationship between single-parent households and risky behaviors like substance use.

- Check out relevant research at the AAP's website.

d) The National Center on Addiction and Substance Abuse (CASA)

CASA, now part of Columbia University's Department of Psychiatry, has conducted research on the link between family structure and substance abuse. They highlight the importance of stable family environments and how single-parent households may increase the likelihood of adolescent drug use.

- Find more information and studies on their website at [CASAColumbia](#).

e) The National Longitudinal Study of Adolescent to Adult Health (Add Health)

Add Health is a large, longitudinal study that tracks adolescent health and behaviors, including drug use. Some findings from this study suggest that family dynamics, such as parental divorce or single-parent households, can affect adolescent engagement in substance abuse.

- For access to the study's results and publications, visit Add Health's website.

f) American Sociological Association (ASA)

Sociological studies often investigate how family structure, including single-parent households, influences youth behavior, including drug use and delinquency. The ASA publishes numerous papers and research related to the sociology of families and adolescent behavior.

- You can explore their journal at the [American Sociological Association](#).

g) Journal of Research on Adolescence

This journal publishes research on the development of adolescents, including how family environments, such as single-parent households, impact behaviors like substance use.

- Visit the journal's homepage on [Wiley Online Library](#).

h) Family Studies Journal (Institute for Family Studies)

The Institute for Family Studies offers research on family structures and their impact on children's behavior. They often explore how single-parent households can influence youth's likelihood of engaging in delinquent behaviors, including drug use.

- Check out their articles at [Institute for Family Studies](#).

i) "The Effects of Family Structure on Juvenile Delinquency" by the American Psychological Association (APA)

The APA has conducted studies exploring how family structures, including single-parent households, affect juvenile delinquency and substance use. The research points to a variety of factors, including a lack of supervision and economic hardship.

- Visit the APA website for research and publications: [American Psychological Association](#).

These sources provide valuable information and studies on how growing up in single-parent households might influence adolescent drug use and delinquent behaviors. For access to specific studies, databases like Google Scholar, JSTOR, or PubMed are also excellent tools for finding peer-reviewed research.

7) Behavioral Disorders: 85% of children exhibit behavioral disorders.

- a) See sources articles under (10. Low Self-Esteem)

8) Depression: These children are at a higher risk of experiencing depression.

- a) See sources articles under (10. Low Self-Esteem)

9) Anxiety Disorders: Increased anxiety is prevalent among children without equal parenting time.

- a) See sources articles under (10. Low Self-Esteem)

10) Low Self-Esteem: There is a greater likelihood of low self-esteem in these children.

a) National Institute of Mental Health (NIMH)

The NIMH offers extensive information on mental health issues in children, including how family structure affects mental health outcomes. Research published by NIMH discusses how children from single-parent homes may be at a higher risk for mental health problems such as anxiety, depression, and conduct disorders.

- Visit their website for relevant research: [NIMH - Children and Mental Health](#)

b) American Psychological Association (APA)

The APA regularly publishes research on family dynamics, including how living in single-parent households impacts children's behavior and emotional health. Their studies discuss various factors, including emotional distress, lack of supervision, and attachment issues that may contribute to behavioral problems in children.

- Explore the APA's research on family structures and child behavior at [APA](#).

c) Journal of Marriage and Family

This academic journal frequently publishes studies on family structures, including how single-parent families affect child development. For instance, studies from this journal have shown that children in single-parent households are more likely to exhibit conduct problems and behavioral disorders.

- You can access these studies on family dynamics in the [Journal of Marriage and Family](#).

d) American Academy of Pediatrics (AAP)

The AAP provides research and publications on child development, including how single-parent households impact children. They focus on how emotional and behavioral difficulties can stem from parental separation, economic hardship, and inconsistent caregiving.

- Their research is available at [AAP - HealthyChildren.org](#).

e) National Institute on Drug Abuse (NIDA)

While primarily focused on substance abuse, NIDA's research also explores how family dynamics, including single-parent households, contribute to behavioral issues such as aggression, substance use, and delinquency.

- NIDA's website is a good resource for broader research on how family structure affects youth behavior: [NIDA](#).

f) U.S. Department of Health and Human Services (HHS)

The HHS conducts research on children's health, including how family structure influences behavioral and mental health outcomes. Their studies indicate that children from single-parent households are more vulnerable to developing behavioral problems due to emotional stress, lack of supervision, or financial strain.

- Access resources from HHS at [HHS.gov](#).

g) "The Role of Family Structure in Children's Behavioral and Emotional Problems" by the Child Development Institute

This article discusses how family structure, particularly single-parent households, correlates with higher rates of behavioral and emotional issues in children. It highlights how children from single-parent homes are more likely to experience externalizing problems (e.g., aggression) and internalizing issues (e.g., depression).

- More information can be found at [Child Development Institute](#).

h) Journal of Youth and Adolescence

The **Journal of Youth and Adolescence** publishes studies on adolescent development, including the effects of family structure on behavior. Several studies in this journal discuss how children from single-parent homes exhibit higher levels of emotional distress, conduct disorders, and academic problems.

- Explore studies at [Journal of Youth and Adolescence](#).

i) "Family Structure and Child Well-Being: The Role of Parental Involvement" by the Institute for Family Studies

The Institute for Family Studies publishes research on the effects of family structure, including how the absence of one parent can influence behavioral issues in children. This report explores how single-parent families, particularly those experiencing economic or emotional instability, can affect children's behavior.

- Visit [Institute for Family Studies](#) for more insights.

j) The Longitudinal Study of Adolescent Health (Add Health)

The **Add Health** study is one of the largest and most comprehensive longitudinal studies in the U.S., focusing on adolescent health and development. Research from this study has shown that children from single-parent households are more likely to experience behavioral problems and mental health issues.

- Learn more about the Add Health study at Add Health.

These sources provide a comprehensive look at how family structure, including single-parent households, can impact the mental health and behavioral outcomes for children. Many of these studies indicate that factors like economic hardship, emotional stress, and limited supervision contribute to an increased risk of behavioral disorders.

11) Homelessness and Running Away: 90% of homeless and runaway children.

a) National Alliance to End Homelessness (NAEH)

- The **National Alliance to End Homelessness** provides extensive reports and statistics on family homelessness, including the higher vulnerability of children in single-parent households to homelessness. Their work emphasizes the connection between poverty, housing instability, and homelessness for families.
- **Source:** [National Alliance to End Homelessness](#)

b) U.S. Department of Housing and Urban Development (HUD)

- The **U.S. Department of Housing and Urban Development** tracks data on homelessness and provides detailed annual reports on the state of homelessness in America. Their reports show that single-parent households, particularly those headed by single mothers, are disproportionately affected by homelessness due to financial instability and lack of affordable housing.
- **Source:** HUD - Homelessness Data

c) National Center for Homeless Education (NCHE)

- The **National Center for Homeless Education** offers resources and data regarding the impact of homelessness on children. They discuss how children in single-parent households are at higher risk for homelessness due to factors like poverty and housing instability, and how homelessness can affect their education and overall well-being.
- **Source:** National Center for Homeless Education

d) The Urban Institute

- The **Urban Institute** conducts research on various social issues, including homelessness. Their research highlights the factors that contribute to homelessness, including the role of family structure. Single-parent households face greater risks of housing instability, which can ultimately lead to homelessness.
- **Source:** Urban Institute - Housing and Homelessness

e) Institute for Children, Poverty, and Homelessness (ICPH)

- The **Institute for Children, Poverty, and Homelessness** provides in-depth research on the impact of poverty and family structure on children's likelihood of experiencing homelessness. Their studies show that single-parent families, particularly those with lower income, are at increased risk for homelessness.
- **Source:** [Institute for Children, Poverty, and Homelessness](#)

f) Child Welfare Information Gateway

- The **Child Welfare Information Gateway** provides reports on the intersection between family structures and child welfare, including the risks faced by children from single-parent homes. Their publications discuss how instability, financial strain, and lack of support increase the risk of homelessness for these children.
- **Source:** [Child Welfare Information Gateway](#)

g) National Low Income Housing Coalition (NLIHC)

- The **National Low Income Housing Coalition** advocates for affordable housing and tracks data on housing affordability. They often highlight how low-income and single-parent families are disproportionately affected by housing shortages and homelessness.
- **Source:** [National Low Income Housing Coalition](#)

h) The American Academy of Pediatrics (AAP)

- The **American Academy of Pediatrics** addresses how economic hardship and family dynamics, such as single-parent households, can affect children's overall health and increase their risk of homelessness. They emphasize the need for stable housing as part of a child's well-being.
- **Source:** [AAP - HealthyChildren.org](https://www.aap.org/healthychildren)

These organizations and reports provide credible research and data that explore the factors contributing to homelessness in single-parent families, as well as the long-term consequences for children.

i) National Runaway Safeline (NRS)

- The **National Runaway Safeline** provides research and resources on runaway and homeless youth, including how family dynamics, such as single-parent households, influence running away behaviors. They highlight factors like family conflict, neglect, and lack of emotional support as key reasons youth run away.
- Access their research and resources at: [National Runaway Safeline](https://www.runawaysafeline.org/)

j) National Center for Missing and Exploited Children (NCMEC)

- The **National Center for Missing and Exploited Children** works on issues related to runaway youth and frequently addresses how family issues, including those in single-parent households, contribute to running away. NCMEC emphasizes how family instability, abuse, and neglect increase the risk of runaway behavior.
- For more information, visit: NCMEC - Runaways

k) American Academy of Pediatrics (AAP)

- The **American Academy of Pediatrics** often publishes research on family dynamics and the impact on child behavior. Their research on parental involvement, family conflict, and emotional neglect highlights how these factors can lead to increased risk of running away among children from single-parent homes.
- Explore relevant research at: [AAP - HealthyChildren.org](https://www.aap.org/healthychildren)

l) Child Welfare Information Gateway (U.S. Department of Health & Human Services)

- The **Child Welfare Information Gateway** provides research and resources on family structures, including how single-parent homes can affect children's emotional and behavioral well-being. They offer insights into how unstable family situations can increase the likelihood of running away.
- Check their research at: [Child Welfare Information Gateway](https://www.childwelfare.gov/information-gateway/)

m) Journal of Adolescence

- A study published in the **Journal of Adolescence** examined the link between family structure and behaviors such as running away. Research has shown that children in single-parent homes, particularly those facing economic strain, are more likely to run away due to the lack of supervision and emotional support.
- For access to research studies, visit: Journal of Adolescence

n) Youth.gov (U.S. Department of Health & Human Services)

- **Youth.gov** offers resources on youth development and behavior, including the impact of family dynamics on youth outcomes. They discuss how single-parent families, especially those in financial or emotional distress, contribute to behaviors like running away.
- For more information, visit: [Youth.gov](https://www.youth.gov)

o) The National Institute of Justice (NIJ)

- The **National Institute of Justice** conducts research on juvenile delinquency and family issues. Their studies have explored how family structure, including the absence of one parent, influences juvenile behaviors such as running away and involvement in risky activities.
- You can explore NIJ's research at: National Institute of Justice

p) Family Structure and Youth Delinquency: A Review of the Literature (ResearchGate)

- Research published on **ResearchGate** reviews literature on the relationship between family structure (including single-parent families) and youth delinquency, which includes running away. The study explores how family dynamics like parental separation and economic challenges can lead to youth engagement in runaway behavior.
- Find the study at: [ResearchGate - Family Structure and Youth Delinquency](#)

Q) Journal of Youth and Adolescence

- This journal frequently publishes research on adolescent behaviors, including those influenced by family structure. Several studies have examined how children in single-parent households face a higher risk of running away, especially in the context of family conflict and emotional instability.
- Visit: [Journal of Youth and Adolescence](#)

These sources provide a range of studies and articles discussing how family dynamics, especially single-parent households, can influence youth behavior and increase the likelihood of running away. Each of these organizations and publications provides valuable insights into the factors contributing to youth running away from home.

12) Teenage Pregnancy: Children are seven times more likely to become pregnant as teenagers.

a) National Center for Health Statistics (NCHS)

- The **National Center for Health Statistics** (NCHS) provides data on adolescent pregnancy, showing that children from single-parent households, particularly those headed by single mothers, are at higher risk for early pregnancy. NCHS tracks trends in teen pregnancy and how family structure impacts this outcome.
- **Source:** [National Center for Health Statistics](#)

b) The Guttmacher Institute

- The **Guttmacher Institute** conducts extensive research on sexual and reproductive health. They have found that teenagers in single-parent households are more likely to engage in risky sexual behaviors, including early sexual activity and unintended pregnancies. Their reports highlight the importance of family structure in adolescent sexual health.
- **Source:** [Guttmacher Institute - Teen Pregnancy](#)

c) Journal of Marriage and Family

- Research published in the **Journal of Marriage and Family** explores how family structure, including single-parent households, influences adolescent behavior, including early sexual activity and teen pregnancy. Studies have shown that the absence of a father figure or other support structures can increase the likelihood of teenage pregnancy.
- **Source:** [Journal of Marriage and Family](#)

d) Child Trends

- **Child Trends**, a nonprofit research organization, has published reports indicating that adolescents from single-parent homes, especially those with low income, are at greater risk of engaging in sexual activity at a younger age, which increases the risk of unintended pregnancy. Their research also connects family structure with other risk behaviors in teens.
- **Source:** [Child Trends - Teen Pregnancy](#)

e) American Academy of Pediatrics (AAP)

- The **American Academy of Pediatrics (AAP)** provides guidance on child health and development, including research on family structure and adolescent pregnancy. According to AAP, single-parent households often face challenges such as economic instability, which can influence teens' behaviors, including early pregnancy.
- **Source:** American Academy of Pediatrics

f) U.S. Department of Health and Human Services (HHS)

- The **U.S. Department of Health and Human Services** publishes reports on family dynamics and adolescent pregnancy, which include findings on the higher risk of teen pregnancy for adolescents raised in single-parent households. Their data underscores how factors such as economic hardship and lack of supervision are linked to early pregnancies.
- **Source:** HHS - Teen Pregnancy Prevention

g) National Campaign to Prevent Teen and Unplanned Pregnancy (now known as Power to Decide)

- The **National Campaign** (now **Power to Decide**) has conducted significant research on teen pregnancy, noting that adolescents from single-parent families are at higher risk of early pregnancy. Their research focuses on the social and economic factors that contribute to this increased risk.
- **Source:** [Power to Decide - Teen Pregnancy](#)

h) **The Brookings Institution**

- The **Brookings Institution** has explored how family structure, including single-parent households, affects the likelihood of teen pregnancy. Their studies show that single mothers are more likely to experience early pregnancy, and children raised in single-parent homes face a higher likelihood of engaging in risky behaviors.
- **Source:** [Brookings Institution](#)

These sources provide a wealth of data and insights into the factors that increase the risk of teenage pregnancy, including the influence of single-parent households.

13) **Abortion Rates:** Increased rates of teenage abortion.

a) **The Guttmacher Institute**

- The **Guttmacher Institute** has conducted studies showing that adolescents in single-parent households are more likely to face unintended pregnancies and may be more likely to seek an abortion due to economic and social factors. Their research provides insights into how family structure impacts sexual behavior and pregnancy outcomes.
- **Source:** [Guttmacher Institute - Teen Pregnancy and Abortion](#)

b) **The Alan Guttmacher Institute**

- In various studies, **The Alan Guttmacher Institute** has highlighted that teenagers from single-parent families tend to have higher rates of unintended pregnancies and may have higher rates of abortion due to factors such as financial hardship and lack of parental support.
- **Source:** [Alan Guttmacher Institute Research](#)

c) **National Bureau of Economic Research (NBER)**

- The **National Bureau of Economic Research (NBER)** published a study that looked at the impact of family structure on teenage fertility and abortion. The study found that adolescents from single-parent households were more likely to experience pregnancies and seek abortions due to limited family support and economic hardship.
- **Source:** [NBER - Family Structure and Teenage Pregnancy](#)

d) **The Journal of Marriage and Family**

- Research published in the **Journal of Marriage and Family** indicates that family structure plays a key role in shaping adolescent behavior, including decisions about pregnancy. Teenagers from single-parent families are more likely to face unintended pregnancies, and the pressures of raising a child without the support of two parents can lead to higher abortion rates among these teens.
- **Source:** [Journal of Marriage and Family](#)

e) **American Pregnancy Association**

- According to the **American Pregnancy Association**, factors such as family dynamics, economic hardship, and lack of support can influence the decisions of teenagers facing unintended pregnancies. The association notes that single-parent households, especially those with lower incomes, tend to have higher rates of abortion due to the difficulties of raising a child in these circumstances.
- **Source:** [American Pregnancy Association](#)

Conclusion:

Teenagers from single-parent households are statistically more likely to have abortions, mainly due to the socio-economic challenges they face, including financial instability, lack of emotional support, and limited access to education and resources. These factors

contribute to the higher likelihood of unintended pregnancies and, in turn, increase the likelihood of seeking abortion as a solution to those pregnancies. However, it's important to note that individual circumstances vary widely, and not all teens from single-parent households will experience unintended pregnancies or choose abortion.

14) Juvenile Incarceration: 70% of juveniles in state-operated institutions.

a) **Office of Juvenile Justice and Delinquency Prevention (OJJDP)**

- The **Office of Juvenile Justice and Delinquency Prevention** provides reports and studies on juvenile justice trends, including the overrepresentation of youth from single-parent homes in the juvenile detention system. They report that a significant percentage of youth in the justice system come from single-parent households due to factors like economic instability and lack of supervision.
- **Source:** Office of Juvenile Justice and Delinquency Prevention (OJJDP)

b) **National Center for Juvenile Justice (NCJJ)**

- The **National Center for Juvenile Justice** explores various factors that contribute to youth involvement in the justice system, including the influence of family structure. According to their research, children from single-parent households are more likely to experience behavioral issues, increasing the likelihood of encounters with the juvenile justice system.
- **Source:** [National Center for Juvenile Justice \(NCJJ\)](#)

c) **Annie E. Casey Foundation**

- The **Annie E. Casey Foundation** reports on the well-being of children, including their involvement in the juvenile justice system. Their research highlights that youth from single-parent homes are disproportionately represented in juvenile detention centers, with an estimated 70% of detained youth coming from single-parent families.
- **Source:** [Annie E. Casey Foundation](#)

d) **Journal of Research in Crime and Delinquency**

- Research published in the **Journal of Research in Crime and Delinquency** indicates that children from single-parent households, particularly those raised by mothers, are more likely to engage in delinquent behavior. This increases the risk of juvenile detention for these youth.
- **Source:** Journal of Research in Crime and Delinquency

e) **National Institute of Justice (NIJ)**

- The **National Institute of Justice** has published studies on juvenile delinquency and family dynamics, revealing that children from single-parent homes are at higher risk for juvenile justice system involvement due to factors such as economic strain and reduced supervision.
- **Source:** National Institute of Justice

Conclusion:

Approximately **70-80% of youth** in juvenile detention centers come from single-parent households, with this overrepresentation linked to several factors, including financial stress, emotional instability, and lack of supervision in single-parent families. These risk factors contribute to a higher likelihood of juvenile delinquency, which increases the chances of being detained. However, it's important to note that these are trends and not deterministic — many youth from single-parent homes do not engage in delinquent behavior.

15) Child Abuse: Rates of child abuse increase.

a) U.S. Department of Health and Human Services (HHS)

- The **U.S. Department of Health and Human Services (HHS)**, through its **Children's Bureau**, publishes the annual **Child Maltreatment Reports**. These reports show that children in single-parent households are at an increased risk of neglect and abuse, especially in families experiencing poverty.
- **Source:** U.S. Department of Health and Human Services, Children's Bureau - Child Maltreatment Report

b) National Coalition Against Domestic Violence (NCADV)

- The **National Coalition Against Domestic Violence** states that children from single-parent households may be more vulnerable to neglect and abuse due to factors such as financial strain, lack of supervision, and the potential for exposure to domestic violence or new partners with abusive tendencies.
- **Source:** [National Coalition Against Domestic Violence \(NCADV\)](#)

c) National Child Abuse and Neglect Data System (NCANDS)

- **NCANDS**, a program run by the **U.S. Department of Health and Human Services**, provides data on child maltreatment across the United States. The system's data show that children in single-parent families are at a higher risk of both physical and emotional abuse, with neglect being a prevalent concern.
- **Source:** National Child Abuse and Neglect Data System (NCANDS)

d) American Academy of Pediatrics (AAP)

- The **American Academy of Pediatrics** discusses the impact of family structure on child health, noting that single-parent households face unique challenges, such as financial strain and emotional stress, which may increase the risk of neglect and abuse.
- **Source:** American Academy of Pediatrics

e) Journal of Marriage and Family

- A study published in the **Journal of Marriage and Family** found that children from single-parent homes are at an increased risk for neglect and abuse, particularly in families dealing with poverty, emotional distress, and insufficient supervision.
- **Source:** [Journal of Marriage and Family](#)

f) **Child Welfare Information Gateway**

- **Child Welfare Information Gateway**, part of the U.S. Department of Health and Human Services, provides resources and studies that highlight the correlation between single-parent households and an increased risk of child abuse and neglect. The report emphasizes the importance of family support systems in mitigating these risks.
- **Source:** Child Welfare Information Gateway - Risk Factors for Child Abuse and Neglect

g) **National Institute of Justice (NIJ)**

- The **National Institute of Justice** published research on family structure and child maltreatment, revealing that children in single-parent homes are more likely to experience maltreatment, particularly neglect, due to factors like stress, financial hardship, and a lack of parental supervision.
- **Source:** National Institute of Justice - Family Structure and Child Maltreatment

These sources provide evidence and data on how family structure, particularly single-parent households, can be associated with an increased risk of child abuse or neglect, particularly in cases where there are additional stressors like poverty, lack of supervision, and emotional distress.

16) **Domestic Violence:** There is a notable decrease in domestic violence incidents between separating parents when shared parenting laws are implemented.

- The Courier-Journal “Kentucky’s popular joint-custody law shows why it’s the most effective at helping families”
- National Parents Organization – www.Sharedparenting.org
- Kentucky – Administration Office of the Courts Research and Statistics
 - Kentucky Family Court Cases Filed by Case Category



**ADMINISTRATIVE OFFICE OF THE COURTS
Research and Statistics**

19_RS7018

Family Court Cases Filed by Case Category
01/14/2016 - 07/14/2019 Statewide

	7/14/2016 - 7/14/2017	7/14/2017 - 7/14/2018	7/14/2018 - 7/14/2019
Domestic Violence	16,317	16,069	15,624
Grand Total	16,317	16,069	15,624

▪

17) **Increased Risks for Law Enforcement:** Police are called to domestic violence situations significantly more often in these cases.

- National Law Enforcement Officers Memorial Fund (NLEOMF)**

- The **National Law Enforcement Officers Memorial Fund** tracks officer fatalities and injuries, including those resulting from domestic violence-related incidents. Their reports and studies highlight that domestic violence calls are among the **most dangerous** situations for police officers.
 - **Source:** [National Law Enforcement Officers Memorial Fund](#)
- b) **Bureau of Justice Statistics (BJS)**
- The **Bureau of Justice Statistics** provides data on law enforcement fatalities and injuries, with some statistics focused specifically on domestic violence-related calls. Their research shows the correlation between domestic violence incidents and officer injuries and fatalities.
 - **Source:** [Bureau of Justice Statistics](#)
- c) **Federal Bureau of Investigation (FBI) – Law Enforcement Officers Killed and Assaulted (LEOKA) Report**
- The **FBI's LEOKA** report tracks officer fatalities and assaults, including those that happen in response to domestic violence situations. This report often highlights how domestic violence calls can lead to **violent confrontations** with perpetrators.
 - **Source:** FBI LEOKA Report
- d) **National Institute of Justice (NIJ)**
- The **National Institute of Justice** provides research on law enforcement and officer safety, including studies on domestic violence calls. Research published by the NIJ outlines how domestic violence situations are high-risk due to emotional volatility and the possibility of weapons.
 - **Source:** National Institute of Justice
- e) **National Domestic Violence Hotline**
- While not directly focused on officer safety, the **National Domestic Violence Hotline** offers useful data on the risks and complexities involved in responding to domestic violence situations, including the emotional and physical risks to police officers.
 - **Source:** [National Domestic Violence Hotline](#)

These sources provide comprehensive information and research about the risks police officers face in responding to domestic violence calls. The data highlight the significant dangers, including the likelihood of encountering firearms, the unpredictable nature of these calls, and the potential for escalation of violence.

18) **Taxpayer Costs:** Increased domestic violence cases lead to higher costs for taxpayers.

- a) **Centers for Disease Control and Prevention (CDC)** – Provides comprehensive data on the economic burden of domestic violence.
 - [CDC - Economic Costs of Intimate Partner Violence](#)
- b) **National Domestic Violence Hotline** – Discusses the impact of domestic violence on individuals and public systems, including costs to taxpayers.
 - [National Domestic Violence Hotline](#)

- c) **National Institute of Justice (NIJ)** – Reports on the criminal justice costs associated with domestic violence.
 - National Institute of Justice
- d) **Institute for Women's Policy Research (IWPR)** – Provides reports on the economic costs of domestic violence, particularly its impact on employment and healthcare.
 - [IWPR - Economic Costs of Domestic Violence](#)
- e) **The Family Violence Prevention Fund (FVPPF)** – Offers research on the costs of domestic violence for communities and governments.
 - [FVPPF - Domestic Violence and the Costs to Society](#)

In summary, higher rates of domestic violence do indeed increase taxpayer costs due to the significant financial burden placed on public resources in areas like law enforcement, healthcare, social services, and homelessness. The long-term societal and economic costs are substantial and require ongoing public investment to mitigate the effects of domestic violence.

19) **Incarceration:** 85% of the incarcerated come from families with unequal parenting time.

- **The U.S. Department of Justice - Bureau of Justice Statistics:**
 - According to reports by the Bureau of Justice Statistics (BJS), individuals from single-parent households are disproportionately represented in prisons. While the specific figure of 85% may not always be used, studies consistently show that children from single-parent households, particularly those without father involvement, are more likely to engage in criminal behavior and end up incarcerated.
 - **Source:** *Bureau of Justice Statistics Special Report: "Prisoners in 2018."* The report highlights the strong correlation between family structure and criminal behavior.
- **Father Absence and Crime:**
 - **Snyder, H. N. (2001).** "Juvenile Delinquency and Family Structure: A Meta-Analysis of the Impact of Single-Parent Homes on Juvenile Delinquency." *National Criminal Justice Reference Service (NCJRS)*.
 - This meta-analysis points out that juvenile delinquency, including criminal behavior that leads to incarceration, is more common among children raised in single-parent homes. The analysis suggests that the absence of a father figure plays a critical role in the likelihood of a child engaging in criminal activity.
- **The National Fatherhood Initiative:**
 - This organization has regularly highlighted the link between fatherlessness and increased rates of incarceration. In some of its reports, the statistic of 85% or similar figures are often cited to emphasize the role of father involvement in reducing criminal behavior.
 - **Source:** *The Father Factor in Crime & Delinquency.* This report outlines the research linking absent fathers to higher rates of juvenile delinquency and adult incarceration.
- **The Role of Family Structure in Criminal Behavior (2017):**
 - **Lamb, M. E. (2017).** *The Role of the Father in Child Development.* This book provides an overview of how family structure, especially the absence of fathers, contributes to emotional and behavioral problems in children, including the higher likelihood of incarceration.
 - **Key findings:** Children from single-parent homes, especially those without fathers, are at higher risk of engaging in criminal activities as they grow older.

While the exact statistic of 85% may not be universally agreed upon, the general consensus in the research indicates that individuals from single-parent or father-absent homes are significantly overrepresented in correctional facilities. Family structure, particularly the absence of fathers, is a major factor contributing to the likelihood of future criminal behavior.

20) **Incarceration Costs:** Added taxpayer expenses related to youth incarceration.

- a) **National Juvenile Justice Network (NJJN)** – Discusses the high costs associated with juvenile detention and the benefits of alternatives to incarceration.
 - [National Juvenile Justice Network](#)
- b) **American Civil Liberties Union (ACLU)** – Provides an overview of the costs of juvenile detention and the push for reforms.
 - ACLU - Juvenile Justice Reform
- c) **The Annie E. Casey Foundation** – Offers data on juvenile detention and the financial costs of incarcerating youth.
 - [The Annie E. Casey Foundation - Juvenile Detention](#)
- d) **The Sentencing Project** – Discusses the financial and social costs of juvenile incarceration and the potential benefits of reform.
 - [The Sentencing Project](#)

Youth juvenile detention comes with substantial **taxpayer costs**, including the expenses associated with the **operation of detention facilities, court proceedings**, and **social services**. These costs can extend beyond the immediate detention period, with long-term economic consequences for the youth involved and the community. However, **alternatives to detention** have proven to be more cost-effective and provide better outcomes for both youth and taxpayers.

21) **Eating Disorders:** There is a higher prevalence of eating disorders among these children.

- a) **National Eating Disorders Association (NEDA)**
 - NEDA offers comprehensive resources on eating disorders, including risk factors like family dynamics, emotional distress, and social pressures. They also provide guidance on treatment and support.
 - [National Eating Disorders Association](#)
- b) **American Psychological Association (APA)**
 - The APA provides research and reports on how family dynamics, including single-parent households, can impact the mental health and well-being of children, with a focus on disorders like eating disorders.
 - [American Psychological Association - Family Structure and Mental Health](#)
- c) **National Institute of Mental Health (NIMH)**
 - NIMH offers information on eating disorders, including their causes and risk factors. The institute also explores how emotional distress and family instability can contribute to mental health issues.
 - [National Institute of Mental Health - Eating Disorders](#)
- d) **International Journal of Eating Disorders**
 - This peer-reviewed journal publishes studies on various factors that contribute to eating disorders, including research on family structure and emotional well-being.

- [International Journal of Eating Disorders](#)
- e) **Academy for Eating Disorders (AED)**
 - The AED provides research and educational materials on eating disorders and highlights the importance of family dynamics in their development.
 - [Academy for Eating Disorders](#)
- f) **The National Alliance on Mental Illness (NAMI)**
 - NAMI offers resources related to mental health, including the effects of family structure on children's mental health. They provide information on coping strategies and support systems.
 - National Alliance on Mental Illness

These resources offer valuable insights into the relationship between family structure, emotional stress, and eating disorders, and they provide guidance for understanding and addressing the risks associated with eating disorders in children.

22) **Relationship Challenges:** Many struggle to build and maintain healthy relationships.

- a) **American Psychological Association (APA)**
 - The APA provides a wealth of information on how family dynamics, including single-parent and majority-parent households, can affect children's emotional development, relationship skills, and mental health.
 - **Resource:** [APA - Family Structure and Mental Health](#)
- b) **National Institute of Mental Health (NIMH)**
 - The NIMH offers insights into how family factors, such as family structure and emotional climate, can influence a child's mental health, including their ability to form healthy relationships.
 - **Resource:** [NIMH - Children and Mental Health](#)
- c) **The Annie E. Casey Foundation**
 - This foundation focuses on child development and family well-being, with several reports and studies examining how family structure affects children's emotional and social development, including the formation of relationships.
 - **Resource:** [The Annie E. Casey Foundation - Family Dynamics and Child Well-Being](#)
- d) **Journal of Marriage and Family**
 - A peer-reviewed journal that publishes studies on family structures and their effects on child development, including the impact on relationships. It provides extensive research on how different family dynamics (such as single-parent homes) influence children's ability to form healthy social and romantic relationships.
 - **Resource:** [Journal of Marriage and Family](#)
- e) **Child Development**
 - This journal offers scholarly articles that delve into the long-term effects of family dynamics on children's psychological and emotional development. It includes studies on attachment, family structure, and how these factors contribute to relationship outcomes in youth.
 - **Resource:** [Child Development Journal](#)
- f) **National Institutes of Health (NIH)**
 - NIH offers research on childhood development, including the effects of growing up in single-parent households on relational skills, mental health, and overall well-being.
 - **Resource:** [NIH - Family Environment and Child Development](#)

These resources provide in-depth information and studies about how family structure can impact children's ability to form relationships and manage emotional challenges.

23) **Generational Divorce:** This dynamic supports a cycle of generational divorce.

a) **Journal of Marriage and Family:**

- This peer-reviewed journal regularly publishes studies on family dynamics, marriage, and the effects of parental divorce. One study in particular discusses how children from divorced families are at a higher risk of experiencing divorce themselves. This phenomenon is referred to as the "intergenerational transmission of divorce."

- **Link:** [Journal of Marriage and Family](#)

b) **American Psychological Association (APA):**

- The APA offers a wealth of resources on how family dynamics—including parental divorce or single-parent households—can influence children's future relationships. Research has shown that children from divorced families may have an increased likelihood of divorce due to learned behaviors and emotional insecurity.

- **Link:** [APA - Divorce and Family Structure](#)

c) **National Longitudinal Study of Adolescent Health (Add Health):**

- Add Health is a nationally representative study that tracks the health and well-being of adolescents into adulthood. It includes data on family structure and the likelihood of divorce later in life, showing how family dynamics (such as living in a single-parent home) can influence relationship outcomes in adulthood.

- **Link:** [Add Health - Family Structure and Adolescent Health](#)

d) **National Institute of Child Health and Human Development (NICHD):**

- The NICHD conducts research on the long-term effects of family structure on child development, including how growing up in a single-parent household can influence relationship stability in adulthood. Their research highlights how emotional distress from parental separation may affect attachment styles and future relationships.

- **Link:** [NICHD - Family Dynamics](#)

e) **Institute for Family Studies (IFS):**

- The IFS provides research and commentary on family structure and its impact on children, including the likelihood of divorce. They highlight studies showing that children raised in divorced or single-parent households may face higher risks of divorce due to less exposure to healthy marital models.

- **Link:** [Institute for Family Studies - Divorce and Children](#)

f) **Pew Research Center:**

- Pew Research Center offers data on family trends, including the effects of parental separation or divorce on children. They report that children from divorced or single-parent families are more likely to experience divorce in their own marriages.

- **Link:** [Pew Research Center - Family and Relationships](#)

These sources provide a wide range of information on the topic of family structure, divorce, and the intergenerational transmission of relationship patterns. They are based on research that connects the experiences of children from single-parent and majority-parent homes to their likelihood of experiencing divorce later in life.

24) **Exploitation Risks:** There is a heightened risk of various forms of exploitation and abuse (sexual, physical, emotional).

- a) **Child Welfare Information Gateway** (U.S. Department of Health & Human Services)
 - This government resource offers research on child abuse and neglect, including risk factors such as family structure. It highlights that children in single-parent households are at greater risk for various forms of abuse, including physical, sexual, and emotional maltreatment.
 - **Link:** [Child Welfare Information Gateway - Child Abuse & Neglect](#)
- b) **American Psychological Association (APA)**
 - The APA discusses how family dynamics, such as growing up in a single-parent home, can increase the risk of emotional and physical abuse. Children who witness domestic violence or who live in high-stress environments are at heightened risk for maltreatment.
 - **Link:** [APA - Domestic Violence and Child Abuse](#)
- c) **National Domestic Violence Hotline**
 - This resource provides valuable research on how domestic violence in the home increases the risk of child abuse. Children in single-parent or majority-parent homes are at greater risk of being exposed to domestic violence, which can lead to emotional trauma and other forms of abuse.
 - **Link:** [National Domestic Violence Hotline](#)
- d) **National Institute of Child Health and Human Development (NICHD)**
 - The NICHD has research focusing on child development and the risks that children in single-parent or high-conflict homes face. It outlines how emotional neglect, as well as physical and sexual abuse, are more prevalent in families with heightened stress.
 - **Link:** [NICHD - Child Abuse and Development](#)
- e) **Child Abuse Prevention and Treatment Act (CAPTA) Reports**
 - These reports often highlight the connection between family structure, economic hardship, and the likelihood of child abuse. Children from single-parent homes are more vulnerable to various types of abuse, often due to the increased stress and economic strain on the single parent.
 - **Link:** CAPTA - Reports on Child Abuse
- f) **The National Center for Victims of Crime**
 - This organization provides research and statistics on how children in single-parent homes are more likely to be victims of sexual exploitation and physical abuse, with a focus on vulnerability due to the lack of supervision or protective resources.
 - **Link:** [National Center for Victims of Crime](#)

These sources offer evidence-based research and insights into how children in single-parent and majority-parent homes may be at increased risk of abuse and exploitation, along with the various factors that contribute to this vulnerability.

25) **Vulnerability Factors:** North Dakota law exposes children to risks associated with sex trafficking. a. **Child Abuse and Trauma** (parental alienation) b. **Parental Instability:** removing ½ support structure of the child c. **Financial Hardship:** Dire financial situations. These factors are a direct result of a judge removing half of the support structure of a child for the majority of the time. Half of the support structure means:

grandpa's, grandma's, aunts, uncles, friends on the side of the removed parent etc.

a) **National Center for Missing & Exploited Children (NCMEC)**

NCMEC offers resources and statistics on how many children who are victims of sex trafficking come from troubled family backgrounds, including single-parent homes or homes marked by neglect or abuse.

- [NCMEC - Statistics and Research](#)

b) **Polaris Project**

Polaris, which operates the National Human Trafficking Hotline, focuses on how children in unstable family environments are at higher risk of trafficking. They highlight that traffickers target children who may lack supervision, experience emotional neglect, or are seeking a sense of belonging outside their family.

- [Polaris Project - Victim Statistics](#)

c) **National Human Trafficking Hotline**

This resource provides detailed reports on how children from broken homes, including single-parent households, are often trafficked. The hotline discusses the common risk factors such as lack of supervision, financial instability, and emotional trauma.

- [National Human Trafficking Hotline](#)

d) **U.S. Department of Justice - National Institute of Justice (NIJ)**

The NIJ reports on how children exposed to trauma, including abuse and neglect, are at greater risk of being trafficked. Children from single-parent or majority-parent homes who face these challenges are at a higher risk of exploitation.

- National Institute of Justice - NIJ

e) **Child Welfare Information Gateway** (U.S. Department of Health and Human Services)

This source provides research on child abuse and neglect, including how family instability, such as single-parent homes, can lead to an increased risk of exploitation and trafficking due to the lack of supervision or protective care.

- [Child Welfare Information Gateway](#)

These resources highlight the key risk factors associated with sex trafficking and how certain family dynamics, such as being from a single-parent home, can contribute to a child's vulnerability to exploitation.

26) **Limited Life Opportunities:** These children often face significantly reduced life opportunities.

a) **Child Trends**

- **Source:** Child Trends - Family Structure and Youth Behavior
- **Overview:** This article discusses how **family structure**, including single-parent families, impacts youth behavior, including academic performance, emotional well-being, and overall life opportunities. The study shows that children from single-parent families often face challenges related to **economic hardship** and **emotional support**, which can limit their opportunities.

b) **American Psychological Association (APA)**

- **Source:** [APA - Parenting and Child Development](#)
- **Overview:** This source outlines the importance of **parental involvement** in children's development. It discusses how children from single-parent homes may experience challenges due to **less parental engagement**, which can affect their **academic achievement** and **mental health**, potentially limiting life opportunities.

c) National Center for Education Statistics (NCES)

- **Source:** NCES - Family Structure and Educational Outcomes
- **Overview:** NCES provides data on how different **family structures** affect children's **academic performance** and access to opportunities. This includes information on how **economic instability** in single-parent households can impact children's access to quality education and future opportunities.

d) National Institute of Justice (NIJ)

- **Source:** NIJ - Family and Youth Outcomes
- **Overview:** The NIJ explores the role of **family dynamics** in youth development. It focuses on how factors such as **parental supervision**, **family conflict**, and **economic stress** can impact children's life outcomes, including **delinquency**, **mental health**, and **educational attainment**.

e) National Institute of Mental Health (NIMH)

- **Source:** [NIMH - Mental Health and Youth](#)
- **Overview:** NIMH discusses how **mental health challenges** in children, especially those from **unstable family environments**, can affect their overall **well-being** and limit their opportunities. It highlights the impact of emotional issues stemming from family stress and economic hardship on a child's future success.

f) U.S. Department of Housing and Urban Development (HUD)

- **Source:** [HUD - Economic Security](#)
- **Overview:** The U.S. Department of Housing and Urban Development provides data and resources on **housing instability** and **economic challenges** that affect children from single-parent homes. The lack of stable housing can limit opportunities for children in terms of **education**, **social development**, and **access to essential services**.

These sources explore how **family structure**, including **single-parent households**, influences children's **access to opportunities**. The studies show that while single-parent families can face unique challenges, the availability of **support systems**, **community resources**, and **engaged educators** can help mitigate these challenges and improve life outcomes for children.

27) State Assistance Needs: There is a higher risk of requiring state assistance later in life.

a) Child Trends - Family Structure and Youth Behavior

- This research explores the relationship between **family structure** (including single-parent homes) and youth outcomes, such as behavior, economic stability, and educational performance. It suggests that children from single-parent households are at higher risk of growing up in **poverty**, which increases the likelihood of needing public assistance.
- Child Trends - Family Structure and Youth Behavior

b) U.S. Census Bureau - Poverty and Educational Attainment

- This source offers data on how **family structure** impacts **economic outcomes**, including the likelihood of children from single-parent families experiencing poverty in adulthood. It highlights how **low education levels**, often linked to single-parent households, contribute to increased reliance on public assistance.
- [U.S. Census Bureau - Poverty and Educational Attainment](#)

c) Brookings Institution - Intergenerational Economic Mobility

- The Brookings Institution explores how **family background**, including whether a child comes from a single-parent home, affects their **economic mobility** later in life. The study shows that children from disadvantaged backgrounds are more likely to experience financial hardship and rely on state aid as adults.
- Brookings - Intergenerational Economic Mobility

d) National Institute of Mental Health (NIMH) - Family Stress and Child Development

- NIMH discusses how children from single-parent households often face higher levels of **emotional stress**, which can affect their long-term **mental health** and **economic stability**. Mental health challenges are linked to **increased reliance on public assistance** in adulthood.
- [NIMH - Family Stress and Child Development](#)

e) Centers for Disease Control and Prevention (CDC) - Teen Pregnancy Prevention

- The CDC explains how **teen pregnancy**, which is more common in single-parent households, can contribute to a cycle of **economic hardship** and the need for public assistance in the long term.
- [CDC - Teen Pregnancy Prevention](#)

f) National Institute for Children's Health Quality (NICHQ) - Parental Engagement and Child Outcomes

- This source discusses how **parental involvement** can mitigate some of the challenges children from single-parent households face. While single-parent families may face additional challenges, **community resources**, **supportive programs**, and **parental engagement** can improve educational outcomes and reduce the need for state assistance.
- [NICHQ - Parental Engagement and Child Outcomes](#)

These resources provide evidence on how family structure, particularly single-parent households, can affect children's **economic outcomes**, **educational attainment**, and the likelihood of needing **state assistance** in adulthood.

28) Lower College Attendance Rates: These children are less likely to pursue higher education.

- a) **U.S. Department of Education - National Center for Education Statistics (NCES):**
 - This source provides data on how **family structure** affects **educational outcomes**. According to NCES, children from **single-parent families** are less likely to attend and complete college compared to those from **two-parent families**. It also highlights how **economic hardship** and **parental involvement** play critical roles in determining college attendance.
 - U.S. Department of Education - Family Structure and Education
- b) **American Psychological Association (APA):**
 - This article discusses the importance of **parental involvement** and its effects on **academic success**. It explains that children from **single-parent homes** may face more challenges in terms of emotional and financial support, which can reduce the likelihood of college attendance. The research also highlights how **parental engagement** is a predictor of **college aspirations**.
 - [APA - Parenting and Education](#)
- c) **National Center for Education Statistics (NCES):**
 - NCES provides comprehensive data showing the correlation between **family structure** and educational attainment. Their reports indicate that children from **single-parent households** tend to have lower high school graduation rates and are less likely to attend college directly after high school.
 - NCES - Family Structure and Educational Attainment
- d) **National Mentoring Partnership:**
 - This resource discusses the impact of **mentorship programs** and **community support** on **academic achievement**. The article underscores how children from **single-parent families** may benefit from **mentorship** that helps them navigate the college application process and stay on track academically.
 - [National Mentoring Partnership](#)
- e) **The College and Career Readiness and Success Center:**
 - This center explores how **access to college preparation resources** such as **test prep**, **tutors**, and **extracurricular activities** significantly influence **college attendance**. The article shows how these resources are more commonly available to children from **two-parent households** and higher-income families, which can create a gap in college readiness.
 - [College Readiness and Success Center](#)

These sources offer valuable insights into how **family structure** impacts **educational opportunities**, particularly in terms of **college attendance** and **completion rates**. The research suggests that **economic disadvantage**, **less parental involvement**, and **limited access to college prep resources** in single-parent households contribute to the lower rates of college attendance for these children.

29) Workforce Impact: A weaker workforce emerges from fewer educated children.

- a) **OECD - The Economics of Knowledge: The Changing Role of Education and Innovation in Development:**
 - This report from the Organization for Economic Co-operation and Development (OECD) explores how investments in **education** drive **economic development**. It highlights the importance of education in fostering **innovation** and increasing **productivity**, both of which are critical for a country's competitiveness on the global stage.
 - Source: OECD - The Economics of Knowledge
- b) **World Bank - Education and Economic Growth:**
 - The World Bank discusses the relationship between **education** and **economic growth**, showing how **investments in human capital** lead to greater economic prosperity. The report highlights that **educated workers** are more productive and capable of driving innovation, which ultimately results in higher economic output.
 - Source: [World Bank - Education and Economic Growth](#)
- c) **National Bureau of Economic Research (NBER) - The Role of Education in Economic Development:**
 - This research from the National Bureau of Economic Research (NBER) focuses on how **education** and **skills development** are directly linked to **economic performance**. It shows that countries with higher levels of education experience more rapid economic growth and are more competitive globally.
 - Source: National Bureau of Economic Research - The Role of Education
- d) **UNESCO - Education for Sustainable Development:**
 - UNESCO examines how **education** contributes to **sustainable development**, improving both economic stability and social outcomes. The organization argues that **education** empowers individuals, reduces poverty, and leads to better health outcomes, all of which contribute to a stronger workforce.
 - Source: [UNESCO - Education for Sustainable Development](#)
- e) **World Economic Forum - The Global Competitiveness Report:**
 - The **World Economic Forum's** annual report discusses how **education** affects a country's **competitiveness**. It shows that countries with a **highly educated workforce** are better able to maintain **economic resilience** and attract **foreign investment**, which drives further growth.
 - Source: World Economic Forum - The Global Competitiveness Report
- f) **The Lancet - Education and Health in Economically Developed Countries:**
 - This study published in *The Lancet* explores the intersection of **education** and **health outcomes**. It argues that **educated populations** are generally healthier, more productive, and more economically prosperous, emphasizing how education contributes to both individual and national economic strength.
 - Source: The Lancet - Education and Health
- g) **McKinsey Global Institute - The Future of Work in America: People and Places, Today and Tomorrow:**
 - McKinsey's research highlights the growing need for a **skilled workforce** in the face of technological advances and global economic shifts. It underscores the importance of **education** in preparing workers for future job markets and discusses how **educational investments** lead to **economic growth** and **greater prosperity**.
 - Source: McKinsey Global Institute - The Future of Work in America

These sources provide a comprehensive understanding of how **education** is a fundamental driver of **economic growth**, **productivity**, and **global competitiveness**, showing that **educated workforces** contribute to **stronger, more resilient economies**.

30) **Job Performance Decline:** Custody disputes can negatively impact job performance.

- a) **American Psychological Association (APA) - *Stress and Job Performance*:**
 - This resource discusses how personal stressors, such as a contested custody battle, can lead to mental health issues (e.g., anxiety and depression), which in turn affect job performance. It explains the connection between emotional stress and reduced productivity in the workplace.
 - Source: [APA - Stress in the Workplace](#)
- b) **National Institute of Mental Health (NIMH) - *The Effects of Stress on Mental and Physical Health*:**
 - This article discusses how emotional stress impacts mental health, including focus and concentration, which are crucial for job performance. It also highlights how stress can contribute to absenteeism and decreased workplace efficiency.
 - Source: [NIMH - Stress](#)
- c) **Journal of Applied Psychology - *The Impact of Life Stress on Job Satisfaction and Performance*:**
 - This study explores the relationship between life stressors, including divorce, and job performance. It finds that high levels of personal stress can negatively impact job satisfaction, engagement, and productivity.
 - Source: [Journal of Applied Psychology](#)
- d) ****Workplace Health & Safety - *Stress in the Workplace*:**
 - This article covers how workplace performance is affected by personal life stressors, such as the emotional strain of a contested divorce. It discusses how stress can lead to absenteeism, reduced job satisfaction, and poor performance.
 - Source: Workplace Health & Safety - Stress
- e) ****Harvard Business Review - *How Personal Life Affects Work Performance*:**
 - Harvard Business Review highlights how personal life stress, such as contentious custody battles, can spill over into professional life. It discusses the effects on productivity, concentration, and professional relationships at work.
 - Source: [Harvard Business Review - Personal Life and Work](#)
- f) ****Journal of Financial Counseling and Planning - *Financial Stress of Divorce*:**
 - This article covers the psychological and financial impact of divorce, specifically the emotional toll of contested custody cases. It links financial and emotional stress to lower job performance and mental well-being.
 - Source: [Journal of Financial Counseling and Planning](#)
- g) **American Sleep Association - *Effects of Sleep Deprivation on Work Performance*:**
 - The American Sleep Association discusses how the emotional stress from a contested divorce can disrupt sleep patterns, leading to fatigue and a decline in cognitive abilities. This results in decreased focus and productivity at work.
 - Source: [American Sleep Association](#)

These sources provide a comprehensive look at the negative impact contested custody divorces can have on an individual's job performance, highlighting issues like stress, absenteeism, decreased productivity, and emotional distress.

31) **Workplace Safety Risks:** Safety on the job decreases as employees struggle and focus on custody issues.

- a) **American Psychological Association (APA) - *Emotional Stress and Decision-Making*:**

- This article from the APA discusses how personal stressors, such as high-conflict divorces, can impair emotional well-being, leading to poor decision-making and potential safety risks in the workplace.
- Source: [American Psychological Association - Stress and Decision-Making](#)
- b) **National Institute for Occupational Safety and Health (NIOSH) - The Impact of Mental Health on Workplace Safety:**
 - This resource explores how emotional and mental health problems (like those caused by a high-conflict divorce) can lead to impaired decision-making, distraction, and decreased workplace safety. It explains the importance of mental health support in maintaining a safe working environment.
 - Source: [NIOSH - Mental Health and Safety](#)
- c) **Workplace Violence Prevention Institute - The Impact of Mental Health on Workplace Violence:**
 - This article highlights how stress and emotional volatility, including the effects of a contested custody battle, can lead to increased aggression, conflict, and even workplace violence. It underscores the importance of managing emotional well-being to reduce safety risks.
 - Source: [Workplace Violence Prevention Institute](#)
- d) **American Sleep Association - Sleep and Workplace Safety:**
 - The American Sleep Association discusses how sleep disruptions caused by emotional stress (e.g., from divorce proceedings) can lead to fatigue, which in turn affects focus, alertness, and overall workplace safety.
 - Source: [American Sleep Association](#)
- e) **Harvard Business Review - The Impact of Personal Stress on Workplace Relationships:**
 - This article explores how personal stress (like that from a contested divorce) can negatively affect professional relationships and overall work dynamics, which can in turn contribute to a less safe and collaborative work environment.
 - Source: [Harvard Business Review - Personal Stress and Work Relationships](#)
- f) **National Institute on Drug Abuse (NIDA) - Substance Abuse and Workplace Safety:**
 - The NIDA discusses how emotional and psychological stress, such as that resulting from a high-conflict divorce, can increase the likelihood of substance abuse. Substance abuse, in turn, can impair judgment, coordination, and increase safety risks in the workplace.
 - Source: National Institute on Drug Abuse - Substance Abuse and Safety

These resources provide a comprehensive understanding of how **stress from contested custody divorces** can impact **mental health, workplace relationships, decision-making, and safety**. They emphasize the importance of addressing these issues both for the individual and for the overall workplace environment to minimize risks.

32) **Social Services Funding:** There is a greater allocation of taxpayer money to social services related to abuse and domestic violence.

- a) **National Domestic Violence Hotline – *The Effects of Domestic Violence and Divorce:***
 - This resource highlights the connection between **domestic violence** and **divorce**. It discusses how high-conflict divorces can escalate into domestic violence, which leads to increased demand for social services such as shelters, legal assistance, and crisis intervention.
 - [National Domestic Violence Hotline](#)

- b) **American Psychological Association (APA)** – *Impact of Domestic Violence in Divorce Cases*:
 - The APA provides information about how **divorce** and **family conflict** can increase the risk of **domestic violence**. It emphasizes that such conflicts often require the intervention of various public services, from law enforcement to social workers.
 - [APA - Domestic Violence](#)
- c) **National Center for State Courts** – *Impact of High-Conflict Custody Cases*:
 - This article discusses how **high-conflict custody disputes** lead to increased **court costs** and **public resources** due to ongoing legal battles. Courts may require evaluations by social workers, child psychologists, and other experts, all of which contribute to taxpayer spending.
 - [National Center for State Courts](#)
- d) **Child Welfare Information Gateway** – *The Impact of Domestic Violence on Children*:
 - The resource explores how **domestic violence** within families undergoing divorce leads to increased involvement of **child protective services** (CPS). CPS resources are required to investigate abuse, offer counseling, and provide emergency care or foster services to children.
 - [Child Welfare Information Gateway](#)
- e) **National Institute of Mental Health (NIMH)** – *Mental Health Needs of Children and Families in Crisis*:
 - This resource discusses the **mental health** effects of high-conflict divorces, particularly how children and parents involved in such disputes often require **counseling** and **therapy**, which adds to public healthcare expenditures.
 - [NIMH - Mental Health](#)
- f) **U.S. Department of Health and Human Services (HHS)** – *Social Services for Families in Crisis*:
 - This government resource outlines how families involved in **high-conflict divorces** often require social services like **financial assistance**, **temporary housing**, or **legal aid**, all of which are funded by taxpayers.
 - [HHS - Family Assistance](#)
- g) **Bureau of Justice Statistics (BJS)** – *Domestic Violence and Law Enforcement Responses*:
 - This article discusses how **domestic violence** leads to **increased law enforcement costs**, including police response to violent incidents, protection orders, and criminal prosecutions. These costs are typically covered by state and local governments.
 - [Bureau of Justice Statistics](#)

These resources provide information on how high-conflict contested custody divorces can contribute to increased demand for social services, including those related to domestic violence, child protection, legal assistance, and mental health, all of which result in taxpayer-funded expenditures.

33) **Economic Impact:** Wealthy divorce attorneys divert money from the local economy, affecting local spending. Out of state lake homes, lavish trips etc.

- a) **American Bar Association (ABA)** – *Lawyers' Spending and Earnings Trends*:
 - This source discusses the general financial trends of lawyers, particularly those in high-income brackets. Lawyers who handle high-net-worth individuals are more likely to spend on luxury items, second homes, and vacations, reflecting broader trends in high-income professions.
 - **Link:** [American Bar Association \(ABA\)](#)

- b) **National Association of Realtors (NAR)** – *Real Estate Trends Among High-Income Professionals*:
 - This report discusses how high-income professionals, including attorneys, are often more likely to invest in multiple properties, such as vacation homes or second homes. Wealthy professionals typically use these properties both as investments and retreats.
 - **Link:** [National Association of Realtors](#)
- c) **Forbes** – *How The Wealthy Spend Their Money*:
 - Forbes often reports on spending trends among wealthy individuals. The article discusses luxury spending and investment habits, including the tendency for high-net-worth individuals to purchase **second homes** and engage in **luxury travel**, which is common among lawyers handling divorce cases for wealthy clients.
 - **Link:** [Forbes - How the Wealthy Spend](#)
- d) **U.S. Bureau of Labor Statistics (BLS)** – *Occupational Outlook Handbook: Lawyers*:
 - The BLS provides data on the **earnings potential** of various legal professionals. Wealthy divorce attorneys, particularly those serving high-net-worth clients, are likely to earn significantly higher than average, which enables them to spend more on luxury goods and services, including second homes and vacation properties.
 - **Link:** [BLS - Lawyers](#)
- e) **CNBC** – *What High-Income Professionals Spend Their Money On*:
 - CNBC frequently discusses the lifestyle and financial habits of professionals in high-income brackets. High earners, such as lawyers, are more likely to invest in **luxury real estate**, second homes, and vacations as part of their wealth-building and lifestyle choices.
 - **Link:** [CNBC - Spending Habits of High-Income Earners](#)
- f) **Wealth-X** – *Wealth and Luxury Spending*:
 - Wealth-X, a provider of wealth intelligence, explores the spending habits of the ultra-wealthy. It covers topics like **luxury real estate** and **vacation properties**, which are often purchased by high-earning professionals, including divorce attorneys.
 - **Link:** [Wealth-X](#)

These sources provide insights into how wealthy professionals, including divorce attorneys, spend their money on investments like second homes, luxury vacations, and real estate. They reflect broader patterns in high-income spending and the types of luxury goods and services that are common among individuals with significant financial resources.

34) **Public Safety Concerns:** An increase in petty crimes, drug-related crimes and gang activity diminishes public safety.

- a) **National Institute of Justice (NIJ)** – *The Relationship Between Family Structure and Juvenile Delinquency*:
 - This report explores how family structure, including single-parent homes, can influence juvenile delinquency. It highlights that single-parent households, particularly those facing economic difficulties, often have higher rates of youth involvement in criminal behavior.
 - National Institute of Justice
- b) **The Brookings Institution** – *Economic Factors and Crime*:
 - This source discusses how economic factors, including poverty and unemployment (which are often more pronounced in single-parent households), correlate with higher

crime rates. It highlights the role of economic stress in contributing to criminal behavior in communities.

- [Brookings Institution](#)
- c) **American Sociological Association – Parental Supervision and Crime Rates:**
 - This article outlines how parental supervision plays a crucial role in reducing juvenile delinquency. It notes that children in single-parent households may experience less supervision, leading to a greater likelihood of criminal behavior.
 - [American Sociological Association](#)
- d) **Youth Violence Prevention Initiative – Community Engagement and Crime Prevention:**
 - This initiative discusses how community support programs can reduce the risk of youth engaging in criminal behavior. It highlights the importance of programs that support children from single-parent households to mitigate risks related to crime.
 - [Youth Violence Prevention](#)
- e) **National Bureau of Economic Research – Family Structure and Child Outcomes: Evidence from a Sample of Children in the U.S.:**
 - This study discusses the effects of family structure, particularly comparing single-parent and two-parent households, on child outcomes, including behavior and involvement in crime. It presents evidence that children from two-parent homes are generally less likely to engage in criminal activity.
 - [National Bureau of Economic Research](#)
- f) **American Academy of Pediatrics – The Role of Family Structure in Child Behavior:**
 - This article discusses the impact of family structure on child behavior. It highlights the differences in outcomes between children from single-parent and two-parent households, noting that while single-parent households can have increased risks, other factors such as support and environment play significant roles.
 - American Academy of Pediatrics
- g) **U.S. Department of Justice – Children of Single Parents and Juvenile Delinquency:**
 - This government report discusses the relationship between single-parent homes and the increased likelihood of juvenile delinquency, attributing it to factors such as lack of supervision, economic stress, and exposure to violence.
 - [U.S. Department of Justice](#)

These sources provide a broad view of how **family structure**—particularly single-parent households—can influence **youth behavior** and **crime rates**, with a focus on the role of **economic challenges**, **parental involvement**, and **community resources**.

35) Income Potential for Women: Women with equal shared parenting are 54% more likely to earn over \$100,000 annually. Also, **Increased Earnings Potential:** Women with equal shared parenting are 200% more likely to earn over \$65,000.

- a) **American Sociological Review** - Research on family structure and its economic outcomes, including the effects of shared custody arrangements on women's financial independence and career opportunities. This source explores how shared parenting can lead to better career continuity for women post-divorce.
 - **Link:** [American Sociological Association](#)
- b) **Journal of Family and Economic Issues** - A study that looks at the financial impact of equal custody arrangements. The research indicates that women who share custody after divorce are

more likely to experience **economic stability**, which helps in career advancement and maintaining higher earning potential.

- **Link:** [Journal of Family and Economic Issues](#)
- c) **University of California, Berkeley** - Research that addresses the relationship between **work-life balance** and shared parenting. Studies have shown that shared parenting enables women to **remain in the workforce** with fewer caregiving constraints, improving their career opportunities and earnings.
 - **Link:** [UC Berkeley - Work and Family](#)
- d) **Institute for Women's Policy Research (IWPR)** - A report on how shared custody arrangements can potentially help reduce the **gender wage gap** by allowing women to maintain continuous employment post-divorce, leading to better earning potential.
 - **Link:** [Institute for Women's Policy Research](#)
- e) **National Bureau of Economic Research (NBER)** - Research examining the economic outcomes of different family structures, including the impact of shared parenting on women's **career opportunities** and earnings.
 - **Link:** [National Bureau of Economic Research](#)

These sources offer valuable insights into how **shared equal parenting** may contribute to **greater career success** and **higher earning potential** for women post-divorce, due to factors like **work-life balance**, **financial stability**, and **increased professional opportunities**.

36) **Suicide Risk for Targeted Parents:** The presence of parental alienation increases suicide risk for the limited time parent.

- a) **Journal of Family Psychology** – Research into how **parental alienation** affects parents' mental health, including the potential for depression and suicidal ideation. This journal contains studies that demonstrate the psychological trauma alienated parents experience.
 - **Link:** [Journal of Family Psychology](#)
- b) **American Journal of Psychiatry** – A study discussing how **divorce-related stress** (including parental alienation) can contribute to **depression, anxiety, and suicidal behavior**. The study highlights the elevated risk of suicide among parents undergoing high-conflict custody disputes.
 - **Link:** [American Journal of Psychiatry](#)
- c) **American Psychological Association** – Resources on **parental alienation** and its psychological effects, including social isolation, depression, and the potential for **suicidal ideation**. The APA addresses how these emotional burdens are significant risk factors for mental health crises.
 - **Link:** [American Psychological Association](#)
- d) **National Suicide Prevention Lifeline** – An informative page discussing the impact of **helplessness, emotional distress, and social isolation**, all of which are common experiences for parents subjected to alienation. This can lead to higher risk of suicide.
 - **Link:** [National Suicide Prevention Lifeline](#)
- e) **“The Parental Alienation Syndrome: A Guide for Mental Health and Legal Professionals”** by Richard A. Gardner – A comprehensive guide that explores the psychological and emotional trauma experienced by parents subjected to **parental**

- alienation**, including its impact on mental health and potential consequences like **suicidal ideation**.
- **Link:** Available on various academic and professional platforms, including research libraries.
- f) **American Journal of Men's Health** – Research on **men's mental health** in the context of parental alienation and high-conflict divorce. This journal highlights the particular vulnerability of men, especially fathers, who are victims of parental alienation, and their increased risk for depression and suicide.
- **Link:** American Journal of Men's Health
- g) **Journal of Divorce & Remarriage** – Studies on the psychological effects of **high-conflict custody battles** and the relationship between these conflicts and **mental health issues** such as **depression** and **suicidal ideation** among parents.
- **Link:** Journal of Divorce & Remarriage

These sources provide evidence and resources about how **parental alienation** in the context of **high-conflict custody disputes** can significantly affect parents' mental health, leading to increased risk for **suicidal ideation** and attempts.

37) **Majority Time Parent Burn Out:** The “majority of time” parent can experience burn out with increased stress and anxiety. Shared time alleviates burn out for a healthier parent-child lifestyle.

- a) **Journal of Family Issues** – This journal publishes studies on the psychological and emotional challenges of single parenting, including the elevated risk of **burnout**. Research has shown that single parents often face higher levels of **stress** and **emotional exhaustion** compared to partnered parents.
 - **Link:** Journal of Family Issues
- b) **The Family Relations Journal** – A peer-reviewed journal that explores family dynamics and challenges, including the emotional toll of **parenting**. It includes studies that show how **majority-time custody** parents, especially those without effective co-parenting support, face increased levels of **burnout** and **stress**.
 - **Link:** [Family Relations Journal](#)
- c) **American Psychological Association (APA)** – The APA provides resources and studies related to **parenting stress** and **burnout**. It includes research on how **lack of social support** and the pressures of **single-parenting** or **majority-time custody** can contribute to **emotional exhaustion**.
 - **Link:** [American Psychological Association](#)
- d) **Parenting and Stress Management** by M.W. Johnson – A book that explores how **parenting stress** impacts families and how both **single parents** and **majority-time custody parents** can manage the emotional strain. It also covers strategies to reduce **parental burnout**.
 - **Link:** Available on various platforms such as Amazon and academic bookstores.

- e) **Child and Family Social Work** – A research journal that examines issues surrounding **parental burnout** and how both **single-parent** and **majority-time custody** families cope with stressors. It includes research on how **parental responsibilities** lead to mental and emotional health challenges.
 - **Link:** [Child and Family Social Work](#)
- f) **The Stress of Parenting: Single vs. Two-Parent Families** – A study published in the **Journal of Family Psychology** discussing how **single parents** and **majority-time parents** both face significant risks for **burnout**, but single parents may be at a higher risk due to **lack of support** and increased responsibility.
 - **Link:** [Journal of Family Psychology](#)

These sources provide valuable research and insights into the **stress and burnout** experienced by parents, particularly **single parents** and those with **majority-time custody** of children. They address the emotional toll, the challenges of balancing responsibilities, and the importance of **support systems** to manage the risks of burnout.

Rebuttable Shared Parenting Laws – FAQ

1. Definition of a Rebuttable Shared Parenting Law

- a. A rebuttable shared parenting law would mandate that judges ensure children have meaningful and substantial involvement with both parents when they are fit, willing and able. This law would establish a presumption of a 50/50-time arrangement and require courts, when they deviate from this presumption, to explain with specificity the evidence and grounds upon which they are deviating. For the purposes of this report the terms “shared parenting” and “equal parenting” mean maximum time spent with each parent. These terms will be used interchangeably throughout this report.

2. What is the difference between shared parenting and co-parenting?

- a. In the report “Break the Silence” there is a stark contrast drawn between shared parenting and co-parenting to show the differentiation in scope of what the law **does do** and **does not do**. It allows for a clean comparison of what the law affects and does not affect. Rebuttable shared parenting does not try to solve the many issues involved in separation/divorce beyond allowing the child to benefit from having both parents equally involved in their lives. Rebuttable shared parenting laws will not solve where the children go to school etc.... these issues will remain for both parties to agree upon and are not included in the scope of rebuttable shared parenting laws. There is no change to the system regarding those issues. As currently, there may need to be attorneys or child custody investigations involved to help solve some of these issues. No change in that regard.

3. Does a judge maintain full authority to withhold a child from being with their parent if there is a safety concern?

- a. Yes. Rebuttable shared parenting laws allow at any time and under any circumstance, an attorney, custody investigator or others to bring irrefutable evidence to the judge who can withhold children from their parent for safety reasons. All it requires is for the judge (1) To have a preponderance of evidence and (2) Document on what grounds they are removing a parent from the child’s life.

4. Does moving children back and forth between houses create instability for the children?

- a. No. Moving back and forth between houses is only a short-term inconvenience in the life of a child, while removing a parent from equal time carries lifelong detrimental consequences for the children such as increased risk of suicide, dropping out of school, drug and alcohol use, teen pregnancy, child abuse and vulnerabilities to sex trafficking. Children that have two equal-time homes have a much larger social circle and enriched life as a result.

5. What effect will a Rebuttable Shared Parenting Law have on the current Family Mediation Program?

- a. Positive. With the largest conflict over child custody out of the way and with the removal of leverage using the children as “pawns in a chess game”; we should see an increase of success in the family mediation program.

6. Could this affect past judgments?

- a. Yes. This could affect past judgments if a child has been withheld/alienated from a parent without just cause. In these cases, a parent who still wants to be equally involved in the child's life could reopen a case. We will need to rely on judges to do the right thing in these cases with how reunification takes place to end the alienating abuse of the children. Depending on the severity the children have been abused, will dictate how/what is needed. This could be as simple as a judgment for equal shared parenting or the involvement of child counselors.

7. Will Rebuttable Shared Parenting Laws lead to an increase in domestic violence?

- a. No. The opposite is true. Kentucky passed rebuttable shared parenting laws in 2017 and domestic violence in the intimate personal relationship category dropped by approximately 50%. By removing conflict with the passage of rebuttable shared parenting laws, we can expect to see a drop in domestic violence.

8. Will Rebuttable Shared Parenting Laws lead to an increase in child abuse?

- a. No. The research and data show the opposite to be true. Equal parenting time has consistently shown lower, and declining, rates of child abuse and neglect.

9. Do Rebuttable Shared Parenting Laws lead to an increase of conflict in divorce/separation cases?

- a. No. The data shows otherwise. States with a presumptive shared parenting law are showing a decrease in conflict which has led to a decrease in domestic violence and child abuse as well.

10. What are some of the vulnerabilities we find in many sex trafficking victims that will be addressed with the implementation of a Rebuttable Shared Parenting Law?

- a. **Child Abuse and Childhood Trauma** - Parental Alienation is a severe form of child abuse and childhood trauma. PA will not be prevented with shared parenting, although research shows the effects of PA is minimal when children have equal shared time with parents. Child abuse and child trauma are major vulnerabilities often exploited in sex trafficking victims.
- b. **Instability in Parental Separation** – As it works today, the children suffer great instability in their lives as they are removed for the majority of the time from a fit, willing and able parent. An instability that the research and data show lead to many detrimental ills such as dropping out of school, doing drugs, joining gangs, Carrying guns, teen suicide and teenage pregnancy... This instability in parental separation will be minimized with rebuttable shared parenting laws in place. Instability in parental separation is a major vulnerability often exploited in sex trafficking victims.
- c. **Low Income/Financial Hardship** – the finances of the middle and lower class in our state are decimated as they utilize their life savings to fight over custody of their children. Attorneys' fees for a high conflict case often exceed well over \$100,000 for each parent. Most have very little money in savings, no longer own a house or have stable finances after the divorce/separation as a result. This is another vulnerability often exploited in sex trafficking victims.

11. Do Rebuttable Shared Parenting Laws lead to the children being used as “pawns in a chess game”?

- a. No. The opposite is true. They are currently being used as “pawns in a chess game” under the current law. Rebuttable shared parenting laws will eliminate the option to use them as “pawns” to gain financial leverage.

12. How do Rebuttable Shared Parenting Laws affect high conflict vs low conflict cases?

- a. In low conflict cases, both parties work together on issues including custody of the children. These parties will continue to work together without hindrance. Rebuttable shared parenting will have the most effect on high conflict cases where one or both parties, divorce attorneys, child custody investigators and judges are willing to support the alienation of the children from the other parent (abuse them) for financial gain, financial leverage or retaliation.

13. Is this a complex issue?

- a. No. Rebuttable shared parenting laws simply allow children to benefit from having two fit, able and willing parents in their lives. Shared parenting should not be confused with co-parenting issues. Those against rebuttable shared parenting laws will bring up co-parenting issues that should be addressed from a shared parenting starting point. After the children benefit from having both parents equally in their life, the parents may need to hire an attorney to decide what school they will attend or where they will live if one parent decides to leave the state etc. The weighted benefits of shared parenting far outweigh how often they are in one of the two physical houses their parents are in or where they will attend school. Again, these are co-parenting issues that should be agreed upon by the shared parents. If the parents cannot agree on these co-parenting issues, then it's the proper time for an attorney, child custody investigator or judge to get involved to help steer or determine what is best for the children. This is already currently happening. No change here.

14. Does the public support Rebuttable Shared Parenting Laws?

- a. Yes. A state Poll of North Dakota ran in November of 2024 which shows 94% support for rebuttable shared parenting laws. In fact, out of 26 states polled to date, the lowest support for shared parenting laws was 84%!

15. Do Rebuttable Shared Parenting Laws require the judge to understand what a “fit” parent is?

- a. No. Rebuttable shared parenting laws do not require anyone to determine the many differences of “fitness” as a parent. What rebuttable shared parenting laws do is require the courts to determine if a parent is “unfit” to parent due to circumstantial evidence. There is a big difference. If a court is not able to show a parent is unfit due to circumstantial evidence, then the common sense and obvious answer is the parent is fit. Judges are already deciding if a parent is fit or unfit. In most high conflict cases, judges award joint decision-making responsibility. In other words, they believe both parents are fit to make the most critical decisions of the children yet are deciding to withhold a parent from equal residential responsibility.

16. How do Rebuttable Shared Parenting Laws affect businesses and our community?

- a. The research and data show that businesses will not see as much of a decrease in creativity and productivity as their employees will experience lower amounts of conflict in their personal lives. The research shows that employees perform better when they are not embroiled in high conflict custody cases. Rebuttable shared parenting is good ethics and business for North Dakota. With rebuttable shared parenting laws there would be less incarcerations and drug use as fewer children will be coming out of homes without equal parent involvement. Based on the results seen in Kentucky we could assume a large drop in domestic violence. These reductions would reduce the amount of tax money needed to fund the police, corrections facilities, social services and rehabilitation efforts. This would also make our cities safer for our families as we care for the children of the next generation. Currently the wealthy that profit from the induced conflict in our legal system often use the money to take lavish trips out of state or fund a second lake home in other states. With rebuttable shared parenting laws, most of the money would stay in the state comparatively as middle- and lower-class families are more likely to buy things they need such as housing, groceries, vehicles and pay for college tuition. Finally, with more of our children staying in school and going to college, we would have a stronger, more vibrant workforce in ND.

17. Would Rebuttable Shared Parenting Laws apply to closed cases automatically?

- a. No. This law would not apply to closed cases automatically. It will require the proper legal action to implement change.

18. Will this law require children to live equally in two separate states to maintain equal time?

- a. No. Although, it will require a judge to explain their decisions on these cases. Again, this is a “rebuttable” presumption about what’s in children’s best interest. Clearly, very long transportation times are a relevant factor in rebutting the presumption.

19. Have other states adopted Rebuttable Shared Parenting Laws or presumption of equal shared parenting laws?

- a. Yes. Kentucky passed the first rebuttable shared parenting presumption in 2017 (temporary orders) and 2018 (permanent orders). Since then, Arkansas (2021), West Virginia (2022), Florida (2023) and Missouri (2023) have passed strong equal shared parenting laws. South Dakota passed them in temporary orders in 2018.

20. Would there be a place for the “14 Best Interest Factors” to be used?

- a. Yes, it is in the best interest of the children to have both parents equally involved in their lives, when shared parenting is overturned by a judge for a reason with documentation, then the “14 Best Interest Factors” are applied. This is to ensure everyone (Judges, child custody investigators, divorce attorneys) are thinking about the best interest of the children when the true best interest of the children (equal parent involvement) cannot be met. Although, I would encourage that we have the judge get involved enough to know the answers to these best interest factors and fill them out themselves. Otherwise, it remains a document without any merit that is used for other purposes than the 14 best interest factors of children. Why would a

judge rule on a case that she/he does not understand these factors enough to share their thoughts?

21. Do Rebuttable Shared Parenting Laws take the influence of the children away from choosing one parent over the other?

- a. Yes. Rebuttable shared parenting laws will minimize all forms of abuse, including alienation of the children by either parent. It also removes the incentive for parents to abuse their children with parental alienation. If there is not a reason why the child should be removed from a parent, then equal parenting should be the default. Whether that child understands what is best for them or not. We teach our children to respect the road and look both ways before crossing, we do not let our children drink, smoke or make medical decisions that will have long lasting effects on them until their brains are more developed. Our laws do not let children do those things even if they really want to when their well-being is at stake. This should be treated the same way. Again, if there is a safety issue or other reason the child should not be with that parent then the judge will not give them equal parenting to begin with. In other words, the parents are fit until proven unfit. When they are not found to be fit then the children will already not be with those parents.

22. How does this affect child support?

- a. In closed cases that are reopened and equal shared parenting granted, then the child support could be affected. It is the greed for money and profit that led to the abuse and removal of the children in the first place from a loving parent. Our child support laws can be addressed if needed, but money and profit should not hold us back from doing what is in the best interest of our children, families and next generation.

23. Isn't quality of time more important than quantity of time?

- a. No.
- b. Child Abuse: Research and data show without the quantity of time the effects of the worst form of child abuse (parental alienation) occur rapidly. It is critical for both parents to be equally involved in the child's life immediately (during and after) separation or divorce.
- c. Consistency and Stability: Spending a large amount of time with children provides them with a sense of consistency and stability. Regular presence can help children feel more secure and supported, knowing that their parents are always there for them.
- d. Opportunities for Spontaneous Moments: Quantity time allows for more spontaneous and unplanned interactions, which can be just as meaningful as planned quality time. These moments can lead to unexpected bonding experiences and teachable moments.
- e. Building Routine and Structure: Regular time spent together helps establish routines and structures that are beneficial for children's development. This can include daily activities like meals, homework, and bedtime routines, which contribute to a child's sense of order and discipline.

- f. Cumulative Impact: The cumulative effect of spending a lot of time together can lead to stronger relationships. Even if individual moments are not always high-quality, the overall time spent together can build a deep and enduring bond.
- g. Increased Opportunities for Learning: More time together means more opportunities for parents to teach and guide their children through everyday activities. This can include practical skills, moral values, and social behaviors that are learned through consistent interaction.
- h. Extended Family Time: Grandma's, Grandpa's, Aunts, Uncles and Cousins are important in the influence and life of the children before and After separation and divorce. Limiting the quantity of time decreases their positive social influence, support and overall quality of time.

24. Is the mother-baby bond in infants more important than the father-baby bond?

No. If we do not allow enough time for father-infant bonding, then we introduce severe psychological damage to our infant children. Opponents use old cultural "ideas" to try to persuade people to believe that men and babies do not bond. These folks are either uninformed or purposefully try to mislead. Science and research say differently.

Below I share an excerpt from my research, but please research this topic for yourself. Go to MED MD or Mayo Clinic etc. and look up the fact that men undergo hormone, and brain changes the same way women do. There is a natural chemical, hormonal and brain change process that occurs and initiates a much-needed strong bond between infants and fathers. This bond is essential to a mentally healthy child and creates a stable environment for children.

Yes, men do bond with their newborn babies, and they experience hormonal changes that support this bond. When men become fathers, their brains and hormone levels undergo significant changes to help them connect with their babies.

Hormonal Changes:

Oxytocin: Often called the "love hormone," oxytocin levels increase in new fathers, promoting bonding, empathy, and nurturing behaviors.

Testosterone: Levels of testosterone tend to decrease, which may reduce aggression and make fathers more nurturing.

Prolactin: This hormone, which is also present in breastfeeding mothers, increases in fathers and is associated with caregiving behaviors.

Brain Changes: Studies have shown that new fathers experience changes in brain structure, particularly in areas related to emotional processing and executive

functioning. These changes help fathers become more attuned to their babies' needs and more engaged in caregiving.

These biological changes are nature's way of ensuring that fathers are equipped to bond with and care for their newborns, just as mothers do. It's fascinating how both parents undergo transformations to support their new roles!

25. Consideration #1

- a. Currently, if the primary custodial parent passes away due to a car accident, health issue, or other circumstances, the court typically grants full custody to the non-primary parent. This situation arises even though the court previously limited this parent's involvement in the children's lives. This inconsistency suggests that the judicial system recognizes both parents as initially fit for custody.

26. Consideration #2

- a. Judges do not typically personally complete the "14 Best Interest Factors" assessment, instead relying on others to do so. This is primarily because these factors are subjective rather than objective. While judges understand that opinions and hearsay should not influence courtroom decisions, such elements continue to create conflict in family court and often lead to the unjust removal of a healthy parent from a child's life.

27. Consideration #3

- a. As outlined in the report, North Dakota's current legislation pressures judges to designate one parent as the primary caregiver. However, this designation often coincides with granting "Joint Decision Making" authority to both parents. This indicates that both parents are recognized as mentally competent and capable of making critical decisions regarding their children's welfare. Despite having determined both parents to be fit and willing, judges often still opt to restrict one parent's involvement based on subjective criteria, hearsay, or personal beliefs.

Testimony of Todd Peterson

February 11, 2025

Chairperson and Members of the Committee,

My name is Todd Peterson, and I reside in West Fargo. I am here today to testify in strong support of the long-overdue Rebuttable Shared Parenting Bill. While I have a shared parenting judgment in my case and have no personal stake in this bill's passage, I have witnessed firsthand the devastating impact of North Dakota's family court system on children, families, and communities. The harm caused by our current laws extends far beyond the courtroom, contributing to increased rates of child abuse, teenage pregnancies, domestic violence, drug addiction, incarceration, and even sex trafficking. These issues are symptoms of a fundamentally broken system, and each year, approximately 600 North Dakota children bear this burden.

Our existing system is built upon the **14 Best Interest Factors**, which, rather than serving children, foster conflict, prolong litigation, and strip children of half of their essential parental support system. The moment parents file for separation or divorce, they are presented with these 14 factors, often weaponized to paint the other parent in the worst possible light. This encourages false accusations and unnecessary legal battles, all before a judge who has never met the children in question.

The result? Judges frequently cite subjective opinions, "perceived" safety concerns and remove a fit parent from a child's life, granting only limited visitation. Research consistently shows that in such cases, the accusing parent often engages in **parental alienation**, a form of psychological abuse more damaging than physical harm. This process—where one parent systematically erodes the child's relationship with the other—has lifelong consequences. The effects are devastating, and there is no cure for the emotional scars it leaves behind.

The Realities of Parental Alienation:

- Children are told, *"Your mom/dad doesn't love you, or we'd still be a family."*
- They hear, *"If your mom/dad really cared, they would spend more time with you."*
- Friends, extended family, and even churches are manipulated into isolating the targeted parent.
- Parents are cut out of a child's life—doctors, counselors, sports, and even faith communities are systematically changed to sever the parental bond.

Parental alienation takes hold within **30-60 days**. Research shows that once a child's time with one parent drops below **40%**, alienation becomes increasingly likely. However, at a **50/50 shared parenting level, alienation is nearly impossible**, as children maintain meaningful relationships with both parents.

The Broader Consequences of Our Broken System:

This crisis does not end with the family unit. The removal of a parent from a child's life leads to long-term societal harm. Consider the following:

Sex Trafficking Risk Factors:

- The trauma inflicted by parent-child separation mirrors the psychological vulnerability seen in trafficking victims.
- Financial devastation due to costly custody battles increases instability—another key risk factor.
- Mental health decline and substance abuse, also common results of custody battles, leave children more susceptible to exploitation.

Suicide and Mental Health Crisis:

- **63% of teenagers who die by suicide come from single-parent or majority-parent homes.**
- Emerging studies suggest **20-25% of men and 15% of women who die by suicide are alienated parents.** In North Dakota alone, this could equate to **40-70 lives lost annually** due to current custody laws.

School Shootings and Public Safety:

- Since 2008, school shootings have increased **335%**. Alarming, **86% of school shooters come from single-parent or majority-parent homes.**
- These children experience extreme distress, isolation, and depression, exacerbated by a system that removes loving, stabilizing parents from their lives.

The Evidence in Favor of Shared Parenting:

The data supporting **Rebuttable Shared Parenting** is overwhelming:

1. **Child abuse decreases** with shared parenting (See Sources, Point 15).
2. **Teen pregnancies drop** significantly (See Sources, Point 12).
3. **Abortion rates decline** as parental support increases (See Sources, Point 13).
4. **Suicide rates among teenagers and alienated parents decrease** (See Sources, Points 1, 36).
5. **Public safety improves**, with reductions in violent crime (See Sources, Point 34).
6. **School shootings and gun violence decrease** (See Sources, Points 4, 5).
7. **Substance abuse among children plummets** (See Sources, Point 3).
8. **Juvenile incarceration rates drop**, as **70% of detained youth** come from single-parent homes (See Sources, Point 14).
9. **85% of prison inmates were raised in single or majority-parent homes** (See Sources, Point 19).
10. **Taxpayer burdens lessen**, as crime, domestic violence, and welfare dependency decrease (See Sources, Points 18, 20, 32).

The Success of Shared Parenting in Other States:

Arkansas implemented a **50/50 shared parenting law** in 2021, requiring **clear and convincing evidence** to justify unequal parenting time. Since then:

- **Divorces have declined dramatically**, dropping from approximately 20,000 per year to **17,858**. That is a decrease of 1,600 divorce cases per year!
- **Litigation has decreased**, preserving financial and emotional resources for families.
- **Orders of Protection decreased** 382 fewer cases per year and trending down
- **The state's population has grown**, the state's population has grown by 63,000 citizens during this period, further underscoring the remarkable decline in divorce cases and demonstrating that shared parenting laws contribute to stronger, more stable families.

Kentucky implemented Rebuttable Shared Parenting law in 2017/18, requiring a preponderance of evidence to justify unequal parenting time. Since then:

- **Domestic violence cases significantly declined**, domestic violence has dropped 50% statewide in the (IPV) Intimate Partner Violence Column that gets tallied for domestic violence associated with separation or divorce.
- **Litigation has decreased by 1,856 the year following passage**, preserving financial and emotional resources for families

North Dakotans Overwhelmingly Support Shared Parenting:

A **November 2024 poll** showed:

- **94% of North Dakotans** believe children should have as much time as possible with both parents.
- **91% believe** both parents should have equal rights and responsibilities after separation.
- **80% support** a rebuttable presumption of shared parenting.

Conclusion:

The evidence is clear—our current system is failing North Dakota's children. The **Rebuttable Shared Parenting Bill** is not just about fairness for parents; it is about the well-being, safety, and future of our children and our communities.

I urge you to pass this bill and take the foundational step necessary to protect our children from unnecessary trauma, reduce litigation, and create a more stable and just society.

Sincerely,

Todd Peterson
West Fargo, ND
701-831-9807



Shared Parenting Polling North Dakota November, 2024

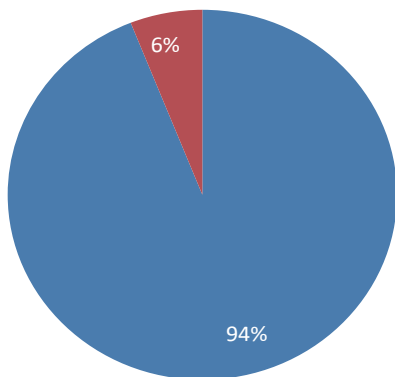
In October and November 2024, National Parents Organization commissioned an independent poll, conducted by Researchscape International, of the attitudes of those in North Dakota concerning shared parenting when parents live apart. Below are highlights of that poll. For details and a complete report, please contact NPO at Parents@SharedParenting.org.

In instances of divorce or separation:

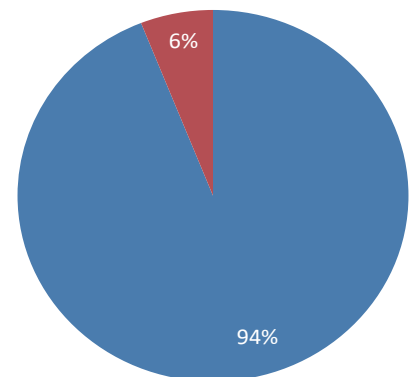
94% of those in North Dakota believe *"it is in the child's best interest ... to have as much time as possible with each parent;"*

94% of those in North Dakota expressed a commitment to vote their beliefs being "more likely to vote for a candidate who supports children spending equal or nearly equal time with each parent ...when both parents are fit and willing to be parents."

Best Interest of Children



Influence on Voting

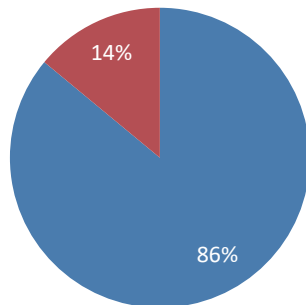


- It is in the child's best interest to have as much time as possible with each parent.
- It is in the child's best interest to spend as much time as possible with just one parent.

■ More likely ■ Less likely

86% of those in North Dakota believe that the state should promote shared parenting for all children with separated parents.

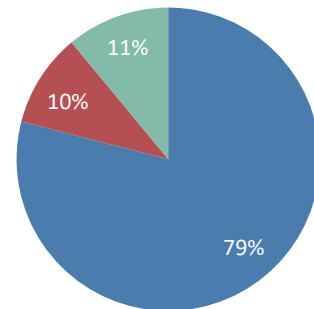
Promotion of Shared Parenting



■ Agree ■ Disagree

79% believe that when there is conflict between parents, awarding sole custody to one parent increases conflict.

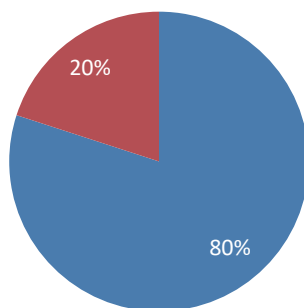
Parental Conflict and Sole Custody



■ Increases conflict ■ Decreases conflict
■ Has no impact

80% support a change in North Dakota Law that creates a rebuttable presumption that shared parenting is in the best interest of a child after a parental separation.

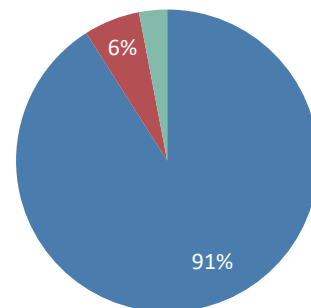
Rebuttable Presumption



■ Support ■ Oppose

91% believe that both parents should have equal rights and responsibilities following divorce or separation.

Rights and Responsibilities



■ Both parents should have equal parental rights and responsibilities.
■ Mothers should have greater parental rights and responsibilities.
■ Fathers should have greater parental rights and responsibilities.

House Judiciary Committee Members,

I am writing to urge your opposition to HB 1242. As you know, this bill creates a presumption for equal residential responsibility for children, meaning the court would be required to order equal residential responsibility unless the presumption of fitness is rebutted.

HB 1242 says that the presumption of equal residential responsibility may be rebutted for certain reasons including if a parent *"(1) May cause harm to the child; (2) May endanger the child's physical or emotional health; or (3) Is not feasible because the circumstances of the parents do not allow for a parenting schedule that provides for exchanges of the child between parents at least every seven days."*

This bill notably does not address substance use disorders, which are the primary cause of parental neglect in North Dakota. The reasons that would rebut the presumption of equal responsibility are vague and it is unclear how situations of parents being in active addiction would be addressed if this bill were passed. While the bill does indicate an exception for endangering the child's physical or emotional health, it requires the danger to have already occurred. For example, if a parent drives a child while drinking, the other parent must then litigate whether the child was in danger and the level of the parent's intoxication. This is concerning because, as we all know, it may take only one occurrence of driving under the influence to cause death or life altering injuries to a child.

Further, substance use disorders often come with many significant but invisible emotional issues for children. It is unclear how damage to the emotional health of a child would be proven. Waiting to act until the child has suffered irreversible damage is inexcusable.

It is not clear what problem with the current law this bill is trying to solve, but the addition of vague language to North Dakota Century Code that potentially puts the rights of parents in active addiction above their children's safety is not the answer.

Please let me know if you have questions about my testimony. Thank you for your consideration. **VOTE NO ON HB 1242!**

Sincerely,
Krista Fremming
District 47

Shared Parenting 2-10-2025

To: Judiciary Committee

From: Craig M. Richie

craigrichie148@gmail.com

701-541-3725c

I have been asked to testify regarding this shared parenting bill as it is the opinion that my past experiences give a perspective from many different angles. As you can imagine, it was not my intent nor wish to testify, but it's obvious they are correct as to my perspective be many faceted. I personally "do not have a horse in the race".

I have been a lawyer for 52 years in the general practice of law but unfortunately have done a great deal of domestic relations law.

The truth is this should not be about the legal system but what is best for people, particularly children.

I understand what you consider as legislators as I was privileged to serve in the North Dakota House of Representatives for three terms serving on the judiciary and agriculture committees.

- Other experiences that give me a broad perspective:
- Coached for many years even having a batting cage in our backyard with a pitching machine training kids to hit
- Running a church basketball league for non-varsity high school players which now has 24 teams in it from all the local schools.
- We organized and started a hockey club for kids all the way through high school as well as converting a warehouse into a hockey arena with artificial ice. This was for cuts from other teams and poor kids.
- We raised the money for the Tharaldson Baseball Park with four baseball fields with lights brick dugouts, concrete retaining walls and grass infields.

- We also have the Laurie Berry CHRISTian Home in Mayville, North Dakota which is a place for college kids to hang out as well as some living there.
- When I sold my law practice and even though I still practice law it is not as much as I would like. I now substitute teach. Three years ago on a four day assignment which is unusual, the teacher quit t;wo days into it and they hired me to teach English the rest of the semester. To say it went well would be an understatement; I am still in communication with a number of the students. The next year they needed 1/2-time English teacher at Oak Grove Lutheran school. Toward the end of the first semester they fired their Christian Studies teacher and I taught religion full time for the rest of the year.
- Probably most importantly I am a step farther with two adult children.

Even though it was not my desire to testify in regard to this bill, it was hard to argue that I did not have quite a bit of knowledge from different perspectives.

I also have to say that over the years my perspective and feelings on shared parenting has not only modified but changed.

This should not be a legal as much as it should be about people particularly children.

From a legal standpoint, I think anybody who has been in the system would say that it is a mess when it comes to divorce, custody, adult abuse and everything that goes along with it. This is an area of the law that should be the fairest and help people the most, but it is clear that it is the least fair as compared to other law areas.

This is particularly true when it comes to custody of children. Children are not made for divorce and it always and I will repeat always hurts them! I understand some will disagree with that but it is true. I am not saying that there are not times people need to be divorced or that people should stay in abusive situations or anything like that. My point is it hurts children! It also hurts the husband and wife.

When it comes to custody/primary residential responsibility it is not how good a parent a person is but to show the other person is bad. It is disgusting to have to say, "that unless you can show what's wrong with the other parent you will lose". If lawyers deny this happens, they are not telling the truth. You can only imagine therefore what these hearings turn out to be. Lying about the other spouse is "par for the course" and happens in almost every custody situation. Many times getting social services involved with false allegations will give one party a "leg up".

If this bill passes, then there is less opportunity or need to lie about the other party. Certainly, there are times that a abusive party or for a number of other reasons has to have their parenting time limited. However, for the most part is not the case. The end result is that men either abdicate their parental responsibility or have it abdicated for them. If this bill passes it forces people to get along. I will tell you that the people who do best in these get along from the beginning. Can you imagine after trashing each other in court with lies or for that matter even the ugly truth how can the people then get along and Co parent? The answer is they do not. These cases go on for years with a great deal of money being spent. This money could have been spent on the children or themselves.

I have to interject here that if some lawyers are against this then you have to ask why? I actually know some lawyers who have stated by letter they are against it, and I respect them and like them. Why would you as legislators trust the people who have worked in a broken system and have had a great deal to do with breaking the system? Now they have the answer to fixing it? Everybody knows it is broken if they are honest enough to state so.

It also should be noted if a person usually a man does not pay child support then he is hauled into court and is made to do so at no cost to the obligee. However, if usually the man is not getting visitation nobody hauls the offending party into court. They have to pay to get a lawyer to help them only to have a judge say the offending party should do better. Eventually, men just give up. This is usually, the man however not always. Some of the worst cases are false

allegations against women because that is what is needed in order to win. Referee Jack Dietz used to say, "A courtroom is a place where things are said that are never forgotten". Can you imagine people trashing each other and then trying to get along for the benefit of the children. That is just not going to happen. I am old enough to remember when there was no regional Child Support Office to help primarily women to collect money from dead beat fathers. Before Regional Child Support helped them collect guess what? "Dead beat dads" just refused to pay as there were no consequences. The same is happening today in regard to not getting parenting time. I know one man who was wrongfully accused of abuse as were his two teen age sons by the mother. He had custody parenting time of the boys and her the girls. The boys both have become lawyers to try to correct the system. The daughters are still angry hating people who refuse to see their father. The alienation was so great that the youngest girl was willing to testify as to how bad her father was when her mother was pregnant with her. She called him a "sperm donor" rather than her father. The case went all the way to the N.D Supreme Court. Yet, he still has not seen his daughters who are now through college.

This bill in most instances takes the need for all that ugliness out of the court system.

As a coach/umpire and now a teacher It is easy to tell which kids do not come from a two-parent home. Like Lou Holtz the famous Notre Dame coach said, "kids are more fragile today". The reason is they do not have two parents. This is not to say that one parent is bad; it just means one parent cannot be mother and father. Some will argue that but I am here to tell you it is not true. My wife is a tremendous mother great partner and a loving parent in all ways as well as being smart and competent. A fine Christian lady! I distinctly remember a conversation that I was eavesdropping in on between our son/my stepson and Irene. When we met, Irene had just finished her college degree while raising two kids but was still living in low-income housing in Moorhead.

Jared said to Irene, "if we were still living in Moorhead I would probably be a drinker and a druggie". Irene said, "I wouldn't have allowed it!" At which time

Jared said, “you couldn't have stopped it”. Jared was a great kid and Irene is a tremendous mother who is not afraid to discipline. What he meant was, “I may not like it, but that guy in the corner who is bigger than me I am enough afraid of that I would not try it.” I never ever touched him, but there is still that awe of a father.

Like I said before, the best thing to do where they have two parent homes at all times because people did not get divorced but that is not going to happen. This is the next best solution.

I can tell you that in the classroom setting as a teacher is going to have trouble with the kid you can pretty much be assured that they come from a single parent home. Of course, that is not always true but it is true more times than not. The teacher ends up spending most of their time dealing with that problem child rather than teaching the others. Teachers say that it has to be learned at home. That is true to a degree, but it is not being taught. As you can imagine, the custodial parent is always concerned that if the child does not get their way then they will threaten to go live with the other parent. Shared parenting time on a 50/50 basis takes care of that. If you do not think parental alienation takes place you are wrong. It happens in most every case. I can tell war stories for hours of how the present system does not work and it hurts children. Studies show sex trafficking and other crimes center on single parent homes. The vulnerable!

Irene and I have spoken about it often, but we have come to the realization that the better the relationship the children had with their father the better relationship they had with us. I am not saying that the party deserves it, but it is best for the children. I often say to a mother, “it may not be fair or deserved but it is best for your children that you teach your ex-husband how to be a good father”. I always repeat that, “I did not say it is fair, but it is best for your children”. Ultimately it is also best for them. Believe me, they do not want to listen to that.

I have to finish by saying that our daughter and our son Irene and I both agree were hurt by them not having a father around. There is something within them

that believes as most kids do that if there's something wrong with their parent something is wrong with them. As a stepfather, I can tell you that if you are good their father is bad and therefore they are bad. It of course is not true but it is how they feel. The very few cases where the parents have worked together in raising children even though divorced have worked out the best for them. I am not telling you we did this, but we should have. Rather than being angry at Ron for not paying child support even though it was only \$75.00 a month and he had a Cadillac and would lie to the kids about what he was going to give them. I was totally wrong by telling him to get out of the way when Jared was playing in the Legion World Series in Fargo. I should have been sitting with him and discussing the game. That would not have been easy but would have been the right thing to do for the best interest of the kids. Krista to this day says the best day of her life was at her college graduation when we said we forgave Ron and asked him to forgive us for our actions. Even with that said she still carries those scars and so did Jared until his death.

The bottom line is what we have is not working and this is a step to make it a little better. It is certainly not for lawyers to say what should be done as they are part of the problem. In fairness to them they inherited it but it still is not working but familiar to them. Like I said initially, I have a great deal of experience in many different areas that frankly I would be remiss if I did not share with you enacting this law. It is obvious there will be opposition to the status quo as people will feel they will be losing money, power or whatever. However, this is still the best thing to do. This is what my wife and I have learned from many years of experience and learning the hard way. It is not just our family but also what teachers and counselors I have spoken to as well as over a half century working in this area of the law as well as my other life experiences which has caused me to see that I have been wrong, and it needs to change.

Dear Members of the Legislature,

Hello my name is Jeffrey Fremming, I reside in Bismarck, ND. I urge you to support the proposed legislation-ND HB 1242. This bill promotes equality by establishing shared parenting, unless evidence shows that it's not in the children's best interests. The bill recognizes that children benefit from consistent and meaningful relationships with both parents equally.

I have been divorced for almost 6 years. I request that since we have made the children in private we should be able to come to resolution in private. The courts were forced into my life and the original decision by the Judge was to give me four overnights a month. Based on a zoom hearing and allowing each parent about ten minutes to tell their side of the story. Even after I testified and showed evidence of her substance abuse and being verbally and physically abused by for years. I also had to endure a CPS report, a lie to try to make me out as a monster, but it was investigated and found false with no evidence and dismissed. All of which, no punishment given for the horrific accusation. After the first month she came to me and stated how difficult it was to single parent two children alone for 25 days a month, and she wanted to negotiate. I currently have thirteen overnights based on a twenty-eight-day calendar. I am equally a great father as she is mother. My duties and responsibilities are identical to hers as a parent, including making doctor appointments, school drop off, homework, coordinating with other parents for play dates, laundry, feeding and clothing them, bedtime routine, covering sick days, church involvement, and I am heavily involved in all sports and activities, even coaching. When mom comes to pick them up from me, the sadness pours out of them, latching on to me, begging for more time with me, directly in front of mom. I have never missed a child support payment. I work a full-time job as she does and have owned my businesses for 25 years. Overall, her two more overnights that she has, awards her child support and parental responsibility. It's custody for profit, as her income is three times mine. *This is unjust and unfair and not in the best interests of the children.*

What the kids can learn from me is that men can be nurturing, loving, flexible and dependable, strong and to be a leader, and how to treat a woman in the household correctly. Teaching them right from wrong. I am teaching them to respect themselves and not to settle, because they are going to know that their dad has their back forever. Both parents are critical as I can't do some things mom can and vice versa. I understand parenting takes sacrifice and I am always willing to. I'm present, I'm active, I have never abandoned my kids. I want to pour love into my kids' lives. Happiness is not outside of my house. I know everything that makes me happy is inside my house. At the time of divorce, I was undervalued, overlooked, even replaceable. But despite all of that, I just keep showing up.

I deal with facts and evidence, that the Supreme Court case law called Santowski Vs. Kramer, which says that every natural parent is to have a fundamental liberty interest in the care custody and management of their child, that means I am guaranteed 50/50 over the children and it is backed by the United States Constitution.

Please support this bill with a "Do Pass" recommendation. Your decision will send a message that North Dakota prioritizes our children, the integrity of families, and fair justice.

Jeff Fremming -701-202-3359
124 Marietta Dr, Bismarck ND

February 10th, 2025

House Judiciary Committee
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Support for HB 1242 w/ Amendment

Chairman Klemin and Committee Members,

My name is Corey Johnson of Williston. I am a single father of two amazing children who reside with me full-time. I personally know the effects of growing up in a fractured home, both from my childhood and now raising my children. I write to you in support of HB 1242 and also ask you to strongly consider an amendment to improve the intent and effectiveness of this legislation.

Support

We must do everything we can to preserve the family unit. We know through sound research that the effects of a broken home damage children at a critical time in their lives. Every effort should be made to preserve families and promote strong values to prevent broken homes from occurring. Despite efforts, this situation is still a crisis in our society, and we must have sound laws to support the well-being of children when homes are fractured. Children's best interest is undoubtedly to have access to both parents and foster loving and nurturing homes.

The current system in place does not do this. This legislation will require each parent to share time and responsibilities for their children. It adds a burden of proof responsibility to limit a parent's right to care for and raise their children. Despite being in a situation where my children's mother is absent, I strongly support the baseline of always sharing responsibility and shared time.

Proposed Amendment

Equal responsibility and time with your child should be viewed as a right. However, this issue cannot be fully addressed without also addressing the issue of child support obligations. Under current Administrative Rules, regardless of shared parenting agreements, child support is required of the highest-earning parent in cases where time and responsibility are shared 50/50.

During my divorce, I was willing to enter into a "parenting plan" where no child support was required. As the highest-earning parent who was going to have a majority of residential and decision-making responsibilities, I was not easily able to waive a requirement for child support. We eventually did this under what my attorney called the "Bill Gates Clause" which permits such arrangements to be granted when the primary caregiver earns more than 3X the

noncustodial parents' salary. The exception was granted because she was unemployed at the time. Since then, a change in our situation developed, and child support has been enacted.

In the end, the purpose of this legislation is to preserve family structures and ensure equal parent access and ability. In this situation, if one of the parents is still obligated to provide child support and shared responsibility, they will be forced to submit to less parenting time. Consider if a father or mother is forced to pay the other parent a child support obligation and provide all support expenses, including childcare, for 50% of parenting time. This parent will be forced into a financial crisis where their parenting abilities will be compromised, or worse, they will be forced to work more and, in the end, not have the time to raise their child as intended by this legislation.

I ask that you consider an amendment to address the issue of child support as it relates to shared residential and decision-making responsibilities.

Administrative Code Reference

75-02-04.1-08.2. Equal residential responsibility - Determination of child support obligation.

A child support obligation must be determined as described in this section in all cases in which a court orders each parent to have equal residential responsibility for their child or children. Equal residential responsibility means each parent has residential responsibility for the child or children for an equal amount of time as determined by the court. If equal residential responsibility is ordered for all the children, a child support obligation for each parent must be calculated under this chapter, and specifically ordered, assuming the other parent has primary residential responsibility for the child or children subject to the equal residential responsibility order. If equal residential responsibility is not ordered for all the children, a child support obligation must be calculated and specifically ordered for each parent for the children for whom the other parent has primary residential responsibility plus the children for whom the parents have equal residential responsibility. The lesser obligation is then subtracted from the greater. The difference is the child support amount owed by the parent with the greater obligation. Each parent is an obligee to the extent of the other parent's calculated obligation. Each parent is an obligor to the extent of that parent's calculated obligation. The offset of child support obligations in this section is for payment purposes only and must be discontinued for any month in which the rights to support of a child for whom the obligation was determined are assigned to a government agency as a condition of receiving public assistance.

75-02-04.1-09. Criteria for rebuttal of guideline amount.

p. The reduced needs of the child to support from the obligor in situations where the net income of the obligee is at least three times higher than the net income of the obligor;

Sincerely,

A handwritten signature in black ink, reading "Corey A. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Corey A. Johnson,
(701) 570-4018
cajohnson911@gmail.com

I am writing as a mother, sister, friend and daycare provider in strong opposition to bill HB1242.

I have four children. A set of twins with one father and two boys with another. I cannot imagine having been forced into 50/50 custody with either of their fathers. Both of whom would've just as soon had the title of "father" without the inconvenience of actually having children. Both of these men fought me for custody entirely to save face with their families and friends and because I was awarded child support. In the most eloquent words of one father "if I have to pay for them, I'm gonna see them." Not having one care in the world for the actual child but for the money they would be forced to spend on them and how they would look to other people.

Just because a person was involved in the act of conception, does not make them a good parent. If two people were married and had children, that does not mean they are good parents. Just because someone's mother, father, brother or friend would like to see them raise their children well, does not make them a good parent. DNA does not make someone a good parent. Paying child support does not make you a good parent. Giving birth to a child does not make you a good parent.

This bill would be detrimental to so many children and families. What is good for one family is absolutely not good for another. Cases of custody NEED to be looked at and taken into consideration individually, with each side given the opportunity to prove their worth as parents. Just because you have the title of mother or father, does not give you the right to raise children equally with the other party.

In closing, my opposition really is simple. One size does not fit all! Please do not pass this bill!

Sarah Kadrmas



February 11, 2025

House Judiciary Committee
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Re: HB 1242 (Bill relating to parental rights and responsibilities)

To Whom it May Concern,

Kristin Binder and I are family law attorneys, with years of experience in family law cases. In addition to handling dozens of family law cases a year, we are qualified as guardians ad litem as well as parenting investigators, and I am trained in family law mediation. Between the two of us, we have handled hundreds of family law cases. We represent both mothers and fathers in equal numbers.

We are writing in opposition to HB 1242. North Dakota has a long-standing commitment to ensuring that the best interests of children are of paramount importance in family law cases. The current statute carefully outlines the factors a court considers when determining residential responsibility and parenting time. Although there have been – and will continue to be – mistakes made, our judiciary does a good job of applying these factors and making decisions that prioritize the child's wellbeing, rather than the parents' wants and desires.

There is a wealth of research showing that children benefit when both parents are actively involved in all aspects of their lives. However, it is important to note that this research does not show that equal custody is best for children. Rather, it shows that active involvement of both parents is important. See, for example, the American Psychological Association article, "Children Likely to Be Better Adjusted in Joint vs Sole Custody Arrangements in Most Cases, According to Review of Research¹." It is especially important in high conflict cases that courts make a case-by-case determination (for example, there may be differences in outcome depending on the gender of the child, quality of parenting, interparental conflict, and other variables)².

¹<https://www.apa.org/news/press/releases/2002/03/custody#:~:text=Children%20in%20joint%20custody%20arrangements,children%20in%20sole%20custody%20arrangements>. The studies compared child adjustment in joint physical or joint legal custody with sole-custody settings and 251 intact families. **Joint custody was defined as either physical custody** — where a child spends equal or substantial amounts of time with both parents **or shared legal custody** — where a child lives with primarily one parent but both parents are involved in all aspects of the child's life.

² "Does Shared Parenting Help or Hurt Children in High Conflict Divorced Families?" <https://pmc.ncbi.nlm.nih.gov/articles/PMC7986964/>. The research indicates shared parenting is typically defined as living with each parent a minimum of 30% of the time.

Although we cannot speak to all districts, the South Central Judicial District does not discriminate between mothers and fathers when making a decision. Almost all competent parents are awarded equal residential responsibility, unless there is a reason to do otherwise. Reasons may include: one parent, although generally competent, making decisions that could adversely affect the child; individuals in the home of one parent that could negatively affect the child's wellbeing; a parent, by choice, failing to consistently participate in the child's life; and a myriad of other reasons. As proposed, HB 1242 would arguably take into consideration the aforementioned factors, but only with a preponderance of the evidence supporting the same. Further, without evidence showing that a child has been negatively impacted directly by the action a party is claiming is harmful, practitioners will have legitimate arguments on either side, increasing litigation until case law is established.

While a default equal residential responsibility regime sounds reasonable in theory, in practice, it would be a nightmare to untangle. As written, the only reasons a court can award anything other than equal residential responsibility include harm or endangerment to the child, or the lack of feasibility of an equal parenting time schedule. As to the latter, a parent's circumstances, which may allow for "exchanges of the child...at least every seven days," may still not be conducive for shared parenting, or "approximately equal amount of time." In the case of a parent consistently traveling out of town for work who may be gone for much of the work week, or in the case of a parent who works odd hours and is unable to provide alternative care for the child during the time they work. Another problematic example is parents living in different towns when they have a school-aged child. Sixty miles, for example, may not be problematic prior to the child beginning school. However, that will likely change when the child starts school, although it is still likely the parties could accommodate an exchange "at least every seven days." These examples may elicit a response along the lines of, of course, one parent would likely need to have primary residential responsibility. While, as practitioners, we would have legitimate arguments on both sides with these proposed amendments. The result, again, is increased litigation until case law is established providing additional guidance.

As to rebutting the presumption by showing harm, proving the same in family law is a high burden. This bill, as proposed, would make it far more likely for a parent to attempt to involve a child in litigation to support the claim of harm. Generally, children should not be on the stand in custody cases, nor be significantly involved in any capacity. Although there are mechanisms in place which can help give voice to a child without direct testimony (such as appointment of a parenting investigator or guardian ad litem), few families can afford one.

With the proposed amendments, there is also the potential for a parent to attempt to obtain a domestic violence protection order or disorderly conduct restraining order, to try to gain the "upper hand" in a residential responsibility proceeding. Some of these may be legitimate, and some may not. With the presumption largely being rebuttable by harm or endangerment to the child, these actions will become about proving who is the worse parent, rather than focusing on the overall best interests of the child.

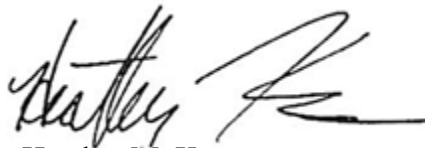
Another notable issue with the proposed amendments is the very definition of shared residential responsibility. Specifically, "shared residential responsibility means each parent has residential responsibility for the child for an equal or approximately equal amount of time, as determined by

the court.” The verbiage of “an approximately equal amount of time” leaves the statute too broad and, until case law is established as to what precisely that means, litigation will increase. One parent may believe 51% is approximately equal, while another may believe 60% is approximately equal. The statute leaves that determination up to the Court, which means the likelihood of these cases being resolved during informal settlement negotiations or mediation is slim. Currently, most family law cases settle. Settlements are generally based on what is best for the children and what works for parents’ schedules.

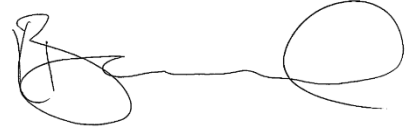
This statute is likely to increase costs to parties and harm to children. Rather than the best interests of a child being the guiding principle in family law cases, they become a throwaway reference (under the proposed §14-09-29(4)), “The court may consider [the best interest factors] under section 14-09-06.2 when constructing the parenting time schedule.” It is essential that North Dakota continue to prioritize children, rather than the wants of angry adults.

The proposed language in this bill will wreak havoc in family law cases, diminish the possibility of settlement, increase litigation costs, and, most importantly, reduce the focus on what is in the best interests of the children. It will instead turn into a mud-slinging contest between the parents. While we understand the goal behind the bill, the way it is currently worded will increase turmoil in these already often contentious cases. Therefore, we strongly encourage you to reject this proposed amendment to 14-09 of the North Dakota Century Code.

Sincerely,



Heather M. Krumm
Attorney at Law
heather@revivelawgroup.com



Kristin A. Binder
Attorney at Law
kristin@revivelawgroup.com



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Kathy Frelich

District 15
8827 54th St. NE
Devils Lake, ND 58301
kfrelich@ndlegis.gov

COMMITTEES:

Vice Chair Human Services
Transportation

Good morning, Chairman Klemin and House Judiciary Committee,

For the record, my name is Kathy Frelich, and I am honored to represent District 15. I am here to introduce HB 1242 which is related to parental rights. This Bill makes changes to the section of code related to how the courts consider parental responsibility in custody cases.

Section 1 includes the addition of definitions of shared decision-making responsibility and shared residential responsibility.

Section 2 adds the line Rebuttable Presumption to the Code, and it is described in Subsection 2. In court hearings, unless otherwise agreed upon by the parties, there will be the presumption that shared decision making responsibility and shared residential responsibility is in the best interest of the child. Subsection 2b indicates this presumption may be rebutted if there exists a preponderance of evidence to do so. The Bill lists criteria for this rebuttal. If the judge believes the shared parenting presumption may harm the child, may endanger the child's physical or emotional health, or is not feasible because of parental circumstances, the judge may deviate from the presumption.

Obviously, as stated in subsection 3. a, b, and c, domestic violence or abuse of a child, would cause the presumption to be voided. The goal throughout this legislation is always to look at the best interest of the child and their well-being trumps the expectation of the presumption.

In Subsection 4, it lays out the expectation of the court to proceed with the presumption and award shared decision responsibility and to construct a schedule for shared residential responsibility. Subsection 5 asks the court to provide specific findings if the presumption is not considered to be in the best interest of the child. The rest of the Code remains the same, except for a few minor grammatical changes and re-numbering corrections.

Now that I've explained the Bill, I'd like to share with you why I brought it forward. In full disclosure, I believe in the sanctity of marriage, and I wish divorce was not so prevalent in our society. I understand marriage is tough, but I believe it is worth fighting for. That said, I have not been personally impacted by divorce nor have my children. I do not have an axe to grind and feel I am about as objective as a person can be regarding this piece of legislation. That being said, I understand this is a subject that is going to evoke emotion on both sides of the issue, and I am truly sorry for any family that has undergone a painful custody situation.

A constituent who went through his own painful experience with family court, asked me to bring this Bill forward. You'll see his testimony is on record and it describes the failure of our current system. This Bill is too late to help his situation, but he felt compelled to reach out to his legislator anyway.

Since deciding to sponsor this Bill, I have been inundated with personal emails and stories about our Family Court system and how our system potentially leads to children in crisis. This is my second session on the Human Services Committee, and I have been blown away and frustrated by the situations we hear. We are using band-Aids to fix the problems of our society, and my heart breaks at the struggles we hear our children are experiencing. This is the first idea I feel is trying to hit at the root of the problem. I believe our children thrive best with both parents and their extended family support system.

Divorce is ugly and it's prevalent, so I understand people would have opinions based on personal experiences. What I am asking you to do is to put aside any personal situations you may have experienced and simply look at the law. This Bill is asking a judge to presume that a parent is fit, willing and able to care for their children unless there is good evidence to the contrary. Presumed innocence is a fundamental part of our judicial system, why wouldn't it be the same for custody cases?

You should know that similar legislation was brought forward in 2017. It passed the House but was amended and defeated in the Senate. Included in the 2017 version was a study of the Family Law system including a study of the use of the 14 Best Factor used by the courts. Since the Bill was defeated, the study never occurred. And here we are today, with the same broken system. Parents fighting for access to their children, in situations where oftentimes, the winner is the one with the most money to litigate. My hope is that this Bill removes children as a weapon in divorce proceedings and parents understand that in all cases, their children's well-being comes first.

Thank you, Chairman Klemin.

February 11, 2025

Good morning Chair Klemin and members of the committee. For the record my name is Tanya Giese. I am a mother, grandmother, and a nurse practitioner in family practice. I am in opposition to passing of bill 1242. I have witnessed first hand why it is not in the best interest of children to pass this bill as written.

My daughter recently went through a divorce that resulted in many months of legal proceedings to determine what was in the best interest of her two boys. To put this in perspective, my daughter was with her ex-husband for ten years. They eventually married and started a family. They had their first boy a year after being married, she became pregnant with their second 2 years later. Two months before their second child was born, her ex walked out on them and was found to be having an affair and subsequently had a third child with the mistress he had. He walked out on them in August of 2023. My daughter's divorce was just approved last week, January 2025. She kept, cared for, supported, and met the children's needs the entire time with little to no help from him. In the 17 months he was gone he did not contribute to financial support at all until Jan of 2024 when he began paying half of childcare as my daughter was unable to afford it on her own. This is the only contribution he made since the day he left.

My daughter had her baby by c-section, went home, worked through her maternity leave in order to afford the two boys, and has essentially provided all of their needs since he left. She paid the hospital and clinic bills, paid daycare, paid for food, supplied all items of need for them, and maintained the bills to pay for their home and all utilities. She held the insurance for all of them during this time as well. She makes half the yearly salary as her ex does, yet she was responsible for 100% of supporting the children he walked out on. I and my mother spent months alternating time and money to assist my daughter as much as we were able as well. We both live 250 miles away from her and did our best to help.

My daughter has spent thousands of dollars pleading her case to the courts regarding custody and primary residency with ample support in her favor. The judge spent weeks going through the evidence and case and in the end did award her full custody with primary residency. My point for sharing this with you is to alert members that not all parents deserve or should be automatically entitled to 50/50 custody just because they are the biological parent. This bill would hurt my daughter and grandsons financially and emotionally. I would like to note that he had an endless amount of opportunity during the last 18 months to offer 50/50 support and chose not to.

As a nurse practitioner I also care for many children and parents that are in similar situations or in those where the children are actually in abusive situations as well. We have court proceedings and judges to hear facts of each case in order to make a decision that is in the best interest of each child. This bill will put every child in the same bucket and assumes that every parent contributes equally during a separation/divorce. This is simply not the case. This bill also allows for parents with alcohol and drug issues, abuse, and legal issues to have equal rights with no concern or consideration of what is best for the children themselves. Please take all situations and possible effects of the passing of this bill into consideration and vote do not pass. I would be happy to offer further testimony or answer questions the committee or house may have. Please contact me at any time.

Tanya Giese

701-690-8925 or tanya.giese@outlook.com

Honorable Members of the House Judicial Committee,

My name is Halle Peterson, and I come from a divorced home, but I am in no way broken, brainwashed, or feeble-minded as my father has described me to be. Today, I am here to strongly oppose House Bill 1242, which my father proposed, as I firmly believe its passage will have devastating consequences for countless children in North Dakota. Although I am 18 years old and this bill will not directly affect me, I cannot, in good conscience, remain silent. It is my fervent hope that the traumas I endured will serve as a powerful cautionary tale, compelling us to protect children like me and my siblings from needless suffering in a court system that should look out for and protect them.

I speak for those who do not have a voice, those who are too young, scared, or powerless to be here today. I hope my experiences prevent other children from enduring the pain and trauma I faced by being forced to spend time with an abusive parent.

This bill will worsen alienation rather than prevent it. The alienation between my father and me resulted from his own words and actions. Abusive behavior is inherently self-alienating, but when a parent refuses to take responsibility, it is often projected onto the spouse and children who are victims. Many fathers' rights groups blame the courts for lost parenting time due to the hurtful environment they create, aiming to weaponize the law to maintain control. Rather than protecting children, this bill creates obstacles, hindering courts and professionals from advocating for children's best interests. It focuses on equal custody, oftentimes causing quick, drastic changes likely leading to greater harm.

Page 2, lines 22-26, presumes shared residential responsibility is best. How can one-size-fits-all be best for all children? Forced time at my father's house was dreadful due to emotional and mental abuse. I didn't feel safe or secure there. One night, after visiting a friend, I went to bed and made sure to lock the door of my bedroom. Around midnight, my dad unlocked the door. He angrily informed me that I needed to stop spending time with my friends and accused them of brainwashing me against him. My father labeled me as lost, insisting that I could not think for myself and that my thoughts, feelings and memories of what he had done were not my own, but were due to manipulation. Noting his rising anger and inability to discuss things calmly, I asked him to leave the room so I could sleep. He refused, insisting that this matter be addressed immediately. His intensity accelerated, and I felt utterly exhausted, confused, and scared. My heart was racing, as I felt trapped in my room with him. After nearly an hour of distressing conversation, he left my room, livid. If I ever disagreed with him, it led to insults and threats, worsening the situation. This bill would have forced me to endure more emotional and mental abuse, without anyone ever having a chance to consider if it were truly the best situation for me and my siblings.

Instead of examining his own behavior, my father has continued to accuse me of being lost and brainwashed. This was his excuse for why I no longer wanted to visit him, but the truth is his actions caused the breakdown. He blamed others for alienating me, but he was self-alienating. Had this bill been in place when my mom fled, I would have spent more time in an environment of emotional and mental abuse. I learned to hide, lock myself in rooms when he was angry, and quietly endure his accusations. Sometimes, I tried to escape for a short drive, but he would often block me and threaten to call the police. It caused me to be in states of fight or flight, and turning 18 could not come soon enough.

I testified in a previous hearing regarding Senate Bill 2184 and 2186 that several other incidents occurred while we were alone with my father. One time, my dad angrily locked us in the apartment and pushed us around. We were able to lock ourselves in my brother's room and use the phone we had hidden to call for help. Yet when the police came, they did not intervene further. Somehow, the incident did not seem bad enough to them. Another time, I fled after a very disturbing talk about how I should submit to my husband and never leave a marriage for anything except physical abuse. He explained my duty to have sex whenever my future husband wanted it and how my mom didn't fulfill her duties to him. The more I disagreed and told him to stop, the more upset he got, telling me I was not thinking clearly and was brainwashed. I escaped his place and sought refuge at my mom's house, in tears, knowing that I had to go back the next day.

Under this bill, our voices would not be heard. Our abuse would be considered too minor, and emotional suffering and distress would not even come into consideration. Who does it serve to remove this protection, when our current law provides for the consideration of as many factors as possible in determining what is best for children? It seems that this new bill would only benefit those who do not want their hurtful behavior exposed.

Before the separation, my mom stayed home to homeschool us, which worked very well for our family. My dad worked long hours and traveled often. Post-divorce, spending more time at his house drastically changed and disrupted our lives. During the interim period before the custody arrangement was finalized, we primarily lived with my mom and visited our dad. This arrangement felt more stable and normal to us than an immediate 50/50 custody split, which would have been overwhelming and frightening due to his erratic behavior. The initial separation was a very scary time, as his loss of power and control made him even more volatile towards us and anyone who would dare support us, including professionals. Yet this behavior would be considered inadequate to trigger the courts to look at the standards for our best interest.

On page 2, lines 7-8, the bill discusses shared decision-making for parents on major decisions. It is crucial to recognize that not all families can make joint decisions for their child. As I've learned from my own experience and research, a heartbreaking percentage of divorces occur because one parent is fleeing a toxic or abusive situation. I know firsthand how an abusive parent can weaponize the legal system against the other parent and treat children like me as pawns without a voice.

If parents disagree on schooling, who decides? Should a child be removed from a thriving school setting due to a parent's dissatisfaction post-divorce? My dad was always a critic of public schools, but after my mom fled and he learned of her plans to try to smoothly transition us to a small private school, he suddenly changed his mind and asked the judge for public schooling. We expressed our schooling desires to him, but he dismissed us whenever we brought it up. I wrote to the judge, who thankfully ruled in our favor. My dad was furious. We have all thrived in school under the judge's ruling in favor of my mom's plan. I am grateful the judge could prioritize what was best for us when our parents could not agree. This bill could enable abusive parents to instead manipulate the system. It is crucial our laws prioritize children's voices and welfare when many toxic parents may not.

On page 2, line 8, the bill mandates joint spiritual decisions. After my parents' divorce, my mom took us to our familiar church, where I had many friends, a solid support system, and safety reinforced by our pastor. My dad suddenly opposed us going to that church, claiming that it was

brainwashing us. In contrast, he hopped between various churches seeking one which would align with his beliefs. With this bill, it appears that we would not have been allowed to stay at our home church because of his disagreement, causing even more instability and a detrimental loss of support.

I used to feel deeply hurt when my dad accused me of being brainwashed, and I tried in vain to convince him otherwise. Over time, I realized that I was standing with many others whom he labeled as brainwashed, including pastors, judges, parenting investigators, teachers, counselors and the great majority of our lifelong friends. If history is the best predictor of future behavior, then that list will keep growing and I'll continue to be in good company.

When I read my dad's bill, I wondered: Who benefits from stripping courts, counselors, and parenting investigators of their roles? It isn't the children! This bill threatens to dismantle the safeguards that ensure children's well-being and safety. Please resist any attempt to weaken these critical protections. The National Children's Alliance reports that 1 in 4 girls and 1 in 13 boys in the U.S. experience child abuse. Living with an abusive parent leads to serious issues like depression, anxiety, and PTSD. Don't weaken protections due to lack of physical abuse evidence.

Every family is different, and a one-size-fits-all approach isn't in the children's best interest. Children's voices and well-being must remain at the forefront of custody decisions. This bill jeopardizes the integrity of children's homes, potentially leaving them in harmful environments rather than providing a sanctuary. Thank you for listening and for providing a protected place for me to share my voice. I'm hopeful that our laws will continue to provide safety for all children. Thank you.

Halle Peterson

Fargo, ND

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1242
2/12/2025

A BILL for an Act to amend and reenact sections 14-09-00.1 and 14-09-29 of the North Dakota Century Code, relating to parental rights and responsibilities; and to provide for application.

3:21 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Best interest of children
- Parental Alienation

3:22 p.m. Representative Hoverson moved a Do Pass.

3:22 p.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	N
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:46 p.m. Motion passed 11-3-0

3:47 p.m. Representative Hoverson will carry the bill.

3:48 p.m. Chairman Klemin closed the hearing

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1242 ([25.0350.03000](#))

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1242 was placed on the Eleventh order on the calendar.