

**2025 SENATE JUDICIARY**

**SB 2184**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

SB 2184  
1/21/2025

Relating to additional parenting time after a false allegation of harm to a child.
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8:59 a.m. Chair Larson opened the meeting.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

### Discussion Topics:

- Parental alienation
- Child welfare assessments
- Custody arrangements
- Emotional abuse impacts
- Investigative reporting standards

9:01 a.m. Senator David Clemens, District 16, testified as neutral and submitted testimony #30395.

9:02 a.m. Todd Peterson testified in favor and submitted testimony #29926.

9:08 a.m. Kelly Kraft testified in favor and submitted testimony #30280.

9:14 a.m. Kora Dockter, CEO of ND Suicide Prevention Coalition, testified in favor and submitted testimony #30347.

9:21 a.m. Dorthy Kuester testified in favor and submitted testimony #30003.

9:27 a.m. Lucy Bauer testified in favor and submitted testimony #29908.

9:37 a.m. Halle Peterson testified in opposition and submitted testimony #30442.

9:37 a.m. Lindsay Peterson testified in opposition and submitted testimony #30444.

9:43 a.m. Kimberly Jacobson, Director of Agassiz Valley Human Service Zone, testified in opposition and submitted testimony #30334.

### Additional written testimony:

Robert Garza, Author of Time Taken, Time Back, submitted testimony in favor #29888 and #29889.

Kathleen A Prescott submitted testimony in favor #29791.

Shannon Avard submitted testimony in favor #29895.

Baughn Anderson submitted testimony in favor #29897.

Krystel Magnuson submitted testimony in favor #29899.

Danny Lunde submitted testimony in favor #29910.

Delmer Peterson submitted testimony in favor #29912.

Latasha Klein submitted testimony in favor #29921.

Paul Saastad submitted testimony in favor #29962.

Brandy Johnson submitted testimony in favor #29966.

Michael Johson submitted testimony in favor #29982.

Arlyss Moline submitted testimony in favor #30009.

Shayla Davila, Co-Founder of Made Worthy LLC, submitted testimony in favor #30018.

Robert Mast submitted testimony in favor #30039.

Ashley Glass, Co-Founder of Made Worthy LLC, submitted testimony in favor #30217.

Jerol Gohrick, President of Sons of Liberty, submitted testimony in favor #30410.

Seth O'Neill, ND Domestic & Sexual Violence Coalition, submitted testimony in opposition #29779.

10:01 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*



521 E Main Ave, Suite 320  
Bismarck, ND 58501

Phone: 701.255.6240  
Toll Free: 888.255.6240

[nddsvc.org](http://nddsvc.org)  
[contact@nddsvc.org](mailto:contact@nddsvc.org)

**Senate Bill No. 2184**  
**Senate Judiciary Committee**  
**Written Testimony Presented Seth O'Neill, JD, MSW**  
**Email: [soneill@nddsvc.org](mailto:soneill@nddsvc.org)**  
**January 21, 2025**

Chairwoman Larson and members of the Senate Judiciary Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in opposition to Senate Bill 2184.

This bill would provide additional parenting time to a parent after a false allegation of harm to a child was made by the other parent. Although this may seem like a good idea, we are concerned that this situation may be abused when there is not enough evidence to prove an allegation is true. If a parent is concerned that the other parent is causing harm to the child, they may be reluctant to report that parent if they fear retaliation in this regard.

Due to these reasons, we encourage the committee to give SB 2184 a Do-Not-Pass Recommendation.



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

## The Urgent Need to Abolish Parental Alienation and Strengthen Co-Parenting

By Robert Garza

Parental alienation is a deeply destructive and manipulative behavior that often emerges during or after a separation. It involves one parent undermining the child's relationship with the other parent, which has become a growing issue in family law. This behavior not only causes profound emotional and psychological harm to children but also violates the fundamental rights of the alienated parent. Parental alienation is a form of emotional abuse that disrupts families, damages children's mental health, and fuels long-term estrangement. Immediate action is required to abolish parental alienation, protect the integrity of families, and prioritize the best interests of children.

### The Emotional and Psychological Toll on Children

Children subjected to parental alienation endure severe emotional distress, as they are manipulated into rejecting one of their parents. This forced estrangement distorts their perception of reality and creates feelings of confusion, guilt, and fear. Over time, this emotional manipulation can lead to anxiety, depression, low self-esteem, and difficulty forming healthy relationships in adulthood. The long-lasting psychological impact of parental alienation cannot be overstated.

At its core, parental alienation weaponizes a child's mind, often forcing them to internalize false narratives about one of their parents. In many cases, the child feels obligated to choose sides, which leads to cognitive dissonance and long-term emotional trauma. The manipulation makes children question their own perceptions, further confusing them about who they can trust. As these children grow older, they carry unresolved psychological baggage into adulthood, which may impact their ability to develop meaningful relationships or trust others.

The scars left by parental alienation affect the child's ability to navigate the world, leaving them emotionally compromised. Children need the love and guidance of both parents, and denying them that bond is akin to stripping away part of their identity. It also sets a dangerous precedent that relationships can be discarded and manipulated for personal gain.

### The Profound Impact on Alienated Parents

The effects of parental alienation do not stop with the children. Alienated parents often suffer a deep emotional toll as well. Being unjustly excluded from their child's life is devastating, especially when there is no legitimate reason for the estrangement. The alienated parent experiences grief akin to mourning a loss, as their bond with the child weakens or vanishes altogether. Many alienated parents describe feelings of helplessness,

frustration, and emotional anguish as they struggle to maintain a relationship with their child.

This forced exclusion is a violation of a parent's fundamental right to maintain a loving and healthy relationship with their child. For many parents, the damage inflicted by parental alienation is irreversible, leaving deep emotional wounds that may never heal. Missing important moments in a child's life—birthdays, graduations, family events—creates a void that often cannot be filled. The lost time, trust, and connection between parent and child due to parental alienation can be devastating. Courts must begin to recognize the gravity of this issue and act quickly to intervene before the damage becomes irreparable.

The financial toll is significant as well. Alienated parents often face protracted legal battles, forced to spend thousands of dollars in attorney's fees and court costs to reclaim their time with their child. This situation drains families of both financial resources and emotional energy. For many, the cost of fighting these legal battles leads to emotional exhaustion and financial ruin, further distancing them from their children. This is why timely intervention by the legal system is so important—it can prevent these situations from escalating.

### The Failure of Family Courts to Address Parental Alienation

Despite its widespread and damaging effects, parental alienation is often overlooked by family courts. Legal systems tend to focus primarily on physical custody arrangements rather than on the emotional and psychological abuse that may be occurring. This lack of recognition can lead to protracted legal battles, as courts fail to address the root issue and instead focus on the logistics of shared custody and visitation. This oversight allows the alienating parent to continue their manipulation unchecked, further harming the child and damaging the relationship with the alienated parent.

One of the main reasons parental alienation is difficult to address in court is that it often operates in a gray area. The alienating parent may disguise their actions as protective or caring behavior, claiming to act in the child's best interests. This subtlety makes it difficult for judges and legal professionals to detect the manipulation that is taking place behind the scenes. Without clear signs of abuse or neglect, courts may view these cases as standard custody conflicts and fail to take decisive action.

This failure to act has profound consequences for the children involved. The longer parental alienation is allowed to persist, the more entrenched the child's rejection of the alienated parent becomes. Over time, it becomes increasingly difficult to repair the parent-child relationship, and the emotional damage to the child deepens. Courts must evolve to recognize parental alienation as a form of emotional abuse, and they must take swift and decisive action to prevent it.

### Strengthening Co-Parenting Relationships

While it is crucial to abolish parental alienation, we must also focus on strengthening co-parenting relationships and fostering healthy family bonds. At its core, parental alienation arises from unresolved conflict between parents. To prevent parental alienation from occurring, we must promote a culture of cooperative co-parenting, where both parents are encouraged to remain actively involved in their child's life. This approach benefits children by allowing them to maintain meaningful relationships with both parents, even after separation or divorce.

Co-parenting requires open communication, mutual respect, and a shared commitment to the child's well-being. When both parents can set aside their personal differences and work together, the likelihood of parental alienation is reduced. Positive co-parenting relationships offer stability and security for children, helping them feel loved and supported by both parents. Educational programs for separating or divorcing parents can provide essential tools for maintaining healthy co-parenting relationships, such as conflict resolution skills, effective communication strategies, and the ability to prioritize the child's needs above personal grievances.

Encouraging parents to actively cooperate in raising their children can prevent alienation from taking root. A strong co-parenting framework helps prevent one parent from monopolizing the child's attention or manipulating the child's perspective of the other parent. Creating a supportive environment where both parents are seen as essential to the child's development fosters emotional security and reduces the risk of parental alienation.

#### Legal Reforms: The "Time Taken Time Back" Law

One of the most important steps toward addressing parental alienation is through legislative reform. In Texas, the "Time Taken Time Back" law (Texas Family Code 157.168 (a)) addresses a fundamental liberty: the right of parents to maintain meaningful relationships with their children. This law must be adopted in every state to protect parents from being unjustly separated from their children. It seeks to fix the issue of lost time due to precautionary court decisions by allowing alienated parents to regain time with their child without the burden of additional hearings or filings.

As it stands, many parents who lose time with their children due to precautionary court decisions are forced to prove why they should be allowed to "have" that time back. This process often involves lengthy court proceedings, which can cost thousands of dollars and delay reunification for months or even years. The "Time Taken Time Back" law shifts the burden of proof from the alienated parent to the court system, simplifying the process of restoring parent-child relationships and preventing unnecessary delays.

This law is not only about fairness—it's about healing. It acknowledges the emotional and psychological damage caused by lost time and gives parents the opportunity to rebuild their relationships with their children. Additionally, this law frees up resources in family



courts, Child Protective Services, and District Attorney offices by reducing the need for repeated hearings. By adopting this law nationwide, we can prevent further waste of judicial resources and ensure that children have the opportunity to maintain strong, meaningful relationships with both parents.

### The 3 Strike Law for Interference with Child Custody

Another crucial piece of legislation is the “3 Strike Law for Interference with Child Custody,” which also needs to be adopted across the country. This law is designed to deter parental alienation by holding parents accountable when they interfere with the other parent’s right to maintain a relationship with their child. Under this proposed law, interference with child custody results in an immediate \$500 penalty for the first and second offenses. On the third offense, the violation is elevated to a State Jail Felony.

This law serves as a powerful deterrent against parental gatekeeping and manipulation. It recognizes that a parent who interferes with child custody is not only violating the other parent’s rights but is also harming the child’s emotional and psychological well-being. By implementing penalties for repeated offenses, the law encourages both parents to cooperate and ensures that the child maintains access to both parents.

### Addressing the Root of the Problem

Parental alienation often stems from deeper systemic issues within the family law system. Financial burdens such as child support, legal fees, and court-mandated programs can create a situation where families are unable to afford the full legal process, leaving temporary custody orders in place indefinitely. These financial challenges often prevent families from reaching a final trial, allowing parental alienation to continue unchecked. In many cases, the alienating parent may use the child as a bargaining chip to manipulate court outcomes or avoid legal responsibilities.

To address this root issue, we must streamline legal proceedings and reduce the financial burden on families. Providing more accessible legal services, reducing court fees, and simplifying the custody dispute process can help prevent parental alienation from escalating. Families should not have to choose between financial stability and fighting for their parental rights.

### Conclusion: The Urgent Need for Action

Abolishing parental alienation is not only necessary but urgent. The emotional and psychological harm caused to children, the violation of parental rights, and the failure of the current legal system to adequately address this form of emotional abuse demand immediate attention. By educating legal professionals, intervening early in custody cases, enacting appropriate legislation, and providing support for affected children and families, we can prevent further damage and rebuild trust within families.

The “Time Taken Time Back” law and the “3 Strike Law for Interference with Child Custody” are critical steps in this process. These legal reforms ensure that parents are not unjustly cut off from their children and that those who attempt to manipulate the system face real consequences. We must prioritize the emotional well-being of children, ensuring they have access to both parents and that their relationships are not sabotaged by manipulation or legal delays.

Moreover, strengthening co-parenting relationships and fostering a culture of collaboration rather than conflict will help prevent parental alienation from taking root in the first place. By addressing these issues at both the legal and societal levels, we can create a system that truly upholds the best interests of children and supports the long-term stability of families.

The time to act is now. We cannot afford to allow parental alienation to continue to harm children and parents alike. With the right tools, education, and legal reforms, we can work together to end this destructive practice and give families the opportunity to heal and thrive.

This chapter outlines the emotional, legal, and systemic challenges of parental alienation and the solutions necessary to combat it. By focusing on both reforming family/criminal law and supporting healthy co-parenting practices, we can ensure that the best interests of children remain at the forefront of family/ criminal law decisions, bringing about the change that families so desperately need.

Thank you for the opportunity to testify in favor of the bill Time Taken, Time Back.

This bill fixes a fundamental liberty and a parental right. It brings healing and allows the child-parent relationship bond to be rebuilt from the lost time that was taken only on precaution by the court.

As it is written now, it puts the burden of proof on the accused parent to prove why they should "have" that time back. Which also requires another hearing or filing. Which could cost thousands of more dollars and more delays and more time lost to get that hearing.

It should not cost in any state, a fit, willing and able parent 700k, 12 years in court with over 43+ false CPS reports. I could have been jailed or imprisoned at any point. I was never once charged, arrested, jailed, or convicted. All allegations were false. We had 2 home studies, 2 psyevals, 2 parent facilitators, 2 amicus attorneys, several therapists and several judges. In the 12 years that our children and I have been In court. We have lost about 2 1/2 -3 years of that time that was only taken on precaution. The longest I went without seeing our children was 3 months with just 1 of the false allegation.

The court always gave the children back to me. We always asked for the time back. The court would say let's just move forward, let's just hit the reset button. When my attorney pushed the issue the Judge ruled we would save it for final trial. Final trial came 10 years later with all the games that opposing council and my ex were able to play.

2 or 3 times final trial was delayed due to a new CPS report being opened. CPS had to have their case closed to go into final trial. CPS would take 30-60 days to finally investigate the case and rule it out. Then the opposing council would have "supposably" no open dates for months. So it would be pushed out for longer. By that time The Psy Eval & Home study would have to be updated due to state rules. 1 Psy Eval update took 1 1/2 years just for the update.

The biggest travesty In my case besides what was done to our children and I. Is my ex was able to abuse CPS resources and district attorney's office resources in 2 different counties. 43+ times. All of these false allegations were all done by proxy. My ex abused the system by making statements to mandatory reporters then she would run to court and get an emergency protective order restraining order. Telling the court there was an open CPS report on me. 100% of the time the court will take the kids away out of precaution. Not once did my ex make a CPS report directly her self. It was all done by proxie every time.

I have joint custody of our children. This bill will not affect me but it will affect all the children and parents being hurt after me. Now these agencies can get to children faster by not having to investigate false allegations.

I promised my family that once we got out of court. 1 1/2 years ago. I was going to do something to change the system, so no other children or families would have to experience what we did. I held true to that promise.

This bill would give those resources back to those offices and unstop the courts system. By changing this one law there would be no more waste of resources of the family courts, CPS, or the District Attorneys office.

Thank you,  
Robert Garza

Good morning members of the Judicial Committee,

Thank you for the opportunity to testify today. My name is Shannon Avard, 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 Avard

Date 1/10/2025

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**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

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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



**Krystel Magnuson**

4496 53rd St S

Fargo, ND 58104

(701) 729-6960

Krystel@corepropertygroup.com

Good morning, members of the legislature. My name is Krystel Magnuson, and I am the proud mother of two beautiful children, ages 12 and 11. I am here today to advocate for the Rebuttable Shared Parenting Bill, the Three Strikes Bill, and the Time Taken, Time Back Bill—three vital pieces of legislation that will protect the mental health, stability, and well-being of children in North Dakota.

Since my divorce in 2017, my ex-husband and I shared a 50/50 custody agreement. Due to his work schedule, which takes him out of state for months at a time, I've cared for our children far beyond what was outlined in our arrangement. Despite this, I never sought additional support or challenged the agreement, valuing the extra time I had with my children.

Everything changed in April of last year. After years of enduring financial intimidation and verbal hostility, I requested mediation to resolve a disagreement over summer plans for our children. Less than 24 hours later, I was accused of physically abusing my kids—an allegation that led to a CPS investigation. Although the investigation confirmed the allegations were unfounded, I have been alienated from my children for nine long months.


I am now forced to endure supervised visitation while my children are manipulated and isolated from me and half of their support structure. This will continue until the courts hear my case on January 31, 2025—seven long months after CPS concluded the allegations were baseless. This ordeal has been soul-crushing—not just for me, but for my children, who are paying the steepest price.

This situation is not unique to me. Throughout this nightmare, I have met countless parents who have been subjected to similar tactics of parental alienation and exploitation of the legal system. Without these laws, the abuse of our current system will continue, and the mental health and well-being of children across North Dakota will remain at risk.

The Rebuttable Shared Parenting Bill ensures children benefit from the love and involvement of both parents unless there is clear evidence otherwise. The Three Strikes Bill upholds accountability and prevents a parent from withholding custody of a child without facing consequences. The Time Taken, Time Back Bill seeks to restore the parent-child bond by compensating parents who unjustly lose precious time with their children. It ensures that time lost due to false allegations is given back for reunification and healing.

These laws are not just reforms—they are safeguards for the most vulnerable members of our society: our children. Their futures depend on us taking action now.

I urge you to support these critical bills and stand up for the well-being of North Dakota's children. Thank you for your time and consideration.

A handwritten signature in black ink that reads "Krystel Magnuson". The signature is written in a cursive, flowing style with a large "X" at the beginning.

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 letter of each name being capitalized and prominent.

701-269-9659

**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 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.

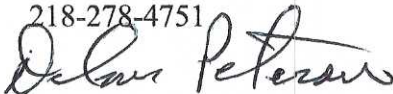
Grandparents like us play a crucial role in the emotional, mental, and social development of our grandchildren. We want nothing more than to be a positive influence, but we need the ability to spend time with them in order to do so.

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 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



Dear Judiciary Senate Committee,

I am writing this testimony in support of the Time Taken, Time Back bill. I am a divorced father of three children living in West Fargo, and I have a personal equal-time shared parenting judgment. While this bill does not affect me directly, I am compelled to advocate for it because of what I have witnessed in the current system. What I have seen horrifies me: our system is unintentionally perpetuating harm, destroying children, families, and communities.

Parental alienation is a form of severe child abuse with lifelong consequences. Research shows that in 10% of divorce cases, one parent severely alienates the other, with moderate to severe alienation occurring in an additional 10%. This means that 20% of divorce cases involve significant harm to children through the destruction of their relationship with one parent. Alienation can occur within 30 to 60 days and has devastating effects, including increased risks of suicide, violent crimes, emotional instability, school dropouts, drug addiction, teenage pregnancies, and even school shootings.

For context, 63% of teenagers who die by suicide come from single-parent or majority-parent homes. Data further suggests that up to 25% of men who die by suicide and 15-20% of women are alienated parents. In North Dakota, this could mean as many as 50 lives lost annually due to parental alienation. This figure does not account for the additional toll of drug overdoses, incarcerations, and other related issues stemming from broken family support structures. These are not just statistics; they represent real people, real children, and real families in our state.

The problem is exacerbated by how the Child Protective Services (CPS) system is being misused. Currently, 83% of CPS reports are found to be unfounded or false. Alienating parents exploit the system by filing false allegations of abuse. CPS, acting out of caution, often removes children from the accused parent for months. Even after investigations prove the allegations false, it can take months more for the courts to restore parenting time. During this time, the alienating parent often consolidates their influence over the child, causing severe emotional and psychological harm.

In some cases, alienating parents use these false allegations to gain leverage, such as requesting to move the children out of state. Even when allegations are proven false, courts often deem it too disruptive to return the children to their original living arrangement. These injustices leave lasting scars on children and families.

The Time Taken, Time Back bill offers a solution. It ensures that time unjustly taken from a parent-child relationship due to false or unfounded CPS allegations is restored. This bill does not punish the reporting parent but removes the incentive to file false reports by restoring the balance in parenting time. Similar legislation passed unanimously in Texas because it is a commonsense approach to protect children and families.

**Key Benefits of the Time Taken, Time Back Bill:**



1. **Reduces False CPS Claims:** By removing the incentive for alienating parents to file false reports, CPS workers can focus their resources on actual cases of abuse, reducing the risk of overlooked genuine abuse.
2. **Restores Parent-Child Bonds:** Reuniting children with their unjustly separated parent helps rebuild their relationship, promoting emotional and psychological health.
3. **Saves Taxpayer Dollars:** Fewer false claims mean reduced burdens on CPS, law enforcement, and the court system.
4. **Reduces Court Backlogs:** Fewer false claims will lead to fewer court hearings, freeing up resources for genuine cases.
5. **Prevents Child Abuse:** This bill addresses a systemic issue that allows alienating parents to abuse children emotionally by severing their bond with the other parent.

Critics of this bill may argue that it could discourage parents from filing necessary CPS reports. This concern is unfounded. Time Taken, Time Back does not punish parents for filing reports, even when they are unfounded. It simply ensures that the time unjustly taken is returned. Loving parents would never hesitate to file a report if they believed their child was at risk, regardless of potential personal inconvenience. Only an alienating parent would oppose restoring the child's time with their other parent.

Organizations opposing this bill are not addressing the hundreds of annual victims in our state. Lives are being lost due to parental alienation, and we cannot ignore this any longer. The Time Taken, Time Back bill is a step toward justice and healing for children and families in North Dakota. It is a measure that protects our most vulnerable and promotes healthier communities.

Thank you for your time and consideration. I urge you to support this critical legislation for the well-being of our children and the future of our state.

Sincerely,  
Todd Peterson

701-831-9807  
West Fargo, North Dakota



1-18-25

### 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

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



Date: 1 - 21 - 2025

What: SB 2184 (Time Taken - Time Back)

Who: Dorothy Kuester

Retired Early Childhood Educator

Williston School District: 38 years teaching experience

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

I am here today to testify in favor of SB 2184 (Time Taken - Time Back).

In the summer of 2023, my daughter in law stole my three grandsons. She was gone for eight days. She convinced my son that she would come back home with the children if he moved out of the house. They would be temporarily separated, and she would allow him visitation while they worked on their marriage. Our son complied and moved out of the family home. When she returned, she changed locks, bolted gates and installed security cameras.

From August to late December of 2023, our son had very little contact with his children. She did allow him visitation on Sunday afternoons from 1:00 -5:00 pm. Without our son's knowledge, she filed 27 combined Police reports and CPS reports claiming that our son was physically and sexually abusing his children. She would call the police to her house on Sunday after the children had returned from visiting their father. She would report many types of abuse, scratches and bruises of a physical nature. She also reported sexual abuse. She reported that the children were being returned to her with evidence of abuse that was not there in her care. The police would write a report and then she would follow up the claim to CPS Monday morning.

Our grandsons have been interviewed by police, counselors, doctors and social workers at the tender ages of 5 and 3. They have been asked to show private areas of their bodies to professional individuals they should trust and respect. They have been traumatized by these accounts and are afraid and concerned when they discover a scratch, bruise or bump on their body.

My daughter-in-law knew just how to do this. Even though she was a stay-at-home mom, she holds a license to practice Social Work in the state of North Dakota. She had worked as a Social Worker for Williams County before the children were born.

On Dec 22, 2023, my son was called to a CPS meeting in Williston. He was informed of the CPS file and was told that the case was closed and all 27 of her reported allegations were unconfirmed. The social worker stated in the report that my daughter-in-law did not perceive reality accurately.

The very next day, my daughter in law, with the help of her parents, backed a trailer up to the family home and removed many furniture items. She took the three children and crossed the state line into Montana to Glasgow, where her parents have a home. There is no support system there for her as her parents currently own and operate a business in the Williston community. My son quickly confirmed that she was there and filed Contempt of Court and filed for Divorce. The Valley County Sheriff delivered those papers to her around Christmas of 2023. She made no attempt to return to Williston.

The Interim Court Hearing was Feb 2, 2024. On that day she returned to Williston. It had been 49 days since my son had seen his children. At the hearing, the judge did nothing about the Contempt of Court. The judge had the complete unredacted CPS file in his possession. Four weeks later my son received the judge's determination. His wife would be allowed to stay in Glasgow. He would have visitation every other weekend and certain holidays and birthdays. The judge did nothing about the Contempt of Court or the CPS file. This order remained in place for eight months until the divorce trial was scheduled.

I ask you to please give consideration and support this bill. It is my belief that it will aid in deterring a parent from stealing their children. If we look at this from the perspective of the children and care about their emotional development, wouldn't we come to the conclusion that a 49 day separation from their father, great grandmas, nana and papa, aunts, uncles and cousins would be extremely detrimental. At the ages of 5, 3 and 1 their understanding of this separation was nothing short of abandonment.

This is an important bill in the lives of many children that are stuck in the middle of a parent or parents that can't seem to put their children first. If this bill was in effect at the time that my daughter in law stole the children, there would have been a consequence for her actions. She would be held accountable and be faced with decreased parenting time to make up for the 49 days she took away from my son.

As a retired teacher, I have seen first-hand how children have suffered at the hands of an irresponsible parent or parents. I never in my wildest dreams thought that I would live this nightmare. Please consider the children. They are the innocent victims of divorce. Please give this bill a due pass out of committee.



12/27/2024

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

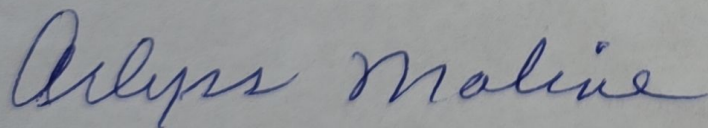
However, in September 2023, everything changed when my grandson's wife took the boys without warning for eight days. Later, I was served with a "No Trespass" order, falsely accusing me of threatening and harassing her. Then, in December 2023, she took the children again, moving 150 miles away to Montana. Despite the clear violation of court orders, the judge did nothing to address this contempt, and it took 48 days before we saw the boys 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 as pawns to sever their bond with him and with us.

The boys now see their father only two weekends a month. This limited visitation is not enough to maintain the close, supportive family connections 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 they deserve.

I strongly support the **Rebuttable Shared Parenting Bill**, the **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 their children. The emotional well-being of children should always be the priority, and these bills are necessary to protect that.

Thank you for considering this important issue.



Arlyss Moline

Testimony in Support of SB 2184  
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 .

## 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](https://youtu.be/H_z0AfxT2bE?feature=shared)



**Testimony in support of SB 2184****Senate Judiciary Committee****Ashley Glass- Co-Founder of Made Worthy LLC,****Lived Experience Expert****January 21, 2025****Chairmen and members of the committee.**

Thank you for having me today, my name is Ashley Glass, co-founder of Made Worthy LLC and I am here to testify in support of this bill alongside Shayla. From a survivor's perspective, we want to emphasize why passing this legislation is vital—not only to protect innocent children but also to repair the very broken systems that have failed countless families, including ours.

Shayla and I understand the consequences of a broken system all too well. Today we hope to take a step in repairing that brokenness. I think it's safe for me to say that even if we all do not agree on this bill, we can agree that human trafficking, in any form, is pure evil. It warps the mind, distorts reality, strips dignity and is a stealer of time.

Traffickers are master manipulators and for years, both Shayla and I lived as pawns in their twisted games. While our stories differ in many ways, they are rooted in the same evil. Each day began the same way—with a phone. It wasn't ours, but it was handed to us like a leash. This phone wasn't just a device; it was a tool of power and control, a constant reminder that our lives were no longer our own. The calls came endlessly, one after another and each ring was another demand, another transaction, another piece of ourselves sold. It benefits only the trafficker, while victims endure the most brutal, dehumanizing experiences to sustain it. We bore the cost—physically, emotionally, and mentally—while someone else reaped the profits.

But the trafficker's control extended far beyond those phone calls. We were always on the move, traveling from city to city, state to state, with no say in where we went or what we did. There was no stability, no sense of home—just a whirlwind of hotels, highways, and strangers. The trafficker dictated every aspect of our lives: where we went, how we dressed, who we saw, and what we had to do. Our only job was to comply, to keep the money flowing into their hands.

The constant travel wasn't just about making money; it was about keeping us disoriented, ensuring we couldn't form connections or seek help. In every new city, we were isolated, surrounded by unfamiliar faces and places. The trafficker made sure we had no resources, no way to reach out for help, no chance to escape. They controlled every dollar, every decision, every moment of our lives.

To the outside world, it may have looked like we were free—traveling, moving, seemingly independent. But freedom is an illusion when someone else holds all the power. That phone,

those endless calls, the constant travel—they were chains, invisible but unbreakable. They kept us tethered to a life we didn't choose and couldn't escape, a life where we were stripped of our humanity and reduced to nothing more than a source of profit.

And the truth is, once we escaped the grasp of our traffickers, we were not truly free because escaping a trafficker is only the first step. Survivors are immediately met with systemic challenges because proper laws and protections simply don't exist to support us. These laws must change.

Housing is hard to secure with gaps in our history. Employment feels out of reach when stigma and impossible background checks follow you. Even the legal system questioning our credibility, forcing us to fight for things we shouldn't have to prove, like our right to parent our own children.

These barriers aren't accidental—they exist because our laws don't reflect the realities survivors face. Without tailored protections, we're left to navigate a system that wasn't built to help us rebuild. Real change starts with addressing these gaps and creating laws that uplift survivors rather than hold them back. Shayla and I have endured years of horror, followed by years of fighting to rebuild our lives and reclaim our roles as mothers.

During those years, we faced the fallout—multiple CPS cases opened without merit. These investigations were often weaponized by others, leveraging our “backgrounds” to justify their claims. Time and time again, the cases were closed with no findings of abuse, but the damage was already done. Time with our children—precious, irreplaceable time—was taken and no one was held accountable.

Just as traffickers manipulate and groom their victims, severing them from those they love most. The same tactics can be seen in cases of false accusations in family courts. When one parent accuses the other of being unfit without evidence, they manipulate and groom their children into believing that the other parent is unsafe or abusive. These accusations trigger CPS investigations, consuming valuable resources and unfairly depriving the accused parent of precious time with their child. While the system is meant to protect children, it's vital that CPS conducts their work with accuracy, diligence, and fairness.

Thorough investigations are essential to ensure that children are truly safeguarded against abuse and that families are not torn apart unnecessarily. The focus must always remain on the child's best interest, supported by an approach that is both careful and just. Moreover, this system should never be weaponized by abusers as a tool to further victimize or intimidate their targets through fear tactics. Protecting children must remain the priority, and this can only be achieved through a careful, just, and balanced process that prioritizes truth and fairness above all.

So you see this isn't just a survivor's issue; it's a parental issue, a CPS issue, and a judicial issue. False accusations weaponize systems meant to protect, allowing one parent to manipulate the truth and drive a wedge between a child and their other parent. These baseless claims waste critical resources like CPS investigators time, law enforcement repeated engagement, and

clogged court systems. Most importantly, they rob children of the stability, love, and connection they need to thrive.

This legislation will require parents to pause and ask themselves: Is this truly a case of abuse, or is it simply a difference in parenting styles? It will discourage false accusations and help restore balance to a system that has long been weaponized against good parents.

We must take back the family unit, stop promoting its discord, and allow parents—especially those who have been unfairly denied time with their children—to rebuild and restore those bonds. Passing this bill is not just about legislative reform; it's about healing families, protecting children, and creating a future where survivors like Shayla and I don't have to keep fighting the same battles long after escaping our traffickers.

We are hopeful that after hearing our testimony—and the testimonies of others—you will agree: Passing this bill is a step in the right direction.

Thank you.

**Dear Honorable Judiciary Committee,**

My name is Kelly Kraft, and I am here today to ask for your support of the Three Strikes bill and Time Taken, Time Given Back.

My story began four years ago when I discovered that my husband at the time was a very different person than I thought I had married. It was an incredibly difficult divorce for my children, my family, myself, and everyone who supports us. After astronomical legal fees, we mutually agreed on 50/50 parenting time, as children deserve a loving relationship with their parents, no matter how the parents feel about each other. I thought it was the final battle and that the war was over. Our divorce decree specifically spelled out all parenting time (as well as many other details not relevant to today's matters before us). The trouble is, a divorce decree is only as good as it is when it is followed. Unfortunately, my ex-husband believes he is above the law and that the rules do not apply to him. I've been forced to bring motions to the court on several occasions to enforce what was already ordered, spending every last penny of savings, maxing out resources, and losing work due to emotional toll of fighting for the return of my child.

In May of 2024, my son was hospitalized with limited visitation hours. We had a wonderful relationship until his dad took advantage of the vulnerable position my son was in, and the alienation took hold. His dad removed him from the hospital despite it being my designated parenting time. I immediately hired my attorney and began the only tool I had available on applying for contempt in the courts, enduring seven excruciating months without seeing him while waiting for the contempt hearing to enforce my court-ordered parenting time. The pain of being alienated from my child is beyond what words can describe. It is a unique and profound agony that no parent—or child—should ever have to endure. This is not just a personal tragedy; it is a form of emotional abuse and instability that leaves lasting scars on a child's well-being. As Robert Garza, who you'll also be hearing from today, once said, "The loss of a living child—whether through alienation, estrangement, or unjust separation—is an agony that defies comprehension. It's not just grief; it's grief trapped in limbo with no closure, no end. You're grieving not just the loss of a relationship but the theft of time, of shared moments of a bond that only a parent and child can truly know. It's like having a piece of your soul ripped away, leaving you to carry on with an unbearable, unshakable emptiness."

Currently, there are no meaningful tools available to law enforcement when one parent decides to withhold a child from the other during their legal parenting time. During the numerous times I have called for assistance—even just for law enforcement to talk to him and encourage him to follow the decree—they say it is a civil matter, and I have to take it up with the courts. That involves hiring an attorney, hoping they are skilled enough to combat all the false allegations from the offending parent, and swiftly get into the courts. In my case, it took from filing on June 10th until November 26th to get in front of a judge! The Three Strikes bill changes that. It provides a clear, measured approach: the first and second offenses result in misdemeanors, while a third offense escalates to a Class C felony. This bill ensures accountability and offers protection for children and parents alike, helping to prevent the kind of emotional damage and instability my son and I experienced.

If this law had been in place, it could have prevented my family's unnecessary suffering. He would have had the support and stability of both parents in his life—something every child deserves. Watching him struggle, knowing I could not be there to support him when he needed me most, was one of the hardest experiences of my life. We are currently rebuilding our relationship after incurring tens of many thousands of dollars in expenses and insurmountable heartache. I urge you to pass the Three Strikes bill. It is a necessary step to protect the rights of



parents and, more importantly, to safeguard the well-being of children who deserve stability, love, and the presence of both parents in their lives.

Thank you for your time and consideration.

Sincerely,

Kelly Kraft

Testimony Prepared for the  
**Senate Judiciary Committee**

January 21, 2025

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

**RE: SB 2184: Relating to additional parenting time after a false allegation of harm to a child**

Chair Larson, and members of the Senate Judiciary Committee, my name is Kim Jacobson. I serve as the Director for Agassiz Valley Human Service Zone, which includes the counties of Steele and Traill and President of the North Dakota Human Service Zone Directors Association. I am here today to provide testimony in opposition to Senate Bill 2184.

Human Service Zones are mandated to provide child welfare services to include child protection services (CPS), foster care, in-home case management and handling Children in Need of Services (CHINS) referrals for the state of North Dakota. As authorized agents of the Department of Health and Human Services (NDHHS), Human Service Zones perform the critical and important responsibility of assessing reports of suspected child abuse or neglect to determine whether maltreatment occurred.

Navigating the complexities of civil custody arrangements can be emotionally charging for all parties involved. At times, efforts are made by one or both parents to insert CPS into a civil matter. Balancing the rights of parents with the overall wellbeing of their children is an exceptionally challenging task. CPS's role is not to interfere with civil matters. Rather, our focus is on assessment of alleged maltreatment and determining child safety. If legal actions are necessary, Juvenile Court is utilized by the child welfare system. There are concerns that this bill provides a vehicle to attempt to insert CPS to leverage parenting time, using it as a way of

changing existing court orders for visitation and/or custody agreements versus meeting the best interests of children both emotionally, and physically.

SB 2184 lacks clarity for the court to identify the criteria for determining that “an allegation of harm to a child by one parent against another is false and not made in good faith” Current child welfare statutes already permit who can and shall report suspected child abuse and neglect. NDCC 50-25.1-03 (2) indicates that any person having reasonable cause to suspect a child is abused or neglected.... may report such circumstances. In fact, the official state form for reporting is titled “Report of Suspected Child Abuse or Neglect” (SFN 960). It is notable that definitions in existing statute and policy do not measure “harm,” in the same manner as referenced in this proposed bill. This may cause conflict between this proposed law and child welfare laws that are currently in effect.

There is existing recourse in the event of a willful false report. Current statute (NDCC 50-25.1-13) identifies a penalty for making a false report. “Any individual who willfully, as defined in section 12.1-02-02, makes a false report, or provides false information that causes a report to be made, under this chapter is guilty of a class B misdemeanor unless the false report is made to a law enforcement official, in which case the individual who causes the false report to be made is guilty of a class A misdemeanor. An individual who willfully makes a false report or willfully provides false information that causes a report to be made, under this chapter is also liable in a civil action for all damages suffered by the person reported, including exemplary damages.”

Line 16 of the bill refers to “an investigation by any person which did not result in a finding of harm, abuse, or neglect”. It is concerning that this may refer to a CPS assessment. In North Dakota, between 5-7% of child protection assessments result in a “Confirmed” finding, meaning that the child is found to meet the legal definition of an abused or neglected child. It does not mean that the unconfirmed reports are false. Rather, it implies that the information

gathered did not meet the legal definition of child abuse or neglect by a preponderance of evidence. When a CPS report is confirmed, safety planning is completed to ensure child safety. Parents, family, kin, and service providers may serve as safety resources for children as a protective measure. The goal of CPS is to engage families to work together for the best interest of the child and to build healthier families. Part of this is educating parents on healthy ways to manage conflict and to avoid placing children in the middle of adult issues.

The North Dakota Human Service Zone Director Association is concerned about how this bill may have adverse impact. There may be unintended consequences that negatively impact child safety. Of particular concern is situations of domestic violence. Due to the nature of power and control in domestic violence relationships, there is potential that a parent may avoid reporting suspected child abuse or neglect out of fear of retaliation by the other parent and losing parenting time as proposed by this bill. Possibilities for misuse or misapplication of this law by someone who is reported as the subject of suspected abuse or neglect provide additional opportunities for perpetrators of domestic violence to exert threats, coercion, and control over their victims. Other potential unintended consequences include fiscal impact to families if a parent is suddenly faced with court hearings because the other parent assumes the reporter's identity. Family finances can be severely impacted if court action is filed by an angry party. Also of concern is anonymity for reporters. The law provides confidentiality for people who report, unless compelled by the court to be revealed. This could cause significant ripple effects impacting the court system's response for scheduling and due process.

Provided the existing code along with the potential adverse impacts, I urge a "do not pass" on SB 2184. Thank you for your consideration of my testimony. I stand for any questions from the committee.

**Date:** January 20, 2025

**To:** Diane Larson and The Senate Judiciary Committee

**Subject:** Support for Rebuttable Shared Parenting, Time Taken-Time Back, and Three Strikes Bills

### **Who We Are**

The North Dakota Suicide Prevention Coalition (NDSPC) is a collective of educators, healthcare professionals, and public health experts dedicated to walking alongside individuals and families during their darkest moments. We work tirelessly to connect those in crisis and professionals seeking assistance to the 988 crisis line, while promoting mental health awareness and offering prevention training opportunities across North Dakota.

Through community partnerships, we foster hope, resilience, and healing by equipping individuals with the resources and education needed to support loved ones in crisis.

### **Why We Do It**

Suicide remains a devastating reality in North Dakota. In 2022, our state experienced 184 suicides—the highest number on record—affecting individuals of all ages. Alarming, 6.2% of these suicides involved children aged 10–19, some of whom may have been deeply impacted by the trauma of parental separation or divorce.

As someone who lost a son to suicide ten years ago, I have witnessed firsthand the anguish and physical pain that can accompany such struggles. This is not just a statistic—it is a call to action.

Research consistently shows that children of separation and divorce who lack meaningful involvement from both parents face increased risks for depression, anxiety, and suicide. Parental alienation, financial stress from legal battles, and the loss of critical family relationships are devastating for children and parents alike. These are avoidable traumas, and it is our moral obligation to address them.

### **Break the Silence Report**

The NDSPC stands in full support of the findings in the *Break the Silence* report, which outlines how shared parenting improves emotional stability and mitigates risk factors for suicide in children. Children thrive when they have the love, support, and presence of both parents. Removing half of a child's support system creates unnecessary trauma and reduces the protective factors needed to build resilience.

This issue is deeply personal. My son's family, including his children and grandchildren, have experienced the painful isolation caused by limited access to their loved ones. Events like Christmas, Easter, and milestones such as birthdays and first communions are no longer celebrated together due to the circumstances surrounding parental alienation.

### **Why These Bills Matter**

The Rebuttable Shared Parenting, Time Taken-Time Back, and Three Strikes bills are essential tools for promoting the emotional health and safety of our children. By ensuring fair, equitable

shared parenting arrangements and holding accountable those who violate court-ordered parenting time, these bills protect children from preventable trauma and build a foundation for their emotional and mental well-being.

The passage of these bills will not only strengthen families but will also save lives by addressing the root causes of stress, alienation, and despair that too often lead to tragedy.

We urge you to vote in favor of these measures and join us in building a future where every child in North Dakota has the chance to thrive, supported by both parents and their extended families. Together, we can break the cycle of trauma and save lives.

Thank you for your time and your dedication to the well-being of North Dakota's children.

Sincerely,

**Kora Dockter**

CEO, CVO

North Dakota Suicide Prevention Coalition

**Alison Traynor**

President

North Dakota Suicide Prevention Coalition

JANUARY 21, 2025

Madam Chair Sen Larson and members of the Senate Judiciary Committee, I am Senator David Clemens from District 16. I am here to introduce SB 2184.

SB 2184 is amending current statute to address the awarding of custody time for time lost by a parent. Custody time lost could be due to court proceedings and investigations which resulted from the accusations of harm, abuse or neglect. If a parent made false accusations against the other parent concerning harm, abuse or neglect, the amount of custody time lost by the accused parent would then have to be given back to the accused upon the accusations proven false.

There are people here to provide testimony, maybe from those in support and those in opposition, and would have more knowledge of the subject than I. Madam Chair Larson, with your permission, I would defer questions to those testifying.

Respectively submitted,

Sen David Clemens

Committee members,

I am writing this in support of HB 1284, when a parent is taken time away from there children for whatever reason it greatly diminishes the relationship between the two. I witnessed this first hand with my boys when I was separated from them for just a short period of time, there was damage right away, but I fought to get that time back and it helped out tremendously, but I was very lucky to get to do that!! To put it into law would be great for parental rights across our state!!



My name is Halle Peterson, and I come from a divorced home. This is my first time publicly sharing my story. It is painful for me, but it is time that I break the silence, because I do not want anyone to go through what I went through. I am here to speak out against the bills my dad has proposed and give you a glimpse at how they would have, or could, injure me and my siblings. Although I am 18 and these bills will no longer directly affect me, I am concerned about the negative impact they will have on my siblings and other children in North Dakota.

Senate Bill 2184, lines 11-16, states that if a parent cannot prove abuse, the other parent will be awarded additional parenting time for time lost during investigation. But why should children be punished if a parent cannot gather enough proof of abuse? Forcing additional parenting time disrupts the children's routine. If one parent fears the other is harming the child and takes steps to protect them, but the court decides the alleged harm either did not occur or is lacking enough evidence--which is a common scenario, why should the child be separated from the concerned parent? This parent posed no threat, yet the bill would make the child suffer. In my case, when I tried to discuss my dad's abusive behavior and anger issues, he would weaponize scripture, get angrier, and call me stupid and brainwashed when I didn't agree with him. Not agreeing with him on things was seen as a personal attack and I would often have to hide in the locked bathroom or bedroom to get away.

Sometimes getting away from him in the apartment wasn't possible and I felt like I had to run. There were many times where I had to flee while on my dad's parenting time. One such instance occurred in summer of 2023, when my dad locked me and my siblings in his second-floor apartment and blocked the only doorway to escape, as his anger grew more and more out of control. He was yelling, swearing, and physically pushing us. Whenever we tried to open the door, he would push us away. I had rug burns on my legs and my sister had blood on her hand and fingers from the door hinge that had a sharp pin in it. We were trapped with an enraged dad who wouldn't let us out or discuss the situation. He took our phones, saying we couldn't talk to anyone about it. My siblings and I were in fight-or-flight mode, desperately seeking a way to escape. Every minute my dad grew more enraged, and the room felt tighter. I was shaking, crying, and utterly exhausted.

After several failed attempts to reason with him or open the door, we locked ourselves in my brother's bedroom. My sister used the phone she had hidden when she saw dad's anger getting out of control to text my mom. My brother tried to tie bedsheets together to climb out the 2<sup>nd</sup> story window for help, but I managed to talk him out of it. We even hung LED strobe lights out the window, praying drivers on the busy road outside the window might see our signal for help. It felt like help couldn't come fast enough.

The police arrived and spoke to my dad and us kids. As usual, he could flip on a dime from being enraged to calm and reasonable when others showed up. I begged the police

officers to take me to my mom's house where I felt safe and loved, but they said they couldn't do anything unless a child was seriously harmed. That's when I learned that rug burns, small puncture wounds, and emotional and mental abuse were not enough "proof.". After the police left, my dad let me out of the apartment briefly, warning me to return within fifteen minutes or face serious consequences. He returned my phone but not my car keys. So, I grabbed my rollerblades and rushed to my friend's house. Her mom hugged me and called my mom, who quickly came to console me.

With the 15-minute time running out, my mom drove me close to my dad's apartment so I could return on my own. Overcome by exhaustion, I went straight to my room and collapsed.

Two months before that, when I was 15, I ran from my dad's, but I refused to immediately return to his home. After I had trouble sleeping at his house I decided to sit on his couch and decompress. He took the opportunity to tell me how my mom was brainwashed and that I needed to find a husband I will submit too. He told me to never leave my future husband for any reason other than physical abuse. I was told that it was my duty as a woman to submit and have sex when my future husband desires it, because it is his need and I would be called to do that, biblically. I also had to hear how mom didn't do that enough and how that made him suffer. I tried to tell him I didn't want to talk about it, but that only made him angrier and it escalated quickly. Trying to escape, I ran to the garage. He chased me around my car, but thankfully I made it into my car and out of the garage before the door closed. I drove to a parking lot and sobbed. Once I could get my shaking under control, I called my mom and refused to go back to his house. That night I knew my siblings were asleep so I could remain with mom.

Under the proposed bill, lines 11-16, my mom would have faced a harrowing choice if she took my dad to court over what he did to us. She would have risked having my siblings and me spend more time with him, exposing us to further abuse, if she lost. With the little evidence we had, just a few pictures of scrapes and bruises, it would not have sufficed to prove the torment we endured. In those desperate moments, I was focused on protecting my siblings and myself, not on gathering evidence. This bill would only worsen the cycle of fear and suffering for children like us. I learned that the police couldn't help until they could see wounds that were much worse. I learned that the wounds and scars of emotional and spiritual abuse are extremely hard to prove.

I am Halle's mom, Lindsay Peterson. I am here to share how if SB 2184 was in place, it could negatively affect me and my children.

In Senate bill 2184, lines 11-16 state that if the court finds an allegation of harm to a child not made in good faith, the court shall order additional parenting time to the other parent. Let's pause and look at the definition of allegation: a claim that someone has done something illegal or wrong, typically made without proof. As a victim of abuse, I would have struggled to provide enough evidence or proof to convince the court that my allegations were true because when the abuse was happening, the last thing I thought about was documenting. I was in an ongoing state of fight, flight, or freeze with a focus on protecting the children. Emotional, sexual, spiritual, and verbal forms of abuse and manipulation are even harder to prove. Almost all cases occur behind closed doors, with no witnesses to corroborate the victim's account. While I worked through trauma counseling provided by the Rape and Abuse Crisis Center, I learned that victims like me often choose to endure in silence and submission for long seasons to placate anger.

I also realized that a powerful and controlling parent in the home can continue to assert power to attempt to manipulate the system to maintain control, leading to further trauma and stress. It is too often the case that controlling behavior and abuse can increase when victims flee. The risk to children can also be greater when they are alone in the care of an unstable parent who is now even more upset.

Under this bill, victims of abuse may be even more hesitant to report genuine harm done to a child because of fear that an inability to prove an allegation could lead to punishment and increased risk: losing additional parenting time to the abusive parent. Knowing that a true, but unsubstantiated claim could further empower an abusive parent in custody disputes, making it harder for domestic violence victims to prioritize their safety and the safety of their children. According to [childusa.org](http://childusa.org), proving marital or child abuse in court can be quite challenging. Statistics show that family courts often reject abuse claims. Courts reject about **81% of mothers' allegations of child sexual abuse** and **79% of their allegations of child physical abuse**. Even when abuse is proven, mothers can lose custody to the abuser in about **13% of cases**.

While it is truly important to recognize that false allegations can have serious consequences, it must be acknowledged that the current law does provide a deterrent in making provision for restitution of finances lost defending false allegations. But false allegations are actually not common. What is much more common is abuse left unreported because of fear, estimated to be approximately 44%. The specific wording of this bill leaves an undue burden on victims providing evidence of their claims. Lines 15 and 16 state that an investigation by any person which does not find harm, abuse, or neglect can be used to award the accused parent additional parenting time with wide scope. Lack of finding evidence does not necessarily prove falsity, but the wording here does acknowledge that very difficult reality. In my case, I was grateful to have multiple counselors and advocates validate our experience individually, yet it did not influence the final custody decision.

The wording in line 15 that the results from "an investigation by any person" with lack of finding may be used to award time back is also extremely problematic and vulnerable to misapplication. If "any person" may investigate and report findings, the investigator could be highly unqualified, biased, or perhaps even have been given an incentive.

Our state laws need to be written with clear purpose, distinctions and the capacity to address the difficult burden of proof in domestic abuse custody cases. The wording of this bill is not clear enough to negate the double edge sword in divorce: the very laws meant to right wrong situations for the innocent may be utilized punitively by the guilty. Not because of lack of evidence, but in the case of SB 2184, because of the lack of proof found in an investigation by anyone.

I fervently desire to live in a state where safe parents can report any harm to their children by unsafe parents, including emotional abuse, to the authorities without fear of repercussions. If this bill becomes law in its current form, parents will be forced to carefully consider the lack of sufficient evidence versus the imminent risk of further harm to their children. The potential consequences may be too severe to report otherwise.

Unsubstantiated findings on abuse should not be penalized, as a lack of proof does not equate to a lack of truth. The absence of evidence does not invalidate the reality of the abuse experienced.

# 2025 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2184  
1/21/2025

Relating to additional parenting time after a false allegation of harm to a child.
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2:00 p.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

**Discussion Topics:**

- Breakdown in society
- Improvement to law
- CPS Report unfounded

2:00 p.m. Chair Larson opened committee discussion on SB 2184 and 2186.

2:10 p.m. Committee discussed family law and child welfare complexities.

2:20 p.m. Committee addressed enforcement and funding challenges and proposed bill amendments.

2:30 p.m. Chair Larson discussed upcoming schedule.

2:32 p.m. Chair Larson adjourned.

*Kendra McCann, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

SB 2184  
1/28/2025

Relating to additional parenting time after a false allegation of harm to a child.
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2:57 p.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

### Discussion Topics:

- Evidence standards
- Investigation authority
- Parenting time adjustments

3:01 p.m. Senator Paulson moved amendment LC# 25.0755.01001, testimony #38403.

3:01 p.m. Senator Luick seconded.

3:05 p.m. Voice Vote - Motion Passed.

3:05 p.m. Senator Paulson moved as Do Pass as amended.

3:05 p.m. Senator Luick seconded the motion.

Senators	Vote
Senator Diane Larson	N
Senator Bob Paulson	Y
Senator Ryan Braunberger	N
Senator Jose L. Castaneda	Y
Senator Claire Cory	N
Senator Larry Luick	Y
Senator Janne Myrdal	N

Motion Failed 3-4-0.

3:06 p.m. Senator Braunberger moved a Do Not Pass as amended.

3:07 p.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	N
Senator Ryan Braunberger	Y
Senator Jose L. Casteneda	N
Senator Claire Cory	Y
Senator Larry Luick	N
Senator Janne Myrdal	Y

Motion Passed 4-3-0.

3:07 p.m. Senator Myrdal will carry the bill.

3:07 p.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**SENATE BILL NO. 2184**

Introduced by

Senators Clemens, Boehm

Representatives K. Anderson, Frelich, D. Ruby

*Jan 1-28-25*  
*1082*

1 A BILL for an Act to amend and reenact section 14-09-06.5 of the North Dakota Century Code,  
2 relating to additional parenting time after a false allegation of harm to a child.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-09-06.5 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-09-06.5. Allegation of harm to child - Effect.**

7 1. If the court finds that an allegation of harm to a child by one parent against the other is  
8 false and not made in good faith, the court shall order the parent making the false  
9 allegation to pay court costs and reasonable attorney's fees incurred by the other  
10 parent in responding to the allegation.

11 2. Unless a party shows good cause why by clear and convincing evidence that additional  
12 parenting time should not be ordered, if the court finds an allegation of harm to a child  
13 by one parent against the other is false and not made in good faith, a court shall order  
14 additional parenting time to the parent responding to the false allegation to indemnify  
15 that parent for any denial of court-ordered parenting time that resulted from an  
16 investigation by any person the department of health and human services, or a  
17 governmental agency in another state with authority to investigate an allegation of  
18 harm to a child, which did not result in a finding of harm, abuse, or neglect.

19 3. The additional parenting time:

20 a. Must be of the same type and duration of parenting time that was denied;



Jan 2002

- 1            b. May include weekend, holiday, and summer parenting time; and
- 2            c. Must occur within two years of the date the court finds the allegation was false
- 3            and not made in good faith.
- 4            4. A court shall give deference to the proposed additional parenting time schedule of the
- 5            parent entitled to additional parenting time under subsection 2 ~~may determine~~ when
- 6            determining the schedule of the additional parenting time subject to subsection 3.

**REPORT OF STANDING COMMITTEE  
SB 2184**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS** ([25.0755.01001](#)) and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0755.01001  
Title.02000

Prepared by the Legislative Council  
staff for Senator Paulson  
January 21, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2184

Introduced by

Senators Clemens, Boehm

Representatives K. Anderson, Frelich, D. Ruby

1 A BILL for an Act to amend and reenact section 14-09-06.5 of the North Dakota Century Code,  
2 relating to additional parenting time after a false allegation of harm to a child.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-09-06.5 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-09-06.5. Allegation of harm to child - Effect.**

7 1. If the court finds that an allegation of harm to a child by one parent against the other is  
8 false and not made in good faith, the court shall order the parent making the false  
9 allegation to pay court costs and reasonable attorney's fees incurred by the other  
10 parent in responding to the allegation.

11 2. Unless a party shows ~~good cause why~~ by clear and convincing evidence that additional  
12 parenting time should not be ordered, if the court finds an allegation of harm to a child  
13 by one parent against the other is false and not made in good faith, a court shall order  
14 additional parenting time to the parent responding to the false allegation to indemnify  
15 that parent for any denial of court-ordered parenting time that resulted from an  
16 investigation by ~~any person~~ the department of health and human services, or a  
17 governmental agency in another state with authority to investigate an allegation of  
18 harm to a child, which did not result in a finding of harm, abuse, or neglect.

19 3. The additional parenting time:

20 a. Must be of the same type and duration of parenting time that was denied:

- 1            b. May include weekend, holiday, and summer parenting time; and
- 2            c. Must occur within two years of the date the court finds the allegation was false
- 3            and not made in good faith.
- 4            4. A court shall give deference to the proposed additional parenting time schedule of the
- 5            parent entitled to additional parenting time under subsection 2 ~~may determine~~when
- 6            determining the schedule of the additional parenting time subject to subsection 3.