

2025 SENATE JUDICIARY

SB 2186

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2186
1/21/2025

Relating to the removal or withholding of a child in violation of a custody decree; and to provide a penalty.

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

Members present:

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

Discussion Topics:

- Parental alienation
- Child custody enforcement
- Law enforcement challenges
- Impact of false allegations
- Emotional well-being of children

10:01 a.m. Senator David Clemens, District 16, introduced the bill and submitted testimony #30396.

10:03 a.m. Todd Peterson testified in favor and submitted testimony #29971.

10:10 a.m. Ashley Glass, co-founder of Made Worthy LLC, testified in favor and submitted testimony #30219.

10:22 a.m. Robert Mast testified in favor and submitted testimony #30040.

10:27 a.m. Robert Garza, Author of Three Strikes Law, testified in favor and submitted testimony #29890.

10:33 a.m. Halle Peterson testified in opposition and submitted testimony #30443.

10:35 a.m. Lindsay Peterson testified in opposition and submitted testimony #30445.

10:38 a.m. Krystel Magnuson testified in favor and submitted testimony #30499.

10:45 a.m. Danny Lunde testified in favor and submitted testimony #29911.

Additional written testimony:

Kathleen A. Prescott submitted testimony in favor #29792.

Shannon Avard submitted testimony in favor #29896.

Vaughn Anderson submitted testimony in favor #29898.

Lucy Bauer submitted testimony in favor #29909.

Delmer Peterson submitted testimony in favor #29913.

Latasha Klein submitted testimony in favor #29922.

Paul Saastad submitted testimony in favor #29963.

Brandy Johnson submitted testimony in favor #29967.

Michael Johnson submitted testimony in favor #29984.

Dorothy Kuester submitted testimony in favor #30006.

Arlyss Moline submitted testimony in favor #30010.

Shayla Davila submitted testimony in favor #30026.

Kelly Kraft submitted testimony in favor #30281.

Kora Dockter, CEO of ND Suicide Prevention Coalition, submitted testimony in favor #30348.

10:56 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

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.

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

Vaughn Anderson

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

16th December 2024

To whom it may concern,

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

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

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

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

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

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

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

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

Sincerely,

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

Vaughn Anderson

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.

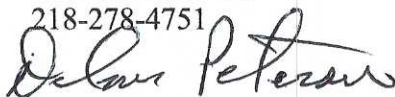
Grandparents like us play a crucial role in the emotional, mental, and social development of our grandchildren. We want nothing more than to be a positive influence, but we need the ability to spend time with them in order to do so.

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



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.

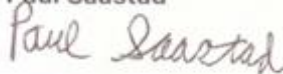
This is not just a legal issue—it is a moral imperative. Children need the love, support, and presence of both biological parents equally. Being a parent doesn't stop when a marriage ends, and the law must stop treating fit parents like visitors in their children's lives.

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 Judiciary Committee Members,

I am writing this testimony in support of the Three Strikes 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.

Currently, once a parent has alienated the children enough, they may start to withhold the children from the other parent during their legal parenting time. They completely disregard the discretion of judges and existing court orders, hoping to manipulate the children into rejecting the other parent. When this happens, and the police are called, officers often tell the alienated parent they can do nothing and suggest going back to court. It can take 3-6 months to get a court hearing and up to another 90 days for a ruling. During this time, the alienating parent has months of uninterrupted control to deepen the alienation. Without guardrails, parents with harmful intentions continue to exploit the system without consequence.

The Three Strikes bill establishes these much-needed guardrails. It ensures that parents who disregard the law face appropriate consequences, deterring this harmful behavior. This bill does not restrict any parent's ability to use the proper steps and procedures to protect children. Parents have ample time before custody exchanges to address legitimate concerns, including calling the police for a welfare check or filing a report. This bill reduces the misuse of children as weapons in custody disputes, decreasing instances of domestic violence and emotional harm.

The Three Strikes bill provides multiple opportunities for a parent to correct their behavior. Currently, leaving the state with a child during the other parent's time is a Class C felony. This bill broadens that standard to include in-state violations. After two misdemeanor offenses, a third violation becomes a Class C felony. This escalation is essential to protect children, families, and communities.

Please stand for children, our families, and our communities by giving the Three Strikes bill a
"Do Pass" recommendation.

Best regards,
Todd Peterson
1-19-2025

A handwritten signature in black ink, appearing to read "Todd Peterson", followed by a long horizontal flourish.

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 2186. (Three Strikes)

Who: Dorothy Kuester

Retired Early Childhood Educator

Williston School District: (38 years of teaching experience)

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

I am here today to testify in favor of SB 2186. (Three Strikes).

In December of 2023 my daughter in law stole my three grandsons. She crossed the state line into Montana and relocated to Glasgow where her parents have a home. Glasgow is 150 miles from Williston. Williston is the community in which my son and daughter-in-law had resided. All three of their children have lived there since their birth. My daughter in law's entire support system is in Williston. Her brother and his family live there. Even her parents live and operate a business in the Williston community. They return to Glasgow occasionally for a random weekend visit.

Upon finding out that his wife left and relocated to Glasgow Montana he immediately filed Contempt of Court and filed for Divorce. This process took a total of eleven months. When the divorce was final, the judge did nothing about the Contempt of Court. He did not require my daughter-in-law to return to Williston with the children. He allowed them to stay in Glasgow and my son was given some weekend visitation along with shared holidays and birthdays.

According to the custody order, my son is to meet his ex-wife in Poplar Montana to exchange the children for his visitation. The order states that if "no travel is advised" then they do not need to meet. Even though there has never been a "no travel advisory", my daughter in law frequently complains about the weather and road conditions. She has said that she doesn't want to venture out in certain conditions. My son has offered to drive all the way to Glasgow to pick up his children. She has asked to move the meeting time up due to the weather. She has arrived at the exchange spot late giving no consideration to notify my son that she is in route. She is the one that chose to live 150 miles away from the children's father.

If she were to not arrive, currently there is no recourse for this type of behavior. The uncertainty of her arrival is stressful. Many divorces are civil, and the needs of the children are given consideration. But not every child is blessed with parents that love and care about their emotional development. They are so often caught in the middle

and used as pawns. As a retired teacher, I have seen first-hand how children have suffered at the hands of their parents. The children are harmed and traumatized when one parent willfully withholds the children from the other parent.

I ask you to please support this “Three Strikes” Bill. It will give our law enforcement the opportunity to uphold the child custody orders, protect our children and hopefully deter a parent from withholding court ordered visitation. It is time for the parent with ill intentions to be held accountable for their actions. Let’s put our children first!

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.

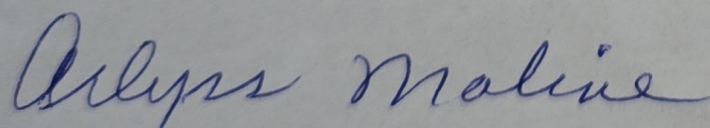
However, in September 2023, everything changed when my grandson's wife took the boys without warning for eight days. Later, I was served with a "No Trespass" order, falsely accusing me of threatening and harassing her. Then, in December 2023, she took the children again, moving 150 miles away to Montana. 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 2186
Senate Judiciary Committee
Shayla Davila: Co-Founder of Made Worthy LLC
Lived Experience Expert
January 21, 2025

Chairmen and members of the committee:

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

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

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

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

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

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

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



Testimony in support of SB 2186**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

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 Sen David Clemens from District 16 and here to introduce SB 2186.

SB 2186 is about the removal or withholding of a child in violation of a custody decree. Current law states that an individual who intentionally causes the removal of their own child outside this state is guilty of a Class C felony if withheld for over 72 hours past the allowed custody.

SB 2186 amends current law to also include the detaining of a child within this state in violation of a custody decree. The first and second offense would be a Class A misdemeanor and a Class C felony for the third offense. SB2186 also removes the 72-hour time limit.

This completes my introduction of SB2186 and with permission, I would refer questions to those testifying.

Respectfully submitted,

Sen David Clemens

My name is Halle Peterson, and I am here to express my strong opposition to the bills proposed by my dad. My concerns for SB 2186 are as follows:

I believe this bill unjustly prevents loving and caring parents from consoling and protecting their children, instilling a fear of punishment. My siblings and I have had numerous encounters with our dad. While we sometimes managed to work things out, there were critical moments when we desperately needed our mom's support, comfort, and protection when we were on our dad's time.

I won't recount the story from Senate Bill 2184 where my dad locked us in the apartment, pushed us around, and got angry, prompting me to rollerblade to a friend's house where my mom was there for me. Nor will I revisit the distressing incident where, after a very disturbing talk about my duty to have sex when my future husband wants it, I sought refuge at my mom's house. Yet, these experiences profoundly highlight the importance of our mom's presence in our lives and I shudder to think that my mom could be charged with a criminal act because I decided to run from my unsafe parent.

Under the proposed law changes, spending a very short time with our mom at the wrong time could be punishable. I fail to see how this is beneficial, but I clearly see how it can harm a loving parent. I shouldn't have to live in fear that my mom could be charged with a crime simply because I sought safety, love, and comfort in her presence.

Additionally, I am concerned about the implications for parents who might be late dropping off their child. This could be misconstrued as detaining the child, resulting in misdemeanor charges and potentially, with repeated instances, felony charges. This is profoundly unfair to both the parent and the child and is easily open to abuse.

As my daughter testified for SB 2186, there are instances when a child may flee a custodial parent's custody due to not feeling safe. If this bill had been in effect during these times, I would have faced the dilemma of either risking a criminal offense by providing a safe haven for my child or leaving her to navigate the situation alone.

The removal of the 72-hour provision from the current law, without any replacement time frame, leaves no allowance for unavoidable delays, such as those caused by weather, emergencies, or other unforeseen circumstances. Even a short delay in returning a child could result in legal repercussions.

I have witnessed how vindictive parents can exploit any available law to weaponize litigation and drag others into court. Even when the likelihood of a favorable ruling is minimal, the cost is extraordinarily high to one accused of criminal behavior. I fear the ambiguity and lack of parameters in SB 2186 could exacerbate the potential for vengeful litigation and misapplication of what appears to be the intent of the original law regarding unlawfully taking children out of state in violation of custody orders.

My daughter Halle aptly described how this bill could create a criminal case when a child is seeking comfort and safety. It could also criminalize a parent who is unable to force especially an older child to go with an unsafe or less desirable parent. In addition, it could be misapplied when older children or teenagers rebelliously leave the home or refuse to go to the home of the other parent. Is it justifiable to criminally charge a parent for either protection or inability to control their children?

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.

X Krystel Magnuson

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2186
1/21/2025

Relating to the removal or withholding of a child in violation of a custody decree; and to provide a penalty.

2:00 p.m. Chair Larson opened the hearing.

Members present:

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

Discussion Topics:

- Family law challenges
- Child custody issues
- Legislative accountability measures

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 2186
1/28/2025

Relating to the removal or withholding of a child in violation of a custody decree; and to provide a penalty.

11:48 a.m. Chair Larson opened the hearing.

Members present:

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

Discussion Topics:

- Child custody enforcement
- False reporting penalties
- Parental responsibility
- Visitation rights

11:58 a.m. Senator Luick moved amendment LC# 25.0805.02001.

11:58 a.m. Senator Cory seconded.

11:58 a.m. Voice Vote - Motion Passed.

12:00 p.m. Senator Luick moved a Do Pass as amended.

12:00 p.m. Senator Paulson seconded the motion.

Senators	Vote
Senator Diane Larson	Y
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 Carried 4-3-0.

Senator Luick will carry the bill.

12:05 p.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

JB 1-24-25
1082

SENATE BILL NO. 2186

Introduced by

Senators Clemens, Luick

Representatives Koppelman, Marschall

1 A BILL for an Act to amend and reenact section 12.1-18-05 of the North Dakota Century Code,
2 relating to the removal or withholding of a child in violation of a custody decree and false
3 information or reports to law enforcement or the department of health and human services; and
4 to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-18-05 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **12.1-18-05. Removal of child from state in violation of custody decree - False**
9 **information or reports - Penalty.**

10 Any person

11 1. An individual who intentionally removes, causes the removal of, or detains the
12 person's individual's own child under the age of eighteen years outside this state with
13 the intent to deny another person's individual's rights in violation of an existing
14 custody decree is guilty of a class C felony. Detaining the child outside this state in
15 violation of the custody decree for more than seventy-two hours is prima facie
16 evidence that the person individual charged intended to violate the custody decree at
17 the time of removal.

18 2. An individual who intentionally removes, causes the removal of, or detains the
19 individual's own child under the age of eighteen years within this state with the intent
20 to deny another individual's rights in violation of a custody decree is guilty of a class A

JB 2 of 2

- 1 misdemeanor or an infraction for a first and second offense, and a class C felony class B
2 misdemeanor for a third offense, and a class A misdemeanor for a fourth offense.
3 Detaining the child within this state in violation of the custody decree for more than
4 seventy-two hours is prima facie evidence that the individual charged intended to
5 violate the custody decree at the time of removal.
6 3. An individual who gives false information or a false report alleging harm to a child by
7 one parent against the other to a law enforcement officer or the department of health
8 and human services which that individual knows to be false, is guilty of an infraction
9 for a first and second offense, a class B misdemeanor for a third offense, and a
10 class A misdemeanor for a fourth offense.

**REPORT OF STANDING COMMITTEE
SB 2186**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.0805.02001](#)) and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2186 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE JUDICIARY

SB 2186

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2186
3/10/2025

Relating to the removal or withholding of a child in violation of a custody decree and false information or reports to law enforcement or the department of health and human services; and to provide a penalty.

10:31 a.m. Vice-Chairman Vetter opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Vice-Chairman Karls, Representative McLeod

Discussion Topics:

- North Dakota criminal infractions
- Prioritization of child safety
- Parent alienation
- Prima facie cases

10:33 a.m. Todd Peterson, West Fargo, North Dakota, testified in favor and provided testimony #39728.

10:41 a.m. Robert Garza, Original Author of Three Strikes, testified in favor and provided testimony #39587.

10:48 a.m. Dorothy Kuester, Williston, North Dakota, testified in favor and provided testimony #39754.

10:55 a.m. Senator David Clemens, North Dakota Senator for District 16, introduced the bill.

10:57 a.m. Krystel Magnuson, Fargo, North Dakota, testified in favor and provided testimony #39857.

11:03 a.m. Kimberly Jacobson, Director of Agassiz Valley Human Service Zone, testified in opposition and provided testimony #39732.

11:27 a.m. Stephanie Engebretson, North Dakota Chiefs of Police Association, testified in opposition and provided testimony #39992.

Additional written testimony:

Seth O'Neill, Executive Director of North Dakota Domestic and Sexual Violence Coalition, submitted testimony in opposition #39597.

Rozanna Larson, Ward County State's Attorney, submitted testimony in opposition #39859.

Jason Kraft, Captain at the Ward County Sheriff's Department, submitted testimony in opposition #39795.

11:45 a.m. Vice-Chairman Vetter closed the hearing.

Wyatt Armstrong, Committee Clerk

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.



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Senate Bill No. 2186
House Judiciary Committee
Written Testimony Presented Seth O'Neill, JD, MSW
Email: soneill@nddsvc.org
March 10, 2025

Chairman Klemin and members of the House Judiciary Committee, my name is Seth O'Neill and I am representing the North Dakota Domestic & Sexual Violence Coalition in opposition to Senate Bill 2186.

This bill would make it a criminal offense for a parent to withhold a child in violation of a custody decree. Although this may be well meaning, we are concerned with how this may be applied in certain situations. In cases of domestic violence, a parent may not withhold the child from the other parent so that the child doesn't get abused by the other parent. Or perhaps more commonly, there could be a situation where a 17 year-old child refuses to see their parent. In this situation, one of the parents could get charged for not forcing their teenager to see their other parent.

This bill would also make it a criminal penalty to report 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 2186 a "Do-Not-Pass" Recommendation.



Dear Judiciary Committee Members,

I am writing this testimony in support of the Three Strikes 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 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 sex exploitation factors, 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. Furthermore, children are 4X more likely to become addicted to drugs and alcohol. In North Dakota, this could mean more than 100 lives are lost annually due to parental alienation. This figure does not account for the additional toll of, 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.

Currently, once a parent has alienated the children enough, they may start to withhold the children from the other parent during their legal parenting time. They completely disregard the discretion of judges and existing court orders, hoping to manipulate the children into rejecting the other parent. When this happens, and the police are called, officers often tell the alienated parent they can do nothing and suggest going back to court. It can take 3-6 months to get a court hearing and up to another 90 days for a ruling. During this time, the alienating parent has months of uninterrupted control to deepen the alienation. Without guardrails, parents with harmful intentions continue to exploit the system without consequence.

The Three Strikes bill establishes these much-needed guardrails. It ensures that parents who disregard the law face appropriate consequences, deterring this harmful behavior. This bill does not restrict any parent's ability to use the proper steps and procedures to protect children. Parents have ample time before custody exchanges to address legitimate concerns, including calling the police for a welfare check or filing a report. This bill reduces the misuse of children as weapons in custody disputes, decreasing instances of domestic violence and emotional harm.

The Three Strikes bill provides multiple opportunities for a parent to correct their behavior. Currently, leaving the state with a child during the other parent's time is a Class C felony. This bill broadens that standard to include in-state violations. After two infraction offenses, a third violation becomes a Class B Misdemeanor. This escalation is essential to protect children, families, and communities.

Please stand for children, our families, and our communities by giving the Three Strikes bill a “Do Pass” recommendation.

Best regards,
Todd Peterson
3-9-2025



Testimony Prepared for the House Judiciary Committee
SB 2186 - Relating to removal or withholding of a child in violation of a custody decree
March 10, 2025
Kim Jacobson, Agassiz Valley Human Service Zone Director

Chair Klemin, and members of the House Judiciary Committee, my name is Kim Jacobson. I serve as the Director for Agassiz Valley Human Service Zone, which includes Steele and Traill Counties. I also serve as the President of the North Dakota Human Service Zone Directors Association. I am here today to provide testimony in opposition of Senate Bill 2186.

Human Service Zones are mandated to provide child welfare services including 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 North Dakota Department of Health and Human Services (NDHHS), we are responsible for the fact-gathering and assessment of suspected child abuse or neglect reports to determine whether maltreatment occurred.

Navigating the complexities of civil custody arrangements can be emotionally charged for all parties involved, and balancing the rights of parents with the overall wellbeing of their children is an exceptionally challenging task. This bill has the potential to have court-ordered parenting time rights override child safety and places the legal system in the position of trying to determine "intent."

On Page 1 (lines 13 and 19-20) the term "intent" is used. In context, it reads "*intent to deny another individual's rights in violation of a custody decree....*" This places the judicial system and law enforcement in the position of determining a parent's "intent." Questions that come to mind with practical application include: What if there were extenuating circumstances delaying parenting time exchange? Did the alleged "offending" parent intending to violate a custody order? It will be exceptionally challenging to confidently ascertain true "intent" in many situations.

Furthermore, if a parent is concerned that it is unsafe for their child to spend time with the other parent, we expect a parent to prioritize their child's safety. There are also circumstances where safety planning in a CPS case may include limiting parenting time until further information can be gathered. This allows for necessary assessment to occur, up to and including the completion of a forensic interview or exam when appropriate. Such efforts prioritize child safety.

Senate Bill 2186 may also negatively impact child safety in situations where there is domestic violence. The cycle of power and control in domestic violence relationships is frequently leveraged and manipulated through parenting time. This bill may provide opportunities for perpetrators of domestic violence to exert threats, coercion, and control over their victims.

Additionally, there is no consideration in this bill addressing when older children refuse parenting time with a parent. SB 2186 allows for one parent to allege that the other "intends" to deny parenting time simply because they do not force their child to spend time with the other parent. The complex and unique nature of family dynamics makes it difficult, if not impossible, to have legislation that provides for all family situations and does not cause unintended harm, especially to children.

Given the stated concerns and the complexity of family dynamics, the committee is urged to vote "do not pass" on SB 2186. Thank you for consideration of my testimony. I stand for any questions from the committee.

Date: March 9, 2025

What: SB 2186 Three Strikes

Who: Dorothy Kuester

Retired Early Childhood Educator

Williston School District: 38 years of experience

Nana to three precious grandsons

Attention Chairman and Members of the House Judiciary Committee

I am here today to testify in favor of SB 2186 (Three Strikes)

In the summer of 2023, my daughter-in-law stole my three grandsons. They were gone for eight days. She convinced my son that she would return home with the children if he moved out of the house. They would temporarily be 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 the locks, bolted the gates and installed video 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 to 5:00. Without my son's knowledge, she filed approximately 27 combined Police reports, CPS reports, Dr. and ER reports that my son was physically and sexually abusing his sons. She would call the police to the home on Sunday after the children had returned from visiting their father. She would report many types of abuse. She would state that the children were returned to her with evidence of abuse that was not there while they were in her care. The police would write up a report and then she would follow up the claim to CPS on Monday morning.

My grandchildren 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 tiny scratch or bruise 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 for Williams County Social Services in Williston before the three children were born.

On December 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. All of his wife's 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 and her parents loaded up a trailer with furniture from the family home and fled the state. They crossed the state line into Montana and relocated 150 miles from Williston. My son quickly confirmed where they were and filed Contempt of Court and served her with Divorce papers. She made no attempt to return to Williston.

The Interim Hearing was held in Williston on Feb. 2, 2024. On this day, she returned to Williston. It had been 48 days since my son had seen his boys. At the hearing the Judge did nothing about the Contempt of Court. The Judge had the complete unredacted CPS file in his possession. The file that found all the allegations unconfirmed. Four weeks later my son received the Judge's determination His wife would be allowed to stay in Montana 150 miles from the family home in ND. My son would have visitation every other weekend and certain holidays and birthdays. The Judge did nothing about the Contempt of Court or CPS file. This order remained in place for eight months until the divorce trial.

At an earlier hearing in the Senate, I heard the testimony of Kim Johnson (Agassiz Valley Social Service Zone Director). She stated that North Dakota has 20,000 CPS cases filed each year. She also said that 93% - 95% of the cases contain false allegations. Please consider the children! They are questioned by social workers, doctors, counselors and police officers. They are the innocent victims of divorce.

I ask you to please support this bill. Please consider the lives of the 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 would have been in effect at the time my daughter-in-law filed the false CPS allegations, there would have been consequences for her actions. Please give the law enforcement officials the "tools" to protect North Dakota's innocent children.



Sheriff's Department



Robert Roed
Sheriff

March 10th, 2025

Chairman Klemin and members of the committee,

For the record my name is Jason Kraft, I am a Captain at the Ward County Sheriff's Department in Minot, and I am providing testimony in opposition to SB 2186.

I would like to first acknowledge and empathize with the many supporters of this legislation. This is a highly emotional topic involving the most important thing in their life. This committee also knows child custody issues can be complex. Should parents have to abide by a custody decree? Yes, they should. However, it is not always that simple.

Section 1, subsection 2 of the bill will insert law enforcement into an issue that has been otherwise handled in civil court. It cannot be ignored that there are parents that physically and sexually abuse their children. Having law enforcement arrest a parent of an abused child because they won't release the child to the potentially abusive parent for their parenting time is not in the best interest of a child. In these circumstances, we would likely have to remove the child and contact CPS for placement. This would likely have a significant impact on the child and create further trauma.

The bill also inserts law enforcement discretion into issues of whether or not a parent is intentionally keeping a child under 18 from the other parent. For example, how does a law enforcement officer in the field handle the issue of a teenager that doesn't want to go to the other parent? If it's been 72 hours, then the evidence is sufficient to assume they're intentionally violating the law unless proven otherwise. Law enforcement would then have to arrest the parent because they won't physically deliver the teenager to the other parent.

We understand that there are parents that flagrantly violate their custody decrees and there should be accountability. The many supporters of this bill describe serious grievances with civil court, however creating criminal law is not the remedy to address those grievances. The problem should be fixed where it's alleged to be.

Sincerely,

A handwritten signature in black ink, appearing to read "JK", followed by a horizontal line.

Jason Kraft, Captain
Ward County Sheriff's Department
204 Front Street
Minot, North Dakota 58701
Office Phone: 701-857-6500
Email: jbkraft@wardnd.gov

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 cursive script that reads "Krystel Magnuson". The signature is written in dark ink and is positioned at the bottom right of the page.

March 9, 2025

SB 2186

Chairman Klemin
House Judiciary

From: Rozanna C Larson
Ward County State's Attorney

Chairperson Klemin and Members of the Committee,

This is to express my opposition to SB 2186. I am the State's Attorney for Ward County. This opposition should not be construed as condoning the interference of parental rights, or in the most severe cases, parental kidnapping.

The opposition is regarding the requirement that law enforcement becomes involved in custody matters, which are better left with the courts in a civil action. There could be several reasons why a parent may "detain" a child. One of those reasons may be the child not wanting to return or reporting to the parent "detaining" the child of an unsafe situation in the other home. There could also be times when the "detaining" parent is simply habitually late in returning the child to the other parent.

My other concern is regarding subsection 3, relating to false information or false reports. The proposed language is specific to an individual providing "false information or false reports" to law enforcement or DHS, regarding "harm to a child by one parent against the other." The proposed language makes the first and second "false report" an infraction, the third "false report" a class B misdemeanor, and the fourth "false report" a class A misdemeanor.

North Dakota state law already has a statute relating to false reports. NDCC 12.1-11-03 specifically provides that a person giving false information or false reports to law enforcement a class A misdemeanor. The proposed amendment in 2186 would conflict with this statute, in that it provides for a lesser penalty. When a specific statute provides for something different than the "general" statute, it is the specific that rules. This would mean, should a intentional false report be made by an individual relating to harm to a child, the State would have to charge the lower level offense.

I'm also concerned about the chilling effect this proposed amendment will have on a parent reporting concerns of harm to a child. A child may tell a parent of an incident that occurred in the other parent's home that causes the parent to be concerned for the child's safety. The parent the child confided in, would not necessarily have "evidence" of this unsafe occurrence. The parent would and should have the ability to report what the child has stated to the proper agencies to investigate.

March 10, 2025

House Judiciary Committee

SB 2186

Representative Lawrence R. Klemin, Chair

For the record, I am Stephanie Dassinger Engebretson, and I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities.

The Chiefs of Police appear today in opposition to SB 2186. This bill creates a criminal offense for a parent violating a custody decree and creates a new offense for providing a false report to law enforcement or to the department of health and human services.

Under subsection 2, the Chiefs of Police have concerns about creating an offense for a parent violating a custody decree. Child custody disputes are very complex situations that require the expertise of a judge sorting through all of the evidence regarding the relationship. Even after a custody decree is entered, it is common that situations arise that were not accounted for in the custody decree. Some examples include:

- Allegations of abuse or mistreatment in the other parent's home; and
- A child, especially a teenager, refusing to go to the other parent's home.

Under the current law, if there are these types of situations, either parent can bring those allegations to the court from them to sort out whether the current custody decree is problematic. If the court finds the custody order has been violated, an order to show cause is entered and, at that point, law enforcement can become involved. This bill flips the process and puts law enforcement in the middle of what should be a civil process since the court is better equipped to explore these complex situations.

Section 3 of the bill creates a new offense for "an individual who gives false information or a false report alleging harm to a child by one parent against the other to a law enforcement officer or the department of health and human services."

The portion of section 3 on giving false information to law enforcement is not needed because that is already an offense under North Dakota law. NDCC § 12.1-11-03 provides that it is a class A misdemeanor to give false information or a false report to a law enforcement officer.

The Chiefs of Police Association of North Dakota respectfully requests a Do Not Pass recommendation on SB 2186 because it turns what should be civil disputes determined by a judge into criminal proceedings and because laws already exist covering false statements.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2186
3/10/2025

Relating to the removal or withholding of a child in violation of a custody decree and false information or reports to law enforcement or the department of health and human services; and to provide a penalty.
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2:52 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Vetter, Representatives Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Vice-Chairman Karls, Representative Christianson

Discussion Topics:

- Prima Facie
- Penalties for multiple offences
- Custody dispute court process

3:22 p.m. Chairman Klemin appointed a subcommittee consisting of Representative Vetter as chairman, representative Wolff, and Representative Schneider. Submitted neutral testimony #40105.

3:24 p.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

LII > Wex > **prima facie**

prima facie

Prima facie is Latin for "at first sight," or "on the face of it."

Prima facie is used in court to indicate that there is sufficient or adequate evidence to support a claim. More simply put, a prima facie case means that the claim being presented to a court has merit, when taken at face value.

A prima facie case is the establishment of a legally required rebuttable presumption. In other words, a prima facie case is a cause of action or defense that is sufficiently established by a party's evidence to justify a verdict in their favor, provided such evidence is not rebutted by the other party.

Prima facie evidence/claims are used in criminal courts, as well as civil courts, most commonly in tort law. In fact, various torts will typically have prima facie cases attached to them. In a prima facie tort claim, the plaintiff first provides evidence that a tort was committed by the defendant, then the burden of proof shifts to the defendant to disprove they committed the tort.

[Last reviewed in January of 2025 by the Wex Definitions Team]

Keywords

- tort law
- criminal law
- evidence
- burden of proof
- trial
- PRIMA FACIE
- Trespass

relevant legislative history. *State v. Bower*, 442 N.W.2d 438, 1989 N.D. LEXIS 131 (N.D. 1989).

Tortious Interference With Prospective Business Advantage.

Racing simulcast provider and its owner were not entitled to recovery against an em-

ployee for tortiously interfering with their prospective business advantage. The employee did not violate N.D.C.C. §§ 12.1-11-02(1) and 12.1-11-03(1) by offering a statement of his opinion to law enforcement officers. *Bala v. Stenehjem*, 671 F.Supp.2d 1067, 2009 U.S. Dist. LEXIS 111133 (D.N.D. 2009).

DECISIONS UNDER PRIOR LAW

Justified Reliance.

A party to a contract, in the absence of knowledge putting him on inquiry, was justified in relying on statements of fact regarding the

property involved. *Moone v. Martin State Bank*, 59 N.D. 352, 230 N.W. 11, 1930 N.D. LEXIS 149 (N.D. 1930).

12.1-11-03. False information or report to law enforcement officers or security officials.

A person is guilty of a class A misdemeanor if that person:

1. Gives false information or a false report to a law enforcement officer which that person knows to be false, and the information or report may interfere with an investigation or may materially mislead a law enforcement officer; or
2. Falsely reports to a law enforcement officer or other security official the occurrence of a crime of violence or other incident calling for an emergency response when that person knows that the incident did not occur. "Security official" means a public servant responsible for averting or dealing with emergencies involving public safety.

Source: S.L. 1973, ch. 116, § 11; 1999, ch. 121, § 1.

NOTES TO DECISIONS

Tortious Interference With Prospective Business Advantage.

Racing simulcast provider and its owner were not entitled to recovery against an employee for tortiously interfering with their prospective business advantage. The employee did

not violate N.D.C.C. §§ 12.1-11-02(1) and 12.1-11-03(1) by offering a statement of his opinion to law enforcement officers. *Bala v. Stenehjem*, 671 F.Supp.2d 1067, 2009 U.S. Dist. LEXIS 111133 (D.N.D. 2009).

12.1-11-04. General provisions.

1. Falsification is material under sections 12.1-11-01, 12.1-11-02, and 12.1-11-03 regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the official proceeding or the disposition of the matter in which the statement is made. Whether a falsification is material in a given factual situation is a question of law. It is no defense that the declarant mistakenly believed the falsification to be immaterial.
2. It is no defense to a prosecution under sections 12.1-11-01 or 12.1-11-02 that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the state-

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2186
3/13/2025
Subcommittee

A BILL for an Act to amend and reenact section 12.1-18-05 of the North Dakota Century Code, relating to the removal or withholding of a child in violation of a custody decree and false information or reports to law enforcement or the department of health and human services; and to provide a penalty.

4:02 p.m. Chairman Vetter opened the hearing.

Members Present: Chairman Vetter, Representatives Schneider, Wolff

Discussion Topics:

- Penalties for withholding of children
- Law enforcement involvement with Child Protective Services cases
- North Dakota Odyssey system
- Unfounded reports and false accusations to law enforcement

4:11 p.m. Captain Jason Kraft, Captain at the Ward County Sheriff's Department, testified in opposition and provided testimony #41259.

4:28 p.m. Corey Johnson, Father, testified in opposition and provided testimony #41148.

4:47 p.m. Lucy Bauer, Mother, testified in favor and provided testimony #41199.

4:53 p.m. Robert Garza, Original Author of Three Strikes Bill, testified in favor and provided testimony #41205.

Additional written testimony:

DeAnn Pladson, Pladson Law Office, submitted testimony in opposition #41261.

4:58 p.m. Chairman Vetter closed the hearing.

Wyatt Armstrong, Committee Clerk

March 13th, 2025

House Judiciary Committee
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Opposition for SB 2186

Vice-Chairman Vetter and Members of the House Judiciary Committee,

My name is Corey Johnson, and I reside in District 23 in the Williston area. I regret not being familiar with SB 2186 sooner, or I would have submitted testimony much earlier in the process. I submit this testimony based on my personal experience as a father who has primary residential custody of two children and a father who has children who do not reside with me full-time. I am greatly concerned about SB 2186. I respectfully request that this bill receive a "do not pass" recommendation or be significantly amended.

SB 2186 establishes a criminal penalty for violating a child custody agreement. Although I agree with this concept, the child custody laws and rules are far too sloppy to enforce a new criminal penalty. I have an abundance of respect for our law enforcement officers, but they are black and white people. Adding shades of gray to the criminal code is a recipe for disaster.

This issue is highly personal, and I admire those who came forward to share their stories to support this bill. I know the embarrassment I feel sharing my story in opposition. However embarrassing, this issue is significant. I agree that the system is broken, and we need positive change, not only for parents but also for the welfare of our children. I was excited to see HB 1242 and greatly disappointed that it failed.

I want to share a small portion of my personal story to emphasize how this could have negative impacts. I have a court-approved "parenting plan" or decree that was agreed upon during my divorce. Our situation never resulted in a court battle and was worked out outside the courtroom. I have primary residential custody. This plan is outdated and arguably not even applicable or fair. This is because our plan was written around me working 48-hour shifts, which I no longer do. Our plan states that their mother is entitled to parenting time during my work schedule. This wording allowed her to have the traditional two-full-days-a-week agreement and allowed it to rotate around my 48-hour-on and 96-hour-off work cycle. Today, as written, she would only have parenting time on weekdays

from 8 AM until 5 PM. She would not be entitled to any overnight time. We have chosen not to rewrite the "parenting plan" for several reasons. First, the cost of doing so when we are not having conflict is not worth it. Second, and most importantly, their mother is not actively involved in their lives. She has not had a visit other than a casual encounter in over 3 years. This has not been because of my action to violate our decree.

I have chosen not to take civil action against her to limit her rights or rewrite our agreement because it would be costly and result in an unnecessary conflict. Their mother struggles with a history drug and alcohol abuse. She occasionally goes through periods where she attempts to clean up and re-engage. Like a good father (in my opinion), I demand that we reevaluate our situation and implement a phased "reunification" or "reintroduction" process. Historically, her efforts to reunite with the children have been short-lived. I insist on this structured process to reintroduce the children to their mother because of her significant absence and history of instability. It is not with ill intent, and I have always been willing to work out a solution peacefully. The frequent in-and-out pattern harms our children's emotional and mental well-being. I strongly believe that the court system would agree with this type of plan should she ever get to a point where she wished to reunite with our children. An engagement with the courts would be devastating to their mother. She is currently \$7,000 behind in child support and has active criminal and civil court cases. Adding a new case would be even more financially draining for her and put her at a significant disadvantage.

If SB 2186 were to pass, I would be forced to engage the court system without direct provocation. My observation is that there are just as many parents, if not significantly more, that can peacefully negotiate the management of their family without court intervention. This bill would force parents to re-engage with the court system for every change to their custody agreement or risk criminal prosecution during a dispute. Right now, through the civil process, courts have the freedom to interpret intent and the child's best interests. This bill removes the ability to consider these items and would have law enforcement utilize criminal infractions. As stated during the committee hearings, infractions are difficult to challenge and not subject to court appeals.

If SB 2186 were to pass and I did not pursue further court action, their mother could use law enforcement to enforce an outdated "parenting plan" and have criminal charges brought against me. Criminal charges would be the new normal for child custody disputes. This would result in otherwise good people being plagued with a criminal history and likely overwhelm the court system. Regardless if the courts do not uphold the charges, we all know that the presence of a charge can be just as impactful as a conviction to a person's life. This is ultimately the intent behind this bill. It creates a deterrent to violating custody agreements. I argue that this could be used negatively and contribute to hardship, parental alienation, and damage people's livelihoods.

I have chosen a career in the public sector serving my community. My work requires me to be of high moral character and an upstanding law-abiding citizen. Criminal charges relating to civil disputes could be damaging to my career. I hold several professional licenses that also require me to maintain national credentialing. Although a criminal history is not always disqualifying for these certifications and licensures, the phrase commonly used when evaluating disqualifying criminal charges is if they are "consistent with the holding of a position of public trust." One national credentialing body cites the following as reasons to disqualify candidates:

- Whether the crime involved violence to, or abuse of, another person.
- Whether the crime involved a minor
- Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.

I argue that regardless of whether the charge is initially limited to an infraction, it would fit any of these categories and could be used to negatively affect their livelihood.

SB 2186 duplicates a process that is already in place. Today, the courts already have the authority to issue a civil contempt of court ruling that can include civil sanctions, including imprisonment, civil forfeiture of up to \$2,000 per day they are in contempt, and other sanctions as determined necessary by the court.

During the public testimony you heard, it was cited how long the court process can take. Proponents also testified about the harm that can be caused to both the parent and the child when parental alienation and refusal of visitation occurs. One person described the initial divorce period, during which the final decree had yet to happen. I greatly empathize with that experience and know that this does occur. However, this bill would not have applied to that situation because no decree was violated.

I unfortunately experienced a situation where this bill could have been applied, but it was not necessary.

About a year after my divorce, my ex-wife was struggling. She had no permanent place to live and stayed in areas unsuitable for small children. We had verbally agreed to a visitation process that was outside of our court-approved parenting plan. This agreement involved her having time with the children in my home. We have two children, a boy and a girl. The boy is not mine, biologically. His biological father is unknown. I adopted him while we were married. About a month after the adoption process was finalized, my wife left due to her struggles with addiction. Both children were left behind with me.

During one of her visits, I worked outside to allow them time alone. When I came back in, my daughter was there and my ex-wife and son were gone. Although this bill would have been helpful in the situation, the current process allowed my son to be returned safely and

timely. I immediately filed for an "Ex-Parte Interim Order." This process allows a judge to make an emergency decision without a hearing. The order was filed the following day and by that afternoon we had a judge's order directing law enforcement to locate, take into custody, and return our son to me. Our local Sheriff's Office returned him approximately 23 hours after receiving the order. Once returned, my ex-wife, by court order, was restricted from seeing the children until a hearing was conducted. This order contained language permitting law enforcement to ensure its compliance until the hearing. The hearing was scheduled to occur about 2 weeks afterwards. The judge recognized the situation. He issued a warning and 30 days of supervised visitation in a secured facility. Another violation would have resulted in a contempt of court charge.

My point is that we already have a process for this situation that allows a judge to issue contempt of court, and modify the parenting plan appropriately. A warning was issued in my situation, but the judge could have jumped straight to a contempt charge. My problem was resolved and did not take months or years. This situation has never occurred again because of the swift and firm actions taken by the court and our Sheriff's Office to enforce the emergency order.

Please keep law enforcement out of determining family custody issues. I welcome the opportunity to discuss this issue further.

Thank you,

A handwritten signature in blue ink, reading "Corey A. Johnson". The signature is fluid and cursive, with the first name "Corey" being more prominent and the last name "Johnson" written in a more compact, cursive style.

Corey A. Johnson

Testimony in Strong Support of SB 2186 (Three Strikes Bill)
Presented to the Judiciary Committee
March 13, 2025

Honorable Members of the Committee,

My name is Lucy Bauer, and I am here today to speak on behalf of myself and my children, who have suffered tremendously due to the lack of enforcement and accountability in family court decisions. I have been fighting since 2017 to maintain a relationship with my four children, only to be repeatedly denied by a system that enables parental alienation and disregards its own court orders.

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 decision was made in private, a week after the hearing, and stripped me of meaningful parenting time—reducing my role to every other weekend, certain holidays, and four one-week blocks in the summer. This ruling was based on false allegations, and I have been treated as if I were a criminal ever since.

The consequences of this decision have been devastating—not just for me, but for my children and our entire family. I have been alienated from them, as have my mother and two sisters, severing the bonds they once had with extended family. My children have been left without proper parental guidance. They have been forced to homeschool themselves with no supervision, and by age 15, they were told to work full-time during school hours, falling far behind in their education. I have been denied any involvement in their schooling, even though my court order grants me that right.

Despite numerous attempts to enforce the court's own orders, I have been met with indifference. I have hired six different attorneys, all of whom took my money but failed to take any meaningful action. Meanwhile, my ex-husband continues to violate the law, knowing full well that there are no real consequences. He has withheld my children from me on numerous occasions, disregarding court-ordered parenting time, and each time, my pleas for enforcement have gone unanswered.

This is why I strongly support **SB 2186, the Three Strikes Bill**—because **without enforcement, court orders are meaningless**. The law must hold repeat offenders accountable when they intentionally interfere with a child's right to both parents. This is not about mothers versus fathers; it is about ensuring that no parent, regardless of gender, can weaponize the system to alienate their children. The damage caused by parental alienation is profound and lasting. My children have been robbed of a healthy, loving relationship with their mother, and I have been left powerless to help them.

I urge this committee to **pass SB 2186** so that parents like me are no longer forced to fight an endless battle for the right to be in our children's lives. No child should be made to feel abandoned by a loving parent. No parent should have to endure years of separation while the courts turn a blind eye. The system must be reformed to ensure that court orders are enforced and that those who violate them are held accountable.

Thank you for your time and consideration. I am willing to testify before anyone, at any time, to share how this broken system has devastated my family. I sincerely hope that you will take action to **protect children** like mine and ensure that the rights of loving parents are upheld.

Lucy Bauer

Testimony Before the Judiciary Committee
Robert Garza

Chairperson and members of the committee, my name is Robert Garza. I previously attended the last hearing on this bill, and I want to take this opportunity to address and clarify some misconceptions.

It has been stated that law enforcement does not enforce court orders—this is completely false. Law enforcement actively enforces:

1. **Child Custody Violations – Parental Kidnapping** (N.D.C.C. § 12.1-18-05)
 - Classified as a **Class C felony only if the child is taken out of state.**
 - This is precisely why this bill is needed—to address in-state violations that currently go unenforced.
2. **Protective & Restraining Orders** (N.D.C.C. § 14-07.1-06, § 12.1-31-01.2)
 - **First Violation:** Classified as a **Class A misdemeanor** and constitutes contempt of court.
 - **Second or Subsequent Violations:** Elevated to a **Class C felony.**
3. **Child Support Enforcement** (N.D.C.C. § 12.1-37-01)
 - Failure to pay child support exceeding the greater of \$2,000 is classified as a **Class C felony.**

If we enforce financial obligations and protective orders, why would we not enforce violations that deprive a child of their rightful time with a parent in state?

Regarding concerns about false child abuse reports, this bill only penalizes accusations that an individual **knows to be false**. There is no risk of prosecution for honest reports made in good faith. Fear of prosecution for honest reports is baseless.

Another misconception is that law enforcement lacks the ability to track violations. This is incorrect. Police records are linked to driver's licenses and can easily show prior offenses, including outstanding warrants and traffic violations—even those from other states. They are fully capable of identifying repeat offenders.

A vote **against** this bill supports interference in a child's relationship with both parents and allows false allegations to go unpunished. Passing this bill ensures accountability and upholds the integrity of our legal system.

I appreciate your time and consideration. I will be available online tomorrow to discuss these issues further.

Respectfully,
 Robert Garza
 1-214-680-8128



Sheriff's Department



Robert Roed
Sheriff

March 13th, 2025

Chairman Vetter and members of the subcommittee,

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

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

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



Sheriff's Department



Robert Roed
Sheriff

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

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

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

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

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

An acceptable amendment could read:

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

Sincerely,

Jason Kraft, Captain
Ward County Sheriff's Department

Testimony of DeAnn M. Pladson
March 12, 2025



The Honorable Lawrence R. Klemin, Chairman
House Judiciary Committee
State Capital Building
600 E. Boulevard Ave.
Bismarck, ND 58505

RE: SB 2186

Dear Mr. Klemin:

Please accept this letter as my testimony regarding Senate Bill 2186 relating to the removal or withholding of a child in violation of a custody order and false reports to law enforcement or the Department of Human Services. I have several concerns relating to SB 2186 and I am writing in opposition to the same.

Family law matters are often complex and require the special scrutiny of a judge to determine all factual matters. SB 2186 has the potential for serious abuse and could be weaponized in family law matters, especially in high conflict cases, leading to a further toll on our law enforcement and judicial resources. For example, there may be instances where a parent is legitimately out of the state for purposes of travel with a minor child. This may be permitted by a custody order, but not necessarily addressed by the order. SB 2186 would have law enforcement determining the intent of the parties, and it appears that it would have law enforcement do so without any input from the court that handled the original custody dispute.

Likewise, there may be valid reasons for a parent to withhold a child from the other parent prior to seeking relief from the district court. I do not condone this conduct, but there are times when parents need to make these difficult decisions. Resolving these disputes is best left to the district court, rather than having the office of the state's attorney ferret out the facts of each case. This bill would only serve to further protract disputes between parents, it would not expedite a resolution, because ultimately many of the issues would

have to be deferred back to the district court judge in the custody dispute. There are also times when an older child refuses to return to the other parent for legitimate safety reasons, and this bill would subject his parent to criminal liability, all for trying to protect the child from harm. If the child refuses to return to the other parent for 72 hours or longer, it will be presumed that the parent intended to violate the court order. Of course that finding could be rebutted, but not until significant family resources are used in defending actions both in criminal court and in civil court. Further, the district court judge in the custody case is better equipped to assess all of the facts and whether the parent intended to violate the court order, and any remedies or punishments that may be needed.

North Dakota district courts are already tasked with taking into consideration any false reports of harm to a child. N.D.C.C. § 14-09-06.2 (I). Similarly, North Dakota law already has a statute relating to false reports to law enforcement, which would subject the person making the false report to criminal liability. N.D.C.C. §12.1-11.03. Child abuse, child sexual abuse, and child neglect are often very difficult to prove. Simply because a matter cannot be proven, does not mean that the allegations are false. The district courts are in a better position to evaluate the evidence and credibility of the parties and make the determination of the intent of the accuser. Further, the district courts are in a better position to actually remedy the situations with changes of residential responsibility, compensatory parenting time, or other punishments which make the parent whole. A fine or imprisonment doesn't address the real issue of how to compensate the parent for his or her loss of companionship with the child.

I thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "DeAnn M. Pladson".

DeAnn M. Pladson
Pladson Law Office, P.L.L.C.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2186
3/25/2025
subcommittee

Relating to the removal or withholding of a child in violation of a custody decree and false information or reports to law enforcement or the department of health and human services; and to provide a penalty.
--

3:09 p.m. Chairman Vetter opened the hearing.

Members Present: Chairman Vetter, Representatives Schneider, Wolff

Discussion Topics:

- Child custody review task force
- Time given time taken laws
- Law enforcement involvement with custody decrees
- Applications used to track custody decrees

3:11 p.m. Chairman Vetter proposed an Amendment, testimony #43793, #43794.

3:14 p.m. Representative Wolff proposed the idea of an app that would record custody decrees.

3:18 p.m. Representative Schneider proposed a provision for a child custody review task force.

3:30 p.m. Chairman Vetter closed the hearing.

Wyatt Armstrong, Committee Clerk

2186

Time Taken Double Time Given

(a) Except as provided, a court may order up to double the period of possession of or access to a child to compensate for the denial of court-ordered possession or access.

(b) Unless a party shows good cause why the order should not be rendered, a court shall order additional periods of possession of or access to a child to compensate for a denial of court-ordered possession or access that resulted from an investigation *by any investigative agency or Child Protective Services* that did not result in a finding of abuse or neglect.

The additional periods of possession or access:

1. must be of the same type and duration of the possession or access that was denied;
2. may include weekend, holiday, and summer possession or access; and
3. must occur on or before the second anniversary of the date the court finds that court-ordered possession or access has been denied.

(c) The person denied possession or access is entitled to decide the time of the additional possession or access, subject to the provisions of Subsection (a).

(d) Subsection a & b does not:

1. create a cause of action against Child Protective Services; or
2. waive sovereign immunity to suit or liability.

Failure to comply with the provisions of a custody decree relating to child custody constitutes contempt of court.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2186
3/31/2025

A BILL for an Act to amend and reenact section 12.1-18-05 of the North Dakota Century Code, relating to the removal or withholding of a child in violation of a custody decree and false information or reports to law enforcement or the department of health and human services; and to provide a penalty.

9:04 a.m. Chairman Klemin opened the hearing.

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

Discussion Topics:

- Law enforcement involvement in custody decrees
- Co-parenting applications
- Child custody review task force

9:08 a.m. Representative Vetter proposed Amendment LC:25.0805.03002, testimony #44443.

9:21 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

25.0805.03002
Title.

Prepared by the Legislative Council
staff for Representative Vetter
March 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2186

Introduced by

Senators Clemens, Luick

Representatives Koppelman, Marschall

1 A BILL for an Act to amend and reenact section 12.1-18-05 of the North Dakota Century Code,
2 relating to the removal or withholding of a child in violation of a custody decree and false
3 information or reports to law enforcement or the department of health and human services; and
4 to provide a penalty for an Act to amend and reenact section 14-09-06.5 of the North Dakota
5 Century Code, relating to additional parenting time after a false allegation of harm to a child; to
6 create a child custody review task force; and to provide for a legislative management report.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 ~~SECTION 1. AMENDMENT. Section 12.1-18-05 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~12.1-18-05. Removal of child from state in violation of custody decree - False~~
11 ~~information or reports - Penalty.~~

12 ~~Any person~~

13 ~~1. An individual who intentionally removes, causes the removal of, or detains the~~
14 ~~person's individual's own child under the age of eighteen years outside this state with~~
15 ~~the intent to deny another person's individual's rights in violation of an existing a~~
16 ~~custody decree is guilty of a class C felony. Detaining the child outside this state in~~
17 ~~violation of the custody decree for more than seventy-two hours is prima facie~~
18 ~~evidence that the person individual charged intended to violate the custody decree at~~
19 ~~the time of removal.~~

1 ~~2. An individual who intentionally removes, causes the removal of, or detains the~~
2 ~~individual's own child under the age of eighteen years within this state with the intent~~
3 ~~to deny another individual's rights in violation of a custody decree is guilty of an~~
4 ~~infraction for a first and second offense, a class B misdemeanor for a third offense,~~
5 ~~and a class A misdemeanor for a fourth offense. Detaining the child within this state in~~
6 ~~violation of the custody decree for more than seventy-two hours is prima facie~~
7 ~~evidence that the individual charged intended to violate the custody decree at the time~~
8 ~~of removal.~~

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

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

16 **14-09-06.5. Allegation of harm to child - Effect.**

- 17 1. If the court finds that an allegation of harm to a child by one parent against the other is
18 false and not made in good faith, the court shall order the parent making the false
19 allegation to pay court costs and reasonable attorney's fees incurred by the other
20 parent in responding to the allegation.
- 21 2. Unless a party shows by clear and convincing evidence that additional parenting time
22 should not be ordered, if the court finds an allegation of harm to a child by one parent
23 against the other is false and not made in good faith, the court shall order additional
24 parenting time to the parent responding to the false allegation to indemnify that parent
25 for any denial of court-ordered parenting time that resulted from an investigation by the
26 department of health and human services or a governmental agency in another state
27 with authority to investigate an allegation of harm to a child.
- 28 3. The additional parenting time:
- 29 a. Must at least be of the same type and duration of parenting time that was denied
30 and may be up to double the period of time denied, as determined by the court.
- 31 b. May include weekend, holiday, and summer parenting time.

- 1 c. Must occur within two years of the date the court finds the allegation was false
2 and not made in good faith.

3 4. A court shall:

- 4 a. Give deference to the proposed additional parenting time schedule of the parent
5 entitled to additional parenting time under subsection 2 when determining the
6 schedule of the additional parenting time subject to subsection 3.
7 b. Consider ordering the parents to use a co-parenting application to assist with
8 scheduling and communication.

9 **SECTION 2. CHILD CUSTODY REVIEW TASK FORCE - REPORT TO THE**
10 **LEGISLATIVE MANAGEMENT.**

- 11 1. During the 2025-26 interim, the legislative management shall create a child custody
12 review task force. The task force consists of:
- 13 a. One member of the supreme court self-help program, appointed by the supreme
14 court;
- 15 b. One member representing the district courts, appointed by the supreme court;
- 16 c. One member appointed by the state bar association;
- 17 d. Two members of the house or senate judiciary committees, appointed by the
18 chairman of the legislative management;
- 19 e. One member of the senate, appointed by the senate majority leader;
- 20 f. One member of the house, appointed by the house majority leader;
- 21 g. Two members representing parents subject to a child custody order;
- 22 h. One member representing law enforcement;
- 23 i. One member representing family mediators; and
- 24 j. The director of legal services of North Dakota.
- 25 2. The presiding officer of the task force must be a member of the legislative assembly
26 appointed by the chairman of the legislative management.
- 27 3. The task force shall meet at the call of the presiding officer. The presiding officer of the
28 task force may invite guests to participate in task force activities.
- 29 4. The task force shall:
- 30 a. Meet at least once each calendar quarter or more frequently at the call of the
31 presiding officer;

- 1 b. Address issues involving the withholding of a child in violation of a custody
2 decree and issues relating to a parent or party who provides false information
3 against another parent or party in connection to a child custody order;
- 4 c. Consider ways to expeditiously and effectively enforce violations of custody
5 orders, particularly the withholding of a child;
- 6 d. Consider the development of self-help or artificial intelligence assisted forms and
7 processes, expedited access to ex parte contempt of court orders, and other civil
8 and criminal penalties, including possible additional compensatory time, and
9 successful remedies used in other states; and
- 10 e. Before June 30, 2026, submit a report of its findings and recommendations, and
11 any proposed legislation necessary to implement the recommendations, to the
12 legislative management.
- 13 5. A member of the task force who is not a state employee is entitled to reimbursement
14 for mileage and expenses as provided by law for state officers and employees, to be
15 paid by the legislative council. A state employee who is a member of the task force is
16 entitled to receive that employee's regular salary and is entitled to reimbursement for
17 mileage and expenses to be paid by the employing agency. A member of the task
18 force who is a member of the legislative assembly is entitled to receive per diem
19 compensation at the rate provided under section 54-35-10 for each day performing
20 official duties of the task force. The legislative council shall pay the per diem
21 compensation and reimbursement for travel and expenses as provided by law for any
22 member of the task force who is a member of the legislative assembly.
- 23 6. The legislative council shall provide staffing and administrative services for the task
24 force through July 30, 2026.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Room JW327B, State Capitol

SB 2186
4/2/2025

Relating to the removal or withholding of a child in violation of a custody decree and false information or reports to law enforcement or the department of health and human services; and to provide a penalty.

9:05 a.m. Chairman Klemin called the meeting to order.

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

Members Absent: Representative Henderson

Discussion Topics:

- Contempt of court
- Legislative task force procedures

9:12 a.m. Representative Vetter proposed Amendment LC: 25.0805.03003, testimony #44552.

9:17 a.m. Representative Vetter moved to adopt amendment LC#25.0805.03003.

9:17 a.m. Representative Wolff seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:28 a.m. Motion passed 13-0-1

9:28 a.m. Representative Vetter moved a Do Pass as Amended.

9:28 a.m. Representative Christianson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	A
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:30 a.m. Motion passed 12-1-1

9:30 a.m. Representative Vetter will carry the bill.

9:34 a.m. Chairman Klemin adjourned the meeting.

Wyatt Armstrong, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2186

VC 1054
4/2/25

Introduced by

Senators Clemens, Luick

Representatives Koppelman, Marschall

1 A BILL ~~for an Act to amend and reenact section 12.1-18-05 of the North Dakota Century Code,~~
2 ~~relating to the removal or withholding of a child in violation of a custody decree and false~~
3 ~~information or reports to law enforcement or the department of health and human services; and~~
4 ~~to provide a penalty for an Act to create and enact a new section to chapter 14-09 of the North~~
5 ~~Dakota Century Code, relating to interference with court-ordered parenting time; to provide a~~
6 ~~penalty; to create a child custody review task force; and to provide for a legislative management~~
7 ~~report.~~

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 ~~SECTION 1. AMENDMENT. Section 12.1-18-05 of the North Dakota Century Code is~~
10 ~~amended and reenacted as follows:~~

11 ~~12.1-18-05. Removal of child from state in violation of custody decree - False~~
12 ~~information or reports - Penalty.~~

13 ~~Any person~~

14 ~~1. An individual who intentionally removes, causes the removal of, or detains the~~
15 ~~person's individual's own child under the age of eighteen years outside this state with~~
16 ~~the intent to deny another person's individual's rights in violation of an existing a~~
17 ~~custody decree is guilty of a class C felony. Detaining the child outside this state in~~
18 ~~violation of the custody decree for more than seventy two hours is prima facie~~
19 ~~evidence that the person individual charged intended to violate the custody decree at~~
20 ~~the time of removal.~~

2 of 4

- 1 ~~2. An individual who intentionally removes, causes the removal of, or detains the~~
2 ~~individual's own child under the age of eighteen years within this state with the intent~~
3 ~~to deny another individual's rights in violation of a custody decree is guilty of an~~
4 ~~infraction for a first and second offense, a class B misdemeanor for a third offense,~~
5 ~~and a class A misdemeanor for a fourth offense. Detaining the child within this state in~~
6 ~~violation of the custody decree for more than seventy two hours is prima facie~~
7 ~~evidence that the individual charged intended to violate the custody decree at the time~~
8 ~~of removal.~~
- 9 ~~3. An individual who gives false information or a false report alleging harm to a child~~
10 ~~by one parent against the other to a law enforcement officer or the department of~~
11 ~~health and human services which that individual knows to be false, is guilty of an~~
12 ~~infraction for a first and second offense, a class B misdemeanor for a third offense,~~
13 ~~and a class A misdemeanor for a fourth offense.~~

14 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Parenting time - Interference - Penalty.**

- 17 1. Unless a party shows by clear and convincing evidence that additional parenting time
18 should not be ordered, if the court finds one parent intentionally interfered with the
19 other parent's court-ordered parenting time, the court shall order additional parenting
20 time to the parent who lost parenting time due to the interference to indemnify that
21 parent for any lost court-ordered parenting time.
- 22 2. The additional parenting time:
- 23 a. Must at least be of the same type and duration of parenting time lost due to the
24 interference and may be up to double the period of time lost, as determined by
25 the court.
- 26 b. May include weekend, holiday, and summer parenting time.
- 27 c. Must occur within two years of the date the court finds the parent intentionally
28 interfered with the other parent's court-ordered parenting time.
- 29 3. A court shall:

a. Give deference to the proposed additional parenting time schedule of the parent entitled to additional parenting time under subsection 1 when determining the schedule of the additional parenting time subject to subsection 2.

b. Consider ordering the parents to use a co-parenting application to assist with scheduling and communication.

4. The court may sanction a parent who fails to comply with this section as a contempt of court.

SECTION 2. CHILD CUSTODY REVIEW TASK FORCE - REPORT TO THE LEGISLATIVE MANAGEMENT.

1. During the 2025-26 interim, the legislative management shall create a child custody review task force. The task force consists of:
 - a. One member of the supreme court self-help program, appointed by the supreme court;
 - b. One member representing the district courts, appointed by the supreme court;
 - c. One member appointed by the state bar association;
 - d. Two members of the house or senate judiciary committees, appointed by the chairman of the legislative management;
 - e. One member of the senate, appointed by the senate majority leader;
 - f. One member of the house, appointed by the house majority leader;
 - g. Two members representing parents subject to a child custody order;
 - h. One member representing law enforcement;
 - i. One member representing family mediators; and
 - j. The director of legal services of North Dakota.
2. The presiding officer of the task force must be a member of the legislative assembly appointed by the chairman of the legislative management.
3. The task force shall meet at the call of the presiding officer. The presiding officer of the task force may invite guests to participate in task force activities.
4. The task force shall:
 - a. Meet at least once each calendar quarter or more frequently at the call of the presiding officer;

- 1 b. Address issues involving the withholding of a child in violation of a custody
- 2 decree and issues relating to a parent or party who provides false information
- 3 against another parent or party in connection to a child custody order;
- 4 c. Consider ways to expeditiously and effectively enforce violations of custody
- 5 orders, particularly the withholding of a child;
- 6 d. Consider the development of self-help or artificial intelligence assisted forms and
- 7 processes, expedited access to ex parte contempt of court orders, and other civil
- 8 and criminal penalties, including possible additional compensatory time, and
- 9 successful remedies used in other states; and
- 10 e. Before June 30, 2026, submit a report of its findings and recommendations, and
- 11 any proposed legislation necessary to implement the recommendations, to the
- 12 legislative management.
- 13 5. A member of the task force who is not a state employee is entitled to reimbursement
- 14 for mileage and expenses as provided by law for state officers and employees, to be
- 15 paid by the legislative council. A state employee who is a member of the task force is
- 16 entitled to receive that employee's regular salary and is entitled to reimbursement for
- 17 mileage and expenses to be paid by the employing agency. A member of the task
- 18 force who is a member of the legislative assembly is entitled to receive per diem
- 19 compensation at the rate provided under section 54-35-10 for each day performing
- 20 official duties of the task force. The legislative council shall pay the per diem
- 21 compensation and reimbursement for travel and expenses as provided by law for any
- 22 member of the task force who is a member of the legislative assembly.
- 23 6. The legislative council shall provide staffing and administrative services for the task
- 24 force through July 30, 2026.

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2186**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** **(25.0805.03003)** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SB 2186 was placed on the Sixth order on the calendar.

25.0805.03003
Title.

Prepared by the Legislative Council
staff for Representative Vetter
April 1, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2186

Introduced by

Senators Clemens, Luick

Representatives Koppelman, Marshall

1 A BILL ~~for an Act to amend and reenact section 12.1-18-05 of the North Dakota Century Code,~~
2 ~~relating to the removal or withholding of a child in violation of a custody decree and false~~
3 ~~information or reports to law enforcement or the department of health and human services; and~~
4 ~~to provide a penalty for an Act to create and enact a new section to chapter 14-09 of the North~~
5 ~~Dakota Century Code, relating to interference with court-ordered parenting time; to create a~~
6 ~~child custody review task force; and to provide for a legislative management report.~~

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 ~~SECTION 1. AMENDMENT. Section 12.1-18-05 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~
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- 1 ~~2. An individual who intentionally removes, causes the removal of, or detains the~~
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5 ~~and a class A misdemeanor for a fourth offense. Detaining the child within this state in~~
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8 ~~of removal.~~
- 9 ~~3. An individual who gives false information or a false report alleging harm to a child~~
10 ~~by one parent against the other to a law enforcement officer or the department of~~
11 ~~health and human services which that individual knows to be false, is guilty of an~~
12 ~~infraction for a first and second offense, a class B misdemeanor for a third offense,~~
13 ~~and a class A misdemeanor for a fourth offense.~~

14 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Parenting time - Interference.**

- 17 1. Unless a party shows by clear and convincing evidence that additional parenting time
18 should not be ordered, if the court finds one parent intentionally interfered with the
19 other parent's court-ordered parenting time, the court shall order additional parenting
20 time to the parent who lost parenting time due to the interference to indemnify that
21 parent for any lost court-ordered parenting time.
- 22 2. The additional parenting time:
- 23 a. Must at least be of the same type and duration of parenting time lost due to the
24 interference and may be up to double the period of time lost, as determined by
25 the court.
- 26 b. May include weekend, holiday, and summer parenting time.
- 27 c. Must occur within two years of the date the court finds the parent intentionally
28 interfered with the other parent's court-ordered parenting time.
- 29 3. A court shall:

- 1 a. Give deference to the proposed additional parenting time schedule of the parent
- 2 entitled to additional parenting time under subsection 1 when determining the
- 3 schedule of the additional parenting time subject to subsection 2.
- 4 b. Consider ordering the parents to use a co-parenting application to assist with
- 5 scheduling and communication.
- 6 4. The court may sanction a parent who fails to comply with this section as a contempt of
- 7 court.

8 **SECTION 2. CHILD CUSTODY REVIEW TASK FORCE - REPORT TO THE**

9 **LEGISLATIVE MANAGEMENT.**

- 10 1. During the 2025-26 interim, the legislative management shall create a child custody
- 11 review task force. The task force consists of:
- 12 a. One member of the supreme court self-help program, appointed by the supreme
- 13 court;
- 14 b. One member representing the district courts, appointed by the supreme court;
- 15 c. One member appointed by the state bar association;
- 16 d. Two members of the house or senate judiciary committees, appointed by the
- 17 chairman of the legislative management;
- 18 e. One member of the senate, appointed by the senate majority leader;
- 19 f. One member of the house, appointed by the house majority leader;
- 20 g. Two members representing parents subject to a child custody order;
- 21 h. One member representing law enforcement;
- 22 i. One member representing family mediators; and
- 23 j. The director of legal services of North Dakota.
- 24 2. The presiding officer of the task force must be a member of the legislative assembly
- 25 appointed by the chairman of the legislative management.
- 26 3. The task force shall meet at the call of the presiding officer. The presiding officer of the
- 27 task force may invite guests to participate in task force activities.
- 28 4. The task force shall:
- 29 a. Meet at least once each calendar quarter or more frequently at the call of the
- 30 presiding officer;

- 1 b. Address issues involving the withholding of a child in violation of a custody
2 decree and issues relating to a parent or party who provides false information
3 against another parent or party in connection to a child custody order;
- 4 c. Consider ways to expeditiously and effectively enforce violations of custody
5 orders, particularly the withholding of a child;
- 6 d. Consider the development of self-help or artificial intelligence assisted forms and
7 processes, expedited access to ex parte contempt of court orders, and other civil
8 and criminal penalties, including possible additional compensatory time, and
9 successful remedies used in other states; and
- 10 e. Before June 30, 2026, submit a report of its findings and recommendations, and
11 any proposed legislation necessary to implement the recommendations, to the
12 legislative management.
- 13 5. A member of the task force who is not a state employee is entitled to reimbursement
14 for mileage and expenses as provided by law for state officers and employees, to be
15 paid by the legislative council. A state employee who is a member of the task force is
16 entitled to receive that employee's regular salary and is entitled to reimbursement for
17 mileage and expenses to be paid by the employing agency. A member of the task
18 force who is a member of the legislative assembly is entitled to receive per diem
19 compensation at the rate provided under section 54-35-10 for each day performing
20 official duties of the task force. The legislative council shall pay the per diem
21 compensation and reimbursement for travel and expenses as provided by law for any
22 member of the task force who is a member of the legislative assembly.
- 23 6. The legislative council shall provide staffing and administrative services for the task
24 force through July 30, 2026.