

Dear Senate Inquiry - Shared Parental Responsibility Bill 2005

This is a my submission to the Senate Inquiry into the provisions of the Family Law Amendment (Shared Parental Responsibility) Bill 2005

Proposed initiative would revamp child custody laws

A proposed ballot measure would revamp North Dakota's laws on child custody in favor of having parents share joint physical custody of their children.

The measure, which was submitted to Secretary of State Al Jaeger on Friday for review, would also limit child support payments to "the actual cost of providing for the basic needs" of a child.

Proponent's views

Mitchell Sanderson of Grand Forks, chairman of the measure's sponsoring committee, said it would strengthen the rights of divorced parents who want to play a greater role in their childrens' lives.

Under North Dakota's present child custody laws, "you have very little right to anything" as a noncustodial parent, Sanderson said. He is a divorced father of two and does not have custody of his children.

"Right now, the way the system works ... our children are really getting hurt," Sanderson said. "We're pumping out dysfunctional children. We are creating more domestic violence ... and we also are creating a disgruntled father syndrome out there."

The measure would establish joint physical custody of children in most divorces, which is defined as having the children spend equal time with both parents. A joint physical custody arrangement would prevail unless one of the parents was judged unfit, the measure says.

Attorneys opposed

Two attorneys who practice family law, who reviewed the proposed measure Friday at a reporter's request, said it was flawed.

North Dakota law now requires judges, in divorce cases, to consider the best interest of the child, Bismarck attorney Suzanne Schweigert said. The measure would instead put more focus on what is best for the child's parents, she said. "Their intent is maybe good, but I don't see this as being practical," she said. "I don't believe this is an improvement over what we have."

Alexander Reichert, a Grand Forks attorney, said the measure had "a kernel of goodness" in that it promotes joint physical custody arrangements. At present, those happen only if both parents agree, Reichert said.

However, the measure "has too many undefined terms, and too many loopholes," he said. It does not define what an unfit parent is, or what a child's basic needs are for child support purposes, Reichert said.

Jaeger reviews

Jaeger reviews ballot initiatives to ensure they are in proper legal form, and writes a short description of what the measure does. He must provide the measure's ballot title by March 1.

To place the measure on the November ballot, supporters must gather signatures from at least 12,844 eligible North Dakota voters by Aug. 8.

Sanderson said he formerly worked at the Motor Coach Industries bus assembly plant at Pembina, N.D. He said he intends to devote himself to the initiative campaign full time.

Two years ago, Sanderson was the Libertarian Party's endorsed candidate for lieutenant governor, getting 1.4 percent of the vote.

http://www.grandforks.com/mld/grandforks/news/local/13908867.htm?source=rss&channel=grandforks_local

Thank you for reading my submission

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