



# Leading Women for Shared Parenting

An International Child Advocacy Organization

Summary: North Dakota  
Child Custody by Judge



October 2017

# Founding Principle of US Judicial System

## US Supreme Court Building



## North Dakota Constitution

Article I, Section 22 -- All laws of a general nature shall have a uniform operation.

Article I, Section 21 -- **No special privileges** or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

## North Dakota Supreme Court

“There are, however, some classifications which the courts will scrutinize more carefully, and in most cases will be found to violate the constitution. An example of such a classification is one in which the government treats individuals differently because of their gender. One such situation involve the transfer of female prisoners out of state but the incarceration of male prisoners in the state.” Classifications based on sex are “inherently suspect.”

State ex rel Olson v. Maxwell, 259 NW2d 621 (ND 1977)

## But In North Dakota Family Law

“Gender issues are alive and well and young moms can do pretty well at shutting dads out”

[Jackie Stebbins, Esq.](#) – Real World Divorce; Aug 22, 2014

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Quote From a Practicing North Dakota Family Law Attorney

# ND Child Support Financially Incentivizes One Parent Being Minimized

HB 1392

James Fleming [REDACTED]

2/13/2017 11:09 AM

To: Koppelman, Kim A.;



HB 1392  
guideline  
changes.p...

Good morning Chairman Koppelman.

Regarding the shared parenting bill, I didn't approach the podium because after 3 hours of testimony the committee was well behind your desired schedule for the day and probably pretty tired of the topic.

If the committee wanted to discuss the interplay of equal residential responsibility and child support, I would be available today and could make arrangements for a substitute to provide that information tomorrow or Wednesday this week.

Had I addressed the committee on the bill in a neutral capacity, I would have volunteered the statistics regarding shared parenting today: as of January 1, 2017, of the 26,000 cases where there is a current monthly child support obligation, 1,658 of those are equal residential responsibility cases. Although that represents only 6.3% of the total, there were only 400 in 2011 when similar legislation was last considered.

Also, regarding the numerous legislative questions about the word "exactly" 50-50 as applied to child support (page 2, line 4), the drafters were relying on a very old version of the guidelines. In summer 2011 (ironically, under your chairmanship), the administrative rules committee approved amendments to the guidelines which deliberately removed the word "exactly" because of some of the same issues identified by your committee members last week.

Attached please find an excerpt from the administrative rules committee document identifying the changes.

Again, if Child Support can be of assistance to the committee, please feel free to contact me.

*Jim*

James C. Fleming  
Director  
Child Support Program  
North Dakota Department of Human Services  
PO Box 7190, Bismarck, ND 58507-7190  
[REDACTED]



"Of North Dakotans surveyed by the U.S. Census Bureau in March 2014, 92 percent of those collecting child support were women. Among women aged 30-40, approximately 34 percent collect child support. (Compare to a national average of 17 percent.)"

[Real World Divorce](#)

# **Analysis of Child Custody Determinations: State of North Dakota**

North Dakota  
**Supreme Court**

# Raw Data Obtained From Court Administrator

Location	CaseNumber	CaseType	JudicialOfficer	JudgmentDate	Custody	DecidedBy	#ofChildren
Adams County	01-04-C-00033	Divorce	Anderson, Zane	7/25/2011			2
Adams County	01-10-C-00065	Divorce	Herauf, William A.	9/26/2011			2
Adams County	01-10-C-00072	Divorce	Herauf, William A.	5/17/2011	Joint	Stipulation	2
Adams County	01-10-C-00090	Divorce	Anderson, Zane	1/20/2011	Wife	Stipulation	1
Adams County	01-11-C-00004	Divorce	Weir, H. Patrick	1/24/2011	Wife	Stipulation	1
Adams County	01-2011-DM-00022	Divorce	Weir, H. Patrick	3/12/2012			0
Adams County	01-2012-DM-00001	Divorce	Anderson, Zane	2/22/2012	Joint	Stipulation	3
Adams County	01-2012-DM-00004	Divorce	Anderson, Zane	3/29/2012			0
Adams County	01-2012-DM-00005	Divorce	Anderson, Zane	7/23/2012			
Adams County	01-2012-DM-00008	Divorce	Herauf, William A.	5/29/2013			
Adams County	01-2012-DM-00010	Divorce	Anderson, Zane	9/25/2012			
Adams County	01-2012-DM-00013	Divorce	Herauf, William A.	9/7/2012			
Adams County	01-2012-DM-00021	Divorce	Herauf, William A.	5/13/2013	Wife	Stipulation	2
Adams County	01-2013-DM-00004	Divorce	Anderson, Zane	4/3/2013			
Adams County	01-2013-DM-00012	Divorce	Herauf, William A.	8/15/2014	Wife	Stipulation	1
Adams County	01-2013-DM-00013	Divorce	Goter, Wayne D	12/27/2013	Wife	Stipulation	3
Adams County	01-2014-DM-00001	Divorce	Greenwood, Dann	5/6/2014	Joint	Stipulation	3
Adams County	01-2014-DM-00002	Divorce	Herauf, William A.	2/27/2014			
Adams County	01-2014-DM-00004	Divorce	Anderson, Zane	5/1/2014			0
Adams County	01-2014-DM-00006	Divorce	Herauf, William A.	5/19/2014			0
Adams County	01-2014-DM-00007	Divorce	Anderson, Zane	6/10/2014			0
Adams County	01-2014-DM-00013	Divorce	Anderson, Zane	7/1/2015			0
Adams County	01-2014-DM-00016	Divorce	Herauf, William A.	5/27/2015	Joint	Stipulation	2
Adams County	01-2014-DM-00018	Divorce	Anderson, Zane	11/6/2014	Joint	Stipulation	2
Adams County	01-2015-DM-00004	Divorce	Herauf, William A.	2/25/2015			0
Adams County	01-2015-DM-00007	Divorce	Anderson, Zane	4/21/2015			0
Adams County	01-2015-DM-00011	Divorce	Herauf, William A.	5/11/2016	Joint	Court	1
Adams County	01-2015-DM-00014	Divorce	Herauf, William A.	9/23/2015			

**Statewide Results Were Consolidated by Judge**

# Micro Validation of the Data Left Questions Page 7

- Eight Cases Were Chosen at Random from Burleigh County
- Case Files Were Researched to Confirm the Accuracy of the Reported Custody Determination
- Three of the Eight Investigated Cases were Found to Not be a Joint Physical Custody Arrangement
- One Decision Was Recorded as a Court Decision but was Actually a Stipulation
- Available Resources Prohibited a More In Depth Validation of the Data
- Micro Validation:
  - Suggests Need for Audit / Updated Procedures to Ensure Accuracy
  - Suggests the Number of Cases Reported as Joint May Be Overstated

The Micro Validation Suggests the Need for a Larger Audit as **It's Possible Shared Parenting Cases are Being Significantly Overstated** by the North Dakota Court

# Odds of Outcome in North Dakota Family Law

North Dakota Family Law Case Results by Judge  
Southwest Judicial District  
Total Case Determinations by Judge

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
	1/1/11 - 9/11/17																
	Total Custody Awards																
	Wife			Husband			Joint			Other			Unknown				
	Judicial Officer	Court	Stipulated	Unknown	Total												
(1)	Northeast Central District	9.4%	43.3%	3.4%	1.8%	6.7%	0.6%	2.9%	20.5%	1.1%	0.3%	1.5%	0.2%	1.1%	3.1%	4.1%	100.0%
(2)	North Central District	3.8%	50.8%	0.7%	1.7%	9.1%	0.2%	0.6%	25.2%	0.3%	0.3%	1.1%	1.2%	0.2%	1.6%	3.2%	100.0%
(3)	Southwest District	11.7%	30.8%	3.2%	3.4%	4.7%	0.8%	5.1%	23.6%	2.1%	0.2%	0.6%	0.8%	1.1%	3.4%	8.5%	100.0%
(4)	Northeast District	7.9%	32.3%	2.8%	2.4%	7.5%	0.4%	1.5%	26.5%	5.3%	0.2%	1.3%	1.1%	0.9%	1.5%	8.5%	100.0%
(5)	East Central District	6.9%	41.0%	2.0%	2.0%	5.9%	0.2%	1.1%	30.9%	2.2%	0.4%	0.2%	0.1%	0.3%	3.0%	3.5%	100.0%
(6)	Northwest District	8.2%	34.1%	4.4%	3.8%	3.1%	0.3%	2.4%	27.0%	5.5%	0.0%	1.4%	0.0%	0.0%	3.4%	6.5%	100.0%
(7)	South Central District	5.1%	33.3%	3.0%	1.6%	6.2%	0.9%	1.2%	30.7%	3.5%	0.1%	0.6%	0.3%	0.7%	7.3%	5.5%	100.0%
(8)	Southeast District	6.2%	31.9%	1.1%	1.6%	7.3%	0.3%	2.2%	35.3%	1.9%	0.3%	0.8%	0.4%	0.4%	4.6%	5.8%	100.0%
(9)	Total	6.7%	38.1%	2.3%	2.0%	6.5%	0.5%	1.7%	28.6%	2.5%	0.3%	0.8%	0.5%	0.6%	3.9%	5.1%	100.0%

## What Determines the Child Custody Outcome in Your ND Family Law Case

1. How Much the Mother Wants the Father Involved in the Child's Life,
2. The Region in Which the Divorce is Filed (Above), and
3. With This Study, Those Odds Can Now Can be Further Refined...

**The Above Odds Can be Further Refined by Researching the Individual Judge in Your Case in the Following Pages**

# Summary by Judge – All Cases (Page 1)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	Total		Total Custody Awards											
	# of Cases	# of Children	Wife		Husband		Joint		Undetermined		Other		District	
Judicial Officer			#	%	#	%	#	%	#	%	#	%		
(1) <b>Jensen, Jon J.</b>	64	123	40	62.5%	6	9.4%	10	15.6%	4	6.3%	4	6.3%	Northeast Central	
(2) Medd, Joel D	32	56	17	53.1%	4	12.5%	5	15.6%	6	18.8%	-	0.0%	Northeast Central	
(3) McLees, William W	92	154	64	69.6%	9	9.8%	16	17.4%	3	3.3%	-	0.0%	North Central	
(4) Kleven, Debbie	76	140	50	65.8%	4	5.3%	16	21.1%	6	7.9%	-	0.0%	Northeast Central	
(5) Hartl Romanick, Lolita G	33	60	21	63.6%	4	12.1%	7	21.2%	-	0.0%	1	3.0%	Northeast Central	
(6) Ehlis, Rhonda R	27	49	16	59.3%	1	3.7%	6	22.2%	3	11.1%	1	3.7%	Southwest	
(7) Braaten, Karen	65	113	31	47.7%	8	12.3%	15	23.1%	9	13.8%	2	3.1%	Northeast Central	
(8) Jahnke, Lawrence E	107	194	59	55.1%	12	11.2%	25	23.4%	10	9.3%	1	0.9%	Northeast Central	
(9) Hagar, Richard L	181	311	98	54.1%	24	13.3%	43	23.8%	10	5.5%	6	3.3%	North Central	
(10) Greenwood, Dann	74	134	35	47.3%	12	16.2%	18	24.3%	8	10.8%	1	1.4%	Southwest	
(11) Jorgensen, Donald	73	137	35	47.9%	9	12.3%	18	24.7%	10	13.7%	1	1.4%	South Central	
(12) Lee, Gary	143	260	78	54.5%	14	9.8%	37	25.9%	10	7.0%	4	2.8%	North Central	
(13) Sturdevant, Michael G	77	149	38	49.4%	14	18.2%	20	26.0%	5	6.5%	-	0.0%	Northeast	
(14) Geiger, M Richard	75	157	41	54.7%	7	9.3%	20	26.7%	5	6.7%	2	2.7%	Northeast	
(15) Anderson, Norman G	114	207	70	61.4%	7	6.1%	31	27.2%	6	5.3%	-	0.0%	East Central	
(16) Clapp, Sonja	80	130	45	56.3%	6	7.5%	22	27.5%	6	7.5%	1	1.3%	Northeast Central	
(17) Herman, Douglas	180	297	99	55.0%	18	10.0%	50	27.8%	10	5.6%	3	1.7%	East Central	
(18) Sjue, Kirsten	32	59	19	59.4%	3	9.4%	9	28.1%	1	3.1%	-	0.0%	Northwest	
(19) Louser, Stacy	84	146	46	54.8%	7	8.3%	24	28.6%	4	4.8%	3	3.6%	North Central	
(20) Weir, H. Patrick	28	52	11	39.3%	1	3.6%	8	28.6%	7	25.0%	1	3.6%	Southwest	
(21) Cresap, Todd L	178	296	88	49.4%	26	14.6%	51	28.7%	8	4.5%	5	2.8%	North Central	
(22) Mattson, Douglas L	217	372	121	55.8%	18	8.3%	63	29.0%	9	4.1%	6	2.8%	North Central	
(23) Gion, James D	31	53	17	54.8%	3	9.7%	9	29.0%	2	6.5%	-	0.0%	Southwest	
(24) Hovey, James D	71	137	30	42.3%	6	8.5%	21	29.6%	13	18.3%	1	1.4%	Southeast	
(25) Benson, Anthony	20	37	7	35.0%	1	5.0%	6	30.0%	4	20.0%	2	10.0%	Northeast	
(26) Herauf, William A.	151	283	70	46.4%	13	8.6%	46	30.5%	19	12.6%	3	2.0%	Southwest	
(27) Nelson, David W	81	167	38	46.9%	5	6.2%	25	30.9%	11	13.6%	2	2.5%	Northwest	
(28) Schneider, Thomas J	164	298	66	40.2%	12	7.3%	51	31.1%	33	20.1%	2	1.2%	South Central	
(29) Haskell, Bruce B	147	273	60	40.8%	18	12.2%	46	31.3%	21	14.3%	2	1.4%	South Central	
(30) Jacobson, Paul	38	76	21	55.3%	3	7.9%	12	31.6%	2	5.3%	-	0.0%	Northwest	
(31) Thelen, John	78	140	39	50.0%	9	11.5%	25	32.1%	3	3.8%	2	2.6%	Northeast Central	
(32) Fontaine, Laurie A	84	188	31	36.9%	12	14.3%	27	32.1%	11	13.1%	3	3.6%	Northeast	
(33) Feland, Cynthia	143	265	69	48.3%	12	8.4%	46	32.2%	13	9.1%	3	2.1%	South Central	
(34) Hagar, Donald	37	74	19	51.4%	1	2.7%	12	32.4%	5	13.5%	-	0.0%	Northeast Central	

# Summary by Judge – All Cases (Page 2)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	Total		Total Custody Awards											
	# of Cases	# of Children	Wife		Husband		Joint		Undetermined		Other		District	
Judicial Officer			#	%	#	%	#	%	#	%	#	%		
(35) Goter, Wayne D	94	174	45	47.9%	8	8.5%	31	33.0%	9	9.6%	1	1.1%	South Central	
(36) Corwin, Wickham	145	243	69	47.6%	19	13.1%	49	33.8%	5	3.4%	3	2.1%	East Central	
(37) Grinsteiner, John	102	179	49	48.0%	7	6.9%	35	34.3%	9	8.8%	2	2.0%	South Central	
(38) McCullough, Steven E	161	289	83	51.6%	9	5.6%	56	34.8%	12	7.5%	1	0.6%	East Central	
(39) Reich, David E	149	272	65	43.6%	12	8.1%	52	34.9%	19	12.8%	1	0.7%	South Central	
(40) Webb, Wade L	153	270	70	45.8%	17	11.1%	54	35.3%	11	7.2%	1	0.7%	East Central	
(41) Greenwood, John	90	173	37	41.1%	11	12.2%	32	35.6%	8	8.9%	2	2.2%	Southeast	
(42) Olson, Tom	104	169	59	56.7%	4	3.8%	37	35.6%	3	2.9%	1	1.0%	East Central	
(43) Anderson, Zane	104	211	41	39.4%	8	7.7%	37	35.6%	16	15.4%	2	1.9%	Southwest	
(44) Hagerty, Gail	171	310	72	42.1%	19	11.1%	61	35.7%	19	11.1%	-	0.0%	South Central	
(45) Bailey, Susan L	25	51	15	60.0%	-	0.0%	9	36.0%	1	4.0%	-	0.0%	East Central	
(46) Irby, John C	221	416	108	48.9%	21	9.5%	80	36.2%	9	4.1%	3	1.4%	East Central	
(47) Christofferson, Lee A	55	99	22	40.0%	4	7.3%	20	36.4%	7	12.7%	2	3.6%	Northeast	
(48) Rustad, Josh B.	96	180	42	43.8%	9	9.4%	35	36.5%	8	8.3%	2	2.1%	Northwest	
(49) Romanick, Bruce A	150	297	59	39.3%	14	9.3%	55	36.7%	20	13.3%	2	1.3%	South Central	
(50) Racek, Frank L	137	239	61	44.5%	10	7.3%	51	37.2%	15	10.9%	-	0.0%	East Central	
(51) Grosz, Richard W	40	74	20	50.0%	3	7.5%	15	37.5%	2	5.0%	-	0.0%	Southeast	
(52) Hill, James S	82	153	27	32.9%	7	8.5%	31	37.8%	15	18.3%	2	2.4%	South Central	
(53) Fair McEvers, Lisa K	79	143	37	46.8%	7	8.9%	30	38.0%	5	6.3%	-	0.0%	East Central	
(54) Marquart, Steven L.	239	408	112	46.9%	19	7.9%	92	38.5%	15	6.3%	1	0.4%	East Central	
(55) Cruff, Bradley A	114	218	56	49.1%	10	8.8%	44	38.6%	2	1.8%	2	1.8%	Southeast	
(56) Foughty, Donovan	85	148	37	43.5%	4	4.7%	33	38.8%	10	11.8%	1	1.2%	Northeast	
(57) Tufte, Jerod	30	56	12	40.0%	-	0.0%	12	40.0%	6	20.0%	-	0.0%	Southeast	
(58) Anderson, Sonna	142	267	53	37.3%	11	7.7%	57	40.1%	21	14.8%	-	0.0%	South Central	
(59) Narum, Daniel D	115	244	37	32.2%	18	15.7%	48	41.7%	9	7.8%	3	2.6%	Southeast	
(60) Schmitz, Jay A	95	217	27	28.4%	11	11.6%	41	43.2%	16	16.8%	-	0.0%	Southeast	
(61) McClintock Jr, John C	57	110	20	35.1%	4	7.0%	25	43.9%	7	12.3%	1	1.8%	Northeast	
(62) Goter, Wayne D	38	66	16	42.1%	2	5.3%	17	44.7%	3	7.9%	-	0.0%	Southwest	
(63) Paulson, John T	51	96	17	33.3%	3	5.9%	23	45.1%	7	13.7%	1	2.0%	Southeast	
(64) Merrick, Thomas E.	85	181	30	35.3%	4	4.7%	39	45.9%	10	11.8%	2	2.4%	Southeast	
(65) Nesvig, Pam	45	83	18	40.0%	3	6.7%	21	46.7%	2	4.4%	1	2.2%	South Central	
(66) El-Dweek, Daniel	20	41	8	40.0%	1	5.0%	10	50.0%	1	5.0%	-	0.0%	Northwest	
(67) Others	294	546	118	40.1%	11	3.7%	107	36.4%	56	19.0%	2	0.7%		
(68) Total	# 6,645	# 12,210	# 3,131	47.1%	# 599	9.0%	# 2,179	32.8%	# 635	9.6%	# 101	1.5%		

# Summary by Judge – Stipulated Cases (Pg 1)

(1) (2) (3) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13)

		1/1/11 - 9/11/17	Stipulated Custody Awards											District
		Stipulated	Wife		Husband		Joint		Undetermined		Other			
Judicial Officer	# of Cases	# of Children	#	%	#	%	#	%	#	%	#	%		
(1) McLees, William W	87		60	69.0%	8	9.2%	16	18.4%	3	3.4%	-	0.0%	North Central	
(2) Hartl Romanick, Lolita G	26		17	65.4%	4	15.4%	5	19.2%	-	0.0%	-	0.0%	Northeast Central	
(3) <b>Jensen, Jon J.</b>	51		33	64.7%	2	3.9%	10	19.6%	3	5.9%	3	5.9%	Northeast Central	
(4) Hagar, Richard L	160		93	58.1%	21	13.1%	40	25.0%	3	1.9%	3	1.9%	North Central	
(5) Braaten, Karen	56		26	46.4%	8	14.3%	14	25.0%	6	10.7%	2	3.6%	Northeast Central	
(6) Sturdevant, Michael G	44		24	54.5%	8	18.2%	11	25.0%	1	2.3%	-	0.0%	Northeast	
(7) Kleven, Debbie	58		39	67.2%	2	3.4%	15	25.9%	2	3.4%	-	0.0%	Northeast Central	
(8) Jahnke, Lawrence E	87		50	57.5%	11	12.6%	23	26.4%	2	2.3%	1	1.1%	Northeast Central	
(9) Jorgensen, Donald	54		29	53.7%	6	11.1%	15	27.8%	4	7.4%	-	0.0%	South Central	
(10) Lee, Gary	119		69	58.0%	13	10.9%	35	29.4%	-	0.0%	2	1.7%	North Central	
(11) Geiger, M Richard	61		36	59.0%	6	9.8%	18	29.5%	-	0.0%	1	1.6%	Northeast	
(12) Herman, Douglas	142		84	59.2%	13	9.2%	43	30.3%	-	0.0%	2	1.4%	East Central	
(13) Louser, Stacy	71		41	57.7%	6	8.5%	22	31.0%	1	1.4%	1	1.4%	North Central	
(14) Mattson, Douglas L	195		111	56.9%	16	8.2%	62	31.8%	3	1.5%	3	1.5%	North Central	
(15) Anderson, Norman G	91		56	61.5%	5	5.5%	29	31.9%	1	1.1%	-	0.0%	East Central	
(16) Gion, James D	25		13	52.0%	3	12.0%	8	32.0%	1	4.0%	-	0.0%	Southwest	
(17) Clapp, Sonja	61		35	57.4%	5	8.2%	20	32.8%	-	0.0%	1	1.6%	Northeast Central	
(18) Cresap, Todd L	155		82	52.9%	18	11.6%	51	32.9%	3	1.9%	1	0.6%	North Central	
(19) Nelson, David W	54		27	50.0%	1	1.9%	18	33.3%	6	11.1%	2	3.7%	Northwest	
(20) Jacobson, Paul	30		18	60.0%	2	6.7%	10	33.3%	-	0.0%	-	0.0%	Northwest	
(21) Herauf, William A.	99		48	48.5%	8	8.1%	34	34.3%	7	7.1%	2	2.0%	Southwest	
(22) Hagar, Donald	29		17	58.6%	-	0.0%	10	34.5%	2	6.9%	-	0.0%	Northeast Central	
(23) Bailey, Susan L	23		14	60.9%	-	0.0%	8	34.8%	1	4.3%	-	0.0%	East Central	
(24) Feland, Cynthia	123		62	50.4%	9	7.3%	43	35.0%	7	5.7%	2	1.6%	South Central	
(25) Haskell, Bruce B	114		49	43.0%	15	13.2%	40	35.1%	9	7.9%	1	0.9%	South Central	
(26) Thelen, John	53		26	49.1%	5	9.4%	19	35.8%	1	1.9%	2	3.8%	Northeast Central	
(27) Schneider, Thomas J	125		49	39.2%	9	7.2%	45	36.0%	21	16.8%	1	0.8%	South Central	
(28) Reich, David E	127		57	44.9%	8	6.3%	46	36.2%	15	11.8%	1	0.8%	South Central	
(29) Greenwood, Dann	46		23	50.0%	5	10.9%	17	37.0%	1	2.2%	-	0.0%	Southwest	
(30) Goter, Wayne D	61		27	44.3%	5	8.2%	23	37.7%	5	8.2%	1	1.6%	South Central	
(31) McCullough, Steven E	135		68	50.4%	6	4.4%	51	37.8%	10	7.4%	-	0.0%	East Central	
(32) Corwin, Wickham	126		60	47.6%	14	11.1%	48	38.1%	3	2.4%	1	0.8%	East Central	

# Summary by Judge – Stipulated Cases (Pg 2)

	(1)	(2)	(3)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	1/1/11 - 9/11/17		Stipulated Custody Awards											
Judicial Officer	# of Cases	# of Children	Wife		Husband		Joint		Undetermined		Other		District	
			#	%	#	%	#	%	#	%	#	%		
(33) Romanick, Bruce A	118		50	42.4%	12	10.2%	45	38.1%	9	7.6%	2	1.7%	South Central	
(34) Hovey, James D	47		23	48.9%	2	4.3%	18	38.3%	4	8.5%	-	0.0%	Southeast	
(35) Hagerty, Gail	143		60	42.0%	14	9.8%	55	38.5%	14	9.8%	-	0.0%	South Central	
(36) Grosz, Richard W	36		20	55.6%	2	5.6%	14	38.9%	-	0.0%	-	0.0%	Southeast	
(37) Olson, Tom	89		51	57.3%	2	2.2%	35	39.3%	1	1.1%	-	0.0%	East Central	
(38) Foughty, Donovan	58		27	46.6%	4	6.9%	23	39.7%	3	5.2%	1	1.7%	Northeast	
(39) Webb, Wade L	126		59	46.8%	11	8.7%	50	39.7%	6	4.8%	-	0.0%	East Central	
(40) Greenwood, John	68		30	44.1%	8	11.8%	27	39.7%	3	4.4%	-	0.0%	Southeast	
(41) Rustad, Josh B.	72		35	48.6%	4	5.6%	29	40.3%	2	2.8%	2	2.8%	Northwest	
(42) Irby, John C	186		89	47.8%	18	9.7%	75	40.3%	3	1.6%	1	0.5%	East Central	
(43) Fontaine, Laurie A	64		26	40.6%	9	14.1%	26	40.6%	1	1.6%	2	3.1%	Northeast	
(44) Sjue, Kirsten	22		11	50.0%	2	9.1%	9	40.9%	-	0.0%	-	0.0%	Northwest	
(45) Grinsteiner, John	77		34	44.2%	5	6.5%	32	41.6%	6	7.8%	-	0.0%	South Central	
(46) Cruff, Bradley A	101		48	47.5%	10	9.9%	42	41.6%	-	0.0%	1	1.0%	Southeast	
(47) Fair McEvers, Lisa K	66		32	48.5%	6	9.1%	28	42.4%	-	0.0%	-	0.0%	East Central	
(48) Anderson, Sonna	108		45	41.7%	6	5.6%	46	42.6%	11	10.2%	-	0.0%	South Central	
(49) Anderson, Zane	56		26	46.4%	2	3.6%	24	42.9%	4	7.1%	-	0.0%	Southwest	
(50) Racek, Frank L	113		48	42.5%	8	7.1%	49	43.4%	8	7.1%	-	0.0%	East Central	
(51) Marquart, Steven L.	184		84	45.7%	12	6.5%	80	43.5%	8	4.3%	-	0.0%	East Central	
(52) Narum, Daniel D	100		34	34.0%	13	13.0%	44	44.0%	7	7.0%	2	2.0%	Southeast	
(53) Schmitz, Jay A	81		24	29.6%	10	12.3%	37	45.7%	10	12.3%	-	0.0%	Southeast	
(54) McClintock Jr, John C	42		17	40.5%	4	9.5%	20	47.6%	-	0.0%	1	2.4%	Northeast	
(55) Hill, James S	61		23	37.7%	3	4.9%	30	49.2%	4	6.6%	1	1.6%	South Central	
(56) Merrick, Thomas E.	68		25	36.8%	4	5.9%	34	50.0%	3	4.4%	2	2.9%	Southeast	
(57) Paulson, John T	39		11	28.2%	3	7.7%	20	51.3%	4	10.3%	1	2.6%	Southeast	
(58) Christofferson, Lee A	33		13	39.4%	1	3.0%	17	51.5%	1	3.0%	1	3.0%	Northeast	
(59) Nesvig, Pam	32		11	34.4%	2	6.3%	17	53.1%	1	3.1%	1	3.1%	South Central	
(60) Goter, Wayne D	22		8	36.4%	2	9.1%	12	54.5%	-	0.0%	-	0.0%	Southwest	
(61) No Judge Listed	45		10	22.2%	1	2.2%	34	75.6%	-	0.0%	-	0.0%	South Central	
(62) Others	235		116	49.4%	11	4.7%	80	34.0%	27	11.5%	1	0.4%		
(63) Total	# 5,180	#	# 2,533	48.9%	# 433	8.4%	# 1,901	36.7%	# 261	5.0%	# 52	1.0%		



# Summary by Judge – Court Determined Cases

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13)

1/1/11 - 9/11/17

Court Determined Custody Awards

	Judicial Officer	Court Determined # of Cases	Court Determined Custody Awards										District
			Wife		Husband		Joint		Undetermined		Other		
			#	%	#	%	#	%	#	%	#	%	
(1)	Irby, John C	19	15	78.9%	3	15.8%	-	0.0%	-	0.0%	1	5.3%	East Central
(2)	Cresap, Todd L	14	4	28.6%	8	57.1%	-	0.0%	-	0.0%	2	14.3%	North Central
(3)	Anderson, Norman G	14	12	85.7%	2	14.3%	-	0.0%	-	0.0%	-	0.0%	East Central
(4)	<b>Jensen, Jon J.</b>	11	6	54.5%	4	36.4%	-	<b>0.0%</b>	1	9.1%	-	0.0%	Northeast Central
(5)	Christofferson, Lee A	10	6	60.0%	3	30.0%	-	0.0%	1	10.0%	-	0.0%	Northeast
(6)	Webb, Wade L	18	9	50.0%	5	27.8%	1	5.6%	2	11.1%	1	5.6%	East Central
(7)	Schneider, Thomas J	17	12	70.6%	1	5.9%	1	5.9%	2	11.8%	1	5.9%	South Central
(8)	Greenwood, Dann	14	8	57.1%	5	35.7%	1	7.1%	-	0.0%	-	0.0%	Southwest
(9)	Racek, Frank L	14	11	78.6%	1	7.1%	1	7.1%	1	7.1%	-	0.0%	East Central
(10)	Mattson, Douglas L	13	10	76.9%	2	15.4%	1	7.7%	-	0.0%	-	0.0%	North Central
(11)	Corwin, Wickham	13	6	46.2%	5	38.5%	1	7.7%	-	0.0%	1	7.7%	East Central
(12)	Haskell, Bruce B	12	9	75.0%	2	16.7%	1	8.3%	-	0.0%	-	0.0%	South Central
(13)	Herman, Douglas	23	14	60.9%	5	21.7%	2	8.7%	1	4.3%	1	4.3%	East Central
(14)	Lee, Gary	11	8	72.7%	-	0.0%	1	9.1%	2	18.2%	-	0.0%	North Central
(15)	Hovey, James D	11	5	45.5%	3	27.3%	1	9.1%	1	9.1%	1	9.1%	Southeast
(16)	Clapp, Sonja	11	7	63.6%	1	9.1%	1	9.1%	2	18.2%	-	0.0%	Northeast Central
(17)	Feland, Cynthia	10	5	50.0%	2	20.0%	1	10.0%	2	20.0%	-	0.0%	South Central
(18)	Greenwood, John	10	5	50.0%	3	30.0%	1	10.0%	-	0.0%	1	10.0%	Southeast
(19)	Foughty, Donovan	10	9	90.0%	-	0.0%	1	10.0%	-	0.0%	-	0.0%	Northeast
(20)	Jahnke, Lawrence E	10	6	60.0%	-	0.0%	1	10.0%	3	30.0%	-	0.0%	Northeast Central
(21)	Kleven, Debbie	10	8	80.0%	1	10.0%	1	10.0%	-	0.0%	-	0.0%	Northeast Central
(22)	Grinsteiner, John	14	8	57.1%	2	14.3%	2	14.3%	1	7.1%	1	7.1%	South Central
(23)	McCullough, Steven E	20	13	65.0%	3	15.0%	3	15.0%	-	0.0%	1	5.0%	East Central
(24)	Goter, Wayne D	13	9	69.2%	1	7.7%	2	15.4%	1	7.7%	-	0.0%	South Central
(25)	Marquart, Steven L.	33	20	60.6%	6	18.2%	6	18.2%	-	0.0%	1	3.0%	East Central
(26)	Cruft, Bradley A	11	8	72.7%	-	0.0%	2	18.2%	1	9.1%	-	0.0%	Southeast
(27)	Medd, Joel D	11	6	54.5%	2	18.2%	2	18.2%	1	9.1%	-	0.0%	Northeast Central
(28)	Hagar, Richard L	10	5	50.0%	3	30.0%	2	20.0%	-	0.0%	-	0.0%	North Central
(29)	Nelson, David W	14	7	50.0%	4	28.6%	3	21.4%	-	0.0%	-	0.0%	Northwest
(30)	Sturdevant, Michael G	18	9	50.0%	4	22.2%	4	22.2%	1	5.6%	-	0.0%	Northeast
(31)	Reich, David E	13	6	46.2%	3	23.1%	3	23.1%	1	7.7%	-	0.0%	South Central
(32)	Thelen, John	17	11	64.7%	2	11.8%	4	23.5%	-	0.0%	-	0.0%	Northeast Central
(33)	Goter, Wayne D	11	8	72.7%	-	0.0%	3	27.3%	-	0.0%	-	0.0%	Southwest
(34)	Narum, Daniel D	11	3	27.3%	5	45.5%	3	27.3%	-	0.0%	-	0.0%	Southeast
(35)	Rustad, Josh B.	11	3	27.3%	5	45.5%	3	27.3%	-	0.0%	-	0.0%	Northwest
(36)	Herauf, William A.	36	19	52.8%	4	11.1%	10	27.8%	3	8.3%	-	0.0%	Southwest
(37)	Anderson, Zane	27	11	40.7%	5	18.5%	9	33.3%	1	3.7%	1	3.7%	Southwest
(38)	Others	200	122	61.0%	28	14.0%	36	18.0%	9	4.5%	5	2.5%	
(39)	Total	# 745	# 443	59.5%	# 133	17.9%	# 114	15.3%	# 37	5.0%	# 18	2.4%	

20 of 37 Listed Judges Ordered Shared Parenting Never or 1 Time



# Why Lawyers Ask “Who’s the Judge in Your Case?”

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
	1/1/11 - 9/11/17	Court	Court Determined Custody Awards										
	Judicial Officer	Determined # of Cases	Wife		Husband		Joint		Undetermined		Other		District
			#	%	#	%	#	%	#	%	#	%	
(1)	Foughty, Donovan	10	9	90.0%	-	0.0%	1	10.0%	-	0.0%	-	0.0%	Northeast
(2)	Anderson, Norman G	14	12	85.7%	2	14.3%	-	0.0%	-	0.0%	-	0.0%	East Central
(3)	Kleven, Debbie	10	8	80.0%	1	10.0%	1	10.0%	-	0.0%	-	0.0%	Northeast Central
(4)	Irby, John C	19	15	78.9%	3	15.8%	-	0.0%	-	0.0%	1	5.3%	East Central
(5)	Racek, Frank L	14	11	78.6%	1	7.1%	1	7.1%	1	7.1%	-	0.0%	East Central
(6)	Mattson, Douglas L	13	10	76.9%	2	15.4%	1	7.7%	-	0.0%	-	0.0%	North Central
(7)	Haskell, Bruce B	12	9	75.0%	2	16.7%	1	8.3%	-	0.0%	-	0.0%	South Central
(8)	Lee, Gary	11	8	72.7%	-	0.0%	1	9.1%	2	18.2%	-	0.0%	North Central
(9)	Cruff, Bradley A	11	8	72.7%	-	0.0%	2	18.2%	1	9.1%	-	0.0%	Southeast
(10)	Goter, Wayne D	11	8	72.7%	-	0.0%	3	27.3%	-	0.0%	-	0.0%	Southwest
	↓			↓		↓		↓		↓		↓	
	↓			↓		↓		↓		↓		↓	
	↓			↓		↓		↓		↓		↓	
	▼			▼		▼		▼		▼		▼	
(28)	Nelson, David W	14	7	50.0%	4	28.6%	3	21.4%	-	0.0%	-	0.0%	Northwest
(29)	Christofferson, Lee A	10	6	60.0%	3	30.0%	-	0.0%	1	10.0%	-	0.0%	Northeast
(30)	Greenwood, John	10	5	50.0%	3	30.0%	1	10.0%	-	0.0%	1	10.0%	Southeast
(31)	Hagar, Richard L	10	5	50.0%	3	30.0%	2	20.0%	-	0.0%	-	0.0%	North Central
(32)	Greenwood, Dann	14	8	57.1%	5	35.7%	1	7.1%	-	0.0%	-	0.0%	Southwest
(33)	<b>Jensen, Jon J.</b>	11	6	54.5%	4	36.4%	-	0.0%	1	9.1%	-	0.0%	Northeast Central
(34)	Corwin, Wickham	13	6	46.2%	5	38.5%	1	7.7%	-	0.0%	1	7.7%	East Central
(35)	Narum, Daniel D	11	3	27.3%	5	45.5%	3	27.3%	-	0.0%	-	0.0%	Southeast
(36)	Rustad, Josh B.	11	3	27.3%	5	45.5%	3	27.3%	-	0.0%	-	0.0%	Northwest
(37)	Cresap, Todd L	14	4	28.6%	8	57.1%	-	0.0%	-	0.0%	2	14.3%	North Central

**Same Regions & Same Population, But Individual Judicial Proclivities Generated Vastly Different Results**

# Anecdotally Knowing Odds Impacts Behavior

North Dakota Family Law Case Results by District  
 State Wide by Judicial District  
Total Case Determinations

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
1/1/11 - 9/11/17		Total		Number of Cases						Court Determined Shared Parenting	
Judicial Officer	# of Cases	# of Children	Stipulated		Court Determined		Unknown		#	% of Court Cases	
			#	% of Total	#	% of Total	#	% of Total			
(1) Southwest District	471	881	297	63.1%	101	21.4%	73	15.5%	24	23.8%	
(2) Southeast District	742	1,507	593	79.9%	79	10.6%	70	9.4%	16	20.3%	
(3) Northeast Central District	616	1,103	462	75.0%	96	15.6%	58	9.4%	18	18.8%	
(4) Northwest District	293	572	202	68.9%	42	14.3%	49	16.7%	7	16.7%	
(5) South Central District	1,540	2,847	1,203	78.1%	134	8.7%	203	13.2%	19	14.2%	
(6) Northeast District	468	920	323	69.0%	60	12.8%	85	18.2%	7	11.7%	
(7) East Central District	1,612	2,830	1,307	81.1%	174	10.8%	131	8.1%	18	10.3%	
(8) North Central District	903	1,550	793	87.8%	59	6.5%	51	5.6%	5	8.5%	
(9) Total	# 6,645	# 12,210	# 5,180	78.0%	# 745	11.2%	# 720	10.8%	# 114	15.3%	

**Southwest District Judges Order the Most Shared Parenting, 180% More Often Than Judges in the North Central District Who Ordered the Least**

**It's Not Coincidence the Southwest District also has the Largest Number of Cases Decided by Court Order and the North Central has the Least**



# Statewide Stipulated & Court Results

**A Correlation Exists; The More Joint Custody, the Less Primary Wife Custody**

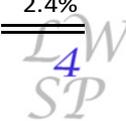
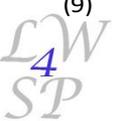
North Dakota Family Law Case Results by District  
State Wide by Judicial District  
Stipulated Case Determinations by District

(1)	(2)	(3)	(4) - (12)									
			Stipulated Custody Awards									
			Wife		Husband		Joint		Undetermined		Other	
Judicial Officer	# of Cases	#	%	#	%	#	%	#	%	#	%	
1/1/11 - 9/11/17												
(1) Southeast District	593	237	40.0%	54	9.1%	262	44.2%	34	5.7%	6	1.0%	
(2) South Central District	1,203	513	42.6%	95	7.9%	473	39.3%	112	9.3%	10	0.8%	
(3) Northwest District	202	100	49.5%	9	4.5%	79	39.1%	10	5.0%	4	2.0%	
(4) Northeast District	323	151	46.7%	35	10.8%	124	38.4%	7	2.2%	6	1.9%	
(5) East Central District	1,307	661	50.6%	95	7.3%	498	38.1%	49	3.7%	4	0.3%	
(6) Southwest District	297	145	48.8%	22	7.4%	111	37.4%	16	5.4%	3	1.0%	
(7) North Central District	793	459	57.9%	82	10.3%	228	28.8%	14	1.8%	10	1.3%	
(8) Northeast Central District	462	267	57.8%	41	8.9%	126	27.3%	19	4.1%	9	1.9%	
(9) Total	# 5,180	# 2,533	48.9%	# 433	8.4%	# 1,901	36.7%	# 261	5.0%	# 52	1.0%	

North Dakota Family Law Case Results by District  
State Wide by Judicial District  
Court Determinations by District

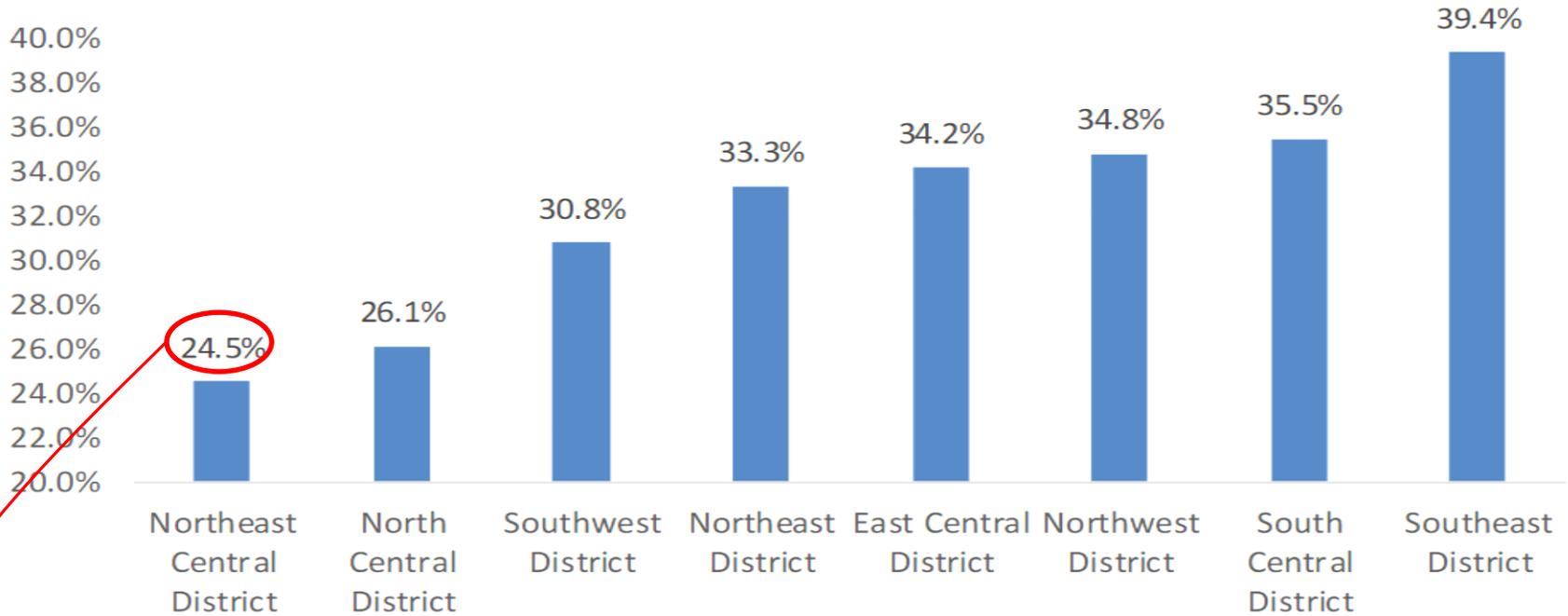
**100 to 200% Difference?**

(1)	(2)	(3)	(4) - (12)									
			Court Determined Custody Awards									
			Wife		Husband		Joint		Undetermined		Other	
Judicial Officer	# of Cases	#	%	#	%	#	%	#	%	#	%	
1/1/11 - 9/11/17												
(1) Southwest District	101	55	54.5%	16	15.8%	24	23.8%	5	5.0%	1	1.0%	
(2) Southeast District	79	46	58.2%	12	15.2%	16	20.3%	3	3.8%	2	2.5%	
(3) Northeast Central District	96	58	60.4%	11	11.5%	18	18.8%	7	7.3%	2	2.1%	
(4) Northwest District	42	24	57.1%	11	26.2%	7	16.7%	-	0.0%	-	0.0%	
(5) South Central District	134	78	58.2%	24	17.9%	19	14.2%	11	8.2%	2	1.5%	
(6) Northeast District	60	37	61.7%	11	18.3%	7	11.7%	4	6.7%	1	1.7%	
(7) East Central District	174	111	63.8%	33	19.0%	18	10.3%	5	2.9%	7	4.0%	
(8) North Central District	59	34	57.6%	15	25.4%	5	8.5%	2	3.4%	3	5.1%	
(9) Total	# 745	# 443	59.5%	# 133	17.9%	# 114	15.3%	# 37	5.0%	# 18	2.4%	



# State of North Dakota – All Cases

North Dakota State Wide  
 % of Total Cases Resulting in Joint Custody  
 Jan 1, 2011 - Sept 11, 2017

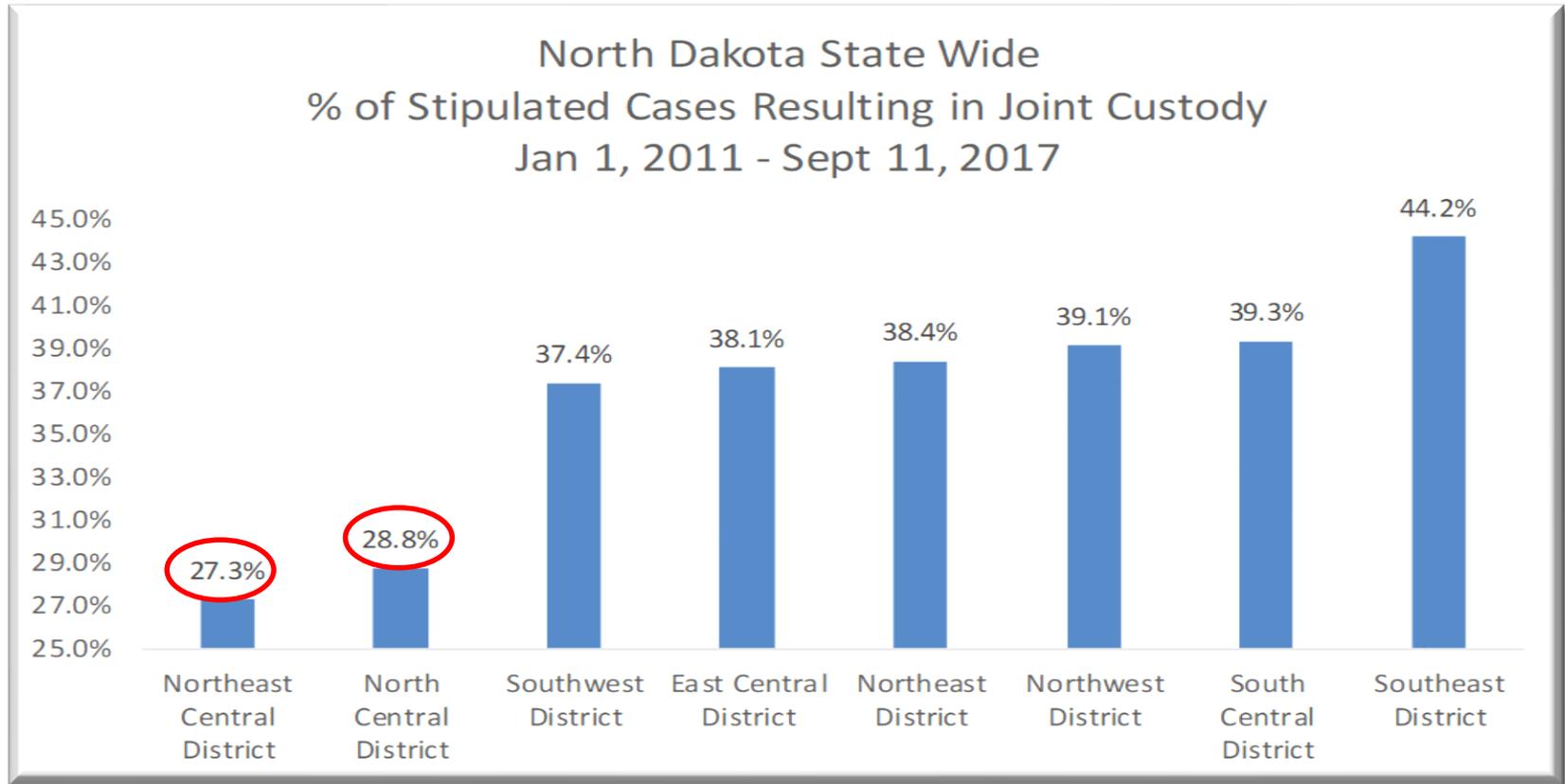


	Northeast Central	North Central	Southwest	Northeast	East Central	Northwest	South Central	Southeast
% Joint Custody	24.5%	26.1%	30.8%	33.3%	34.2%	34.8%	35.5%	39.4%
Total # of Cases	616	903	471	468	1,612	293	1,540	742

**Fully Half of the Family Law Section of SBAND is from the Northeast Central District, the Worst District in Awarding What's Best for Children**



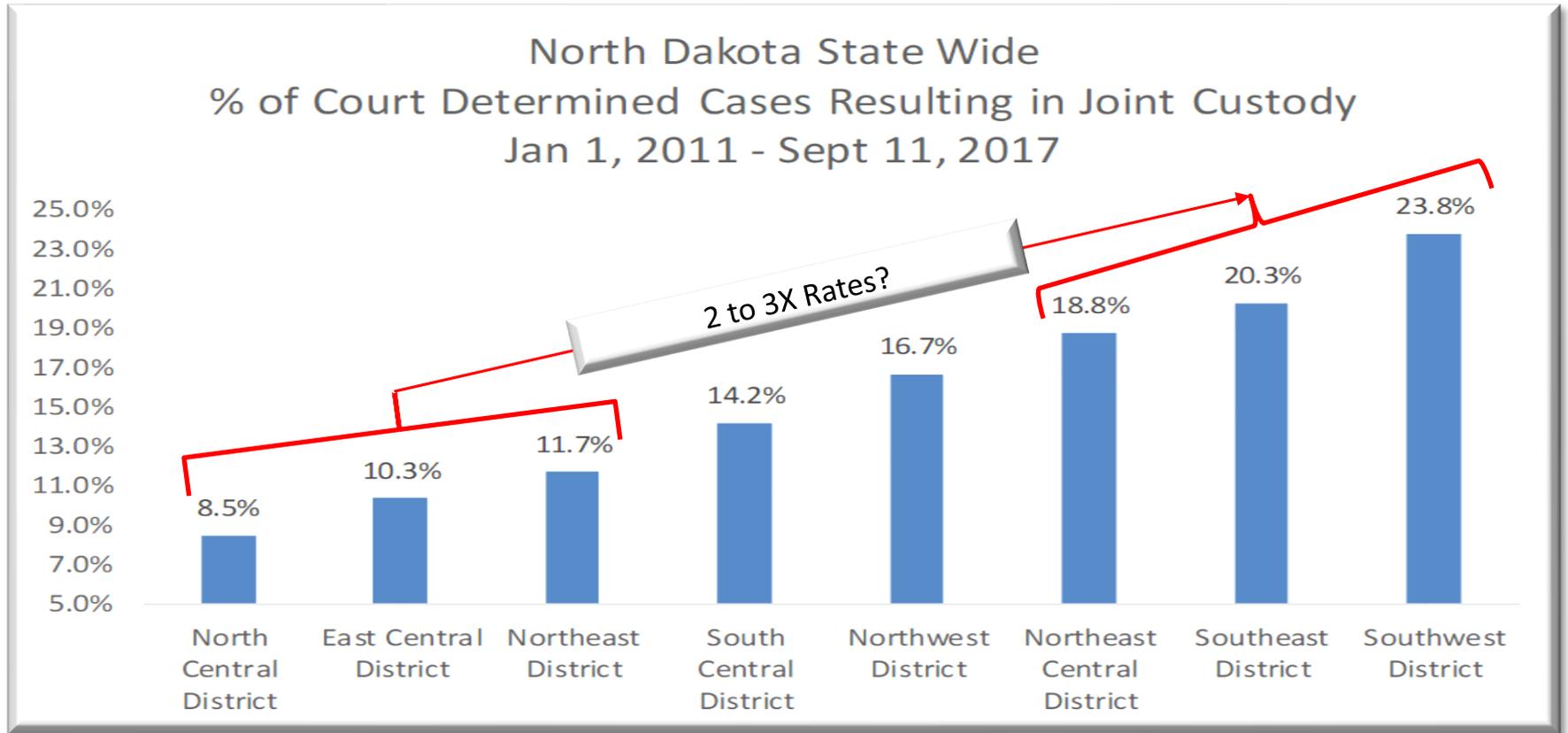
# State of North Dakota – Stipulated Cases



	Northeast Central	North Central	Southwest	East Central	Northeast	Northwest	South Central	Southeast
% Joint Custody	27.3%	28.8%	37.4%	38.1%	38.4%	39.1%	39.3%	44.2%
# of Stipulated Cases	462	793	297	1,307	323	202	1,203	593

The Northeast Central and North Central Districts are **Wholly Ineffective** in Getting Cases Stipulated to Shared Parenting

# State of North Dakota – Court Determined Cases



	North Central	East Central	Northeast	South Central	Northwest	Northeast Central	Southeast	Southwest
% Joint Custody	8.5%	10.3%	11.7%	14.2%	16.7%	18.8%	20.3%	23.8%
# of Court Cases	59	174	60	134	42	96	79	101

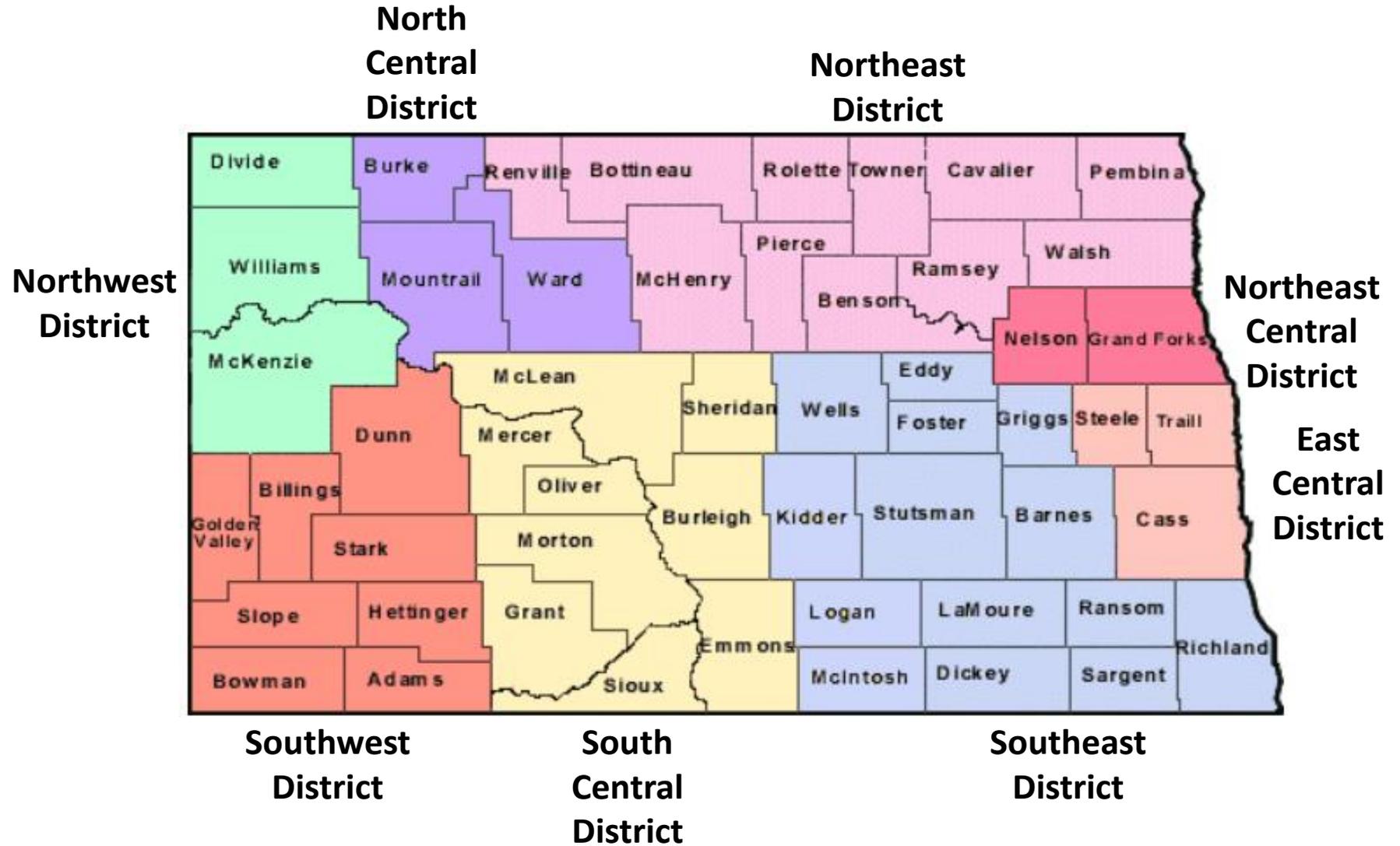
90 Judges Heard Child Custody Cases in ND. Of that group, **Six Judges are Responsible for Ordering 32% of the Shared Parenting Awarded in Court Determined Cases**



# Summary By Judicial District

North Dakota  
**Supreme Court**

# North Dakota is Divided Into 8 Judicial Districts

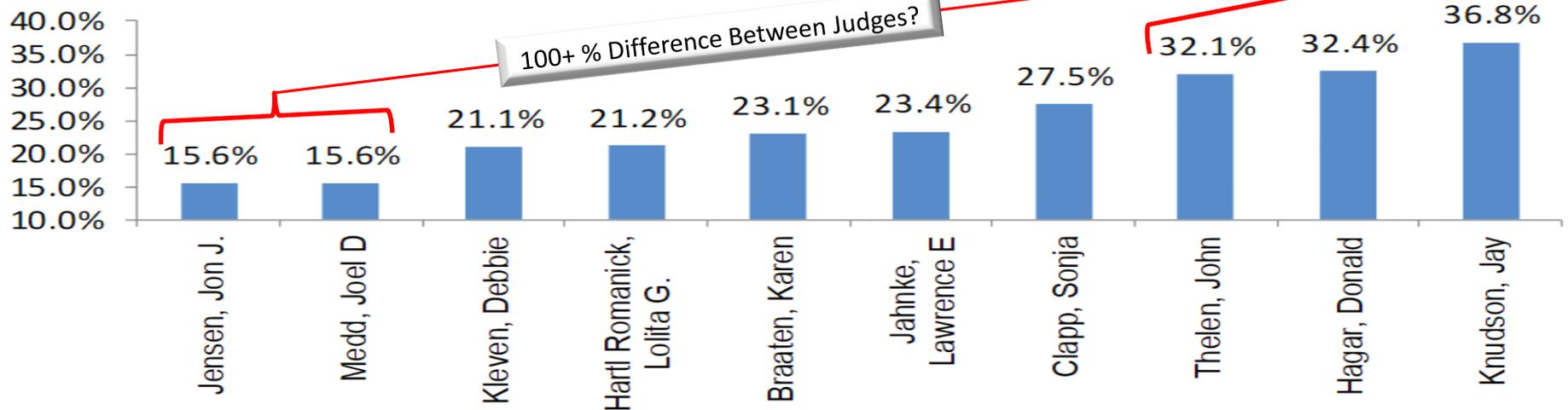


**Data Was Consolidated to Inform Citizens of Their Children's Chance at Shared Parenting Depending on the Judge in Their Case**



# Northeast Central – Total Cases

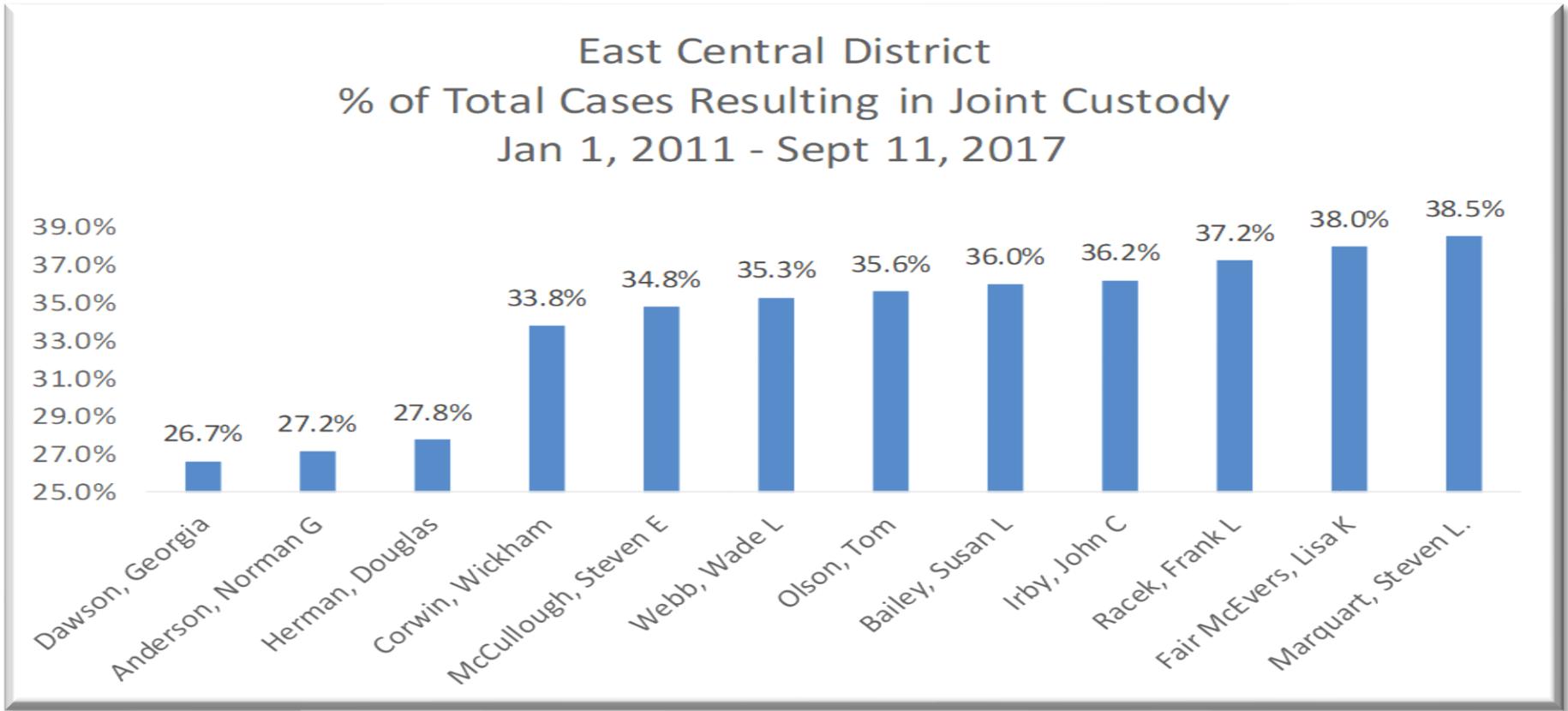
**Northeast Central District**  
**% of Total Cases Resulting in Joint Custody**  
**Jan 1, 2011 - Sept 11, 2017**



	Jon <u>Jensen</u>	Joel, D <u>Medd</u>	Debbie <u>Kleven</u>	Lolita G. Hartl <u>Romanick</u>	Karen <u>Braaten</u>	Lawrence E <u>Jahnke</u>	Sonja <u>Clapp</u>	John <u>Thelen</u>	Donald <u>Hagar</u>	Jay <u>Knudson</u>
% Joint Custody	15.6%	15.6%	21.1%	21.2%	23.1%	23.4%	27.5%	32.1%	32.4%	36.8%
Total # of Cases	64	32	76	33	65	107	80	78	37	19

Despite being comprised **overwhelmingly of Grand Forks County** (599 of 616 Total Cases) Results Vary Wildly by Judge in Dealing with the Same Population  
 Northeast Central Was Last in Awarding Shared Parenting Overall

# East Central – Total Cases



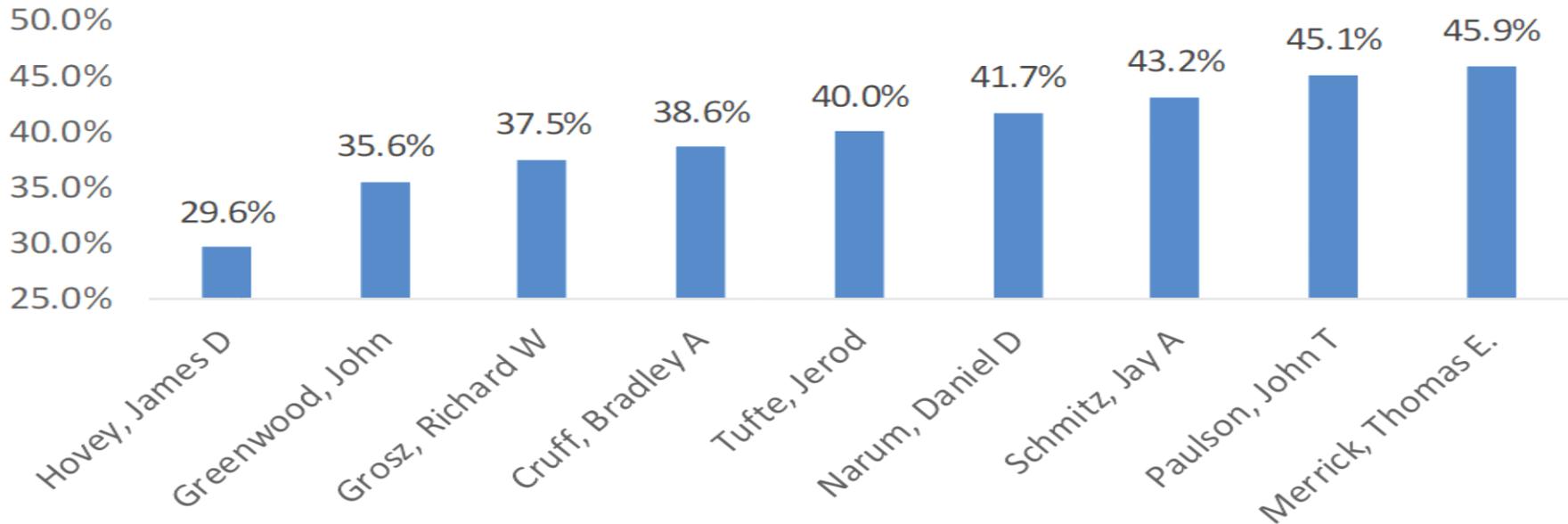
	<u>Georgia Dawson</u>	<u>Norman G. Anderson</u>	<u>Douglas Herman</u>	<u>Wickham Corwin</u>	<u>Steven E McCullough</u>	<u>Wade Webb</u>	<u>Tom Olson</u>	<u>Susan Bailey</u>	<u>John C Irby</u>	<u>Frank Racek</u>	<u>Lisa K Fair McEvers</u>	<u>Steven L Marquart</u>
% Joint Custody	26.7%	27.2%	27.8%	33.8%	34.8%	35.3%	35.6%	36.0%	36.2%	37.2%	38.0%	38.5%
Total # of Cases	15	114	180	145	161	153	104	25	221	137	79	239

Cass County Makes Up 96% of the East Central District Case Load. Same County & Large Case Load, Yet **41% More Shared Parenting** with Judges Racek, McEvers & Marquart



# Southeast – Total Cases

Southeast District  
 % of Total Cases Resulting in Joint Custody  
 Jan 1, 2011 - Sept 11, 2017



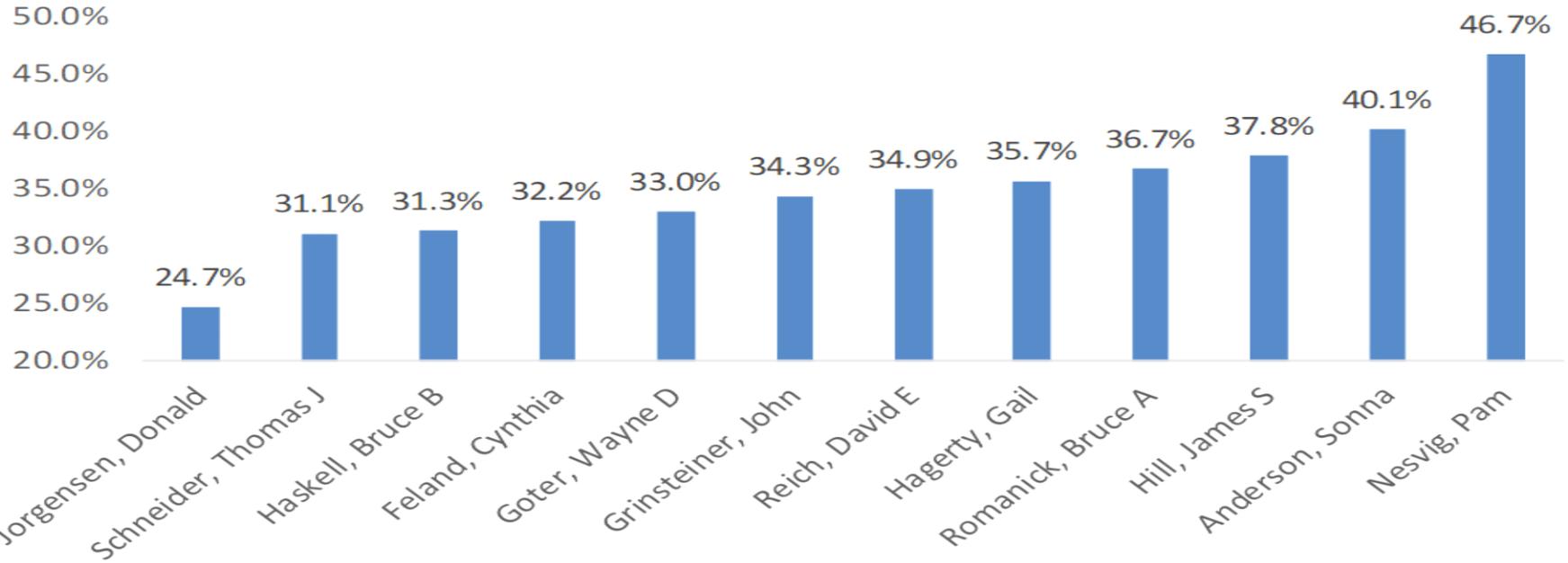
	James <u>Hovey</u>	John <u>Greenwood</u>	Richard <u>Grosz</u>	Bradley <u>Cruff</u>	Jerod <u>Tufte</u>	Daniel <u>Narum</u>	Jay <u>Schmitz</u>	John <u>Paulson</u>	Thomas <u>Merrick</u>
% Joint Custody	29.6%	35.6%	37.5%	38.6%	40.0%	41.7%	43.2%	45.1%	45.9%
Total # of Cases	71	90	40	114	30	115	95	51	85

Southeast Has the Most Shared Parenting of Any Judicial District in North Dakota



# South Central – Total Cases

South Central District  
% of Total Cases Awarded Joint Custody  
Jan 1, 2011 - Sept 11, 2017

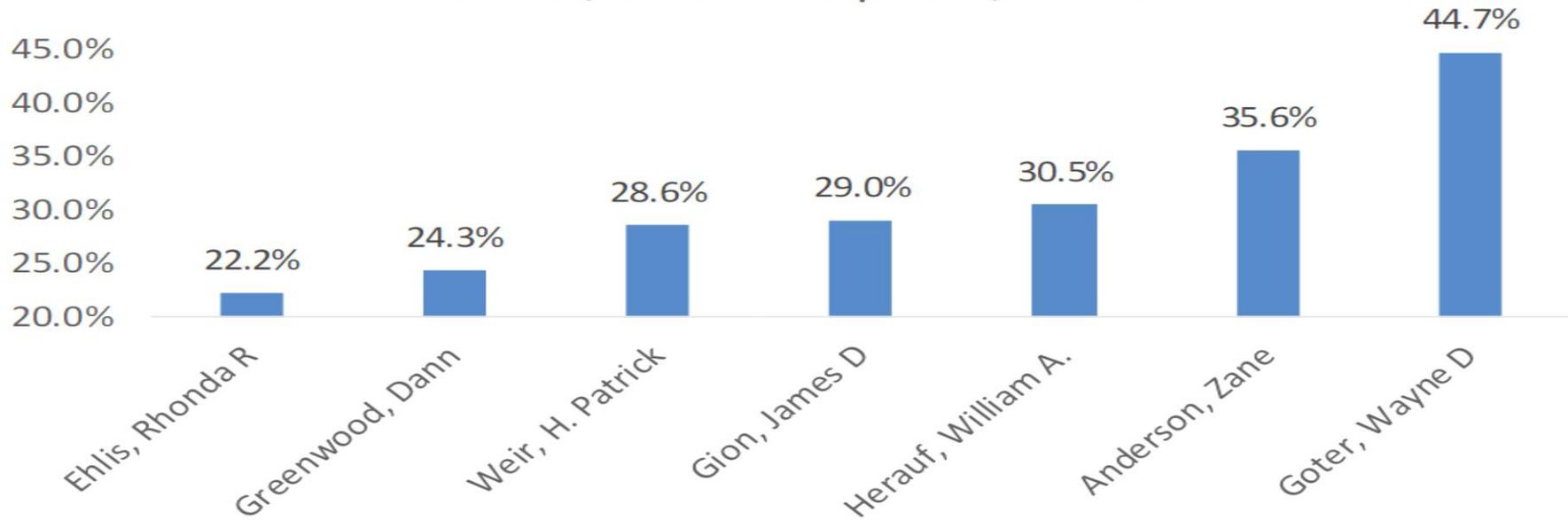


	Donald Jorgensen	Thomas Schneider	Bruce Haskell	Cynthia Feland	Wayne Goter	John Grinsteiner	David Reich	Gail Hagerty	Bruce Romanick	James Hill	Sonna Anderson	Pam Nesvig
% Joint Custody	24.7%	31.1%	31.3%	32.2%	33.0%	34.3%	34.9%	35.7%	36.7%	37.8%	40.1%	46.7%
Total # of Cases	73	164	147	143	94	102	149	171	150	82	142	45

Judge Nesvig is Among the Highest in Awarding Shared Parenting both Through Stipulation & Court Order; Ranking her Highest in the District

# Southwest – Total Cases

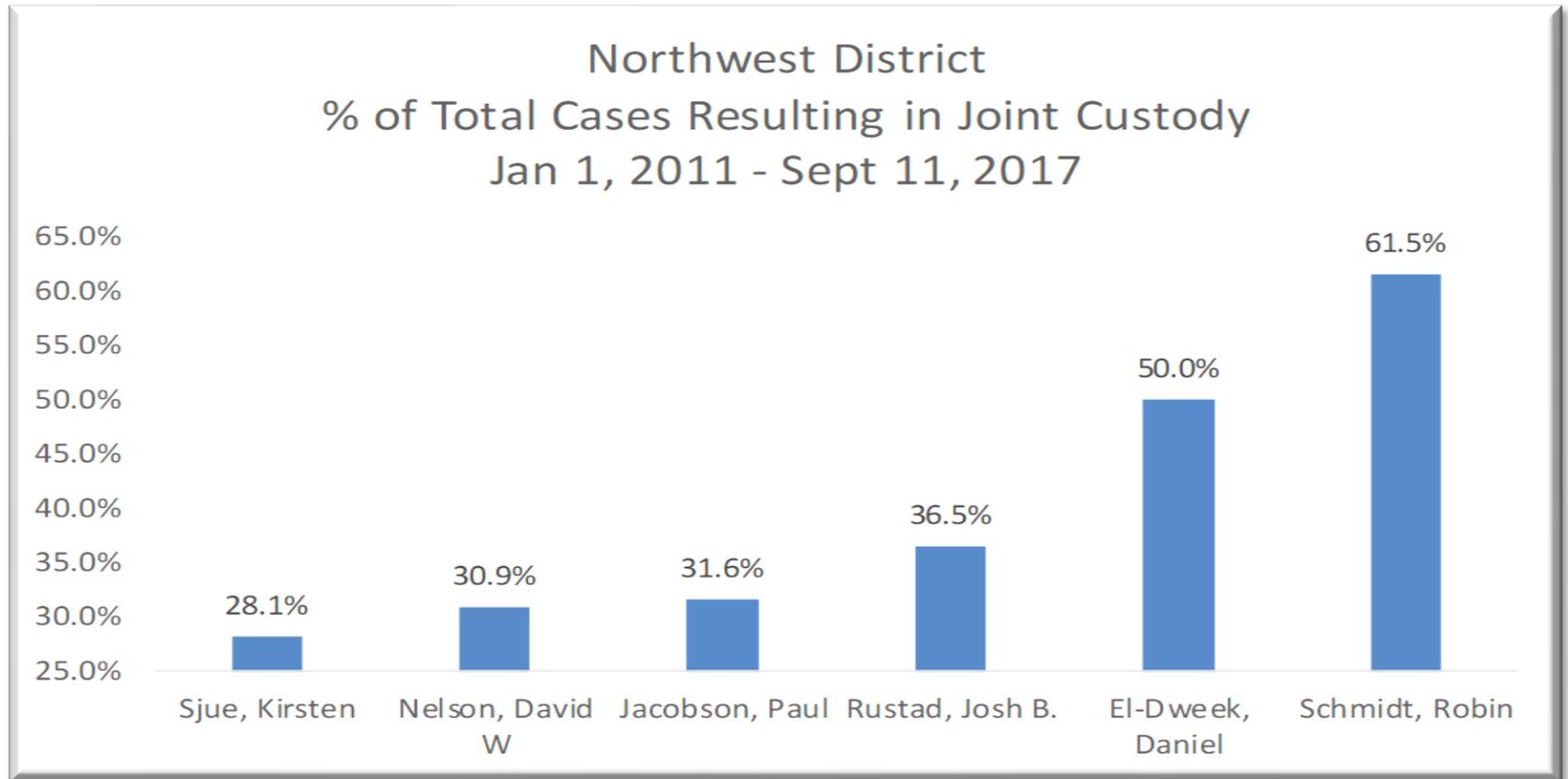
Southwest District  
 % of Total Cases Resulting in Joint Custody  
 Jan 1, 2011 - Sept 11, 2017



	Rhonda <u>Ehlis</u>	Dann <u>Greenwood</u>	Patrick <u>Weir</u>	James <u>Gion</u>	William <u>Herauf</u>	Zane <u>Anderson</u>	Wayne <u>Goter</u>
% Joint Custody	22.2%	24.3%	28.6%	29.0%	30.5%	35.6%	44.7%
Total # of Cases	27	74	28	31	151	104	38

Judge Greenwood, Herauf & Anderson Heard the Most Cases. Yet Judge Greenwood Ordered Shared Parenting Once, Driving Down his Overall Results

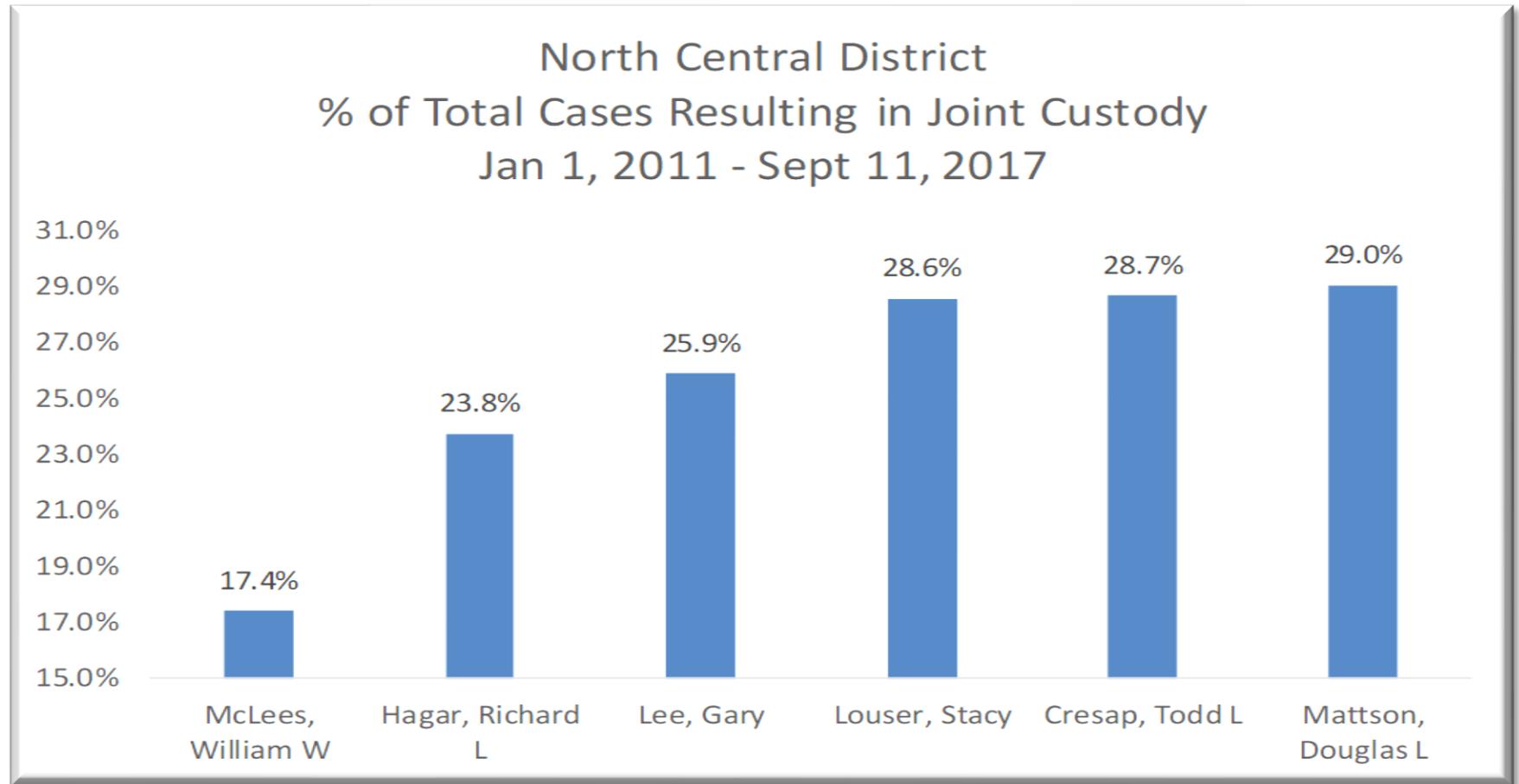
# Northwest – Total Cases



	Kirsten <u>Sjue</u>	David <u>Nelson</u>	Paul <u>Jacobson</u>	Josh <u>Rustad</u>	Daniel <u>El-Dweek</u>	Robin <u>Schmidt</u>
% Joint Custody	28.1%	30.9%	31.6%	36.5%	50.0%	61.5%
Total # of Cases	32	81	38	96	20	13

Of Those with 20 or More Cases, Judge El-Dweek Had the Highest Shared Parenting Percentage of any Judge in North Dakota

# North Central – Total Cases



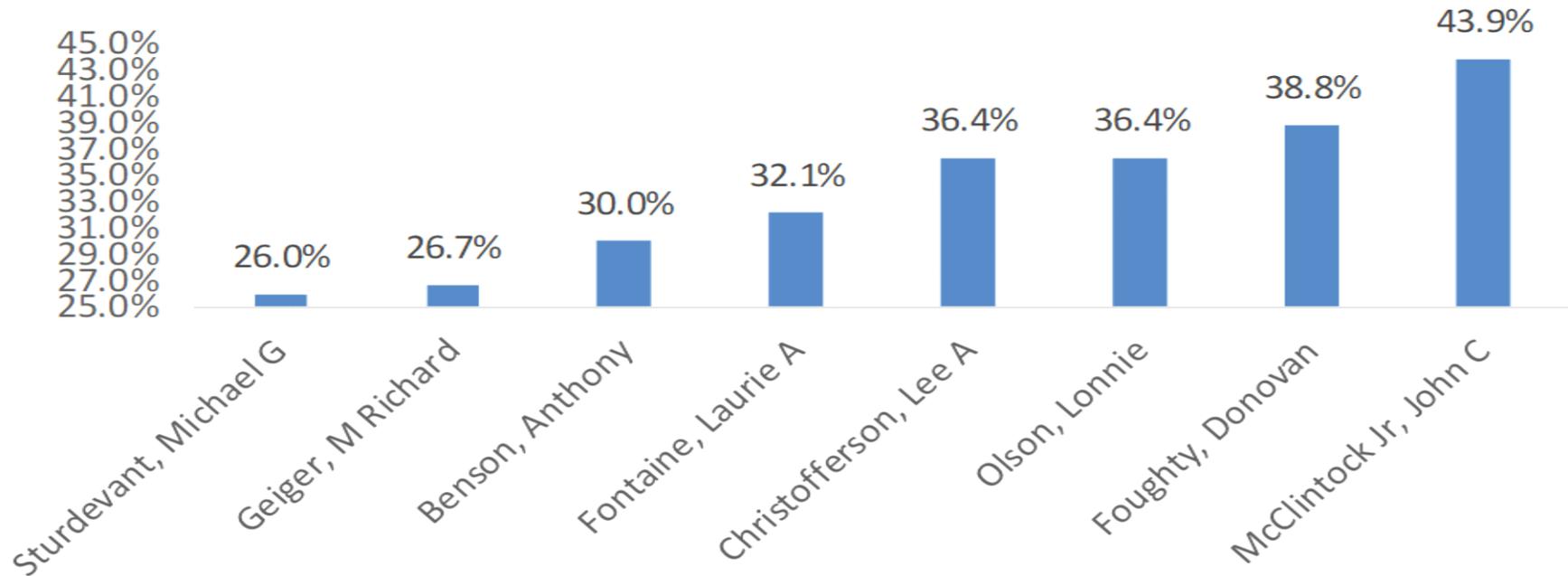
	<u>William McLees</u>	<u>Richard Hagar</u>	<u>Gary Lee</u>	<u>Stacy Louser</u>	<u>Todd Cresap</u>	<u>Douglas Mattson</u>
% Joint Custody	17.4%	23.8%	25.9%	28.6%	28.7%	29.0%
Total # of Cases	92	181	143	84	178	217

The Second Lowest District in Total Shared Parenting Awards

# Northeast – Total Cases

## Northeast District

% of Total Awards Resulting in Joint Custody  
Jan 1, 2011 - Sept 11, 2017



	Michael Sturdevant	Richard Geiger	Anthony Benson	Laurie Fontaine	Lee Christofferson	Lonnie Olson	Donovan Foughty	John McClintock Jr
% Joint Custody	26.0%	26.7%	30.0%	32.1%	36.4%	36.4%	38.8%	43.9%
Total # of Cases	77	75	20	84	55	11	85	57

Second Lowest Number of Total Cases Heard of any of the Eight Judicial Districts

## The Politicizing of Children:

Now Having Both the Courts Own Data, and SBAND's Internal Communications, We Can Compare Actual Court Results to What North Dakotans Have Been Told About Shared Parenting

# Lawyers Claim Family Lawyers Don't Oppose Shared Parenting

## Stated Publicly in an Op-Ed in the Grand Forks Herald

"First, there is not "strident opposition" to shared parenting by family law attorneys."

Apr 16, 2017 (Tasha Gahner, Shannon Parvey, Jackie Stebbins, Jason McLean)



Tasha Marie Gahner



Shannon Eileen Parvey



Jackie M. Stebbins



Jason William McLean

**VS.**

## Private email to SBAND Family Lawyers (Only Disclosed Because of Open Records Request Made to SBAND)

"I know Kelly [Senator Armstrong] likes the "idea" and "concept" of starting with joint, but he absolutely understands that it has to be workable. While we may disagree with him about "starting at joint" – maybe even informally and surely with a presumption, it's nice for us all to know where he's coming from."

Feb 21, 2017 (Jackie Stebbins)



### **Jackie M. Stebbins**

Attorney at Law  
[Stebbins Mulloy, LLC](#)  
 120 N. Third St., Ste. 230  
 Bismarck, ND 58501



Bar I.D.: 06412

# S BAND to Public “Shared Residential Responsibility” Increasing

**“And in recent years, “shared residential responsibility” has become more common, often by agreement as opposed to a requirement.” Jason McLean; Grand Forks Herald – [September 21, 2014](#)**

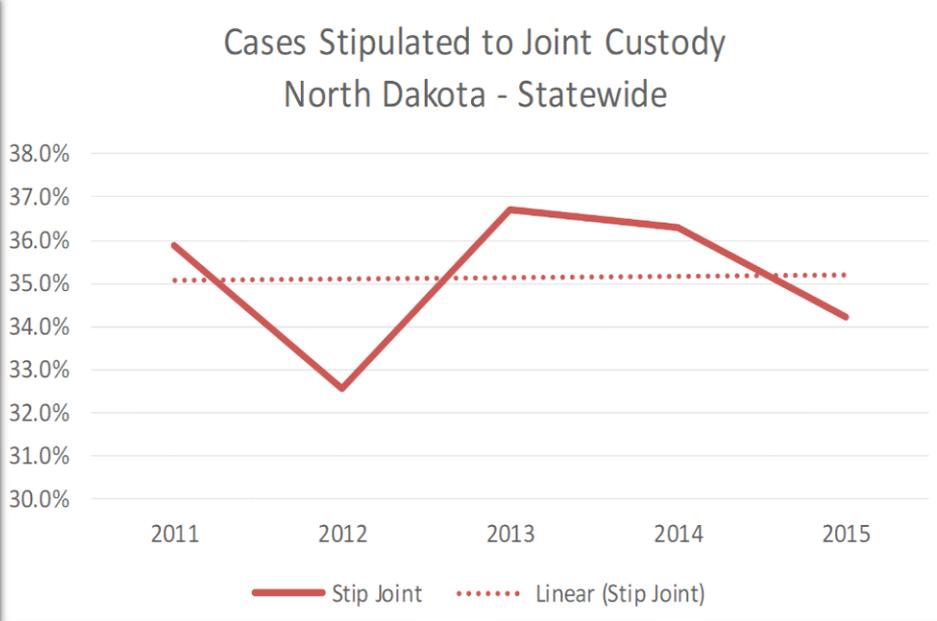
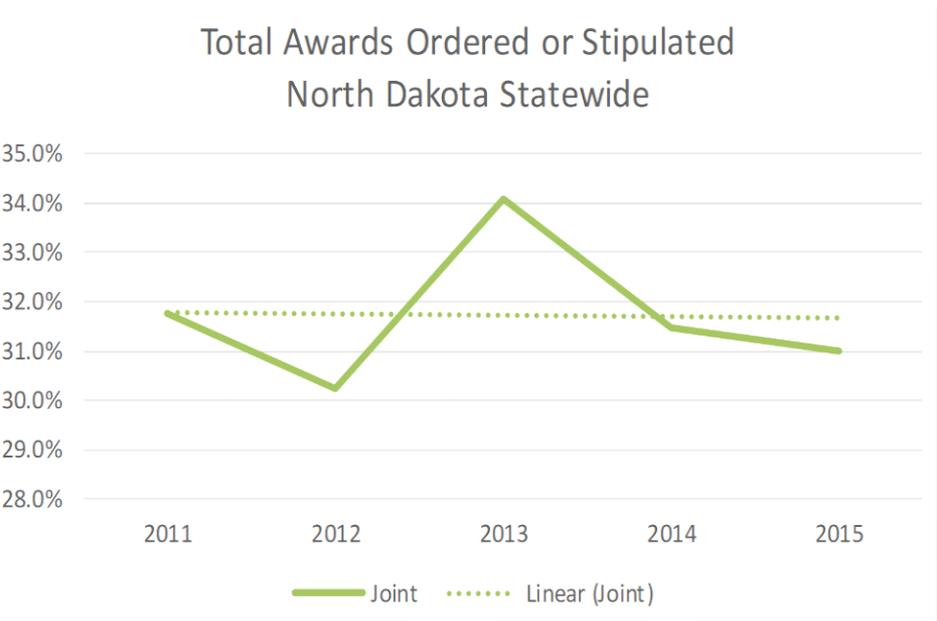


**Jason William McLean**

**VS.**



## Actual Results of North Dakota Family Law



# Gender Bias Rhetoric vs Actual Results

**“Our law is gender-neutral.** There is not a presumption that allows the award of a child to the mother over the father. **Each parent comes in on equal footing.”**

[Jason McLean, Esq.](#) – Say Anything Blog; Aug 26, 2014



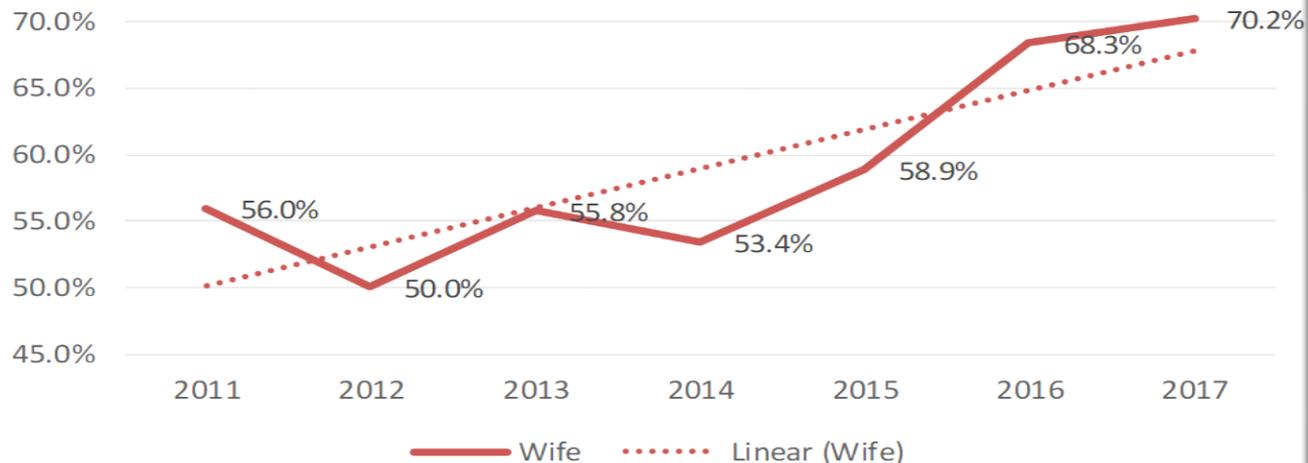
Jason William McLean

**VS.**



## Actual Results of Cases Determined By ND Courts

Court Determined Custody Award Outcomes  
North Dakota Statewide



# SBAND's Rhetoric vs Results: What the Public is Told

“the initiative’s backers want the public to believe we have a corrupt system. They consistently cite flawed and unverified claims about a bias in the system against fathers.” [Jason McLean, Esq.](#)

- Grand Forks Herald; Sept 21, 2014

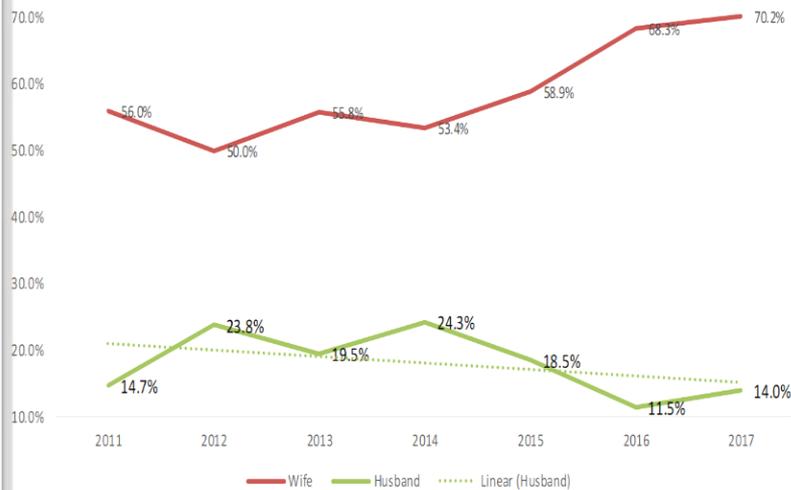


Jason William McLean

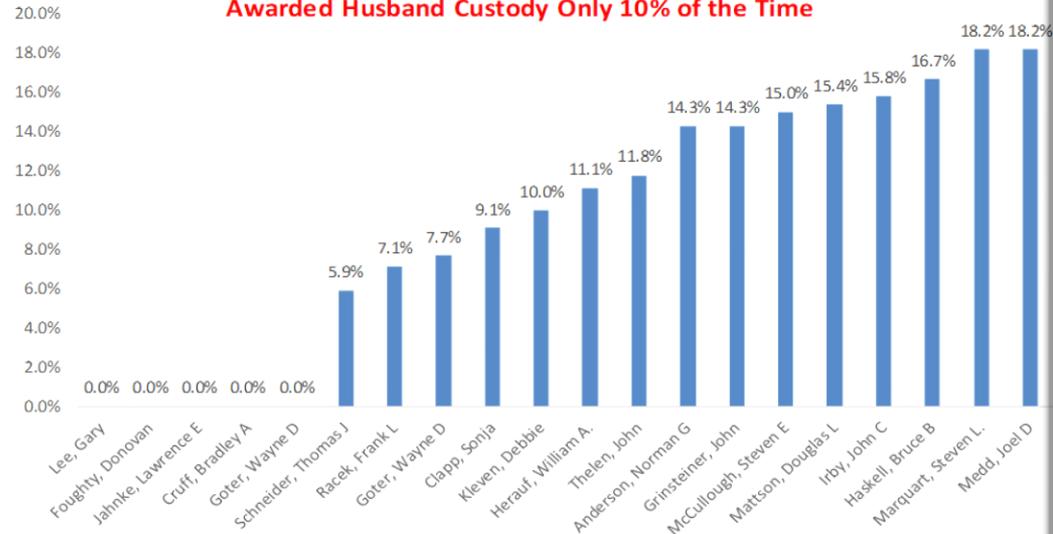
**VS.**

## Actual Results From Administrative Office of North Dakota Courts

Court Determined Custody Award Outcomes  
North Dakota Statewide



Twenty Judges, Made Judgements on 41% of All ND Cases &  
Awarded Husband Custody Only 10% of the Time



## SDAND Spokesperson's Comments to the Public vs Actual Results from Administrative Office of North Dakota Courts



# SBAND's Comment To Public on Shared Parenting

“Shared parenting already exists in North Dakota. Contrary to the assertions of the initiative’s backers, our courts can and do award shared parenting in North Dakota.” [Jason McLean, Esq.](#)



Jason William McLean

- Grand Forks Herald; Sept 21, 2014

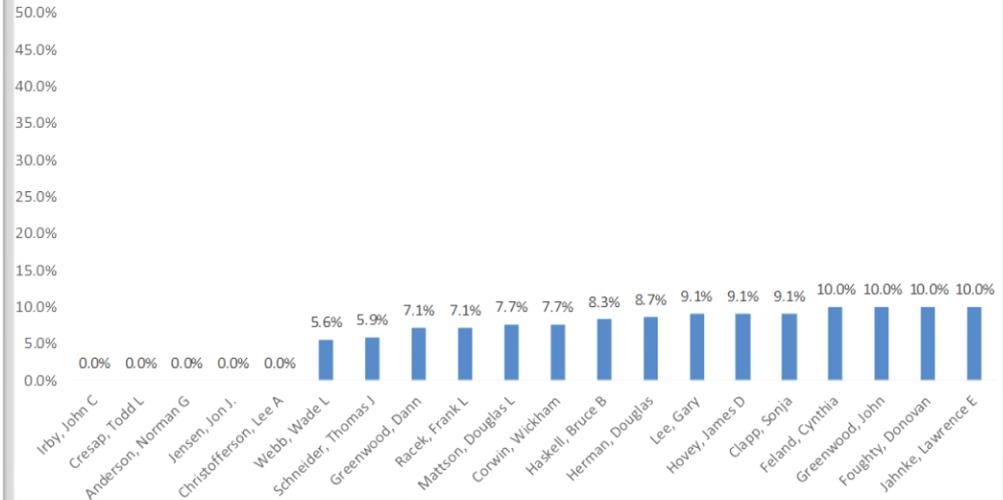
**VS.**

## Actual Results From Administrative Office of North Dakota Courts

Court Ordered Joint Custody  
North Dakota, Statewide



Twenty Judges, Made Judgments on 36% of All ND Cases &  
Awarded Kids Shared Parenting Only 6% of the Time



**SDAND Spokesperson's Comments to the Public vs Actual Results from Administrative Office of North Dakota Courts**



# SBAND: Spending \$70,000 to be In Court Less & Make Less Money



“I hope he’s telling the truth, but that’s a hard one for me to say, Yeah, OK, I’ll buy that.” (Chris Berg)



State Bar Association of  
North Dakota



State Bar Association of  
North Dakota

# Timing & Comments on SBAND's Misuse of Funds

## 1 Pre-Election ([Oct 15, 2014](#))

“... lawyers say they're not doing anything wrong. Weiler points to two U.S. Supreme Court decisions as **justification for the legality of the spending against Measure 6.**”  
([Tony Weiler, Executive Director - State Bar Association of North Dakota](#))



TONY J. WEILER  
SBAND Executive Director

## 2 Post Election: Goldwater Law Suit Against SBAND ([Feb 4, 2015](#))

But in truth, my guess also is that everything he wrote to me at the time was just a smokescreen. I think he was playing for time. After all, at the time of our correspondence, the election was only a matter of four weeks away. The SBAND had already committed some \$70,000 to its opposition to the shared parenting initiative and Weiler wasn't about to renege on that commitment. My guess is he knew he was going to get sued and didn't care. The SBAND's insurance carrier will pay his legal bills, so Weiler has nothing to fear except being made a fool of and my final guess is that that's less important to him than was defeating shared parenting.

## 3 Announcement of Settlement of Part of Law Suit ([Summer 2015](#))

“SBAND was sued by a member for allegedly misusing member dues. **We worked closely with SBAND staff and our lead counsel, Randy Bakke, toward an early settlement of the case as very little facts were in dispute.**”  
([Joseph Wetch, President – State Bar Association of North Dakota](#))



JOSEPH WETCH  
SBAND President



# Conclusions & Recommendations

# Conclusions

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- North Dakota counties are quite uniform over race, family structure, income and education, yet, significant variances in custody determinations exist between counties, judicial districts and Judges
- It's highly unlikely similar cases will generate similar results statewide
- Shared Parenting determinations ranged from:
  - 15.6% to 50% for all cases (by judges hearing 20 or more cases)
  - 18.4% to 54.5% for stipulated cases (by judges hearing 20 or more cases which were stipulated)
  - 0% to 33% for court determined cases (by judges hearing 10 or more court determined cases)
- Representatives of the State Bar Association of North Dakota have not been forthright with North Dakota citizens regarding child custody
- There is not a uniform practice of justice in North Dakota Family Law

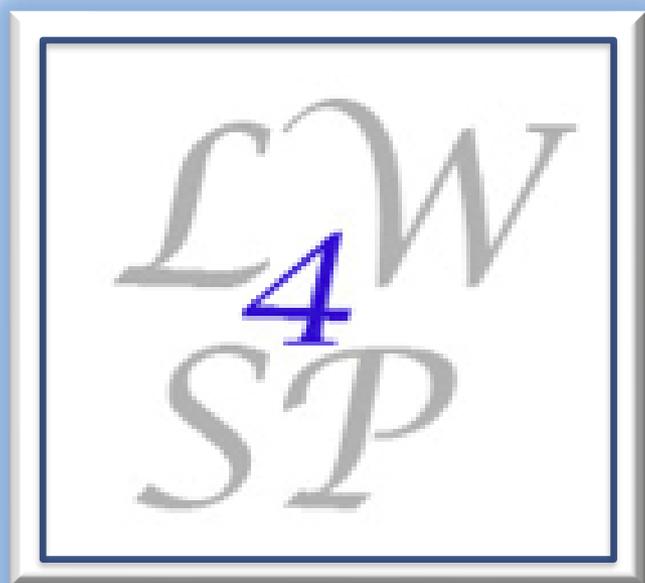
**Gender Issues ARE Alive and Well in North Dakota Family Law**

# Recommendations

- **Pass Legislation For A Rebuttable Presumption of Shared Parenting**, Allowing Children Meaningful Time with Both Engaged & Capable Parents Post Separation or Divorce
- Require State Reporting on Shared Parenting Progress Annually
- **Form a Legislative Task Force to examine the lack of uniform justice in Family Law**
- Conduct Review of Judicial Educational Materials, Then **Re-Train Judges on Current Child Custody Research**
  - “Conflict” Shouldn’t Negate Shared Parenting
  - Shared Parenting Produces the Best Outcome for Children
- Conduct Review of Continuing Educational Materials, Then Re-Train Parenting Investigators, GAL’s & Parent Coordinators on Current Child Custody Research
- Require **Mandatory Training of Family Law Attorneys** to Ensure they are Current on Child Custody Research
- **Ensure The State Bar Association of North Dakota’s (SBAND) has no more influence on Custody Law than the average North Dakota citizen**

**Download the full analysis** from our website

**For inquiries,** write to [info@lw4sp.org](mailto:info@lw4sp.org)



**Leading Women for**  
**Shared Parenting**

An International Child  
Advocacy Organization