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## **BEFORE THE SENATE COMMITTEE ON JUDICIARY WRITTEN TESTIMONY ON SB 318**

Dear Chair Prozanski and Committee members,

I appear today on my own behalf and not as a representative of any other body or organization. **I oppose SB 318.**

I am a family mediator in private practice in Portland, providing mediation, facilitation and training for families in Oregon for over 25 years. I am a former president and current member of the Oregon Mediation Association and a current Practitioner Member of the Family Law Section of the Association for Conflict Resolution.

I was a member of the Statewide Family Law Advisory Committee (SFLAC) for 15 years and served as chair of the SFLAC's Parenting Plan Workgroup (now called the Parental Involvement Outreach Workgroup). When I was chair of the Parenting Plan workgroup, I led a highly qualified, thoughtful, collaborative multidisciplinary team of family professionals to create and revise the [Basic Parenting Plan and Safety Focused Parenting Plan Guides](#) that are currently used throughout the state to assist parents in creating their custom parenting plans. When I was co-chair of the Parental Involvement Outreach Workgroup, I worked with a similar diverse group of family professionals to create the [Custody and Parenting Time report](#). I call the committee's attention to these materials and urge you to review them thoroughly.

For the past few decades, a significant amount of resources of the state have been focused on supporting parents to create the parenting plan for their child that best supports the unique needs of the children and the family. This policy is codified in existing ORS 107.101 (3) and (4):

107.101 Policy regarding parenting. It is the policy of this state to:

... (3) Encourage parents to develop their own parenting plan with the assistance of legal and mediation professionals, if necessary;

(4) Grant parents and courts the widest discretion in developing a parenting plan; ...

The Basic Parenting Plan Guide and the Safety Focused Parenting Plan Guide have provided parents, mediators, counselors and attorneys with important tools in crafting the ideal parenting plan for each unique family.

The guides offer an example of the variety of parenting time schedules that might serve the needs of children. These sample schedules were crafted after extensive national research on child development, bonding and adjustment to parental separation. **You will note that the schedules change with the child's age, a critical adjustment not reflected in a single standard presumption as is offered by SB 318.**

The Custody and Parenting Time Report lays out protective factors and favorable conditions that support shared (or equal) parenting time and risk factors and contra-indications that caution against shared (or equal) parenting time. **While each particular factor may be argued or disputed, the overall complexity of the decision for each family is clear – a single model does not serve children well.** This is the conclusion of the report (see section VI).

Although I feel that the bill as a whole does not support the needs of Oregon's children and families, there is one provision in the bill that is particularly concerning:

Section 4 (1) (b) (A) provides that rebuttal of the presumption of equal parenting time requires a finding "by clear and convincing evidence that equal parenting time is not in the best interest of the child **and** the other parent's lack or inability with respect to the child will cause substantial risk of harm to child's health or safety" (emphasis added). In other words, the fact that equal parenting time is not in a child's best interest does not by itself satisfy the criteria for ordering a different parenting time schedule. A substantial risk of harm must be proven. This goes against the fundamental policy of Oregon's Family Law that the child's best interest is primary in making court orders.

**I urge you not to move this bill along any further.** Thank you for your consideration of my testimony.

Linda Scher  
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