

DATE: March 6, 2019
TO: Senate Judiciary Committee
FROM: Lynnette Ayla Hofler
RE: SB 318: Written Testimony Continued

“The Quality of the parent-child relationship is the best predictor of future outcomes for the children.”

Equal parenting time gives greater possibilities for quality, meaningful relationships.

SB 318 protects parents under the law, that as a fit parent, they are entitled to a minimum of 50 % time with their child.

“It is arguably Unjust for a system of family justice to determine the most important aspects of a child’s life, without hearing from the child.”

SB 318 protects the child under the law that they are entitled to be with each parent equally.

SB 318 raises the bar on defining an unfit parent, requiring clear and convincing evidence be presented; not just a preponderance of hearsay and inconclusive documentation.

SB 318 sets a uniformity across the state; No more winner take-all results in the separation of parents. It provided a new framework that puts co-parenting into a more balanced perspective.

Research shows, (Hetherington), that there is less adverse effects on children with regard to parental conflict, when children have equal access/time with each parent.

Research shows, (Warshak), that denying join custody when parents are in high conflict, brings additional drawbacks to children; it denies them the protective buffer of two nurturing parents.

Children deserve to know and live in the unique culture and traditions of each parent; in a constant, continuous, consistent time

together, where good habits and daily expectations are learned. Both parents bring opportunity and experience to children. They should be able to wake up together, have breakfast together, do homework, chores and hobbies together, have dinner together and be tucked into bed at the end of the day.

SB 318 establishes the time for each parent to be able to do these things without interruption.

SB 318 prevents using an over simplistic approach for parenting time. Consideration of the child's developmental needs is totally INVALID.

Consideration of the who does the caretaking the most frequently is totally UNRELIABLE.

What does matter is who knows how to care for the child and who wants to. In today's world either parent is completely able to care for a child from one day old, to 18 years old.

SB 318 allows for this. Parenting Time should not be subject to broad judicial discretion that produces unpredictable outcomes. Two fit parents should be able to walk into a courtroom and know that one thing that can't be taken from them, is EQUAL time with their children.

If Oregon has a statutory preference to Joint Custody then why can't the judges utilize it despite parental conflict? In fact I believe it will cut down on the fighting because it is futile, no one is in complete control of the other. This also means that no longer is one parent seen as a loser, criminal, or without parental rights under the law. Both parents have the right to alert police, child protective services and urgent care of any concern for their child, and be listened to.

Joint Custody is the most common determination nationwide. It is compatible with SB 318 and would further support both equal parenting time and co-parenting behavior when developing a parenting plan.

The term visiting parent is an oxymoron; you are either visiting or you are being a parent. We must update family law in vocabulary.

Preferably getting rid of custody and visitation all together, criminal proceedings language for fault/no-fault divorces and start using such terms as Primary Provider- one who chooses to provides a roof over the family's head, food on the table, health insurance, etc. while sacrificing time with the children; and Primary Caregiver- one who meets the needs of the children most often and may be sacrificing career or educational aspirations to stay at home. SB 318 is a start to upholding both parents' contributions and recognizing equality of meeting children's needs.

We need to set valid and reliable criteria for developing parenting plans and decision making authority. SB 318 offers equal time and may contribute to identifying logical preferences to decision making activities, such as: Health, who provides the most comprehensive health care plan? Perhaps that is who should be making the decisions. Education, who is the parent paying for the schooling?

Only parents, by mutual consent can change the percentages of time spent with each parent. This should be included in the SB 318. Exception only for determination of an unfit parent.

Parenting plans should be identified as Living Documents that are subject to change as family dynamics change. Children at age 9 or the end of 3rd grade, whatever comes first, should have a say in where their time is spent. Children at age 14 or the end of 8th grade should have a second chance to alter where their time is spent. This gives them an opportunity to look at educational, social and vocational opportunities at each parents' location.

24 states nationwide are considering bills similar t SB 318. Citizens are up in arms to stop further destruction of the family by limited options in the courtroom and unpredictable protection of parental rights under the 14th Amendment of the Unites States Constitution.

One way to think of Parenting Time is to look at it like a football game. Where do you start? The 50-yard line. Each team is afforded at least 50 yards, equal and protected by the rules of the game. SB 318 is the rulebook for where we start with regards to parenting time.