CIRCUIT COURT OF THE STATE OF OREGON
FOURTH JUDICIAL DISTRICT
MULTNOMAH COUNTY COURTHOUSE
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MAUREEN McKNIGHT
JUDGE

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TESTIMONY REGARDING SB 318 A Engrossed —EQUAL PARENTING TIME

Before the House Judiciary Committee of the Oregon Legislature
May 9, 2019

Submitted by:
Maureen McKnight, Circuit Court Judge
Multnomah County

Chair Williamson, Vice-Chairs Gorsek and Sprenger, and Members of the Committee:

My name is Maureen McKnight and I am a Circuit Court Judge in Multnomah County. I have served in the Family Law Department there the last 17 years after practicing family law exclusively as an attorney for 22 years. I am the immediate past Chief Judge of that department and speak today for myself and those 13 colleagues rather than the Oregon Judicial Department.

We support SB 318 as passed by the House.

We had opposed the bill as drafted because it would have imposed a presumption that equal parenting time is in the best interests of the child.

- We submitted testimony to the Senate Judiciary Committee that emphasized while maximum contact with each parent is the laudable goal for a parenting plan, 50-50 parenting between two households is simply not possible – or appropriate – for many, many children. Individuals plans are needed that take into account numerous factors: a child's age and school schedule, if any; developmental stage or any special needs; the existence and schedule of siblings (half of full); how close the parents live to each other; whether the parents are able to put aside their personal conflict to communicate effectively with each other about their children; and the existence of any risk factors including domestic violence, cognitive impairments, mental health issues, ongoing substance abuse, or other barriers to safe and healthy co-parenting. All of my colleagues and I have seen parental proposals for 50-50 parenting time that include steps such as exchanging the child at 3 a.m. at one parent's work place parking lot, as that was the only way to make the plan come out 50-50 and be "fair" to that parent. We believe instead that a *child*-focused plan should guide both policy and individual parenting time rulings.

We suggested instead the approach the Senate took: a requirement that Oregon Judges explain why a 50-50 plan is being denied when that request is made. Our bench strongly

supports and tries to practice procedural fairness in our courtrooms. A key component of this evidence-based principle regarding trust and legitimacy for an institution is for decision-makers to explain the *basis* for decisions so that participants can understand the reasoning. We believe it would be appropriate – if denying a request for 50-50 parenting -- to require judges to state the reason why that plan is not in the best interest of this child or sibling group, or not safe for a party since that is the other criteria for parenting time consideration. Although we felt it sufficient that such findings be in the record, meaning oral findings were adequate, we are not objecting to written findings. In practical terms, it means that for cases involving attorneys, the attorneys will draft a few sentences based on our oral findings. For a case with no attorneys, the judge will likely hand-interlineate a few sentences into the court-provided forms.

Thank you for considering my comments.

Respectfully submitted,

Maureen McKnight

MAUREEN McKNIGHT, Circuit Court Judge

cc: Members of the House Judiciary Committee
Nancy Cozine and Phil Lemman, State Court Administrator's Office
Addie Smith, Senate Judiciary Counsel