

SB 318-A

Dear, Chair Jennifer Williamson, Vice-Chair Chris Gorsek, Sherrie Sprenger, and committee members.

Our current family court system is need of great repair. When our family court tries to make parenting plans for children, they are all too often are using a blue printed, cookie cutter, cut and paste model to do so, despite laws saying otherwise. It's incredibly wrong and horrible, yet it's being done every day.

(The Blueprinted model) Mom; Receives Child Custody, Receives authority of decision making, Receives Child support, and Receives 80% of parenting time. Father; Receives an order of child support, Receives parenting time of 20%.

The Blueprinted model used today seems to **fail** the current written statutes and many more.

#1. ORS 107.101 (4) Grant court the widest discretion in developing a parenting plan

-Why is this even stated and published when the courts seem to over whelming default to the Blueprinted model. (NO discretion is being used/ZERO DISCRETION)

#2 ORS 107.102 (4) (b) In developing a parenting plan under this subsection, the court may consider only the best interest of the child and the safety of the parties.

-Can you find anyone in the Family Legal System, willing to attach their name to this idea, that this blueprinted model is in the best interest of the children?

#3 ORS 25.275 (2) (a) The child is entitled to benefit from the income of both parents to the same extent that the child would have benefited had the family unit remained intact.

-So, under the idea of finances, the child should have funding from both parents to the extent as if the family remained together. But a child shouldn't have access to both parents as if the family unit remained intact? WHAT, this is crazy, if this is law, then why isn't the parent/child contact interpreted in the same manner, but instead the blueprinted model is used all too often.

#4 ORS 107.105 (b)The court shall develop the parenting plan in best interest of the child, ensuring the noncustodial parent Sufficient access to the child.

-This is the written Oregon Statutes, yet SUFFICIENT access is left to OPINION, and the opinions of sufficient are the judges (These are the very people who have come up with this Blueprinted model and use it daily, are they using it for simplicity or laziness).

The Blueprinted model fails the Constitution of Oregon:

Constitution of Oregon, Article I, Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.

-Yet our family court judges routinely sign judgements that do not identify equality, yes the laws are stated to be fair and equal, but the results and judgements of the family courts are anything but fair and or equal. If laws are truly applied in a fair and or equal manner, the judgements of the family court would reflect this, yet they don't.

My personal story/testimony summarized.

I learned that I had a child that was a few years old. I went to the courts to try to gain access to my child, finally a custody evaluation took place. A Jennifer Price from the Multnomah county court house, published a 35 page custody evaluation, this large packet of papers contained lots on the mothers history. From multiple substance abuses (meth to pill addiction), to having the state remove children from her custodial care (lets just say more than once), lists of court cases, mother refusing father access to the child-both visits/communication, and the list goes on and on. There was one thing about this document, there wasn't a sentence about fathers negativity or extreme life history, nothing.

So my conclusion is:

It's best interest for a child to live, in clean and sober housing (Halfway house), than to live with a parent who has a permanent stable house/residency.

It's best interest for a child to live, attending a mother's NA meetings (Narcotics Anonymous) than it is to be with a parent who has NO history of substance abuse.

It's best interest for a child to live, with a parent that the State of Oregon has removed children from there care on multiple occasions, versus a parent who's never been in such a position.

It's best interest for a child to live, under state subsidies than to live with a parent that has the resources to care for a child. (I hope the tax payer agree with that)

It's best interest for a child to live, with the high conflict parent.

It's best interest for a child to live, with a parent who's been a nuisance to society than it is be with a parent that been nothing but a productive member of society.

And I could continue this list too.....

And yet, Multnomah county court says I can be, an every other weekend father, the typical blue printed, cookie cutter model was used, and the court decided that I and only I would do all of the transportation for parenting time (I drive over 1,700 miles a month for parenting time). Multnomah county decided this, February of 2018!!!

My personal take a ways from this, #1 Never have adult activities with a stripper, #2 The family court system is desperately, BROKEN. I'm good enough to foster a none biological child, I'm good enough to be trusted with national security, but I'm good enough to get an even half way reasonable parenting plan based on standardize father parenting time/also known as ever-other-weekend or 20%.

Our Family court system needs real help. I'm very concerned even with this current bill, a Judge McKnight from the Multnomah county court house, wrote testimony stating, she and her 13 associated colleagues agree with this bill. She also states that, they practice procedural fairness, but notice a current and practicing judge doesn't mention Judicial Fairness, just procedural fairness. This bill might be well intended, but I don't believe that it goes far enough to rightfully incorporate 2 separated parents in to one child's life. The blue printed, cookie cutter parenting plans will continue, just with a written judicial opinion.

Recommendation: **SB 318-B**, combine ORS CH 107 and:

Oregon Constitution; section 20, Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.

-Laws should be applied equally; meaning family court judgements should be of an “equal” nature, and commonly there not.

Apply the US Constitution 5th Amendment; nor be deprived of life, liberty, or property:

-Parenting time is a liberty, and SB-318A allows the court to forgo this by simply writing a possible vague Judicial Opinion.

Apply the US Constitution 14th Amendment; No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

-Again, parenting time is a liberty and SB-318A allows the court to for-go this by simply writing a Judicial Opinion, which will end up going to the already flooded and taxed appeals court system.

-Like the state’s constitution: laws are to be applied equally; the family court judgements should reflect equal, yet they commonly don’t (when family court judgements don’t reflect “equal”, the family courts fail the Oregon Constitution and the US Constitution)

SB318-A,

-Allows the courts discretion, yet they have a history and pattern of not using discretion (the regular blue printed parenting plan, demonstrates no discretion being used.)

-Has the potential to allow courts to continue creating judgements that don’t reflect “Equal.”

-How long will it take for the court to develop a fillable form for their written judicial opinion, a cookie cutter approach to regularly deny this request of parenting time?

Sincerely,

Jason Nickerson

Marsha La Verne testimony, is not referencing this case.