



CIRCUIT COURT OF THE STATE OF OREGON

FOR THE 2nd JUDICIAL DISTRICT
LANE COUNTY COURTHOUSE
125 E. 8TH AVENUE
EUGENE, OREGON 97401-2926

KARRIE K. McINTYRE
CIRCUIT COURT JUDGE
(541) 682-4218

TESTIMONY REGARDING HB 2948

Before the House Judiciary Committee of the Oregon Legislature
March 3, 2021

Submitted by:
Karrie McIntyre, Circuit Court Judge

Chair Power and Members of the Committee:

My name is Karrie McIntyre and I am Circuit Court Judge in Lane County. I appreciate the opportunity to provide comment on this topic.

Prior to taking the bench in 2015, I practiced in family law and criminal law for 15 years. I am currently the chair of the Statewide Family Law Advisory Committee and member of several of the subcommittees of that organization. I am on the Family Violence and Domestic Relations Advisory Committee of the National Counsel for Juvenile and Family Court Judges. I participated in the legislative workgroup on Joint Custody in the Oregon Legislature in 2018. I do not speak for any of these organizations, only for myself.

It is my belief that the Oregon legislature has already effectively and thoughtfully provided the healthiest and least traumatizing way for custody determinations to be made. The statutes that exist currently allow much needed flexibility to address the ever-evolving dynamics in a family. Most importantly, the law that exists focuses on what is best for the child, not the desires of the parents.

Simply put, when parents cannot agree then they put the child in the middle of their disputes. Children placed in the middle of parental conflict exhibit heartbreaking symptoms such as lack of sleep, difficulty in school, withdrawal from extracurricular interests (because they don't want to see their parents fight over it), behavioral issues, and ultimately may develop a resist/refuse dynamic with their parents.

When parents are assigned joint custody, it means that the parents must agree on the decisions affecting their child. In these circumstances it is critical that the parents have good working relationships with open communication and the ability to reach consensus. When parents do not agree on issues it can have significant detrimental effects on a child. For example, the court does not govern entities that are not part of a family law case such as schools, doctors' offices, therapists, extracurricular providers. When parents do not agree on something like the child's access to and participation in therapy, then often the default from these outside providers is to

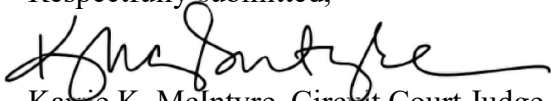
not provide the service, the vaccination, or enrollment in the school, or the extracurricular activity. De Facto – the nonconsenting parent’s will prevails. We see this time and time again in the courts, whether it be related to diagnosis and management of medical issues or, very typically in a therapeutic counseling arena. When parents don’t agree, the other predictable and immediate side effect, is that the parents express to the child, the reason the child is not getting a necessary or preferred outcome, is based on the lack of agreement of the parents. Thus, adding to a difficult emotional circumstance therapists have called the “loyalty bind”.

I strongly urge parents to agree to joint custody in circumstances where it is appropriate. Further, I spend most of my days urging parents to increase communication and reduce conflict not for their sake necessarily but rather, for that of their children. The Bill as currently drafted provides invitation for continued conflict, increased litigation and more importantly more avenues to expose children to parental dispute.

In conclusion, I respectfully join the position of my colleagues, Sr. Judge Maureen McKnight (Multnomah County), and Chief Family Court Judge Susan Svetky (Multnomah County) in opposing the bill as drafted.

Thank you for considering my comments.

Respectfully submitted,



Karrie K. McIntyre, Circuit Court Judge