

Testimony In Support of HB 2948

Good afternoon Honorable Committee Members,

My name is Carlos Rasch, and I am here to testify in support of HB 2948. The current statutes governing joint custody law in Oregon (ORS 107.169 and ORS 107.179) make very little sense in my view, and can often present unfair results. Currently, a judge presiding over a custody and/or divorce proceeding does not have the discretion to grant joint legal custody unless both parties agree. Therefore, the arbiter and fact finder in the proceeding is not given the discretion to do what is generally in the best interest of a child, which is, give *both* parents the legal right to make decisions concerning the upbringing of their own child, even if the factual circumstances before the court support joint custody. Given that these circumstances often present themselves in situations where tensions and emotions are high, agreement on joint custody could be difficult if not sometimes impossible. The court is then placed in the unfair position where it must grant sole legal custody to one parent, despite it being in the best interest of the child to give both parents authority to make decisions on behalf of their child when it comes to school, religious upbringing, and medical decisions.

Those three categories are some of the most important in a child's life and one parent is often deprived of that right for no good reason other than the court has to grant legal custody to one because both cannot agree on joint custody. This creates a situation where the non-custodial parent can become alienated and less involved in the child or children's life to the detriment of all involved, especially the child.

My family has been negatively impacted by the current statutory language of ORS 107.169 and in particular, 107.169(3). My wife was denied sole custody of her daughter not because she was a bad mother, or abusive, or neglectful. Quite the contrary, she is a wonderful, caring, attentive, and loving mother to her daughter and step-mother to my children. Rather, she was denied sole legal custody because her ex-husband would not agree to joint custody despite the fact she was willing to agree to it. The court was put in the position of having to give custody to someone and it so happened to be the father even though the court stated that joint custody made the most sense in this situation but could not grant it. Since then, legal custody has been held over my wife's head by her ex, and used as a means to control their co-parenting situation and attempts to alienate my wife from my step-daughter's teachers and medical providers. This has not benefitted my step-daughter in the least as she unfortunately has some medical and behavioral issues that are ignored or not followed up on by the custodial parent. We do the best we can under the circumstances but it has been hard on our family and I presume many other Oregon families in similar situations. It is unnecessary and should be changed.

Courts have the discretion and ability to stop presidential actions, legalize same-sex marriage, put a person to death for certain crimes or in prison for the rest of their lives, but do not have the ability or discretion in Oregon to give two parents equal say in how their child or children should be brought up? Does that makes sense to any of you because it sure does not make sense to me! For that reason, I fully support the amendments to the law proposed in HB 2948 and implore that it this legislative body pass it as well.

Thank you for your time.