

Submitter: Tennessee Safe Parents Organizaton

On Behalf Of:

Committee: House Committee On Judiciary

Measure, Appointment or Topic: HB3095

Honorable Members of the Oregon House Judiciary Committee,

We are writing from the state of Tennessee, as a child safety organization that works with global and national organizations to advance child safety legislation. We are writing to raise concerns regarding HB3095.

Tennessee unanimously votes NO as our bar association, child abuse organizations, and domestic violence coalition also continue to be in strong opposition. We align with evidence based current research and vote NO on presumptive 50/50 custody bills and here is why....

To begin, it is important to note that Oregon's domestic violence rates exceed the national average. The Oregon advisory report on domestic violence indicates that victims face multiple barriers to accessing the legal system. The report suggests several actions and improvements for state leaders to better support victims and survivors. This bill, however, will increase those barriers and put children at greater risk .

As for the data on presumptions, only 3.8% of custody cases go to trial, with 96% being settled without judicial intervention. Between 75-90% of trial cases involve domestic violence, often obscured by high-conflict approaches exacerbated by an uneducated court system. Domestic violence is about control, including financial control, which often leaves the alleged abusive parent controlling family resources. This makes it extremely difficult for the victim to contest custody decisions, placing children at risk .

A rebuttable presumption does not address this issue. The victim, regardless of gender, is typically the party without the financial means to hire an attorney and go to court to challenge the presumption. Family court does not provide attorneys, and legal aid does not cover custody cases.

While the intent to promote fairness is understood, a one-size-fits-all approach could put children and survivors of domestic violence in harm's way. Domestic abuse revolves around power and control, which often continues post-separation. Automatically granting equal custody could give abusers continued access to their victims, potentially leading to further manipulation and harm.

It is essential to consider the nuances of each family situation, ensuring that the

child's best interests and safety remain the primary focus. We urge you to align with other states and countries that have recently considered similar legislative attempts and voted unanimously NO, prioritizing child safety.

In simple terms, bills like this are reckless and err on the side of risk rather than caution. They endanger children and victims, increase judicial workloads, strain the economy, and add pressure to DCS, as perpetrators of child abuse are often parents. Additionally, such bills contribute to a host of negative outcomes, including a decrease in workforce productivity, higher rates of Adverse Childhood Experiences (ACEs), increased mental health issues in both children and victims, more substance abuse, greater reliance on state resources, poor test scores and reading levels, and a rise in fatalities, including homicide and suicide.

Proponents may claim this bill is child-centric and supported by research. However, they are misleadingly using divorce rates overall, without breaking them down into cases where judicial intervention is truly necessary, which intentionally misguides the judiciary for self-serving purposes, placing innocent children at risk.

We must legislate for the safety and well-being of the population as a whole, not just the 4% of cases this bill would apply to.

Thank you,
TSPO

Oregon Secretary of State. (2023, October). Breaking the cycle: A comprehensive statewide strategy would benefit domestic violence victims, survivors, and advocates (Report No. 2023-31). <https://sos.oregon.gov/audits/Documents/2023-31.pdf>
Leadership Council on Child Abuse & Interpersonal Violence. History of domestic violence. Leadership Council. <https://leadershipcouncil.org/history-of-domestic-violence/>