

MEMORANDUM FOR: The Oregon House of Representatives, Judiciary Committee

SUBJECT: Support for House Bill 3095 - Presumption of Equal Shared Parenting Time

TO: Honorable Chairman Kropf, Vice-Chair Wallan, Vice Chair Chotzen, Rep. Andersen, Rep. Chaichi, Rep. Lewis, Rep. Mannix, and Rep. Tran.

I am a rural family doctor, a military veteran, and a former city councilor in Silverton. However, on this matter I am representing the most impactful role I will ever have – a father to three wonderful children. According to vital records estimates, divorce will impact almost forty percent of Oregon’s children each year. Unfortunately, our existing “winner-take-all” legal process of family dissolution forces separating, but otherwise well-meaning, parents into all-out emotional warfare. It rests on antiquated gender roles that stand in defiance of modern societal values, and it drains the attention and resources from households that would be better spent directly on children enrichment. House Bill 3095 would re-set these dynamics through the rebuttable presumption of equal shared parenting time.

Among the testimonials for this bill, you will hear from a law enforcement officer to whom the State of Oregon entrusts its citizens’ protection, but against whom the State of Oregon feels it should protect his own children - without any wrongdoing. You will hear from an immigrant healthcare professional working on suicide prevention, whose Lane County Judge ordered them to relocate multiple times at their co-parent’s request. You will hear from a full custodial parent who has been denied any parenting time for almost two years by Deschutes County Judges. You will hear from a parent who travelled from California to Oregon on an extended vacation, during which time they were served with unilateral divorce papers in Multnomah County, even though Oregon didn’t have statutory jurisdiction over their case. You will hear from a combat veteran whose Marion County Judge, when referencing a coerced settlement conference, set a threshold of consent that “no one held a gun to your head” to deny a motion for equal parenting time. You will hear a sustained theme that County Judges across Oregon are creating their own self-derived templates, and that those templates have no basis in existing statutory law or modern child psychological research.

We would like to comfort ourselves with the notion that courts always issue rigorously-examined outcomes that focus on the children, while respecting all parties experiencing a dissolution. Unfortunately, that scenario is the exception - not the rule. Courts become not only a platform for conflict, but also the *source of that conflict* when equality is an outcome that must be rigorously fought for. Oregon courts, therefore, impose sustained conflict on families when they continue to apply centuries-old, gendered precedents and assumptions of inequality. They dismiss a compendium of child psychology research showing that, when children have equal access to loving and competent parents, they have improved outcomes in academic performance, high school completion rates, social wellbeing, and life-long emotional health. Our current family-law precedents create conflict, disparities, and an unsustainable burden on Oregon courts. We can mitigate each of those societal harms by enacting House Bill 3095.

I am grateful that I had the privilege to meet with several Representatives prior to this hearing. I understand the concern that a rebuttable presumption could theoretically force judges to override a stipulated parenting to which a couple had agreed upon, out of court. Fortunately, that would not be the case. The existing statutory language of Section 1(4) remains unchanged, which “grants parents and courts the widest discretion.” Moreover, the rebuttable presumption in Section 5(B)(c) is only enacted when “the parents are unable to develop a parenting plan” (original language).

This legislature could also choose not to act. As a former city councilor, I understand how deliberate inaction sends a clear message. If this Judiciary Committee archives House Bill 3095, then you would be making a resounding statement that removing or minimizing one parent from a child's life should always be presumed to be in their best interest. That is the current status-quo of Oregon courts, even though it stands in stark contrast to what contemporary research defines as "the best interest of the child."

The Oregon judiciary requires, and Oregon citizens deserve, clearer guidance on what we now know to constitute child-focused, equitable outcomes in family law. House Bill 3095 provides that guidance. This legislature must implement the checks and balances necessary to further instruct Oregon courts. This legislature alone can bring Oregon family law into the modern century.

Based on outcomes from states that have implemented similar bills, Oregon can anticipate the following societal benefits from House Bill 3095:

- It will reduce conflict, violence, restraining orders, and parental suicide in households experiencing dissolution (Kentucky DoJ and WISQARS data).
- It will reduce family-law burden on the overwhelmed court system (Kentucky DoJ).
- It will align family law practices with the consensus of modern child-psychology research (attached below).
- It is supported by over 80% of all citizens, regardless of party affiliation, who believe that this model of equality should be the legal-norm in our courts (Surveys from the National Parents Organization).
- It retains judges' authority to make exceptions in cases where children are exposed to harmful circumstances.
- Most importantly, it will assure that children have continued involvement and access to both parents throughout their childhood.

As you go into your deliberations, act with the relief of knowing that equal shared parenting will reduce household domestic violence and suicide. Act with the political assurance that the majority of the population believes equal shared parenting should be the legal-norm in family courts. Act with the confidence of psychological consensus research showing that equal parenting has lifelong social, emotional, and wellness benefits for all individuals experiencing family dissolution. **With a “yes” vote on House Bill 3095 - act in the best interest of Oregon’s children.**

Thank you for your consideration. I welcome any questions, as well as the opportunity to respond to any opposing or clarifying perspectives.

Respectfully Submitted,



Jess R. Miller, MD

Loving father of three amazing children
Silverton, Marion County, OR

Selected Publications Affirming the Benefits of Parental Equality:

Hubin, D (2024). "Shared Parenting and Family Violence." National Parents Organization 2024. [pas-intervention.org/images/HubinDon\(2024\)SharedParentingandFamilyViolence.pdf](https://pas-intervention.org/images/HubinDon(2024)SharedParentingandFamilyViolence.pdf)

Carbone, J (2024). "Fatherhood, Family Law, and the Crisis of Boys and Men." Columbia Law Rev. Nov;124(7):2153-2238. <https://pubmed.ncbi.nlm.nih.gov/39906482/>

Olivares, M (2023) Unpragmatic Family Law of Marginalized Families. Harvard Law Review, 136:363-383, <https://harvardlawreview.org/forum/vol-136/the-unpragmatic-family-law-of-marginalized-families/>

Fabricious, William (2019) Equal Parenting Time: The Case for a Legal Presumption. The Oxford Handbook of Children and the Law, <https://doi.org/10.1093/oxfordhb/9780190694395.013.22>

Warshak, Richard (2017) Stemming the Tide of Misinformation: International Consensus on Shared Parenting and Overnighting. *Journal of the American Academy of Matrimonial Lawyers*, 7:29, 177-217, https://www.aaml.org/wp-content/uploads/MAT102_10.pdf

Jani Turunen (2017) Shared Physical Custody and Children's Experience of Stress, *Journal of Divorce & Remarriage*, 58:5, 371-392, <https://doi.org/10.1080/10502556.2017.1325648>

Amandine Baude, Jessica Pearson & Sylvie Drapeau (2016) Child Adjustment in Joint Physical Custody Versus Sole Custody: A Meta-Analytic Review, *Journal of Divorce & Remarriage*, 57:5, 338-360, <https://doi.org/10.1080/10502556.2016.1185203>

Nielson, S (2014) *Shared Physical Custody: Summary of 40 Studies on Outcomes for Children*. *Journal of Divorce & Remarriage*, 55:613-635. <https://doi.org/10.1080/10502556.2014.965578>