

Submitter:

Lissa Kaufman

On Behalf Of:

Committee:

House Committee On Judiciary

Measure, Appointment or Topic:

HB3095

I write in strong opposition to the proposed legislation. I am a family law attorney with almost 30 years of experience in Oregon. Every day I work on court cases involving parenting time. The child-centered approach to creating parenting plans which considers only the best interest of the children will be undermined by creating any presumptions about what is best for children in these situations. The proposed legislation will lead to absurd results and increased litigation for those who can even afford to access the courts.

Consider the following scenarios: A parent of a child abused by the other parent will need to affirmatively rebut the presumption that the abuser receives 50% of the time with the child. A nursing parent of an infant will need to go to court to rebut the presumption that a second parent receives 50% of the parenting time. Research shows that this presumption would be harmful to young children. An previously uninvolved parent who a child does not know would receive a presumption that they receive 50% of the parenting time.

While presumptions can be rebutted by a court, this legislation would put the burden on the person seeking an individual child centered approach to access the court and rebut the presumption. Our courts are already burdened and many parents simply cannot navigate the court system at all. Parents who can will face delays, uncertainty and cost. The only people who will consistently benefit from this litigation are the attorneys who charge hundreds of dollars an hour to rebut this dangerous presumption. Please, keep the focus on the children in these circumstances. Every child and family is different and presumptions are simply not appropriate in this contest. Thank you for your consideration.