

February 23, 2025

**House Committee on Judiciary**

Oregon State Legislature  
900 Court St NE  
Salem, OR 97301

**Re: Opposition to HB 3095 – Rebuttable Presumption of Equal Parenting Time**

Dear Chair Kropf and Members of the House Committee on Judiciary,

I am writing to express my strong opposition to House Bill 3095, which proposes a rebuttable presumption that equal parenting time is in the best interests of the child. While I recognize the intent behind this bill—to promote shared parenting and encourage both parents to remain involved in their child’s life—it is not supported by psychological research and risks creating more problems than it solves.

As a forensic and clinical social worker specializing in child and family dynamics, I must emphasize that there is no psychological basis for assuming that a strict 50/50 parenting arrangement is inherently in the best interests of children. Oregon’s existing best interest standard, found in ORS 107.137, wisely considers a range of individualized factors rather than imposing a rigid presumption. The proposed legislation undermines this flexibility, potentially placing many children in unstable or even harmful environments.

**HB 3095 vs. Oregon’s Best Interest Standards**

Oregon law prioritizes the best interests of the child, as outlined in ORS 107.137, which requires courts to consider:

- The emotional ties between the child and family members.
- Each parent's interest and attitude toward the child.
- The desirability of maintaining existing relationships.
- Any history of abuse by one parent against the other.
- The preference for the primary caregiver, if deemed fit by the court.
- Each parent's willingness and ability to facilitate a close and continuing relationship between the child and the other parent, barring concerns of safety due to abuse.

These criteria underscore the necessity for individualized assessments in custody cases, recognizing that each child's needs are unique. HB 3095 undermines this approach by assuming that equal parenting time is the default best interest of the child, shifting the burden of proof onto the parent who believes otherwise—even in cases where a strict 50/50 division would be inappropriate.

### Concerns with HB 3095

1. **One-size-fits-all approach:** Presuming that equal parenting time is universally in the child's best interest disregards the nuanced evaluations required by Oregon law. Psychological research, including studies by Kelly & Lamb (2000) and Warshak (2014), highlights the importance of assessing each child's developmental needs and existing parental bonds rather than defaulting to an equal-time presumption.
2. **Potential risks in high-conflict situations:** In cases involving domestic violence or high parental conflict, mandating equal time can expose children to harmful environments. The National Association of Social Workers (NASW) has repeatedly emphasized that a child-centered approach, rather than a presumption of equal time, is necessary to protect vulnerable children in such cases. Oregon statutes already recognize the importance of shielding children from harmful situations, and HB 3095 could undermine these protections.
3. **Impact on primary caregiver dynamics:** Research in developmental psychology and attachment theory (Bowlby, 1988; Main, Kaplan, & Cassidy, 1985) demonstrates that children often form primary attachments to one caregiver. Disrupting this bond with enforced equal time can lead to emotional and psychological stress, contrary to the child's best interests. Stability and continuity in caregiving relationships, rather than equal time-sharing, are most predictive of positive child outcomes.
4. **Increased litigation and stress for families:** By creating a presumption of 50/50 parenting time, HB 3095 risks increasing litigation between parents. The Association of Family and Conciliation Courts (AFCC) has warned that legal presumptions in custody cases often lead to increased court battles, as parents who disagree with a strict equal-time split may face prolonged disputes to demonstrate why a different arrangement better serves their child. Research has consistently shown that prolonged conflict between parents is one of the strongest predictors of poor child outcomes, regardless of parenting time distribution.

### Professional Perspectives

The Association of Family and Conciliation Courts (AFCC) and the National Association of Social Workers (NASW) both emphasize that custody determinations should be made based on the unique needs of each family rather than applying a blanket presumption of equal time. The American Psychological Association (APA) has also stated that the quality

of parent-child relationships and the ability of parents to provide a stable and nurturing environment should take precedence over rigidly enforced time-sharing arrangements.

### **Conclusion: Keep Oregon's Child-Centered Approach**

Oregon's current legal framework is designed to maximize the well-being of the child, not to create artificial equality between parents. The scientific consensus does not support a blanket presumption of equal parenting time as inherently beneficial. Instead, child psychologists, social workers, and legal experts agree that the best custody decisions are those made on a case-by-case basis, not dictated by a one-size-fits-all mandate.

I urge you to reject HB 3095 and uphold Oregon's longstanding commitment to child-centered decision-making. Thank you for considering this testimony.

For the children,

**Lonny R. Webb, MSW, LCSW**  
Forensic and Clinical Social Worker

For the children,

  
Lonny R. Webb, MSW, LCSW  
Forensic and Clinical Social Worker

### **References:**

- Bowlby, J. (1988). *A Secure Base: Parent-Child Attachment and Healthy Human Development*. Basic Books.
- Kelly, J. B., & Lamb, M. E. (2000). Using child development research to make appropriate custody and access decisions for young children. *Family Court Review*, 38(3), 297-311.
- Main, M., Kaplan, N., & Cassidy, J. (1985). Security in infancy, childhood, and adulthood: A move to the level of representation. *Monographs of the Society for Research in Child Development*, 50(1-2), 66-104.
- Warshak, R. A. (2014). Social science and parenting plans for young children: A consensus report. *Psychology, Public Policy, and Law*, 20(1), 46-67.
- National Association of Social Workers. (2013). *NASW Standards for Social Work Practice in Child Welfare*. NASW Press.
- Association of Family and Conciliation Courts. (2019). *Guidelines for Parenting Plan Evaluations in Family Law Cases*. AFCC.
- American Psychological Association. (2014). *Practice Guidelines for Child Custody Evaluations in Family Law Proceedings*. APA.

