

Submitter: Shelley Fuller

On Behalf Of:

Committee: House Committee On Judiciary

Measure, Appointment or Topic: HB3095

I have been a practicing family law attorney in Oregon for the last 25 years. I am writing to oppose HB 3095 that creates a presumption for 50/50 parenting time. I am a fierce advocate for father's rights and understand how this bill, if passed, could help many fathers who feel that the legal system is not designed to give them equal parenting. I do not believe that the judges in the tri-county area are favoring mothers over fathers. I'm sure there are firms in Portland who are claiming otherwise and so I raise this issue to note that I do not believe the judicial system favors mothers over fathers.

While I believe the writers of this bill mean well, they do not appear to be taking into account clear cases where a presumption of equal parenting time would ever be in a child's interest. Specifically cases involving family violence, addiction and serious mental health issues. There is a presumption in determining custody that states that a parent who has committed abuse against the other is presumed to not be fit to be awarded sole legal custody of the children. This should apply to parenting time as well. Creating a presumption of equal parenting time is going to make parenting time disputes more complicated, more litigious and leave our children less safe. I agree that the current language in this statute needs some work but creating a presumption is not the way unless it takes into account circumstances involving domestic violence and parents with addictions and mental health issues.

The majority of cases that go through the family law courts are pro se parties. Pro se parties are ill-equipped to put on evidence at trial, much less understand that they need to put on enough evidence to rebut a presumption.

I believe that every good parent should get quality time with their children. I do not think that creating a presumption is the way to see that it happens.