
February 24, 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,

My name is Lauren Saucy. I have been a private attorney in Salem, Oregon for over 20 years. I practice exclusively in the areas of family law and divorce and I am in court on these issues on a frequent basis. I am the past Chair of the Oregon State Bar Family Law Section. I was a member of the Family Law Section Executive Committee from 2007-2016. I am a Fellow of the American Academy of Matrimonial Lawyers, which is a national organization that promotes excellence in family law, and whose members are among the most respected family law practitioners in the United States. I am also a board member of the Oregon Academy of Family Law Practitioners, and a past member of the Marion County Bar Executive Committee. I have co-authored an article on parenting plans in a national legal journal, and have authored numerous chapters in the Oregon State Bar's Family Law CLE Manual. I am a frequent speaker at Continuing Legal Education programs on various family law related topics. I write to express my personal opinion only.

In my career as a family law litigator I have proudly advocated on behalf of mothers and on behalf of fathers. I have argued vehemently in support of equal time parenting plans, and I have stressed the propriety in other matters of authorizing only supervised visitation until a series of conditions were met to allow for expanded connections between a parent and a child. I have taken those various positions as the situations warranted, and as was in the best interest of the child at issue in each case.

I oppose House Bill 3095 for the following reasons:

The proposed change shifts the focus from child-centered laws to parent-centered laws, which is not in the best interests of families. I have always been proud to advocate for families in Oregon, knowing that the court's focus has been where it should be: on the child. As an advocate in the courtroom and during negotiations, I have found the most success when guiding families to align with our current law. The court's goal is not to create a schedule that is fair to the parent, but to establish one that best supports the child's growth and development. In my experience, children do not track the number of days spent with each parent; parents do. This kind of thinking centers around parents "keeping score" and prioritizing fairness to the parent, rather than focusing on what truly serves the child. Oregon families are better served by allowing courts the discretion to assess each child's individual needs and to implement a parenting plan accordingly.

The proposed change imposes a one-size-fits-all system on complex family dynamics, a danger that should be immediately obvious. The proposed statutory change seems to assume that a child between 0 and 18 months would respond to an equal time-sharing arrangement the same way a 14-year-old would. However, age is not the only distinguishing factor among children; they also vary in cognitive and emotional development, as well as temperament. Parents, too, have a wide range of capacities when it comes to parenting in general, and relating to a specific child in particular.

The proposed change will lead to more litigation, and it will also increase hostile, negative litigation. I recognize and applaud the fact that, as legislators, you aim to envision the best possible outcomes this change could offer if applied in the most ideal way. However, as a litigator, I must contend with the practical reality of how this law can and will be used, and I am certain it will be harmful to both children and families.

- **As it is currently conceptualized, the majority of family law matters will begin with a conflict.** Under this proposal, a parent must negatively attack the other parent or their parenting skills just to attempt to achieve a parenting plan tailored to their family or child.
- **The proposed change incentivizes litigation by uninvolved parents who seek equal time in an effort to reduce their child support obligations.** In Oregon, child support is in large part determined by the number of overnights a parent is awarded under the court-ordered parenting plan. The more overnights included in a parenting plan, the less child support a parent is required to pay—even if they do not ultimately use all of the time granted to them. In my experience, parents often engage in disputes over time they do not intend to exercise, simply as a strategy to reduce child support payments. I am concerned that this statute could be exploited as a tool to lower or eliminate child support, rather than to increase time with the child. The costs of litigation to challenge the presumption of equal parenting time will likely be unaffordable for many parents, especially those who suspect that the other parent’s primary motivation is financial. Even if this financial motivation could be proven, there is no guarantee that the court would find that time with such a parent would be against the child’s best interests, as required by the statute.

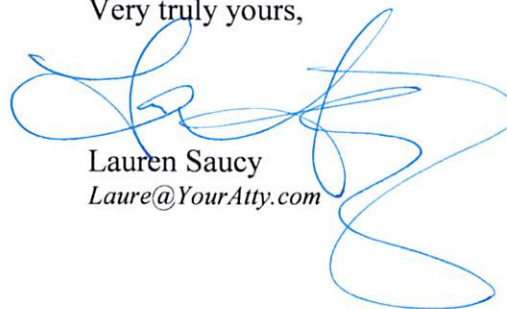
What would happen in that case? If a parent fails to exercise their time, could the other parent return to court in six months to modify the schedule and child support? The proposed statute does not address this possibility. The court is required to impose equal parenting time unless it is not in the child’s best interest, but what if the time would be beneficial to the child if the parent chose to exercise it, yet they only seek the plan as a means to avoid paying child support? This lack of clarity could create significant challenges.

- **In many cases, equal parenting time is completely impractical, yet there seems to be no consideration for such circumstances.** What does "The court shall develop a parenting time schedule that maximizes practical parenting time with each parent" actually mean? I am aware of parents who work out of state for several months each year. Is the court required to have a three-year-old spend three months with one parent full time (while the traveling parent is away), then three months with the other parent full time (when the traveling parent is home)? I also know parents who have work begin at 3:00 a.m. Regardless of how amazing a parent they may be, a 2:30 a.m. transition is difficult for a child. The proposed legislation's shift of focus from the best interest of the children to a rigid framework could have significant detrimental impact on families.

Families who should have equal parenting time already can, and are, awarded equal parenting time under the current law. As stated, I am a litigator with over 20 years of experience in these matters. Having practiced in our courts for many years, I trust in giving discretion to the courts rather than attempting to fit a variety of situations into a single, rigid framework. Both before and after the recent statutory change to ORS 107.102(5)(c), which explicitly authorizes equal parenting schedules, I have successfully achieved equal parenting time for parents—both through negotiation and over a parent's objection. I do not believe the current statutory structure prevents equal time-sharing for children or for parents, as long as equal time-sharing is in the child's best interest.

I believe proposed statutory change is not just fixing a problem that does not need to be fixed; it is creating a host of changes that are detrimental to families and will increase litigation. I oppose the proposed legislation.

Very truly yours,



Lauren Saucy
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