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February 24, 2025

Oregon Legislature
House Judiciary Committee on Civil Law
Attn: Committee Chair
900 Court St. NE
Salem, Oregon 97301
[Submitted Electronically](#)

Opposition to HB 3094-Rebuttable Presumption of Equal Parenting Time

Dear Committee Chair:

I am a founding partner of a small family law firm in Portland that handles, among other issues, complex divorce and custody litigation in several counties across the state. I have practiced family law in Oregon for over 20 years. I am currently serving as the president of the Board of Directors of St. Andrew Legal Clinic, a non-profit law firm that represents poor and middle-income family law litigants. I am also a member of the Family Law Executive Committee of the Oregon State Bar for the last several years. I am deeply involved in the issues of children and families and am a passionate advocate for the children whose lives are turned upside down by their parent's family law disputes..

I am writing to express my strong objection to the passage of House Bill 3095. My position on the bill is informed by this experience and my work on the ground helping clients navigate these turbulent waters.

HB 3095 would represent a significant change in the law. It shifts the focus from children's "best interests" and the resultant fact-specific analysis on individual families and their needs, to a conflict between parents based in "fairness" which is a concept which has rightfully, never had a place in parenting time disputes.

To be clear, equal parenting time is something that is appropriate in many, many cases, for many children-but simply not all or even most. Equal parenting time would rarely be developmentally appropriate for infants, very young children, children with developmental disabilities or children who have been abused or neglected by a parent. Nor would it be appropriate when there is a geographical distance that makes an equally shared plan impractical. To presume otherwise would be damaging to children and families.

The legal presumption proposed in HB 3095 would negatively impact parents who have been victims of domestic violence and serve to revictimize survivors. Parents who have perpetrated domestic violence against their coparents, or who

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have engaged in child abuse or neglect, should never be presumed capable of parenting their children for half the time. Setting up a legal presumption as envisioned by this bill serves to shift the burden onto victims of violence to protect their children, which is not only unjust but traumatizing. The bill, as drafted, would create a cyclone of conflict for children and families and flood the courts with custody litigants. I stand in opposition to the adoption of HB 3095.

If I can answer any other questions or respond to concerns, I would be happy to make myself available. Thank you for your consideration.

Sincerely,

DBMA Family Law Group, PC



Brittany A. Berkey