

February 24th, 2025

Jason Gearhart

Washington County, Oregon

Dear Legislators of Oregon,

I'm writing this letter in support of House Bill 3095, a rebuttable presumption equal shared parenting bill, for the state of Oregon.

Unfortunately for my now 8-year old son, he was thrust into a situation where his mother and I's divorce was finalized when he was a mere 8-months old. While the relationship with my son's mother didn't work out, it was my hope that my son would have the opportunity to spend 50% of his time with his mother and 50% of his time with his father, me. Divorce is painful, and the emotions from that often carry into parental decision-making, including what each parent believes or says they believe is the best plan for parenting time, custody, and visitation arrangements. For the first four plus years of my son's life, he had tiered time with me where we had started out with only 3 hours of time together per seven day week when he was born, which eventually led to increased hours per week (about 10) and his first overnight with me when he was 3 and half years old.

HB 3095 would help quell both the emotions and the creation of probable family court battles for both parents who are involved in custody proceedings. My son was always safe to be in my care, even as a small baby. While the pain of a parent is real in situations like mine, the greater burden is placed on any child who doesn't have equal access to both his/her parents when both parents show to be fit, willing and able to parent. In my case, my son lost out on a ton of time with his father in his very early years; years where my male influence would've been not only valuable but a compliment to his mother's female influence.

Along with this, money that had been saved could've been used post-divorce to stash in a child savings account, another interest-bearing account, a 529 Education account or something that'd have been designated for the betterment of my son. Instead, lawyers got wealthier, my son's mother and I both took financial hits, and we had to both climb our separate yet linked ways (through our son) up in getting healthier with our mindset as co-parents to our child.

In short, my son's mother eventually agreed to 50/50 equal shared parenting because her current husband had been going through similar custody challenges with his son's mother. My son's mother had indicated she had gained more wisdom through her current husband's plight to where she wanted our son to have full equality between his mother's household and his father's household (my household). Our latest parenting plan off that sentiment has been going strong since November 2020, no one parent pays the other parent child support, and both of us have joint physical custody (decision-making abilities) our of son. This has helped our son, who has had sensory challenges since he was a toddler. He's getting equal support from both parents who are around him 26 weeks each per year, and with that and other family support my child is thriving within his challenges. The issue within this is that if my

son’s mother never married this specific man who was going through a similar situation as I had been, my son’s mother and I could still be duking out, needlessly, in court.

HB 3095 would help children who are thrust into a situation like my son was as an 8-month old in that they wouldn’t have to endure much of the confusion, pain, sadness and hurt because they’d be in a 50/50 parenting situation from the start (in the cases where both parents are proven to be fit, willing and able to support their child/children). Their best interest is looked after, but a great concern here is that The Bar Association, many family law attorneys, some judges and other individuals and groups who profit off family destruction will vehemently oppose making any changes, all in the name of “endangerment of the child”.

For those concerned about an abusive parent, I’d point to a 2020 study from The Department of Health and Human Services on Child Maltreatment where, on page 67 of that study, it’s shown that more than one-half (52.0%) of perpetrators are female and 47.1 percent of perpetrators are male; fewer than 1.0 percent of perpetrators (0.9 %) are of unknown sex. In this study, a perpetrator is defined as a person who is determined to have caused or knowingly allowed the maltreatment of a child. The point of providing this statistic is to show that both men and women have the ability to either provide a safe, nurtured haven for their children or an unsafe, harmful environment for their children. There needs to be clear and convincing evidence that 50/50 is not in the best interest of children on a case by case basis.

Table 5–
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Perpetrators by Sex, 2020

State	Men	Women	Unknown	Total Perpetrators	Men Percent	Women Percent	Unknown Percent
Alabama	3,773	4,633	26	8,432	44.7	54.9	0.3
Alaska	1,083	1,311	31	2,425	44.7	54.1	1.3
Arizona	4,726	4,950	8	9,684	48.8	51.1	0.1
Arkansas	3,430	4,237	142	7,809	43.9	54.3	1.8
California	24,189	28,639	296	53,124	45.5	53.9	0.6
Colorado	4,934	4,825	61	9,820	50.2	49.1	0.6
Connecticut	2,531	2,597	43	5,171	48.9	50.2	0.8
Delaware	532	387	-	919	57.9	42.1	-
District of Columbia	338	690	26	1,054	32.1	65.5	2.5
Florida	10,316	10,924	359	21,599	47.8	50.6	1.7
Georgia	2,703	4,019	8	6,730	40.2	59.7	0.1
Hawaii	520	607	23	1,150	45.2	52.8	2.0
Idaho	711	1,053	-	1,764	40.3	59.7	-
Illinois	11,682	13,435	186	25,303	46.2	53.1	0.7
Indiana	7,881	10,115	40	18,036	43.7	56.1	0.2
Iowa	3,607	4,006	12	7,625	47.3	52.5	0.2
Kansas	1,128	850	20	1,998	56.5	42.5	1.0
Kentucky	5,851	6,554	38	12,443	47.0	52.7	0.3
Louisiana	1,907	4,164	20	6,091	31.3	68.4	0.3
Maine	2,090	1,937	3	4,030	51.9	48.1	0.1
Maryland	3,357	2,783	284	6,424	52.3	43.3	4.4
Massachusetts	8,021	9,367	559	17,947	44.7	52.2	3.1
Michigan	10,434	11,023	27	21,484	48.6	51.3	0.1
Minnesota	2,512	2,197	-	4,709	53.3	46.7	-
Mississippi	2,897	3,848	67	6,812	42.5	56.5	1.0
Missouri	2,487	1,386	142	4,015	61.9	34.5	3.5
Montana	1,157	1,405	68	2,630	44.0	53.4	2.6
Nebraska	875	773	-	1,648	53.1	46.9	-
Nevada	1,836	2,258	-	4,094	44.8	55.2	-
New Hampshire	493	508	7	1,008	48.9	50.4	0.7
New Jersey	1,359	1,458	9	2,826	48.1	51.6	0.3
New Mexico	2,511	3,219	122	5,852	42.9	55.0	2.1
New York	21,955	23,962	5	45,922	47.8	52.2	0.0
North Carolina	-	-	-	-	-	-	-

North Dakota	471	717	12	1,200	39.3	59.8	1.0
Ohio	9,386	9,821	392	19,599	47.9	50.1	2.0
Oklahoma	6,199	6,230	58	12,487	49.6	49.9	0.5
Oregon	4,849	3,635	57	8,541	56.8	42.6	0.7
Pennsylvania	3,018	1,522	75	4,615	65.4	33.0	1.6
Puerto Rico	1,052	1,682	-	2,734	38.5	61.5	-
Rhode Island	1,069	1,058	14	2,141	49.9	49.4	0.7
South Carolina	4,148	6,573	6	10,727	38.7	61.3	0.1
South Dakota	419	667	11	1,097	38.2	60.8	1.0
Tennessee	4,119	3,906	468	8,493	48.5	46.0	5.5
Texas	24,257	26,039	271	50,567	48.0	51.5	0.5
Utah	3,996	3,201	-	7,197	55.5	44.5	-
Vermont	275	144	-	419	65.6	34.4	-
Virginia	2,211	2,414	103	4,728	46.8	51.1	2.2
Washington	1,618	1,686	11	3,315	48.8	50.9	0.3
West Virginia	2,229	3,127	3	5,359	41.6	58.4	0.1
Wisconsin	1,581	1,361	403	3,345	47.3	40.7	12.0
Wyoming	297	432	-	729	40.7	59.3	-
National	225,020	248,335	4,516	477,871	47.1	52.0	0.9
Reporting States	51	51	42	51	-	-	-

Concurrently with the above information and graph and from the same DHS study from 2020, there are listed statistics about how the majority of abusers of kids are mothers. The portions involving mother/non-parent and father/non-parent are also siding with more abuse occurring on the mother's side. Again, both men and women are capable of either being beacons of light or darkness in the lives of their children.

Table 3–14 Victims by Relationship to Their Perpetrators, 2020

	Victims	Reported Relationships	Reported Relationships Percent
Perpetrator			
PARENT	-	-	-
Father Only	-	138,803	23.6
Father and Nonparent	-	6,910	1.2
Mother Only	-	221,372	37.6
Mother and Nonparent	-	37,064	6.3
Two Parents of known sex	-	122,015	20.7
Three Parents of known sex	-	955	0.2
Two Parents of known sex and Nonparent	-	5,230	0.9
One or more Parents of Unknown Sex	-	1,292	0.2
Total Parents	-	533,641	90.6
NONPARENT	-	-	-
Child Daycare Provider(s)	-	2,013	0.3
Foster Parent(s)	-	1,990	0.3
Friend(s) and Neighbor(s)	-	3,961	0.7
Group Home and Residential Facility Staff	-	1,080	0.2
Legal Guardian(s)	-	1,726	0.3
Other Professional(s)	-	1,187	0.2
Relative(s)	-	32,037	5.4
Unmarried Partner(s) of Parent	-	19,370	3.3
Other(s)	-	18,966	3.2
More Than One Nonparental Perpetrator	-	2,504	0.4
Total Nonparents	-	84,834	14.4
UNKNOWN	-	16,464	2.8
National	589,141	634,939	107.8

Thank you for your consideration to support HB 3095. While the ideal outcome would be for two parents to work things out when possible, when that's not attainable, children need to have the right to have an equal relationship with both of their fit, willing and able parents.

Best regards,

Jason Gearhart

Washington County, Oregon