

Submitter: Zena Polly

On Behalf Of:

Committee: House Committee On Judiciary

Measure, Appointment or Topic: HB3095

I am a child psychologist with a 43- year practice devoted to children and divorce. My practice includes serving on the California Court's family law panel of experts, serving on a task force for Children's Best Interests convened by the Orange County Grand Jury in 2013-14 and I have often been appointed to conduct neutral parenting time evaluations to assist the Court. My practice now in Oregon focuses on co-parenting counseling with divorced parents in conflict, family law case-consultation and family therapy aimed at enabling children to have the best relationship possible with both their parents following divorce. I am licensed in both California and Oregon.

HB 3095 creates a stronger focus on the best interests of the child.

1. The existing (former) language de-emphasizes expectations that parents work as a co-parenting team for the benefit of their children. In turn it also reduces the children's chances of having both parents meaningfully involved in their lives.

2. The rebuttable presumption of 50/50 parenting tells both parents as a starting expectation that they have an ongoing commitment to parent their children. It communicates that parents need to do what is needed for their children, and if that is difficult, the cost and energy-investment should come from the parents and not be taken from the children's emotional well-being.

3. Child support is more reliable when parents have maintained steady involvement in the lives of their children. Creating a starting premise of shared parenting is one way that the state can foster a positive outcome for Oregon's children.

4. Research shows there is no more important factor for children's outcomes following divorce than to have a close and continuing relationship with both parents. This assumes two basically competent parents; isn't that an appropriate starting position for the state of Oregon? Having a close relationship with both parents is more predictive of a child's positive growth and development than is having one home. Measures of academic achievement, mental health, choice of intimate partner and avoidance of drug abuse improve with positive co-parenting. Oregon would serve children's best interests by encouraging both parents' continuing involvement in their children's lives, with exceptions when conditions in a family dictate the need for a modification from 50/50.

5. In the circumstance of domestic violence, for example, a rebuttable presumption against custody for a parent who has been found to have perpetrated domestic violence within the last five years is an essential companion to a presumption of 50/50 custody.

6. Child custody decisions are nuanced and require a careful weighing of multiple factors when parents don't agree. Parents are typically in the best position to plan for the care of their children. But 50/50 custody is not appropriate in all cases. Some exceptions are necessary for the child's best interests. But those exceptions could

and should be addressed within the state's rebuttable presumption of two competent parents.