

Submitter: Amy Velazquez
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB3095

I am an active member of the Oregon State Bar, licensed since 2004. I was a judicial clerk in Lane County during my first year of practice, assisting in primarily family law, domestic violence and drug court cases. I have been practicing family law since 2005 along with handling criminal defense matters with a focus on domestic violence and protective orders (family abuse prevention act, stalking and elderly/persons with disability orders). I am the managing partner of my firm, a past president of the Washington County Bar Association and a board member of the Oregon Academy of Family Law Practitioners. I have represented mothers, fathers, grandparents, aunts and uncles in divorce, custody and parenting time litigation. I am regularly appointed by the court to represent children in these disputes as either an advocacy or best interests attorney. I also represent custodial and non-custodial parents alike. I am a co-author of the Oregon State Bar Family Law Continuing Education Manual chapter on enforcement of parenting time. I served as a judge pro tempore in Washington County for nearly a decade, presiding over contested restraining orders and stalking protective orders, including developing and modifying temporary parenting plans for those litigants. I am a trained mediator and presently offer parent coordination services as part of my practice.

I oppose this bill and the creating of a rebuttable presumption for 50/50 parenting time in family law cases. I have read the comments submitted by Judge Sean Armstrong in March 2019 and this bill is strikingly similar. I endorse his comments as to this bill as well. To create a presumption of any kind that equal parenting time is in the best interests of children would create more litigation potentially resulting in further adverse outcomes for children and families. Family law cases are quite factually specific and the needs of one family may vary dramatically from one household to another. Placing the burden on a protected party, survivor of domestic violence, or the parent of an abused child, to rebut the presumption that a 50/50 plan is in the best interest of their child is unjust and improper. The creation of law that provides a predetermination that equal parenting time is best is potentially harmful to children and families. Many family law litigants are pro se and to burden them with the potential of having to rebut a legal presumption in order to avoid a 50/50 plan is a recipe for disaster. The law already provides that if either parent wishes to have a 50/50 plan ordered by the court, the court shall make findings as to why such a plan would not be in the best interests of the child if not so ordered. The focus should remain on what is in the best interests of the child(ren) in any particular case. I urge you to not adopt this bill.