Dear Chair Kropf and Members of the House Committee on Judiciary:

My name is Austin Batalden. I have been practicing as a family law practitioner in Oregon since 2015, and practicing law since 2008. My practice is only family law. I am the President-Elect of the Multnomah Bar Association and have served on the MBA board for the last few years. Prior to that I volunteered on committees. I have presented on various family law CLEs specifically as it relates to LGBTQ minors. I regularly volunteer my time to serve as counsel to minors in contested Family Law matters.

As many of my colleagues have already pointed out the rebuttable presumption undermines the existing statue ORS 107.102. As noted above, I practiced in other states prior to my practice here in Oregon. Oregon's dedication to best interests of the children must remain Oregon's focus in family law matters that involve children.

Requiring litigation to rebut the presumption of equal parenting time will bankrupt many families and provide substantial power to abusive parents and partners. With the existing requirement to provide findings when 50/50 parenting is not in the best interests of the child, a parent can be given a road map as to how to improve their position with their child and the court. This focuses on the child and how to best serve that child's needs. Presuming a 50/50 relationship forces painful testimony that will only increase conflict.

Having worked with numerous LGBTQ children as their attorney, I can tell you this will cause substantial trauma for many children. Many parents do not accept their children as their children are, and instead want to mold their children into who the parent thinks they should be. If this bill passes you are forcing children to testify. There is no way around hearsay and this will require children to out themselves in court and outline the ways in which one parent is not supportive of their existence. There is no win in that. There is a lot of harm. With the increased rates of suicide in LGTBQ children and the need for supportive parents the State must understand what this rebuttal presumption would do to children who are already in fragile mental states. Forcing a child to testify in order to outline the harms caused by an unsupportive parent to that parent, while open to cross will destroy any and all chance of healing. Please think about what I am writing. I do not care what our current administration thinks about trans children, the reality is they exist. If one parent is not supportive of a child's trans identity that child will have to testify about the harms to that child. Their very existence will be open to cross. I believe

wholeheartedly no good will come of forcing children to defend their identities, and I am certain significant mental and emotional harm will come of it.

With a best interest focus like we have, we do not need children to defend their identities. Experts can weigh in on the importance of a supportive home. The unsupportive parent can be questioned. A best interest finding can be articulated. To be direct, a shift in focus will likely cause children to commit suicide. Please think about how it would feel to be 11 years old and having a litigator or your unsupportive parent question you about who you know you are? Question you about your genitals? Question you about why you think you know yourself well enough to change your name? Think about having to face that while also having to navigate the current political climate. Why force a child to suffer such harms? How would they ever repair an already fractured parent/child relationship?

Nothing prevents a parent from seeking a 50/50 parenting plan now. However, a best interest standard focuses on the needs of the children, not the desires of the parents and it should remain that way if we actually want to do what is best for children in Oregon.

Thank you for your time and consideration.

Kindly,
Austin Batalden