



256 Warner Milne Road, Oregon City, OR 97045
(503) 655-8600 | www.cwsor.org

February 25, 2025

Re: Testimony in Opposition to HB 3095

Chair Kropf, Vice-Chairs Chotzen and Wallan, and members of the Committee:

I am the executive director of Clackamas Women's Services (CWS), a community-based non-profit agency that has supported survivors of domestic and sexual violence, stalking, trafficking, and elder abuse on their path to safety and stability for 40 years.

I am writing to express our agency's concerns with HB 3095 which proposes the codification of a legal presumption that equal (50/50) parenting time is in the best interest of children. Our first concern is that we are unable to find current research that supports this presumption. We agree that children benefit most when they have regular access to loving and safe parents, and we believe this is currently reflected in Oregon statutes that establish principles and standards that highlight the importance of both parents in the establishment of parenting time orders.

The presumption that equal parenting time is in the best interest of all children does not take into account a multitude of factors. Factors such as parent's employment schedules, protective factors, children's developmental stages, exposure to past trauma or adverse childhood experiences, school location, and so forth.

We believe that parenting time plans should affirm what is in the best interest of the child and there is currently a process in place to assess this on an individual basis—which supports the fact that each child has unique needs and a unique set of factors. What is "fair" to the adults involved should not be imposed as the standard for what is in the best interest of the child.

The law as currently written takes the dynamics of domestic violence into account, and this statute stands to unravel that—placing untenable responsibility on the victim. Requiring a parent to submit evidence to rebut the presumption will increase hostility between parties and will make attacking the other parent a requirement if there is disagreement on the structure of an appropriate parenting plan. For victims of domestic violence, creating such a standard will be dangerous as they often face further harm from the abuser as a result.



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Additionally, separating from an intimate partner is the most dangerous time for survivors of domestic and sexual violence. In the [Campbell et al. \(2003\)](#) case-control study, 44% of women murdered by an intimate partner had separated or were in the process of leaving. It goes without saying that parental fatalities are never in the interest of children. In instances of domestic violence, it is imperative to give courts discretion to increase safety for children when necessary during an already volatile time.

In summary, this bill would impede the court's and parents' ability to craft a child-focused parenting plan, and will increase barriers for parents who do not have access to legal counsel or the ability to navigate the legal system.

For the above reasons, we respectfully urge opposition to HB 3095. We hope that you will consider these concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melissa Erlbaum", is written in a cursive style.

Melissa Erlbaum
Executive Director