



Oregon Coalition

Against Domestic & Sexual Violence

Testimony Regarding House Bill HB 3095 Before the House Judiciary Committee

February 25th, 2025

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

As, director of the Oregon Coalition Against Domestic and Sexual Violence (OCADSV) I am writing to express concerns regarding House Bill 3095, which would establish a rebuttable presumption of equal parenting time in family law proceedings.

OCADSV was founded in 1978 and is Oregon's federally recognized domestic and sexual violence coalition. The membership of our coalition currently represents 54 domestic and sexual violence community based advocacy programs across the state. Members are united in their commitment to ensuring access to confidential, culturally-specific, community-based, and trauma-informed services for survivors of domestic or sexual violence across the state.

Over 90% of custody cases are resolved by parties coming to an agreement. Requiring a presumption of equalized placement, would apply to this small percentage of contested cases and removes judicial discretion when needed the most. Oregon law already requires courts to apply the "best interest and welfare of the child standard" when determining custody and lists specific factors Judge's should consider when looking at the unique circumstances of each case to determine physical care arrangements. House Bill 3095 moves the courts away from a standard that allows Judges to consider many factors in deciding the best interests of the children and sets a presumption that 50/50 custody is the standard by which children's interests are *always* best protected.

Our concerns about HB 3095 come from the perspective of our work with survivors across the state. This bill would shift the current focus in family law proceedings away from the individualized assessment of the children's "best interests" towards an approach focused instead on "fairness" to parents. While equal parenting time is appropriate in many cases, it is rare that that would be appropriate in cases involving domestic or sexual violence. The bill would put the burden on survivors to overcome a legal presumption, and be forced to center and raise their experiences of violence in order to achieve safety for their children. This could trigger retaliation and other safety consequences for survivors and their children. Parents who have perpetrated violence against their children or their coparents should never be presumed to be fit parents entitled to 50/50 parenting time, and it would be revictimizing to survivors to be forced to overcome a legal presumption in order to focus the court's attention on the best interests of their children.

HB 3095 would negatively impact survivors and children and for these reasons we respectfully express our concern.

Sincerely,

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Executive Director

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