

MEMORANDUM

SUBJECT: Response to Verbal Testimonies on House Bill 3095 - Equal Parenting Time

TO: Oregon House Judiciary Committee:

I am providing a written response to concerns that emerged during verbal testimonies in the Committee Hearing on February 25, 2025.

I. LEVEL OF EVIDENCE

It is worth first defining clinical terminology used for analyzing research publications according to “Strength of Recommendations Taxonomy (SORT).”¹

SORT-A: Based on consistent and good-quality patient-oriented evidence

SORT-B: Based on inconsistent or limited-quality patient-oriented evidence

SORT-C: Based on consensus, usual practice, expert opinion, or case series

- a. All of the testimonies in opposition from the divorce industry noted individual years of practice, anecdotes, and common practices (SORT-C).
- b. None of the testimonies in opposition included SORT-A/B references. One testimony² in opposition included a SORT-C article that affirmed the benefits of regular and frequent overnights, with both parents, for infants and toddlers.
- c. In his written testimony, the Honorable Judge Sean Armstrong stated that a presumption of equality “is not supported by any peer-reviewed social science of which I am aware.”³ I have also heard another Judge state that there are lots of articles showing lots of things.
- d. I encourage anyone interested in child-focused research and outcomes to review the reference list at the end of my initial testimony⁴ and the testimony of Dr. Don Hubin,⁵ which include SORT-A/B clinical child-focused psychology research articles, as well as national and international SORT-C consensus statements.

¹ [Ebell MH. Strength of recommendation taxonomy \(SORT\): a patient-centered approach to grading evidence in the medical literature. Am Fam Physician. 2004 Feb 1;69\(3\):548-56.](#)

² [20250223 Testimony of Lonny R. Webb, MSW, LCSW](#)

³ [20250225 Testimony of Honorable Judge Sean Armstrong](#)

⁴ [20250222 Testimony of Jess Miller, MD](#)

⁵ [20250222 Testimony of Prof. Don Hubin, PhD](#)

- e. Through enacting parental equality, the states of Kentucky, Arizona, and Michigan have functionally conducted social science "retrospective cohort studies," which have demonstrated the societal benefits mentioned in my initial written testimony and that testimony of Dr. Don Hubin.
- f. Oregon family laws and precedents are currently based on SORT-C usual-practice and expert opinion.
- g. It is my hope, as well as the hope of every common citizen affected by Oregon family law who testified yesterday, that our policies can some day be based on consistent and good-quality SORT-A/B evidence.

II. CHILD FOCUS

- a. There were multiple claims from the divorce industry that a rebuttable presumption of equal parenting time would change current policies from child-focused to parent-focused. This is an unfortunate misappropriation of the intent, and anticipated outcomes, of this bill.
- b. By instituting a policy, based on SORT-A/B evidence showing that equal shared parenting time is in the best interests of the child in *most* cases, then we would confer individual and societal benefits to our children (improved school completion, drug abstinence, crime and gang avoidance, delayed pregnancies into adulthood, and emotional wellbeing) while also allowing for exceptions when a rebuttal would be more appropriate.

III. ADDITIONAL COMPONENTS OF "BEST INTERESTS OF THE CHILD"

- a. In his written testimony, the Honorable Judge Armstrong listed a number of factors that he considers when developing a parenting plan. Though reasonable and commendable, many of those are not currently listed as statutory components for "the best interests of the child" under ORS 107.137.
- b. The author and supporters of House Bill 3095 encourage adding many of those factors into existing ORS 107.137, to make it more clear which factors could rebut a presumption of equal parenting time, such as geographical and time constraints, special needs, exposure to illicit drugs or violence, etc - to allow Judges to use these parameters when designing a parenting plan that maximizes practicable parenting time while protecting the safety of all parties.

Respectfully submitted,



Jess R. Miller, MD