



Testimony in Opposition to House Bill HB 3095 Before the House Judiciary Committee

February 27th, 2025

Call to Safety is a community-based advocacy nonprofit organization that provides free and confidential services to people impacted by domestic violence, sexual assault, sex trafficking, and stalking in the state of Oregon. We provide 24/7/362 crisis line coverage throughout the state, 24/7/365 crisis response to hospitals and additional response sites within the Portland Metro area, and comprehensive follow-up case management services to those with ties to Multnomah County.

Our concern is that HB 3095 would negatively affect families impacted by domestic and sexual violence by presuming a one-size fits all standard for making determinations of parenting time. The bill proposes codification of a legal presumption that equal (50/50) parenting time is in the best interests of children and requires the rebuttal of that presumption before a Court could order otherwise. This standard would have a significant negative impact on children and families when there is domestic violence happening within the family. Parents and children impacted by domestic violence often do not have the resources and legal knowledge to navigate the legal processes required to keep them safe, such as the process that would be required here for a rebuttal of the legal presumption. Legal social services are already unable to meet the high demand for legal representation in family law matters when families have been negatively impacted by domestic violence. HB 3095 would further exasperate legal social services and create undue burden for those families struggling with violence. We would see an exponential increase in children in unsafe living situations because of their parents' lack of access to legal services due to prohibitive cost, lack of availability of services and/or lack of knowledge and ability to access services. Families with low socioeconomic status are likely to be the most impacted as they have the highest barriers to accessing resources and information needed to navigate family law proceedings such as these.

Oregon statutes establish several principles regarding the importance of both parents in the establishment of parenting time orders, against the foundation of a consideration of the best interests of the children and the safety of the parents:

Policy Regarding Parenting:

Assure frequent/continuing contact with parents who have shown the ability to act in the child's best interest;

Encourage fit parents to share in rights/responsibilities of raising children;

Terms of parenting plan for benefit of child, not parents;

Encourage parents to develop own parenting plans - wide discretion;

The best interests of the child and safety of the parents must be considered.

When parents cannot agree about the terms of custody and parenting time, and need a judge's decision on the matter, Oregon's law provides a nationally recognized standard for determining the appropriate order. The judge must consider the facts and circumstances of the individual family and make a determination about what would be in the child's best interests. It is best policy to ensure that this is a child-centered assessment, rather than a parent-focused assessment.

In 2019, the Legislature enacted SB 318, which further provided that if a parent requests that the court order equal parenting time, the court may deny the request if the court determines, by written findings, that equal parenting time is not in the best interests of the child or endangers the safety of the parties.

Best Interests of the Child Standard:

Consider all of these factors:

Emotional ties between child and family members;

Interest of parties in child and attitude towards child;

Desirability of continuing existing relationships;

Abuse of one parent by the other;

Preference for primary caregiver of the child, if the caregiver is fit;

Willingness and ability of parent to facilitate relationship between child and other parent; May not consider this factor in cases of sexual assault or pattern of abuse, if continuing relationship would endanger health/safety; Rebuttable presumption that it is not in the best interests of the child to be in sole or joint custody of parent who has committed domestic violence;

Marital status, income, social environment, conduct, or lifestyle not considered unless causing or may cause damage to child; No preference to mother over father or father over mother.

All families are different, and have different challenges, strengths, and needs. The

consequences of having an inappropriate order regarding parenting time are severe. Oregon's current law strikes a balance that facilitates a court's ability to consider relevant factors designed to encourage the crafting of an order that works best for children. This is the appropriate focus for our family law statutes. For these reasons, we oppose House Bill 3095.

Thank you for considering our testimony,

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