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March 11, 2025

Senate Committee on Judiciary
Oregon State Legislature
900 Court St NE
Salem, OR 97301

Re: Opposition to SB 1130 – Parenting Time Enforcement

Dear Chair and Members of the Senate Committee on Judiciary,

My name is Lauren Saucy. I have been a private attorney in Salem, Oregon for over 20 years. I practice exclusively in the areas of family law and divorce and I am in court on these issues on a frequent basis. I am the past Chair of the Oregon State Bar Family Law Section. I was a member of the Family Law Section Executive Committee from 2007-2016. I am a Fellow of the American Academy of Matrimonial Lawyers, which is a national organization that promotes excellence in family law, and whose members are among the most respected family law practitioners in the United States. I am also a board member of the Oregon Academy of Family Law Practitioners, and a past member of the Marion County Bar Executive Committee. I have co-authored an article on parenting plans in a national legal journal, and have authored numerous chapters in the Oregon State Bar's Family Law CLE Manual. I am a frequent speaker at Continuing Legal Education programs on various family law related topics. I write to express my personal opinion only.

I oppose Senate Bill 1130 for the following reasons:

Oregon Law Already Provides for Significant Remedies and an Expedited Hearing in These Matters.

If the intent of this bill is to protect parents whose parenting time has been wrongfully withheld, ORS 107.434 already allows for expedited parenting time enforcement hearings. That statute provides for broad remedies by the court, including all the remedies suggested in this legislation and more. Specifically, ORS 107.434 allows the court to order make-up parenting time, impose additional terms and conditions on existing parenting time, and require the posting of a bond. The existing law also lists more severe remedies available to the court, such as scheduling a hearing to consider a change in custody or suspending spousal support. This bill adds nothing to the remedies already available, and *mandates* a specific sanction under subsection four at the same time as restricting the court from even considering the underlying causes of the difficulties in parenting time.

The Need for a Case-by-Case Assessment

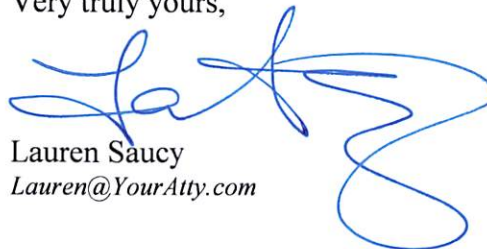
In high-conflict custody cases, it is essential to differentiate between a parent's wrongful withholding of a child, a child's resistance to visitation, and the outright refusal of a child to spend time with one parent. The blanket approach proposed in this bill fails to account for the critical need for a thorough, individualized evaluation, including the child's emotional and psychological needs. The specific provision that sanctions should be imposed "regardless of whether the court finds that the deprivation of parenting time was wrongful" is particularly problematic and dangerous. Every situation is different, every child is different, and the reasons behind missed parenting time, or even a child's resistance or refusal to visit a parent, are nuanced and deeply personal. Mandating automatic make-up time without evaluating the underlying causes of the missed time risks perpetuating a harmful cycle that could lead to greater emotional damage, including feelings of helplessness, distrust, and emotional withdrawal from *both parents*.

In my practice, I have seen that forcing a child to spend time with a parent does not always improve the relationship – in fact, it often causes deeper damage that might otherwise have been repaired. Yet subsection four mandates this response by the court. Children, especially those in high-conflict custody arrangements, can experience significant emotional distress when forced to spend time with a parent against their will. A more effective approach is the nuanced law we already have, which allows for swift court intervention, provides a broad range of potential remedies, and gives the court the opportunity to fully understand the family dynamic and craft a solution that will actually resolve the issue, rather than potentially make it worse.

Conclusion

I strongly urge the Committee to decline to adopt this proposed legal change. The well-being of children and families should not be secondary to the desire to fulfill a rigid, one-size-fits-all rule about missed visitation.

Very truly yours,



Lauren Saucy
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