

March 11, 2025

Written Testimony in Opposition to Senate Bill 1130
Submitted to the Senate Committee on Judiciary

Honorable Senator Floyd Prozanski, Chair
Members of the Senate Committee on Judiciary
Oregon State Legislature

I submit this testimony in strong opposition to Senate Bill 1130, which would impose rigid and unnecessary restrictions on how Oregon courts determine parenting time. As a licensed clinical social worker with over three decades of experience in clinical and forensic practice, my work has been deeply rooted in criminal forensic assessment, risk evaluation, and the psychological impact of trauma. I have conducted extensive evaluations in criminal cases, assessing behavioral patterns, cognitive functioning, and risk factors related to recidivism, violence, and coercive control. My expertise has been used in criminal court proceedings to analyze trauma-related disorders, false memory formation, and the neurobiological effects of chronic stress on decision-making and behavior.

In addition to my work in the criminal justice system, I have provided forensic assessments in civil matters, including court-ordered psychosocial evaluations in custody and parenting time disputes. Over the past five years, I have expanded my forensic practice to address issues related to evaluating parental capacity, risk factors, and child welfare in family court cases, ensuring that courts receive objective, evidence-based recommendations. My background in both forensic risk assessment and clinical treatment allows me to assess the intersection of parental fitness, trauma, and child development in custody disputes.

SB 1130 directly conflicts with Oregon's legal framework, which requires courts to base custody and parenting time decisions on the best interests of the child. Rather than strengthening Oregon's custody laws, SB 1130 introduces rigid mandates that would create new obstacles to fair and effective custody determinations. The bill strips courts of their ability to make individualized determinations, replaces essential judicial discretion with inflexible rules, and creates enforcement mechanisms that fail to account for the complexities of family dynamics, particularly in cases involving high-conflict custody disputes, coercive control, and parental alienation.

The Best Interests of the Child and the Arbitrary Parenting Time Cap

SB 1130's prohibition against awarding more than 50 percent parenting time to a noncustodial parent contradicts ORS 107.137, which mandates that custody and parenting time decisions be made according to the best interests of the child. Oregon courts are required to evaluate numerous factors when making these determinations, including the emotional bonds between the child and each parent, the ability of each parent to meet the child's daily needs, the child's preference (if of sufficient age), the willingness of each parent to facilitate a positive relationship with the other parent, any history of abuse or neglect, and the overall stability of the child's living environment.

This existing legal framework allows courts to craft parenting plans that are uniquely suited to each family's circumstances. SB 1130 would remove this flexibility by imposing an arbitrary cap on the amount of time a noncustodial parent may be awarded, even in cases where more parenting time would be in the child's best interests.

For example, there are situations in which one parent is awarded sole legal custody due to their ability to make specialized medical or educational decisions for the child, yet the other parent has historically been the child's primary caregiver and is best suited to provide day-to-day care. Consider a case in which one parent is a medical professional who is awarded legal custody due to their ability to make informed medical decisions for a child with complex health needs. Despite their expertise, that parent's work schedule may prevent them from serving as the child's primary caretaker, and the child's well-being may be better supported by the other parent having more than 50 percent physical custody. SB 1130 would prevent courts from structuring an arrangement that reflects the child's best interests in such a case, forcing an unnecessary and artificial restriction on parenting time.

Oregon law does not assume that all custody arrangements should be symmetrical, nor does it impose any presumption of equal parenting time. Instead, the best interest standard allows courts to make determinations that reflect the individual needs of each child and family. SB 1130 undermines this standard by forcing courts to conform to a rigid formula, rather than making decisions based on the actual circumstances of each case.

Judicial Discretion, Increased Litigation, and the Dangers of Mandatory Parenting Time Enforcement

Parenting time disputes are among the most contentious issues in family law. As noted by legal professionals who have worked in this field for decades, disputes frequently arise post-divorce, with one parent claiming obstruction of parenting time and the other asserting concerns about mistreatment, neglect, or emotional harm. There is no question that in some cases, parenting time can be used as a weapon by either parent to control or retaliate against the other. However, Oregon courts already have mechanisms to address these situations.

Under ORS 107.434, parents who believe they have been wrongfully denied parenting time can file a motion for enforcement, which allows courts to review the case and impose appropriate remedies. Courts currently have the authority to modify parenting plans, award compensatory parenting time, impose additional conditions, and issue fines or contempt sanctions where necessary. However, the

law also allows judges to determine whether withholding parenting time was justified in situations where a child's safety or well-being was at risk.

SB 1130 removes this essential judicial discretion by mandating immediate enforcement of parenting time, regardless of the circumstances. This provision assumes that all denials of parenting time are unjustified and requires courts to impose penalties even in cases where a parent may have had legitimate safety concerns.

Rather than reducing conflict, these provisions are likely to increase litigation as parents who feel unfairly penalized will have no choice but to seek emergency relief or modifications to address the unintended consequences of rigid enforcement. The financial penalties imposed by SB 1130 may also escalate disputes rather than resolve them, leading to further legal battles and increased burden on family courts through contempt motions, enforcement actions, and emergency hearings.

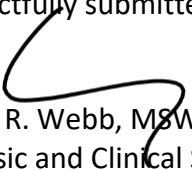
One of the most troubling aspects of SB 1130 is its failure to acknowledge the role of therapeutic interventions in resolving parent-child conflicts. Oregon law already allows courts to order evaluations, co-parenting counseling, and reunification therapy, all of which serve to address the root causes of parenting time disputes rather than simply imposing penalties. Therapeutic interventions are often more effective in repairing strained parent-child relationships than court-ordered enforcement alone. By stripping courts of their ability to use these tools appropriately, SB 1130 creates a punitive framework that is likely to exacerbate conflict rather than resolve it.

Conclusion

SB 1130 represents a fundamental shift away from Oregon's best interest standard, replacing judicial discretion with rigid mandates that fail to account for the complexities of family law cases. While the intent of the bill—to prevent wrongful withholding of parenting time—is understandable, its implementation would create far more problems than it solves. Oregon law already provides the tools necessary to enforce parenting time orders while ensuring that courts retain the flexibility to protect children and respond to individual family circumstances. Rather than strengthening Oregon's custody laws, SB 1130 introduces rigid mandates that would create new obstacles to fair and effective custody determinations, increase litigation, and undermine the ability of courts to act in the best interests of children.

For these reasons, I strongly urge the legislature to reject this bill.

Respectfully submitted,



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