



## CIRCUIT COURT OF THE STATE OF OREGON

FOR THE 2<sup>nd</sup> JUDICIAL DISTRICT  
LANE COUNTY COURTHOUSE  
125 E. 8TH AVENUE  
EUGENE, OREGON 97401-2926

KARRIE K. McINTYRE  
CIRCUIT COURT JUDGE  
(541) 682-4218

March 11, 2025

Oregon State Legislature  
Senate Committee on Judiciary  
Sent Electronically for Testimony March 11, 2025

RE: Enforcement of Parenting Time Provisions of SB 1130

To Whom it May Concern,

I am a Circuit Court Judge in Lane County and currently the Chief Civil Judge there. I am the current chair of the Statewide Family Law Advisory Committee (SFLAC). The SFLAC is a statutorily developed multi-disciplinary committee that provides advice to the Chief Justice and State Court Administrator to better assist families navigating their matters in Oregon Courts (ORS 3.436). I chair the National Counsel for Juvenile and Family Court Judges Family Violence and Domestic Relations Advisory Committee. I do not write on behalf of the SFLAC, my colleagues on the Lane County court, or the NCJFCJ/FVDRAC but to provide the information by way of introduction. I served on the workgroup SB 318 regarding Presumption for Equal Parenting back in 2019.

Legislators have been tackling the issue of disgruntled parents and constituents who are unsatisfied with custody and parenting time outcomes in the court for as long as the courts have been tasked with making the determinations. When parents do not raise their children in the same household and are unable to reach agreements about the fundamental needs of a child, then the court must make decisions. It is critical to understand that many parents **are** able to address the needs of their children *without court intervention*, however, it is when they are not able to do that, they become involved in adversarial court litigation. If parents resort to adversarial litigation, then, often, they are unable to effectively collaborate among themselves regarding what is in the child's best interest. (This is also why it remains critical to support court connected mediation.)

Understanding that premise is key when deciding whether imposing nondiscretionary statutes regarding enforcement of parenting is appropriate. **For decades, the Oregon Legislature has been directing the courts to make parenting time decisions based on what is in the best interest of the children, which does not necessarily align with what a parent thinks are "fair".**

I have the following comments as it relates to SB 1130:

- 1) Modification of ORS 107.105 Paragraph F – refers to “visiting time” which is inconsistent both in public policy and statute and should be referred to as “parenting time”. But also, practically speaking, the court often awards 50/50 parenting time but that results in some years, with holiday allocation, that the non-custodial parent may have more than ½ the parenting time. This proposal to statute is unnecessary and will result in unnecessary litigation for the parents and increase of court hearings on already overburden courts.
- 2) Section 2, Modification of ORS 107.434

Section (h) – regarding appointment of an individual or panel to assist the parties with implementing the parenting plan. The Court already has authority to suspend a case and appoint evaluators, therapists, or other professionals to assist with developing parenting plans in most other domestic relations proceedings. See ORS 107.425 Perhaps it would be more appropriate to add this provision in that section instead of within 107.434 itself to give a better idea of the scope of these types of investigations, evaluations or proposed plans.

Section (3) –This provision dictates that the Court impose parenting plans that may be inconsistent with the public policy directives of making decisions based on the **best interests of the children**. There are a variety of reasons that a court may elect not enforce an underlying parenting plan, not the least of which is the fact a Modification proceeding may be pending that is requesting the court to create a parenting plan that is more appropriate for a child. Additionally, a parent may be withholding parenting time while criminal charges, or child welfare cases are under investigation. Furthermore, the proposed revisions are not supported by research or data that supports limiting the discretion of a judge to evaluate the individual case on its merits and the needs of the child involved in the case.

I am particularly concerned about domestic violence coercive control dynamics where a parent will utilize the court process to exert power and control over a parent and have seen this on far too many occasions. A disgruntled parent will file parenting time enforcement proceedings that require a parent to answer by appearing in person in court. Often times that means a parent taking time from work, needing to seek daycare, and needing to prepare and participate in court action. (This is in addition to getting their children to school, to therapy, and all extracurriculars.) Recently one litigant lost her medical records transcribing job because the other parent filed so many court hearings, she was required to appear in court several times over a six-week period. The proposed revisions to the statute would encourage litigation by taking away the judicial discretion to implement a remedy that addresses the needs of the child in that unique circumstance.

It would be interesting to see data on how many enforcement of parenting time motions are filed by lawyers versus self-represented litigants. The State of Oregon has a growing population of parents who are self-represented for their initial filings of domestic relations matters (Dissolutions, and Petitions for Custody). Currently, 72% of all domestic relations matters have at least one party who is self-represented at the time of filing their initial Petitions and that number grows to 86% being self-represented by the time their case is completed. In 2024, approximately 23,000 initial domestic relations matters were filed (does not include protective order matters or modification matters, or enforcement of parenting time motions). I was not able to get data in time for this hearing about how many enforcement actions are filed yearly. Because the Oregon Judicial Department has worked hard to create access to justice for all litigants, the forms necessary for filing these actions are readily available online and can be filed with a request to waive or defer filing fees. There is no barrier to filing the cases. When they are self-represented, they are proceeding with their action without the benefit of legal counsel. This statute as proposed with the language of “shall” versus “may” impose remedies will lead to aggressive filings and increased contentiousness in the parenting dynamic which is detrimental to the child.

Within the list of mandatory requirements in the proposed statute, is the posting of a \$1000 bond. That provision is simply impossible to adhere to when people are unable to hire a lawyer or pay their filing fees. Mandatory language such as courts “shall impose a bond of \$1000” does not address the needs of parents and children here in Oregon. We should continue to allow the courts to address enforcement of parenting time as the statute currently exists, and never losing sight of the needs of the child.

VERY TRULY YOURS,  
Karrie K. McIntyre  
Circuit Court Judge, Chief Civil Judge  
Chair Statewide Family Law Advisory Committee – Oregon