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Oregon Legislature  
House Judiciary Committee on Civil Law  
Attn: Committee Chair  
900 Court St. NE  
Salem, Oregon 97301  
[Submitted Electronically](#)

**Opposition to HB 1130-Expedited Parenting Time Enforcement**

Dear Committee Chair:

I am a founding partner of a small family law firm in Portland that handles, among other issues, complex divorce and custody litigation in several counties across the state. I have practiced family law in Oregon for well over 20 years. I am currently serving as the president of the Board of Directors of St. Andrew Legal Clinic, a non-profit law firm that represents poor and middle-income family law litigants. I am also a member of the Family Law Executive Committee of the Oregon State Bar for the last several years. I represent children by court appointment via the Clackamas and Multnomah County's Child Representation Programs. I am educated and informed about the issues of children and families and an experienced family law practitioner.

I am writing to express my strong objection to the passage of House Bill 1130 and more specifically, the ongoing effort by the legislature to strip trial judges of their discretion to make decisions in the best interests of the children. There is no doubt that judges are the boots on the ground. They have the clearest view of the often complex, shifting dynamics of children and families in conflict. As a result, they are best equipped to make child-centered decisions based on the evidence presented in the court room. Oregon families deserve a thoughtful case-by-case analysis of parenting time enforcement matters. As most adults know, there is no functional one-size fits all approach to parenting or caring for children.

The proposed change in the text of ORS 107.434, while seemingly minor, would be impactful. The proposed bill functions would remove the ability of trial judges to nimbly respond to devastatingly serious issues impacting families like domestic violence, child abuse and neglect, mental health, or commonly, bad parenting. The changes also ignore the fact that there are many parents that do not follow their court ordered parenting plans for a host of reasons, by agreement. In these situations, it is not uncommon for one parent to end up filing a retaliatory or baseless enforcement action for reasons unrelated to their children's needs or best interests. The proposed change in law is likely to

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increase litigiousness and conflict, by creating an incentive to seek court relief and a disincentive to settle these cases. This approach furthers the divide between coparents and entrenches an adversarial approach to family law matters.

The primary concern here is that the proposed changes to the law oversimplify a complex issue. Penalizing parents for the behavior of their children, including resisting or refusing parenting time with the other parent, is not always appropriate. This is not a binary issue. It is a frequent maxim in family law that teenagers often 'vote with their feet.' This means that no matter what a parent may wish for their child, including that they enjoy parenting with their other parent, that outcome may very well be beyond a parent's control. Judges are in the best position to determine whether a parent is actively interfering with a parenting plan *or* are there are legitimate explanations for why the parenting plan is not being followed. We can and should trust the judges on the bench to do the difficult work that they have been appointed and elected to do.

If I can answer any other questions or respond to concerns, I would be happy to make myself available. Thank you for your consideration.

Sincerely,

DBMA Family Law Group, PC



Brittany A. Berkey