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Say yes for kids

*Family Law Task Force wants to halt
sabotage of parents' child-visitation rights*

Horror stories come from all sides of the child-support world. Cases in which the system will be guard-dog fierce in enforcing support payments but puppy-dog uncooperative in enforcing visitation orders are among the most persistent and sad ones.

Emotional pain gushes from every side of this issue. Oregon has the third-highest divorce rate in the nation. The parents of at least one out of five Oregon children live apart. They often are so angry that they use their children as weapons to batter one another, typically by denying access.

Sometimes, in the most severe cases, a parent takes the children and runs. A Washington County grand jury, for example, issued an indictment recently for criminal custodial interference when Gina Frischknecht, the ex-spouse of Sean Cruz of Portland, disappeared unannounced with their four children.

More typically, newspapers hear anguished stories from noncustodial parents, usually fathers, separated from children for years because the state offers little or no help in fighting the denial of visitation rights and the parent can't afford thousands of dollars for lawyers to do the job.

The Oregon Task Force on Family Law agrees that equal justice suffers when support orders are enforced but visitation orders are mocked. The 1993 Legislature charged the task force to recommend the best and least adversarial family-conflict-resolution system it can. William J. Howe III of Portland, task force chairman, said the body voted Aug. 15 to ask the Legislature to change Oregon law to:

- Emphasize the noncustodial parent's *entitlement* to reasonable access unless a court finds that visits would endanger the child.

- Require courts to define visitation or parenting plans in detail if either party requests, and to include language requiring compliance.

- Require both parents to give reasonable notice of plans to move.

- Declare that repeatedly interfering with visitation rights may be grounds to change a child-custody order.

And possibly most important:

- Add to the system a long list of ways parents can enforce visitation orders and parenting plans without hiring lawyers to file motions.

"We will have access-enforcement orders that are low-impact and quick, and then escalate to monetary penalties with violators paying other side's fees," said Howe.

Violators could be forced to post bond or security, add visiting time to make up for lost access, perform unpaid community service, face loss of spousal support or reduction of child support. Or even lose custody.

Mandatory mediation — settling disputes by joint agreement, a handshake rather than by the judge's hammer — would play a big role.

The goal is not to fine parents or to stick them in jail for contempt of court. The goal is to get them to cooperate for the children's benefit. They thrive best when both father and mother offer constructive parenting.

The task-force recommendations ought to be atop the Legislature's urgent-priority list next January.