

Joseph Cowles

From: Joseph Cowles <jpcowle70@gmail.com>
Sent: Saturday, January 12, 2019 10:29 AM
To: ksamsel@cox.net; Joseph Cowles
Subject: Fwd: UPDATED CALL IN NUMBER Custody and Parenting Time Work Group Monday Jan 7th 10 am

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From: Joseph Cowles <jpcowle70@gmail.com>
Date: Sat, Jan 12, 2019 at 10:27 AM
Subject: Re: UPDATED CALL IN NUMBER Custody and Parenting Time Work Group Monday Jan 7th 10 am
To: Newell Channa <Channa.Newell@oregonlegislature.gov>
Cc: Debra Dority <ddority@oregonlawcenter.org>, HIEMSTRA Cheryl <Cheryl.HIEMSTRA@state.or.us>, HUKARI Linda <Linda.Hukari@state.or.us>, Landon Poppleton <landonp@nwfamilypsychology.com>, Leola L. MCKENZIE <Leola.L.MCKENZIE@ojd.state.or.us>, lynnethofler (lynnethofler@gmail.com) <lynnethofler@gmail.com>, MARSH Bryan B <Bryan.B.Marsh@state.or.us>, Maureen MCKNIGHT <Maureen.MCKNIGHT@ojd.state.or.us>, MCINTYRE Karrie K <Karrie.K.McIntyre@state.or.us>, mhconsult1 (mhconsult1@msn.com) <mhconsult1@msn.com>, ryan@cartyboaz.com <ryan@cartyboaz.com>, Sen Prozanski <Sen.FloydProzanski@oregonlegislature.gov>, Sen Thatcher <Sen.KimThatcher@oregonlegislature.gov>, Sills Lori Anne <LoriAnne.Sills@oregonlegislature.gov>, Susan Grabe <sgrabe@osbar.org>, Sybil Hebb <shebb@oregonlawcenter.org>, howe (howe@gevurtzmenashe.com) <howe@gevurtzmenashe.com>, Ritchey Michael L <michael.l.ritchey@doj.state.or.us>, Narayan Kristina <Kristina.Narayan@oregonlegislature.gov>, Lewis KC <KC.Lewis@oregonlegislature.gov>, Chiapella Andrea <Andrea.Chiapella@oregonlegislature.gov>, Reiley Mike <Mike.Reiley@oregonlegislature.gov>

Hi Channa,

Good morning. Can you please distribute the results of the last survey to the work group, as you mentioned in our meeting last Monday? I'm interested to see the results and how we went from replacing the term custody with decision-making responsibilities to defining custody in the definition sections of certain statutes.

This work group experience has been similar to the last work group. We started our meetings engaged and collaborative, and then the meetings and communication stopped. We met five times in over thirteen months and executive decisions were made, behind closed doors, without open communication to the group (specifically, regarding the replacement of the term custody with significant decision-making responsibilities).

In the last work group (2017), you had committed to draft a bill that would completely replace custody with significant decision-making responsibilities (modeling the Illinois statutes) and then the communication

stopped. In the eleventh hour, a bill was drafted to create a task-force to do the same thing we had already done - study family law of other states and draft bills to make a *positive change* for families and children who rely on family law to do the right thing and help them. In our current work group, the interest level to replace custody with decision-making responsibilities seemed high once again, but a then member in the group suggested to only make the changes in specific sections in order to define custody. This diverted the group from moving forward with our original initiative to replace custody altogether with decision-making responsibilities. This alternative diversion does nothing to help families or children, but allows for the harmful effects of custody laws to continue to destroy families and leave them financially broke (at the benefit of attorneys and the industry of family law).

During the peak of a disillusion in marriage or a partnership, many parents slip into a fight or flight mentality. The reptilian aspect of their brain, in the limbic system, takes over and the emotions of fight or flight supersede their ability to have rational thought and give primary consideration to the child. Custody laws then place the child in the middle of the dispute and labels them as the award to the parent who can paint the best picture of why they deserve sole custody. Custody laws in the state of Oregon takes advantage of families who need the help, instead of assisting them to move forward in a healthy transition into two households. It is a volatile arrangement that triggers extensive litigation, and it is not in the best interests and welfare of children.

My suggestion in both the last work group and this work group has been to empower the court with the ability to allocate each of the four significant decision-making responsibilities in Oregon state law (education, healthcare, religious training, and residence) to either one or both parents, in the disputed cases. In obvious cases where one parent is incapable to make sound decisions regarding the child, the more fit parent would then be allocated all the decision-making responsibilities for the child, just the same as sole custody.

Precedence has already been set in the state of Illinois (three years ago) and we could have spent the last year learning about how the state was able to achieve what we cannot, due to the resistance (and motives to protect custody laws) within the work group. If the group had been formed with tenured professionals that help families and children (psychologists, pediatricians, teachers, social workers, etc), rather than professionals who benefit from family law, we could have made a positive difference for families. We could have actually placed the best interests and welfare of children before the best interests of attorneys and family law, as ORS 107.137 suggests the state will do - "...the court shall give primary consideration to the best interests and welfare of the child."

I understand that custody disputes are lucrative income driver's in family law and there are special interests within the work group to protect the volatile zero-sum game of custody disputes. The resistance I heard within the group was that there would be too many changes to be made and that federal funding could be negatively affected. The focus was never about helping families and children, but more so about feeding the industry of family law. It was another conflict of interest.

As Albert Einstein was quoted, "insanity is doing the same thing over and over again and expecting different results."

Regards,
Joseph