

My name is Joseph Cowles and I reside in Eugene, OR. I am a fit parent with an undergraduate degree in education and a graduate degree in Business administration. Parent through “love and logic” and I have no criminal background.

When my son was one year old, his mother and I separated, and then divorced. At the peak of our dissolution, the mother insisted on being the sole custodial parent and demanded the majority of the parenting time with our child. We were in a crisis and the court was unable to assist us to preserve our parental balance and equality in our family, due to antiquated laws that are in need of reform.

Current family law in the state of Oregon mandates the court to rule sole custody if the both parents cannot agree to joint custody. Moreover, the sole custodial parent typically receives more parenting time with the child and is considered the primary caregiver. It is a loaded arrangement that drives division in families, rather than fostering equal involvement of both parents in the child’s life.

There are cases where parents are unable to make rational decisions at the peak of a dissolution in marriage or partnership. Their brain automatically switches from rational thought that occurs in the prefrontal cortex to irrational thought that occurs in the reptilian aspect of the limbic system. This creates fight or flight tendencies. There are other cases where parents simply recognize the opportunities for control, entitlement, and increased child support that sole custody and increased parenting can offer. Insecurity or self-gain can often supersede what is in the best interests and welfare of the child.

I have been told by professionals in family law that current laws exist in order to minimize the potential of conflict in a child’s life. The industry philosophy is that if parents cannot agree on joint custody and equal parenting time, they will not be able to agree on what is best for the child’s development moving forward. Moreover, the philosophy is that a child will benefit from having a primary residence (more time with the custodial parent).

For the past six years, I have been part of two work groups that were coordinated by the senate judiciary committee to research and reform family law for the benefit of Oregon families. During this time, I have also interviewed numerous end-users, professionals in human services, professionals in family law, and public officials about the pitfalls of current family law in the state of Oregon. My findings have been that the end-users of custody and parenting time disputes suffer from the experience, professionals in human services understand the damage and suffrage the families feel, and the professional in family law want to protect these volatile laws that drive litigation.

As a result of current Oregon family law, I had been marginalized as a non-custodial parent, legally disenfranchised from my son, and received less than 50% of the parenting time.

Now I have 50% of the parenting time with my child, but there was a cost. The greatest cost was the lost time with my child. It took more than ten years of advocating for my child and tens of thousands of dollars in legal fees to get there. The critical child development time that we lost, we will never get back and the legal fees that I paid would have covered his continued education.

These antiquated laws that destroy families and leave them broken, instead of preserving their balance, only benefit the industry of family law. That is why we heard the testimonies we did today from the private attorneys, the state bar representative, and the state legislative advocacy member. However, the majority of the citizens shared testimonials of the pain that current family law causes. It is time that we place our citizens before family law commerce. The people of the state of Oregon deserve better than this.

If you have not had the experience, imagine what it must be like for families who require assistance by the state to help them in their transition into two households, but instead they are faced with a loaded dispute that drives division further in the family and alienates you from your child? It is an inhumane process for all parties and breeds distain within the family.

Children are half of each parent, and unless there significant reasons that deem one parent unfit, the child should benefit equally from the love and involvement from both parents in their lives. Time spent together and decision-making responsibilities are the greatest factors in parenting, and in this day and age, it is no longer acceptable to pick and choose equality. Equality should exist across the board.

There are 20 states around the country that currently have a presumption for 50/50 parenting time and the number continues to grow. We consider ourselves as a progressive state, yet we continue to sit on the sidelines when we know what is right. Please help us get SB 318, SB 371, and SB 736 passed and implemented. Although these bills do not achieve what I had hoped, they are steps in the right direction. I ask that you genuinely help the families in the state of Oregon, instead of siding with the industry professionals who currently benefit from the status quo of family law.

Lastly, I want to thank Senator Thatcher and Senator Manning for sponsoring SB 318 and recognizing the importance of parental equality for the sake of the child. I also want to apologize for the hardline stance I have taken today, but I have volunteered my time and efforts in the endeavor of parental equality for more than six years at the state level. And as a result, I have received a lot of understanding from public appointed officials, but of lack of action and their follow-through, which speaks volumes. I believe this is due to the resistance of the special interest groups that lay within the industry. Even the state charges a premium rate of 9% on any loans made to parties who cannot pay their judgements in the family court.

We need to empower the courts in the State of Oregon with the following changes to get where we need to be. It is a three-pronged approach):

1. Allow children the legal right to have voice
2. Allocate decision-making responsibilities (education, healthcare, religious training, and residence) in lieu of the zero-sum game of custody disputes.
3. Presume 50/50 parenting time, unless one parent is fundamentally unfit, does not live in the area, or does not desire the time with the child.

It is okay for parents to agree to disagree. There are reasons they are dissolving their togetherness. We need laws that help these families preserve equal involvement in a child's life.

Lastly, below are antiquated terms that eventually need replacement by the State of Oregon. These terms foster the entitlement and marginalization of parents:

- Secondary caregiver – replace with Parent
- Custodial parent –replace with Parent
- Non-custodial parent – replace with Parent
- Custody – replace with Decision-Making Responsibilities