

To: Chair Prozanski, Vice-Chair Thatcher, and the Entire Senate Judiciary Committee:

**“Missed Opportunities That Never Needed To Be Missed”**

My name is Jason Gearhart, and I’m from Washington County. I’m in my late thirties, and I have a two and a half year old son with my ex-wife. My divorce went final in April 2017 in Washington County.

Becoming a father had always been one dream of mine, more so after early 2003 when I found out I had two half-brothers after seeking out and finding my biological families in Minnesota. My half-brothers and I share the same dad biologically. Having lived in Minnesota from 2004-2006, I developed a valued relationship with my brothers. The tough thing I had to go through was the fact my brothers were only told I was their dad’s friend, Jason. The oldest of my half-brothers is autistic so my birth dad and his wife were concerned in disclosing the truth to him, worried as to how he’d handle the truth. My youngest brother was simply lumped in with that sentiment. They’d either both know the truth or both have the truth withheld from them. For nearly one decade, the truth was withheld from both of them. I was hurt by that decision, but I kept quiet regarding the wishes of my birth dad and his wife out of love and respect for them and the family they were building together. Today I still love and respect both of them!

Fast forward to June 2012, I received a call from my birth dad who had wanted to connect with me about some big news before I flew out for a visit. My biological dad and his wife told my brothers that I, “dad’s friend, Jason” was actually their half-brother, Jason. Both my birth dad and his wife were nervous to tell their two sons of the secret they kept for nearly one decade. Confused, my oldest half-brother simply asked his father, “Dad, why didn’t you tell us about Jason sooner?”

In trying to protect their sons, I know my birth dad and his wife didn’t intend to cause harm to my brothers or even to me. I believe they had good intentions, but I also believe they were scared of the potential questions that would arise by disclosing my biological relationship with the boys when they were younger. The sorting out of emotions from news like that can be scary, but it can also be rewarding.

Senate Bill 318 and the many other proposed equal shared parenting bills of today in the United States remind me of this story involving my brothers. Both SB 318 and my half-brothers situation are about missed opportunities to strengthen family ties and relationships early on in children’s lives. Proponents of SB 318 like myself want children to have the opportunity in living out an equal shared parenting dynamic to the fullest extent when there are two fit, willing, able and loving parents in the picture. The nearly 10 years of missed opportunity in developing an open sibling-based relationship with my two brothers deprived not only the three sons involved, but my birth dad and his wife deprived themselves from playing a pivotal role early on in building a wonderful, albeit non-conventional family dynamic.

The time is now for Oregon to step up for not only the well-being of children but also both fit, willing, able and loving parents. Not having a presumption of 50/50 parenting time and 50/50 financial responsibility immediately catapults one parent over the other on paper and through the outdated family laws of the land. This bill is not a “one shoe fits all” approach as opponents have claimed. As stated in SB 318 Section 4 (A) (1) *“The burden of rebutting the presumption is on the parent challenging the presumption. The presumption must be rebutted by clear and convincing evidence that equal parenting time is not in the best interests of the child and the other parent’s lack or inability with respect*

*to the child will cause substantial risk of harm to the child's health or safety".* No longer will one parent, usually the mother, be able to make blanket accusations and be handed sole joint and/or physical custody of the child or children without clear evidence to back up all their claims. This isn't simply just fair, it's actual due process being carried out. That's important.

When it comes to equal shared parenting legislation, I believe some government officials are similar to my birth dad and his wife. Whether it's out of fear through losing Title IV-D funding or genuinely trying to protect the best interests of children, the current state of how parenting time and child support is carried out needs to be reworked.

Last week my son and I had our first court-ordered overnight together, Friday night into Saturday. My son loves his mother, but during our overnight together, he wasn't clamoring for his mother. He was excited to have his dad read his "Feely Bugs" book at bedtime as well as one of his construction books he loves so much. We had some other playtime before bed, and he slept mostly well throughout the night, minus one instance of waking up and needing to be comforted by me. Yes, men can comfort their children! By the time he woke up in the morning, he was in a happy mood, breakfast was made for him and playtime ensued! My son needs more time with his father. Daughters and sons need more time with their fit, willing, able and loving non-custodial "inferior parents".

On a recent Tuesday night visit, my son refused to put his coat on when I told him momma was here to pick him up. He was repeatedly yelling out "No!" and crying. Even as I was attempting to put my shoes on to take him outside, he ran over to me attempting to take my shoes off and untie my shoelaces. He didn't want to leave. Again, my son loves his mother (thank goodness), but he was having fun with me, his protector, his comforter, his daddy! Today, I'm also his advocate. I'm also my own advocate, and I'm an advocate for other non-custodial "inferior parents". By the way, my son is my advocate based on the good relationship we've built in spite of the roadblocks that have been placed before us by his mother and the family court system. Even with roadblocks present, I have still found a way to be in my son's life through journaling to him daily and making the most of the time we do spend together.

Due to my ex-wife moving to Willamina, OR with our son in June 2018, I may never have an opportunity for 50/50 parenting time and strictly non-child support 50/50 financial responsibility with my son's mother (E.g. school expenses, camps, out of pocket health expenses, etc.). Regardless, I'm still working as if that's going to happen within my situation. My son deserves that and so do all other children who are put in the position of missing out on time and resources directly from one fit, willing able and loving parent that's been put in "visitor status" by the other parent and the family court system.

I urge this judiciary to support Senate Bill 318 so one decade from now we're all not asking a similar question to what my brother oldest half-brother had asked his father in June 2012. In the context of equal shared parenting legislation, that question amongst this judiciary could be, "Senators, why weren't we proactive for children and their two fit, willing, able and loving parents sooner?"

Thank you,

Jason Gearhart

Washington County