

Alexander Malloy

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Oregon Senate Judiciary Committee
BY EMAIL TO: sjud.exhibits@oregonlegislature.gov

RE: Testimony re: *Senate Bill 318*

Dear Members of this committee,

I'd like to start by thanking you for allowing the public hearing today on such an important piece of legislation before you, the impact of which has the potential to vastly improve the quality of life for the children and parents of Oregon. I've been waiting a long time for this venue and was not prepared to distill the decades of trauma caused by the family courts into the 2 minutes we were allotted. I, like many others you heard from today, have seen firsthand the injustices perpetrated against loving and capable parents throughout this state by the laws that currently govern our family courts. Under these archaic statutes, when parents are unable to come to an agreement, rather than erring on the side of compromise, judges are required to pick so-called "winners" and "losers" in custody and parenting time disputes, and the losers in these outcomes are always the children.

My case was no different and I've spent the last 10 years working tirelessly to repair the damage that was done by these courts. Put simply, when I originally filed the papers to establish custody and parenting time following the separation from their mother, I did so by asking for equality, I wanted to be there for my kids. My proposed parenting time arrangement would have had them spend time equitably between Mom and myself in an effort to share the responsibilities of raising our children. Little did I know that the equality I was seeking, time I thought I was entitled to with my children, was not even an option when the other parent does not agree? See, the judge in my case was bound to apply the law, and since our current laws subscribe to a winner take all approach to custody and parenting time disputes, just the fact that their mother disagreed with my proposal for a shared, co-parenting schedule, that simple disagreement set me on an uphill path with no chance of success from the courts. My efforts were futile from the start because the law as currently written, force judges to pick a primary and secondary parent when they are unable to agree to a parenting plan, and with one swing from that gavel I went from being an equally represented parent in the eyes of my children, to a visitor, a weekend play date.

The parenting plan most commonly applied in Oregon in these types of situations maintains the outdated schedule of every other weekend, this is the **standard parenting** plan offered by the courts. I ask those of you who have children, if you could expect to be an effective parent with only 4 overnights a month with your children? Would you be able to be the same parent you are today during those 4 overnights? Or would you spend your limited time trying to catch up on all that was missed, cramming activities into those precious hours to make up for what was lost? I know this role has changed me, and it is sure to have long lingering effects on my kids as they continue to grow.

Now there's a lot of social stigma that comes with a loss in any court. People naturally assume that in a court of law, someone must have done something wrong in order to "lose" rights they previously had. Generally, a crime must have been committed or the person is a danger to themselves or others in order for rights to be taken away and restricted. This is not the case in our family courts. The fact is that nearly all cases in which non-custodial parents are reduced to the every other weekend role, no crime, no violence, and no danger need be present, all it takes is a disagreement from the other party. This stigma often silences victims of these family court abuses because of the judgment that is passed on them from their friends, family, and society as a whole. We are labeled as deadbeats, uninvolved with our children as though it were our choice to be here. The truth is that our courts do not honor parents as equals, but chose winners and losers based on an outdated view that there is a sole care taker and a sole financial provider within a family unit. This is not the experience of our modern world, where in most cases, both parents are working or looking for working, providing and caring for their children as a team, and aims to update our laws to recognize the combined efforts it takes to raise children in our modern world.

The rebuttable presumption that equal parenting time is in the best interest of children is supported by a mass of research and endorsed by the American Psychological Association since 2002 as the most beneficial option for children when there is no danger in doing so. The opposition will try to tell you that *SB 318* is the gate key of an alarmist notion that unfit and abusive parents will seek equality in the courts and judges will be forced to place children in harm's way. *SB 318* does not create rules that will allow abusive parents to gain more access to their children; it only broadens the options available to judges when both parents are deemed fit and capable. I am not an anomaly, every parent loves their children and wants to do what is best for them, and the ones that don't, do not typically ask to be equally represented in their lives.

In the hearing today, it was ironic to see who the primary opponents of the adoption of this bill were, nearly all members of the Bar, why on earth would those who represent the justice system be fighting against the presumption of equal treatment under the law? The unfortunate answer is they stand to gain by maintaining the status quo as ever more unbalanced verdicts are handed out, more and more filings to attempt the wrong that was perpetrated against a parent who just wants to be there for their child. This translates to a steady flow of clients for the lawyers, and an ever increasing caseload for the judges, who then use those inflated caseloads to seek additional funding to handle the increased business in the courts. A highway robbery, where your children are the hostages, the person there to help you keeps taking more out of your pocket, and the Justice Official you thought would help, is your guillotiner.

Opponents will point to the financial impact that equal parenting time may have on the States revenue from Title IV of the Social Security Act or the members of the Bar who may feel the impacts when there doesn't need to be a winner and a loser. But I submit to you here today that if the money gained from the degradation of parent child relationships in our state is of such a magnitude that it is unreasonable to entertain the idea of equality, we need to have a wholly different conversation. My broken family is not a revenue stream awaiting exploitation, and if the money collected from the support I'm compelled to provide is more important than the time I am allowed to spend with my children, than we have some serious value prioritization that needs to be done. Children from fatherless homes are statistically and overwhelmingly more likely to be maladapted in adulthood, it's literally one of the domains in the ACES study. Rates of suicidality, violence, mental health disorders directly correlate to the amount of parental involvement they receive.

This is Oregon's opportunity to join the over 20 states who've adopted these changes in parenting time arrangements for post separation families and as leaders we are looking to you change the landscape of our family courts, so our children will not be forced to endure the torment we have. I fear for my kids, and you should too. With marriage rates in decline, and nearly half of marriages ending in divorce, there's got to be a new approach to how to handle parental roles when parents no longer share a home and SB 318 is the step you can take here, now, to ensure we achieve progress toward a better future, and a better society as a whole.

Please advance *Senate Bill 318*!

Sincerely,

A handwritten signature in black ink, appearing to read 'Alexander Malloy', with a long horizontal flourish extending to the right.

Alexander Malloy

Oregon Resident,
Josephine County,
Senate District 02
House District 04