

**Testimony Regarding Senate Bill 318A
Before the House Judiciary Committee**

May 9th, 2019

Chair Williamson, Vice-Chairs Gorsek and Sprenger, and members of the Committee:

On behalf of the Oregon Law Center (OLC), I submit this testimony in support of Senate Bill 318A. I thank you for the opportunity to submit comments.

OLC is a statewide non-profit law firm whose mission is to provide access to justice for the low-income communities of Oregon by providing a full range of the highest quality civil legal services. Because we are not able to help all who qualify for our services, we prioritize the provision of assistance to the neediest Oregonians – the lowest of income, the most vulnerable. The single most frequent request for help from our offices is in the area of family law. Often, our clients are struggling to escape domestic violence. Rarely are the issues facing our clients more compelling than when parents seek our assistance in establishing safety and stability for themselves and their children in the aftermath of a separation. In all cases, we look for outcomes that, tailored to the needs and circumstances of the individuals involved, will enable the children to thrive. It is through this lens that my testimony is provided regarding the bills before the committee this morning.

As introduced in the Senate, OLC opposed SB 318, which would have created a presumption in all custody cases that 50/50 parenting time was in the best interests of the child. This proposal would have negatively impact families by presuming a one-size fits all standard for making determinations of parenting time. Risk factors such as domestic violence, substance abuse, mental health, or other impairments can significantly impact the appropriateness of parenting time. And while it is clearly the case that regular and significant contact with loving and fit parents is good for children, our current statutes recognize that all families are different, and have myriad factors that are relevant to the best interests of children. For example, factors such as the parents' employment schedules, the children's ages and developmental stages, where the parents live, physical or mental health issues, development stages, school and sports schedules, and more can more often than not mean that 50/50 splitting of time is not in the child's best interests. Low-income families in particular may have financial burdens, transportation issues, job schedules, and other challenges that would make a 50/50 parenting time schedule extremely difficult for children. As introduced, the bill would have imposed barriers to a court's ability to fashion a parenting time schedule that works best for the child. For those reasons, we opposed the introduced bill.

As amended by the Senate, SB 318A makes two small changes to current statute, which we support. The bill makes it explicit that, when in the best interests of children, a 50/50 parenting time order is allowed. While this authority currently exists in statute, the bill will provide clarity on this point for un-represented parties who may be reading the statute or accessing the court system without assistance. In addition, the bill provides that when a court denies a request for 50/50 parenting time, the court must state in writing why the request is denied. The standard for making parenting time determinations – the best interests of the child(ren) and the safety of the parties - remains unchanged. Explaining the basis for a denial of 50/50 parenting time will help the parties understand the court's rationale and lead to better outcomes for the family moving forward. For these reasons, we support SB 318A.

Thank you very much for your consideration and for the opportunity to submit testimony.