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. I parent using “love and logic” philosophy and I have no criminal background.

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

Current family law in the state of Oregon mandates that the court rule sole custody in the event that 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 litigation and division in families, rather than fostering equal involvement of both parents in the child’s life.

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

I have been told by professionals in family law that current laws exist in order to minimize the potential conflict in a child’s life. The industry philosophy is that if parents cannot agree upon joint custody and equal parenting time, they will not be able to agree upon what is in child’s best interest 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 participated in two work groups that were coordinated by the state 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, and ways to improve it, in the state of Oregon. My findings have been that the end-users of custody and parenting time disputes suffer from the negative experience, professionals in human services understand the damage and suffrage the families endure, and the professionals in family law want to protect these volatile laws that drive litigation.

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

Currently, I have 50% of the parenting time with my child, but there was a cost. The greatest cost was the time I lost with my son during a very critical time in his development. It took more than ten years of

advocating for parental equality and tens of thousands of dollars (intended for his college education) in legal fees to achieve a halftime schedule.

Children are half of each parent, and unless there are substantial reasons which deem one parent unfit, the child should benefit equally from the love and involvement of 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.

When the court determines that equal parenting time is not in the best interests of the child (or endangers the safety of the parties), its written findings that go into the record will help parents understand why the court has reached its decision. If a parent does not know why the court reached its decision, they will not be able to form a roadmap to become more fit parents from the courts perspective. The parent with the lesser time can eventually demonstrate to the court what measures they have taken to become a fit parent in order to be reconsidered for an equal parenting time schedule with their child, through a court modification in the long-term.

The court's written findings will also increase the safety between the two parties by raising a global awareness of the substantiated concern(s) at hand, instead of leaving the concern(s) unidentified.

Transparency of the court's written findings will also help keep the court accountable in giving primary consideration to the best interests and welfare of the child (as stated in 107.137(1)), as well as decrease any potential bias by the court. As you are aware, SB 318-2 is not a presumption of any kind. It merely requires the court to provide its written findings of why it has made the determination.

SB 318-2 represents progress and promotes equality for families in the state of Oregon. Similar family-law has worked well in other states (Missouri, Colorado, Arizona, Delaware, Main, etc.) and I am confident it will be an improvement to Oregon family law. Enclosed is the Missouri language and a recent study that discusses the importance of equal involvement of both parents in a child's life.

Please feel free to email or call me with any questions you may have at (541) 521-7881. Thank you again for your valued support tomorrow on SB 318-2.