

May 9, 2019

Senate Bill 356 – Testimony

Joseph Cowles – Lane County

My name is Joseph Cowles and I am in favor of SB 356. In a perfect world, the term “custody” should go away completely. It is an inflammatory term and a volatile arrangement that is offered by the court to any takers. It is a way for the state and attorneys to take advantage of parents who are at the peak of their crisis in legally dissolving the family dynamic.

The definition of custody in Oregon state law is the “major decision-making responsibilities” for the child. So why not call it what it is, instead of using volatile terms that polarize families into a fight of flight frenzy?

In the state of Oregon, the major decision-making responsibilities are defined as “education, healthcare, religious training, and residence”. Instead, of pouring fuel onto the fire with the zero-sum game of custody disputes, why not empower the court with the ability to allocate each of the decision-making responsibilities to either, or both, parents. This would eliminate these ugly disputes that bring out the worst in parents in order to win the award of sole custodial parent.

Precedence has been set for what I am proposing. The state of Illinois passed this law in 2016 and it went into effect January 1st of 2017: “...the court shall allocate to one or both of the parents the significant decision-making responsibility for each significant issue affecting the child.”

Until we can get to that place, it should be the custodial parent’s obligation to notify the non-custodial parent regarding specified matters concerning the child. And the non-custodial parent should have the opportunity to comment regarding specified matters concerning the child. Current family-law allows the custodial parent to alienate the non-custodial parent and the state is responsible for legally disenfranchising the non-custodial parent from their child due to the loaded argument that only benefits the industry of family-law.