

Testimony Re: HB 2959

Before the House Judiciary Committee of the Oregon Legislature March 3, 2021

Submitted by: Kathryn M. Moakley

Members of the Committee:

I write to oppose HB 2959. While I believe the intentions are good, the proposed legislation is written in such a way as to potentially cause more harm than good.

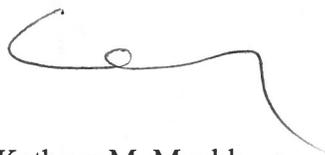
This legislation would require the consent of children 14 years or older for parenting plans affecting those children. While it would be appropriate for the court to consult with a child who will be the subject of a parenting plan, requiring consent of the child puts the child in a position where they may feel they have to choose between the parents. The child could also be subjected to attempts by a parent to persuade the child to "pick them". Either of these scenarios puts the child in the middle of the litigation between the parents and places an undue burden on the child.

I am currently the Domestic Violence Clinic Supervisor at the University of Oregon. I provide legal services to survivors of abuse. In these high-conflict situations, requiring the consent of the child to the parenting plan could create an additional avenue for emotional abuse of the family through an abuser attempting to sway a child's opinion on parenting time. An abusive parent could threaten a child, or the other parent, in order to get the outcome they want.

I do believe there could be appropriate legislation that requires the court to attempt to ascertain a child's wishes in regard to a parenting plan. However, the court should not be required to obtain the consent of children who may not wish to participate in the proceedings, and the court should be able to weigh multiple factors in addition to the desires of the child in terms of what is in the best interest of the child.

Thank you for considering this testimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn M. Moakley', with a stylized flourish at the end.

Kathryn M. Moakley