

Testimony Re: HB 2948

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 2948. The proposed change to allow the court to impose joint custody where parents do not agree to it would be detrimental to Oregon's children and families, particularly in the case of families who have experienced domestic abuse.

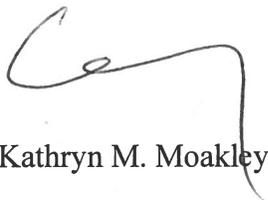
I am currently the Domestic Violence Clinic Supervisor at the University of Oregon. I provide legal services to survivors of abuse. The vast majority of my clients seek legal services regarding custody and parenting time matters. If the current law is changed to allow joint custody to be imposed over the objection of a parent, parents who have been subjected to domestic violence could very well be in the position of their abuser being able to use joint custody as a tool to continue abuse. This could put an abuser in the position of being able to 'overrule' decisions that are necessary for a child's wellbeing, such as starting therapy.

Joint custody also requires a great deal of communication and cooperation among parents. In situations where there has been enough conflict that the parties cannot agree to joint custody, it is highly unlikely that this communication and cooperation will improve just because of a court order. The predictable outcome of an imposition of joint custody is further litigation to resolve matters that should not be the provenance of the court, such as school, medical and other decisions that need to be made on behalf of a child. This is disruptive and harmful to the families involved.

In closing, I ask you to consider that the current custody and parenting time laws allow for the court to ensure both parents have significant and meaningful involvement in their children's lives, and to allow an imposition of joint custody where parents have not been able to agree to it only creates additional avenues for conflict during and after litigation.

Thank you for considering this testimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn M. Moakley', written over the typed name below.

Kathryn M. Moakley