

HB 2959 Testimony

Chair Power, Vice Chair Wallan, and members of the committee. Thank you for the opportunity to testify today on behalf of HB 2959. For the record, I am Michelle Pelletier.

HB2959 requires a child's consent to parenting plan if child is 14 years of age or older. This bill would direct courts to allow child witnesses in certain domestic relations proceedings to testify in person or by telephonic or electronic means.

I support House Bill 2959 because an adolescent at the age of 14 deserves a voice in who they will have parenting time with particularly when this choice involves their safety, fear or well-being.

Currently, despite the letter of the law, Judges in Oregon deny this right and choose not to allow children/adolescents (even at the age of 15) to testify. Attorneys for the child are also denied the right to testify on the behalf of the child – which also happened recently in Clackamas County in our case. In fact, you heard testimony from our child's former attorney who was denied the right to speak on his client's behalf in Clackamas County.

Of note, while Oregon law gives a child the right to an attorney – the child is expected to make that request – that is not something that a child knows to do at a young age and the cost of the attorney for the child also falls on the shoulders of the parent(s) which add to financial strain.

The right to testify on her own behalf has been denied of our own child on more than one occasion, perpetually drawing out court, causing her more trauma and therefore resulting in mental health issues for our child.

In Oregon at age 14, a child cannot decide their role in their own parenting plan but they may seek the following *without* parental consent:

- access outpatient mental health, drug or alcohol treatment (excluding methadone) without parental consent. Seeking help from a psychiatrist or psychologist.
- mental health therapy from a doctor or social worker
- help for drug or alcohol use.

Additionally, a 14 year old may work in Oregon, decide who has access to their medical and mental health records, but does not get to have a decision in the parenting plan which affects every aspect of their daily life. Oregon's logic on this in allowing some major decisions while denying their voice in one of if not the most important and largest aspect of their life, is incongruent.

In Oregon, at 10 years old, a child is allowed to be left alone without parental supervision but again, has no say in their parenting plan.

In Oregon adolescents are able to advocate for themselves in other serious areas of their lives and deserve to be allowed to have a say in their parenting plan – especially when it comes to their safety and well being. Currently, this is not happening for Oregon adolescents.

This results in adolescents feeling unsafe and not having a voice in one of the most important decisions of their adolescent lives. Adolescents are denied the right to testify and their attorneys are denied the right to testify on their behalf. Best interest of the child is not the same as what is best for the child. This again, has resulted in additional abuse to our child, trauma, disregard of her wishes and therefore disregard of her.

The claim that an adolescent is somehow protected from being “in the middle” by preventing their voice from being heard falls flat on its face because any 14 year old (and younger) child with any awareness whatsoever is very aware and thus already in the middle. Throw in the fact that children in Oregon are being forced to have parenting time with their abuser or a parent they fear. These children are aware of the fact that the court did not listen to them, the court did not protect them and that they are stuck.

Silencing a child’s voice when an abusive parent utilizes the court to attempt to continue to have unhampered and unsupervised parenting time is damaging in a multitude of ways.

There are numerous ways a court can allow a child/adolescent to testify or share their wishes without testifying in front of the other or both parents thus keeping the child safe from retaliation or further abuse by the abusive parent and removing any ideas of coercion by the safe parent.

Our case has lasted 14 years in large part because our child has not been allowed to testify. She originally divulged she was being abused at age 10. She is now 16 and still stuck in litigation. That is not a successful system.

I was disheartened though not surprised to hear and read testimony from several attorneys and services who oppose this bill who also coincidentally *also profit* by drawing out court proceedings and incurring billable hours. The courts also profit by drawing out cases and dragging families through its doors for years and years. Our family’s experience and those of many other’s in Oregon paints a very clear picture that the court is set up to draw things out, encourage litigation and does very little to protect children.

Any child 14 years or older needs a voice in Oregon courts which currently does not exist.

Listening to the opposition testimony today was extremely difficult and not aligned with our experiences over the last 14 years. I encourage anyone who gave testimony in opposition of this bill to read the transcripts from our case or our files. I encourage this committee and those in opposition of this bill to speak to other families who have endured the hell on Earth that is Oregon “family” court and learn the realities of what goes on.

This is a solution I believe in.

I urge your support for HB2959 I am happy to answer any questions you have, and I thank you for the opportunity to testify today.