

HB 2909 Testimony

Chair Power, Vice Chair Wallan, and members of the committee. Thank you for the opportunity to testify on behalf of HB 2909.

I support House Bill 2909 because currently in Oregon parents with a history of domestic violence are being allowed physical custody (parenting time) and at times legal and physical custody of their children. Oregon law (ORS 107.137; (1) (d)) specifically requires the consideration of “the abuse of one parent by the other” as a factor in deciding the custody of minor children however, *consideration* of this is not enough. Abusers are still being granted custody, being given unhampered and unsupervised parenting time and allowed to perpetually litigate for custody and parenting time.

In our case, the abuser has been litigating for 14 years and recently was granted a FOURTH parenting evaluation. (Our request for reconsideration of this decision and other detrimental and harmful rulings continue to be ignored by the courts). This recent ruling was granted in favor of our abuser despite multiple immediate danger orders being upheld, despite our child being considered a victim of a crime due to his abuse, despite not having parenting time for 2 years following abuse of our child and despite the fact that he also was arrested for strangling me. The very fact that he is allowed to continue to utilize the legal and court system to continue to exert control and trauma in our lives is the very definition of coercive control – thus it is domestic violence.

There are gaping holes in the laws surrounding the definition of domestic violence which do not include areas such as coercive control. This leaves loopholes for abusers to obtain custody. Coercive control means there may not be an arrest or hard and fast “evidence” of domestic violence or physical abuse. Coercive control is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. Coercive control refers to a pattern of controlling behaviors that create an unequal power dynamic in a relationship. These behaviors give the perpetrator power over their victim(s). Coercive control can escalate into physical abuse, however, even when it does not escalate, coercive control is a form of emotional abuse that can cause psychological trauma.

I implore this committee to please enact this bill so that the Department of Justice shall study and make recommendations on provisions of state law related to limits on awarding custody of children to a parent who has a history of domestic violence.

This is a solution I believe in and am available and happy to answer any questions this committee may have.

Thank you.

Michelle Pelletier