



Oregon Law Center

Sybil Hebb
503.936.8959
shebb@oregonlawcenter.org

522 SW Fifth Avenue, Suite 812
Portland, OR 97204

To: House Committee on Judiciary, Subcommittee on Civil Law
From: Sybil Hebb, Oregon Law Center
Date: March 4th, 2021
Re: HB 2959

Chair Power, Vice-Chair Wallan, and members of the committee:

On behalf of the Oregon Law Center, I submit this testimony to register opposition to HB 2959.

The Oregon Law Center (OLC) is a state-wide non-profit law firm whose mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. Approximately a third of our cases involve family law matters, where our clients seek assistance to address legal issues related to custody, parenting time, child support, divorce, and separation. Because we do not have the resources to help everyone who qualifies for our services, we prioritize cases in which the safety of a parent or child is at risk. This could be due to substance abuse, domestic violence, mental illness, or other factors. In these cases, the need for safe and stable custody and parenting time provisions are of critical importance, for parents as well as children.

Oregon is at forefront of Family Law Policy in basing all decisions on the best interests and well-being of the child, not the hopes and desires of the parent or the wishes of the child. {ORS 107.137 and ORS 107.102}.

Children, and especially teens, are often swayed by a parent – perhaps because they want to make that parent happy, or because they have their own self-interest in a certain choice, even though it may not be in their best interest. The prefrontal cortex in teens is not yet fully developed, and there is well-accepted evidence that this area of the brain is what regulates decision-making.¹ This is why risk-taking and impulsive behavior are more common among teens and young adults. Giving teens the authority to choose whether they accept a parenting plan does not recognize that all custody and parenting time decisions need to be made in accordance with the child's best interests, not according to their wishes.

This bill will put children in the middle of the conflict between parents who are dealing with the dissolution of the family and, even in the best of circumstances, are not at their best. Even well-meaning parents may inadvertently put children in the middle, unfairly placing an extreme amount of pressure of feeling like they must choose one parent over the other. The Court already

¹ <https://time.com/4929170/inside-teen-teenage-brain/>

has tools to listen to a child's voice when it is appropriate to do so, taking that feedback into their larger assessment of best interests. See ORS 107.425.

Further, in cases of domestic violence, post-separation of the parties the abusive parent already often uses children to continue the abuse of the other parent. Requiring a teen to sign off on a parenting plan to please an abusive parent can put the child (as well as the other part) in danger.

In closing, the best interests and well-being of the child/ren is the right consideration in determining a parenting plan. This bill would significantly impact Oregon's long-standing requirement to put the child's best interest at the center of all family court matters, and for these reasons, we oppose the bill.

Thank you for your consideration of this testimony and for your commitment to Oregonians.