

Senate Bill 1029

Sponsored by Senator SOLLMAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs State Court Administrator to develop judicial training program focusing on domestic violence and child abuse in family law cases. Directs Chief Justice of Supreme Court to adopt rules requiring specified judges, court staff and court-appointed professionals to attend trainings.

Directs Chief Justice of Supreme Court by rule to prescribe minimum experience requirements for expert witnesses who may testify in specified family court proceedings regarding abuse and trauma.

Prohibits court in child custody proceeding from ordering certain removals, reunification treatments or other actions to improve relationship of child with one parent over other parent.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to family courts; creating new provisions; amending ORS 3.423; and prescribing an effective
3 date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The State Court Administrator shall, in accordance with ORS 3.438**
6 **(4)(a)(B), develop a judicial training program that:**

7 **(a) Focuses solely on domestic violence and child abuse, including:**

8 **(A) Child sexual abuse;**

9 **(B) Physical abuse;**

10 **(C) Emotional abuse;**

11 **(D) Coercive control;**

12 **(E) Implicit and explicit bias, including biases relating to parents with disabilities;**

13 **(F) Trauma;**

14 **(G) Long-term and short-term impacts of domestic violence and child abuse on children;**

15 **and**

16 **(H) Victim and perpetrator behavior patterns and relationship dynamics within the cycle**
17 **of violence.**

18 **(b) Is provided by:**

19 **(A) A professional with substantial experience in assisting survivors of domestic violence**
20 **or child abuse, including a victim service provider, as defined in section 40002 of the federal**
21 **Violence Against Women Act of 1994 (34 U.S.C. 12291); and**

22 **(B) If practicable, a survivor of domestic violence or child physical or sexual abuse.**

23 **(c) Relies on evidence-based and peer-reviewed research by recognized experts in the**
24 **types of abuse described in paragraph (a) of this subsection.**

25 **(d) Does not include theories, concepts or belief systems unsupported by the research**
26 **described in paragraph (c) of this subsection.**

27 **(e) Is designed to improve the ability of courts to:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (A) Recognize and respond to physical abuse, sexual abuse and trauma in all domestic
2 violence victims and children, in particular; and

3 (B) Make appropriate child custody decisions that prioritize child safety and well-being
4 and are culturally sensitive and appropriate for diverse communities.

5 (2) The Chief Justice of the Supreme Court shall adopt rules regarding the training de-
6 scribed in subsection (1) of this section. At a minimum, the rules must:

7 (a) Require that the following individuals attend the training:

8 (A) Family court judges and court staff who may be involved in child custody matters;
9 and

10 (B) Any court-appointed professionals, including counsel, guardians ad litem, custody
11 evaluators, mediators and expert witnesses.

12 (b) Require the individuals described in paragraph (a) of this subsection to attend at
13 least:

14 (A) 20 hours of initial training; and

15 (B) At least 15 hours of continuing education training every five years.

16 **SECTION 2.** ORS 3.423 is amended to read:

17 3.423. (1) The Chief Justice of the Supreme Court may promulgate court rules for family court
18 departments established under ORS 3.405.

19 (2)(a) As used in this subsection:

20 (A) "Child custody proceeding" means any suit or proceeding described in ORS 107.425 (4)
21 in which there are minor children involved.

22 (B) "Child custody proceeding" does not include any proceeding under ORS chapter 419B
23 or 419C or any other child protective, abuse, neglect, child placement or juvenile justice
24 proceeding in which a public body, as defined in ORS 174.109, or Indian tribe is a party.

25 (b) The Chief Justice of the Supreme Court by rule shall prescribe minimum experience
26 and expertise requirements for any neutral professional who a family court judge in a child
27 custody proceeding may appoint to express an opinion relating to abuse, trauma or the be-
28 haviors of victims and perpetrators of abuse and trauma. At a minimum, the rules must
29 require that any court-appointed neutral professional possess demonstrated expertise and
30 clinical experience in working with victims of domestic violence or child abuse, including
31 child sexual abuse, that is not solely of a forensic nature.

32 **SECTION 3.** In any child custody proceeding, as defined in ORS 3.423, the court may not:

33 (1) Solely to improve a child's relationship with the other parent:

34 (a) Remove the child from a parent:

35 (A) Who is competent, protective and not physically or sexually abusive; and

36 (B) With whom the child is bonded or to whom the child is attached; or

37 (b) Restrict contact between the child and a parent:

38 (A) Who is competent, protective and not physically or sexually abusive; and

39 (B) With whom the child is bonded or to whom the child is attached.

40 (2) Order a reunification treatment unless there is generally accepted and scientifically
41 valid proof of the safety, effectiveness and therapeutic value of the reunification treatment.

42 (3) Order a reunification treatment that is predicated on cutting off a child from a parent
43 with whom the child is bonded or to whom the child is attached.

44 (4) If a child is resistant to having contact with a parent who is violent or abusive, order
45 the other parent to take steps to improve the relationship of the child and the violent or

1 **abusive parent unless the court has first ordered the violent or abusive parent to address**
2 **that parent's behavior contributions to the resistance of the child to have contact with that**
3 **parent.**

4 **SECTION 4. (1) Sections 1 and 3 of this 2023 Act and the amendments to ORS 3.423 by**
5 **section 2 of this 2023 Act become operative on January 1, 2024.**

6 **(2) The State Court Administrator and the Chief Justice of the Supreme Court may take**
7 **any action before the operative date specified in subsection (1) of this section that is neces-**
8 **sary to enable the administrator or Chief Justice to exercise, on and after the operative date**
9 **specified in subsection (1) of this section, all of the duties, functions and powers conferred**
10 **on the administrator and Chief Justice by sections 1 and 3 of this 2023 Act and the amend-**
11 **ments to ORS 3.423 by section 2 of this 2023 Act.**

12 **SECTION 5. This 2023 Act takes effect on the 91st day after the date on which the 2023**
13 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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