



**Oregon Commission on Asian and Pacific Islander Affairs**

**Advocating for Equity and Diversity throughout Oregon**

Dear Chair Prozanski, Vice Chair Thatcher, and Members of the Senate Committee of the Judiciary:

For the record, my name is Jackie Leung, Co-Chair of the Oregon Commission on Asian and Pacific Islander Affairs (OCAPIA). OCAPIA works for the implementation and establishment of economic, social, legal, and political equity for Asian and Pacific Islander Americans in the state of Oregon and to maintain a continuing assessment of issues and needs confronting Asian and Pacific Islander Americans in this state. OCAPIA has several statutory duties, all of which revolve around advocacy and equity.

I am writing to you in support of SB 313, which will direct Oregon courts to consider a child's preference when making a best interest determination for purposes of child custody determinations.

As of 2020, 1 out of 4 states in the nation do not require a judge to consider a child's custody preference<sup>1</sup>. Unfortunately, Oregon is one of the states where a judge can decide on a *case-by-case* basis whether to consider a child's personal preference. SB 313 will require courts to include the preferences of the child when making a court decision on parenting time and custody. Currently, a child in Oregon cannot choose which parent they would like to live with when they turn 18 or are otherwise emancipated. If parents disagree on custody arrangements, a judge decides on the parenting time and custody between children and their parents or guardians.

The revised statute would enable courts to determine a child's right to select the parent with whom the child will reside with and select each parent's parenting time and decision-making. It will require judges' to determine at what age the child is sufficiently mature (whether at 14 years of age, or if under 14 years of age) to make the decision. While a judge is required to make custody decisions in the best interests of the child, allowing children to weigh in on who they want to live with, should be considered when planning for child custody.

We strongly urge the Committee to pass SB 313, to amend the statute to require courts to include a child's maturity and personal preference in who they want to reside with.

Sincerely,

Jackie Leung

**Oregon Commission on  
Asian and Pacific Islander  
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1. Custody Xchange. 1 in 4 States Don't Require a Judge to Consider a Judge's Custody Preference. <https://www.custodyxchange.com/topics/research/custody-preferences-children.php>
2. Talking Parents. When Kids Decide Who to Live With. <https://talkingparents.com/parenting-resources/when-kids-decide-who-to-live-with>



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