

**HOUSE COMMITTEE ON JUDICIARY**  
**SUBCOMMITTEE ON CRIMINAL LAW**

March 01, 2001  
8:30 a.m.

Hearing Room 357  
Tapes 25 - 28

**MEMBERS PRESENT:**     **Rep. Max Williams, Chair**  
                                  **Rep. Robert Ackerman**  
                                  **Rep. Jo Ann Bowman**  
                                  **Rep. Wayne Krieger**  
                                  **Rep. Lane Shetterly**  
                                  **Rep. Vicki Walker**  
                                  **Rep. Carl Wilson**

**STAFF PRESENT:**       **Bill Taylor, Counsel**  
                                  **Shannon Reed, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **HB 2062 Public Hearing**  
                                  **HB 2063 Public Hearing**  
                                  **HB 2064 Public Hearing**  
                                  **HB 2065 Public Hearing**  
                                  **HB 2072 Public Hearing**

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 25, A</b>		
004	Chair Williams	Calls the meeting to order at 8:34 a.m. Opens concurrent public hearings on HB 2062, HB 2063, HB 2064, HB 2065, and HB 2072.
<b><u>HB 2062, HB 2063, HB 2064, HB 2065, and HB 2072 - PUBLIC HEARINGS</u></b>		
011	<b>Rep. Bill Witt</b>	House District 7. Testifies in support of HB 2062, 2063, 2064, 2065 and 2072.
060	Rep. Bowman	Asks about the elimination of mediation requirement in HB 2062.
065	Rep. Witt	Responds.
068	Rep. Ackerman	Asks about language describing statutory presumption in HB 2062.
085	Witt	Answers and discusses presumption of joint custody as in the best interest of the child.
097	<b>Rep. Jan Lee</b>	<b>House District 10</b>
120	<b>Steve Mygrant</b>	Testifies in opposition to bill, especially the presumption. <b>Willamette law student (Intern for Rep. Lee)</b> Submits testimony and testifies in opposition to HB 2062 <b>(EXHIBIT A).</b>
151	<b>Heath Lawson</b>	<b>Willamette law student (Intern for Rep. Lee)</b> Testifies in opposition to bill. Suggests changes.
190	Vice Chair Bowman	Asks how many states have this presumption in their statutes.

192	Lawson	Answers and describes different types of presumptions.
213	<b>Rep. Al King</b>	<b>House District 44</b> Testifies in favor of HB 2072 with –3 amendments ( <b>EXHIBIT B</b> ).
249	Vice Chair Bowman	Asks whether the dash-3 amendments replace the –2 amendments or are in addition to the –2 amendments.
251	Rep. King	Responds and continues.
281	Rep. Lowe	Asks about source of Social Security payments to children.
315	Rep. King	Explains.
324	Rep. Lowe	Clarifies that the payment does not come from the disabled person twice.
330	Rep. King	Responds.
343	<b>Dennis Hooyman</b>	<b>Private Citizen</b> Responds further.
395	Rep. Ackerman	Asks about –3 amendments, specifically regarding the support obligation.
420	Rep. King	Explains and continues.
<b>Tape 26, A</b>		
010	Rep. Ackerman	Asks about income sources.
015	Rep. King	Responds. Submits written material ( <b>EXHIBITS C &amp; D</b> ).
126	<b>Gerri Hickey</b>	<b>Private citizen</b> Testifies in support of HB 2062. Submits written testimony ( <b>EXHIBIT E</b> ).
200	<b>Jim Whinston</b>	<b>President, Oregon Chapter, National Center for Men</b> Submits testimony and testifies in support of HB 2062 ( <b>EXHIBIT F</b> ).
278	Rep. Lowe	Asks whether divorcing parties should be required to participate in mediation.
285	Whinston	Responds.
294	Vice Chair Bowman	Challenges whether marriage is safer for women.
304	Whinston	Responds and continues.
384	<b>Shawn Graham</b>	<b>Clackamas</b> Testifies in support of HB 2062, sections 1 through 5 only. Submits written testimony ( <b>EXHIBIT G</b> ).
<b>TAPE 25, B</b>		
010	<b>Shawn Graham</b>	Continues testimony in support of HB 2062.
111	<b>James Cook</b>	<b>President, Joint Custody Association</b> Testifies in support of HB 2062.
221	Rep. Lowe	Asks about definition and parameters of joint custody. Asks for clarification of which type of joint custody produced the statistics on favorable rates of child support payment.
234	Cook	Responds.
265	Hickey	Responds about domestic violence part of study.
275	Cook	Discusses influences over joint custody.
428	<b>Jennifer Priest</b>	<b>Chair, Family Mediation Interest Group, Oregon Mediation Association</b> Testifies in support of presumption of joint custody, but testifies in opposition HB 2062 because of language. Submits written material ( <b>EXHIBIT H</b> ).

**TAPE 26, B**

010	Priest	Continues testimony.
044	<b>Bill Howe</b>	<b>Attorney.</b> Testifies in opposition to HB 2062. Submits written testimony ( <b>EXHIBIT I</b> ).
120	<b>Tammy Dentinger</b>	<b>Legislative Liaison, Oregon State Bar Family Law Executive Committee</b>
150	Rep. Lowe	Testifies in opposition to HB 2062. Asks about presumption of shared time, not necessarily shared decision-making.
160	Dentinger	Responds.
171	Rep. V. Walker	Asks about trends of sole and joint custody.
184	Howe	Answers and elaborates.
212	<b>Tamara Kuennen</b>	<b>Legal Aid</b> Submits testimony and testifies in opposition to HB 2062 ( <b>EXHIBIT J</b> ).
289	<b>Marvin Calhoun</b>	<b>Private citizen</b> Submits and testifies in support of HB 2062. ( <b>EXHIBIT K</b> ).
406	<b>Layne Barlow</b>	<b>Oregonians for Family Law Reform</b> Submits testimony and testifies in support of HB 2062 ( <b>EXHIBIT L</b> ).
Tape 27, A 033	<b>Ron Kolstad</b>	<b>Private citizen</b> Testifies in support of HB 2062.
047	<b>John Roach</b>	<b>Private citizen</b> Testifies in support of HB 2062.
095	Chair Williams	Closes the public hearing on HB 2062. Recesses at 10:30 a.m. and advises he will reconvene at 3:30 p.m.
<b><u>HB 2062 PUBLIC HEARING</u></b>		
113	Chair Williams	Reconvenes the public hearing on HB 2062.
143	<b>Kevin Schaumleffle</b>	<b>Adult and Family Services</b> Submits testimony and testifies in support of HB 2062 ( <b>EXHIBIT M</b> ). Suggests changes.
319	Vice Chair Bowman	Asks where in the process mediation should begin in order to develop joint relationship.
328	Schaumleffle	Responds.
378	Vice Chair Bowman	Asks about custody if there is an abusive relationship.
401	Schaumleffle	Responds and explains.
409	<b>Gregory Hannon</b>	Private citizen. Testifies in support of HB 2062.
<b>TAPE 28, A</b>		
010	Hannon	Continues testimony in support of HB 2062.
075	Rep. Shetterly	Asks how this bill would help witness's situation.
081	Hannon	Explains.
113	Vice Chair Bowman	Asks for clarification regarding custody.
125	Hannon	Responds.
169	Vice Chair Bowman	Asks what effect the bill would have had at outset of custody case.
175	Hannon	Answers.
200	<b>Kathie Osborn</b>	<b>Juvenile Rights Project</b> Testifies as neutral on HB 2062. Raises concerns about rebutting presumption of joint custody. Recommends mediation be added for the courts.
290	<b>Susan Brody</b>	<b>Executive Director, Oregon Dispute Resolution Commission.</b>

334	<b>Alice Phalan</b>	Submits testimony and testifies as neutral on HB 2062 <b>(EXHIBIT N)</b> . Director, Community Justice Division, Oregon Judicial Department. Submits testimony and testifies as neutral on HB 2062 <b>(EXHIBIT O)</b> . Raises concerns.
401	Vice Chair Bowman	Asks about effectiveness of front-end mediation for custody issues.
410	Phalan	Responds.
<b>TAPE 27, B</b>		
426	Chair Williams	Closes the public hearing on HB 2062 and opens a public hearing on HB 2063.
<b><u>HB 2063 PUBLIC HEARING</u></b>		
050	<b>Gerri Hickey</b>	<b>Private Citizen, Portland, OR</b> Submits testimony and testifies in favor of HB 2063 <b>(EXHIBIT P)</b> .
074	Vice Chair Bowman	Asks about studies regarding children of divorced parents needing additional protection by the state to address issues caused by the split of the family.
085	Hickey	Responds.
091	Vice Chair Bowman	Asks about statistics regarding income of divorced parents.
099	Hickey	Explains and continues.
158	Chair Williams	Closes the public hearing on HB 2063. Adjourns the meeting at 4:30 p.m.

Transcribed By,

Reviewed By,

Patricia Nielsen,  
Committee Assistant

Bill Taylor,  
Counsel

**EXHIBIT SUMMARY**

- A – HB 2062, written testimony of Rep. Jan Lee, House District 10, submitted by Steve Mygrant, 7 pgs**
- B – HB 2072, --3 amendments dated 3/1/01, submitted by staff, 1 p**
- C – HB 2072, written testimony submitted by Rep. Al King, House District 44, 2 pgs**
- D – HB 2072, written testimony submitted by Rep. Al King, House District 44, 2 pgs**
- E – HB 2062, written testimony submitted by Gerri Hickey, 4 pgs**
- F – HB 2062, written testimony submitted by James Whinston, 5 pgs**
- G – HB 2062, written testimony submitted by Shawn Graham, 2 pgs**
- H – HB 2062, written testimony submitted by Jennifer Priest, 1 p**
- I – HB 2062, written testimony submitted by William Howe III, 2 pgs**
- J – HB 2062, written testimony submitted by Tamara Kuennen, dated 3/2/01, 1 pg**
- K – HB 2062, written testimony submitted by Marvin Calhoun, dated 12/31/97, 6 pgs**
- L – HB 2062, written testimony submitted by Layne Barlow, Oregonians for Family Law Reform, Inc., 4 pgs**
- M – HB 2062, written testimony submitted by Kevin Schaumleffle, dated 3/1/01, 10 pgs**
- N – HB 2062, written testimony submitted by Susan Brody, dated 3/1/01, 2 pgs**
- O – HB 2062, written testimony submitted by Alice Phalan, 3 pgs**
- P – HB 2063, written testimony submitted by Gerri Hickey, 2 pgs**

