Add'l cases cited by Chief Judge Brewer for Appellate Review At Salishan Family Law Conference:

Spousal Support Modification:
Luty and Luty, 245 Or App 493 (2011)

Parenting Time (Relocation Case):
Mauer and Mauer, WL 4376786 (Or App September 21, 2011)

Child Custody, Support:
Porter and Griffin, 245 Or App 178 (2011)

FAPA Cases:
Maffey v. Muchka, 244 Or App 308 (2011)
Hubbell v. Sanders, 245 Or App 321 (2011)
Holbert v. Noon, 245 Or App 328 (2011)

Stalking Case
State v. Ryan, 350 Or 670 (2011)
I. A pleasure to be here

II. I have been to Oregon and worked with members of your family law community at several key times during my career:

A. The first was a 1996 conference on the future of the family court at the Skamania Lodge when I learned about the positive vision of a family court that you good folks had
constructed

b. The second was when I went to Manzanita and took over as editor of the Family Court Review from Hugh McIsaac who worked so diligently to improve your family court services.

c. As editor of the Family Court Review I published articles by Bill Howe, Hugh McIsaac and Judge McKnight which amplified the positive vision of the future of family law you were developing in Oregon.

d. More recently I came to Portland for a meeting of the drafting committee that the Uniform Law Commission established for the Uniform Collaborative Law Act for which I served as Reporter and met Martha Walters of your Supreme Court, then President of the ULC.

1. Happy to talk about CL with anyone interested.
E. I have been always been extraordinarily impressed with the beauty of your state and the thoughtfulness and vision with which Oregonians approach family law and family courts.

F. That impression has been reinforced by my good friend and colleague, Bill Howe.

1. Bill is a world class family lawyer who represents your state well wherever he goes.

2. Joy Bottenelli is a wonderful partner for him and also a good friend.

G. And I cannot fail to mention Kristen Sager Kottre who I never met before coming to this Conference but did everything she could to make Deb and me feel welcome.

III. One of my favorite quotations is the advice that Franklin
Roosevelt gave to his son about public speaking – Follow the three Bs - be sincere, be brief, be seated.

A. I will try to follow FDR’s advice

B. I do want to cover three topics with you, sincerely and briefly:

1. I want to give you a report from New York on family law developments that I suspect you will find interesting

2. I want to discuss how family lawyers can help improve the reputation and image of family law practice in law schools

3. And, probably most importantly, I want to report to you on the crisis in court funding and operations that is affecting every state – including Oregon,
a) I want to share some thoughts on how family lawyers can help their reputation with clients and the general public with appropriate responses to this downward spiral.

IV. First, a report on two important New York legal developments

A. We enacted no fault divorce in 2010

1. We were the last of the fifty states to do it and enacting it certainly did not make us a family law leader.

a) One thing you can say about this change is “Better late than never” – it is a good development from many perspectives

b) And I don’t have to go to conferences
anymore, tell people I am from New York, and be looked at strangely.

2. I was heavily involved in the effort to enact no fault divorce in New York

   a) I was delighted that our divorce bar – which has a national reputation for being highly adversarial- played a major role in enacting

   b) I would be happy to discuss the somewhat strange politics that prevented New York from joining the rest of the Country for so many years and how it was broken with anyone who is interested later

B. Even more significantly, New York enacted marriage equality for LGBT couples in 2011
1. This was after a decision by a divided New York Court of Appeals – our highest court- rejected a constitutional challenge to the previous law

2. I hope I don’t offend anyone by saying that I am proud to say that New York took the lead in bringing marriage equality through legislative process to the nation

   a) I also hope that other states – including Oregon- will follow New York’s lead.

   b) By enacting marriage equality through the legislative process, we promoted basic civil and legal rights for all of our citizens.

   c) Despite the predictions of a moral apocalypse from gay marriage opponents, I can state with certainty that the families of New York are no
more or less happy or troubled today than they were the day before gay marriage began.

(1) We have found that our gay neighbors and friends who have gotten married are just like us.

d) I was particularly pleased about the leading role the business community played in the marriage equality effort

3. From a selfish point of view, gay marriage has been good for the New York economy

a) It gave a great boost to the businesses that service New York weddings

b) It created a whole new potential source of business for New York divorce lawyers
c) I invite Oregon to steal some of that business away.

4. Again, I would be happy to discuss the hows and whys the law got enacted with anyone interested later.

v. Now to my first advertised topic- how can the family bar help build respect for family lawyers and family law practice, in law school and beyond

A. I have spent a great deal of my career in legal education working with students interested in family law as a calling.

B. What I try to convey to them is that family law is a particularly unique and challenging form of legal practice with great joys and particular stresses.

1. I tell them we change the world, one family at a time.
2. I emphasize to them that they need more than analytical intelligence, but also emotional intelligence.

3. They have to enjoy working with people, not just legal issues.

c. Many law students and young lawyers find this message attractive.

1. Meet Jamie- one of my current Child and Family Advocacy Fellows

a) She is a top notch graduate of a great university, personable and emotionally intelligent

b) When asked about why she wants to go to law school, she says something like: “I want to make a difference in the lives of others”.

c) In short, Jamie is exactly the kind of young
person we want to attract into practicing family law.

D. Here is what Jamie is likely to hear from law students, lawyers and some law faculty when she tells them she is interested in family law

1. “It's not ‘real law’- it is for those who are really psychologists or social workers at heart.

2. “It's emotional and messy; clients are irrational”

3. “Family law practice is highly contentious and difficult” – one student described divorce lawyers as “sharks swimming around looking for bait”

4. “You can’t make any money at it, certainly not enough to pay off student loans”

5. “You will never find a job” – big firms do not
practice family law and they are the only ones who come to campus to interview. You are going to have to get a job on your own.”

E. The question I would like to discuss briefly with you now is what the bar can do to support her career interests in family law while she is in law school and counter what everyone else is telling her.

1. I am going to make some suggestions based on what is going on at my school and other law schools around the Country.

2. I make these suggestions with humility- I am an outsider joining you for a couple of wonderful days.

a) I haven’t closely surveyed what you are doing here in Oregon or in Oregon law schools,
b) I won’t be offended if you respond to one of my ideas with “we are doing that already” or “that won’t work here.”

c) And I would love to hear about what you are doing that I don’t mention so I can spread the word.

F. First, suggestion- provide family law career mentors to Jamie while she is in law school

1. Every semester, we organize a “find your passion” presentation for students interested in family law as part of our regular career guidance program.

   a) Alumni in family law careers discuss what they do with our students

   b) They invite our students to visit their offices,
come with them to court etc.

c) They help mentor students interested in a career in their area.

d) Students are incredibly grateful for the help and support.

g. Second, honor family law students like Jamie

1. Give an award to the best Jamie in Oregon at your conference each year – to honor her commitment, passion and aptitude for family law.

2. Especially focus on her contributions to public service- the Jamies in my law school have:

   a) Helped organize conferences on collaborative law and foster care reform

   b) Written reports for the American Bar
Association on children who are victims of human trafficking and discrimination against LGBT youth in foster care

c) Teach foster youth critical decision making skills

d) Represent abused and neglected children and mediate disputes between teenagers and their parents.

3. I am sure there are law students in Oregon who have performed similarly and deserve your recognition.

a) University of Oregon has a great child advocacy center

H. Third, integrate Jamie into the work of your section-
1. Involve her in committees, projects and conferences.

2. Invite her to present about

   a) Clinical or law reform work going on in her law school

   b) Research in family law she is working on for a law review note or journal.

3. These kinds of presentations by students are standard at professional conference in the social sciences; we should figure how to make them part of the legal community

VI. Finally, if you are more ambitious, work with your local law schools to integrate practice skills development into Jamie’s family law courses
A. This is an interesting and challenging time in legal education

1. Recession has hit job prospects of recent graduates hard

2. A major report of the Carnegie Foundation urges law school to go beyond training lawyers in analytical ability to include professional development and judgment

3. Employers are increasingly demanding “practice ready” graduates

B. Family law has had its own version of the Carnegie Report- the Family Law Education Reform Project Report (FLER)

1. With the help of people like Bill Howe, FLER
documented a disconnect between the skills that family law stakeholders—judges, lawyers, mediators, psychologists, social workers—thought young family lawyers needed to develop and what was emphasized in law school family law courses.

2. The disconnect was particularly severe in areas like dispute resolution processes, interdisciplinary understanding and cooperation and ethical challenges.

c. There are also signs of great innovation in family law legal education around the Country.

1. My own law school has an extensive curriculum which blends doctrinal, simulation skills courses, externships and clinics.

(1) Practicing lawyers play a central role in our basic Family Law with Skill Course as
“senior partners” of student law firms, providing advice and counsel to students before counseling, negotiation and trial advocacy exercises. We could not do the course without them.

2. My colleagues at the University of Missouri at Kansas City Law School offer an intensive summer course for seventeen law students- affectionately called “Divorce Camp”- that

a) Assigns students to represent clients in a simulated divorce case for which experienced divorce lawyers play the clients for interviewing, counseling and drafting exercises

b) Requires students to attend the Missouri Bar Family Law Conference in August (at the
student’s expense, though scholarships are available) after several preparatory classes at the Law School on the basics of divorce law and procedure

c) Participate in the “basic track” family law classes there and

d) Review their work in the simulated case with experienced members of the bar at the conference

D. As a legal educator, I am acutely aware that law schools do not necessarily welcome the bar into the curricular planning process

1. I am not suggesting that you take over teaching the family law courses

2. What I am suggesting is that you invite
comprehensive discussion with your law schools about what it takes to practice family law in the 21st century and how you might work together to achieve that goal.

3. Find a dean or family law professor or two who is willing to talk to you about all this and sit down and develop a plan

4. Take small steps at first- for example, figuring out how to involve law students in your committees they will lead to lasting trust and future developments

VII. Now, the final topic- how should family lawyers respond to the current crisis in funding the operations of the court system

A. I can’t talk about the details of what cuts can or should be made in Oregon-

B. I do know, however, that whatever the details, every
state is facing the same problems.

1. Two weeks ago, I attended a national conference about the current state of court connected ADR programs.

   a) The participants from around the Country made it abundantly clear that since judges could not constitutionally be laid off, the onus of the cuts were falling on court staff and programs, especially ADR programs.

   b) In New York, (1) a child protection mediation program that I worked with for twenty years and which by all accounts was doing excellent work was terminated virtually overnight.
(2) Family courts have no money to pay overtime. Court ends precisely at 4:30 p.m. no matter what sort of family related emergency- abuse and neglect- has been waiting outside the courtroom all day for a five minute hearing before a judge.

c) These cuts are a human tragedy – they deprive families and children in crisis of humane, cost-effective ways of resolving their disputes.

d) The same thing is, however, happening everywhere- the burden of budget cuts in many places falls particularly hard on overburdened courts dealing with family problems.

c. I am against these budget cuts:

1. They threaten years of progress in delivering justice
and self determination to our families and children.

2. They make it less likely that the courts will provide careful fact finding and individualized, thoughtful determinations.

3. We need to advocate for the restoration of funds as strongly as we can.

D. The problem is, however, that the cuts are here to stay for the foreseeable future and could get worse.

E. The other problem is that even if economic times get better, improvement will be slow and funding for court systems will have to be balanced against other pressing needs by decision makers.

F. What can we as lawyers do in these bleak times?

1. First, we can recognize that the increasing backlog
that the budget cuts have created and will create is not the fault of the judges and the mediators and the court personnel who are left standing.

a) In most cases, judges and the remaining court staff are good people doing the best they can under incredibly trying circumstances

b) Rather than criticize the current operations of the courts, we need to reaffirm our respect for them in these troubled times.

c) We need to explain to our clients that the court system itself is not to blame for delays and inefficiencies – the budget cuts are.

d) Blaming the court system for the current is broken and cannot be fixed undermines respect and public support for the judiciary
2. Second, we can reexamine the advice we give clients and try to minimize what we ask of the depleted court system on their behalf

   a) We need to work even harder to resolve our clients’ problems in mediation, expert evaluation and ADR and collaborative law than we currently do.

   b) We need to do even more to develop new and hybrid ADR processes that responsibly encourage parents of all levels of conflict and dysfunction to responsibly settle their parenting disputes

   (1) Parent coordination

   (2) Brief focused evaluation
c) We need to ask the court system for its intervention only when it is truly needed – to protect safety, resolve new questions of law; prevent asset looting

g. Third, we can try to think of innovative ways to deliver needed services to litigants, particularly those who are unrepresented

1. Empirical research indicates, for example, that lawyers are more likely to volunteer to represent the poor in divorce litigation if the representation is limited to advice only and the lawyer does not have to go to court

a) This is collaborative law- we should experiment with and embrace it on the theory that some representation is better than none.
2. What about trying a program where the future Jamies’ of Oregon can get their student loans forgiven and a modest stipend if they practice public service family law for several years? - Teach for America could be transformed into Practice Family Law for Oregon by these idealistic young people.

H. Finally, the Family Law Section can take the lead in organizing a coherent public policy and educational response to the crisis? - call the stakeholders together, set an agenda, develop an action plan. Or work closely with those who are doing so.

VIII. I hope I have been reasonably brief and sincere. The time is now to follow the third Be of FDR’s advice on public speaking – Be seated.

IX. My final thought and hope is that Oregon is an ideal place
for the family law bar to take the national lead in devising a thoughtful program of improving its reputation in law schools and outside of it.

A. You have a collegial bar, that works well together and is receptive to innovation

B. You should be able to identify and help develop those law students with special family law aptitude and interests into excellent practitioners.

c. And, given the level of talent and experience you can assemble, you should be able to develop a coherent plan to lead your state and the nation through the current crisis in judicial funding.

d. I would be happy to talk further with you about how we can work together to insure that the excellence of the next generation of family law practitioners and the preservation
of the family court.

e. Thank you for inviting me here to talk with you about how to do that.
Preview calendar shows schedule throughout.

Educational elements of Guide offered.

0 & A format easy to follow.

Basic plan or use "skip" options to quickly create a detailed custom plan.

User can create a detailed custom plan.

INTERACTIVE PLAN FORMS

COMING IN 2012!
& Parent Education Report
& Custody and Parenting Time Report
& Two papers written in March, 2011
& Multi-Disciplinary
& Formed in May, 2010

WORKGROUP
PARANTAL INVOLVEMENT
Report

Custody and Parenting Time

Particular focus on child development

References

International – extensive endnote

Reviewed literature (statewide, national,

3
Young children (under age 4)

Cautionary factors to consider

Conditions that favor shared parenting time

("Risk factors")

Factors that predict difficult transition

("Protective factors")

Factors that increase successful transition

REPORT TOPICS

CUSTOMER AND PARENTING TIME
Relationship with the child

Positive qualities of each parent's conflict

Agreements reached by parents without resilience generally found in children

Some protective factors are:

FOR CHILDREN

PROTECTIVE FACTORS
Positive relationship with stepparents

Continuity of parental involvement

Arrangements (older children)

Satisfaction with parenting

Children’s strengths pre-divorce/ separation

CHILDREN

PROTECTIVE FACTORS FOR
adulthood

relationship impacts in childhood and

drops out of school, etc.

problems (anxiety, depression,

Greater risk of emotional and behavioral

DIVORCE

RISK FOR CHILDREN OF
Some risk factors are:

- Long-lasting and intense parental conflict
- Angry, uncooperative and litigious parents
- Domestic violence
- Risk factors contributing to risk

prone parents
Low education level of fathers

Poor attachment to mothers

Lack of knowledge and experience, Lack

Parents who are impaired (mentally)

FACTORS CONTRIBUTING RISK
has at least 35% of time with child

- Shared Parenting Time = each parent

- Shared Decision-Making = Joint Custody

- Decision-Making

- Shared Parenting Time and Shared
Children's developmental requirements are taken into consideration during the decision-making process. Parents focus on the child in their decision-making. Consistent social, school, and family relationships are important. Parents live in close proximity, and older children are taken into consideration when making decisions.

In general, shared parenting time is beneficial. Schedules work better when:
psychological disturbance
free of violence, substance abuse, or

The parents are mature, insightful, and
sensitive, and responsive parenting,

The parents are able to provide warm,

Factors associated with success:

CUSTODY - PREDICTORS OF SUCCESS

SHARED PARENTING TIME AND JOIN
education

The fathers have a higher level of formal and psychological acrimony between them

The parents experience low levels of conflict voluntarily

Parenting and enter into the arrangement

The parents are committed to shared

CUSTODY - PREDICTORS OF SUCCESS

SHARED PARENTING TIME AND JOIN
barriers
distance and ease of transitions do not create
practical factors such as geographical
safe in the other parent's care
both parents trust that the child is reasonably
maternal attachment is not being disrupted
the mothers perceive that the child's

CUSTOM - PREDICTORS OF SUCCESS
SHARED PARENTING TIME AND JOIN
over time vs. compulsory orders

Voluntary beyond 2.5 times more stable

Joint arrangements entered into

Making and parenting-time

Successfully choose to share decision

Parents with these factors routinely and

Custody and shared parenting

Voluntary vs. Compelled Joint
of children

All these increase the risk of poor adjustment

Lack of stability in care arrangements

Nee ding to take sides

Loyalty conflicts (child caught between parents)

Children

Disruption of parental attachment for young

Increased and chronic conflict between parents

High potential for:

AND SHARED PARENTING

COMPelled joint custody
Studies suggest that shared decision-making and shared parenting time arrangements are not advisable if any of these qualities are present:

**CAUTIONARY FACTORS FOR SHARED PARENTING TIME AND JOINT CUSTODY**
level of parental attention worsen these conditions, requiring a higher emotions — stress and changes in family can with thinking, behavior and dealing with existing vulnerabilities of child (problems)

1. Parenting Time and Joint Custody
Support systems they have not yet developed external coping skills they have not yet developed internal because children under 10 are especially vulnerable these factors children are harmed by repeated exposure to 2. Hostile, volatile, antagonistic parents

Parenting Time and Joint Custody
Cautiously Factor's Factor's for shared
4. Mental illness of parent

3. Domestic violence

CAUTIONARY FACTORS FOR SHARED PARENTING TIME AND JOINT CUSTODY
(see endnote #8: Kline-Pruett, Edling, and Isabella 2004)

Residential parent
Child has a strong bond with non-
schedule is consistent

Collaborative
Parents are responsive, skilled, and
parent if these conditions are present:
do well with overnight visits with a non-residential

One study suggests that young children can

CHILDREN (UNDER AGE 4)
OVERNIGHT PARENTING TIME FOR YOUNG
(see endnote #9: Mcintosh 2010)

Initiative
attachment distress, anxiety, and lower
experienced greater levels of
children in shared overnight care

Other studies suggest that young

CHILDREN (UNDER AGE 4)
OVERNIGHT PARENTING TIME FOR YOUNG
Support the arrangement?

Does the young child's temperament attachment (view free at wwww.facett.org)

See July, 2011 AFCJ Journal focusing on attachment (clinical term)?

Does the child have a strong primary young child

Young child

Shared parenting time plan for a

Factors that might support a
Has there been consistent contact of both parents with the young child?

Is there a low level of negativity between the parents?

Young Child

Shared Parenting Time Plan for A

Factors That Might Support A
FACTORS THAT MIGHT SUPPORT A SHARED PARENTING TIME PLAN FOR A YOUNG CHILD

- Do the parents have the required skills to support the child in moving between two households?

- Regardless of overnights, does the schedule insure consistent, regular and significant contact with appropriate parents?
Interactive Version coming in 2012

- Parenting Plan Forms/Guide
- Parent Education
- Mediation

Tailored Parenting Plans
Support for Creating Custom
Parenting relationships
- Fostering healthy, post-separation
- Parent engagement to children's needs

Focus on core concepts:
- Continue to evolve
draw from a broad research base,
Non-parent custodians can benefit as well.

- The age of the minor child
- Parents should participate regardless of
- To support families through change
- Specific to divorcing/separating parents
- Principles of Class

RECOMMENDATIONS FOR PARENT EDUCATION
not completing the class
messages about the consequences for
benefits of the class over the negative
emphasize positive messages about the
phone messages, etc. Should
Materials (handouts, websites, recorded

PARENT EDUCATION
RECOMMENDATIONS FOR
Requirements
Clients of the benefits as well as professionals are able to inform their professionals to keep abreast of the current curriculum.
Encourages professionals to keep abreast of attorneys and other professionals.
Classes should be offered regularly to:

RECOMMENDATIONS FOR PARENT EDUCATION
of filing or being served complete the class before or within thirty days
(discounted class fee) to parents who Consider offering positive incentives (i.e.
before a court matter is filed early in the process, and if possible, even encourage parents to complete the class Court, attorneys and mediators should

PARANT EDUCATION
RECOMMENDATIONS FOR
clear rules for protecting personal safety
sizes, language accommodations and
enrollment process, reasonable class
barriers by supporting a timely
look for ways to remove systemic

RECOMMENDATIONS FOR

PARENT EDUCATION
Encourage parents to supplement the required class with additional educational resources.

Would pose a hardship if taking it in person in another county.

Offer options to complete the class in an alternative way (online, video, etc.).

**Parent Education Recommendations**
educational resources
required class with additional
Encourage parents to supplement the
would pose a hardship
another country, if taking it in person
alternative way (online, video, in
Offer options to complete the class in an

PARAENT EDUCATION
RECOMMENDATIONS FOR
It is important to make careful and unique decisions about the child, based on the qualities of the child and the parents.

The future will serve the child in the future.

Doing what is best for the child today.

Separation is a high-risk time for a child.

Educate yourself, then educate your client.

FORMING PARENTING PLANS

KEY CONCEPTS TO CONSIDER IN
Services, Multnomah County

Jenice Garceau, LCSW, Director, Family Court

Portland

Dr. Adam Furchner, PhD, Psychologist and Mediator

Facilitator

Paul Edison-Lahm, Multnomah County Family Court

Lane County

Donna Austin, Director, Family Mediation Program

Custody Evaluator, Portland

Co-Chair - Dr. Ed Vien, Psy.D, Psychologist and

Thank you

INVOlVEMENT WORkGROUP

OTHER MEMBERS OF THE PARENTAL

•
Judith Swinney, Parent Educator, Portland
Multnomah County
The Honorable Diana L. Stuart, Circuit Court Judge
Robin Selig, Attorney, Oregon Law Center, Portland
Parent Educator Yamhill County
Jane Parisi-Moshier, MA, LMFT, Therapist, Mediator,
Legal Clinic, Washington County
Kelly Lemar, Attorney/Branoch Manager, St. Andrew
Thank you

INVOlVEMEnT WORKGROUP
OTHER MEMBERS OF THE PARENTAL
I. Parental Involvement Workgroup
   A. Formed in May, 2010.
   B. Multi-Disciplinary
   C. Reviewed literature (statewide, national, international)
   D. Particular focus on child development, risks and protective factors

II. Protective Factors
   A. Some protective factors are:
      1. Resilience found in children generally
      2. Agreements reached by parents without conflict, contentious litigation
      3. Quality of parents’ relationship with child
      4. Pre-divorce qualities of child
      5. Satisfaction with parenting arrangements (older children)
      6. Continuity of parental involvement
      7. Positive relationship with stepparents

III. Risk Factors
   A. Children of divorce face greater risk of emotional and behavioral problems (anxiety, depression, dropping out of school, etc.)
   B. Risk factors can lead to social and relationship problems that carry into adulthood
   C. Some risk factors are:
      1. Long-lasting and intense parental conflict
      2. Domestic violence
      3. Angry, uncooperative and litigation-prone parents
      4. Parents who are impaired (mentally, lack of knowledge and experience, lack of role models)
      5. Poor attachment to mothers
      6. Low education level of fathers
IV Conditions that Favor Shared Parenting Time and Shared Decision-Making

A Shared Decision-Making = joint custody

B Shared Parenting Time = each parent has at least 35% of time with child

C In general, shared parenting time schedules work better when:
   1 Children are older
   2 Parents live in close proximity
   3 Social, school and family relationships are consistent
   4 Parents focus on the child in their decision-making
   5 Child’s developmental requirements are taken into consideration

D In general, joint custody and shared parenting time work better when:
   1 The parents are able to provide warm, sensitive, and responsive parenting
   2 The parents are mature, insightful, and free of violence, substance abuse, or psychological disturbance
   3 The parents are committed to shared parenting and enter into the arrangement voluntarily
   4 The parents experience low levels of conflict and psychological acrimony between them
   5 The fathers have a higher level of formal education
   6 The mothers perceive that the child’s maternal attachment is not being disrupted
   7 Both parents trust that the child is reasonably safe in the other parent’s care
   8 Practical factors such as geographical distance and ease of transitions do not create barriers

E Voluntary vs. Compelled joint custody and shared parenting
   1 Parents with the above traits routinely and successfully choose to share decision-making and parenting-time
   2 Joint arrangements entered into voluntarily are 2.5 more stable over time vs. compelled orders
   3 If compelled, high potential for
      a increased conflict between parents
      b disruption of parental attachment for young children
      c loyalty conflicts (child caught between parents, needing to take sides)
      d lack of stability in care arrangements
      e All these increase the risk of poor adjustment of children
V. Cautionary Factors for Shared Parenting Time and Shared Decision-Making

A Studies suggest that shared decision-making and shared parenting time arrangements are not advisable if any of these qualities are present:

1 Pre-existing vulnerabilities of child (problems with thinking, behavior and dealing with emotions) – stress and changes in family can worsen these conditions, requiring a higher level of parental attention

2 Hostile, volatile, antagonistic parents
   a Children are harmed by repeated exposure to these factors
   b Children under 10 are especially vulnerable, because they have not developed internal coping skills or external support to help them deal

3 Domestic violence

4 Mental illness of parent

B Young children (under age 4) offer a special challenge to plan for

1 One study [fn 8 from paper] suggests that young children can do well with overnights with a non-residential parent if these conditions are present:
   a Parents are responsive, skilled and collaborative
   b Schedule is consistent
   c Child has a strong bond with non-residential parent

2 Other studies [fn 9 from paper] suggest that young children in shared overnight care experienced greater levels of attachment distress, anxiety, and lower initiative

3 Factors to consider in forming shared parenting time plans for young children
   a Does the child have a strong primary attachment (clinical term)?
   b Does the young child’s temperament support the arrangement?
   c Is there a low level of negative energy between the parents?
   d Has there been consistent contact of both parents with the young child?
   e Do the parents have the required skills to support the child in moving between two households?

4 Important to make careful and unique decisions about the child, based on qualities of the child and the parents

VI Support for Creating Custom-Tailored Parenting Plans

A. Mediation

B. Parent Education

C. Interactive Parenting Plan Forms/Guide
## Comparison of Support Factors

<table>
<thead>
<tr>
<th>Maintenance</th>
<th>Compensatory</th>
<th>Transitional</th>
<th>Future Factor</th>
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- Extent to which marital estate has already acquired separate property
- Parties' relative income and earning capacities
- Marital standard of living
- Party's age and health
- Custodial/child support responsibilities
- Party's needs/financial resources
- Party's training/education/work experience
- "Just and equitable" factor
- Tax consequences
- Marital duration
MCLaughlin, 207 Or App 476, 206 P3d 622, reu den, 346 Or.
See ORS 107.105(1)(d); see e.g., Mclaughlin and

sum?

Does a court have the authority to award support in a lump

Question #13
Maintenance Spousal Support:
E. All of the above.

D. Legislative history.

C. A comparison of the enhanced earning capacity provision for division of marital property (formerly ORS 107.105(1)(f));

B. Case law decided under the enhanced earning capacity

A. The dictionary.

What sources of law may the court rely upon when determining whether a spouse's contribution is significantly significant to warrant an award of compensatory support?
to support the obligor's earning capacity.

D. Determine whether the marital estate diverted resources of living during the marriage;

C. Determine whether the parties enjoyed a lavish standard

highly productive earning career;

B. Determine the number of years the obligor will have a

length of the marriage;

Capacity?

How does the court determine whether or not the marital

estate has already benefited from the enhanced earning

Question #8

Compensatory Spousal Support:
"Just and equitable" analyses

Tax consequences

Benefit if marriage persisted through "greater asset generating period"?
Division of estate "too limited"; intent not to divide entire
Extent to which the marital estate has already benefited from the
Relative earning capacity of the parties:
Marital estate has benefited from the earning enhancement;
Duration of the marriage – most relevant, relative to the extent to which the

ORS 107.105(1)(p) factors:
Vocational skills, career or earning capacity of the spouse;
What is the significance of the spouse's contribution to the "education, training,
Analytic Framework
Compensatory Support:
<table>
<thead>
<tr>
<th>Property to Each Party</th>
<th>Education</th>
<th>Medical</th>
<th>Marital Status</th>
<th>Worked in Husband's Business</th>
<th>Worked in Husband's Schooling</th>
<th>Children</th>
<th>Post-Merger</th>
<th>Husband's Earnings</th>
<th>Husband's Profession</th>
<th>Age</th>
<th>HS &amp; WS Age</th>
<th>Date of Decision</th>
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Recent Compensatory Case Law