

**TESTIMONY OF A CHILD IN AN OREGON CUSTODY
OR PARENTING TIME (VISITATION) CASE**

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Generally children are not allowed to testify in Oregon courts. However, any evidence that a child may need to provide to the court can be obtained through a process that allows the trial court judge to “confer” with a child. The relevant Oregon statute is:

ORS 107.425(7) provides:

“Prior to the entry of an order, the court on its own motion or on the motion of a party may take testimony from or confer with the child or children of the marriage and may exclude from the conference the parents and other persons if the court finds that such action would be likely to be in the best interests of the child or children. However, the court shall permit an attorney for each party to attend the conference and question the child, and the conference shall be reported.”

A trial court’s determination as to whether and on what terms the child should be allowed to testify by conferring with the judge is generally not subject to appellate review. However, it can be reviewed if the ruling of the court was an “abuse of discretion.” “Discretion” refers to the authority of a trial court to choose among several legally correct outcomes.