

## Ask a Lawyer

By Steven Leskin

*Q- My girlfriend and I have a daughter together. We got into a fight and she's not letting me see the child. What can I do?*

**A-** I am presuming that there has been no prior court involvement. There is not a lot you can do. Since she's the mom, it's not kidnapping, nor is it custodial interference because there has not been a prior court determination of custody. Your only option is to go to court, file a Petition for Custody and request a hearing for interim visitation. If mom does not comply with the court order, you can go to court and get a "Writ of Assistance." The Writ of Assistance will direct the Sheriff in your county to retrieve the child.

The bigger, and most important issue though is the daughter's welfare. Since there was no marriage, both the father and mother have equal rights to the child. Both can use the child to harass one another. I am an advocate for involving the courts so that mother and father's deteriorating relationship can be placed

on a rationale footing.

My advice would be to file a Petition for Custody with the county court. The court will make a custody determination, and order child support and create a parenting plan. Depending on how confrontational your relationship is with the mother, i.e., whether you and she can come to any agreement, the court will have a hearing to determine what is in the best interest of the child. If you are able to agree to custody, the amount of child support and parenting time, you may not need to go before a judge.

Finally, for more information about child support, you can go line to the Oregon Department of Justice website, and look up the Child Support Calculator. Here's the link: [www.justice.oregon.gov/guidelines](http://www.justice.oregon.gov/guidelines).

*Q- Where does the tradition of raising one's hand to testify in court come from?*

**A-** Many of the court's customs go back to early England. Felons could not take an oath and therefore could not testify. It was the custom of the day to brand fel-

ons with an "F" on their right palm.

It is still required to this day that a person raise their right hand to testify. Back in the day, this gesture would expose the palm for the world to see that there was no "F." Although we have given up branding felons on the palms, and anyone can testify in court now, the courts still maintain this old gesture.

Incidentally, it was also the custom that only men could testify. And, hence, the word "testify" derives from a certain part of the male anatomy. Thankfully, the courts only checked to see if the witness was a felon, and did not require proof of gender.

*Q- My husband was hurt in a car accident. We don't have car insurance. Who will pay the medical bills and lost wages?*

**A-** Oregon law provides that every car insurance policy in Oregon contain a provision for Personal Injury Protection, known as "PIP." PIP, your insurance, will pay all of the reasonable and necessary medical expenses up to \$15,000 in-

curred in the car collision per occupant. If the other driver was at fault, PIP will be reimbursed for their payments. You do not need a referral to go to a doctor with PIP. You also do not need to pay deductibles or co-pays. If you miss 14 continuous days of work as a result of the collision, PIP will pay you 70 percent of your lost wages up to \$3,000. If the other driver is responsible for the collision, you may also be entitled to reimbursement for pain and suffering and other past and future losses. You will also be able to collect the balance of lost wages above and beyond \$3,000 per month if you earn more. Please note that it is a violation of Oregon law to be without car insurance and the driver will be prohibited from recovering pay and suffering if you are at fault in a collision.

*Steven Leskin is an attorney in North Portland. He has been in practice since 1992. You can submit a question to him through [www.ModestMeansLawOffice.com](http://www.ModestMeansLawOffice.com) or through the Vernonia's Voice website.*

## The Sounding Board

By Jack Phillips

The board meeting of West Oregon Electric on January 28th reminded me of "The Zen of Bulldozer Repair". The essay discusses the path to revitalizing an old rusty bulldozer that had been underperforming relative to its potential. Key to the bulldozer's successful repair was the realization that if, in the process of disassembly, cleaning and reassembly, a part was discovered having been left out, no matter how small, the entire process of disassembly had to be gone through, the part inserted, and the reassembly process repeated. Otherwise, the bulldozer could not function success-

fully. The essay encouraged patience.

WOEC's board needs to realize the same philosophy and its application. Case in point: at the last board meeting, four Vernonia business owners, key to Vernonia's economy, attended the meeting: Gary Meyer of Meyers Automotive, Mario Leonetti of Leonetti's Pizza & Grill; John Shaw/Janean Zavales of Napa Auto Supply; and Jay Nesmith/Willow Birch of Vernonia Hardware. They asked the board to review overcharges admitted by WOEC, and the refunds involved.

The result? Board Chairman Robert VanNatta, speaking for the board, told them there was no pragmatic recourse to the board's decision. It was final. He added a surprising follow-up remark. He said the Member-Owners were lucky to obtain a refund for 3 years. He said the law (without giving a specific citation) allowed for only 2 years and the extra year was generous. The rebuff was crude, missing the point of the Member-Owners' effort, their rights as Member-Owners and the dignity of their participation. I objected. Why? I seem to recall that when WOEC is owed, the issue it centers on is full charges plus interest and penalties. Fair is fair. If the shoe fits, wear it.

Nonetheless, we proceeded and we all agreed for the Member-Owners to meet with David Western, Finance Manager, to determine total overcharges; and how the designations of Large Commercial Account vs. Small Commercial Accounts were arrived at; then to re-approach the board.

This is the point in time when the principal of the "Zen of Bulldozer Repair" comes in. The missing part has been the District Representatives being in touch with, talking to, listening to, and presenting the wishes of Member-Owners, no matter what the district representative's personal views are. In this case Dan Murphy of District 4, Vernonia, needs to get together with and consult with these business owners. No matter what his personal feelings are, Dan is obligated to take the matter to the board for a presentation at which business owners participate with, and interact with, the board.

The opposite of this cooperative process is having coded, tabbed binders at board meetings with Member-Owners sitting on the side lines with no real idea of what is happening. Let's get the rust out of this old piece of equipment and get it to run better.

Everyone has good ideas on what to do. The trick is to do it. Contact Power of One Vernonia via email: [jphillips5295@gmail.com](mailto:jphillips5295@gmail.com). We have a basic info-page up on the net: [www.powerofonevernonia.site88.net](http://www.powerofonevernonia.site88.net); our post office box is P.O. Box 51, Vernonia, OR 97064; and our president, Heather Johansen can be called at 503-804-6997. My telephone # is 971-207-0918. Power of One banks at Wauna CU and accepts donations. We are a registered non-profit organization with the State of Oregon.



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