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TRIAL COURT ADMINISTRATOR
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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

In the Matter of the Marriage of: JAMES H. BOLDT, Petitioner, and LIA BOLDT, Respondent.	CASE NO: 98-2318-D3(8) ORDER

THIS MATTER came before the Court for hearing on April 22, 2009, pursuant to the remand instructions from the Oregon Supreme Court to resolve the factual issue of whether the Child agrees to or objects to the circumcision that would be required to be performed on him as part of his conversion to Judaism. The Supreme Court further instructed that if the trial court found that the Child opposed the circumcision, it must then determine whether the Child's opposition to the circumcision will affect Petitioner's ability to properly care for him. If necessary, the trial court could then determine whether it is in the Child's best interests for the existing custody arrangement to remain in place, whether conditions should be imposed contingent on Petitioner's continued custody of the Child, or whether custody should be changed from Petitioner to Respondent.

The Child was interviewed *in camera* regarding his position regarding the circumcision and religious conversion. The Court also received testimony from Petitioner James Boldt.

Having considered the Child's *in camera* interview, Petitioner's testimony, the arguments made by the attorneys, the memoranda of law

submitted by the parties, the relevant statutory provisions, the applicable caselaw, and otherwise being familiar with the issues, the Court makes the following findings:

(1) The Child clearly has expressed to the Court that he does not wish to be circumcised. Further, the Child does not wish to convert to Judaism.

(2) The Child discussed in depth his fear of returning to Petitioner's custody once Petitioner became aware of his position regarding the circumcision and religious conversion. Further, the Child explained to the Court that he was so concerned about what Petitioner's reaction would be that he was afraid to tell Petitioner his true feelings about the circumcision and conversion.

(3) The Child pleaded with the Court not to send him back to Petitioner's custody during his *in camera* interview. Further, the Child stated that it was his desire to live with Respondent. It was clearly apparent that the Child was suffering from significant emotional anguish regarding his current living situation with Petitioner.

(4) Although Petitioner testified that he would not force the Child to be circumcised or to convert to Judaism against the Child's wishes, the Court has concerns about the ongoing emotional and/or psychological effect that the Child's decision will have on the parent-child relationship and the Petitioner's ability to properly care for the Child.

(5) The Court is satisfied that the Respondent has met her burden of demonstrating to the Court that there has been a substantial change in circumstances relating to the capability of one or both parents to care for the Child. The events (Child's position regarding the circumcision and conversion; Child's fear of returning to Petitioner's care; Child's fear of being truthful with Petitioner regarding his position as to the circumcision and conversion; Child's desire to live with Respondent; and Child's obvious emotional anguish over his living situation) that precipitated the substantial change in circumstances were unanticipated and have arisen since the last Court order of October 9, 2002.

Based on the foregoing, it is the Order of the Court that this matter be set for an evidentiary hearing to determine whether it is in the Child's best interests for the existing custody arrangement to remain in place, whether conditions should be imposed contingent on Petitioner's continued custody of

the Child, or whether custody should be changed from Petitioner to Respondent.

Further, it is the Order of the Court that an independent Child Custody Evaluator be appointed in this case pursuant to ORS 107.425. Attorneys for Petitioner, Respondent, and the Child may provide the Court with a list of at least three (3) proposed evaluators to the Court within 14 (fourteen) calendar days from the date of this Order. The Court will then review the proposed evaluators and make a selection from the parties' submissions.

Dated: June 2, 2009

Lisa C. Greif
Circuit Court Judge

C: Tracy McGovern, attorney for petitioner
Jennifer Perez, attorney for respondent
Bradley Lechman-Su, attorney for child