

REVENUE: No revenue impact

FISCAL: No fiscal impact

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| <b>Action:</b>        | Do Pass as Amended and Be Printed Engrossed                                  |
| <b>Vote:</b>          | 9 - 0 - 0  |
| <b>Yeas:</b>          | Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson |
| <b>Nays:</b>          | 0  |
| <b>Exc.:</b>          | 0  |
| <b>Prepared By:</b>   | Matt Kalmanson, Counsel  |
| <b>Meeting Dates:</b> | 1/19, 3/6  |

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**WHAT THE MEASURE DOES:** Establishes that a member of the armed forces who is required to serve in active military service, and has joint-custody of a minor child with the child's other parent, may delegate to his or her spouse any power regarding the care, custody or property of the child.

**ISSUES DISCUSSED:**

- Application of ORS 109.056 to members of armed forces in active service
- Impact on service member's family if unable to delegate to non-parent spouse during active service

**EFFECT OF COMMITTEE AMENDMENT:** Establishes that a servicemember-parent may delegate child-rearing powers when he or she shares custody of a child with any other individual, not just the child's other parent. Clarifies that the delegation is effective during the service member's active service plus an extra thirty days, unless the court finds that the delegation is not in the best interests of the child.

**BACKGROUND:** As currently written, ORS 109.056 allows a servicemember-parent who is on active duty to delegate child care powers to someone other than the child's parent only when the child is not living with the parent or if it is not in the best interest of the child. This has caused problems for some service members who are on active duty overseas, because their spouses have been precluded from seeing the service member's child. HB 2092 addresses the situation when a divorced service member has joint custody of a child, has remarried, and wants to delegate powers to his or her spouse. HB 2092 allows the service member, in that instance, to delegate child care powers to the non-parent spouse.