

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass the A-Engrossed Measure
Vote: 5 - 0 - 0
Yeas: Beyer, Kruse, Prozanski, Walker, Burdick
Nays: 0
Exc.: 0
Prepared By: Matt Kalmanson, Counsel
Meeting Dates: 5/9

WHAT THE MEASURE DOES: Establishes that a member of the armed forces who has joint custody of a child may delegate to his or her spouse powers regarding the care, custody or property of the child, if the service member is in active military service. Clarifies that delegation is effective during active service plus an extra thirty days, unless the court finds that the delegation is not in the best interests 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
- Power of court to consider the best interests of the child

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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