

Enrolled
House Bill 2092

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Military Department)

CHAPTER

AN ACT

Relating to delegation of parental powers by parent in active military service; amending ORS 109.056.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 109.056 is amended to read:

109.056. (1) Except as provided in subsection (2) or (3) of this section, a parent or [a] guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any of the powers of the parent or guardian regarding care, custody or property of the minor child or ward, except the power to consent to marriage or adoption of a minor ward.

(2) A parent or [a] guardian of a minor child may delegate the powers designated in subsection (1) of this section to a school administrator for a period not exceeding 12 months.

(3)(a) **As used in this subsection, "servicemember-parent" means a parent or guardian:**

(A) Who is a member of the organized militia of this state or a member of the Reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States; and

(B) Who is required to enter and serve in the active military service of the United States under a call or order by the President of the United States or to serve on active state duty as defined in ORS 398.002.

(b) A **servicemember-parent** [parent or guardian] of a minor child may delegate the powers designated in subsection (1) of this section for a period not exceeding the term of active duty service plus 30 days. [when the parent or guardian is a member of the organized militia of this state or any other reserve component of the United States Armed Forces who is required to enter and serve in the active military service of the United States under a call or order by the President of the United States or to serve on active state duty as defined in ORS 398.002.]

(c) **Except as provided in paragraph (d) of this subsection,** if the minor child is living with the child's other parent, a delegation under **paragraph (b) of this subsection** must be to the parent with whom the minor child is living unless a court finds that [such a] **the** delegation would not be in the best interests of the minor child.

(d) When the servicemember-parent has joint custody of the minor child with the child's other parent or another individual, and the servicemember-parent is married to an individual other than the child's other parent, the servicemember-parent may delegate the powers designated in subsection (1) of this section to the spouse of the servicemember-parent for a period not exceeding the term of active duty service plus 30 days, unless a court finds that the delegation would not be in the best interests of the minor child.

Passed by House March 21, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 16, 2007

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President of Senate

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

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Secretary of State