

# House Bill 2092

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

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows parent who is in active military service to delegate to spouse, by power of attorney, powers of parent regarding care, custody or property of minor child when parent has joint custody of minor child with child's other parent.

## A BILL FOR AN ACT

1  
2 Relating to delegation of parental powers by parent in active military service; amending ORS  
3 109.056.

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

5 **SECTION 1.** ORS 109.056 is amended to read:

6 109.056. (1) Except as provided in subsection (2) or (3) of this section, a parent or [a] guardian  
7 of a minor or incapacitated person, by a properly executed power of attorney, may delegate to an  
8 other person, for a period not exceeding six months, any of the powers of the parent or guardian  
9 regarding care, custody or property of the minor child or ward, except the power to consent to  
10 marriage or adoption of a minor ward.

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

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

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

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

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

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

29 **(d) When the servicemember-parent has joint custody of the minor child with the child's**  
30 **other parent and the servicemember-parent is married to an individual other than the child's**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **other parent, the servicemember-parent may delegate the powers designated in subsection**  
2 **(1) of this section to the spouse of the servicemember-parent.**  
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