

# House Bill 2847

Sponsored by Representative THOMPSON (at the request of Matt Minahan, Dads America)

## 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**.

Requires 45-day notice before parent under custody order or judgment moves more than 60 miles from other parent. Permits filing of motions for temporary status quo order and to modify judgment. Specifies factors for determining best interests of child. Provides that serving notice of move is substantial change of circumstances.

## A BILL FOR AN ACT

1  
2 Relating to relocation of parent; creating new provisions; and amending ORS 107.159.

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

4 **SECTION 1.** ORS 107.159 is amended to read:

5 107.159. (1) In any court order or judgment granting custody of a minor child and parenting time  
6 or visitation rights relating to the child, except for an order under ORS 107.700 to 107.735, the court  
7 shall include in its order a provision requiring that neither parent may move to a residence more  
8 than 60 miles further distant from the other parent without giving **notice to** the other parent [*rea-*  
9 *sonable notice of the change of residence and providing a copy of such notice to the court.*] **at least**  
10 **45 days before the date the parent moves. The moving parent shall serve notice on the other**  
11 **party in the manner of service of a summons under ORCP 7 and shall provide proof of service**  
12 **to the court in accordance with ORCP 9. The notice must include:**

13 (a) **The date of the move;**

14 (b) **The address to which the parent is moving or, if an address is not known, the lo-**  
15 **cation; and**

16 (c) **An address at which the moving parent may be served with legal process before the**  
17 **move occurs.**

18 (2) Notwithstanding subsection (1) of this section, a parent is not required to give notice of a  
19 change of residence if the court, upon ex parte or other motion of the parent and for good cause,  
20 enters an order suspending the requirement.

21 (3) **A parent who receives the notice required by subsection (1) of this section may, at**  
22 **any time before the other parent moves, file a motion under ORS 107.138 requesting the is-**  
23 **suance of a temporary status quo order. A proceeding to modify the parties' judgment under**  
24 **ORS 107.135 must be pending or commenced at the time of filing the motion under ORS**  
25 **107.138.**

26 (4) **Either parent may file a motion under ORS 107.135 requesting the court's determi-**  
27 **nation of whether the move is in the best interests of the child and modification of, as ap-**  
28 **propriate, the custody or parenting time provisions of the parties' judgment.**

29 (5) **Service of the notice in subsection (1) of this section constitutes a substantial change**  
30 **of circumstances for purposes of a proceeding under ORS 107.135.**

**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       **(6) In determining whether the move is in the best interests of the child, the court shall**  
2 **consider the factors listed in ORS 107.137 and:**

3       **(a) The practical and emotional effect of the move on the child and the parties;**

4       **(b) Whether a reasonable visitation schedule can be created that facilitates and encour-**  
5 **ages the relationship between the parents and the child;**

6       **(c) The motives of the parties in moving or resisting the move; and**

7       **(d) Any other relevant factors that bear on the best interests of the child.**

8       **SECTION 2. The amendments to ORS 107.159 by section 1 of this 2009 Act apply to moves**  
9 **that occur on or after the effective date of this 2009 Act.**

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