

# D R A F T

## SUMMARY

Establishes Task Force on Custody and Parenting Time. Directs task force to study effect of changing statutory terms in domestic relations law. Directs task force to report to interim committees of Legislative Assembly relating to domestic relations on or before August 15, 2018.

Sunsets task force on December 31, 2018.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

Relating to domestic relations proceedings; and prescribing an effective date.

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

**SECTION 1. (1) The Task Force on Custody and Parenting Time is established.**

**(2) The task force consists of 13 members appointed as follows:**

**(a) The President of the Senate shall appoint one member from the majority party in the Senate and one member from the minority party in the Senate.**

**(b) The Speaker of the House of Representatives shall appoint one member from the majority party of the House of Representatives and one member from the minority party in the House of Representatives.**

**(c) The Governor shall appoint four members as follows:**

**(A) One member who is a mental health provider with expertise in families and children;**

**(B) One member who is a parent who was awarded sole custody of a child in a domestic relations proceeding;**

**(C) One parent who was not awarded sole custody of a child in a**

1 **domestic relations proceeding; and**

2 **(D) One parent who was awarded joint custody of a child in a do-**  
3 **mestic relations proceeding.**

4 **(d) The Attorney General shall appoint a member to represent the**  
5 **Administrator of the Division of Child Support of the Department of**  
6 **Justice.**

7 **(e) The Chief Justice of the Supreme Court shall appoint three**  
8 **members, including one trial court administrator with expertise in**  
9 **domestic relations proceedings, one circuit court judge with expertise**  
10 **in domestic relations proceedings and one member of the statewide**  
11 **family law advisory committee who is a member of the Oregon State**  
12 **Bar with expertise in domestic relations proceedings.**

13 **(f) The Board of Governors of the Oregon State Bar shall appoint**  
14 **one member who is a member of the Oregon State Bar with expertise**  
15 **in domestic relations proceedings.**

16 **(3) The task force shall:**

17 **(a) Research and study:**

18 **(A) The effect on parents, children and families of awarding sole**  
19 **custody to one parent in a domestic relations proceeding;**

20 **(B) Proposals, statutory changes and implementation in other**  
21 **states where the term “custody” has been replaced with the term “al-**  
22 **location of parental responsibilities” and the term “visitation” has**  
23 **been replaced with “allocation of parenting time”;**

24 **(C) The effect of removing terms such as “custody,” “visitation,”**  
25 **“custodial parent” and “noncustodial parent” from the domestic re-**  
26 **lations chapters of the Oregon Revised Statutes, the Uniform Trial**  
27 **Court Rules, the supplementary local court rules adopted by circuit**  
28 **courts throughout this state and other chapters in the Oregon Revised**  
29 **Statutes. The task force’s research and study into the consequences**  
30 **of making changes to key terms in domestic relations laws shall ad-**  
31 **dress, but not be limited to, the following:**

1 (i) The establishment of court jurisdiction and programs involving  
2 domestic relations proceedings including custody and parenting time  
3 matters;

4 (ii) Child support awards;

5 (iii) Adoption proceedings;

6 (iv) Education and schools;

7 (v) The Family Abuse Prevention Act and other protective or re-  
8 straining orders containing custody provisions;

9 (vi) Unmarried parent proceedings involving custody of children;

10 (vii) Juvenile dependency proceedings;

11 (viii) Child welfare matters;

12 (ix) Putative father rights and responsibilities;

13 (x) Paternity proceedings; and

14 (xi) Third party child custody rights under ORS 109.119 involving  
15 persons with a parent-child relationship or on-going relationship and  
16 grandparents; and

17 (D) The effect of removing and replacing terms such as “custody,”  
18 “visitation,” “custodial parent” and “noncustodial parent” in Oregon  
19 laws on compliance with and implementation of federal laws, rules and  
20 regulations, including but not limited to, Title IV-D and Title IV-E of  
21 the Social Security Act, the Uniform Child Custody Jurisdiction and  
22 Enforcement Act, the Indian Child Welfare Act (25 U.S.C. 1901 et seq.)  
23 and the Uniform Interstate Family Support Act.

24 (b) Make recommendations for prospective legislation to:

25 (A) Remove terms such as “custody,” “visitation,” “custodial  
26 parent” and “noncustodial parent” from the Oregon laws and rules;

27 (B) Replace the determination of “custody” in domestic relations  
28 proceedings with a determination of “allocation of parental responsi-  
29 bilities”;

30 (C) Replace “visitation” in the domestic relations chapters of the  
31 Oregon Revised Statutes with “allocation of parenting time”; and

1 (D) Replace “noncustodial parent” with “supporting parent.”

2 (4) A majority of the voting members of the task force constitutes  
3 a quorum for the transaction of business.

4 (5) Official action by the task force requires the approval of a ma-  
5 jority of the voting members of the task force.

6 (6) The task force shall elect one of its members to serve as chair-  
7 person.

8 (7) If there is a vacancy for any cause, the appointing authority  
9 shall make an appointment to become immediately effective.

10 (8) The task force shall meet at times and places specified by the  
11 call of the chairperson or of a majority of the voting members of the  
12 task force.

13 (9) The task force may adopt rules necessary for the operation of  
14 the task force.

15 (10) The task force shall submit a report in the manner provided  
16 by ORS 192.245, and may include recommendations for legislation, to  
17 the interim committee of the Legislative Assembly related to domestic  
18 relations no later than August 15, 2018.

19 (11) The Legislative Policy and Research Director shall provide staff  
20 support to the task force.

21 (12) Members of the Legislative Assembly appointed to the task  
22 force are nonvoting members of the task force and may act in an ad-  
23 visory capacity only.

24 (13) Members of the task force who are not members of the Legis-  
25 lative Assembly are not entitled to compensation or reimbursement  
26 for expenses and serve as volunteers on the task force.

27 (14) All agencies of state government, as defined in ORS 174.111, are  
28 directed to assist the task force in the performance of the task force’s  
29 duties and, to the extent permitted by laws relating to confidentiality,  
30 to furnish information and advice the members of the task force con-  
31 sider necessary to perform their duties.

1     **SECTION 2.** Section 1 of this 2017 Act is repealed on December 31,  
2     **2018.**

3     **SECTION 3.** This 2017 Act takes effect on the 91st day after the date  
4     **on which the regular session of the Seventy-ninth Legislative Assem-**  
5     **bly adjourns sine die.**

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