

SB 1055 STAFF MEASURE SUMMARY

Carrier: Sen. Boquist

Senate Committee On Veterans and Emergency Preparedness

Action Date: 04/18/17
Action: Do pass.
Vote: 3-0-1-0
Yeas: 3 - Boquist, Monnes Anderson, Olsen
Exc: 1 - President Courtney
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: C. Ross, LPRO Analyst

WHAT THE MEASURE DOES:

Expands definition of “deployment” of service member to include "mobilization" for purposes of certain domestic relations proceedings. Permits court to enter particular temporary order for contact between child of deployed parent and stepparent, grandparent or other family member.

ISSUES DISCUSSED:

- Proponent's experience

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The National Conference of State Legislatures reports that legislation to address issues facing military parents has become a trend over the past decade at both the state and federal level. Domestic relations matters come within the purview of each state; the only applicable federal provisions are contained in the Servicemember Civil Relief Act (SCRA), which allows service members to stay a variety of court proceedings, including domestic relations matters, whenever military service precludes their appearance in court. In addition to protections offered by the SCRA, nearly every state has enacted domestic relations provisions that address custody issues faced by deployed parents, including Oregon. In 2011, Oregon passed House Bill 3162, to prohibit courts from changing parenting and support orders involving deployed parents; modifications are permitted to accommodate a parent's active military service, so long as they are in a child's best interest. In 2012, the Uniform Law Commission developed the Uniform Deployed Parents Custody and Visitation Act, a version of which has been adopted in about a dozen states (Arkansas, Colorado, Iowa, Minnesota, Nebraska, Nevada, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, and Utah). The "child's best interest" remains the overriding black-letter standard for courts making custody determinations in every state.

Senate Bill 1055 modifies domestic relations law to make Oregon's child custody provisions more closely match California's. The measure includes "mobilization" in the definition of "deployment" and creates an exception from the requirements that third parties are otherwise required to meet, to establish custody or contact rights with a child, to permit courts to order visitation between children of deployed parents and specific third parties in a particular manner.