

SB 1055 A STAFF MEASURE SUMMARY

Carrier: Rep. Evans

House Committee On Judiciary

Action Date: 06/01/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 11-0-0-0

Yeas: 11 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Authorizes court to order visitation between child of deployed parent and stepparent, grandparent or other family member of child. Requires court to consider multiple factors, including whether visitation will facilitate contact between child and deployed parent.

ISSUES DISCUSSED:

- Uniform Law Commission's Deployed Parents Custody and Visitation Act; other states' laws
- Challenges associated with deployment; long-distance visitation
- Custody disputes involving soldiers

EFFECT OF AMENDMENT:

Replaces the measure.

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 standard for courts making custody determinations in every state.

Senate Bill 1055-A modifies divorce law to allow a deployed parent to petition the court for visitation, during the deployment, between the child of the deployed parent and a stepparent, grandparent or other family member related to the child. The bill directs the court to consider whether visitation will facilitate contact between the child and the deployed parent, the best interests of the child and the third-party visitation factors of ORS 109.119.