

Senate Bill 898

Sponsored by COMMITTEE ON JUDICIARY

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**.

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

1
2 Relating to domestic relations proceedings; and prescribing an effective date.

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

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

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

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

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

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

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

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

15 **(C) One parent who was not awarded sole custody of a child in a domestic relations pro-**
16 **ceeding; and**

17 **(D) One parent who was awarded joint custody of a child in a domestic relations pro-**
18 **ceeding.**

19 **(d) The Attorney General shall appoint one member to represent the Administrator of**
20 **the Division of Child Support of the Department of Justice.**

21 **(e) The Chief Justice of the Supreme Court shall appoint three members, including one**
22 **trial court administrator with expertise in domestic relations proceedings, one circuit court**
23 **judge with expertise in domestic relations proceedings and one member of the statewide**
24 **family law advisory committee who is a member of the Oregon State Bar with expertise in**
25 **domestic relations proceedings.**

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

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

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

30 **(A) The effect on parents, children and families of awarding sole custody to one parent**

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 in a domestic relations proceeding;

2 (B) Proposals, statutory changes and implementation in other states where the term
3 “custody” has been replaced with the term “allocation of parental responsibilities” and the
4 term “visitation” has been replaced with “allocation of parenting time”;

5 (C) The effect of removing terms such as “custody,” “visitation,” “custodial parent” and
6 “noncustodial parent” from the domestic relations chapters of the Oregon Revised Statutes,
7 the Uniform Trial Court Rules, the supplementary local court rules adopted by circuit courts
8 throughout this state and other chapters in the Oregon Revised Statutes. The task force’s
9 research and study into the consequences of making changes to key terms in domestic re-
10 lations laws shall address, but not be limited to, the following:

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

13 (ii) Child support awards;

14 (iii) Adoption proceedings;

15 (iv) Education and schools;

16 (v) The Family Abuse Prevention Act and other protective or restraining orders con-
17 taining custody provisions;

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

19 (vii) Juvenile dependency proceedings;

20 (viii) Child welfare matters;

21 (ix) Putative father rights and responsibilities;

22 (x) Paternity proceedings; and

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

25 (D) The effect of removing and replacing terms such as “custody,” “visitation,” “custo-
26 dial parent” and “noncustodial parent” in Oregon laws on compliance with and implementa-
27 tion of federal laws, rules and regulations, including but not limited to, Title IV-D and Title
28 IV-E of the Social Security Act, the Uniform Child Custody Jurisdiction and Enforcement
29 Act, the Indian Child Welfare Act (25 U.S.C. 1901 et seq.) and the Uniform Interstate Family
30 Support Act.

31 (b) Make recommendations for prospective legislation to:

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

34 (B) Replace the determination of “custody” in domestic relations proceedings with a de-
35 termination of “allocation of parental responsibilities”;

36 (C) Replace “visitation” in the domestic relations chapters of the Oregon Revised Stat-
37 utes with “allocation of parenting time”; and

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

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

41 (5) Official action by the task force requires the approval of a majority of the voting
42 members of the task force.

43 (6) The task force shall elect one of its members to serve as chairperson.

44 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
45 ment to become immediately effective.

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

3 **(9) The task force may adopt rules necessary for the operation of the task force.**

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

7 **(11) The Legislative Policy and Research Director shall provide staff support to the task**
8 **force.**

9 **(12) Members of the Legislative Assembly appointed to the task force are nonvoting**
10 **members of the task force and may act in an advisory capacity only.**

11 **(13) Members of the task force who are not members of the Legislative Assembly are not**
12 **entitled to compensation or reimbursement for expenses and serve as volunteers on the task**
13 **force.**

14 **(14) All agencies of state government, as defined in ORS 174.111, are directed to assist**
15 **the task force in the performance of the task force's duties and, to the extent permitted by**
16 **laws relating to confidentiality, to furnish information and advice the members of the task**
17 **force consider necessary to perform their duties.**

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

19 **SECTION 3.** **This 2017 Act takes effect on the 91st day after the date on which the reg-**
20 **ular session of the Seventy-ninth Legislative Assembly adjourns sine die.**

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