

SB 356 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/6

WHAT THE MEASURE DOES:

Allows parenting plans to include a requirement that a custodial parent notify a non-custodial parent about matters concerning the child. Allows parenting plans to include a requirement that the custodial parent provide the non-custodial parent with an opportunity to comment on specific matters concerning the child.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In the 2016 interim, the Senate Committee on Judiciary convened a workgroup to explore concerns related to Oregon custody and parenting time statutes. The work group was composed of advocates, expert practitioners, judges, and affected stakeholders. To complete its work, the work group surveyed current Oregon law and practice, state statutes nationwide, relevant case law, and academic research on best practices for child custody and parenting-time disputes and decisions. The results of that workgroup are a slate of measures designed to aid judges in their decision-making processes, balance the interests of parties, and protect the best interest and safety of children in these proceedings and decision-making processes. Senate Bill 356 is one of those bills.

Under current law, in any proceeding to establish or modify a judgment providing for parenting time with a child, except for matters filed under the Family Abuse Prevention Act, ORS 107.700-735, the court must include a parenting plan with the judgment. ORS 107.102. This plan is developed and submitted by the parents or developed by the court when so requested by either parent or the parents are unable to develop a parenting plan. ORS 107.102 (1) & (4). When developed by the court, the court may only consider the best interest of the children and the safety of the parties. ORS 107.102 (4).

Parenting plans may be "general" or "detailed." ORS 107.102. A "general" parenting plan must set forth the minimum amount of parenting time and access a non-custodial parent is entitled to and may include an outline of how parental responsibilities and parenting time will be shared while allowing for more detailed agreements to be arranged on an informal basis. ORS 107.102 (2). A detailed parenting plan may include provisions related to: residential schedule; holiday, birthday, and vacation planning; weekends, including holidays and school in-services days adjacent to weekends; decision-making and responsibility; information sharing and access; relocation of parents; telephone access; transportation and methods for dispute resolution. ORS 107.102 (3).

Senate Bill 356 allows for a parenting plan to include requirements as to whether the custodial parent must notify the non-custodial parent regarding specific matters concerning the child and/or whether the custodial parent must provide the non-custodial parent an opportunity to comment on specific matters concerning the child.