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TESTIMONY ON SENATE BILL 736 For the Senate Judiciary Committee March 6, 2019

Presented by:

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This testimony provides comments on Senate Bill 736. While the Department of Justice is supportive of the concept, the Department requests the opportunity to continue to work with stakeholders on amendments to the proposed legislation.

How This Bill Changes Current Law

SB 736 defines and differentiates “custody,” “joint custody,” and “parenting time” in domestic relations proceedings. SB 736 also replaces “physical custody” with a variation of the definition of parenting time in domestic relations proceedings. As currently written, several sections of the bill create unintended consequences for the Oregon Child Support Program where the use of the new language does not retain the actual function of the replaced term.

An example of an unintended consequence created by SB 736 as currently written is in section 49, where “physical custody” is replaced with “responsibility for the supervision and physical care” when listing who may submit an application to the Oregon Child Support Program. The bill language is broad enough to include daycare providers and anyone else who is responsible for the supervision and physical care of the child. This is not the intent of the legislation and is an example of how the new language creates unintended consequences.

The Oregon Child Support Program participated in the Custody and Parenting Time Workgroup that put forth this bill and supports the general concept of SB 736. The Department of Justice requests additional time to continue to work with stakeholders on amended language to eliminate the unintended consequences.

Recommended Action

The Oregon Department of Justice requests further opportunity to work with other stakeholders to provide amended language to retain the objective of Senate Bill 736 without creating unintended consequences.