

**SB 318 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Thatcher

**Senate Committee On Judiciary**

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**Action Date:** 04/04/19

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

**Vote:** 7-0-0-0

**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Addie Smith, Counsel

**Meeting Dates:** 3/6, 4/4

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**WHAT THE MEASURE DOES:**

Allows the court to develop parenting plan that orders equal parenting time. Clarifies that the court may only deny a request for a parenting plan that orders equal parenting time when it determines, by written findings, that equal parenting time is not in the best interest of the child or endangers the safety of the parties.

**ISSUES DISCUSSED:**

- Process for making parenting time decisions under current law
- Comparison of states that have a rebuttable presumption of equal parenting time
- Importance of equal parenting time to children
- Prevalence of domestic violence in parenting time disputes
- Parents' right to parent their children
- Circumstances where equal parenting time is inappropriate

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

After parents have separated or dissolved their marriage, they may devise their own parenting plan that defines each parent's parenting time and responsibilities. ORS 107.102 and ORS 107.105. When parents are unable to devise a parenting plan, or when either parent so requests, the court must develop the parenting plan based on the best interest of the child and the safety of the parties. Current law states that "[I]t is the policy of this state to assure minor children frequent and continuing contact with parents who have shown the ability to act in the best interest of the child and to encourage parents to share in the rights and responsibilities of raising their children after the parents have separated or dissolved their marriage." ORS 107.149.

Senate Bill 318 A allows the court, under ORS 107.102, to develop a parenting plan that orders equal parenting time. It also clarifies that the court may only deny a request for a parenting plan that orders equal parenting time when it enters written findings describing why equal parenting time is not in the best interest of the child or endangers the safety of the parties.