

House Bill 2331

Sponsored by Representative OWENS; Senator PROZANSKI (Presession filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells parents they cannot give someone else the rights to make decisions on behalf of a child who is in the care or custody of DHS. (Flesch Readability Score: 66.6).

Limits the right of a parent to delegate parental rights over a child who is in the care or custody of the Department of Human Services.

A BILL FOR AN ACT

1
2 Relating to authority to delegate parental decision making; amending ORS 109.056.

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

4 **SECTION 1.** ORS 109.056 is amended to read:

5 109.056. (1) Except as **otherwise** provided in [*subsection (2) or (3) of*] this section, a parent or
6 guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate
7 to another person, for a period not exceeding six months, any of the powers of the parent or
8 guardian regarding care, custody or property of the minor child or ward, except the power to con-
9 sent to marriage or adoption of a minor ward.

10 (2) A parent or guardian of a minor child may delegate the powers designated in subsection (1)
11 of this section to a school administrator for a period not exceeding 12 months.

12 (3)(a) As used in this subsection, "servicemember-parent" means a parent or guardian:

13 (A) Who is:

14 (i) A member of the organized militia of this state;

15 (ii) A member of the Reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of
16 the United States;

17 (iii) A member of the commissioned corps of the National Oceanic and Atmospheric Adminis-
18 tration; or

19 (iv) A member of the Public Health Service of the United States Department of Health and Hu-
20 man Services detailed by proper authority for duty with the Army or Navy of the United States; and

21 (B) Who is required to enter and serve in the active military service of the United States under
22 a call or order by the President of the United States or to serve on state active duty as defined in
23 the Oregon Code of Military Justice.

24 (b) A servicemember-parent of a minor child may delegate the powers designated in subsection
25 (1) of this section for a period not exceeding the term of active duty service plus 30 days.

26 (c) Except as provided in paragraph (d) of this subsection, if the minor child is living with the
27 child's other parent, a delegation under paragraph (b) of this subsection must be to the parent with
28 whom the minor child is living unless a court finds that the delegation would not be in the best
29 interests of the minor child.

30 (d) When the servicemember-parent has joint custody of the minor child with the child's other

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 parent or another individual, and the servicemember-parent is married to an individual other than
2 the child's other parent, the servicemember-parent may delegate the powers designated in subsection
3 (1) of this section to the spouse of the servicemember-parent for a period not exceeding the term of
4 active duty service plus 30 days, unless a court finds that the delegation would not be in the best
5 interests of the minor child.

6 **(4) A parent or guardian may not execute a power of attorney described in this section**
7 **to delegate any powers of the parent or guardian over a child who is in the care or custody**
8 **of the Department of Human Services because of the abuse or suspected abuse of the child**
9 **by the parent or guardian.**

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