

SB 736 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Addie Smith, Counsel

Meeting Dates: 3/6

WHAT THE MEASURE DOES:

Provides comprehensive definitions of custody, joint custody, and parenting time. Differentiates those legal concepts. Makes conforming changes to the statutes that govern jurisdiction over juveniles, allocation of parental responsibilities, child support, counselor's ability to testify in a couple's domestic relations case, marital dissolution, annulment and separation, the creation of parenting plans, spousal relationships, the rights and relationship of parents and children, filiation proceedings, adoption, relative caregivers, child support, and interstate compacts.

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. One issue identified by that workgroup was that Oregon law does not provide comprehensive definitions of custody, joint custody, or parenting time.

Senate Bill 736 is a product of that workgroup and defines custody, joint custody and parenting time. It also makes corresponding and conforming changes in relevant chapters throughout the Oregon Code.