

House Bill 2959

Sponsored by Representative NERON

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**.

Requires child's consent to parenting plan if child is 14 years of age or older.

Directs court to allow child witness in certain domestic relations proceedings to testify in person or by telephonic or electronic means.

A BILL FOR AN ACT

1
2 Relating to child's interests in parenting plan; creating new provisions; and amending ORS 107.101
3 and 107.102.

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

5 **SECTION 1.** ORS 107.101 is amended to read:

6 107.101. It is the policy of this state to:

7 (1) Assure minor children of frequent and continuing contact with parents who have shown the
8 ability to act in the best interests of the child;

9 (2) Encourage such parents to share in the rights and responsibilities of raising their children
10 after the parents have separated or dissolved their marriage;

11 (3) Encourage parents to develop their own parenting plan with the assistance of legal and me-
12 diation professionals, if necessary;

13 (4) Grant parents and courts the widest discretion in developing a parenting plan;

14 **(5) Ensure that parenting plans involving children who are 14 years of age or older reflect**
15 **the child's wishes;** and

16 [~~5~~] **(6)** Consider the best interests of the child and the safety of the parties in developing a
17 parenting plan.

18 **SECTION 2.** ORS 107.102 is amended to read:

19 107.102. (1) In any proceeding to establish or modify a judgment providing for parenting time
20 with a child, except for matters filed under ORS 107.700 to 107.735, there shall be developed and
21 filed with the court a parenting plan to be included in the judgment. A parenting plan may be either
22 general or detailed.

23 (2) A general parenting plan may include a general outline of how parental responsibilities and
24 parenting time will be shared and may allow the parents to develop a more detailed agreement on
25 an informal basis. However, a general parenting plan must set forth the minimum amount of par-
26 enting time and access a noncustodial parent is entitled to have.

27 (3) A detailed parenting plan may include, but need not be limited to, provisions relating to:

28 (a) Residential schedule;

29 (b) Holiday, birthday and vacation planning;

30 (c) Weekends, including holidays, and school in-service days preceding or following weekends;

31 (d) Decision-making and responsibility;

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 (e) Information sharing and access;
- 2 (f) Relocation of parents;
- 3 (g) Telephone access;
- 4 (h) Transportation; and
- 5 (i) Methods for resolving disputes.

6 (4) In addition to the provisions listed in subsection (3) of this section, a detailed parenting plan
7 may include one or both of the following requirements:

8 (a) That the custodial parent notify the noncustodial parent regarding specified matters con-
9 cerning the child.

10 (b) That the custodial parent provide the noncustodial parent with an opportunity to comment
11 regarding specified matters concerning the child.

12 (5)(a) The court shall develop a detailed parenting plan when:

13 (A) So requested by either parent; or

14 (B) The parent or parents are unable to develop a parenting plan.

15 (b) In developing a parenting plan under this subsection, the court may consider only the best
16 interests of the child and the safety of the parties.

17 (c) In developing a parenting plan under this subsection, the court may order equal parenting
18 time. If a parent requests that the court order equal parenting time in the parenting plan, the court
19 may deny the request if the court determines, by written findings, that equal parenting time is not
20 in the best interests of the child or endangers the safety of the parties.

21 **(6) If the child is 14 years of age or older, a parenting plan under this section may not**
22 **be entered into or ordered without the consent of the child.**

23 **SECTION 3. (1) At any hearing under ORS chapter 107, the court, on its own motion or**
24 **upon the motion of a party, may take testimony from any child appearing as a witness and**
25 **exclude the child's parents and other persons if the court finds such action would be likely**
26 **to be in the best interests of the child. However, the court may not exclude the attorney for**
27 **each party and the testimony shall be reported.**

28 **(2) The court shall, on its own motion or upon the motion of any other party, allow a**
29 **child appearing under this section to appear in person or by other means, including, but not**
30 **limited to, telephonic or other electronic means.**

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