

HB 3095 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/25

WHAT THE MEASURE DOES:

The measure establishes a rebuttable presumption that equal parenting time is in the best interest of the child. Requires the court, when developing a parenting plan, to consider only the best interest of the child and the safety of the parties. Allows the court to deny a request for equal parenting time if, and only if, it finds that it is not in the best interest of the child or endangers the safety of the parties. If the presumption is rebutted, the measure requires the court to develop a parenting time schedule that maximizes practicable parenting time with each parent. The Act takes effect on the 91st day after sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law requires courts to consider the best interests of the child when determining custody and parenting time. While courts may order equal parenting time, current statutes do not presume it to be in the best interest of the child. House Bill 3095 amends ORS 107.101, 107.102, 107.105, and related statutes to establish a presumption that equal parenting time is in the best interest of the child and should be ordered unless rebutted.

Moreover, current law does not require courts to maximize practicable parenting time with each parent when developing a parenting plan and allows courts to use their discretion to deny equal parenting time if, based on written findings, they determine that equal parenting time is not in the best interests of the child or endangers the safety of the parties. In contrast, in developing a parenting plan, HB 3095 requires courts to develop a parenting schedule that maximizes practicable parenting time with each parent and allows courts to deny equal parenting time if, and only if, written findings show that equal parenting time is not in the best interests of the child and endangers the safety of the parties.