

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 1055**

1 On page 1 of the printed bill, delete lines 5 through 30 and delete page  
2 2.

3 On page 3 delete lines 1 through 31 and insert:

4 **“SECTION 1.** ORS 107.145 is amended to read:

5 **“107.145. (1) The Legislative Assembly finds and declares that:**

6 **“(a) Establishing a fair, efficient and expeditious process to resolve**  
7 **child custody and visitation issues when a parent is deployed with the**  
8 **Armed Forces of the United States, National Guard or other reserve**  
9 **component is in the best interests of the child of such a deployed**  
10 **parent; and**

11 **“(b) Courts should, to the extent feasible within existing resources**  
12 **and court practices, prioritize the scheduling for hearing of family law**  
13 **matters involving a deployed parent or a parent whose deployment is**  
14 **imminent, avoid unnecessary delays or continuances and ensure that**  
15 **deployed parents are not denied access to their children because of**  
16 **their deployment.**

17 **“[(1)] (2) As used in this section and ORS 107.146:**

18 **“(a) ‘Deployed parent’ means a parent of a minor child whose parental**  
19 **rights have not been terminated who is deployed with the Armed Forces of**  
20 **the United States, National Guard or other reserve component.**

21 **“(b) ‘Deployment’ or ‘deployed’:**

1 “(A) Means military service in compliance with written orders received  
2 by an active duty or reserve member of the Armed Forces of the United  
3 States, National Guard or other reserve component to report for combat op-  
4 erations, contingency operations, peacekeeping operations, temporary duty,  
5 a remote tour of duty or other active military service;

6 “(B) Includes the period of time from which the deployed parent receives  
7 and is subject to written orders to deploy to the actual date of deployment;  
8 and

9 “(C) Includes any period of time in which the deployed parent is awaiting  
10 travel to or from a deployment destination or remains deployed because of  
11 sickness, wounds, leave or other lawful cause.

12 “[2)] (3) Notwithstanding ORS 107.135 and except as provided in sub-  
13 section [(3)] (4) of this section, a court may not set aside, alter or modify  
14 any portion of a judgment of annulment, separation or dissolution of mar-  
15 riage that provides for the custody, parenting time, visitation, support and  
16 welfare of a minor child of a deployed parent until 90 days after the com-  
17 pletion of the deployed parent’s deployment unless a motion to set aside, al-  
18 ter or modify was filed with, heard by and decided by the court before the  
19 commencement of the deployed parent’s deployment.

20 “[3)(a)] (4)(a) Notwithstanding ORS 107.138 and 107.139, a court may  
21 enter a temporary order modifying the terms of a preexisting judgment of  
22 annulment, separation or dissolution of marriage that provides for the cus-  
23 tody, parenting time, visitation, support and welfare of a minor child of a  
24 deployed parent to reasonably accommodate the circumstances of the de-  
25 ployed parent’s deployment in the best interests of the child, upon motion  
26 filed by either party and after service of notice on the other party in the  
27 manner provided by ORCP 7, and after notice to the Administrator of the  
28 Division of Child Support of the Department of Justice or the branch office  
29 providing support services when required by subsection [(4)] (6) of this sec-  
30 tion. The nondeployed parent bears the burden of proof that the provisions

1 of a temporary order made under this subsection are not in the best interests  
2 of the child.

3 “(b) A temporary order entered under this subsection must include the  
4 following provisions:

5 “(A) Parenting time for the deployed parent during periods of approved  
6 leave in the best interests of the child;

7 “(B) Parenting time for the deployed parent during periods of deployment  
8 in the best interests of the child including but not limited to contact by  
9 telephone, electronic mail and other electronic means such as video and  
10 visual imaging;

11 “(C) Modification of the child support provisions of the preexisting judg-  
12 ment to reflect the changed circumstances of the parents and the child dur-  
13 ing the period of deployment;

14 “(D) A requirement that the nondeployed parent provide the court and the  
15 deployed parent with written notice 30 days prior to a change of address or  
16 telephone number during the period of deployment;

17 “(E) That the temporary order entered under this subsection terminates  
18 by operation of law upon completion of deployment and that the provisions  
19 of the preexisting judgment that have been modified by the temporary order  
20 are automatically reinstated unless a request is made and granted under  
21 subsection [(5)] (7) of this section;

22 “(F) That all other provisions of the preexisting judgment not modified  
23 by the temporary order remain in effect; and

24 “(G) That deployment is considered completed for purposes of reinstating  
25 the provisions of the preexisting judgment that have been modified by the  
26 temporary order 10 days after the date on which the deployed parent serves  
27 the nondeployed parent and provides to the court and to the Administrator  
28 of the Division of Child Support of the Department of Justice or the branch  
29 office providing support services to the county in which the motion is filed  
30 copies of written orders or other official notification that the deployed par-

1 ent is no longer deployed [*or in active military service*].

2 “(5) A temporary order entered under subsection (4) of this section  
3 may include a provision allowing or requiring reasonable visitation  
4 between the child of a deployed parent and a stepparent, grandparent  
5 or other family member related to the child with whom the child has  
6 an ongoing relationship as defined in ORS 109.119. In determining the  
7 best interests of the child, the court shall consider the factors set  
8 forth in ORS 109.119 (4) and whether awarding visitation will facilitate  
9 the child’s contact with the deployed parent. For purposes of this  
10 subsection, a legal parent is presumed to act in the best interests of  
11 the child. In making an order under this subsection, the court shall  
12 apply a preponderance of the evidence standard.

13 “[4] (6) A true copy of a motion under subsection [(3)] (4) of this section  
14 shall be served by the moving party by mail or personal delivery on the  
15 Administrator of the Division of Child Support of the Department of Justice  
16 or on the branch office providing support services to the county in which the  
17 motion is filed.

18 “[5] (7) Prior to reinstatement of the provisions of a preexisting judg-  
19 ment, a parent may request ex parte a temporary order alleging that the  
20 child will be irreparably harmed or placed in immediate danger if the pro-  
21 visions of the preexisting judgment are automatically reinstated upon com-  
22 pletion of deployment.

23 “[6] (8) When a court has entered a temporary order under subsection  
24 [(3)] (4) of this section, the absence of a child from this state during a de-  
25 ployed parent’s deployment is considered a temporary absence for purposes  
26 of the Uniform Child Custody Jurisdiction and Enforcement Act and this  
27 state shall retain exclusive continuing jurisdiction in accordance with ORS  
28 109.701 to 109.834.

29 “[7] (9) The court may award attorney fees and costs reasonably in-  
30 curred in a proceeding under this section if the court finds that a party

1 caused unreasonable delays, failed to provide information as required by this  
2 section or acted to unreasonably interfere with or frustrate contact between  
3 a deployed parent and a minor child.”.

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