

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	5/11

WHAT THE MEASURE DOES: Allows a court to reinstate a terminated spousal support obligation if the reason for the termination no longer exists and reinstatement is “just and equitable” under the circumstances. Establishes factors for a court to consider in exercising its discretion. Clarifies the term and amount of a reinstated obligation to be the remaining term and amount of the obligation as if the obligation had continued uninterrupted. Requires a motion for reinstatement to be brought within the duration of the original award or within 10 years after the judgment terminating the award, whichever is earlier. Allows parties to file motion to modify spousal support in a reinstatement proceeding and to waive their right to reinstatement. Applies to awards that were terminated before or after the effective date of the bill.

ISSUES DISCUSSED:

- Guidance to the courts
- When reinstating support, court shall consider the totality of the circumstances

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: SB 306 A is the product of the Oregon State Bar Spousal Support Task Force, which was formed in 2005 to study issues relating to the reinstatement of terminated spousal support obligations, and identify possible amendments to ORS 107.136. The Task Force included members of the Family Law Section of the Bar and members of the judicial department. The Task Force solicited input from the public, including the proponents of last session’s proposed amendments to ORS 107.136.

Currently, ORS 107.136 allows courts to reinstate terminated spousal support obligations, but it provides no standards to guide a court’s exercise of discretion. SB 306 A would amend the statute to provide some guidance. The bill requires a party seeking reinstatement to prove that the basis for the termination no longer exists and that reinstatement is just and equitable under the circumstances. It also requires a court to consider: (a) the basis for the original award, (b) the basis for the termination, and (c) the totality of the circumstances of each party since the termination of the obligation. The bill allows parties to waive any right to reinstatement, and clarifies that either party may seek to modify the original obligation in a proceeding to reinstate.