

Enrolled Senate Bill 306

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CHAPTER

AN ACT

Relating to reinstatement of terminated spousal support award; creating new provisions; and amending ORS 107.136.

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

SECTION 1. ORS 107.136 is amended to read:

107.136. [*Whenever spousal support has been terminated under ORS 107.135, the court has the power to order reinstatement of the support obligation if:*]

[(1) The basis for the termination ceases to exist; and]

[(2) The reinstatement motion is filed within the period of time support would have been paid had the support obligation not been terminated.]

(1) When a court has terminated the duty of spousal support under ORS 107.135, the court may reinstate the remaining duration and remaining amount of the support award if the moving party alleges and proves that:

(a) The basis for the termination has ceased to exist; and

(b) The reinstatement is just and equitable under all the circumstances.

(2) For the purposes of this section:

(a) The remaining duration of a support award is the term of the award remaining as if the award had not been terminated and support had been paid from the date of termination to the date of reinstatement. For example, if the applicable judgment required payment of spousal support for 10 years, the award was terminated in year three and reinstatement of the award was sought at the end of year seven, the maximum remaining duration of the support award that could be reinstated would be three years.

(b) The remaining amount of a support award is the amount of support owed as if the award had not been terminated and support had been paid from the date of termination to the date of reinstatement. For example, if the applicable judgment required support payments of \$1,000 per month for five years and \$500 per month for the next five years, the award was terminated in year three and reinstatement of the award was sought at the end of year seven, the maximum remaining amount of the support award that could be reinstated would be \$500 per month.

(3) A motion for reinstatement of a spousal support award under this section must be brought within the remaining duration of the award or within 10 years after the entry of the judgment terminating the award, whichever is sooner.

(4) In exercising the discretion granted under subsection (1) of this section, the court shall consider the basis for the spousal support award, the basis for the termination of the award and the totality of the circumstances of each party existing since the termination of the award.

(5) Either party may file a motion to modify spousal support under ORS 107.135 in a proceeding to reinstate the spousal support award. In addition to considering the factors under ORS 107.135 (3) and (4), the court shall consider the factors described in subsection (4) of this section.

(6) At any time, the parties may waive their rights under this section in writing, signed by both parties and referencing this section.

(7) Any reinstatement of a spousal support award may be ordered effective retroactive to the date the motion was served or to any date thereafter.

SECTION 2. The amendments to ORS 107.136 by section 1 of this 2007 Act apply to spousal support awards that are or were terminated before, on or after the effective date of this 2007 Act.

Passed by Senate March 27, 2007

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Secretary of Senate

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President of Senate

Passed by House May 30, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State