

**Enrolled**  
**Senate Bill 307**

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CHAPTER .....

AN ACT

Relating to domestic relations; creating new provisions; amending ORS 18.180, 107.015, 107.093, 107.485, 107.730 and 109.020; and repealing ORS 106.210.

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

**SECTION 1.** ORS 18.180 is amended to read:

18.180. (1) Judgment remedies for a judgment expire upon full satisfaction of the money award portion of the judgment.

(2) If a judgment lien arises out of a support award under ORS 18.150 (3) or 18.152 (3), a support arrearage lien attaching to real property under the judgment lien expires upon satisfaction of the unpaid installment that gave rise to the support arrearage lien.

(3) Except as provided in ORS 18.180 to 18.192, judgment remedies for a judgment in a civil action expire 10 years after the entry of the judgment.

(4) Except as provided in this subsection, judgment remedies for a judgment in a criminal action expire 20 years after the entry of the judgment. Judgment remedies for a judgment in a criminal action that includes a money award for restitution expire 50 years after the entry of the judgment.

(5) Except as provided in ORS 18.192, judgment remedies for the child support award portion of a judgment, and any lump sum support award for child support, expire 25 years after the entry of the judgment that first establishes the support obligation.

(6)(a) Except as provided by paragraph (b) of this subsection and ORS 18.190, judgment remedies for any unpaid installment under the spousal support award portion of a judgment, including any installment arrearage lien arising under the judgment, expire 25 years after the entry of the judgment that first establishes the support obligation, or 10 years after an installment comes due under the judgment and is not paid, whichever is later.

(b) The judgment lien for the spousal support award portion of a judgment that is entered on or after January 1, 2004, including any installment arrearage lien arising under the judgment, expires 25 years after the entry of the judgment that first establishes the support obligation unless a certificate of extension is filed under ORS 18.185.

(7)(a) If a money award in a judgment under ORS 107.105 (1)(f) provides for a future payment of money, [*and the future payment does not become due for 10 or more years after the judgment is entered,*] judgment remedies for the portion of the judgment providing for future payment expire 10 years after the date on which the future payment becomes due. At any time before the judgment

remedies for a money award described in this subsection expire, judgment remedies for the portion of the judgment providing for a future payment may be extended as provided in ORS 18.182.

(b) This subsection does not apply to support awards.

(8) This section does not apply to justice courts, municipal courts or county courts performing judicial functions.

**SECTION 2.** ORS 107.015 is amended to read:

107.015. (1) **Except as provided in subsection (2) of this section,** a judgment for the annulment or dissolution of a marriage may be rendered [*for the following causes*]:

[(1)] (a) When either party to the marriage was incapable of making [*such*] **the marriage** contract or consenting [*thereto*] **to the marriage** for want of legal age or sufficient understanding; or

[(2)] (b) When the consent of either party was obtained by force or fraud[;].

**(2) A judgment for the annulment or dissolution of a marriage may not be rendered for a reason** [*provided that in the situations*] described in subsection (1) [*or (2)*] of this section [*the*] **if the marriage** contract was [*not*] afterward ratified.

**SECTION 3.** ORS 107.093 is amended to read:

107.093. (1) After a petition for marital annulment, separation or dissolution is filed and upon service of summons and petition upon the respondent as provided in ORCP 7, a restraining order is in effect against the petitioner and the respondent until a final [*decree or*] judgment is issued, until the petition for marital annulment, separation or dissolution is dismissed, or until further order of the court.

(2) The restraining order issued under this section shall restrain the petitioner and respondent from:

(a) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

(b) Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

[(c)(A)] (c) Transferring, encumbering, concealing or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.

[(B)] This paragraph does not apply to payment by either party of:

[(i)] (A) Attorney fees in the existing action;

[(ii)] (B) Real estate and income taxes;

[(iii)] (C) Mental health therapy expenses for either party or a minor child of the parties; or

[(iv)] (D) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

[(d)(A)] (d) Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party.

[(B)] This paragraph does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

(3) Either party restrained under this section may apply to the court for further temporary orders, including modification or revocation of the restraining order issued under this section.

(4) The restraining order issued under this section shall also include a notice that either party may request a hearing on the restraining order by filing a request for hearing with the court.

(5) A copy of the restraining order issued under this section shall be attached to the summons.

(6) A party who violates a term of a restraining order issued under this section **is subject to imposition of remedial sanctions under ORS 33.055 based on the violation,** but is not subject to:

(a) Criminal prosecution based on the violation; or

(b) Imposition of punitive sanctions under ORS 33.065 based on the violation.

**SECTION 4.** ORS 107.485 is amended to read:

107.485. A marriage may be dissolved by the summary dissolution procedure specified in this section and ORS 107.490 and 107.500 when all of the following conditions exist at the time the proceeding is commenced:

(1) The jurisdictional requirements of ORS 107.025 and 107.075 are met.

(2)(a) There are no minor children born to the parties or adopted by the parties during the marriage[.];

(b) There are no children over age 18 attending school, as described in ORS 107.108, either born to the parties or adopted by the parties during the marriage[.];

(c) There are no minor children born to or adopted by the parties prior to the marriage[.]; **and**

(d) The wife is not now pregnant.

(3) The marriage is not more than 10 years in duration.

(4) Neither party has any interest in real property wherever situated.

(5) There are no unpaid obligations in excess of \$15,000 incurred by either or both of the parties from the date of the marriage.

(6) The total aggregate fair market value of personal property assets in which either of the parties has any interest, excluding all encumbrances, is less than \$30,000.

(7) The petitioner waives any right to spousal support.

(8) The petitioner waives any rights to pendente lite orders except those pursuant to ORS 107.700 to 107.735 or 124.005 to 124.040.

(9) The petitioner knows of no other pending domestic relations suits involving the marriage in this or any other state.

**SECTION 5.** ORS 107.730 is amended to read:

107.730. (1) At any time after an order has been issued under ORS 107.700 to 107.735 and after the time period set forth in ORS 107.718 (10)(a), a party may request that the court modify terms in the order that provide for custody and parenting time.

(2) The clerk of the court shall provide without charge the number of certified true copies of the request for modification of the order and notice of hearing necessary to effect service and, at the election of the party requesting the modification, shall have a true copy of the request and notice delivered to the county sheriff for service upon the other party.

(3) Service shall be in the manner provided by law for service of summons. The county sheriff shall serve the other party personally unless the party requesting the modification elects to have the other party served personally by a private party.

(4) The provisions of ORS 107.716 (5) apply to a modification of an order under this section.

**(5) The court may assess against either party a reasonable attorney fee and such costs as may be incurred in the proceeding.**

**SECTION 6.** ORS 109.020 is amended to read:

109.020. If any minor, whose [father] **parent** is living, has property the income of which is sufficient for the maintenance and education of the minor in a manner more expensive than the [father] **parent** can reasonably afford, regard being had to the situation of the [father's] **parent's** family and to all the circumstances of the case, the expenses of the maintenance and education of the minor may be wholly or partially defrayed out of the income of the property of the minor, as is judged reasonable by the court having probate jurisdiction. The charges therefor may be allowed accordingly in the settlement of the accounts of the guardian or the conservator of the minor of the estate of the minor.

**SECTION 7. ORS 106.210 is repealed.**

**SECTION 8. The repeal of ORS 106.210 by section 7 of this 2007 Act does not affect the validity of any marriage validated by ORS 106.210 or the legitimacy of any child conceived or born of such marriage.**

**Passed by Senate February 26, 2007**

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Secretary of Senate

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President of Senate

**Passed by House March 26, 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