

Senate Bill 307

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies time when judgment remedies expire for certain domestic relations judgments involving division of parties' property. Conforms structure, punctuation and grammar to legislative style. Specifies court's authority to impose remedial sanction for violation of restraining order. Authorizes court to award attorney fees and costs in proceeding to modify restraining order. Modifies circumstances in which expenses of child's maintenance and education may be defrayed out of income from child's property. Repeals obsolete statute relating to void marriages.

A BILL FOR AN ACT

1
2 Relating to domestic relations; creating new provisions; amending ORS 18.180, 107.015, 107.093,
3 107.485, 107.730 and 109.020; and repealing ORS 106.210.

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

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

6 18.180. (1) Judgment remedies for a judgment expire upon full satisfaction of the money award
7 portion of the judgment.

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

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

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

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

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

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

28 (7)(a) If a money award in a judgment under ORS 107.105 (1)(f) provides for a future payment

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 of money, [and the future payment does not become due for 10 or more years after the judgment is
 2 entered,] judgment remedies for the portion of the judgment providing for future payment expire 10
 3 years after the date on which the future payment becomes due. At any time before the judgment
 4 remedies for a money award described in this subsection expire, judgment remedies for the portion
 5 of the judgment providing for a future payment may be extended as provided in ORS 18.182.

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

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

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

10 107.015. (1) **Except as provided in subsection (2) of this section**, a judgment for the
 11 annulment or dissolution of a marriage may be rendered [for the following causes]:

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

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

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

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

19 107.093. (1) After a petition for marital annulment, separation or dissolution is filed and upon
 20 service of summons and petition upon the respondent as provided in ORCP 7, a restraining order is
 21 in effect against the petitioner and the respondent until a final [decree or] judgment is issued, until
 22 the petition for marital annulment, separation or dissolution is dismissed, or until further order of
 23 the court.

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

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

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

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

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

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

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

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

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

42 [(d)(A)] (d) Making extraordinary expenditures without providing written notice and an ac-
 43 counting of the extraordinary expenditures to the other party.

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

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

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

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

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

9 (a) Criminal prosecution based on the violation; or

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

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

12 107.485. A marriage may be dissolved by the summary dissolution procedure specified in this
13 section and ORS 107.490 and 107.500 when all of the following conditions exist at the time the pro-
14 ceeding is commenced:

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

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

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

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

21 (d) The wife is not now pregnant.

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

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

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

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

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

29 (8) The petitioner waives any rights to pendente lite orders except those pursuant to ORS
30 107.700 to 107.735 or 124.005 to 124.040.

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

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

34 107.730. (1) At any time after an order has been issued under ORS 107.700 to 107.735 and after
35 the time period set forth in ORS 107.718 (10)(a), a party may request that the court modify terms in
36 the order that provide for custody and parenting time.

37 (2) The clerk of the court shall provide without charge the number of certified true copies of
38 the request for modification of the order and notice of hearing necessary to effect service and, at
39 the election of the party requesting the modification, shall have a true copy of the request and no-
40 tice delivered to the county sheriff for service upon the other party.

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

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

45 (5) **The court may assess against either party a reasonable attorney fee and such costs**

1 **as may be incurred in the proceeding.**

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

3 109.020. If any minor, whose [*father*] **parent** is living, has property the income of which is suf-
4 ficient for the maintenance and education of the minor in a manner more expensive than the
5 [*father*] **parent** can reasonably afford, regard being had to the situation of the [*father's*] **parent's**
6 family and to all the circumstances of the case, the expenses of the maintenance and education of
7 the minor may be wholly or partially defrayed out of the income of the property of the minor, as is
8 judged reasonable by the court having probate jurisdiction. The charges therefor may be allowed
9 accordingly in the settlement of the accounts of the guardian or the conservator of the minor of the
10 estate of the minor.

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

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