

**Testimony before the Senate Judiciary Committee
In support of House Bill 2572
On behalf of the OSB Family Law Section
April 24, 2013**

Dear Chair Prozanski and Members of the Committee:

My name is Ryan Carty. I am an attorney in private practice limited to family law. I am the legislative liaison for the Family Law Section of the Oregon State Bar for the current legislative session and am currently serving as Chair of the Family Law Section's Legislative Subcommittee. I appear today in that capacity. The Family Law Section was originally formed in 1978, and today is made of up of over 1,000 attorneys who practice family law in Oregon. We have members from 30 different Oregon counties, representing a wide variety of clients each with their own unique problems and concerns. Our executive committee is comprised of 12 members from 8 different counties, from the coast, to the Willamette Valley, to Central Oregon. The Executive Committee of the Family Law Section supports House Bill 2572. The bill presents no fiscal or policy issues, and we are not aware of any opposition.

The Problem

As currently written, ORS 107.810 through 107.830 establishes the court's authority to order a payor of support to obtain life insurance to provide continuing support in the event of the obligor's death when parents were married. There is no authority for the court to award attorney fees in the event court action is necessary to obtain the benefits of such a policy in the event the obligor dies without the ordered amount of coverage or if obligee is not named as a beneficiary.

As currently written, ORS 109.103 cross references provisions of ORS Chapter 107 that pertain to custody, support, and parenting time. In the 2009 session, the legislature passed HB 2686, at the Family Law Section's request, updating ORS 109.103's references to Chapter 107 but we overlooked 107.810 through 107.830. ORS 107.810 through 107.830 establishes the court's authority to order a payor of support to obtain life insurance to provide continuing support in the event of the obligor's death when parents were married. Such a requirement is appropriate for unmarried parents as well as formerly married parents.

What the Bill Does

Section 1 of the bill provides courts with the authority to make an award of attorney fees in an action to enforce a court-ordered requirement that the obligor maintain life insurance. The addition to ORS 107.820 adds relief found elsewhere in Chapter 107 but not currently available in an effort to collect insurance proceeds.

Section 2 of the bill extends existing policy equally to parents that were married and those who were unmarried.

On behalf of the Family Law Section of the Oregon State Bar, I thank the committee for its consideration and urge the passage of HB 2572.

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