

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Close, Dingfelder, Kruse, Roblan, Prozanski

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 5/1

WHAT THE MEASURE DOES: Terminates spousal support on the death of either party unless otherwise expressly provided for in the judgment. Requires an automatic restraining order, if a petition is filed to establish paternity, issued against both parties that prohibits the parties from: (1) Canceling, modifying, terminating or allowing a lapse for nonpayment of health insurance or life insurance that benefits minor children or the other party to the proceedings; or (2) Changing beneficiaries or covered parties under an insurance policy. Allows a filiation proceeding to be brought in the circuit court of the county where either parent or alleged parent or the child resides. Clarifies that unpaid spousal support does not terminate upon death of either party.

ISSUES DISCUSSED:

- Spousal support is a deduction for the person paying the support and income for the person receiving
- Federal tax law requires that the support terminate on the death of the person receiving the support for the purposes of it being a deduction for the person paying it
- Oregon courts treat spousal support as ending upon death, Oregon statutory law is silent

EFFECT OF COMMITTEE AMENDMENT: Clarifies that unpaid spousal support does not terminate upon death of either party.

BACKGROUND: Currently, a court in Oregon may award spousal support payments in an amount of money for a period of time as may be “just and equitable” for one party to contribute to the other. The court may order transitional support in order for one party to attain education and training necessary to allow the party to prepare for reentry into the job market or for advancement. If the person with the duty to pay spousal support dies, a court may modify the method of payment of a support order from installments to a lump sum from the estate of the deceased to the person owed support.

Currently, there are no specific statutory provisions addressing the issue of one party to a paternity proceeding maintaining health insurance and life insurance benefiting the other party to the proceeding or benefiting any minor children.