

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Veterans and Emergency Preparedness

REVENUE: May have revenue impact, statement not yet issued**FISCAL:** May have fiscal impact, statement not yet issued**SUBSEQUENT REFERRAL TO:** None**Action:****Vote:**

Yeas:

Nays:

Exc.:

Prepared By: Cheyenne Ross, Administrator**Meeting Dates:** 2/5**WHAT THE MEASURE DOES:** Excludes veterans' disability benefits from calculation of spousal support.**ISSUES DISCUSSED:****EFFECT OF COMMITTEE AMENDMENT:**

[pending amendment] Creating a discrimination claim; making orders of spousal support that include veterans' disability benefits an abuse of discretion as a matter of law entitling the veteran to immediate reimbursement; making the measure retroactive.

BACKGROUND: In a dissolution of marriage action in any state, both parties' financial resources are taken into account for purposes of calculating both child support and spousal support, including disability benefit payments from the United States Department of Veterans Affairs. (See *Rose v. Rose*, 481 U.S. 619, 107 S.Ct. 2029, 95 L.Ed. 2d 599 (1987).) Senate Bill 1505 excludes a veteran's disability benefit payments from being considered as part of either parties' financial resources for purposes of calculating spousal support.

Senate Bill 1505 originates with Peter Barclay, a U.S. Air Force veteran who receives disability benefits, and the 2010 dissolution of marriage action in Linn County Circuit Court to which he was a party (*Claudia Kay Barclay and Peter James Barclay*). Among its orders, the court in Linn county provided for support for Ms. Barclay. Mr. Barclay appealed and the lower court's decision was affirmed without opinion in late 2011 (A144940); then both the Oregon Supreme Court and the U.S. Supreme Court denied his subsequent petitions for review, without comment (S059919 and No. 11-1453, respectively).