

D R A F T

SUMMARY

Repeals outdated law regarding enforceability of child support judgments.

A BILL FOR AN ACT

1
2 Relating to enforceability of child support judgments; amending ORS 18.180
3 and 18.182 and section 45, chapter 576, Oregon Laws 2003; and repealing
4 ORS 18.192.

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

6 **SECTION 1. ORS 18.192 is repealed.**

7 **SECTION 2.** Section 45, chapter 576, Oregon Laws 2003, is amended to
8 read:

9 **Sec. 45.** (1) Except as provided by this section or by [*sections 1 to 44 of*
10 *this 2003 Act, sections 1 to 44 of this 2003 Act apply*] **ORS chapter 18, ORS**
11 **chapter 18 applies** only to judgments entered on or after [*the effective date*
12 *of this 2003 Act*] **January 1, 2004.** Nothing in [*this 2003 Act*] **chapter 576,**
13 **Oregon Laws 2003,** affects the validity, lien effect or enforceability of any
14 judgment or decree entered before [*the effective date of this 2003 Act*] **Janu-**
15 **ary 1, 2004.** Nothing in [*this 2003 Act*] **chapter 576, Oregon Laws 2003,** af-
16 fects the validity, lien effect or enforceability of any order or warrant
17 docketed or recorded before [*the effective date of this 2003 Act*] **January 1,**
18 **2004.** Except as provided by this section or [*sections 1 to 44 of this 2003*
19 *Act*] **ORS chapter 18,** any judgment or decree entered before [*the effective*
20 *date of this 2003 Act*] **January 1, 2004,** and any order or warrant docketed
21 or recorded before [*the effective date of this 2003 Act*] **January 1, 2004,** shall

1 continue to be governed by the law in effect on the day immediately pre-
2 ceding [*the effective date of this 2003 Act*] **January 1, 2004.**

3 (2) [*Section 12 of this 2003 Act*] **ORS 18.107** applies to any corrected
4 judgment entered on or after [*the effective date of this 2003 Act*] **January 1,**
5 **2004**, without regard to whether the original judgment is entered before, on
6 or after [*the effective date of this 2003 Act*] **January 1, 2004.**

7 (3) A judgment creditor may create a judgment lien for a judgment in a
8 county other than the county in which a judgment is entered in the manner
9 provided by [*section 15 of this 2003 Act*] **ORS 18.152** without regard to
10 whether the judgment is entered before, on or after [*the effective date of this*
11 *2003 Act*] **January 1, 2004.**

12 (4) [*Section 17 of this 2003 Act*] **ORS 18.158** applies to all judgments,
13 whether entered before, on or after [*the effective date of this 2003 Act*] **Jan-**
14 **uary 1, 2004.**

15 (5) Except as provided in [*sections 21 and 22 of this 2003 Act, sections 18*
16 *and 19 of this 2003 Act*] **ORS 18.190, ORS 18.180 and 18.182** apply to all
17 judgments, whether entered before, on or after [*the effective date of this 2003*
18 *Act*] **January 1, 2004.** Notwithstanding [*section 19 of this 2003 Act*] **ORS**
19 **18.182**, any order of renewal entered before [*the effective date of this 2003*
20 *Act*] **January 1, 2004**, may be recorded in the manner provided by [*section*
21 *19 (6) of this 2003 Act*] **ORS 18.182 (6)** with the effect provided by [*section*
22 *15 (4) of this 2003 Act*] **ORS 18.152 (4).**

23 (6) [*Section 23 of this 2003 Act*] **ORS 18.200** applies to the release of any
24 judgment lien after [*the effective date of this 2003 Act*] **January 1, 2004,**
25 without regard to whether the judgment was entered before, on or after [*the*
26 *effective date of this 2003 Act*] **January 1, 2004.**

27 (7) [*Section 24 of this 2003 Act*] **ORS 18.205** applies to the assignment of
28 any judgment after [*the effective date of this 2003 Act*] **January 1, 2004,**
29 without regard to whether the judgment was entered before, on or after [*the*
30 *effective date of this 2003 Act*] **January 1, 2004.**

31 (8) [*Section 25 of this 2003 Act*] **ORS 18.225** applies to any satisfaction of

1 judgment filed with a court on or after [*the effective date of this 2003 Act*]
2 **January 1, 2004**, without regard to whether the judgment was entered be-
3 fore, on or after [*the effective date of this 2003 Act*] **January 1, 2004**.

4 (9) [*Sections 26 and 27 of this 2003 Act*] **ORS 18.228 and 18.232** apply to
5 all judgments, whether entered before, on or after [*the effective date of this*
6 *2003 Act*] **January 1, 2004**.

7 (10) [*Section 28 of this 2003 Act*] **ORS 18.235** applies to any motion for an
8 order declaring that a money award has been satisfied, or to determine the
9 amount necessary to satisfy a money award, filed with a court on or after
10 [*the effective date of this 2003 Act*] **January 1, 2004**, without regard to
11 whether the judgment was entered before, on or after [*the effective date of*
12 *this 2003 Act*] **January 1, 2004**.

13 (11) [*Sections 29 and 30 of this 2003 Act*] **ORS 18.252 and 18.255** apply to
14 execution on any judgment, without regard to whether the judgment was
15 entered before, on or after [*the effective date of this 2003 Act*] **January 1,**
16 **2004**.

17 (12) [*Sections 31 and 32 of this 2003 Act*] **ORS 18.265 and 18.268** apply to
18 any motion for a debtor examination made on or after [*the effective date of*
19 *this 2003 Act*] **January 1, 2004**, without regard to whether the judgment was
20 entered before, on or after [*the effective date of this 2003 Act*] **January 1,**
21 **2004**.

22 (13) [*Section 33 of this 2003 Act*] **ORS 18.270** applies to any written
23 interrogatories served on or after [*the effective date of this 2003 Act*] **January**
24 **1, 2004**, without regard to whether the judgment was entered before, on or
25 after [*the effective date of this 2003 Act*] **January 1, 2004**.

26 (14) [*Sections 34 to 44 of this 2003 Act*] **ORS 18.465 to 18.476 and 18.492**
27 **to 18.518 (both 2003 Edition)** apply to any writ of execution issued on or
28 after [*the effective date of this 2003 Act*] **January 1, 2004**, without regard to
29 whether the judgment was entered before, on or after [*the effective date of*
30 *this 2003 Act*] **January 1, 2004**.

31 **SECTION 3.** ORS 18.180 is amended to read:

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

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

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

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

13 (5) Except as provided in ORS [18.192] **18.190**, judgment remedies for the
14 child support award portion of a judgment, and any lump sum support award
15 for child support, expire 35 years after the entry of the judgment that first
16 establishes the support obligation.

17 (6)(a) Except as provided by paragraph (b) of this subsection and ORS
18 18.190, judgment remedies for any unpaid installment under the spousal sup-
19 port award portion of a judgment, including any installment arrearage lien
20 arising under the judgment, expire 25 years after the entry of the judgment
21 that first establishes the support obligation, or 10 years after an installment
22 comes due under the judgment and is not paid, whichever is later.

23 (b) The judgment lien for the spousal support award portion of a judgment
24 that is entered on or after January 1, 2004, including any installment
25 arrearage lien arising under the judgment, expires 25 years after the entry
26 of the judgment that first establishes the support obligation unless a certif-
27 icate 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
29 for a future payment of money, judgment remedies for the portion of the
30 judgment providing for future payment expire 10 years after the date on
31 which the future payment becomes due. At any time before the judgment

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

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

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

7 **SECTION 4.** ORS 18.182 is amended to read:

8 18.182. (1) Judgment remedies for a judgment may be extended by filing
9 a certificate of extension in the court that entered the judgment. The court
10 administrator shall enter the certificate in the register of the court and in
11 the judgment lien record. Except as provided in ORS 18.180 to 18.192, a
12 judgment creditor may file a certificate of extension only if:

13 (a) Judgment remedies for the judgment have not expired under ORS
14 18.180; and

15 (b) A full satisfaction document for the money award portion of the
16 judgment has not been filed.

17 (2) Notwithstanding subsection (1) of this section, if the judgment debtor
18 has been discharged from debt under federal bankruptcy laws, a certificate
19 of extension may not be filed except as provided in this subsection. Judg-
20 ments are presumed to have not been discharged in bankruptcy until the
21 judgment debtor establishes that the judgment has been discharged. If the
22 judgment debtor is discharged from a debt, a certificate of extension may be
23 filed if:

24 (a) The debtor owned real property and the judgment lien attached to that
25 property before the filing of the bankruptcy petition;

26 (b) The judgment lien was not avoided by action of the bankruptcy court;

27 (c) The judgment lien has not been discharged under ORS 18.238; and

28 (d) The certificate of extension includes a legal description of the real
29 property and a statement that the extension affects only the lien on the real
30 property described in the certificate.

31 (3) A certificate of extension must be signed by the judgment creditor, or

1 by an attorney who represents the judgment creditor.

2 (4) Subject to ORS 18.190 [*and 18.192*], if a certificate of extension is filed
3 after the date on which the judgment remedies for the judgment expire under
4 ORS 18.180, the certificate has no effect.

5 (5) The judgment remedies for a judgment that are extended under the
6 provisions of this section expire 10 years after the certificate of extension
7 is filed. Judgment remedies for a judgment may be extended only once under
8 the provisions of this section.

9 (6) A certified copy of a certificate of extension, or a lien record abstract
10 for the certificate, may be recorded in any county in which the judgment
11 was recorded under ORS 18.152, with the effect provided by ORS 18.152 (4).

12 (7) Except as provided in ORS 18.185[,] **and** 18.190 [*and 18.192*], the judg-
13 ment remedies for the support award portion of a judgment, and any lump
14 sum money award for unpaid child support installments, may not be extended
15 under this section.

16 (8) The judgment remedies for a judgment in a criminal action may not
17 be extended under this section.

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

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