

House Bill 3157

Sponsored by COMMITTEE ON JUDICIARY

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**.

Repeals outdated law regarding enforceability of child support judgments.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 and 18.182 and section
3 45, chapter 576, Oregon Laws 2003; and repealing ORS 18.192.

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

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 ORS 18.192 is repealed.**

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

7 **Sec. 45.** (1) Except as provided by this section or by [*sections 1 to 44 of this 2003 Act, sections*
8 *1 to 44 of this 2003 Act apply*] **ORS chapter 18, ORS chapter 18 applies** only to judgments entered
9 on or after [*the effective date of this 2003 Act*] **January 1, 2004**. Nothing in [*this 2003 Act*] **chapter**
10 **576, Oregon Laws 2003**, affects the validity, lien effect or enforceability of any judgment or decree
11 entered before [*the effective date of this 2003 Act*] **January 1, 2004**. Nothing in [*this 2003 Act*] **chapter**
12 **576, Oregon Laws 2003**, affects the validity, lien effect or enforceability of any order or
13 warrant docketed or recorded before [*the effective date of this 2003 Act*] **January 1, 2004**. Except as
14 provided by this section or [*sections 1 to 44 of this 2003 Act*] **ORS chapter 18**, any judgment or de-
15 cree entered before [*the effective date of this 2003 Act*] **January 1, 2004**, and any order or warrant
16 docketed or recorded before [*the effective date of this 2003 Act*] **January 1, 2004**, shall continue to
17 be governed by the law in effect on the day immediately preceding [*the effective date of this 2003*
18 *Act*] **January 1, 2004**.

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

22 (3) A judgment creditor may create a judgment lien for a judgment in a county other than the
23 county in which a judgment is entered in the manner provided by [*section 15 of this 2003 Act*] **ORS**
24 **18.152** without regard to whether the judgment is entered before, on or after [*the effective date of this*
25 *2003 Act*] **January 1, 2004**.

26 (4) [*Section 17 of this 2003 Act*] **ORS 18.158** applies to all judgments, whether entered before, on
27 or after [*the effective date of this 2003 Act*] **January 1, 2004**.

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

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 effect provided by [section 15 (4) of this 2003 Act] **ORS 18.152 (4)**.

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

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

8 (8) [Section 25 of this 2003 Act] **ORS 18.225** applies to any satisfaction of judgment filed with a
9 court on or after [the effective date of this 2003 Act] **January 1, 2004**, without regard to whether the
10 judgment was entered before, on or after [the effective date of this 2003 Act] **January 1, 2004**.

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

13 (10) [Section 28 of this 2003 Act] **ORS 18.235** applies to any motion for an order declaring that
14 a money award has been satisfied, or to determine the amount necessary to satisfy a money award,
15 filed with a court on or after [the effective date of this 2003 Act] **January 1, 2004**, without regard to
16 whether the judgment was entered before, on or after [the effective date of this 2003 Act] **January
17 1, 2004**.

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

21 (12) [Sections 31 and 32 of this 2003 Act] **ORS 18.265 and 18.268** apply to any motion for a debtor
22 examination made on or after [the effective date of this 2003 Act] **January 1, 2004**, without regard
23 to whether the judgment was entered before, on or after [the effective date of this 2003 Act] **January
24 1, 2004**.

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

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

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

33 18.180. (1) Judgment remedies for a judgment expire upon full satisfaction of the money award
34 portion of the judgment.

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

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

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

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

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

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

10 (7)(a) If a money award in a judgment under ORS 107.105 (1)(f) provides for a future payment
 11 of money, judgment remedies for the portion of the judgment providing for future payment expire
 12 10 years after the date on which the future payment becomes due. At any time before the judgment
 13 remedies for a money award described in this subsection expire, judgment remedies for the portion
 14 of the judgment providing for a future payment may be extended as provided in ORS 18.182.

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

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

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

19 18.182. (1) Judgment remedies for a judgment may be extended by filing a certificate of extension
 20 in the court that entered the judgment. The court administrator shall enter the certificate in the
 21 register of the court and in the judgment lien record. Except as provided in ORS 18.180 to 18.192,
 22 a judgment creditor may file a certificate of extension only if:

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

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

25 (2) Notwithstanding subsection (1) of this section, if the judgment debtor has been discharged
 26 from debt under federal bankruptcy laws, a certificate of extension may not be filed except as pro-
 27 vided in this subsection. Judgments are presumed to have not been discharged in bankruptcy until
 28 the judgment debtor establishes that the judgment has been discharged. If the judgment debtor is
 29 discharged from a debt, a certificate of extension may be filed if:

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

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

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

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

36 (3) A certificate of extension must be signed by the judgment creditor, or by an attorney who
 37 represents the judgment creditor.

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

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

43 (6) A certified copy of a certificate of extension, or a lien record abstract for the certificate,
 44 may be recorded in any county in which the judgment was recorded under ORS 18.152, with the ef-
 45 fect provided by ORS 18.152 (4).

1 (7) Except as provided in ORS 18.185[,] **and** 18.190 [*and 18.192*], the judgment remedies for the
2 support award portion of a judgment, and any lump sum money award for unpaid child support in-
3 stallments, may not be extended under this section.

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

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

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