

**Testimony in support of SB 492
House Judiciary Committee
On behalf of the OSB Family Law Section**

April 24, 2017

Dear Representative Barker 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 throughout 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 7 different counties, spanning from Eastern Oregon, through Central Oregon, and throughout the Willamette Valley.

The Problem

SB 492 addresses the procedure that parties must follow when attempting to modify the spousal support provisions in a dissolution judgment. This includes modifications to increase, decrease or terminate the support award.

Under current law, in order to modify a judgment the moving party must demonstrate a "substantial change in economic circumstances" of either or both of the parties. One inherent problem with the current process is that neither the payors nor payees have a low-cost and non-adversarial mechanism to determine whether such a filing is appropriate. This means that in many cases, parties are encouraged to file for a modification simply so they can seek financial documents to determine whether a modification is appropriate.

This process wastes time and resources – both on the part of the court and the parties themselves.

The purpose of this bill is to allow divorced spouses to engage in mandated exchanges of financial documents without necessitating the need for a formal court proceeding. This represents a significant improvement to this area of the law in that parties no longer have to

wonder when or if a modification is appropriate. In many cases it will remove the need to engage lawyers in the process early on, and it provides Oregonians with a common-sense and inexpensive self-help mechanism to determine whether the spousal support award is still adequate and appropriate.

To be clear, this proposed legislation neither extends nor extinguishes any provision of the underlying spousal support award. Obligations that are already satisfied will remain so; obligations that are ongoing will be unchanged. This bill provides nothing more than an information gathering tool to Oregonians in an effort to eliminate needless litigation.

Thank you for your time and your consideration, and I will be happy to answer any questions that you might have.

Sincerely,

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