



STATE OF OREGON
Legislative Counsel Committee

March 7, 2017

*From the Office of
Sen. Floyd Prozanski*

To: Senator Floyd Prozanski, Chair
Senate Committee on Judiciary

From: BeaLisa Sydlik, Senior Deputy Legislative Counsel

Subject: Senate Bill 492—Exchange of Information Regarding Spousal Support

This memorandum is in response to your request for an opinion regarding whether noncompliance by a party with the provisions of Senate Bill 492 could result in a finding of contempt of court.

SENATE BILL 492—BRIEF SUMMARY

As pertains to the issue presented, Senate Bill 492 establishes a statutory process by which parties to a spousal support order in a judgment, both of whom act in compliance with the statutory provision, exchange certain financial information to determine whether there has been a change of economic circumstances that would support filing a motion with the court to modify the existing spousal support order. A requesting party submits that party's own financial information as described in the bill and requests that the other party provide their financial information. The information to be provided is limited to the first and second pages of the most recently filed state and federal income tax returns or, if the party did not file income tax returns for the last calendar year, certain other types of records of income earned or received by the party. A request under SB 492 may be made only once every two years.

CONTEMPT

ORS 33.015 defines contempt of court as certain acts that are done willfully.¹ All of the

¹ ORS 33.015 provides:

For the purposes of ORS 33.015 to 33.155:

- (1) "Confinement" means custody or incarceration, whether actual or constructive.
- (2) "Contempt of court" means the following acts, done willfully:
 - (a) Misconduct in the presence of the court that interferes with a court proceeding or with the administration of justice, or that impairs the respect due the court.
 - (b) Disobedience of, resistance to or obstruction of the court's authority, process, orders or judgments.
 - (c) Refusal as a witness to appear, be sworn or answer a question contrary to an order of the court.
 - (d) Refusal to produce a record, document or other object contrary to an order of the court.
 - (e) Violation of a statutory provision that specifically subjects the person to the contempt power of the court.
- (3) "Punitive sanction" means a sanction imposed to punish a past contempt of court.
- (4) "Remedial sanction" means a sanction imposed to terminate a continuing contempt of court or to compensate for injury, damage or costs resulting from a past or continuing contempt of court.