

SB 492 STAFF MEASURE SUMMARY

Carrier: Rep. Gorsek

House Committee On Judiciary

Action Date: 05/30/17

Action: Do Pass.

Vote: 10-0-1-0

Yeas: 10 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Vial, Williamson

Exc: 1 - Stark

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Allows party to annulment, dissolution or separation judgment that contains spousal support award to obtain specified tax information of other party, once every two years. Requires party to submit written request to other party and provide own tax information. Authorizes redaction of account numbers and other identifying information.

ISSUES DISCUSSED:

- Spousal support modifications
- Change in circumstances of divorced spouses
- Enforcement

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In divorce proceedings, courts regularly impose financial obligations that one spouse must pay to the other. Common examples of these obligations include spousal support and child support. After the divorce is finalized, either party may petition the court to modify the terms of spousal support based on a "substantial change in economic circumstances" or, in the case of compensatory spousal support, "an involuntary, extraordinary and unanticipated change in circumstances that reduces the earning capacity of the paying spouse." ORS 107.135. Whether a factual change in circumstances is sufficient to meet these standards is a question the court must decide, after a motion to modify the judgment is filed.

Senate Bill 492 applies to cases in which spousal support is outstanding and provides that either party may require the exchange of tax information, without filing a motion with the court. The bill allows one party to submit a written request, along with the party's own tax information, to the other party, once every two years. The bill allows both parties to redact account numbers and other identifying information from the documents provided.