

DRAFT

SUMMARY

Digest: The Act makes changes to what a court can order with regard to the parties' property rights while a case to end the marriage is pending. (Flesch Readability Score: 66.5).

Modifies the court's authority regarding the parties' property rights while a proceeding to terminate a marriage is pending.

A BILL FOR AN ACT

1
2 Relating to family law; amending ORS 107.095.

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

4 **SECTION 1.** ORS 107.095 is amended to read:

5 107.095. (1) After the commencement of a suit for marital annulment,
6 dissolution or separation and until a general judgment therein, the court
7 may provide as follows:

8 (a) That a party pay to the other party such amount of money as may be
9 necessary to enable the other party to prosecute or defend the suit, including
10 costs of expert witnesses, and also such amount of money to the other party
11 as may be necessary to support and maintain the other party.

12 (b) For the care, custody, support and maintenance, by one party or
13 jointly, of the minor children as described in ORS 107.105 (1)(a) and for the
14 parenting time rights as described in ORS 107.105 (1)(b) of the parent not
15 having custody of such children.

16 (c) For the restraint of a party from molesting or interfering in any
17 manner with the other party or the minor children.

18 (d) That if minor children reside in the family home and the court con-
19 siders it necessary for their best interest to do so, the court may require ei-

1 ther party to move out of the home for such period of time and under such
2 conditions as the court may determine, whether the home is rented, owned
3 or being purchased by one party or both parties.

4 (e) Restraining and enjoining either party or both from encumbering or
5 disposing of any of the real or personal property of either or both of the
6 parties, except as ordered by the court.

7 (f) For the **exclusive** temporary use, possession and control of the real
8 or personal property of the parties or either of them and the payment of in-
9 stallment liens and encumbrances thereon.

10 (g) That even if no minor children reside in the family home, the court
11 may require one party to move out of the home for such period of time and
12 under such conditions as the court determines, whether the home is rented,
13 owned or being purchased by one party or both parties if that party assaults
14 or threatens to assault the other.

15 (2) A limited judgment under ORS chapter 18 may be entered in an action
16 for dissolution or annulment of a marriage providing for a support award,
17 as defined by ORS 18.005, or other money award, as defined by ORS 18.005.
18 Notwithstanding ORS 19.255, a limited judgment entered under this sub-
19 section may not be appealed. Any decision of the court in a limited judgment
20 subject to this subsection may be appealed as otherwise provided by law
21 upon entry of a general judgment.

22 (3) The court shall not require an undertaking in case of the issuance of
23 an order under subsection (1)(c), (d), (e), (f) or (g) of this section.

24 (4) In a suit for annulment or dissolution of marriage or for separation,
25 wherein the parties are copetitioners or the respondent is found by the court
26 to be in default or the respondent having appeared has waived further ap-
27 pearance or the parties stipulate to the entry of a judgment, the court may,
28 when the cause is otherwise ready for hearing on the merits, in lieu of such
29 hearing, enter a judgment of annulment or dissolution or for separation
30 based upon a current affidavit or declaration under penalty of perjury in the
31 form required by ORCP 1 E, executed by the petitioner or copetitioners,

1 setting forth a prima facie case, and covering such additional matters as the
2 court may require. If custody of minor children is involved, then the affidavit
3 or declaration under penalty of perjury must also include the name of the
4 party with whom the children currently reside and the length of time they
5 have so resided.

6 (5) When a court orders relief under subsection (1)(c) or (d) of this sec-
7 tion, the court may include in its order an expiration date for the order to
8 allow entry of the order into the Law Enforcement Data System and the
9 databases of the National Crime Information Center of the United States
10 Department of Justice as provided in ORS 107.720. If the person being re-
11 strained was provided notice and an opportunity to be heard, the court shall
12 also include in the order, when appropriate, terms and findings sufficient
13 under 18 U.S.C. 922 (d)(8) or (g)(8) to affect the person's ability to possess
14 firearms and ammunition or engage in activities involving firearms.

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