

HOUSE AMENDMENTS TO HOUSE BILL 2306

By COMMITTEE ON JUDICIARY

April 29

1 In line 2 of the printed bill, after “ORS” insert “108.040 and”.

2 In line 6, after “(1)” insert “(a)” and before “child” insert “minor” in both places.

3 In line 8, before “child” insert “minor”.

4 After line 8, insert:

5 “(b) This subsection applies to a man who is asserted to be a parent of the minor child only
6 when:

7 “(A) A voluntary acknowledgment of paternity form has been filed in this or another state and
8 the period for rescinding or challenging the voluntary acknowledgement on grounds other than
9 fraud, duress or material mistake of fact has expired; or

10 “(B) Paternity has been established pursuant to an order or judgment entered under ORS 109.124
11 to 109.230 or 416.430.

12 “(c) As used in this subsection, ‘expenses of a minor child’ includes only expenses incurred for
13 the benefit of a minor child. ‘Expenses of a minor child’ does not include expenses incurred for the
14 benefit of a grandchild of the parents.”.

15 In line 11, before “child” insert “minor”.

16 After line 21, insert:

17 “**SECTION 3.** ORS 108.040 is amended to read:

18 “108.040. (1)(a) The expenses of the family and the education of the **minor** children are
19 chargeable upon the property of both husband and wife, or either of them, and in relation thereto
20 they may be sued jointly or separately.

21 “(b) **As used in this subsection:**

22 “(A) **‘Expenses of the family’ includes only expenses incurred for the benefit of a member
23 of the family. ‘Expenses of the family’ does not include expenses incurred for the benefit of
24 a grandchild of the husband and wife.**

25 “(B) **‘Family’ means the husband, wife and minor children of the husband and wife.**

26 “(2) Notwithstanding subsection (1) of this section, after the separation of one spouse from the
27 other spouse, a spouse is not responsible for debts contracted by the other spouse after the sepa-
28 ration except for debts incurred for maintenance, support and education of the minor children of the
29 spouses.

30 “(3) For the purposes of subsection (2) of this section, spouses shall be considered separated if
31 they are living in separate residences without intention of reconciliation at the time the debt is in-
32 curred. The court may consider the following factors in determining whether the spouses are sepa-
33 rated in addition to such other factors as may be relevant:

34 “(a) Whether the [*parties*] **spouses** subsequently reconciled.

35 “(b) The number of separations and reconciliations of the [*parties*] **spouses**.

1 “(c) The length of time the [*parties*] **spouses** lived apart.

2 “(d) Whether the [*parties*] **spouses** intend to reconcile.

3 “(e) Whether the [*parties*] **spouses** have filed a petition for separation or dissolution.

4 “(4) An action under this section shall be commenced within the period otherwise provided by
5 law.”.

6 In line 22, delete “3” and insert “4”.

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