

**A-Engrossed**  
**House Bill 2306**

Ordered by the House April 29  
Including House Amendments dated April 29

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary for Oregon Collectors Association)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Makes unmarried parents of **minor** child liable for expenses and education of child. Permits action against parents jointly or separately. **Clarifies liability of husband and wife for family expenses.**

**A BILL FOR AN ACT**

1  
2 Relating to liability of parents for expenses of child; creating new provisions; and amending ORS  
3 108.040 and 109.112.

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

5 **SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS chapter 109.**

6 **SECTION 2. (1)(a) The expenses of a minor child and the education of the minor child**  
7 **are chargeable upon the property of either or both parents who have not married each other.**  
8 **The parents may be sued jointly or separately for the expenses and education of the minor**  
9 **child.**

10 **(b) This subsection applies to a man who is asserted to be a parent of the minor child**  
11 **only when:**

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

15 **(B) Paternity has been established pursuant to an order or judgment entered under ORS**  
16 **109.124 to 109.230 or 416.430.**

17 **(c) As used in this subsection, "expenses of a minor child" includes only expenses in-**  
18 **curred for the benefit of a minor child. "Expenses of a minor child" does not include ex-**  
19 **penses incurred for the benefit of a grandchild of the parents.**

20 **(2) Notwithstanding subsection (1) of this section, a parent is not responsible for debts**  
21 **contracted by the other parent after the separation of one parent from the other parent,**  
22 **except for debts incurred for maintenance, support and education of the minor child of the**  
23 **parents.**

24 **(3) For the purposes of subsection (2) of this section, parents are considered separated**  
25 **if they are living in separate residences without intention of reconciliation at the time the**  
26 **debt is incurred. The court may consider the following factors in determining whether the**  
27 **parents are separated, in addition to other relevant factors:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Whether the parents subsequently reconciled.

2 (b) The number of separations and reconciliations of the parents.

3 (c) The length of time the parents lived apart.

4 (d) Whether the parents intend to reconcile.

5 (4) An action under this section must be commenced within the period otherwise provided  
6 by law.

7 **SECTION 3.** ORS 108.040 is amended to read:

8 108.040. (1)(a) The expenses of the family and the education of the **minor** children are charge-  
9 able upon the property of both husband and wife, or either of them, and in relation thereto they  
10 may be sued jointly or separately.

11 (b) As used in this subsection:

12 (A) “Expenses of the family” includes only expenses incurred for the benefit of a member  
13 of the family. “Expenses of the family” does not include expenses incurred for the benefit  
14 of a grandchild of the husband and wife.

15 (B) “Family” means the husband, wife and minor children of the husband and wife.

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

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

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

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

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

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

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

29 (4) An action under this section shall be commenced within the period otherwise provided by  
30 law.

31 **SECTION 4.** ORS 109.112 is amended to read:

32 109.112. (1) The mother, father or putative father of a child shall be deemed to have attained  
33 majority and, regardless of age, may give authorizations, releases or waivers, or enter into agree-  
34 ments, in adoption, juvenile court, filiation or other proceedings concerning the care or custody of  
35 the child.

36 (2) Notwithstanding subsection (1) of this section, when the mother, father or putative  
37 father is under 18 years of age, ORS 108.040 and section 2 of this 2005 Act apply to the par-  
38 ents of the mother, father or putative father.

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