

B-Engrossed
House Bill 2306

Ordered by the Senate June 23
Including House Amendments dated April 29 and Senate Amendments
dated June 23

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.

Directs Office for Oregon Health Policy and Research, in consultation with Task Force on Children's Access to Health Care, to conduct assessment of children's access to health care in relation to parents' liability for health care expenses. Directs office to submit final assessment report to Governor, Oregon Health Policy Commission and appropriate legislative interim committee by October 1, 2006. Creates Task Force on Children's Access to Health Care and specifies duties.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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 **curring for the benefit of a minor child.**

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

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

5 **(a) Whether the parents subsequently reconciled.**

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

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

8 **(d) Whether the parents intend to reconcile.**

9 **(4) An action under this section must be commenced within the period otherwise provided**
10 **by law.**

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

12 108.040. (1)(a) The expenses of the family and the education of the **minor** children are charge-
13 able upon the property of both husband and wife, or either of them, and in relation thereto they
14 may be sued jointly or separately.

15 **(b) As used in this subsection:**

16 **(A) "Expenses of the family" includes only expenses incurred for the benefit of a member**
17 **of the family.**

18 **(B) "Family" means the husband, wife and minor children of the husband and wife.**

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

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

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

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

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

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

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

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

34 **SECTION 4.** (1) **The Office for Oregon Health Policy and Research shall conduct an as-**
35 **essment of children's access to health care. The office shall consult with the Task Force**
36 **on Children's Access to Health Care created in section 5 of this 2005 Act in conducting the**
37 **assessment.**

38 **(2) The office, in conducting the assessment, shall:**

39 **(a) Study how and the extent to which parents' liability for their children's health care**
40 **expenses impacts their children's access to health care.**

41 **(b) Compile and review data showing the extent to which children under 18 years of age**
42 **in this state have access to and utilize the full range of health care services.**

43 **(c) Compare the data compiled under paragraph (b) of this subsection with similar data**
44 **from other states.**

45 **(d) Identify obstacles to effective access to and utilization of health care services by**

1 Oregon children under 18 years of age and whether any correlation exists between a working
2 parent's access to health insurance and access to and utilization of health care services by
3 that parent's dependent children.

4 (e) Identify legislative action that would encourage the implementation of programs de-
5 signed to implement public and private sector cooperation to achieve a substantial increase
6 in children's access to and utilization of basic health maintenance care.

7 (3) At the conclusion of its assessment of children's access to and utilization of health
8 care services described in subsection (2) of this section, the office shall prepare a final as-
9 sessment report that incorporates input from the Task Force on Children's Access to Health
10 Care.

11 (4) The office shall submit its final assessment report, with findings and recommen-
12 dations, to the Governor, the Oregon Health Policy Commission and an appropriate legisla-
13 tive interim committee no later than October 1, 2006.

14 **SECTION 5.** (1) There is created the Task Force on Children's Access to Health Care
15 consisting of nine members who have expertise in health care issues, including issues that
16 concern children, the health care system and parental responsibility for childrens' health
17 care expenses. The members shall be appointed as follows:

18 (a) The Speaker of the House of Representatives shall appoint:

19 (A) One member who represents employers that provide health insurance for their em-
20 ployees and the dependent children of their employees; and

21 (B) One member who represents advocates for children's health and well-being.

22 (b) The President of the Senate shall appoint:

23 (A) One member who represents employers that provide health insurance for their em-
24 ployees and the dependent children of their employees; and

25 (B) One member who represents advocates for children's health and well-being.

26 (c) The Governor shall appoint:

27 (A) One member who holds an executive position with a company based in Oregon that
28 employs 50 or fewer employees and that provides private health insurance to its employees
29 and the dependent children of those employees;

30 (B) Two members who are residents of Oregon who are knowledgeable about health policy
31 and who are committed to establishing effective partnerships between the public sector and
32 the private sector for the purpose of improving the long-term health of Oregon's children;

33 (C) One member who represents private insurance companies that provide comprehensive
34 health insurance for employees of Oregon employers; and

35 (D) One member from the public.

36 (2) The task force shall:

37 (a) Serve as an advisory committee to the Oregon Health Policy Commission;

38 (b) Study children's access to health care;

39 (c) Provide input to the Office for Oregon Health Policy and Research during the as-
40 sessment by the office of children's access to and utilization of health care services as pro-
41 vided in section 4 of this 2005 Act; and

42 (d) Review the final draft of the office's assessment report required under section 4 of
43 this 2005 Act and give input to the office as a result of its review no later than August 15,
44 2006.

45 (3) A majority of the members of the task force constitutes a quorum for the transaction

1 of business.

2 (4) Official action by the task force requires the approval of a majority of the members
3 of the task force.

4 (5) The members of the task force shall appoint one member to serve as chairperson and
5 one member to serve as vice chairperson.

6 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
7 ment to become immediately effective.

8 (7) The task force shall meet monthly or at a frequency necessary to complete its tasks,
9 and at places specified by the call of the chairperson or of a majority of the members of the
10 task force.

11 (8) The task force may adopt rules necessary for the operation of the task force.

12 (9) The Office for Oregon Health Policy and Research shall provide staff support to the
13 task force.

14 (10) Members of the task force are not entitled to compensation or reimbursement for
15 expenses and serve as volunteers on the task force.

16 (11) Members of the task force shall be appointed no later than 90 days after the effective
17 date of this 2005 Act. The task force shall hold its first meeting no later than 120 days after
18 the effective date of this 2005 Act.

19 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
20 the task force in the performance of its duties and, to the extent permitted by laws relating
21 to confidentiality, to furnish such information and advice as the members of the task force
22 consider necessary to perform their duties.

23 **SECTION 6.** Sections 4 and 5 of this 2005 Act are repealed on the date of the convening
24 of the next regular biennial legislative session.

25 **SECTION 7.** Section 2 of this 2005 Act and the amendments to ORS 108.040 by section 3
26 of this 2005 Act become operative on January 1, 2006.

27 **SECTION 8.** This 2005 Act being necessary for the immediate preservation of the public
28 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
29 on its passage.

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