

Family Law

A. B. 1969
1969

Divorce and annulment
(cont.)

1295

grounds

c.264

a

Authorizes courts to grant divorce, where both parties are at fault and both parties participate, to party least at fault; or, if only one party participates, to such party, regardless of fault. Authorizes court to decree recovery of money between parties without regard to fault.

1332

procedure

c.179

a

Provides that 60-day waiting period for termination of marriage relationship after date of decree does not apply to annulments. Authorizes personal representative, instead of estate, of deceased party to continue appeal of divorce action. Deletes requirement that divorce decree contain recital of law relating to divorce.

1310

Filiation

c.619

a

Revises procedures for filiation proceedings and limits jurisdiction for such proceedings to circuit courts.

1066

Marriage, licenses, minors

c.242

a

Permits females under 17 and males under 19 to obtain marriage license without prior consent of juvenile court judge.

1849

Separation, property disposition

c.313

a

Authorizes court to restrain either party, or both, from encumbering or disposing of property while any such suit pending.

1364

Support, reciprocal, enforcement

c.417

a

Eliminates requirement that petitioner pay filing fees and costs and permits responding court to order obligor to pay such fees and costs.

Support, temporary orders

1631
c.221

Edc

Permits courts, after commencement of any such suit and before decree, to order wife to pay amount sufficient to support husband during pendency of any such suit without controlling him during such suit.

DOMESTIC RELATIONS

Divorce and annulment, fees and court costs

1587
c.288

Requires circuit courts to waive filing and service fees and court costs in domestic relations cases if either party unable to pay such fees and costs, without hindering courts' jurisdiction to order either party to pay such fees and costs.

FAMILY LAW

Adoption, parental rights, waiver c. 26
SB 48

Authorizes concurrent as well as subsequent parental waiver of right to appear in court in adoption proceedings when child released to child-caring organization for adoption and without adoption proceedings having been initiated. Makes such waiver irrevocable upon placement of child in physical custody of adoptive parents unless fraud or duress is affirmatively proved. Eff. 24 Mar. 71.

payments to parents c.129
HB 1072

Authorizes Public Welfare Division to make payments to adoptive parents on behalf of children with special needs.

Child support, notice c.314
HB 1816

Requires parent having custody of minor child to notify parent required to contribute to child's support when child receives income from employment, marries or enters military service. Authorizes court to enter judgment requiring repayment of support payments by parent who fails to give required notice. Authorizes satisfaction of all or part of accrued judgment to accomplish repayment.

Child support, stepchild c.703
HB 1983

Establishes liability of stepparents for support of stepchild 18 years of age or younger when child and stepparent reside in same home.

Divorce and annulment, fees c. 61
HB 1189

Increases divorce filing fee from \$10 to \$25. Eff. 1 Jul. 71.

without fault c.280
HB 1239

Revises divorce law. Establishes grounds for dissolution as fraud, incapacity or irreconcilable differences. Abolishes doctrine of fault as grounds for dissolution or annulment. Makes other appropriate procedural changes. Validates certain marriages. Eff. 1 Oct. 71.

Filiation proceedings, costs c.137
HB 1421

Requires award of costs to prevailing rather than initiating party in filiation proceedings, and redefines reasonable costs to include attorney fees.

jury c.191
HB 1649

Restricts issue before jury in filiation proceedings to that of paternity. Deletes time limit on citation return.

Legitimacy, presumptions c.127
HB 1132

Makes sterility an exception to conclusive presumption of legitimacy.

Marriage, premarital examinations c.282
HB 1285

Revises requirements for premarital medical examination and directs

Marriage, premarital examinations (cont.)

Board of Health to prescribe tests and procedures for communicable venereal disease. Makes other procedural changes.

waiting period c.456
HB 1356

Authorizes certain courts to allow county clerk to issue marriage licenses before expiration of usual seven-day waiting period.

JUVENILES

Child abuse c.451
HB 1754

Requires public and private officials to report child abuse. Requires law enforcement agency investigation of reports. Extends immunity to all persons reporting in good faith and upon reasonable grounds. Creates central registry of abuse cases to be maintained by Children's Services Division. Modifies grounds for jurisdiction of juveniles before juvenile court to include cases of unexplained injury. A X

Commitments c.105
HB 1378

Deletes persistent runaway offense as grounds for commitment of juvenile. A

Courts, custodial care c.698
HB 1930

Requires Children's Services Division to accept child placed in its custody and provides necessary services. Authorizes state placement in youth care centers. Makes other adjustments in juvenile institution law. Eff. 1 Jul. 71. A

Limits, custodial c.571
SB 138

Limits period of custody of juvenile who commits act that would be criminal if committed by an adult to maximum period authorized for sentence of such adult. A

petition c.151
SB 634

Permits petition in juvenile proceeding to be filed upon information and belief by police officer, juvenile counselor or employe of A

Courts, petition (cont.)

state or county welfare department without prior approval or direction of court.

proof c. 31
HB 1128

Requires that facts be established beyond reasonable doubt in any juvenile proceeding which could result in juvenile being sent to training school. A

records, access c. 24
HB 1126

Authorizes attorneys in juvenile proceedings to examine and obtain case records. Limits category of other persons allowed access to case records. A

records, expunging c.226
HB 1555

Requires order vacating jurisdiction and destroying juvenile court records upon application of person previously alleged or found to be within jurisdiction of court after two years have elapsed since person's final discharge when person has not since been convicted of felony or misdemeanor involving moral turpitude. A

remand authority c.199
SB 439

Authorizes juvenile court to remand all future cases of juvenile charged with criminal acts where juvenile has previously been remanded to criminal court. Permits court to withdraw remand order. Authorizes court to remand by category all boating or game violations by minors to appropriate adult court. Authorizes juvenile courts to suspend hunting or fishing license and recommend where such violations occur. A

Courts, state aid c.429
HB 1672

Authorizes all courts having jurisdiction over juveniles, rather than only circuit courts, to receive state aid for court services. Revises distribution formula so as to avoid reducing aid currently received. Transfers state review function to Children's Services Division from Corrections Division. Eff. 20 Jun. 71. A

Law revision, Juvenile Code Committee c.337
HB 1844

Creates temporary 11-member committee to prepare revision of law relating to juveniles and to submit report to 1973 legislature. Establishes Juvenile Code Committee Account in General Fund. Limits expenditures of committee to \$72,503. Eff. 1 Jul. 71. A/SP

Purchase of care c.457
HB 1228

Authorizes Children's Services Division to enter into purchase of care agreements with licensed child-caring agencies or other appropriate facilities regardless of whether children are wards of division. Requires Director of Human Resources to develop priorities for needed child care services. Authorizes division to enter into agreements with out-of-state agencies where services to child are not available in state. Eff. 25 Jun. 71. A X

Training schools, age c.458
HB 1125

Authorizes placement of persons under age 21 and in custody of Corrections Division in training schools. A

Training schools, assistant superintendent c.722
HB 3053

Authorizes superintendent of training school to appoint assistant superintendent in unclassified service. A

foster placement c. 84
HB 1167

Transfers authority for foster home placement of students of training schools from superintendent of school to administrator of division. Requires division to make payments agreed upon to persons providing care. A

1971 12.

Child custody jurisdiction, generally
(cont.)

state. Authorizes courts to decline jurisdiction and to stay or dismiss proceedings upon finding of inappropriate forum on motion of party or court's own motion. Allows imposition of costs, attorney fees and travel expenses upon party who initiates proceedings in designated dismissals or finding of inappropriate forum. Authorizes dismissal or refusal of jurisdiction for reprehensible conduct, such as abduction from custodial parent. Requires affidavit or information in first pleading regarding addresses of interested persons, pendency of other proceedings and other relevant matters. Imposes continuing duty to inform court of relevant matters. Authorizes order of joinder of other interested persons. Establishes procedure for filing of sister state decrees and provides such decrees entitled to same effect and enforcement as decrees of this state. Makes other related and interstate cooperation changes. Declares Act applies with regard to other nations if they provide reasonable notice and opportunity to be heard.

Dissolution of marriage, summons, publication

c. 529
SB 880

Provides for service of summons by publication in suits for dissolution of marriage.

Marriage, validation

c. 530
SB 881

Validates any marriage in all other respects legal and regular, made prior to January 1, 1973, and before expiration of 60 days from date of decree declaring previous marriage of one or both of contracting parties void or dissolved.

Separation, generally

c. 502
SB 24

Replaces present separation proceeding provisions with separation provisions similar to those for annulment or dissolution of marriage. Establishes grounds for separation. Fixes minimum period of separation at one year. Eliminates concept of fault from separation procedures. Authorizes court to convert separation suit to dissolution or annulment suit upon motion, or if requested by either party within two years after entry of separation decree, to supplemental proceeding

Separation, generally (cont.)

for dissolution of marriage. Requires court to fix duration of separation. Establishes effect of separation decree upon expiration. Authorizes court, upon petition, to renew or extend separation decree or modify or vacate decree for unlimited separation, and to assess against either party reasonable attorney fees for benefit of other party. Makes transitional provisions.

Support, judgments, orders, transfer

c. 524
SB 697

Permits party in whose favor certain order or decree for payment of money has been made to transfer, for purpose of enforcement, certified copies of files, records and transcripts of testimony in original proceeding to county clerk of county in which defaulting party resides or defaulting party's property is located. Grants jurisdiction to modify certain orders and decrees to circuit court of county where moving party or defaulting party resides if that court has received certified copies of original proceeding.

reciprocal enforcement

c. 280
HB 2911

Amends definition of "state" to include Commonwealth of Puerto Rico and any foreign jurisdiction, for purposes of Uniform Reciprocal Enforcement of Support Act.

FAMILY LAW

See also AGE; JUVENILES

Child custody jurisdiction, generally

c. 375
HB 2051

Adopts Uniform Child Custody Jurisdiction Act. Confers jurisdiction to make child custody determination when Oregon is home state of child or was home state within six months of commencement of proceedings or when exercise of jurisdiction is found to be in best interests of child because of significant connection of child and at least one parent with state, and for other specified reasons. Defines and requires reasonable notice to parent or person with custodial interest in or out of

1973

1973

JUVENILES

Courts, appeals pending, custody orders A c. 649 SB 852

Permits juvenile court, after notice and hearing and while appeal from its order is pending, to enter further temporary order relating to child's custody, if such order is necessitated by matters transpiring subsequent to order which is being appealed.

_____ , attorney fees A c. 455 SB 500

Authorizes court to require parent or guardian to pay fees of court-appointed attorney in certain juvenile proceedings.

_____ , custodial care, treatment plan A c. 495 SB 10

Requires Children's Services Division to submit care or treatment plan, within specified time, to juvenile court placing child in need of medical care or other special treatment by reason of physical, mental or emotional condition in custody of division. Authorizes court to indicate type of care it regards initially appropriate and to request progress reports on implementation of treatment plan. Requires division to keep court advised of progress of child and notify court if treatment plan is revised. Provides for continuing jurisdiction of juvenile court after commitment of child to division.

Courts, fingerprints, photographs A c. 453 SB 496

Deletes authority to fingerprint and photograph juveniles in custody of Children's Services Division.

_____ , parental rights termination, Attorney General A c. 202 SB 28

Authorizes juvenile court or children's Services Division to request assistance of Attorney General in action to terminate parental rights.

_____ , parental rights termination, generally A c. 804 HB 2797

Modifies provisions relating to termination of parental rights of parents of child within jurisdiction of juvenile court. Provides that rights of parent may be terminated if court finds parent unfit by reason of conduct or condition seriously detrimental to child and integration of child into home of parent is improbable in foreseeable future due to pattern not likely to change. Establishes factors court is required to consider in determining such conduct and conditions.

Deceased, state guardianship, disposition A c. 842 SB 549

Authorizes burial, cremation or disposition for medical instruction or research of body of deceased child under guardianship of Children's Services Division at time of death where body unclaimed.