

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL  
ADMINISTRATION .

April 8, 1993                      Hearing Room 357 1:00 p.m.                      Tapes 69 - 70  
MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim  
Edmunson Rep. Tom Mason VISITING MEMBER: Rep. Kate Brown STAFF  
PRESENT: Holly Robinson, Committee Counsel Melanie Thompson, Committee  
Clerk MEASURES CONSIDERED:              HB 2766 - Domestic relations HB 2977 -  
Child support

These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation  
marks report a speaker's exact words. For complete contents of the  
proceedings, please refer to the tapes.

TAPE 69, SIDE A

001 REP. BAKER: Calls the meeting to order at 1:20 p.m.

HB 2766 - PUBLIC HEARING

Witnesses:              Rep. Larry Sowa, Dist. 26 Elizabeth MacQuire, Families  
Alliance Norma Kent, Families Alliance Lauren Moughen, Womens Rights  
Coalition Judith Arrnatta, Oregon Coalition Against Domestic & Sexual  
Violence Michael Wells, Oregon State Bar, Family & Juvenile Law Section  
Ruth Currie, Older Women's League Helenjane Williams, Older Women's  
League Maureen McKnight, Oregon Legal Services Dick Reynolds

HB 2766 makes a number of changes to the child support statutes,  
provides that the court can temporarily reduce a support order under a  
decree; establishes a maximum amount which can be withheld from  
earnings; precludes mother from recovering support for period when she  
failed to House Committee on Judiciary Subcommittee on Civil Law and  
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identify paternity of the father; removes authority of the court to  
order obligor to pay for life insurance; and provides a restraining  
order under family abuse prevention act (FAPA) is not effective until 30  
days after entry.

008              REP. LARRY SOWA, DIST. 26: Testifies in support of HB 2766.  
031              ELIZABETH MACQUIRE, FAMILIES ALLIANCE: Testifies in support of HB  
2766. 109              REP. MASON: Addresses Section 19, the 30 day effect.  
Suggests there is no support for the section. 113              REP. BAKER: Agrees  
with Rep. Mason. 118              REP. BAKER: Asks the witness a series of  
questions regarding her personal marriage situation and her husband's  
support obligations. Explains that with the guidelines all children are  
part of the equation whether first or second family. 146 MACQUIRE:  
Explains there are other problems with the system. 152              REP. BAKER:  
Asks if there is an adjustment for Ms. MacQuire whether she is making  
nothing, \$10,000/year or \$100,000/year on her husband's support  
obligation. 155 NORMA KENT, FAMILIES ALLIANCE: Explains that unless  
Ms. MacQuire goes to work her income is not included. Discusses a  
situation with step-children and non-custodial households. 160              REP.  
BAKER: Discusses the current support guidelines. 162              KENT: Explains  
HB 3063 addresses the support guidelines. 164              REP. BAKER: Clarifies  
the support guidelines are not a part of HB 2766.

167              MACQUIRE: Explains Families Alliance is concerned about insurance,  
and paying support to the adult children. Explains Oregon's policy.

176 REP. BAKER: Addresses Section 21, page 28 of HB 2766. Asks if it is the witness' intent that when the child turns 18 the support would stop. 188 MACQUIRE: Explains that non-custodial parents and spouses feel that there is an obligation to provide support up until the child graduates from high school. 195 REP. BAKER: Asks what the difference is between an 18 year old and a 16 year old as far as support obligations. 196 MACQUIRE: Gives various examples. 207 REP. BAKER: Asks if the witness agrees with Section 21, where ORS 107 and 108 are repealed. House Committee on Judiciary Subcommittee on Civil Law and Judicial Administration April 8, 1993 - Page 3

209 MACQUIRE: Yes, with the modification that support will continue until the 18 year old has graduated from high school. 210 KENT: Explains Section 21, includes an equivalent high school completion course. 215 REP. BAKER: Points out the witness' concerns are guideline questions. 217 KENT: Continues to explain the Families Alliance's concerns of the current system. 236 REP. BAKER: Asks if the witnesses would like to return to the pre-guideline days where a judge in each individual case made the decision as to what was awarded. 241 KENT: Explains the Families Alliance are interested in keeping the system fair.

311 LAUREN MOUGHEN, WOMENS RIGHTS COALITION: Submits and reviews written testimony in opposition to HB 2766. (EXHIBIT A) 333 REP. MASON: Asks the witness what is the right answer to the problem of inequality between first and second families. Asks if the witness would support a bill that would equal out the system. 345 MOUGHEN: Explains she would be willing to work as a group to develop a solution. 357 REP. MASON: Asks if the first family should have equal rights to the second family. 360 MOUGHEN: Explains that she cannot answer the question. 376 REP. MASON: Asks if the child support is not modified how will the problem be solved. 387 MOUGHEN: Explains she does not take a blanket position opposing any kind of modification in child support. Expresses concern about changing the amount constantly. 432 REP. BAKER: Discusses why guidelines came into effect. TAPE 70, SIDE A 044 REP. MASON: Discusses guidelines, and makes reference to HB 312 5. 066 REP. BAKER: Asks the witness to address concerns for the bill. 069 MOUGHEN: Discusses concerns. 096 JUDITH ARMATTA, OREGON COALITION AGAINST DOMESTIC & SEXUAL VIOLENCE: Submits written testimony and testifies in opposition to Section 19 of HB 276 6. (EXHIBIT B) 108 MICHAEL WELLS, OREGON STATE BAR, FAMILY & JUVENILE LAW SECTION: Submits and reviews testimony in opposition to HB 2766. (EXHIBIT C) House Committee on Judiciary Subcommittee on Civil Law and Judicial Administration April 8, 1993 - Page 4

145 REP. MASON: Discusses circumstances in a second family compared to circumstances in a first family.

155 WELLS: Explains the children of the first family are the results of a divorce and are not intact.

157 REP. MASON: Asks if the law should be when the mother remarries child support from the first father ends.

162 WELLS: Discusses current law.

178 REP. EDMUNSON: Discusses federal law and incomes in families.

183 WELLS: Income of the non-biological parent is not taken into

account.

185 REP. MASON: Asks if the income should be taken into account.

186 WELLS: No. The income is taken into account as a rebutting factor.

194 REP. EDMUNSON: Asks if in determining support payments for the non-custodial parent their spouse's income is not taken into account.

203 WELLS: Explains he is correct in the initial analysis, however, there is nothing in the rebutting factors that would not allow one to argue that.

208 REP. EDMUNSON: Explains in minority situations where the custodial parent is the father, it becomes more of a factor.

211 REP. MASON: Asks Mr. Wells how can we treat the children the same

223 WELLS: Does not oppose changes in the law to take into consideration the economic circumstances of the second family.

230 REP. MASON: Asks if the Oregon State Bar Section would support modification of the living and economic conditions of the children of the second family.

240 WELLS: Cannot speak for the Oregon State Bar Section. Explains the solution should be addressed within the child support statutes and the guidelines.

285 REP. MASON: Asks if Mr. Wells would be willing to draft a bill addressing the question of modification of support based on the economic circumstances of the children of the second marriage.

294 WELLS: Willing to participate in a group working on a possible bill. Cannot speak for the Oregon State Bar Section.

323 RUTH CURRIE, OLDER WOMEN'S LEAGUE: Submits and reviews testimony in opposition to HB 2766. (EXHIBIT D) House Committee on Judiciary Subcommittee on Civil Law and Judicial Administration April 8, 1993 - Page 5

354 HELENJAME WILLIAMS, OLDER WOMEN'S LEAGUE: Testifies in opposition to HB 2766. Discusses various concerns regarding the bill.

419 CHAIR BRIAN: Asks if she is referring to Section 9 of HB 2766.

423 WILLIAMS: Believes so. Continues with testimony.

TAPE 69, SIDE B

104 MAUREEN MCKNIGHT, OREGON LEGAL SERVICES: Submits and reviews written testimony in opposition to HB 2766. (EXHIBIT E)

136 REP. EDMUNSON: Discusses custody of an 18 year old child.

144 MCKNIGHT: Explains custody depends on what the individual facts of the case are.

185 REP. MASON: Addresses the post-18 years of age support for those children who are going to college. Asks why one child is preferred over

the other, in first and second family situations.

197 MCKNIGHT: Differentiates between first and second families.

225 REP. MASON: Discusses first and second family situations are not simple.

236 REP. EDMUNSON: Asks if an order was entered before the federal formula was enacted if the support can be recalculated. 242 MCKNIGHT: Correct.

246 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses parties who use public assistance. . . 252 MCKNIGHT: Discusses the option of participating in the state system.

266 REP. MASON: Asks about post-18 year old support.

270 MCKNIGHT: Believes in keeping the system the way it is for policy reasons.

327 REP. BAKER: Discusses an irresponsible father scenario.

345 REP. BROWN: Discusses a concern regarding the temporary modification of support, asks if there is an easier way to handle it through an affidavit by the court.

349 MCKNIGHT: Explains there are reasons for not using an affidavit.

383 HOLLY ROBINSON, COMMITTEE COUNSEL: Asks about the delay if one is working through the state system. Discusses the 4-D system is a remedy for a certain number of people, however, for others the situation is very different.

396 MCKNIGHT: Explains her comments are directed to the 4-D system. House Committee on Judiciary Subcommittee on Civil Law and Judicial Administration April 8, 1993 - Page 6

434 DICK REYNOLDS, NON-CUSTODIAL FATHER: Testifies in support of HB 2766.

483 REP. BAKER: Asks the witness how many children he has. 484 REYNOLDS: Three children. Continues with testimony.

TAPE 70 SIDE B

100 REP. MASON: Explains the witness illustrates problems with the system.

HB 2977 - PUBLIC HEARING Witnesses: Ken Kessel Karen Berkowitz, Multnomah County, Legal Aid Service

HB 2977 provides that social security payments for benefit of child stemming from eligibility of support obligor are credited against support obligation even if paid directly to obligee.

166 KEN KESSEL: Submits and reviews written testimony in support of HB 2977. (EXHIBIT F)

193 REP. BAKER: Suggests that usually disabled veteran benefits are credited as an income for the child support guidelines. The amount is

not ignored.

201 KESSEL: Explains that his veteran benefit has been ignored.

211 REP. BAKER: Asks if the income was known at the time of the divorce.

212 KESSEL: Yes.

217 REP. EDMUNSON: Asks the witness if the disabled veterans benefits are his only income.

218 KESSEL: Yes.

224 KAREN BERKOWITZ, LEGAL AID SERVICE: Submits and reviews written testimony in opposition to HB 2977. (EXHIBIT G)

260 REP. EDMUNSON: Discusses other total disability benefits that would apply to children.

265 BERKOWITZ: Agrees with Rep. Edmunson.

270 CHAIR BRIAN: Asks if Ms. Berkowitz has language she would be willing to help the committee with.

271 BERKOWITZ: Willing to assist.

280 CHAIR BRIAN: Adjourns the meeting at 3:20 pm.

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Submitted by: Reviewed by: Melanie Thompson Anne May Committee Clerk Committee Coordinator

EXHIBIT LOG: A - Testimony on HB 2766- Lauren Moughen - 4 pages B - Testimony on HB 2766- Judith Armatta -2 pages C - Testimony on HB 2766 - Michael Wells - 1 page D - Testimony on HB 2766 - Ruth Currie - 1 page E - Testimony on HB 2766 - Maureen McKnight - 4 pages F - Testimony on HB 2977 - Kenneth Kessel - 1 page G - Testimony on HB 29 M - Karen Berkowitz - 4 pages H - Testimony on HB 2977 - Phil Yarnell - 2 pages I - Testimony on HB 2766 - Phil Yarnell - 4 pages J - Testimony on HB 2766 - Joe & Lynnette Barkowski -2 pages

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