

Senate Bill 547

Sponsored by Senators SOLLMAN, GORSEK; Senators CAMPOS, STEINER, THATCHER (at the request of Marshall Goldberg) (Pre-session filed.)

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 **as introduced**.

Permits court to consider evidence of abuse when determining amount of spousal support. Provides that party's conviction for abuse of other party constitutes substantial change of circumstances for purposes of modification of spousal support judgment.

A BILL FOR AN ACT

1
2 Relating to spousal support when one party has abused the other; creating new provisions; and
3 amending ORS 107.105 and 107.135.

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

5 **SECTION 1.** ORS 107.105 is amended to read:

6 107.105. (1) Whenever the court renders a judgment of marital annulment, dissolution or sepa-
7 ration, the court may provide in the judgment:

8 (a) For the future care and custody, by one party or jointly, of all minor children of the parties
9 born, adopted or conceived during the marriage and for minor children born to the parties prior to
10 the marriage, as the court may deem just and proper under ORS 107.137. The court may hold a
11 hearing to decide the custody issue prior to any other issues. When appropriate, the court shall
12 recognize the value of close contact with both parents and encourage joint parental custody and
13 joint responsibility for the welfare of the children.

14 (b) For parenting time rights of the parent not having custody of such children and for visitation
15 rights pursuant to a petition filed under ORS 109.119. When a parenting plan has been developed
16 as required by ORS 107.102, the court shall review the parenting plan and, if approved, incorporate
17 the parenting plan into the court's final order. When incorporated into a final order, the parenting
18 plan is determinative of parenting time rights. If the parents have been unable to develop a par-
19 enting plan or if either of the parents requests the court to develop a detailed parenting plan, the
20 court shall develop the parenting plan in the best interest of the child, ensuring the noncustodial
21 parent sufficient access to the child to provide for appropriate quality parenting time and ensuring
22 the safety of the parties, if implicated. The court shall deny parenting time to a parent under this
23 paragraph if the court finds that the parent has been convicted of rape under ORS 163.365 or 163.375
24 or other comparable law of another jurisdiction and the rape resulted in the conception of the child.
25 Otherwise, the court may deny parenting time to the noncustodial parent under this subsection only
26 if the court finds that parenting time would endanger the health or safety of the child. In the case
27 of a noncustodial parent who has a disability as defined by the Americans with Disabilities Act of
28 1990 (42 U.S.C. 12101 et seq.), the court may consider the noncustodial parent's disability in deter-
29 mining parenting time only if the court finds that behaviors or limitations related to the noncusto-
30 dial parent's disability are endangering or will likely endanger the health, safety or welfare of the

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 child. The court shall recognize the value of close contact with both parents and encourage, when
2 practicable, joint responsibility for the welfare of such children and extensive contact between the
3 minor children of the divided marriage and the parties. If the court awards parenting time to a
4 noncustodial parent who has committed abuse, other than being convicted for rape as described in
5 this paragraph, the court shall make adequate provision for the safety of the child and the other
6 parent in accordance with the provisions of ORS 107.718 (6).

7 (c) For the support of the children of the marriage by the parties. In ordering child support, the
8 formula established under ORS 25.275 shall apply. The court may at any time require an accounting
9 from the custodial parent with reference to the use of the money received as child support. The
10 court is not required to order support for any minor child who has become self-supporting,
11 emancipated or married or for any child who has ceased to attend school after becoming 18 years
12 of age. A general judgment entered under this section may include an amount for support as re-
13 quested in a petition filed under ORS 107.085 or under a motion for relief made pursuant to ORS
14 107.095 (1)(b) for which a limited judgment was not entered, payment of which commences no earlier
15 than the date the petition or motion was served on the nonrequesting party, and the amount shall
16 be considered a request for relief that has been decided by the general judgment for purposes of
17 ORS 18.082 (3).

18 (d) For spousal support, an amount of money for a period of time as may be just and equitable
19 for one party to contribute to the other, in gross or in installments or both. Unless otherwise ex-
20 pressly provided in the judgment and except for any unpaid balance of previously ordered spousal
21 support, liability for the payment of spousal support shall terminate on the death of either party,
22 and there shall be no liability for either the payment of spousal support or for any payment in cash
23 or property as a substitute for the payment of spousal support after the death of either party. The
24 court may approve an agreement for the entry of an order for the support of a party. A general
25 judgment entered under this section may include an amount for support as requested in a petition
26 filed under ORS 107.085 or under a motion for relief made pursuant to ORS 107.095 (1)(b) for which
27 a limited judgment was not entered, payment of which commences no earlier than the date the pe-
28 tition or motion was served on the nonrequesting party, and the amount shall be considered a re-
29 quest for relief that has been decided by the general judgment for purposes of ORS 18.082 (3). In
30 making the spousal support order, the court shall designate one or more categories of spousal sup-
31 port and shall make findings of the relevant factors in the decision. The court may order:

32 (A) Transitional spousal support as needed for a party to attain education and training neces-
33 sary to allow the party to prepare for reentry into the job market or for advancement therein. The
34 factors to be considered by the court in awarding transitional spousal support include but are not
35 limited to:

- 36 (i) The duration of the marriage;
- 37 (ii) A party's training and employment skills;
- 38 (iii) A party's work experience;
- 39 (iv) The financial needs and resources of each party;
- 40 (v) The tax consequences to each party;
- 41 (vi) A party's custodial and child support responsibilities; and
- 42 (vii) Any other factors the court deems just and equitable.

43 (B) Compensatory spousal support when there has been a significant financial or other contri-
44 bution by one party to the education, training, vocational skills, career or earning capacity of the
45 other party and when an order for compensatory spousal support is otherwise just and equitable in

1 all of the circumstances. The factors to be considered by the court in awarding compensatory
2 spousal support include but are not limited to:

- 3 (i) The amount, duration and nature of the contribution;
- 4 (ii) The duration of the marriage;
- 5 (iii) The relative earning capacity of the parties;
- 6 (iv) The extent to which the marital estate has already benefited from the contribution;
- 7 (v) The tax consequences to each party; and
- 8 (vi) Any other factors the court deems just and equitable.

9 (C) Spousal maintenance as a contribution by one spouse to the support of the other for either
10 a specified or an indefinite period. The factors to be considered by the court in awarding spousal
11 maintenance include but are not limited to:

- 12 (i) The duration of the marriage;
- 13 (ii) The age of the parties;
- 14 (iii) The health of the parties, including their physical, mental and emotional condition;
- 15 (iv) The standard of living established during the marriage;
- 16 (v) The relative income and earning capacity of the parties, recognizing that the wage earner's
17 continuing income may be a basis for support distinct from the income that the supported spouse
18 may receive from the distribution of marital property;
- 19 (vi) A party's training and employment skills;
- 20 (vii) A party's work experience;
- 21 (viii) The financial needs and resources of each party;
- 22 (ix) The tax consequences to each party;
- 23 (x) A party's custodial and child support responsibilities; *[and]*
- 24 **(xi) Notwithstanding ORS 107.036, whether either party has committed an act or acts of**
25 **abuse, as defined in ORS 107.705, against the other party and the nature, extent, duration**
26 **and impact of the act or acts of abuse; and**

27 *[(xi)]* **(xii)** Any other factors the court deems just and equitable.

28 (e) For the delivery to one party of such party's personal property in the possession or control
29 of the other at the time of the giving of the judgment.

30 (f) For the division or other disposition between the parties of the real or personal property, or
31 both, of either or both of the parties as may be just and proper in all the circumstances. In deter-
32 mining the division of property under this paragraph, the following apply:

33 (A) A retirement plan or pension or an interest therein shall be considered as property.

34 (B) The court shall consider the contribution of a party as a homemaker as a contribution to
35 the acquisition of marital assets.

36 (C) Except as provided in subparagraph (D) of this paragraph, there is a rebuttable presumption
37 that both parties have contributed equally to the acquisition of property during the marriage,
38 whether such property is jointly or separately held.

39 (D)(i) Property acquired by gift to one party during the marriage and separately held by that
40 party on a continuing basis from the time of receipt is not subject to a presumption of equal con-
41 tribution under subparagraph (C) of this paragraph.

42 (ii) For purposes of this subparagraph, "property acquired by gift" means property acquired by
43 one party through gift, devise, bequest, operation of law, beneficiary designation or inheritance.

44 (E) Subsequent to the filing of a petition for annulment or dissolution of marriage or separation,
45 the rights of the parties in the marital assets shall be considered a species of co-ownership, and a

1 transfer of marital assets under a judgment of annulment or dissolution of marriage or of separation
2 entered on or after October 4, 1977, shall be considered a partitioning of jointly owned property.

3 (F) The court shall require full disclosure of all assets by the parties in arriving at a just
4 property division.

5 (G) In arriving at a just and proper division of property, the court shall consider reasonable
6 costs of sale of assets, taxes and any other costs reasonably anticipated by the parties.

7 (H)(i) If a party has been awarded spousal support in lieu of a share of property, the court shall
8 so state on the record and shall order the obligor to provide for and maintain life insurance in an
9 amount commensurate with the obligation and designating the obligee as beneficiary for the dura-
10 tion of the obligation.

11 (ii) The obligee or attorney of the obligee shall cause a certified copy of the judgment to be
12 delivered to the life insurance company or companies.

13 (iii) If the obligee or the attorney of the obligee delivers a true copy of the judgment to the life
14 insurance company or companies, identifying the policies involved and requesting such notification
15 under this section, the company or companies shall notify the obligee, as beneficiary of the insur-
16 ance policy, whenever the policyholder takes any action that will change the beneficiary or reduce
17 the benefits of the policy. Either party may request notification by the insurer when premium pay-
18 ments have not been made. If the obligor is ordered to provide for and maintain life insurance, the
19 obligor shall provide to the obligee a true copy of the policy. The obligor shall also provide to the
20 obligee written notice of any action that will reduce the benefits or change the designation of the
21 beneficiaries under the policy.

22 (g) For the creation of trusts as follows:

23 (A) For the appointment of one or more trustees to hold, control and manage for the benefit of
24 the children of the parties, of the marriage or otherwise such of the real or personal property of
25 either or both of the parties, as the court may order to be allocated or appropriated to their support
26 and welfare, and to collect, receive, expend, manage or invest any sum of money awarded for the
27 support and welfare of minor children of the parties.

28 (B) For the appointment of one or more trustees to hold, manage and control such amount of
29 money or such real or personal property of either or both of the parties, as may be set aside, allo-
30 cated or appropriated for the support of a party.

31 (C) For the establishment of the terms of the trust and provisions for the disposition or distrib-
32 ution of such money or property to or between the parties, their successors, heirs and assigns after
33 the purpose of the trust has been accomplished. Upon petition of a party or a person having an in-
34 terest in the trust showing a change of circumstances warranting a change in the terms of the trust,
35 the court may make and direct reasonable modifications in its terms.

36 (h) To change the name of either spouse to a name the spouse held before the marriage. The
37 court shall order a change if it is requested by the affected party.

38 (i) For a money award for any sums of money found to be then remaining unpaid upon any order
39 or limited judgment entered under ORS 107.095. If a limited judgment was entered under ORS
40 107.095, the limited judgment shall continue to be enforceable for any amounts not paid under the
41 limited judgment unless those amounts are included in the money award made by the general judg-
42 ment.

43 (j) For an award of reasonable attorney fees and costs and expenses reasonably incurred in the
44 action in favor of a party or in favor of a party's attorney.

45 (2) In determining the proper amount of support and the proper division of property under sub-

1 section (1)(c), (d) and (f) of this section, the court may consider evidence of the tax consequences
2 on the parties of its proposed judgment.

3 (3) Upon the filing of the judgment, the property division ordered shall be deemed effective for
4 all purposes. This transfer by judgment, which shall affect solely owned property transferred to the
5 other spouse as well as commonly owned property in the same manner as would a declaration of a
6 resulting trust in favor of the spouse to whom the property is awarded, is not a taxable sale or ex-
7 change.

8 (4) If an appeal is taken from a judgment of annulment or dissolution of marriage or of sepa-
9 ration or from any part of a judgment rendered in pursuance of the provisions of ORS 107.005 to
10 107.086, 107.095, 107.105, 107.115 to 107.174, 107.405, 107.425, 107.445 to 107.520, 107.540 and 107.610,
11 the court rendering the judgment may provide in a supplemental judgment for any relief provided
12 for in ORS 107.095 and shall provide that the relief granted in the judgment is to be in effect only
13 during the pendency of the appeal. A supplemental judgment under this subsection may be enforced
14 as provided in ORS 33.015 to 33.155 and ORS chapter 18. A supplemental judgment under this sub-
15 section may be appealed in the same manner as provided for supplemental judgments modifying a
16 domestic relations judgment under ORS 19.275.

17 (5) If an appeal is taken from the judgment or other appealable order in a suit for annulment
18 or dissolution of a marriage or for separation and the appellate court awards costs and disburse-
19 ments to a party, the court may also award to that party, as part of the costs, such additional sum
20 of money as it may adjudge reasonable as an attorney fee on the appeal.

21 (6) If, as a result of a suit for the annulment or dissolution of a marriage or for separation, the
22 parties to such suit become owners of an undivided interest in any real or personal property, or
23 both, either party may maintain supplemental proceedings by filing a petition in such suit for the
24 partition of such real or personal property, or both, within two years from the entry of the judgment,
25 showing among other things that the original parties to the judgment and their joint or several
26 creditors having a lien upon any such real or personal property, if any there be, constitute the sole
27 and only necessary parties to such supplemental proceedings. The procedure in the supplemental
28 proceedings, so far as applicable, shall be the procedure provided in ORS 105.405 for the partition
29 of real property, and the court granting the judgment shall have in the first instance and retain
30 jurisdiction in equity therefor.

31 **SECTION 2.** ORS 107.135 is amended to read:

32 107.135. (1) The court may at any time after a judgment of annulment or dissolution of marriage
33 or of separation is granted, upon the motion of either party and after service of notice on the other
34 party in the manner provided by ORCP 7, and after notice to the Division of Child Support when
35 required under subsection (9) of this section:

36 (a) Set aside, alter or modify any portion of the judgment that provides for the appointment and
37 duties of trustees, for the custody, parenting time, visitation, support and welfare of the minor
38 children and the children attending school, as defined in ORS 107.108, including any health or life
39 insurance provisions, for the support of a party or for life insurance under ORS 107.820 or 107.830;

40 (b) Make an order, after service of notice to the other party, providing for the future custody,
41 support and welfare of minor children residing in the state, who, at the time the judgment was given,
42 were not residents of the state, or were unknown to the court or were erroneously omitted from the
43 judgment;

44 (c) Terminate a duty of support toward any minor child who has become self-supporting,
45 emancipated or married;

1 (d) After service of notice on the child in the manner provided by law for service of a summons,
 2 suspend future support for any child who has ceased to be a child attending school as defined in
 3 ORS 107.108; and

4 (e) Set aside, alter or modify any portion of the judgment that provides for a property award
 5 based on the enhanced earning capacity of a party that was awarded before October 23, 1999. A
 6 property award may be set aside, altered or modified under this paragraph:

7 (A) When the person with the enhanced earning capacity makes a good faith career change that
 8 results in less income;

9 (B) When the income of the person with the enhanced earning capacity decreases due to cir-
 10 cumstances beyond the person's control; or

11 (C) Under such other circumstances as the court deems just and proper.

12 (2) When a party moves to set aside, alter or modify the child support provisions of the judg-
 13 ment:

14 (a) The party shall state in the motion, to the extent known:

15 (A) Whether there is pending in this state or any other jurisdiction any type of support pro-
 16 ceeding involving children of the marriage, including one brought under ORS 25.287, 25.501 to
 17 25.556, 107.431, 109.100, 125.025 or 419B.400 or ORS chapter 110; and

18 (B) Whether there exists in this state or any other jurisdiction a support order, as defined in
 19 ORS 110.503, involving children of the marriage, other than the judgment the party is moving to set
 20 aside, alter or modify.

21 (b) The party shall include with the motion a certificate regarding any pending support pro-
 22 ceeding and any existing support order other than the judgment the party is moving to set aside,
 23 alter or modify. The party shall use a certificate that is in a form established by court rule and in-
 24 clude information required by court rule and paragraph (a) of this subsection.

25 (3) In a proceeding under this section to reconsider the spousal or child support provisions of
 26 the judgment, the following provisions apply:

27 (a) A substantial change in economic circumstances of a party, which may include, but is not
 28 limited to, a substantial change in the cost of reasonable and necessary expenses to either party, is
 29 sufficient for the court to reconsider its order of support, except that an order of compensatory
 30 spousal support may only be modified upon a showing of an involuntary, extraordinary and unan-
 31 ticipated change in circumstances that reduces the earning capacity of the paying spouse.

32 (b) If the judgment provided for a termination or reduction of spousal support at a designated
 33 age in anticipation of the commencement of pension, Social Security or other entitlement payments,
 34 and if the obligee is unable to obtain the anticipated entitlement payments, that inability is suffi-
 35 cient change in circumstances for the court to reconsider its order of support.

36 (c) If Social Security is considered in lieu of spousal support or partial spousal support, the
 37 court shall determine the amount of Social Security the party is eligible to collect. The court shall
 38 take into consideration any pension, retirement or other funds available to either party to effect an
 39 equitable distribution between the parties and shall also take into consideration any reduction of
 40 entitlement caused by taking early retirement.

41 (4) In considering under this section whether a change in circumstances exists sufficient for the
 42 court to reconsider spousal or child support provisions of a judgment, the following provisions apply:

43 (a) The court or administrator, as defined in ORS 25.010, shall consider income opportunities and
 44 benefits of the respective parties from all sources, including but not limited to:

45 (A) The reasonable opportunity of each party, the obligor and obligee respectively, to acquire

1 future income and assets.

2 (B) Retirement benefits available to the obligor and to the obligee.

3 (C) Other benefits to which the obligor is entitled, such as travel benefits, recreational benefits
4 and medical benefits, contrasted with benefits to which the obligee is similarly entitled.

5 (D) Social Security benefits paid to a child, or to a representative payee administering the funds
6 for the child's use and benefit, as a result of the obligor's disability or retirement if the benefits:

7 (i) Were not previously considered in the child support order; or

8 (ii) Were considered in an action initiated before May 12, 2003.

9 (E) Apportioned Veterans' benefits or Survivors' and Dependents' Educational Assistance under
10 38 U.S.C. chapter 35 paid to a child, or to a representative payee administering the funds for the
11 child's use and benefit, as a result of the obligor's disability or retirement if the benefits:

12 (i) Were not previously considered in the child support order; or

13 (ii) Were considered in an action initiated before May 12, 2003.

14 (b)(A) An obligee's conviction for the attempted murder or conspiracy to commit the murder of
15 the obligor qualifies as a change in circumstances sufficient for reconsideration of support
16 provisions[.]; **and**

17 **(B) The conviction of an obligee for an act committed against the obligor, or of an obligor**
18 **for an act committed against the obligee, if the act constitutes abuse, as defined in ORS**
19 **107.705, qualifies as a change in circumstances sufficient for reconsideration of spousal sup-**
20 **port provisions.**

21 (c) If the motion for modification is one made by the obligor to reduce or terminate support, and
22 if the obligee opposes the motion, the court shall not find a change in circumstances sufficient for
23 reconsideration of support provisions, if the motion is based upon a reduction of the obligor's fi-
24 nancial status resulting from the obligor's taking voluntary retirement, partial voluntary retirement
25 or any other voluntary reduction of income or self-imposed curtailment of earning capacity, if it is
26 shown that such action of the obligor was not taken in good faith but was for the primary purpose
27 of avoiding the support obligation. In any subsequent motion for modification, the court shall deny
28 the motion if the sole basis of the motion for modification is the termination of voluntarily taken
29 retirement benefits and the obligor previously has been found not to have acted in good faith.

30 (d) The court shall consider the following factors in deciding whether the actions of the obligor
31 were not in "good faith":

32 (A) Timing of the voluntary retirement or other reduction in financial status to coincide with
33 court action in which the obligee seeks or is granted an increase in spousal support.

34 (B) Whether all or most of the income producing assets and property were awarded to the
35 obligor, and spousal support in lieu of such property was awarded to the obligee.

36 (C) Extent of the obligor's dissipation of funds and assets prior to the voluntary retirement or
37 soon after filing for the change of circumstances based on retirement.

38 (D) If earned income is reduced and absent dissipation of funds or large gifts, whether the
39 obligor has funds and assets from which the spousal support could have been paid.

40 (E) Whether the obligor has given gifts of substantial value to others, including a current
41 spouse, to the detriment of the obligor's ability to meet the preexisting obligation of spousal support.

42 (5) Upon terminating a duty of spousal support, a court shall make specific findings of the basis
43 for the termination and shall include the findings in the judgment.

44 (6) Any modification of child or spousal support granted because of a change of circumstances
45 may be ordered effective retroactive to the date the motion for modification was served or to any

1 date thereafter.

2 (7) The judgment is final as to any installment or payment of money that has accrued up to the
3 time the nonmoving party, other than the state, is served with a motion to modify the judgment.
4 The court may not modify any portion of the judgment that provides for any payment of money, ei-
5 ther for minor children or for the support of a party, that has accrued before the motion is served.
6 However:

7 (a) The court may allow a credit against child support arrearages for periods of time, excluding
8 reasonable parenting time unless otherwise provided by order or judgment, during which the obligor,
9 with the knowledge and consent of the obligee or pursuant to court order, has physical custody of
10 the child; and

11 (b) The court may allow, as provided in the rules of the Child Support Program, a dollar-for-
12 dollar credit against child support arrearages for any Social Security or Veterans' benefits paid
13 retroactively to the child, or to a representative payee administering the funds for the child's use
14 and benefit, as a result of an obligor's disability or retirement.

15 (8) In a proceeding under subsection (1) of this section, the court may assess against either party
16 a reasonable attorney fee and costs for the benefit of the other party. If a party is found to have
17 acted in bad faith, the court shall order that party to pay a reasonable attorney fee and costs of the
18 defending party.

19 (9) Whenever a motion to establish, modify or terminate child support or satisfy or alter support
20 arrearages is filed and the child support rights of one of the parties or of a child of both of the
21 parties have been assigned to the state, a true copy of the motion shall be served by mail or per-
22 sonal delivery on the Administrator of the Division of Child Support of the Department of Justice
23 or on the branch office providing support services to the county in which the motion is filed.

24 (10)(a) Except as provided in ORS 109.701 to 109.834, the courts of Oregon, having once acquired
25 personal and subject matter jurisdiction in a domestic relations action, retain such jurisdiction re-
26 gardless of any change of domicile.

27 (b) The courts of Oregon, in a proceeding to establish, enforce or modify a child support order,
28 shall recognize the provisions of the federal Full Faith and Credit for Child Support Orders Act (28
29 U.S.C. 1738B).

30 (11) In a proceeding under this section to reconsider provisions in a judgment relating to cus-
31 tody or parenting time, the court may consider repeated and unreasonable denial of, or interference
32 with, parenting time to be a substantial change of circumstances.

33 (12) In a proceeding under this section to reconsider provisions in a judgment relating to par-
34 enting time, the court may suspend or terminate a parent's parenting time with a child if the court
35 finds that the parent has abused a controlled substance and that the parenting time is not in the
36 best interests of the child. If a court has suspended or terminated a parent's parenting time with
37 a child for reasons described in this subsection, the court may not grant the parent future parenting
38 time until the parent has shown that the reasons for the suspension or termination are resolved and
39 that reinstated parenting time is in the best interests of the child. Nothing in this subsection limits
40 the court's authority under subsection (1)(a) of this section.

41 (13) In a proceeding under this section to reconsider provisions in a judgment relating to cus-
42 tody, temporary placement of the child by the custodial parent pursuant to ORS 109.056 (3) with the
43 noncustodial parent as a result of military deployment of the custodial parent is not, by itself, a
44 change of circumstances. Any fact relating to the child and the parties occurring subsequent to the
45 last custody judgment, other than the custodial parent's temporary placement of the child pursuant

1 to ORS 109.056 (3) with the noncustodial parent, may be considered by the court when making a
 2 change of circumstances determination.

3 (14) Within 30 days after service of notice under subsection (1) of this section, the party served
 4 shall file a written response with the court.

5 (15)(a) It is the policy of this state:

6 (A) To encourage the settlement of cases brought under this section; and

7 (B) For courts to enforce the terms of settlements described in paragraph (b) of this subsection
 8 to the fullest extent possible, except when to do so would violate the law or would clearly
 9 contravene public policy.

10 (b) In a proceeding under subsection (1) of this section, the court may enforce the terms set
 11 forth in a stipulated order or judgment signed by the parties, an order or judgment resulting from
 12 a settlement on the record or an order or judgment incorporating a settlement agreement:

13 (A) As contract terms using contract remedies;

14 (B) By imposing any remedy available to enforce an order or judgment, including but not limited
 15 to contempt; or

16 (C) By any combination of the provisions of subparagraphs (A) and (B) of this paragraph.

17 (c) A party may seek to enforce an agreement and obtain remedies described in paragraph (b)
 18 of this subsection by filing a motion, serving notice on the other party in the manner provided by
 19 ORCP 7 and, if a remedy under paragraph (b)(B) of this subsection is sought, complying with the
 20 statutory requirements for that remedy. All claims for relief arising out of the same acts or omis-
 21 sions must be joined in the same proceeding.

22 (d) Nothing in paragraph (b) or (c) of this subsection limits a party's ability, in a separate pro-
 23 ceeding, to file a motion to modify an order or judgment under subsection (1) of this section or to
 24 seek enforcement of an ancillary agreement to the order or judgment.

25 **SECTION 3. For a spousal support order or judgment that was entered or modified before**
 26 **the effective date of this 2023 Act, the amendments to ORS 107.105 and 107.135 by sections 1**
 27 **and 2 of this 2023 Act constitute a substantial change of circumstances that was not con-**
 28 **templated at the time the order or judgment was entered or modified.**

29 **SECTION 4. The amendments to ORS 107.105 and 107.135 by sections 1 and 2 of this 2023**
 30 **Act apply to spousal support orders and judgments entered on or after the effective date of**
 31 **this 2023 Act.**

32