Chapter 110

1969 REPLACEMENT PART

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GENERAL PROVISIONS

110.005 Short title. This chapter may be cited as the Uniform Reciprocal Enforcement of Support Act.
[1953 c.427 §27]

110.006 Uniformity of interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact the Uniform Reciprocal Enforcement of Support Act.
[1953 c.427 §26]

110.010 [Repealed by 1953 c.427 §29]

110.011 Purposes. The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.
[1953 c.427 §1]

110.020 [Repealed by 1953 c.427 §29]

110.021 Definitions. As used in this chapter unless the context requires otherwise:

(1) "Court" shall mean and include any court having jurisdiction to determine the liability of persons for the support of another person in this state and any state having a substantially similar reciprocal law.

(2) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise.

(3) "Initiating court" means the court in which a proceeding is commenced.

(4) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(5) "Law" includes both common and statute law.

(6) "Obligee" means any person to whom a duty of support is owed.

(7) "Obligor" means any person owing a duty of support.

(8) "Petitioner" shall mean and include person or persons for whom support is sought in a proceeding instituted pursuant to this chapter either by the person entitled to support or by the political subdivision of a state as hereinafter provided.

(9) "Respondent" shall mean and include each person against whom a proceeding is instituted pursuant to this chapter.

(10) "Responding court" means the court in which the responsive proceeding is commenced.

(11) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(12) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been or shall be enacted.
[1953 c.427 §2; subsection (4) enacted as part of subsection (3), subsection (10) enacted as part of subsection (9) by 1969 c.417 §1]

110.030 [Repealed by 1953 c.427 §29]

110.031 Remedies additional to other remedies. The remedies herein provided are in addition to and not in substitution for any other remedies.
[1953 c.427 §3]

110.040 [Repealed by 1953 c.427 §29]

110.041 Extent of duties of support of obligors who are present in this state. Duties of support arising under the law of this state, when applicable under ORS 110.071, bind the obligor, present in this state, regardless of the presence or residence of the obligee.
[1953 c.427 §4]

110.050 [Repealed by 1953 c.427 §29]

CRIMINAL ENFORCEMENT

110.051 Extradition of persons owing duty of support. The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the

commission of the crime was in the demanding or other state.
[1953 c.427 §5]

110.060 [Repealed by 1953 c.427 §29]

110.061 When obligors relieved of extradition. Any obligor contemplated by ORS 110.051, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or nonsupport entered in the courts of this state during the period of such compliance.
[1953 c.427 §6]

CIVIL ENFORCEMENT

110.071 What duties of support are applicable. Duties of support applicable under this chapter are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.
[1953 c.427 §7]

110.081 Reimbursement of state or political subdivisions furnishing support. Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.
[1953 c.427 §8]

110.091 Duties of support enforceable by petition; jurisdiction. All duties of support are enforceable by petition irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the circuit court of each county.
[1953 c.427 §9]

110.101 Contents of petition. The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the respondent and his dependents for whom support is sought and all other pertinent information. The petitioner need not but may include in or attach to the petition any information which may help in locating or identifying the respondent including, but without limitation by enumeration, a photograph of the respondent, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, or social security number.
[1953 c.427 §10]

110.110 [Repealed by 1953 c.427 §29]

110.111 District attorney to represent petitioner. The district attorney, upon the order of the court, shall represent the petitioner in any proceeding under this chapter.
[1953 c.427 §11]

110.120 [Repealed by 1953 c.427 §29]

110.121 Petition for minor. A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.
[1953 c.427 §12]

110.130 [Repealed by 1953 c.427 §29]

110.131 Duties of court of this state as initiating state. If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or his property, it shall so certify and shall cause three copies of (1) the petition, (2) its certificate and (3) this chapter to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.
[1953 c.427 §13]

110.140 [Repealed by 1953 c.427 §29]

110.141 [1953 c.427 §14; 1957 c.468 §1; 1959 c.587 §1, repealed by 1969 c.417 §2 (110.142 enacted in lieu of 110.141)]

110.142 Fees and costs to be collected from obligor; priority of costs or fees. (1) An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of

a filing fee or other costs from the obligee but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, be paid in whole or in part by the obligor.

(2) These costs or fees do not have priority over amounts due to the obligee.

[1969 c.417 §3 (enacted in lieu of 110.141)]

110.150 [Repealed by 1953 c.427 §29]

110.151 Arrest of respondent. When by affidavit and such other showing as the court may require the court of this state, acting either as an initiating or responding state, has reason to believe that the respondent is about to flee the jurisdiction it may:

(1) As an initiating state request in its certificate that the court of the responding state obtain the body of the respondent by appropriate process if that be permissible under the law of the responding state; or

(2) As a responding state, obtain the body of the respondent by appropriate process.

[1953 c.427 §15]

110.160 [Repealed by 1953 c.427 §29]

110.161 Attorney General as State Information Agency; duties. The Attorney General hereby is designated as the State Information Agency under this chapter, and it shall be his duty:

(1) To compile a list of the courts and their addresses in this state having jurisdiction under this chapter and transmit the same to the State Information Agency of every other state which has adopted the Uniform Reciprocal Enforcement of Support Act or a substantially similar Act.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this chapter.

[1953 c.427 §16]

110.170 [Repealed by 1953 c.427 §29]

110.171 Duty of court of this state acting as responding state. When the court of this state acting as a responding state receives from the court of an initiating state the copies referred to in ORS 110.131, it shall:

(1) Docket the cause, and

(2) Set a time and place for hearing and issue citation to the respondent to appear at the time and place so set by the court to show cause why the relief asked for by the petitioner in the initiating state should not be granted.

[1953 c.427 §14; 1957 c.468 §2]

110.180 [Repealed by 1953 c.427 §29]

110.181 Duty of responding court when unable to obtain jurisdiction. (1) If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the respondent or his property due to inaccuracies or inadequacies in the petition or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the respondent or his property, and shall hold the case pending the receipt of more accurate information or an amended petition from the court in the initiating state.

(2) If the respondent is not found within the county where the petition is filed, the district attorney shall inform the court if he discovers by any means that the respondent may be found within another county of this state. The clerk of the court shall, upon request of the district attorney, forward the documents received from the court in the initiating state to the court in the county where respondent can be found. The court receiving the documents and the district attorney of that county have the same powers and duties as if the documents had been originally addressed to them. When the clerk of a court of this state retransmits documents to another court in this state, he shall notify the court of the initiating state.

[1953 c.427 §17; 1961 c.630 §1]

110.190 [Repealed by 1953 c.427 §29]

110.200 [Repealed by 1953 c.427 §29]

110.201 Order of support. If the court of the responding state finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to such order.

[1953 c.427 §18]

110.210 [Repealed by 1953 c.427 §29]

110.211 Responding state to transmit copies of support orders to initiating state. The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

[1953 c.427 §19]

110.220 [Repealed by 1953 c.427 §29]

110.221 Additional powers as responding court. In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(1) To require the respondent to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent.

(2) To require the respondent to make payments at specified intervals to the clerk of the court and to report personally to such clerk at such times as may be deemed necessary.

(3) To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.
[1953 c.427 §20]

110.226 Duty of district attorney when order of responding court cannot be enforced. If enforcement of the court's order of support is impossible or cannot be completed by the court where the order was issued, the district attorney of that county shall transmit a certified copy of the order to the district attorney of any county in this state where it appears that procedures to enforce payment of the amount due would be effective. The district attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.
[1961 c.630 §3]

110.230 [Repealed by 1953 c.427 §29]

110.231 Duties of responding court regarding receipt and transmittal of support payments. The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

(1) Upon the receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(2) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.
[1953 c.427 §21]

110.240 [Repealed by 1953 c.427 §29]

110.241 Duty of initiating court regarding receipt and disbursement of support payments. The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state.
[1953 c.427 §22]

110.250 [Repealed by 1953 c.427 §29]

110.251 Testimony of husband and wife. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this chapter. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.
[1953 c.427 §23]

110.260 [Repealed by 1953 c.427 §29]

110.270 [Repealed by 1953 c.427 §29]

110.271 Credit of support payments against support payments due under other proceedings. Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce, separate maintenance or any other proceedings, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under any such other proceedings.
[1953 c.427 §24]

110.291 Severability. If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.
[1953 c.427 §25]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1969.

Robert W. Lundy
Legislative Counsel