

# House Bill 2961

Sponsored by Representative HOLVEY, Senator PROZANSKI; Representatives BARKER, BARNHART, BEYER, BONAMICI, BOQUIST, ESQUIVEL, GALIZIO, GARRARD, KRIEGER, MORGAN, NOLAN, OLSON, TOMEI, Senators BROWN, BURDICK, NELSON, WALKER

## 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**.

Imposes \$3 fee for filing of petitions for marital annulment, dissolution or separation, and for filing of responses to petitions for marital annulment, dissolution or separation. Provides that fees collected be paid into Domestic Violence Clinical Program Account.

Creates Domestic Violence Clinical Program Account. Continuously appropriates moneys in account to Department of Higher Education for purpose of funding domestic violence clinical program at University of Oregon.

## A BILL FOR AN ACT

1  
2 Relating to domestic violence; creating new provisions; amending ORS 21.111; appropriating money;  
3 and providing for revenue raising that requires approval by a three-fifths majority.

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

5 **SECTION 1.** ORS 21.111, as amended by section 15, chapter 702, Oregon Laws 2005, is amended  
6 to read:

7 21.111. (1) In the proceedings specified in subsection (2) of this section, the clerk of the circuit  
8 court shall collect the sum of \$99 as a flat and uniform filing fee from the petitioner at the time the  
9 petition is filed, and shall collect the sum of \$51 as a flat and uniform filing fee from the respondent  
10 upon the respondent making an appearance.

11 (2) The filing fee established by subsection (1) of this section shall be collected by the clerk in  
12 the following proceedings:

- 13 (a) Proceedings for dissolution of marriage, annulment of marriage or separation.  
14 (b) Filiation proceedings under ORS 109.124 to 109.230.  
15 (c) Proceedings to determine custody or support of a child under ORS 109.103.

16 (3) In addition to all other fees collected, the clerk of the circuit court shall collect from the  
17 moving party a fee of \$50 at the time of the filing of a motion after entry of a judgment of marital  
18 annulment, dissolution or separation. A fee of \$35 shall be charged to the responding party at the  
19 time a response is filed to the motion. The fee provided for in this subsection does not apply to any  
20 pleading under ORCP 68, 69 or 71.

21 **(4) In addition to all other fees collected, the clerk of the circuit court shall collect from**  
22 **the petitioner a fee of \$3 at the time of the filing of a petition for marital annulment, dis-**  
23 **solution or separation. A fee of \$3 shall be charged to the respondent upon the respondent**  
24 **making an appearance. Fees collected under this subsection shall be paid into the Domestic**  
25 **Violence Clinical Program Account established under section 3 of this 2007 Act.**

26 [(4)] (5) A paper or pleading shall be filed by the clerk only if the fee required under this section  
27 is paid or if a request for a fee waiver or deferral is granted by the court. No part of any such filing  
28 fee shall be refunded to any party. The uniform fee shall cover all services to be performed by 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 court or clerk in any of the proceedings, except where additional fees are specially authorized by  
2 law.

3 [(5)] (6) Any petitioner or respondent that files a petition or appearance that is subject to the  
4 filing fees established under subsection (1) of this section must include in the caption of the pleading  
5 the following words: "Domestic relations case subject to fee under ORS 21.111."

6 [(6)] (7) The fees described in this section shall not be charged to a district attorney or to the  
7 Division of Child Support of the Department of Justice for the filing of any case, motion, document,  
8 stipulated order, process or other document relating to the provision of support enforcement ser-  
9 vices as described in ORS 25.080.

10 **SECTION 2. The amendments to ORS 21.111 by section 1 of this 2007 Act apply only to**  
11 **filings made in circuit court on or after the effective date of this 2007 Act.**

12 **SECTION 3. The Domestic Violence Clinical Program Account is created within the**  
13 **General Fund. The account shall consist of moneys paid into the account under ORS 21.111**  
14 **(4). Moneys credited to the account are continuously appropriated to the Department of**  
15 **Higher Education, and may used only for the purpose of funding a domestic violence clinical**  
16 **program at the University of Oregon. The department may not expend more than \_\_\_\_\_**  
17 **percent of the moneys deposited in the account toward expenses incurred by the department**  
18 **in the administration of the funds.**

19 \_\_\_\_\_