

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and be Printed Engrossed
<b>Vote:</b>	8 - 0 - 2
<b>Yeas:</b>	Barton, Cameron, Garrett, Krieger, Olson, Smith J., Stiegler, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	Shields, Whisnant
<b>Prepared By:</b>	Shannon Sivell, Counsel
<b>Meeting Dates:</b>	1/20, 2/19, 2/25

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**WHAT THE MEASURE DOES:** Allows a party to request modification of a protective order for good cause. Specifies exactly what conditions and orders may be modified and allows for application to be made ex parte in certain circumstances.

**ISSUES DISCUSSED:**

- “Good Cause” too broad
- Show cause hearings could be possible route for abuser to further victimize the petitioner
- Need for safe guards

**EFFECT OF COMMITTEE AMENDMENT:** Specifies exactly what conditions contained within the protective order may be modified for good cause and allows for application to be made ex parte in certain circumstances.

**BACKGROUND:** Under the Family Abuse Prevention Act (FAPA), a petitioner is entitled to relief when:

- 1) There has been abuse as defined in ORS 107.705(1) within the preceding 180 days;
- 2) It occurred between family or household members;
- 3) Petitioner is in “imminent danger of further abuse from respondent: and,
- 4) Respondent presents a credible threat to the physical safety of petitioner or petitioner’s child.

FAPA establishes both mandatory and discretionary relief. Mandatory relief includes a temporary custody or parenting time order in favor of petitioner, an order of restraint of abuse, ouster of respondent from petitioner’s residence, restraint from entry onto specific premises and no contact by telephone or mail. Discretionary relief may include a broader modification to custody or parenting time, firearm or weapon dispossession, and expanded “no contact” provisions.

A FAPA order remains in effect for one year unless it is withdrawn or renewed by petitioner.