

A-Engrossed
House Bill 2310

Ordered by the House March 5
Including House Amendments dated March 5

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Bar Family Law Section)

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.

Allows party **or petitioner** to request that court modify any term in *[order]* **certain orders** issued under Family Abuse Prevention Act.

A BILL FOR AN ACT

1
2 Relating to modification of protective order under Family Abuse Prevention Act; creating new pro-
3 visions; and amending ORS 107.730.

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

5 **SECTION 1.** ORS 107.730 is amended to read:

6 107.730. (1) At any time after an order has been issued under ORS 107.700 to 107.735 and after
7 the time period set forth in ORS 107.718 (10)(a)[,];

8 (a) A party may request that the court modify terms in the order *[that provide for custody and*
9 *parenting time.]* **that were entered under ORS 107.718 (1)(a), (b), (g) or (i) for good cause**
10 **shown.**

11 (b) **A petitioner may request that the court modify by removing or making less restric-**
12 **tive terms in the order that were entered under ORS 107.718 (1)(b), (g) or (i) for good cause**
13 **shown. Application to the court under this paragraph may be by ex parte motion.**

14 (2) The clerk of the court shall provide without charge the number of certified true copies of
15 the request for modification of the order and notice of hearing necessary to effect service and, at
16 the election of the party requesting the modification, shall have a true copy of the request and no-
17 tice delivered to the county sheriff for service upon the other party.

18 (3) Service shall be in the manner provided by law for service of summons. The county sheriff
19 shall serve the other party personally unless the party requesting the modification elects to have
20 the other party served personally by a private party.

21 (4) The provisions of ORS 107.716 (5) apply to a modification of an order under this section.

22 (5) The court may assess against either party a reasonable attorney fee and such costs as may
23 be incurred in the proceeding.

24 **SECTION 2.** **The amendments to ORS 107.730 by section 1 of this 2009 Act apply to all**
25 **orders issued under ORS 107.700 to 107.735, whether issued before, on or after the effective**
26 **date of this 2009 Act.**

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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.