

Enrolled
House Bill 2310

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)

CHAPTER

AN ACT

Relating to modification of protective order under Family Abuse Prevention Act; creating new provisions; and amending ORS 107.730.

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

SECTION 1. ORS 107.730 is amended to read:

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

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

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

(2) The clerk of the court shall provide without charge the number of certified true copies of the request for modification of the order and notice of hearing necessary to effect service and, at the election of the party requesting the modification, shall have a true copy of the request and notice delivered to the county sheriff for service upon the other party.

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

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

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

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

Passed by House March 10, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 19, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State