

**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 - 0
<b>Yeas:</b>	Frederick, Greenlick, Harker, Parrish, Thompson, Weidner, Gilliam, Tomei
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Jennifer Kellar, Administrator
<b>Meeting Dates:</b>	3/9, 4/4

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**WHAT THE MEASURE DOES:** Authorizes hearings under the Family Abuse Prevention Act to be held in person or by telephone. Clarifies how motions for testimony by telephone should be considered in contested restraining order cases; cross-references current procedure as outlined in Oregon Revised Statute (ORS) 45.400, to make clear to victims that such motions are allowed. Specifies that victims' safety is to be considered in assessing whether there is good cause. Specifies that timeframes be adjusted to allow for the expedited nature of restraining order proceedings. Deletes requirement that the court consider the safety or welfare of the party or witness when considering the expedited nature of the proceeding.

**ISSUES DISCUSSED:**

- Potential victims right to request permission to appear by telephone or other two-way electronic communication in restraining order cases
- Statistics regarding domestic violence and fatalities in Oregon
- Potential for escalation of violence after a restraining order is served on abuser
- Oregon's restraining order process to be safe and accessible to victims
- Concerns relating to victims confronting abuser in person to defend restraining order in contested case hearing
- Proponents assert ORS 45.400 does not coordinate with restraining order hearings
- Concerns relating to the victim's safety
- Timeframes for submission of motions are not consistent with expedited nature of restraining order proceedings
- Court's discretion in granting or denying a motion
- No gender discrimination in measure language

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies how motions for testimony by telephone should be considered in contested restraining order cases; cross-references current procedure as outlined in ORS 45.400, to make clear to victims that such motions are allowed. Specifies that victims' safety is to be considered in assessing whether there is good cause. Specifies that timeframes be adjusted to allow for the expedited nature of restraining order proceedings. Removes requirement that the court consider the safety or welfare of the party or witness when considering the expedited nature of the proceeding.

**BACKGROUND:** The law offers the protection of Family Abuse Protection Act (FAPA) orders to victims of domestic violence, whether or not the victim has reported the abuse to the police. Once issued, a FAPA order is effective for one year unless the court terminates or extends the order. Additionally, the court must hold a hearing, by telephone or in person, the day of or the day after the victim files for a FAPA order. A FAPA order can require an abuser to stop abusing, threatening, or interfering with a victim and children in his/her custody; forbid an abuser to enter a victim's home, school, place of business, or other specified place; order an abuser out of the home if a victim is sole or part owner of the home; require police to stand guard while the person is leaving the home and removing personal belongings; and gives the victim temporary legal custody of the children if the children are in his/her care.

ORS 107.718(1) currently permits the court to hold hearings for temporary restraining orders. House Bill 2928 A adds the telephonic option to ORS 107.716 for permanent restraining order hearings and ORS 107.725 for renewal of existing restraining orders.