

**Enrolled**  
**House Bill 3433**

Sponsored by Representative BREWER; Representatives BENTZ, BERGER, CAMERON, CONGER, DOHERTY, FREEMAN, GELSER, HICKS, HUFFMAN, JENSON, JOHNSON, KENNEMER, LINDSAY, OLSON, PARRISH, READ, SHEEHAN, SPRENGER, THATCHER, THOMPSON, WEIDNER, WHISNANT, WINGARD, Senator STARR

CHAPTER .....

AN ACT

Relating to renewal of Family Abuse Prevention Act orders; creating new provisions; and amending ORS 107.725.

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

**SECTION 1.** ORS 107.725 is amended to read:

107.725. (1) The court may renew an order entered under ORS 107.716 or 107.718 upon a finding that:

(a) A person in the petitioner’s situation would reasonably fear further acts of abuse by the respondent if the order is not renewed; or

(b) **A person in the situation of a child who was in the petitioner’s custody during the time the order existed, who was also included as a protected person in the order and who has reached 18 years of age since the date the order was entered would reasonably fear further acts of abuse by the respondent if the order is not renewed.**

(2) A finding that there has been a further act of abuse is not required **to renew an order under subsection (1) of this section.**

(3) **The court may renew an order under subsection (1)(b) of this section regardless of whether the original petitioner agrees to or seeks renewal of the order. If the petitioner does not agree to or seek renewal of the order concurrently with the request of the child who has reached 18 years of age, the court may modify the order upon renewal to exclude the petitioner as a protected person in the order. A child who has reached 18 years of age may seek renewal under this section without having to file a petition under ORS 107.710.**

(4) A court may renew an order on the basis of a sworn, ex parte petition alleging facts supporting the required finding. If the renewal order is granted, the provisions of ORS 107.716 (5) and 107.718 (8) to (10) apply except that the court may hear no issue other than the basis for renewal unless requested in the hearing request form and thereafter agreed to by the petitioner **or the child who has reached 18 years of age.** The court shall hold a hearing required under this section within 21 days after the respondent’s request.

**SECTION 2. The amendments to ORS 107.725 by section 1 of this 2011 Act apply to petitions for renewal filed on or after the effective date of this 2011 Act.**

**Passed by House April 11, 2011**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate May 17, 2011**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State