

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

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 **as introduced**.

Allows court to renew Family Abuse Prevention Act order upon petition of child who has reached 18 years of age if child was protected by previous order and reasonably fears further acts of abuse by respondent.

A BILL FOR AN ACT

1
2 Relating to renewal of Family Abuse Prevention Act orders; creating new provisions; and amending
3 ORS 107.725.

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

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

6 107.725. (1) The court may renew an order entered under ORS 107.716 or 107.718 upon a finding
7 that:

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

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

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

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

22 (4) A court may renew an order on the basis of a sworn, ex parte petition alleging facts sup-
23 porting the required finding. If the renewal order is granted, the provisions of ORS 107.716 (5) and
24 107.718 (8) to (10) apply except that the court may hear no issue other than the basis for renewal
25 unless requested in the hearing request form and thereafter agreed to by the petitioner **or the child**
26 **who has reached 18 years of age.** The court shall hold a hearing required under this section within
27 21 days after the respondent's request.

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

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.

