



CIRCUIT COURT OF THE STATE OF OREGON
FOURTH JUDICIAL DISTRICT
MULTNOMAH COUNTY COURTHOUSE
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MAUREEN McKNIGHT
JUDGE

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TESTIMONY REGARDING HB 2628 – ELIMINATION OF FILING FEE IN STALKING PROTECTIVE ORDER CASE

Before the House Judiciary Committee of the Oregon Legislature
March 5, 2015

Submitted by:
Maureen McKnight, Chief Family Court Judge
Multnomah County

Chair Barker and Members of the Committee:

My name is Maureen McKnight and I am the Chief Family Court Judge in Multnomah County. I speak for myself, not OJD, in supporting this legislation, the need for which became evident to me this past fall.

Section 1 of this bill deletes authority for charging court filing fees and service fees when a petitioner seeking a Stalking Protective Order (SPO) seeks money damages as a part of that order. Persons seeking an SPO without also seeking damages – the great majority of cases – already are exempted from these fees. Similarly, petitioners seeking Family Abuse Prevention Act (FAPA) restraining orders, Elderly Persons and Person with Disabilities Abuse Prevention Act (EPPWDAPA) orders, and Sexual Abuse Protective Orders (SAPO), are all exempt from fees. This situation makes the emergency application process more efficient for petitioners and the Court.

Very few SPO cases involve requests for damages. From 2008 through 2013, the last periods for which I was able to obtain data, an average of only 4 Stalking Protective Order petitions seeking fees were filed statewide per year, out of an average total of 2100 filings each year. Almost all petitioners seek court orders only prohibiting contact by the respondent, not money damages.

The reason legislative action is needed despite the exceeding low numbers is simple: **eligibility for federal grants from the U.S. Department of Justice's Violence Against Women Office (VAWO) depends – among other factors -- on Oregon not charging stalking victims any court fees.** My inability last fall to certify that Oregon had non-charging legislation complicated the application of the Multnomah County Circuit Court for a \$400,000 no-match federal grant to the extent that I spent over 10 hours speaking with 4 different federal DOJ attorneys trying to negotiate a solution. Only the county's escrowing of \$1000 to indemnify stalking petitioners who had to pay fees allowed us to qualify. Not surprisingly, we have not needed a single dollar of these donated funds. Subsequent non-profits and other grant applicants will not be so fortunate

about their ability to secure escrowed funds from community partners. A change in the statute is needed.

Thank you for considering my comments.

Respectfully submitted,

A handwritten signature in blue ink that reads "Maureen McKnight". The signature is written in a cursive style.

MAUREEN McKNIGHT, Circuit Court Judge

cc: Members of the House Judiciary Committee
Kingsley Click and Phil Lemman, State Court Administrator's Office
Channa Newell and Jeff Rhoades, House Judiciary Counsel