

HB 3117-2
(LC 3384)
3/29/19 (LAS/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (At the request of Sybill Hebb)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3117**

1 On page 1 of the printed bill, delete line 3 and insert “107.716; and de-
2 claring an emergency.”.

3 Delete lines 5 through 28 and delete pages 2 through 9.

4 On page 10, delete lines 1 through 16 and insert:

5 **“SECTION 1.** ORS 107.716 is amended to read:

6 “107.716. (1) If the respondent requests a hearing pursuant to ORS 107.718
7 (10), the court shall hold the hearing within 21 days after the request.
8 However, if the respondent contests the order granting temporary child cus-
9 tody to the petitioner, the court shall hold the hearing within five days after
10 the request.

11 “(2)(a) If the court determines under ORS 107.718 (2) that exceptional
12 circumstances exist that affect the custody of a child, the court shall hold
13 a hearing within 14 days after issuance of the restraining order. The clerk
14 of the court shall provide a notice of the hearing along with the petition and
15 order to the petitioner and, in accordance with ORS 107.718 (8), to the county
16 sheriff for service on the respondent.

17 “(b) The respondent may request an earlier hearing, to be held within five
18 days after the request. The hearing request form shall be available from the
19 clerk of the court in the form prescribed by the State Court Administrator
20 under ORS 107.718 (7). If the respondent requests an earlier hearing, the
21 clerk of the court shall notify the parties of the scheduled hearing date by

1 mailing a notice of the time and place of hearing to the addresses provided
2 in the petition or, for the respondent, to the address provided in the request
3 for hearing, or as otherwise designated by a party.

4 “(c) When the court schedules a hearing under this subsection, the re-
5 spondent may not request a hearing under ORS 107.718 (10).

6 “(3) In a hearing held pursuant to subsection (1) or (2) of this section[,]:

7 **“(a) The court may continue any order issued under ORS 107.718 if**
8 **the court finds that:**

9 **“(A) Abuse has occurred within the period specified in ORS 107.710**
10 **(1);**

11 **“(B) The petitioner reasonably fears for the petitioner’s physical**
12 **safety; and**

13 **“(C) The respondent represents a credible threat to the physical**
14 **safety of the petitioner or the petitioner’s child.**

15 **“(b) The court may cancel or change any order issued under ORS 107.718**
16 **and may assess against either party a reasonable attorney fee and such costs**
17 **as may be incurred in the proceeding.**

18 “(4)(a) If service of a notice of hearing is inadequate to provide a party
19 with sufficient notice of the hearing held pursuant to ORS 107.718 (2) or (10),
20 the court may extend the date of the hearing for up to five days so that the
21 party may seek representation.

22 “(b) If one party is represented by an attorney at a hearing held pursuant
23 to ORS 107.718 (2) or (10), the court may extend the date of the hearing for
24 up to five days at the other party’s request so that the other party may seek
25 representation.

26 “(5) If the court continues the order, with or without changes, at a hear-
27 ing about which the respondent received actual notice and the opportunity
28 to participate, the court shall include in the order a certificate in substan-
29 tially the following form in a separate section immediately above the signa-
30 ture of the judge:

1 “

CERTIFICATE OF COMPLIANCE
WITH THE VIOLENCE
AGAINST WOMEN ACT

2
3
4
5

6 This protective order meets all full faith and credit requirements of the Vi-
7 olence Against Women Act, 18 U.S.C. 2265 (1994). This court has jurisdiction
8 over the parties and the subject matter. The respondent was afforded notice
9 and timely opportunity to be heard as provided by the law of this jurisdic-
10 tion. This order is valid and entitled to enforcement in this and all other
11 jurisdictions.

12 “

13 “(6) The court may approve any consent agreement to bring about a ces-
14 sation of abuse of the parties. However, the court may not approve a term
15 in a consent agreement that provides for restraint of a party to the agree-
16 ment unless the other party petitioned for and was granted an order under
17 ORS 107.710. An order or consent agreement made under this section may
18 be amended at any time and shall continue in effect for a period of one year
19 from the date of the order issued under ORS 107.718, or until superseded as
20 provided in ORS 107.722.

21 “(7) No order or agreement made under ORS 107.705 to 107.720, 133.310
22 and 133.381 shall in any manner affect title to any real property.

23 “(8) No undertaking shall be required in any proceeding under ORS
24 107.700 to 107.735.

25 “(9) Any proceeding under ORS 107.700 to 107.735 shall be in addition to
26 any other available civil or criminal remedies.”.

27 In line 17, delete “7” and insert “2” and after “ORS” delete the rest of the
28 line.

29 In line 18, delete “by sections 1 to 6” and insert “107.716 by section 1”.

30 In line 21, delete “8” and insert “3”.

