**FAMILY ABUSE PREVENTION ACT STATUTE**

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 **107.700 Short title.** ORS 107.700 to 107.735 shall be known and may be cited as the “Family Abuse Prevention Act.” [1977 c.845 §4; 1995 c.637 §1]

**107.705 Definitions for ORS 107.700 to 107.735.** As used in ORS 107.700 to 107.735:

      (1) “Abuse” means the occurrence of one or more of the following acts between family or household members:

      (a) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury.

      (b) Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury.

      (c) Causing another to engage in involuntary sexual relations by force or threat of force.

      (2) “Child” means an unmarried person who is under 18 years of age.

      (3) “Family or household members” means any of the following:

      (a) Spouses.

      (b) Former spouses.

      (c) Adult persons related by blood, marriage or adoption.

      (d) Persons who are cohabiting or who have cohabited with each other.

      (e) Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under ORS 107.710.

      (f) Unmarried parents of a child.

      (4) “Interfere” means to interpose in a manner that would reasonably be expected to hinder or impede a person in the petitioner’s situation.

      (5) “Intimidate” means to act in a manner that would reasonably be expected to threaten a person in the petitioner’s situation, thereby compelling or deterring conduct on the part of the person.

      (6) “Menace” means to act in a manner that would reasonably be expected to threaten a person in the petitioner’s situation.

      (7) “Molest” means to act, with hostile intent or injurious effect, in a manner that would reasonably be expected to annoy, disturb or persecute a person in the petitioner’s position. [1977 c.845 §5; 1979 c.161 §1; 1981 c.780 §1; 1985 c.629 §1; 1987 c.331 §3; 1987 c.805 §1; 1993 c.643 §1; 1995 c.637 §2; 1997 c.863 §8; 1999 c.617 §6; 1999 c.1052 §12]

**107.707 Application of Uniform Child Custody Jurisdiction and Enforcement Act.** The Uniform Child Custody Jurisdiction and Enforcement Act, ORS 109.701 to 109.834, applies to proceedings under ORS 107.700 to 107.735. [2005 c.536 §5]

**Note:** 107.707 was added to and made a part of 107.700 to 107.735 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**107.710 Petition to circuit court for relief; burden of proof.** (1) Any person who has been the victim of abuse within the preceding 180 days may petition the circuit court for relief under ORS 107.700 to 107.735, if the person is in imminent danger of further abuse from the abuser. The person may seek relief by filing a petition with the circuit court alleging that the person is in imminent danger of abuse from the respondent, that the person has been the victim of abuse committed by the respondent within the 180 days preceding the filing of the petition and particularly describing the nature of the abuse and the dates thereof. The abuse must have occurred not more than 180 days before the filing of the petition. Allegations in the petition shall be made under oath or affirmation. The circuit court shall have jurisdiction over all proceedings under ORS 107.700 to 107.735.

      (2) The petitioner has the burden of proving a claim under ORS 107.700 to 107.735 by a preponderance of the evidence.

      (3) A person’s right to relief under ORS 107.700 to 107.735 shall not be affected by the fact that the person left the residence or household to avoid abuse.

      (4) A petition filed under ORS 107.700 to 107.735 shall disclose the existence of any custody, Family Abuse Prevention Act or Elderly Persons and Persons With Disabilities Abuse Prevention Act proceedings, or any marital annulment, dissolution or separation proceedings, or any filiation proceeding, pending between the parties, and the existence of any other custody order affecting the children of the parties.

      (5) When the petitioner requests custody of any child, the petition shall comply with ORS 109.767 and disclose:

      (a) The child’s present residence and the length of time the child has resided at the residence;

      (b) The county and state where the child resided for the five years immediately prior to the filing of the petition;

      (c) The name and address of the party or other responsible person with whom the child is presently residing;

      (d) The name and current address of any party or other responsible person with whom the child resided for the five years immediately prior to the filing of the petition;

      (e) Whether the party participated as a party, witness or in any other capacity, in any other litigation concerning the custody of the child in this or any other state;

      (f) Whether the party has information of any custody proceeding concerning the child pending in a court of this or any other state; and

      (g) Whether the party knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody, parenting time or visitation rights with respect to the child.

      (6) For purposes of computing the 180-day period in this section and ORS 107.718, any time during which the respondent is incarcerated or has a principal residence more than 100 miles from the principal residence of the petitioner shall not be counted as part of the 180-day period. [1977 c.845 §6; 1981 c.780 §2; 1985 c.629 §2; 1987 c.805 §2; 1993 c.375 §1; 1995 c.637 §3; 1995 c.666 §19; 1997 c.707 §14; 1999 c.617 §4; 1999 c.649 §50; 1999 c.738 §7; 1999 c.1052 §13; 2003 c.264 §7]

**107.715** [1977 c.845 §7; repealed by 1981 c.780 §5 (107.716 enacted in lieu of 107.715)]

**107.716 Hearing; order; certificate of compliance; effect on title to real property; no undertaking required.** (1) If the respondent requests a hearing pursuant to ORS 107.718 (10), the court shall hold the hearing within 21 days after the request. However, if the respondent contests the order granting temporary child custody to the petitioner, the court shall hold the hearing within five days after the request.

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

      (b) The respondent may request an earlier hearing, to be held within five days after the request. The hearing request form shall be available from the clerk of the court in the form prescribed by the State Court Administrator under ORS 107.718 (7). If the respondent requests an earlier hearing, the clerk of the court shall notify the parties of the scheduled hearing date by mailing a notice of the time and place of hearing to the addresses provided in the petition or, for the respondent, to the address provided in the request for hearing, or as otherwise designated by a party.

      (c) When the court schedules a hearing under this subsection, the respondent may not request a hearing under ORS 107.718 (10).

      (3) In a hearing held pursuant to subsection (1) or (2) of this section, the court may cancel or change any order issued under ORS 107.718 and may assess against either party a reasonable attorney fee and such costs as may be incurred in the proceeding.

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

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

      (5) If the court continues the order, with or without changes, at a hearing about which the respondent received actual notice and the opportunity to participate, the court shall include in the order a certificate in substantially the following form in a separate section immediately above the signature of the judge:

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CERTIFICATE OF COMPLIANCE

WITH THE VIOLENCE

AGAINST WOMEN ACT

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

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

      (9) Any proceeding under ORS 107.700 to 107.735 shall be in addition to any other available civil or criminal remedies. [1981 c.780 §6 (enacted in lieu of 107.715); 1985 c.629 §3; 1987 c.805 §3; 1995 c.637 §4; 1995 c.794 §2; 1997 c.707 §15; 1999 c.617 §5; 1999 c.1052 §14; 2005 c.536 §1; 2007 c.11 §6]

**107.717 Appearance by telephone or two-way electronic communication device.** (1) A party may file a motion under ORS 45.400 requesting that the court allow the appearance of the party or a witness by telephone or by other two-way electronic communication device in a proceeding under ORS 107.700 to 107.735.

      (2) In exercising its discretion to allow written notice less than 30 days before the proceeding as required under ORS 45.400 (2), the court shall consider the expedited nature of a proceeding under ORS 107.700 to 107.735.

      (3) In addition to the factors listed in ORS 45.400 (7) that would support a finding of good cause, the court shall consider whether the safety or welfare of the party or witness would be threatened if testimony were required to be provided in person at a proceeding under ORS 107.700 to 107.735.

      (4) A motion or good cause determination under this section or ORS 45.400 is not required for ex parte hearings held by telephone under ORS 107.718. [2011 c.244 §2]

**Note:** 107.717 was added to and made a part of 107.700 to 107.735 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**107.718 Restraining order; service of order; request for hearing.** (1) When a person files a petition under ORS 107.710, the circuit court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day. Upon a showing that the petitioner has been the victim of abuse committed by the respondent within 180 days preceding the filing of the petition, that there is an imminent danger of further abuse to the petitioner and that the respondent represents a credible threat to the physical safety of the petitioner or the petitioner’s child, the court shall, if requested by the petitioner, order:

      (a) Except as provided in subsection (2) of this section, that temporary custody of the children of the parties be awarded to the petitioner or, at the request of the petitioner, to the respondent, subject to reasonable parenting time rights of the noncustodial parent, which the court shall order, unless such parenting time is not in the best interest of the child;

      (b) That the respondent be required to move from the petitioner’s residence, if in the sole name of the petitioner or if it is jointly owned or rented by the petitioner and the respondent, or if the parties are married to each other;

      (c) That the respondent be restrained from entering, or attempting to enter, a reasonable area surrounding the petitioner’s current or subsequent residence if the respondent is required to move from petitioner’s residence;

      (d) That a peace officer accompany the party who is leaving or has left the parties’ residence to remove essential personal effects of the party or the party’s children, or both, including but not limited to clothing, toiletries, diapers, medications, Social Security cards, certified copies of records of live birth, identification and tools of the trade;

      (e) That the respondent be restrained from intimidating, molesting, interfering with or menacing the petitioner, or attempting to intimidate, molest, interfere with or menace the petitioner;

      (f) That the respondent be restrained from intimidating, molesting, interfering with or menacing any children in the custody of the petitioner, or attempting to intimidate, molest, interfere with or menace any children in the custody of the petitioner;

      (g) That the respondent be restrained from entering, or attempting to enter, on any premises and a reasonable area surrounding the premises when it appears to the court that such restraint is necessary to prevent the respondent from intimidating, molesting, interfering with or menacing the petitioner or children whose custody is awarded to the petitioner;

      (h) Other relief that the court considers necessary to:

      (A) Provide for the safety and welfare of the petitioner and the children in the custody of the petitioner, including but not limited to emergency monetary assistance from the respondent; and

      (B) Prevent the neglect and protect the safety of any service or therapy animal or any animal kept for personal protection or companionship, but not an animal kept for any business, commercial, agricultural or economic purpose; or

      (i) Except as described in subsection (12) of this section or parenting time ordered under this section, that the respondent have no contact with the petitioner in person, by telephone or by mail.

      (2) If the court determines that exceptional circumstances exist that affect the custody of a child, the court shall order the parties to appear and provide additional evidence at a hearing to determine temporary custody and resolve other contested issues. Pending the hearing, the court may make any orders regarding the child’s residence and the parties’ contact with the child that the court finds appropriate to provide for the child’s welfare and the safety of the parties. The court shall set a hearing time and date as provided in ORS 107.716 (2) and issue a notice of the hearing at the same time the court issues the restraining order.

      (3) The court’s order under subsection (1) of this section is effective for a period of one year or until the order is withdrawn or amended, or until the order is superseded as provided in ORS 107.722, whichever is sooner.

      (4) If respondent is restrained from entering, or attempting to enter, an area surrounding petitioner’s residence or any other premises, the order restraining respondent shall specifically describe the area.

      (5) Imminent danger under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with additional bodily harm.

      (6) If the court awards parenting time to a parent who committed abuse, the court shall make adequate provision for the safety of the child and of the petitioner. The order of the court may include, but is not limited to, the following:

      (a) That exchange of a child between parents shall occur at a protected location.

      (b) That parenting time be supervised by another person or agency.

      (c) That the perpetrator of the abuse be required to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or any other counseling program designated by the court as a condition of the parenting time.

      (d) That the perpetrator of the abuse not possess or consume alcohol or controlled substances during the parenting time and for 24 hours preceding the parenting time.

      (e) That the perpetrator of the abuse pay all or a portion of the cost of supervised parenting time, and any program designated by the court as a condition of parenting time.

      (f) That no overnight parenting time occur.

      (7) The State Court Administrator shall prescribe the content and form of the petition, order and related forms for use under ORS 107.700 to 107.735. The clerk of the court shall make available the forms and an instructional brochure explaining the rights set forth under ORS 107.700 to 107.735.

      (8) If the court orders relief:

      (a) The clerk of the court shall provide without charge the number of certified true copies of the petition and order necessary to provide the petitioner with one copy and to effect service and shall have a true copy of the petition and order delivered to the county sheriff for service upon the respondent, unless the court finds that further service is unnecessary because the respondent appeared in person before the court. In addition and upon request by the petitioner, the clerk shall provide the petitioner, without charge, two exemplified copies of the petition and order.

      (b) The county sheriff shall serve the respondent personally unless the petitioner elects to have the respondent served personally by a private party or by a peace officer who is called to the scene of a domestic disturbance at which the respondent is present, and who is able to obtain a copy of the order within a reasonable amount of time. Proof of service shall be made in accordance with ORS 107.720. When the order does not contain the respondent’s date of birth and service is effected by the sheriff or other peace officer, the sheriff or officer shall verify the respondent’s date of birth with the respondent and shall record that date on the order or proof of service entered into the Law Enforcement Data System under ORS 107.720.

      (c) No filing fee, service fee or hearing fee shall be charged for proceedings seeking only the relief provided under ORS 107.700 to 107.735.

      (9) If the county sheriff:

      (a) Determines that the order and petition are incomplete, the sheriff shall return the order and petition to the clerk of the court. The clerk of the court shall notify the petitioner, at the address provided by the petitioner, of the error or omission.

      (b) After accepting the order and petition, cannot complete service within 10 days, the sheriff shall notify the petitioner, at the address provided by the petitioner, that the documents have not been served. If the petitioner does not respond within 10 days, the sheriff shall hold the order and petition for future service and file a return to the clerk of the court showing that service was not completed.

      (10)(a) Within 30 days after a restraining order is served under this section, the respondent therein may request a court hearing upon any relief granted. The hearing request form shall be available from the clerk of the court in the form prescribed by the State Court Administrator.

      (b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk of the court shall notify the petitioner of the date and time of the hearing, and shall supply the petitioner with a copy of the respondent’s request for a hearing. The petitioner shall give to the clerk of the court information sufficient to allow such notification.

      (c) The hearing shall not be limited to the issues raised in the respondent’s request for hearing form. If the respondent seeks to raise an issue at the hearing not previously raised in the request for hearing form, or if the petitioner seeks relief at the hearing not granted in the original order, the other party shall be entitled to a reasonable continuance for the purpose of preparing a response to the issue.

      (11) If the respondent fails to request a hearing within 30 days after a restraining order is served, the restraining order is confirmed by operation of law. The provisions of this section are sufficient to meet the due process requirements of 18 U.S.C. 922(g) in that the respondent received actual notice of the right to request a hearing and the opportunity to participate at the hearing but the respondent failed to exercise those rights.

      (12) Service of process or other legal documents upon the petitioner is not a violation of this section if the petitioner is served as provided in ORCP 7 or 9. [1981 c.780 §4; 1983 c.561 §2; 1985 c.629 §4; 1987 c.805 §4; 1989 c.605 §1; 1991 c.303 §2; 1991 c.382 §2; 1991 c.724 §22; 1993 c.375 §2; 1993 c.643 §2; 1995 c.637 §5; 1995 c.794 §1a; 1997 c.607 §1; 1997 c.707 §16; 1997 c.863 §4; 1999 c.617 §2; 1999 c.1052 §§9,9a; 2005 c.536 §2; 2007 c.11 §7; 2009 c.359 §1; 2011 c.274 §1; 2013 c.366 §55]

**107.719 Removal of personal effects; party accompanied by peace officer.** (1) A peace officer who accompanies a party removing essential personal effects pursuant to an order issued under ORS 107.718 shall remain for up to 20 minutes and may temporarily interrupt the removal of property at any time. Nothing in this subsection shall affect a peace officer’s duty to arrest under ORS 133.055 and 133.310.

      (2) The party removing essential personal effects from the residence pursuant to an order issued under ORS 107.718 is entitled to be accompanied by a peace officer on one occasion only.

      (3) A peace officer who accompanies a party removing essential personal effects pursuant to an order issued under ORS 107.718 shall have immunity from any liability, civil or criminal, for any actions of the party committed during the removal of essential personal effects. [1989 c.605 §3]

**107.720 Enforcement of restraining orders; sheriff’s proceedings; security; termination order.** (1)(a) Whenever a restraining order, as authorized by ORS 107.095 (1)(c) or (d), 107.716 or 107.718, that includes a security amount and an expiration date pursuant to ORS 107.095, 107.716 or 107.718 and this section, is issued and the person to be restrained has actual notice of the order, the clerk of the court or any other person serving the petition and order shall immediately deliver to a county sheriff a true copy of the affidavit of proof of service, on which it is stated that personal service of the petition and order was served on the respondent, and copies of the petition and order. If an order entered by the court recites that the respondent appeared in person before the court, the necessity for service of the order and an affidavit of proof of service is waived. Upon receipt of a copy of the order and notice of completion of any required service by a member of a law enforcement agency, the county sheriff shall immediately enter the order into the Law Enforcement Data System maintained by the Department of State Police and into the databases of the National Crime Information Center of the United States Department of Justice. If the petition and order were served on the respondent by a person other than a member of a law enforcement agency, the county sheriff shall enter the order into the Law Enforcement Data System and databases of the National Crime Information Center upon receipt of a true copy of the affidavit of proof of service. The sheriff shall provide the petitioner with a true copy of any required proof of service. Entry into the Law Enforcement Data System constitutes notice to all law enforcement agencies of the existence of the order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of the order may be informed of the existence and terms of the order. The order is fully enforceable in any county or tribal land in this state.

      (b) When a restraining order has been entered into the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice under paragraph (a) of this subsection, a county sheriff shall cooperate with a request from a law enforcement agency from any other jurisdiction to verify the existence of the restraining order or to transmit a copy of the order to the requesting jurisdiction.

      (2)(a) A restraining order shall remain in effect until the order expires or is terminated by court order.

      (b) When a restraining order has been entered under ORS 107.718, the restraining order shall not be terminated upon a motion for dismissal by the petitioner unless the motion is notarized.

      (3) In any situation where a restraining order described in subsection (1) of this section is terminated before the expiration date, the clerk of the court shall immediately deliver a copy of the termination order to the county sheriff with whom the original order was filed. Upon receipt of the termination order, the county sheriff shall promptly remove the original order from the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice.

      (4) Pending a contempt hearing for alleged violation of a restraining order issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718, a person arrested and taken into custody pursuant to ORS 133.310 may be released as provided in ORS 135.230 to 135.290. Whenever a restraining order is issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718, the issuing court shall set a security amount for the violation of the order. [1977 c.845 §8; 1979 c.522 §1; 1981 c.780 §7; 1983 c.561 §3; 1991 c.382 §1; 1993 c.188 §10; 1999 c.1052 §1; 2007 c.255 §6; 2011 c.269 §1]

**107.721 Petitioner’s change of residence.** If the court does not award parenting time under ORS 107.718 to the parent who committed abuse, the petitioner may move to a residence more than 60 miles from the other parent without giving notice to the other parent of the change of residence. However, the petitioner shall give to the clerk of the court information sufficient to allow notification under ORS 107.718 (10). [1999 c.762 §4; 2005 c.536 §8]

**107.722 Effect of dissolution, annulment or separation judgment or modification order on abuse prevention order; modification of preexisting order or judgment.** (1) The provisions of an order or judgment, or of a modification to an order or judgment, issued under ORS 107.095 (1)(b), 107.105, 107.135, 109.103 or 109.155 supersede contrary provisions of a preexisting order issued under ORS 107.700 to 107.735, except that an order issued under ORS 107.095 (1)(b) supersedes a preexisting order issued under ORS 107.700 to 107.735 only if the party requesting temporary relief consolidates the subsequently filed matter with the preexisting matter filed under ORS 107.700 to 107.735 and provides the nonmoving party with notice and an opportunity for a hearing.

      (2)(a) In a proceeding under ORS 107.700 to 107.735, the court may modify the custody or parenting time provisions of a preexisting order or judgment issued under ORS 107.095 (1)(b), 107.105, 107.135, 109.103 or 109.155, or a similar order or judgment issued by the tribunal of another jurisdiction, if necessary to protect the safety and welfare of the child or the petitioner.

      (b) If the court, in an order issued under ORS 107.700 to 107.735, modifies the custody provisions of a preexisting order or judgment issued under ORS 107.095 (1)(b), 107.105, 107.135, 109.103 or 109.155, the court shall specify in the order issued under ORS 107.700 to 107.735 a period that the court considers adequate under the circumstances within which the party seeking relief may obtain a modification of the preexisting order or judgment under controlling law. Upon the expiration of the period specified by the court, if a modification of the preexisting order or judgment has not been obtained, the custody and parenting time provisions of the order issued under ORS 107.700 to 107.735 expire and the custody and parenting time provisions of the preexisting order or judgment become immediately effective.

      (c) If the court, in an order issued under ORS 107.700 to 107.735, modifies the custody provisions of a preexisting order or judgment issued by the tribunal of another jurisdiction, ORS 109.701 to 109.834 apply. [1987 c.805 §6; 1995 c.637 §6; 2005 c.536 §3]

**107.723 Service of restraining order; transmission by electronic communication device.** (1) A sheriff may serve a restraining order issued under ORS 107.700 to 107.735 in the county in which the sheriff was elected and in any county that is adjacent to the county in which the sheriff was elected.

      (2) A sheriff may serve and enter into the Law Enforcement Data System a copy of a restraining order under ORS 107.700 to 107.735 that was transmitted to the sheriff by a court or law enforcement agency using an electronic communication device. Before transmitting a copy of a restraining order to a sheriff under this subsection by telephonic facsimile or electronic mail, the person sending the copy must receive confirmation from the sheriff’s office that an electronic communication device is available and operating. For purposes of this subsection, “electronic communication device” means a device by which any kind of electronic communication can be made, including but not limited to communication by telephonic facsimile and electronic mail. [2003 c.304 §10; 2007 c.255 §7; 2011 c.269 §2]

**107.725 Renewal of order entered under ORS 107.716 or 107.718.** (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. [1985 c.629 §46; 1997 c.863 §7; 1999 c.1052 §15; 2003 c.14 §42; 2005 c.536 §9; 2011 c.206 §1]

**107.726 Standing to petition for relief of person under 18 years of age.** A person who is under 18 years of age may petition the circuit court for relief under ORS 107.710 if:

      (1) The person is:

      (a) The spouse of the respondent;

      (b) The former spouse of the respondent; or

      (c) A person who has been in a sexually intimate relationship with the respondent; and

      (2) The respondent is 18 years of age or older. [1993 c.643 §4]

**107.728 Where to file petition; contempt proceedings.** A petition under ORS 107.710 may be filed only in a county in which the petitioner or respondent resides. Any contempt proceedings for violation of a restraining order issued under ORS 107.700 to 107.735 must be conducted by the court that issued the order, or by the circuit court for a county in which a violation of the restraining order occurs. If contempt proceedings are initiated in the circuit court for a county in which a violation of the restraining order occurs, the person initiating the contempt proceedings shall file with the court a copy of the restraining order, certified by the clerk of the court that issued the order. Upon filing of the certified copy of the restraining order, the court shall enforce the order as though that court had issued the order. [2003 c.289 §2]

**107.730 Modification of order entered under ORS 107.700 to 107.735; service; attorney fees.** (1) At any time after an order has been issued under ORS 107.700 to 107.735 and after the time period set forth in ORS 107.718 (10)(a):

      (a) A party may request that the court modify terms in the order that were entered under ORS 107.718 (1)(a), (b), (g) or (i) for good cause shown.

      (b) A petitioner may request that the court modify by removing or making less restrictive terms in the order that were entered under ORS 107.718 (1)(b), (g) or (i) for good cause shown. Application to the court under this paragraph may be by ex parte motion.

      (2) The clerk of the court shall provide without charge the number of certified true copies of the request for modification of the order and notice of hearing necessary to effect service and, at the election of the party requesting the modification, shall have a true copy of the request and notice delivered to the county sheriff for service upon the other party.

      (3) The county sheriff shall personally serve the other party with a request under subsection (1)(a) of this section, unless the party requesting the modification under subsection (1)(a) of this section elects to have the other party personally served by a private party or unless otherwise ordered by the court.

      (4) The provisions of ORS 107.716 (5) apply to a modification of an order under this section.

      (5) The clerk of the court shall deliver a copy of an order of modification entered under subsection (1) of this section to the county sheriff for service and entry into the Law Enforcement Data System as provided in ORS 107.723.

      (6)(a) The county sheriff shall serve a copy of an order of modification:

      (A) Entered under subsection (1)(a) of this section by personal service on the nonrequesting party.

      (B) Entered under subsection (1)(b) of this section by mailing a copy of the order to the nonrequesting party by first class mail.

      (b) If the order of modification recites that the respondent appeared in person before the court, the necessity for service of the order and an affidavit of proof of service is waived.

      (7) The court may assess against either party a reasonable attorney fee and costs that may be incurred in the proceeding. [1985 c.629 §6; 1995 c.637 §7; 1997 c.707 §17; 1999 c.1052 §16; 2005 c.536 §10; 2007 c.22 §5; 2009 c.211 §1; 2011 c.269 §3]

**107.732 Recovering custody of child.** (1) An order or a modification to an order issued under ORS 107.700 to 107.735 that provides for the custody of a child shall, when requested by the party awarded custody, contain a provision ordering a peace officer to assist in recovering the custody of the child and authorizing the use of any reasonable force necessary to that end, including directing forcible entry into specified premises.

      (2) An order under ORS 107.718 directing the sheriff to use any reasonable force necessary to enforce the order authorizes the sheriff to make a forcible entry into the premises specified in the order.

      (3) No peace officer shall be civilly or criminally liable for any action taken in recovering the custody of a child pursuant to an order issued under ORS 107.700 to 107.735, except for intentional torts outside the scope of the peace officer’s duties. [1995 c.637 §9; 2007 c.255 §8]

**107.735 Duties of State Court Administrator.** The State Court Administrator shall:

      (1) Track the number of hearings that are scheduled or requested each year under ORS 107.716 (2) or 107.718 (2).

      (2) In accordance with ORS 3.438 (4)(a)(B), develop training information and materials concerning the issues and hearings under ORS 107.716 (2) or 107.718 (2) related to temporary custody of children. The training information and materials are for use by courts, state agencies, legal services providers and others as determined by the State Court Administrator. [2005 c.536 §6]