

**OREGON STATE BAR**  
**Legislative Proposal**  
**Part I – Legislative Summary**

**RE:** HB 2310 Proposal to Modify ORS 107.730 — Modification of Family Abuse Restraining Orders (FAPA) Orders

**Submitted by:** OSB Family Law Legislative Standing Committee

**Legislative Contact:** Susan Grabe  
**Phone :** (503) 431-6380  
**E-mail:** sgrabe@osbar.org

**1. Does this amend current law or program? Yes**

Modify ORS 107.730 — Modification of Family Abuse Restraining Orders (FAPA) Orders

**2. PROBLEM PRESENTED (including level of severity):**

ORS 107.730 is the only existing statutory authority for modifying a FAPA order. It restricts modifications to requests involving custody or parenting time only. This has proven to be a major impediment that affects practitioners and litigants alike. There are many other reasons that a FAPA order may need to be modified; e.g.:

- to permit mediation in a parallel domestic relations proceeding
- to permit change of a party's contact information
- to permit attendance at children's school or church events
- to permit communication between the parties re: children by e-mail
- to permit counseling with a pastor
- to permit service of process
- to permit drop off and pick up of children pursuant to a parenting plan that did not exist at the time of the original restraining order

Currently, many practitioners and litigants are requesting modifications of FAPA restraining orders for reasons that are considered appropriate and not for purposes of harassment, but that are not to modify custody or parenting time.

Some courts are authorizing and ordering such modifications even though the statute does not extend to modifications for reasons other than to change custody or parenting time.

The level of severity is moderate. The integrity of court orders is affected, and there is a pressing need for law to conform to practice.

**3. SOLUTION:**

Amend ORS 107.730 to provide that modifications may be requested and ordered for purposes other than to change custody or parenting time.

**4. PUBLIC POLICY IMPLICATION** of this proposed legislative change:

This proposal does not create or change public policy. The proposal is to accommodate an existing need of the bar and litigants, and to conform law to practice.

**5. Could the problem be addressed through a NON-LEGISLATIVE SOLUTION, such as administrative rule or education?**

No.

**6. COULD ANOTHER SECTION OR GROUP MORE APPROPRIATELY INTRODUCE THE BILL?** If so, have you suggested it to the section or group?

No. Issues regarding FAPA orders are considered family law matters, and the statute in question exists in ORS Chapter 107 together with other family law statutes.

**7. IDENTIFY THE GROUP OR CONSTITUENCIES THAT WOULD BE MOST IMPACTED** or interested in this change. Who would support it and who would oppose it?

The persons most impacted by this proposal are the judiciary, family law bar, and individual FAPA litigants. Many practitioners are not even aware that the statute limits modification of PAPA orders to custody/parenting time only since they practice in jurisdictions where modifications are granted for other purposes. It is not anticipated that there would be objections from the bar to this proposal.

The domestic violence advocate community would be interested in this legislation. There has been discussion during prior legislative sessions about modifying this statute but there have been concerns that respondents may use the revised statute to further harass petitioners. The limiting language in the proposed statute may adequately address this concern.

**8. Has this been introduced in a prior session?** No.