

**OREGON**

[Attach to Summons per ORS 107.093(5)]

**NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE DISSIPATION OF ASSETS  
IN DOMESTIC RELATIONS ACTIONS**

**REVIEW THIS NOTICE CAREFULLY. BOTH PARTIES MUST OBEY EACH PROVISION OF  
THIS ORDER TO AVOID VIOLATION OF THE LAW. SEE INFORMATION ON YOUR RIGHTS  
TO A HEARING BELOW.**

**TO THE PETITIONER AND RESPONDENT:**

PURSUANT TO ORS 107.093 and UTCR 8.080, Petitioner and Respondent are restrained from:

- (1) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.
- (2) Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.
- (3) Transferring, encumbering, concealing or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.
  - (A) Paragraph (3) does not apply to payment by either party of:
    - (i) Attorney fees in this action;
    - (ii) Real estate and income taxes;
    - (iii) Mental health therapy expenses for either party or a minor child of the parties; or
    - (iv) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.
- (4) Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party.
  - (A) Paragraph (4) does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

AFTER FILING OF THE PETITION, THE ABOVE PROVISIONS ARE IN EFFECT IMMEDIATELY UPON SERVICE OF THE SUMMONS AND PETITION UPON THE RESPONDENT. IT REMAINS IN EFFECT UNTIL A FINAL DECREE OR JUDGMENT IS ISSUED, UNTIL THE PETITION IS DISMISSED, OR UNTIL FURTHER ORDER OF THE COURT.

**PETITIONER'S/RESPONDENT'S RIGHT TO REQUEST A HEARING**

Either petitioner or respondent may request a hearing to apply for further temporary orders, or to modify or revoke one or more terms of the automatic mutual restraining order, by filing with the court the Request for Hearing form specified in Form 8.080.2 in the UTCR Appendix of Forms.

**NOTICE OF STATUTORY RESTRAINING ORDER  
PREVENTING THE DISSIPATION OF ASSETS  
in DOMESTIC RELATIONS ACTIONS**

**REVIEW THIS NOTICE CAREFULLY. BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATION OF THE LAW. SEE INFORMATION ON YOUR RIGHTS TO A HEARING BELOW.**

**TO THE PETITIONER AND RESPONDENT:**

PURSUANT TO Section 2, Chapter 414, Oregon Laws 2003 and UTCR 8.080, Petitioner and Respondent are restrained from:

- (1) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.
- (2) Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.
- (3) Transferring, encumbering, concealing or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.
  - (A) Paragraph (3) does not apply to payment by either party of:
    - (i) Attorney fees in this action;
    - (ii) Real estate and income taxes;
    - (iii) Mental health therapy expenses for either party or a minor child of the parties; or
    - (iv) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.
- (4) Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party.
  - (A) Paragraph (4) does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

AFTER FILING OF THE PETITION, THE ABOVE PROVISIONS ARE IN EFFECT IMMEDIATELY UPON SERVICE OF THE SUMMONS AND PETITION UPON THE RESPONDENT. IT REMAINS IN EFFECT UNTIL A FINAL DECREE OR JUDGMENT IS ISSUED, UNTIL THE PETITION IS DISMISSED, OR UNTIL FURTHER ORDER OF THE COURT.

**PETITIONER'S/RESPONDENT'S RIGHT TO REQUEST A HEARING**

Either petitioner or respondent may request a hearing to apply for further temporary orders, or to modify or revoke one or more terms of the automatic mutual restraining order, by filing with the court the Request for Hearing form specified in Form 8.080.2 in the UTCR Appendix of Forms .

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

In the Matter of  the Marriage of: )  
 )  
\_\_\_\_\_, )  
Petitioner, )  
and )  
 )  
\_\_\_\_\_, )  
Respondent. )

Case No. \_\_\_\_\_

REQUEST FOR HEARING RE:  
STATUTORY RESTRAINING ORDER

(UTCR 8.080)

1. I am the  Petitioner  Respondent in the above-referenced action, and I request a hearing to:

a. Modify or revoke the following term(s) of the statutory restraining order:

i.  Paragraph 1.  Revoke or  Modify as follows (explain): \_\_\_\_\_

ii.  Paragraph 2.  Revoke or  Modify as follows (explain): \_\_\_\_\_

iii.  Paragraph 3.  Revoke or  Modify as follows (explain): \_\_\_\_\_

iv.  Paragraph 4.  Revoke or  Modify as follows (explain): \_\_\_\_\_

2. I  will  will not be represented by an attorney at the hearing.

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74th OREGON LEGISLATIVE ASSEMBLY--2007 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 692

Senate Bill 307

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon State Bar Family Law Section)

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.

Modifies time when judgment remedies expire for certain domestic relations judgments involving division of parties' property. Conforms structure, punctuation and grammar to legislative style. Specifies court's authority to impose remedial sanction for violation of restraining order. Authorizes court to award attorney fees and costs in proceeding to modify restraining order. Modifies circumstances in which expenses of child's maintenance and education may be defrayed out of income from child's property. Repeals obsolete statute relating to void marriages.

A BILL FOR AN ACT

Relating to domestic relations; creating new provisions; amending ORS 18.180, 107.015, 107.093, 107.485, 107.730 and 109.020; and repealing ORS 106.210.

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

SECTION 1. ORS 18.180 is amended to read:

18.180. (1) Judgment remedies for a judgment expire upon full satisfaction of the money award portion of the judgment.

(2) If a judgment lien arises out of a support award under ORS 18.150 (3) or 18.152 (3), a support arrearage lien attaching to real property under the judgment lien expires upon satisfaction of the unpaid installment that gave rise to the support arrearage lien.

(3) Except as provided in ORS 18.180 to 18.192, judgment remedies for a judgment in a civil action expire 10 years after the entry of the judgment.

(4) Except as provided in this subsection, judgment remedies for a judgment in a criminal action expire 20 years after the entry of the judgment. Judgment remedies for a judgment in a

criminal action that includes a money award for restitution expire 50 years after the entry of the judgment.

(5) Except as provided in ORS 18.192, judgment remedies for the child support award portion of a judgment, and any lump sum support award for child support, expire 25 years after the entry of the judgment that first establishes the support obligation.

(6)(a) Except as provided by paragraph (b) of this subsection and ORS 18.190, judgment remedies for any unpaid installment under the spousal support award portion of a judgment, including any installment arrearage lien arising under the judgment, expire 25 years after the entry of the judgment that first establishes the support obligation, or 10 years after an installment comes due under the judgment and is not paid, whichever is later.

(b) The judgment lien for the spousal support award portion of a judgment that is entered on or after January 1, 2004, including any installment arrearage lien arising under the judgment, expires 25 years after the entry of the judgment that first establishes the support obligation unless a certificate of extension is filed under ORS 18.185.

(7)(a) If a money award in a judgment under ORS 107.105 (1)(f) provides for a future payment of money, { - and the future payment does not become due for 10 or more years after the judgment is entered, - } judgment remedies for the portion of the judgment providing for future payment expire 10 years after the date on which the future payment becomes due. At any time before the judgment remedies for a money award described in this subsection expire, judgment remedies for the portion of the judgment providing for a future payment may be extended as provided in ORS 18.182.

(b) This subsection does not apply to support awards.

(8) This section does not apply to justice courts, municipal courts or county courts performing judicial functions.

SECTION 2. ORS 107.015 is amended to read:

107.015. { + (1) Except as provided in subsection (2) of this section, + } a judgment for the annulment or dissolution of a marriage may be rendered { - for the following causes - } :

{ - (1) - } { + (a) + } When either party to the marriage was incapable of making { - such - } { + the marriage + } contract or consenting { - thereto - } { + to the marriage + } for want of legal age or sufficient understanding; { + or + }

{ - (2) - } { + (b) + } When the consent of either party was obtained by force or fraud { - ; - } { + . + }

{ + (2) A judgment for the annulment or dissolution of a marriage may not be rendered for a reason + } { - provided that in the situations - } described in subsection (1) { - or (2) - } of this section { - the - } { + if the marriage + } contract was { - not - } afterward ratified.

SECTION 3. ORS 107.093 is amended to read:

107.093. (1) After a petition for marital annulment, separation or dissolution is filed and upon service of summons and petition upon the respondent as provided in ORCP 7, a restraining order is in effect against the petitioner and the respondent until a final { - decree or - } judgment is issued, until the petition for marital annulment, separation or dissolution is dismissed, or until further order of the court.

(2) The restraining order issued under this section shall restrain the petitioner and respondent from:

(a) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

(b) Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

{ - (c)(A) - } { + (c) + } Transferring, encumbering, concealing or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.

{ - (B) - } This paragraph does not apply to payment by either party of:

{ - (i) - } { + (A) + } Attorney fees in the existing action;

{ - (ii) - } { + (B) + } Real estate and income taxes;

{ - (iii) - } { + (C) + } Mental health therapy expenses for either party or a minor child of the parties; or

{ - (iv) - } { + (D) + } Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

{ - (d)(A) - } { + (d) + } Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party.

{ - (B) - } This paragraph does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

(3) Either party restrained under this section may apply to the court for further temporary orders, including modification or revocation of the restraining order issued under this section.

(4) The restraining order issued under this section shall also include a notice that either party may request a hearing on the restraining order by filing a request for hearing with the court.

(5) A copy of the restraining order issued under this section shall be attached to the summons.

(6) A party who violates a term of a restraining order issued under this section { + is subject to imposition of remedial sanctions under ORS 33.055 based on the violation, but + } is not subject to:

(a) Criminal prosecution based on the violation; or

(b) Imposition of punitive sanctions under ORS 33.065 based on the violation.

SECTION 4. ORS 107.485 is amended to read:

107.485. A marriage may be dissolved by the summary dissolution procedure specified in this section and ORS 107.490 and 107.500 when all of the following conditions exist at the time the proceeding is commenced:

(1) The jurisdictional requirements of ORS 107.025 and 107.075 are met.

(2) { + (a) + } There are no minor children born to the parties or adopted by the parties during the marriage { - . - } { + ;

(b) + } There are no children over age 18 attending school, as described in ORS 107.108, either born to the parties or adopted

by the parties during the marriage { - . - } { + ;

(c) + } There are no minor children born to or adopted by the parties prior to the marriage { - . - } { + ; and

(d) + } The wife is not now pregnant.

(3) The marriage is not more than 10 years in duration.

(4) Neither party has any interest in real property wherever situated.

(5) There are no unpaid obligations in excess of \$15,000 incurred by either or both of the parties from the date of the marriage.

(6) The total aggregate fair market value of personal property assets in which either of the parties has any interest, excluding all encumbrances, is less than \$30,000.

(7) The petitioner waives any right to spousal support.

(8) The petitioner waives any rights to pendente lite orders except those pursuant to ORS 107.700 to 107.735 or 124.005 to 124.040.

(9) The petitioner knows of no other pending domestic relations suits involving the marriage in this or any other state.

SECTION 5. ORS 107.730 is amended to read:

107.730. (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 party may request that the court modify terms in the order that provide for custody and parenting time.

(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) Service shall be in the manner provided by law for service of summons. The county sheriff shall serve the other party personally unless the party requesting the modification elects to have the other party served personally by a private party.

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

{ + (5) The court may assess against either party a reasonable attorney fee and such costs as may be incurred in the proceeding. + }

SECTION 6. ORS 109.020 is amended to read:

109.020. If any minor, whose { - father - } { + parent + } is living, has property the income of which is sufficient for the maintenance and education of the minor in a manner more expensive than the

{ - father - } { + parent + } can reasonably afford, regard being had to the situation of the { - father's - }

{ + parent's + } family and to all the circumstances of the case, the expenses of the maintenance and education of the minor may be wholly or partially defrayed out of the income of the property of the minor, as is judged reasonable by the court having probate jurisdiction. The charges therefor may be allowed accordingly in the settlement of the accounts of the guardian or the conservator of the minor of the estate of the minor.

SECTION 7. { + ORS 106.210 is repealed. + }

SECTION 8. { + The repeal of ORS 106.210 by section 7 of this 2007 Act does not affect the validity of any marriage validated by ORS 106.210 or the legitimacy of any child conceived or born of such marriage. + }

# Senate Bill 801

Sponsored by Senator BROWN (at the request of Oregon Academy of Family Law Practitioners)

## 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.

Imposes automatic restraining order on parties to marital annulment, separation, dissolution or paternity proceeding.

### A BILL FOR AN ACT

1  
2 Relating to domestic relations restraining orders; creating new provisions; and amending ORS  
3 21.410, 107.085, 107.095, 107.097, 107.720, 109.125, 109.175, 133.310 and 133.381 and ORCP 79 B.

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

5 **SECTION 1. Sections 2 to 3 of this 2003 Act are added to and made a part of ORS 107.095**  
6 **to 107.174.**

7 **SECTION 2. (1) As used in this section:**

8 (a) **"Child's place of residence" means the place where the child is living at the time the**  
9 **petition for marital annulment, separation or dissolution is filed.**

10 (b) **"Minor child" means a child under 18 years of age born or adopted during the mar-**  
11 **riage of the parties.**

12 (c) **"Usual contact and parenting time," "present placement and daily schedule" and**  
13 **"existing schedule and daily routine" mean the contact, parenting time, placement, schedule**  
14 **and routine at the time the petition for marital annulment, separation or dissolution is filed.**

15 (2) **After a petition for marital annulment, separation or dissolution is filed and upon**  
16 **service of summons and petition upon the respondent as provided in ORCP 7, a restraining**  
17 **order is in effect against the petitioner and the respondent until a final decree or judgment**  
18 **is issued, the petition for marital annulment, separation or dissolution is dismissed or until**  
19 **further order of the court.**

20 (3) **The restraining order issued under this section shall restrain the petitioner and re-**  
21 **spondent from:**

22 (a) **Molesting, interfering with or harassing the other party.**

23 (b) **Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums**  
24 **any policy of health insurance, homeowner or renter insurance or automobile insurance that**  
25 **one party maintains to provide coverage for the other party or a minor child or children of**  
26 **the parties or any life insurance policy that names either of the parties or a minor child or**  
27 **children of the parties as a beneficiary.**

28 (c) **Changing beneficiaries or covered parties under any policy of health insurance,**  
29 **homeowner or renter insurance or automobile insurance that one party maintains to provide**  
30 **coverage for the other party or a minor child or children of the parties or any life insurance**  
31 **policy.**

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.

1 (d)(A) Transferring, encumbering, concealing or disposing of property in which the other  
 2 party has an interest, in any manner, without written consent of the other party or an order  
 3 of the court, except in the usual course of business or for necessities of life.

4 (B) This paragraph does not apply to payment by either party of:

5 (i) Attorney fees in the existing action;

6 (ii) Real estate and income taxes; or

7 (iii) Mental health therapy expenses for either party or a minor child; and

8 (e) Making extraordinary expenditures without providing written notice and an account-  
 9 ing of the extraordinary expenditures to the other party.

10 (4) Unless a protective order under ORS 107.718 is in effect, the restraining order issued  
 11 under this section, in addition to the provisions under subsection (3) of this section, shall,  
 12 with respect to a minor child, restrain petitioner and respondent from:

13 (a) Changing the place of residence of the minor child;

14 (b) Interfering with the present placement and daily schedule of the minor child;

15 (c) Hiding or secreting the minor child;

16 (d) Interfering with usual contact and parenting time with the minor child; and

17 (e) Disturbing the existing schedule and daily routine of the minor child until custody and  
 18 parenting time have been determined.

19 (5) Either party restrained under this section may apply to the court for further tempo-  
 20 rary orders, including modification or revocation of the restraining order issued under this  
 21 section.

22 (6) The restraining order issued under this section shall also include a notice that either  
 23 party may request a hearing on the restraining order by filing with the court a request for  
 24 hearing.

25 (7) A copy of the restraining order issued under this section shall be attached to the  
 26 summons.

27 **SECTION 3.** (1) The court shall establish by rule forms for:

28 (a) The restraining order issued under section 2 of this 2003 Act.

29 (b) The request for hearing under section 2 of this 2003 Act.

30 (2) The forms under subsection (1) of this section must include the terms of the re-  
 31 straining order under section 2 of this 2003 Act.

32 **SECTION 4.** ORS 107.085 is amended to read:

33 107.085. (1) A suit for marital annulment, dissolution or separation shall be entitled: "IN THE  
 34 MATTER OF THE MARRIAGE OF (names of parties): PETITION FOR (ultimate relief sought)." The  
 35 moving party shall be designated as the "Petitioner" and the other party the "Respondent." Nothing  
 36 in this section shall preclude both parties from acting as "Copetitioners."

37 (2) The petition shall state the following:

38 (a) The names, social security numbers, if known, and dates of birth of all of the children born  
 39 or adopted during the marriage, and a reference to and expected date of birth of any children con-  
 40 ceived during the marriage but not yet born;

41 (b) The names, social security numbers, if known, and dates of birth of all children born to the  
 42 parties prior to the marriage; [and]

43 (c) To the extent known, whether there is pending in this or any other state a domestic relations  
 44 suit, as defined in ORS 107.510, or any type of support proceeding involving dependents of the same  
 45 marriage, including one brought under ORS 108.110, 416.400 to 416.470 or this section; and

1 (d) That the petitioner acknowledges that by filing the petition the petitioner is bound  
2 by the terms of the restraining order issued under section 2 of this 2003 Act.

3 (3) At or prior to the hearing of a suit for marital annulment, dissolution or separation, the  
4 moving party or the party attending the hearing shall file with the court a written statement setting  
5 forth the full names and any former names of the parties, the residence, mailing or contact addresses  
6 of the parties, the ages of both parties, their wage earner social security account numbers, the date  
7 and place of the marriage of the parties, and the names and ages of the children born to or adopted  
8 by the parties. This information shall be incorporated in and made a part of the decree.

9 (4) If real property is involved, the petitioner may have a notice of pendency of the action re-  
10 corded at the time the petition is filed, as provided in ORS 93.740.

11 **SECTION 5.** ORS 107.097 is amended to read:

12 107.097. (1) Except as otherwise provided in subsection [(3)] (2) of this section, a court may not  
13 enter ex parte a temporary order under ORS 107.095, 109.103 or 109.119 providing for the custody  
14 of, or parenting time with, a child.

15 [(2)(a) A party may apply to a court for a temporary protective order of restraint by filing with the  
16 court an affidavit conforming to the requirements of ORS 109.767.]

17 [(b) Upon receipt of an application under this subsection, the court may issue a temporary protec-  
18 tive order of restraint restraining and enjoining each party from:]

19 [(A) Changing the child's usual place of residence;]

20 [(B) Interfering with the present placement and daily schedule of the child;]

21 [(C) Hiding or secreting the child from the other party;]

22 [(D) Interfering with the other party's usual contact and parenting time with the child;]

23 [(E) Leaving the state with the child without the written permission of the other party or the per-  
24 mission of the court; or]

25 [(F) In any manner disturbing the current schedule and daily routine of the child until custody or  
26 parenting time has been determined.]

27 [(c) A copy of the order and the supporting affidavit must be served on the other party in the  
28 manner of service of a summons under ORCP 7. The order must include the following statement:]

29 [ \_\_\_\_\_ ]

31 Notice: You may request a hearing on this order as long as it remains in effect by filing with the  
32 court a hearing request in the form described in ORS 107.097 (5).

33 [ \_\_\_\_\_ ]

34  
35 [(3)(a)] (2)(a) A court may enter ex parte a temporary order providing for the custody of, or  
36 parenting time with, a child if:

37 (A) The party requesting an order is present in court and presents an affidavit alleging that the  
38 child is in immediate danger; and

39 (B) The court finds, based on the facts presented in the party's testimony and affidavit and in  
40 the testimony of the other party, if the other party is present, that the child is in immediate danger.

41 (b) The party requesting an order under this subsection shall provide the court with telephone  
42 numbers where the party can be reached at any time during the day and a contact address.

43 (c) A copy of the order and the supporting affidavit must be served on the other party in the  
44 manner of service of a summons under ORCP 7. The order must include the following statement:

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Notice: You may request a hearing on this order as long as it remains in effect by filing with the court a hearing request in the form described in ORS 107.097 [(5)] (4).

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[(4)(a)] (3)(a) A party against whom an order is entered under subsection (2) [or (3)] of this section may request a hearing by filing with the court a hearing request form described in subsection [(5)] (4) of this section at any time while the order is in effect.

(b) The court shall make reasonable efforts to hold a hearing within 14 days and shall hold a hearing no later than 21 days after receipt of the request for the hearing. The court shall notify each party of the time, date and place of the hearing.

(c) An order issued under subsection (2) [or (3)] of this section remains in effect through the date of the hearing. If the party against whom the order was entered fails to appear at the hearing without good cause, the court shall continue the order in effect. If the party who obtained the order fails to appear at the hearing without good cause, the court shall vacate the order.

(d) The issue at a hearing to contest:

(A) A temporary protective order of restraint is limited to a determination of the status quo at the time the order was issued. If the child's usual place of residence cannot be determined, the court may make any further order the court finds appropriate in the best interests of the child.

(B) A temporary order for the custody of, or parenting time with, a child is limited to whether the child was in immediate danger at the time the order was issued.

[(5)] (4) The hearing request form must be in substantially the following form:

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IN THE CIRCUIT COURT OF  
THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

\_\_\_\_\_, )  
PETITIONER, ) NO. \_\_\_\_\_  
                  ) )  
                  ) REQUEST FOR  
and              ) HEARING  
                  ) )  
\_\_\_\_\_, )  
Respondent.   ) )

I request a hearing.  
\_\_\_\_\_ I object to the Protective Order of Restraint because I disagree with the representation of the status quo in the following particulars:

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\_\_\_\_\_ I object to the Temporary Custody and Parenting Time Order on the ground that the child was not in immediate danger at the time the order was issued.

\_\_\_\_\_  
Signature  
DATE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_

[(6)] (5) As used in this section,[:]

[(a)] "child's usual place of residence" has the meaning given that term in ORS 107.138.

[(b)] "Party's usual contact and parenting time," "present placement and daily schedule of the child" and "current schedule and daily routine of the child" have the meanings given "parent's usual contact and parenting time," "present placement and daily schedule of the child" and "current schedule and daily routine of the child" in ORS 107.138.]

**SECTION 6.** ORS 107.095 is amended to read:

107.095. (1) After the commencement of a suit for marital annulment, dissolution or separation and until a decree therein, the court may provide as follows:

(a) That a party pay to the clerk of the court such amount of money as may be necessary to enable the other party to prosecute or defend the suit, including costs of expert witnesses, and also such amount of money to the Department of Justice, court clerk or court administrator, whichever is appropriate, as may be necessary to support and maintain the other party.

(b) For the care, custody, support and maintenance, by one party or jointly, of the minor children as described in ORS 107.105 (1)(a) and for the parenting time rights as described in ORS 107.105 (1)(b) of the parent not having custody of such children.

[(c)] For the restraint of a party from molesting or interfering in any manner with the other party or the minor children.]

[(d)] (c) That if minor children reside in the family home and the court considers it necessary for their best interest to do so, the court may require either party to move out of the home for such period of time and under such conditions as the court may determine, whether the home is rented, owned or being purchased by one party or both parties.

[(e)] Restraining and enjoining either party or both from encumbering or disposing of any of the real or personal property of either or both of the parties, except as ordered by the court.]

[(f)] (d) For the temporary use, possession and control of the real or personal property of the parties or either of them and the payment of installment liens and encumbrances thereon.

[(g)] (e) That even if no minor children reside in the family home, the court may require one party to move out of the home for such period of time and under such conditions as the court determines, whether the home is rented, owned or being purchased by one party or both parties if that party assaults or threatens to assault the other.

(2) In case default is made in the payment of any moneys falling due under the terms of an order pending suit, any such delinquent amount shall be entered and docketed as a judgment, and ex-

1 cution or garnishment may issue thereon to enforce payment thereof in the same manner and with  
 2 like effect as upon a final decree. The remedy provided in this subsection shall be deemed cumula-  
 3 tive and not exclusive.

4 (3) The court shall not require an undertaking in case of the issuance of an order under sub-  
 5 section [(1)(c), (d), (e), (f) or (g)] (c), (d) or (e) of this section.

6 (4) In a suit for annulment or dissolution of marriage or for separation, wherein the parties are  
 7 copetitioners or the respondent is found by the court to be in default or the respondent having ap-  
 8 peared has waived further appearance or the parties stipulate to the entry of a decree, the court  
 9 may, when the cause is otherwise ready for bearing on the merits, in lieu of such hearing, enter a  
 10 decree of annulment or dissolution or for separation based upon a current affidavit of the petitioner  
 11 or copetitioners, setting forth a prima facie case, and covering such additional matters as the court  
 12 may require. If child support or custody of minor children is involved, then the affidavit also shall  
 13 include:

- 14 (a) The gross monthly income of each party, to the best of the affiant's knowledge; and
- 15 (b) The name of the party with whom the children currently reside and the length of time they  
 16 have so resided.

17 (5) When a court orders relief under subsection (1)(c) [or (d)] of this section, the court may in-  
 18 clude in its order an expiration date for the order to allow entry of the order into the Law  
 19 Enforcemont Data System and the databases of the National Crime Information Center of the United  
 20 States Department of Justice as provided in ORS 107.720. If the person being restrained was pro-  
 21 vided notice and an opportunity to be heard, the court shall also include in the order, when appro-  
 22 priate, terms and findings sufficient under 18 U.S.C. 922 (d)(8) or (g)(8) to affect the person's ability  
 23 to possess firearms and ammunition or engage in activities involving firearms.

24 **SECTION 7.** Section 8 of this 2003 Act is added to and made a part of ORS 109.124 to  
 25 109.230.

26 **SECTION 8. (1) As used in this section:**

- 27 (a) "Child born out of wedlock" has the meaning given that term in ORS 109.124.
- 28 (b) "Child's place of residence" means the place where the child born out of wedlock is  
 29 living at the time a proceeding is initiated under ORS 109.125.
- 30 (c) "Initiating party" means a person specified in ORS 109.125 (1)(a), (c) or (e).
- 31 (d) "Usual contact and parenting time," "present placement and daily schedule" and  
 32 "existing schedule and daily routine" mean the contact, parenting time, placement, schedule  
 33 and routine with regard to a child born out of wedlock at the time a proceeding is initiated  
 34 under ORS 109.125.

35 (2) After a proceeding is initiated under ORS 109.125 and upon service of summons and  
 36 petition upon the respondent as provided in ORCP 7, a restraining order is in effect against  
 37 the initiating party and the respondent until a final decree of paternity is issued, the pro-  
 38 ceedings are dismissed or until further order of the court.

39 (3) The restraining order issued under this section shall restrain the initiating party and  
 40 respondent from:

- 41 (a) Molesting, interfering with or harassing the other party;
- 42 (b) Changing the place of residence of the child;
- 43 (c) Interfering with the present placement and daily schedule of the child;
- 44 (d) Hiding or secreting the child;
- 45 (e) Interfering with usual contact and parenting time with the child; and

1       **(f) Disturbing the existing schedule and daily routine of the child until the issue has been**  
2 **decided by the court.**

3       **(4) Either party restrained under this section may apply to the court for further tempo-**  
4 **rary orders, including modification or revocation of the restraining order issued under this**  
5 **section.**

6       **(5) The restraining order issued under this section shall also include a notice that either**  
7 **party may request a hearing on the restraining order by filing a request for hearing with the**  
8 **court.**

9       **(6) A copy of the restraining order issued under this section shall be attached to the**  
10 **summons.**

11       **SECTION 9. (1) The court shall establish by rule forms for:**

12       **(a) The restraining order issued under section 8 of this 2003 Act.**

13       **(b) The request for hearing under section 8 of this 2003 Act.**

14       **(2) The forms under subsection (1) of this section must include the information required**  
15 **in section 8 of this 2003 Act.**

16       **SECTION 10. ORS 109.125 is amended to read:**

17       **109.125. (1) Any of the following may initiate proceedings under this section:**

18       **(a) A mother of a child born out of wedlock or a female pregnant with a child who may be born**  
19 **out of wedlock;**

20       **(b) Any state agency, if furnishing support to the mother for the benefit of the child or if fur-**  
21 **nishing services or assistance of any kind because of the birth, or impending birth, of the child;**

22       **(c) The duly appointed and acting guardian of the child, conservator of the child's estate or a**  
23 **guardian ad litem, if the guardian or conservator has the physical custody of the child or is pro-**  
24 **viding support for the child;**

25       **(d) The Division of Child Support of the Department of Justice;**

26       **(e) A person claiming to be the father of a child born out of wedlock or of an unborn child who**  
27 **may be born out of wedlock; or**

28       **(f) The minor child by a guardian ad litem.**

29       **(2) Proceedings shall be initiated by the filing of a duly verified petition of the initiating party.**

30       **The petition shall contain:**

31       **(a) If the initiating party is one of those specified in subsection (1)(a) to (d) of this section:**

32       **(A) The name of the mother of the child born out of wedlock or the female pregnant with a child**  
33 **who may be born out of wedlock;**

34       **(B) Facts showing the petitioner's status to initiate proceedings;**

35       **(C) A statement that a respondent is the father;**

36       **(D) The probable time or period of time during which conception took place; and**

37       **(E) A statement of the specific relief sought.**

38       **(b) If the initiating party is a person specified in subsection (1)(e) of this section:**

39       **(A) The name of the mother of the child born out of wedlock or the female pregnant with a child**  
40 **who may be born out of wedlock;**

41       **(B) A statement that the initiating party is the father of the child and accepts the same re-**  
42 **sponsibility for the support and education of the child and for all pregnancy-related expenses that**  
43 **he would have if the child were born to him in lawful wedlock;**

44       **(C) The probable time or period of time during which conception took place; and**

45       **(D) A statement of the specific relief sought.**

1 (c) A statement that the initiating party acknowledges that by filing the petition the in-  
 2 itiating party is bound by the terms of the restraining order issued under section 8 of this  
 3 2003 Act.

4 (3) The proceedings may be commenced by the district attorney when requested by any person  
 5 named in subsection (1) of this section.

6 (4) When proceedings are initiated by a state agency, the state and the child's mother and pu-  
 7 tative father are parties.

8 (5) When a proceeding is initiated under this section and the child support rights of one of the  
 9 parties or of the child at issue have been assigned to the state, a true copy of the petition shall be  
 10 served by mail or personal delivery on the Administrator of the Division of Child Support of the  
 11 Department of Justice or on the branch office providing support services to the county in which the  
 12 suit is filed.

13 **SECTION 11.** ORS 109.175 is amended to read:

14 109.175. (1) If paternity of a child born out of wedlock is established pursuant to a petition filed  
 15 under ORS 109.125 or an order or judgment entered pursuant to ORS 109.124 to 109.230 or ORS  
 16 416.400 to 416.470, or if paternity is established by the filing of a voluntary acknowledgment of  
 17 paternity as provided by ORS 109.070 (1)(c), the parent with physical custody at the time of filing  
 18 of the petition or the notice under ORS 416.415, or the parent with physical custody at the time of  
 19 the filing of the voluntary acknowledgment of paternity, has sole legal custody until a court specifi-  
 20 cally orders otherwise. The first time the court determines who should have legal custody, neither  
 21 parent shall have the burden of proving a change of circumstances. The court shall give primary  
 22 consideration to the best interests and welfare of the child and shall consider all the standards set  
 23 out in ORS 107.137.

24 (2) In any proceeding under this section, the court may cause an investigation, examination or  
 25 evaluation to be made under ORS 107.425 or may appoint an individual or a panel or may designate  
 26 a program to assist the court in creating parenting plans or resolving disputes regarding parenting  
 27 time and to assist parents in creating and implementing parenting plans under ORS 107.425 (3).

28 (3) The provisions of section 8 of this 2003 Act are applicable in any proceeding under this  
 29 section.

30 **SECTION 12.** ORCP 79 B is amended to read:

31 **B Temporary restraining order.**

32 B(1) **Notice.** A temporary restraining order may be granted without written or oral notice to the  
 33 adverse party or to such party's attorney only if:

34 B(1)(a) It clearly appears from specific facts shown by affidavit or by a verified complaint that  
 35 immediate and irreparable injury, loss, or damage will result to the applicant before the adverse  
 36 party or the adverse party's attorney can be heard in opposition, and

37 B(1)(b) The applicant or applicant's attorney submits an affidavit setting forth the efforts, if any,  
 38 which have been made to notify defendant or defendant's attorney of the application, including at-  
 39 tempts to provide notice by telephone, and the reasons supporting the claim that notice should not  
 40 be required. The affidavit required in this paragraph shall not be required for orders granted by  
 41 authority of ORS 107.095 (1)(c), (d), (e), (f) or (g)] and (e).

42 B(2) **Contents of order; duration.** Every temporary restraining order granted without notice shall  
 43 be endorsed with the date and hour of issuance, shall be filed forthwith, shall define the injury and  
 44 state why it is irreparable, and shall state why the order was granted without notice.

45 B(2)(a) Every temporary restraining order shall expire by its terms within such time after entry,

1 not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause  
 2 shown, is extended for a like period or unless the party against whom the order is directed consents  
 3 that it may be extended for a longer period. The reasons for the extension shall be entered of record.

4 B(2)(b) The 10-day limit of paragraph (a) of this subsection does not apply to orders granted by  
 5 authority of ORS 107.095 (1)(c), (d), (e), (f) or (g) and (e).

6 B(3) Hearing on preliminary injunction. In case a temporary restraining order is granted without  
 7 notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible  
 8 time and takes precedence over all matters except older matters of the same character. When the  
 9 motion comes on for hearing the party who obtained the temporary restraining order shall proceed  
 10 with the application for a preliminary injunction and, if such party does not do so, the court shall  
 11 dissolve the temporary restraining order.

12 B(4) Adverse party's motion to dissolve or modify. On two days' notice (or on shorter notice if  
 13 the court so orders) to the party who obtained the temporary restraining order without notice, the  
 14 adverse party may appear and move for dissolution or modification of such restraining order. In that  
 15 event the court shall proceed to hear and determine such motion as expeditiously as the ends of  
 16 justice require.

17 B(5) Temporary restraining orders not extended by implication. If the adverse party actually  
 18 appears at the time of the granting of the restraining order, but notice to the adverse party is not  
 19 in accord with subsection C(1), the restraining order is not thereby converted into a preliminary  
 20 injunction. If a party moves to dissolve or modify the temporary restraining order as permitted by  
 21 subsection (4) of this section, and such motion is denied, the temporary restraining order is not  
 22 thereby converted into a preliminary injunction.

23 **SECTION 13.** ORS 21.410 is amended to read:

24 21.410. (1) The sheriff of a county shall collect the following fees in civil actions, suits and  
 25 proceedings for each case delivered to the office of the sheriff:

26 (a) For serving summons, subpoena, citation, order, notice or similar documents, including small  
 27 claims or writ of execution, directed to not more than two different parties at the same address, not  
 28 less than \$20 and not more than \$25; otherwise not less than \$20 and not more than \$25 for each  
 29 party for which service is requested. The fee authorized by this paragraph shall not be charged to  
 30 the state in civil actions, suits and proceedings where one party is an indigent person who has been  
 31 appointed counsel at state expense.

32 (b) For serving notice of seizure and sale of personal or real property, notice of restitution, or  
 33 other seizure under writ of attachment or execution, or other process or proceeding, \$20.

34 (c) For seizure and sale of personal or real property, enforcement of writ of execution of judg-  
 35 ment of restitution, or other enforcement or seizure under writ of attachment or execution, or other  
 36 process or proceeding, \$47, and, in addition, such sums as may be reasonable and necessary to se-  
 37 cure each keeper or custodian of property in custody, the expense of inventory of property in cus-  
 38 tody and expense incurred in newspaper advertising required by law in the execution of process.

39 (d) For making a conveyance of real property sold on any process, \$15, to be paid by, or for, the  
 40 grantee.

41 (e) For making a copy of any process, order, notice or other instrument in writing, when nec-  
 42 essary to complete the service thereof, for each folio, \$3; but no charge shall be made for copy of  
 43 complaint or other paper not actually made by the sheriff.

44 (f) For entering and processing distraint warrants for state agencies, \$6.25 each.

45 (2) Persons other than a sheriff serving process and other documents may charge any fee agreed

1 to between the server and the person requesting service.

2 (3) Fees collected for service by the sheriff shall be retained for the benefit of the county where  
3 the party to be served cannot be found.

4 (4) No mileage or commission shall be collected by a sheriff for service of any document or  
5 process but in any service involving travel in excess of 75 miles round trip an additional fee not to  
6 exceed \$25 may be billed and collected by a sheriff. Mileage shall be measured from the location  
7 at which the service is made to the circuit court in that county.

8 (5) Amounts paid for service of process and other documents may be recovered as costs and  
9 disbursements to the extent provided by ORS 20.115.

10 (6) A sheriff may not collect a fee under this section for serving a foreign restraining order [*or*  
11 *an order that only grants relief under ORS 107.095 (1)(c)*].

12 (7) As used in this section:

13 (a) "Folio" means 100 words, counting two figures as one word. Any portion of a folio, when the  
14 whole paper contains less than a folio, or when such portion is an excess over the last folio, shall  
15 be deemed a folio.

16 (b) "Foreign restraining order" means a restraining order that is a foreign judgment as defined  
17 by ORS 24.105.

18 **SECTION 14.** ORS 21.410, as amended by section 86, chapter 962, Oregon Laws 2001, is  
19 amended to read:

20 21.410. (1) The sheriff of a county shall collect the following fees in civil actions, suits and  
21 proceedings for each case delivered to the office of the sheriff:

22 (a) For serving summons, subpoena, citation, order, notice or similar documents, including small  
23 claims or writ of execution, directed to not more than two different parties at the same address, not  
24 less than \$20 and not more than \$25; otherwise not less than \$20 and not more than \$25 for each  
25 party for which service is requested. The fee authorized by this paragraph shall not be charged to  
26 the state in civil actions, suits and proceedings where one party is a person who has been appointed  
27 counsel at state expense.

28 (b) For serving notice of seizure and sale of personal or real property, notice of restitution, or  
29 other seizure under writ of attachment or execution, or other process or proceeding, \$20.

30 (c) For seizure and sale of personal or real property, enforcement of writ of execution of judgment of restitution, or other enforcement or seizure under writ of attachment or execution, or other process or proceeding, \$47, and, in addition, such sums as may be reasonable and necessary to secure each keeper or custodian of property in custody, the expense of inventory of property in custody and expense incurred in newspaper advertising required by law in the execution of process.

31 (d) For making a conveyance of real property sold on any process, \$15, to be paid by, or for, the  
32 grantee.

33 (e) For making a copy of any process, order, notice or other instrument in writing, when necessary to complete the service thereof, for each folio, \$3; but no charge shall be made for copy of complaint or other paper not actually made by the sheriff.

34 (f) For entering and processing distraint warrants for state agencies, \$6.25 each.

35 (2) Persons other than a sheriff serving process and other documents may charge any fee agreed  
36 to between the server and the person requesting service.

37 (3) Fees collected for service by the sheriff shall be retained for the benefit of the county where  
38 the party to be served cannot be found.

39 (4) No mileage or commission shall be collected by a sheriff for service of any document or  
40

1 process but in any service involving travel in excess of 75 miles round trip an additional fee not to  
2 exceed \$25 may be billed and collected by a sheriff. Mileage shall be measured from the location  
3 at which the service is made to the circuit court in that county.

4 (5) Amounts paid for service of process and other documents may be recovered as costs and  
5 disbursements to the extent provided by ORS 20.115.

6 (6) A sheriff may not collect a fee under this section for serving a foreign restraining order *[or*  
7 *an order that only grants relief under ORS 107.095 (1)(c)]*.

8 (7) As used in this section:

9 (a) "Folio" means 100 words, counting two figures as one word. Any portion of a folio, when the  
10 whole paper contains less than a folio, or when such portion is an excess over the last folio, shall  
11 be deemed a folio.

12 (b) "Foreign restraining order" means a restraining order that is a foreign judgment as defined  
13 by ORS 24.105.

14 **SECTION 15.** ORS 107.720 is amended to read:

15 107.720. (1)(a) Whenever a restraining order, as authorized by ORS 107.095 (1)(c) *[or (d)]*, 107.716  
16 or 107.718 which includes a security amount and an expiration date pursuant to ORS 107.095, 107.716  
17 or 107.718 and this section, is issued and the person to be restrained has actual notice thereof, the  
18 clerk of the court or any other person serving the petition and order shall deliver forthwith to a  
19 county sheriff a true copy of the affidavit of proof of service on which it is stated that personal  
20 service of the petition and order was served on the respondent, a copy of the petition and a true  
21 copy of the order. If an order entered by the court recites that the respondent appeared in person  
22 before the court, the necessity for further service of the order is waived and an accompanying proof  
23 of service is not necessary. Upon receipt of a true copy of proof of service, when required, and a  
24 true copy of the order, the county sheriff shall forthwith enter the order into the Law Enforcement  
25 Data System maintained by the Department of State Police and into the databases of the National  
26 Crime Information Center of the United States Department of Justice. The sheriff shall also provide  
27 the petitioner with a true copy of the proof of service. Entry into the Law Enforcement Data System  
28 constitutes notice to all law enforcement agencies of the existence of such order. Law enforcement  
29 agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged  
30 violation of such order may be informed of the existence and terms of such order. Such order shall  
31 be fully enforceable in any county or tribal land in the state. The petitioner may elect to deliver  
32 documents personally to a county sheriff or to have them delivered by a private person for entry  
33 into the Law Enforcement Data System and the databases of the National Crime Information Center  
34 of the United States Department of Justice.

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

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

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

44 (3) In any situation where a restraining order described in subsection (1) of this section is ter-  
45 minated before the expiration date, the clerk of the court shall deliver forthwith a true copy of the

1 termination order to the county sheriff with whom the original order was filed. Upon receipt of such  
 2 termination order the county sheriff shall promptly remove the original order from the Law  
 3 Enforcement Data System and the databases of the National Crime Information Center of the United  
 4 States Department of Justice.

5 (4) Pending a contempt hearing for alleged violation of a restraining order issued pursuant to  
 6 ORS 107.095 (1)(c) [or (d)], 107.716 or 107.718, a person arrested and taken into custody pursuant to  
 7 ORS 133.310 may be released as provided in ORS 135.230 to 135.290. Whenever such restraining or-  
 8 der is issued, the issuing court shall set a security amount for the violation of such order.

9 **SECTION 16. ORS 133.310 is amended to read:**

10 133.310. (1) A peace officer may arrest a person without a warrant if the officer has probable  
 11 cause to believe that the person has committed any of the following:

12 (a) A felony.

13 (b) A misdemeanor.

14 (c) An unclassified offense for which the maximum penalty allowed by law is equal to or greater  
 15 than the maximum penalty allowed for a Class C misdemeanor.

16 (d) Any other crime committed in the officer's presence.

17 (2) A peace officer may arrest a person without a warrant when the peace officer is notified by  
 18 telegraph, telephone, radio or other mode of communication by another peace officer of any state  
 19 that there exists a duly issued warrant for the arrest of a person within the other peace officer's  
 20 jurisdiction.

21 (3) A peace officer shall arrest and take into custody a person without a warrant when the  
 22 peace officer has probable cause to believe that:

23 (a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) [or (d)], 107.716, 107.718,  
 24 124.015, 124.020, 163.738 or 419B.845 restraining the person;

25 (b) A true copy of the order and proof of service on the person has been filed as required in  
 26 ORS 107.720, 124.030, 163.741 or 419B.845; and

27 (c) The person to be arrested has violated the terms of that order.

28 (4) A peace officer shall arrest and take into custody a person without a warrant if:

29 (a) The person protected by a foreign restraining order as defined by ORS 24.190 presents a copy  
 30 of the foreign restraining order to the officer and represents to the officer that the order supplied  
 31 is the most recent order in effect between the parties and that the person restrained by the order  
 32 has been personally served with a copy of the order or has actual notice of the order; and

33 (b) The peace officer has probable cause to believe that the person to be arrested has violated  
 34 the terms of the foreign restraining order.

35 (5) A peace officer shall arrest and take into custody a person without a warrant if:

36 (a) The person protected by a foreign restraining order as defined by ORS 24.190 has filed a copy  
 37 of the foreign restraining order with a court or has been identified by the officer as a party pro-  
 38 tected by a foreign restraining order entered in the Law Enforcement Data System or in the data-  
 39 bases of the National Crime Information Center of the United States Department of Justice; and

40 (b) The peace officer has probable cause to believe that the person to be arrested has violated  
 41 the terms of the foreign restraining order.

42 (6) A peace officer shall arrest and take into custody a person without a warrant if the peace  
 43 officer has probable cause to believe:

44 (a) The person has been charged with an offense that also constitutes domestic violence, as de-  
 45 fined in ORS 135.230, and is presently released as to that charge under ORS 135.230 to 135.290; and

1 (b) The person has failed to comply with the no contact condition of the release agreement.

2 **SECTION 17.** ORS 133.381 is amended to read:

3 133.381. (1) When a peace officer arrests a person pursuant to ORS 133.310 (3) or pursuant to  
4 a warrant issued under ORS 33.075 by a court or judicial officer for the arrest of a person charged  
5 with contempt for violating an order issued under ORS 107.095 (1)(c) [or (d)], 107.716, 107.718, 124.015  
6 or 124.020, if the person is arrested in a county other than that in which the warrant or order was  
7 originally issued, the peace officer shall take the person before a magistrate as provided in ORS  
8 133.450. If it becomes necessary to take the arrested person to the county in which the warrant or  
9 order was originally issued, the costs of such transportation shall be paid by that county.

10 (2) If a person arrested for the reasons described in subsection (1) of this section is subsequently  
11 found subject to the imposition of sanctions for contempt, the court, in addition to any other sanc-  
12 tion it may impose, may order the person to repay a county all costs of transportation incurred by  
13 the county pursuant to subsection (1) of this section.

14