

# Enrolled House Bill 2961

Sponsored by Representative HOLVEY, Senator PROZANSKI; Representatives BARKER, BARNHART, BEYER, BONAMICI, BOQUIST, CANNON, ESQUIVEL, GALIZIO, GARRARD, GELSER, KOTEK, KRIEGER, MORGAN, NOLAN, OLSON, READ, ROBLAN, ROSENBAUM, SHIELDS, TOMEI, WITT, Senators BROWN, BURDICK, NELSON, WALKER

CHAPTER .....

AN ACT

Relating to domestic violence; creating new provisions; amending ORS 21.111; appropriating money; and providing for revenue raising that requires approval by a three-fifths majority.

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

**SECTION 1.** ORS 21.111, as amended by section 15, chapter 702, Oregon Laws 2005, is amended to read:

21.111. (1) In the proceedings specified in subsection (2) of this section, the clerk of the circuit court shall collect the sum of \$99 as a flat and uniform filing fee from the petitioner at the time the petition is filed, and shall collect the sum of \$51 as a flat and uniform filing fee from the respondent upon the respondent making an appearance.

(2) The filing fee established by subsection (1) of this section shall be collected by the clerk in the following proceedings:

- (a) Proceedings for dissolution of marriage, annulment of marriage or separation.
- (b) Filiation proceedings under ORS 109.124 to 109.230.
- (c) Proceedings to determine custody or support of a child under ORS 109.103.

(3) In addition to all other fees collected, the clerk of the circuit court shall collect from the moving party a fee of \$50 at the time of the filing of a motion after entry of a judgment of marital annulment, dissolution or separation. A fee of \$35 shall be charged to the responding party at the time a response is filed to the motion. The fee provided for in this subsection does not apply to any pleading under ORCP 68, 69 or 71.

**(4) In addition to all other fees collected, the clerk of the circuit court shall collect from the petitioner a fee of \$10 at the time of the filing of a petition for marital annulment, dissolution or separation. A fee of \$10 shall be charged to the respondent upon the respondent making an appearance. Fees collected under this subsection shall be paid into the Domestic Violence Clinical Legal Education Account established under section 3 of this 2007 Act.**

[(4)] (5) A paper or pleading shall be filed by the clerk only if the fee required under this section is paid or if a request for a fee waiver or deferral is granted by the court. No part of any such filing fee shall be refunded to any party. The uniform fee shall cover all services to be performed by the court or clerk in any of the proceedings, except where additional fees are specially authorized by law.

[5] (6) Any petitioner or respondent that files a petition or appearance that is subject to the filing fees established under subsection (1) of this section must include in the caption of the pleading the following words: "Domestic relations case subject to fee under ORS 21.111."

[6] (7) The fees described in this section shall not be charged to a district attorney or to the Division of Child Support of the Department of Justice for the filing of any case, motion, document, stipulated order, process or other document relating to the provision of support enforcement services as described in ORS 25.080.

**SECTION 2. The amendments to ORS 21.111 by section 1 of this 2007 Act apply only to filings made in circuit court on or after the effective date of this 2007 Act.**

**SECTION 3. The Domestic Violence Clinical Legal Education Account is created within the General Fund. The account shall consist of moneys paid into the account under ORS 21.111 (4). Moneys credited to the account are continuously appropriated to the Department of Higher Education, and may be used only for the purpose of funding clinical legal education programs at accredited institutions of higher education that provide civil legal services to victims of domestic violence, stalking or sexual assault. The department may provide funding to a program from the account only if the program operates in conjunction with at least one nonprofit service provider to victims of domestic violence, stalking or sexual assault, and as part of the program the provider performs victim counseling services and student training. The department shall distribute moneys from the account to programs in amounts that are proportional to the number of victims of domestic violence, stalking or sexual assault served by the program in the preceding year as compared to the number of victims of domestic violence, stalking or sexual assault served by all programs in the preceding year.**

Passed by House May 16, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 14, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State