

**TESTIMONY ON HB 2747  
BEFORE HOUSE JUDICIARY COMMITTEE  
FEBRUARY 24, 2021**

**PRESENTED BY: NANCI THAEMERT  
JUVENILE AND FAMILY COURT PROGRAMS DIVISION DIRECTOR  
OREGON JUDICIAL DEPARTMENT**

Chair Bynum, Vice-Chair Noble, Vice-Chair Power, and Members of the Committee:

My name is Nanci Thaemert, and I am the Director of the Juvenile and Family Court Programs Division at the Oregon Judicial Department. The OJD does not have a position on HB 2747; however, we wanted to provide the Committee with additional information for consideration about how the measure affects courts.

The OJD Strategic Campaign commits to Oregonians that we will join with communities and partners to improve services to people who are vulnerable and marginalized. We listened carefully to the brave testimony on this bill from survivors, and we thank them and Representative Noble for bringing this bill forward and will be working with them to meet their needs.

House Bill 2747 modifies the start date for calculating one-year duration of certain protection orders if the court continues or modifies the order outside of the 30-day window after the original order date.

The brave testimony from survivors show how perpetrators can use the court to continue harassment and abuse of their victims by requesting endless hearings and filing appeals, known as abusive litigation. This bill seeks to offer survivors protection from abusive litigation tactics by amending ORS 107.716 to say that if the court continues or modifies a protection order in a hearing held more than 30 days after issuance of the original order, the expiration date of the order should be extended for a period of one year after the continuation or modification. The bill further amends ORS 419B.845 (child abuse restraining order) and ORS 124.020 (Elderly Persons and Persons with Disabilities Abuse Prevention) in substantially the same way.

Efforts to reduce abusive litigation for survivors should be carefully and thoughtfully considered, and OJD is committed to reducing barriers for access to justice. Under current statute ORS 107.730, a party may request a modification of a protection order for good cause shown. A petitioner may make an ex parte request that the court remove or make less restrictive certain terms in the order. The ability to request modifications of the order during the one-year duration are an important tool for both petitioners and respondents. Under HB 2747, any modification automatically extends the duration of the protection order for a period of one-year after the modification is granted. This may have the unintended consequence of discouraging petitioners from seeking modification if

they do not also want the duration of the order extended and making any modification of an order a de facto extension. OJD is concerned about the chilling effect this may have on parties' use of the modification process.

Balancing the competing needs to protect vulnerable Oregonians who have sought and obtained a protection order from abusive litigation against the due process requirements of the 14<sup>th</sup> Amendment can be a difficult process. OJD would welcome the opportunity to work with sponsors and the Committee on amendments to address this balance.