

Submitter: Jacob Anderson  
On Behalf Of:  
Committee: House Committee On Judiciary  
Measure, Appointment or Topic: HB2774

In M. A. B.,

v.

Anthony Nicholis BUELL 308 Or App 98 (2020) the State of Oregon Supreme court stated,

"296 Or App at 382-84 (brackets in original).

Petitioner filed a FAPA petition soon after the mediation session, and the court granted her petition ex parte and issued a protective order. Respondent contested the order<sup>102</sup>M. A. B. v. Buell and requested a hearing. To continue the protective order, petitioner needed to establish three elements by a preponderance of evidence: (1) that petitioner "has been the victim of abuse committed by the respondent within 180 days preceding the filing of the petition";<sup>1</sup> (2) that "there is an imminent danger of further abuse to petitioner"; and (3) that "respondent represent[ed] a credible threat to the physical safety of" petitioner or her child. ORS 107.718(1)."

"Respondent appealed, arguing that the evidence was insufficient to establish that petitioner was in imminent danger of further abuse or that he posed a credible threat to her physical safety. We concluded that the court erred in continuing the FAPA order because respondent's single threat was insufficient to establish that there was "an imminent danger of further abuse to petitioner." Buell I, 296 Or App at 385 (quoting ORS 107.718(1)). We did not address whether the evidence supported the court's finding that respondent represented a credible threat to petitioner's physical safety."

This bill does not relate to 21PO10038 and shall not be applicable or ever applied to the aforementioned case.

The person accusatory has changed testimony about times, and admitted on record of the court, the child was never included.