



**Oregon  
Law Center**  
WORKING TOGETHER TO ACHIEVE JUSTICE FOR LOW INCOME OREGONIANS

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**Senate Committee on Judiciary  
Testimony in Support of HB 2613A  
April 24<sup>th</sup>, 2025**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

On behalf of the Oregon Law Center, thank you for the opportunity to testify in support of House Bill 2613A. We appreciate Representative Wallan's work and leadership on this bill, which will provide clarity and consistency to the current family law statutes allowing entry of a temporary order to protect a child from a parent in family law proceedings based on the "immediate danger" standard.

The Oregon Law Center's mission is to achieve justice for low-income communities of Oregon, by providing a full range of the highest quality civil legal services. A significant number of our clients come to us for help with family law proceedings, and the majority of those cases involve domestic violence or other dangerous dynamics in which a parent is seeking civil legal assistance in establishing safety for themselves or their children.

This committee has often heard me speak about the importance of domestic violence restraining orders, or FAPA orders, which are authorized by statute to allow the quick entry of a protective order to address domestic violence between adults. However, FAPA orders are not appropriate for situations involving threats of harm by a parent to their minor children. In circumstances in which a child is at risk from a parent, the law provides separate specific authority for entry of a protective order of restraint (TPOR) within a family law proceeding.

**Background:** Currently, ORS 107.097(3) and ORS 107.139(1) allow the court to enter an ex parte, emergency temporary restraining order providing safe custody or parenting time protections if the child is in "immediate danger." These orders are intended for use in cases where the standard for DHS child abuse jurisdiction has not been met, but the circumstances are such that there is still a compelling need for the court to issue an emergency temporary order to protect the child from harm during the pendency of a family law proceeding, prior to the entry of a final family law judgment.

- ORS 107.097(3) is the authority for entry of an order *during the pendency of an **initial** case*, before the court has made any other custody or parenting time order.
- ORS 107.139(1) is the authority for entry of an order post-judgment, or *after a court order/judgment* is already in place, *requiring a **modification** be filed concurrently*.
- Note that the orders authorized by these statutes provide an opportunity for an evidentiary hearing. When such orders are upheld (or not opposed), they remain in place during the pendency of the proceeding until a final judgment, that takes into account all pending issues, is entered.

**The problem:** Under current law, the term "immediate danger" is not defined and lacks statutory criteria. The lack of clarity in the statutes regarding this standard has led to inconsistency between courts, and difficulty for parents seeking assistance in resolving safety concerns for their children.

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**The solution:** HB 2613A will clarify what is meant by the “immediate danger” standard in ORS 107.097(3) and ORS 107.139(1) by providing a set of criteria by which a court may assess whether the standard has been met. The standard is designed to ensure that the criteria are serious enough to justify immediate intervention by the court while ensuring child safety as the focus. Specifically, the bill provides that when determining whether a child is in immediate danger sufficient to justify the entry of an immediate protective order, the court shall consider whether, absent the temporary order, the child is at present risk of:

- Physical harm;
- Severe psychological damage;
- Sex abuse;
- Severe neglect significantly affecting the child’s daily life; or
- Other similar harms.

The bill provides that the court may not find that a child is in immediate danger based solely on a parent’s homelessness, illness, poverty or other similar circumstances.

Note that the parent against whom the order is entered in these circumstances retains the right as under current law to request an immediate hearing if they contest the order, and the court is directed to hold this hearing within 14 days but no later than 21 days.

In summary, passage of HB 2613A does not create a new right or remedy in family law proceedings, but will provide much needed clarity and consistency across the state regarding the use of current statutes authorizing emergency protective orders to prevent immediate danger to children. For these reasons, we urge your support.