HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1625 **DATE:** February 26, 2008

　　　　Version: First engrossment

　　　　Authors: Hosch and others

　　　　Subject: Orders for protection and restraining orders; extending duration of relief

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Overview

This bill authorizes a court to order relief for a period of 50 years in a restraining order (RO) or order for protection (OFP) upon a finding of multiple violations or continued threats or harassment. This bill also provides a mechanism by which a respondent may seek to modify or vacate an extended order if circumstances materially change.

Section

1　　**Relief by the court (OFP).** Provides that the court may order an abusing party to have no contact with the petitioner. Extends relief in an OFP from one to two years.

2　　**Subsequent orders and extensions (OFP).** Provides that relief granted by an order for protection <u>may</u> be for a period of 50 years if the court finds that either: (1) the respondent has violated a prior or existing order for protection on two or more occasions; or (2) the petitioner has had two or more orders in effect against the respondent. Limits extended relief to: (1) restraining the abusing party from committing acts of domestic abuse, or (2) ordering the abusing party to have no contact with the petitioner.

3　　**Modification of order (OFP).** Establishes a mechanism by which a respondent may seek to modify or vacate an extended order. Provides that relief under this section is only available after the order has been in effect for five years and no violations have occurred. Sets forth procedural requirements for a modification hearing. Provides that the respondent must prove by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting the permanent order no longer apply and are unlikely to occur. If the respondent fails to meet the burden

Section

of proof, the request must be denied and no request may be made again for five years.

4   **Notices (OFP).** Adds a provision to the notice requirements when a court grants an extended order. The order must provide conspicuous notice to the respondent that the respondent must wait five years to seek a modification.

5   **Contents of petition; hearing; notice (RO).** Requests that a petitioner indicate in an application for a restraining order whether or not the petitioner has ever had a restraining order in effect against the respondent.

6   **Restraining order.**

        Para . **(a)**. Provides that relief granted by a restraining order <u>may</u> be for a period of 50 years if the court finds that either: (1) the respondent has violated a prior or existing restraining order on two or more occasions; or (2) the petitioner has had two or more orders in effect against the respondent.

        Para. (c). Establishes a mechanism by which a respondent may seek to modify or vacate an extended order. Provides that relief under this section is only available after the order has been in effect for five years and no violations have occurred. Sets forth procedural requirements for a modification hearing. Provides that the respondent must prove by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting the permanent order no longer apply and are unlikely to occur. If the respondent fails to meet the burden of proof, the request must be denied and no request may be made again for five years.

7   **Notice (RO).** Adds a provision to the notice requirements when a court grants an extended order. The order must provide conspicuous notice to the respondent that the respondent must wait five years to seek a modification.