TO PETITIONER AND RESPONDENT:

NOTICE OF "Exceptional Circumstances HEARING:

The Court has scheduled an "exceptional circumstances" hearing about the temporary custody of your child/ren, on:

Date:_____ Time:_____

Courtroom: _____

(To Be Completed by Court Staff Only)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF CLACKAMAS

_____	See CIF	)	
Petitioner (your full name)	(date of birth)	)	Case No. _____
		)	
v.		)	**RESTRAINING ORDER**
		)	**TO PREVENT ABUSE**
_____	See CIF	)	(Family Abuse Prevention Act)
Respondent	(date of birth)	)	
(full name of person to be restrained)		)	

NOTICE TO RESPONDENT:

- You must obey all of the provisions of this Restraining Order, even if the Petitioner contacts you or gives you permission to contact him/ her.
- Violation of this Restraining Order may result in your arrest and in civil and/or criminal penalties. This order is enforceable throughout Oregon and in every other state. Review this order carefully.
- **See the attached "NOTICE TO RESPONDENT/REQUEST FOR HEARING" for more information about your rights to a hearing.**

The Court, having reviewed the Petition, and having heard testimony, makes the following findings:

Judge's Initials

1. Petitioner and Respondent are **RELATED** as follows: **1.**_____

A. Petitioner and Respondent are ☐ **spouses/ registered domestic partners,** or ☐ **former spouses/former registered domestic partners.**

B. Petitioner and Respondent ☐ are **adults related by blood, marriage or adoption.**

C. Petitioner and Respondent ☐ have been **cohabiting** (living together in a sexually intimate relationship) since _____ (date), or ☐ **cohabited** from _____ ___(date) to _____ (date).

D. Petitioner and Respondent ☐ have been involved in a **sexually intimate relationship within the last two years.**

E. Petitioner and Respondent ☐ are the **unmarried parents of a child/ren.**

F. Petitioner ☐ is a **minor** and has been involved in a **sexually intimate relationship** with Respondent **who is 18 years of age or older.**

2. Respondent has **ABUSED** Petitioner as defined by ORS 107.705; the abuse occurred **WITHIN THE LAST 180 DAYS** as provided in ORS 107.710; Respondent represents a **CREDIBLE THREAT** to the physical safety of Petitioner or Petitioner's child/ren; and the Petitioner is in **IMMINENT DANGER OF FURTHER ABUSE.** **2.**_____

Judge's Initials

3. This order involves minor CHILDREN.

A. Oregon has **JURISDICTION** over the issues of the child/ren custody and parenting time under ORS 109.701 to 109.834 on the following grounds: **3A.**_____

1. ☐ **Oregon is the child/ren's home state** OR ☐ No other state has home state jurisdiction OR ☐ All courts with jurisdiction on home state or significant connections grounds declined jurisdiction ☐ OR _____ is the child/ren's home state but it has declined jurisdiction ☐ AND the children's parents or a person acting as a parent has significant connections with Oregon and substantial evidence is available here concerning the children's care, protection, and personal relationships. ORS 109.741 (1)(a)(b) and (c).

2. ☐ **Oregon was the home state within six months before this proceeding** was commenced and the child/ren are absent from the state but a parent or person acting as a parent continues to live in Oregon. ORS 109.741(1)(a)

3. ☐ **Emergency grounds** exist for the exercise of temporary jurisdiction because the child/ren are present in this state and have been abandoned or it is necessary to protect the child/ren because the child/ren, or a sibling or parent of the child/ren is subjected to or threatened with mistreatment or abuse. ORS 109.751

B. Existence of other orders concerning the minor children involved: **3B.**_____

☐ **PRIOR ORDER EXISTS ELSEWHERE:** A previous child/ren custody, parenting time, guardianship or juvenile dependency determination has been made in _____(State/Tribe/Country).

☐ **CUSTODY/PARENTING TIME MATTER PENDING:** A child/ren custody, parenting time, guardianship, or juvenile dependency proceeding has been commenced in _____(State/Tribe/Country).

☐ **NO PRIOR ORDER EXISTS AND NONE IS PENDING:** No child/ren custody, parenting time, guardianship or juvenile dependency determination has been issued or proceeding commenced in another state, tribe or country having jurisdiction under ORS 109.701-109.834. The custody and parenting time provisions in this Order shall become a final determination for purposes of the Uniform Child/ren Custody Jurisdiction and Enforcement Act if Oregon becomes the home state of the child/ren.

C. **INTERSTATE JUDICIAL COMMUNICATION** is needed because: **3C.**_____

☐ A custody/parenting time/child/ren placement matter is CURRENTLY PENDING in another state/tribe/country, or

☐ Oregon is exercising Temporary Emergency Jurisdiction under the UCCJEA in this protective order <u>and</u> ANOTHER STATE/TRIBE/COUNTRY HAS ALREADY ISSUED a custody/parenting time/child/ren placement order.

D. **EXCEPTIONAL CIRCUMSTANCES** exist that affect the custody of the child/ren. **3D.**_____

4. **EMERGENCY MONETARY ASSISTANCE:** The Court finds that emergency monetary assistance is necessary to provide for the safety and welfare of the Petitioner and/or one or more child/ren in the custody of the Petitioner. **4.**_____

IT IS HEREBY ORDERED THAT: **Judge's Initials**

Petitioner's Request (check all that apply):

☐**1**. Respondent is restrained (prohibited) from intimidating, molesting, interfering with or menacing **Petitioner**, or attempting to intimidate, molest, interfere with or menace **Petitioner** directly or through third parties. **1.**_____

☐**2**. Respondent is restrained (prohibited) from intimidating, molesting, interfering with or menacing, or attempting to intimidate, molest, interfere, or menace, the **minor child/ren** in Petitioner's custody directly or through third parties. **2.**_____

☐**3**. Except as otherwise set out in this Order, Respondent is restrained (prohibited) from **entering or attempting to enter, or remaining in, the area within ☐ 150 feet or ☐ _____ feet of the building and land at** the following **locations**: *(include names/addresses unless withheld for safety reasons)* **3.**_____

- ☐ a. Petitioner's current or future **residence:**_____
  _____
- ☐ b. Petitioner's current or future **business or place of employment:** _____
  _____
- ☐ c. Petitioner's current or future **school:** _____
  _____
- ☐ d. **Other locations:** _____
  _____

☐**4. Respondent shall not knowingly be or stay within ☐ 150 feet or ☐ _____ feet** (other distance) of Petitioner unless otherwise ordered by the Court as follows: _____ **4.**_____
_____

Nothing in this restraining order prevents Respondent from appearing at or participating in a court (or administrative) hearing or other related legal process as a party or witness in a case involving the Petitioner. At these times, Respondent must stay at least _____ feet away from the Petitioner and follow any additional protective terms ordered in that case. Further, nothing in this order prevents Respondent from serving or providing documents related to a court (or administrative) case to the Petitioner in a manner permitted by law. However, Respondent may not personally deliver legally-related documents to the Petitioner.

☐**5**. Except as otherwise set out in this Order, Respondent is restrained (prohibited) from: **5.**_____

- ☐ a. Contacting, or attempting to contact, Petitioner **in person** directly or through third parties.
- ☐ b. Contacting, or attempting to contact, Petitioner **by mail** or **e-mail, or any other electronic transmission**, except for mailing court-ordered emergency monetary assistance, checks or money orders directly or through third parties.
- ☐ c. Contacting, or attempting to contact, Petitioner by **telephone**, including **cell phone** or **text messaging** directly or through third parties.
- ☐ d. **Exceptions to the restraint from third party contact is as follows** *(list purpose/s and person/s)***:** _____
  _____
  _____

Judge's Initials

☐**6**. Respondent is restrained (prohibited) from entering, attempting to enter, or remaining at: **6.**_____

☐ a. The child/ren's current or future **day care provider,** or removing them from daycare.

☐ b. The child/ren's current or future **school,** or removing them from the school.

☐**7**. Respondent shall **move** from and not return to the residence located at: **7.**_____

_____

except with a peace officer to remove essential personal effects of the Respondent, and if the Respondent is the custodial parent, essential personal effects of Respondent's child/ren, including, but not limited to: clothing, toiletries, diapers, medications, social security cards, birth certificates, identification and tools of the trade.

☐**8**. A peace officer shall accompany the Petitioner to the parties' residence to **remove essential personal effects of Petitioner**, and if the Petitioner is the custodial parent, essential personal effects of the Petitioner's child/ren, including, but not limited to: clothing, toiletries, diapers, medications, social security cards, birth certificates, identification and tools of the trade. **8.**_____

☐**9**. **Emergency Monetary Assistance:** The Respondent is ordered to pay Petitioner $_____ as Emergency Monetary Assistance by the **45th day** after Respondent is served with this Restraining Order by ☐ check or ☐ money order. Payment is to be made by mail to the following address: _____ **9.**_____

Use Safe Contact Address

☐**10**. **Firearms.** Respondent shall not **purchase or possess any firearms or ammunition**. [OJIN Event Code: FQOR] **10.**_____

Other orders regarding firearms *(for court use only)*: _____

_____

_____

_____

FIREARMS NOTIFICATION

If the firearms prohibition in Paragraph 10 is initialed by the judge, it IS unlawful under OREGON **state law** for you to possess or purchase a FIREARM, including a rifle, pistol, or revolver, and AMMUNITION.

You should consult an attorney if you have questions about this.

[OJIN EVENT CODE: NOGR]

☐**11**. **Other Relief:** **11.**_____

_____

_____

_____

_____

_____

_____

CHILD CUSTODY

Judge's Initials

☐**12**. **TEMPORARY CUSTODY** of the following child/ren is ordered as follows, subject to the parenting time terms set forth in Paragraphs 17 and 18 below. **12.**_____

☐ **Additional page attached labeled, "Paragraph 12 continued."**

Party to Have Custody (Petitioner or Respondent)	**Child/ren's Name**	**Date of Birth**	**Age**
		See CIF	
		See CIF	
		See CIF	
		See CIF	
		See CIF	
		See CIF	
		See CIF	

☐**13**. A peace officer of the county or city where the child/ren are located shall assist in **recovering the custody of the parties' child/ren** that was awarded to Petitioner. The peace officer is authorized to use any reasonable force to that end, including forcible entry into the following specific premises (*list the address(es) where the child/ren are most likely to be found and why)*: _____ **13.**_____

_____

14. *(For court use only)* **Effect of Prior Custody Order (ORS 107.722)** **14.**_____

A CUSTODY ORDER ALREADY EXISTS in Case # _____ filed in ☐ _____County, Oregon, or ☐ _____ (another state/tribe).

☐ **14A.** **NO new custody order is made** because the terms in the existing order or judgment shall continue to apply.

☐ **14B.** The child/ren custody provisions in paragraph 12 of this Restraining Order are necessary to protect the safety and welfare of the child/ren or Petitioner but they **CONFLICT** with the custody provisions in the already existing order or judgment. Therefore, the child/ren custody provisions in this Restraining Order shall remain in effect only until this Restraining Order expires or is cancelled, until a new order is issued in the other case, or until _____ (date), whichever occurs first.

15. **Exceptional Circumstances Hearing:** The Court has found that exceptional circumstances affecting custody exist, so NO custody order is entered at this time about the parties' child/ren. **Both parties shall instead appear at a hearing as indicated in the box on the upper center of page 1 of this Restraining Order.** This hearing will be the respondent's only chance to contest this order. The purpose of the hearing will be to consider the temporary custody of the parties' child/ren and other issues that may be contested by the Respondent. At the hearing, the court may cancel or change this Order. **15.**_____

Judge's Initials

16. **Until the Exceptional Circumstances Hearing**, the **residence** of the child/ren and the parental contact with the child/ren shall be as follows: _____ **16.**_____

_____

_____

PARENTING TIME

☐**17**. The parent not awarded temporary custody shall have parenting time with the minor child/ren listed in paragraph 12 beginning on _____as follows: **17.**_____

☐ a. **NO PARENTING TIME** because (explain why Respondent should not have parenting time): **17a.**_____

_____

_____

_____

☐ b. **SUPERVISED PARENTING TIME:** **17b.**_____

☐ 3 hours or ☐ _____ hours per week supervised by _____ _____ , as follows: _____

_____

_____

☐ c. **PARENTING TIME** as follows (day/s of week, place, times) ☐ or as attached: **17c.**_____

_____

_____

_____

_____

AND/OR

☐ Every weekend from _____(day) _____ a.m./p.m. until _____ (day) to _____ a.m./p.m.

☐ FIRST AND THIRD or ☐ SECOND AND FOURTH weekends from _____(day) _____ a.m./p.m. until_____ (day) to _____ a.m./p.m.

☐ Once per week on _____(day) _____ a.m./p.m. until _____ (day) to _____ a.m./p.m.

☐ d. The parent without temporary custody will **pick up and return** the child/ren at: **17d.**_____

☐ Petitioner's ☐ Respondent's residence. ☐ Petitioner ☐ Respondent may remain at the curb (or driveway if no curb), for a maximum of 5 minutes or ☐ _____ minutes, for the sole purpose of picking up and/or returning the child/ren.

☐ Other location: _____

_____

_____

18. *(For court use only)* **Effect of Prior Parenting Time Order (ORS 107.722)** **18.**_____

A PARENTING TIME ORDER ALREADY EXISTS in Case # _____filed in _____ County, Oregon, or ☐ _____ (Another State/Tribe)

☐ **NO** new parenting time order is made because the terms in the existing order or judgment shall continue to apply.

☐ The parenting time provisions in this Restraining Order are necessary to protect the safety and welfare of the child/ren or Petitioner but they **CONFLICT** with the custody provisions in the already existing order or judgment. Therefore, the parenting time provisions in this Restraining Order shall remain in effect only until this Restraining Order expires or is cancelled, until a new order is issued in t he other case, or until _____ (date), whichever occurs first.

Judge's Initials

19. No further service is necessary because Respondent appeared in person before the court. **19.**_____

IT IS FURTHER ORDERED that the SECURITY AMOUNT for violation of any provision of this Order is **$5,000** unless otherwise specified here: Other Amount: $_____

The above provisions of this Restraining Order are in effect for a period of one (1) year from the date of the judge's signature *(unless renewed before it expires*) or until the Order is dismissed, modified, or replaced, whichever occurs first.

CERTIFICATE OF COMPLIANCE WITH FULL FAITH AND CREDIT PROVISIONS OF VIOLENCE AGAINST WOMEN ACT (This is not a Brady Certificate)

This Restraining Order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. 2265. This Court has jurisdiction over the parties and the subject matter. The Respondent is being afforded notice and timely opportunity to be heard as provided by the law of this jurisdiction. This Order is valid and entitled to enforcement in this and all other jurisdictions.

IT IS HEREBY ORDERED that:

☐ The Petition for Restraining Order to Prevent Abuse is **GRANTED** as set forth above.

☐ The Petition for Restraining Order is **DENIED** because:
- ☐ The Petitioner did not establish a claim for relief.
- ☐ The Petitioner did not appear at the time set for the *ex parte* hearing on his/her petition.
- ☐ Other: _____

DATED: _____

_____
JUDGE (Signature)

_____
Print or Type Name of Judge

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the Court. Check all boxes and complete all blanks that apply:

☐ I selected this document for myself and I completed it without paid assistance.

☐ I paid or will pay money to _____ for assistance in preparing this form.

Submitted by:

_____
Print Name, ☐ Petitioner ☐ Attorney for Petitioner ☐ OSB No. (*if applicable)*

_____
Address or Contact Address — City, State, Zip — Telephone or Contact Telephone Number
Use **Safe Contact** Address — Use **Safe Contact** Number

RELEVANT DATA

PETITIONER: _____ ☐ Female ☐ Male

Name

Residence/Contact Address (Use a **safe** address):

_____

Number, Street and Apt. Number *(if applicable)*

_____

City County State Zip

Telephone/Contact Telephone Number_____ (Use **safe** contact number) _____

Birth Date Do not list. See CIF Age _____ Race/Ethnicity _____

Height _____ Weight _____ Eye Color _____ Hair Color _____

***__The Respondent will receive a copy of this information.__ If you wish to have your residential address or telephone number withheld from Respondent, use a contact address in the state where you reside or a contact telephone number so the Court and the Sheriff can reach you if necessary. Please check for mail at this address frequently.

RESPONDENT: _____ ☐ Female ☐ Male

Name

_____

Number, Street and Apt. Number *(if applicable)*

_____

City County State Zip

Telephone/Contact Telephone Number_____ (Use **safe** contact number) _____

Birth Date Do not list. See CIF Age _____ Race/Ethnicity _____

Height _____ Weight _____ Eye Color _____ Hair Color _____

PLEASE FILL OUT THIS INFORMATION TO AID IN SERVICE OF THE RESTRAINING ORDER

Where is Other Party most likely to be located?

☐ Residence Hours _____ Address _____

☐ Employment Hours _____ Address _____ (See CIF) _____

☐ Other Hours _____ Address _____

_____

Description of Vehicle _____

Is there anything about the other party's character, past behavior, or the present situation that indicates that he or she may be a **danger** to others? to him/herself? EXPLAIN: _____

_____

Does the other party have any **weapons, or access to weapons**? EXPLAIN: _____

_____

Has the other party ever been arrested for or convicted of a **violent crime**? EXPLAIN: _____

_____