

RENEWING A SEXUAL ABUSE PROTECTIVE ORDER

INSTRUCTIONS

Procedures vary from court to court. Check with your local court for filing instructions.

CAN I RENEW A SEXUAL ABUSE PROTECTIVE ORDER?

You may ask the court to renew the Sexual Abuse Protective Order for another year if you are still in reasonable fear for your safety.

HOW DO I ASK FOR MY SEXUAL ABUSE PROTECTIVE ORDER TO BE RENEWED?

If you want to renew the Sexual Abuse Protective Order, fill out the forms in Packet #3 and submit them to the court where you obtained your original Sexual Abuse Protective Order.

WHEN CAN I ASK FOR MY SEXUAL ABUSE PROTECTIVE ORDER TO BE RENEWED?

File your request with the court sometime **before** the original Order ends. Remember, the original Sexual Abuse Protective Order lasts for one year from the day it was originally signed by the judge, not from the date of any hearings on the order. To renew the Order, your papers must be filed before the end of that year. **You may lose your chance to apply if you do not file before the date the Order ends.**

WHAT HAPPENS NEXT?

After you file your renewal forms, the judge will decide if it is reasonable for a person in your situation to fear for their physical safety if the Sexual Abuse Protective Order is not renewed. You do not have to prove that there has been any new abuse since the original Order was signed. You do have to explain why you want it renewed.

If the judge grants your renewal, court staff will make copies for you. You will need to have one of the copies hand-delivered to the Respondent by a sheriff, a private process server, or any mentally competent person who is 18 or older, as long as the server lives in the state where the papers are served. You cannot serve the papers yourself. The server is required to complete and file with the court a certificate of service. There is a form in the packet, but some servers use their own forms. Talk to the court clerk about ways to get the Respondent served.

The Respondent has 30 days from the date of service to ask for a hearing. If the Respondent does not ask for a hearing, the renewed Sexual Abuse Protective Order will stay in effect.

If the Respondent asks for a hearing, the only issue the judge will consider is whether to continue or dismiss the Sexual Abuse Protective Order, unless the Respondent requests other issues in the hearing request form, and you agree, or the Respondent has filed a request to modify the Order.

If the Respondent asks for a hearing, it will be held within 21 days after receiving the hearing request. The court will mail you a notice of the hearing date and time or may notify you by phone. It is very important for you to give the court a reliable address and phone number where you can be contacted. If you do not appear at the hearing, your Sexual Abuse Protective Order may be dismissed. **Be sure the court always has your current contact addresses and contact phone numbers so you get notice of any hearing.** Use safe contact addresses and contact phone numbers.

You may ask in writing, ahead of time, to appear by telephone or other method, such as video-conferencing.

DO I NEED A LAWYER?

If you have questions about how the law works or what it means, you may need to talk to a lawyer. You are not required to have a lawyer to renew the Sexual Abuse Protective Order, and the court will not appoint a lawyer for you, but you can have a lawyer represent or help you if you wish.

If the Respondent asks for a hearing to modify or terminate the Order, and is represented by a lawyer, you can ask the judge to extend the date of the hearing for up to five days so that you may get a lawyer. The law does not authorize the judge to appoint an attorney for you.

If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or 800.452.7636. If you believe you cannot afford a lawyer, ask court staff if your area has a legal services (legal aid) program that might help you. You also can go to: www.oregonlawhelp.org.

WHAT IF I NEED AN ACCOMMODATION OR AN INTERPRETER?

If you have a disability and need an accommodation, or you need a foreign language interpreter, you must tell the court as soon as possible, but at least four days before your hearing. Tell the clerk that you have a disability and what type of assistance you need or prefer, or which language you speak.

IMPORTANT NOTE

INFORMATION THAT MUST BE KEPT CONFIDENTIAL

You must keep certain information ("confidential personal information") out of any papers you file or submit to the court and, instead, provide that information in a Confidential Information Form (CIF). "Confidential Personal Information" includes social security number; date of birth; former legal names; driver license numbers; and employer's name, address, and telephone number. It also applies to information regarding a party or a party's child. On the pleading or document where that confidential personal information would otherwise appear, you must note that the information has been separately provided under UTCR 2.130. (UTCR refers to the Uniform Trial Court Rules that apply across the state).

Relevant Rules and Forms

UTCR 2.130 – Confidential Personal Information in Family Law and Certain Protective Order Proceedings
Confidential Information Form for Protected Person (Petitioner) for Sexual Abuse Protective Order Cases
Confidential Information Form for Person Restrained (Respondent) for Sexual Abuse Protective Order Cases
Notice of Filing of Confidential Information Form for Sexual Abuse Protective Order Cases