

**FAMILY ABUSE PREVENTION ACT  
INSTRUCTIONS TO MODIFY (CHANGE)  
A RESTRAINING ORDER**

**PACKET NO. 2**

Office of the State Court Administrator  
Salem, Oregon

April 2000

# INSTRUCTIONS TO MODIFY (CHANGE) A RESTRAINING ORDER

## PACKET NO. 2

### TABLE OF CONTENTS

<u>CHAPTER</u>	<u>PAGE</u>
I. INTRODUCTION .....	1
II. OUTLINE OF PROCEDURES AND GENERAL INFORMATION .....	1
A. Who Files .....	1
B. When to File .....	1
C. Forms .....	1
III. FILLING OUT THE MOTION TO MODIFY (FORM 2A) .....	2
A. The Caption (the heading) .....	2
B. Motion .....	3
1. Section 1: Request to Change Custody .....	3
2. Section 2: Request to Change Parenting Time (Visitation) .....	3
3. Section 3: Other Relief. ....	4
4. Section 4. Request for Relief. ....	4
C. Affidavit .....	5
D. Order to Show Cause .....	5
E. Relevant Data .....	6
IV. FILLING OUT THE AFFIDAVIT OF PROOF OF SERVICE (FORM 2B) .....	6
A. The Caption (the heading) .....	6
B. The Rest of the Form .....	7
V. FILLING OUT THE PETITIONER'S/RESPONDENT'S CERTIFICATE OF DOCUMENT PREPARATION FORM (FORM 2C) .....	7
A. Caption (Heading at Top of Form) .....	7
B. The Rest of the Form .....	7
VI. FILLING OUT THE ORDER MODIFYING RESTRAINING ORDER (FORM 2D) .....	7
A. The Caption (the heading) .....	8
B. The Rest of the Form .....	8
VII. FILLING OUT THE PETITIONER'S/RESPONDENT'S WAIVER OF PERSONAL SERVICE FORM (FORM 2E) .....	8
A. Caption (Heading at Top of Form) .....	9
B. The Rest of the Form .....	9
VIII. FILING YOUR PAPERS WITH THE COURT .....	9
A. Signing .....	9
B. Copies .....	9
IX. SERVING THE OTHER PARTY .....	10
A. Service by Sheriff .....	10
B. Private Service .....	10
X. HEARING .....	11
XI. ENFORCEMENT OF THE MODIFIED RESTRAINING ORDER .....	11
XII. TERMINATING THE RESTRAINING ORDER .....	12

**FAMILY ABUSE PREVENTION ACT  
INSTRUCTIONS TO MODIFY (CHANGE) A RESTRAINING ORDER**

**PACKET NO. 2**

**I. INTRODUCTION**

This packet contains forms and instructions for a petitioner or respondent to ask the court to modify (change) the parts of a Restraining Order that provide for custody and parenting time (visitation) of minor children. You must file your forms with the court clerk in the county where the court issued the original restraining order.

The instructions are designed to give you complete, line-by-line information about how to fill out the forms. You can use the Table of Contents to find quickly the page number in the instructions where the form you are filling out is described.

**If you have questions about how the law works or what it means, you may need to see a lawyer. The court clerk cannot give you any legal advice.**

**You are not required to have a lawyer to use these procedures, but you have the right to have a lawyer represent or help you. If you do not know a lawyer who will help you, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free at 1-800-452-7636. If you believe that you cannot afford a lawyer, ask the court staff if your area has a legal services (legal aid) program that might help you.**

If you intend to complete the forms by hand, you should use black pen (blue does not show up well on copies) and print.

**II. OUTLINE OF PROCEDURES AND GENERAL INFORMATION**

**A. Who Files**

The petitioner (the person who asked for the Restraining Order) and respondent (the person who is ordered to stay away) both have the right to ask the court to modify (change) the parts of the Restraining Order that deal with custody and parenting time (visitation) of minor children.

**B. When to File**

Any time after 30 days from the date the respondent was served with the original or renewed Restraining Order, you can file a Motion to Modify.

**C. Forms**

This packet contains four forms which you need to complete to change a Restraining Order.

- **Petitioner's/Respondent's Motion, Affidavit and Order to Show Cause for Modifying Restraining Order (Form 2A)**
- **Affidavit of Proof of Service of Motion, Affidavit and Order to Show Cause for Modifying Restraining Order (Form 2B)**

- **Petitioner's/Respondent's Certificate of Document Preparation (Form 2C) (if applicable)**
- **Order Modifying Restraining Order (Form 2D)**

The fifth form is an optional form to ask the court to waive personal service if you are later charged with contempt of court for not following the terms of the Order.

- **Petitioner's/Respondent's Waiver of Personal Service (Form 2E)**

### **III. FILLING OUT THE MOTION TO MODIFY (FORM 2A)**

The "Petitioner's/Respondent's Motion, Affidavit and Order to Show Cause For Modifying Restraining Order" form (Form 2A), called "Motion to Modify" in these instructions, contains your request to change the Restraining Order based on your sworn statement (affidavit). It also includes a place for the judge to sign. If and when the judge signs that line, the judge makes the document an order to the other party to come in for a hearing to show why the judge should not change the order (if the other party does not want the judge to change the order). That is the part of the document called "Order to Show Cause." If the other party does not come to the hearing, the court probably will change the Restraining Order as you asked.

#### **Page 1.**

##### **A. The Caption (the heading)**

**Line 6.** If the name of the county is blank, fill in the name of the county in which the case was originally filed; that should be the same county where the court signed the original Restraining Order.

**Lines 7 through 9.** Fill in the petitioner's name as it appeared in the original Order. At the right, fill in the case number as it appeared in the original Restraining Order. If you are the petitioner (the person who originally asked for the Restraining Order), check the "Petitioner" blank at line 9. If you are the respondent (the person who was ordered to stay away), check the "Respondent" blank at the right on line 9.

**Line 10.** Fill in the respondent's name as it appeared in the original Order.

**B. Motion**

**1. Section 1: Request to Change Custody**

**Line 16.** If you want the court to change custody, check the box at line 16 and follow the instructions below. If you want the court to change only the parenting time (visitation) terms of the Restraining Order, skip down to the instructions below for Section 2: "Request to Change Parenting Time (Visitation)."

**Line 17.** If you are the petitioner, check the "Respondent" blank. If you are the respondent, check the "Petitioner" blank. (You are asking the court to issue an order to the other party.)

**Line 19, paragraph A.** If you want the court to award (give) custody of the minor children to the Petitioner, check the box at line 19 and list the names and ages of the children in the blanks provided at lines 21 through 24.

**Line 25, paragraph B.** If you want the court to award (give) custody of the minor children to the Respondent, check the box at the left on line 25 and list the names and ages of the children in the blanks provided at lines 27 through 30.

**Page 2.**

**Line 1, paragraph C.** If you need a peace officer to assist in recovering custody of the children awarded to you, check the box at the left on line 1.

**2. Section 2: Request to Change Parenting Time (Visitation)**

Under the Family Abuse Prevention Act, the noncustodial parent is entitled to reasonable parenting time (visitation) with the children unless the court finds that parenting time (visitation) is not in the children's best interest.

**Line 5.** If you want the court to change the parenting time (visitation) terms in the Restraining Order, check the box at line 5 and follow the instructions below. If you do not want the court to change the parenting time (visitation) terms, skip down to the instructions about Section 3 of the Motion to Modify at page 4 of these instructions.

**Line 6.** If you are the petitioner, check the "Respondent" blank. If you are the respondent, check the "Petitioner" blank. (You are asking the court to issue an order to the other party.)

**Line 8, paragraph A.** If you believe it is not in the best interest of your children for the court to allow parenting time (visitation) between your children and the other party, check the box at the left on line 8. At lines 8 through 10, please explain why parenting time (visitation) is not in the best interest of the children.

**Paragraphs B through H.** If you believe it is in the best interest of your children for the court to allow parenting time (visitation), please first take a moment to read through the various types of parenting time (visitation) schedules described at page 2, paragraphs B. through H. of the Motion to Modify. Choose the parenting

time (visitation) schedule that works best for you by checking the appropriate box at the left on lines 11 through 18 at page 2.

**Line 19, Paragraph F.** If a different parenting time (visitation) schedule, other than the schedules described in Paragraphs B. through E. is more appropriate for you, check the box at line 19 on page 2 of the Motion to Modify and fill in the parenting time (visitation) schedule you propose at lines 19 through 21.

**Line 22, Paragraph G.** If you would like parenting time (visitation) details not covered in the Order to be worked out through a third person instead of by contacting the other party, check the box at line 22, and fill in the name of that person at line 23.

**Line 24, Paragraph H.** If you would like the court to order the parent not awarded custody of the children to pick up and return the children for parenting time (visitation) at the curb or driveway of the residence of the parent with custody, check the box at line 24. If you would like the children to be picked up and returned at a location OTHER THAN the curb or driveway of the custodial parent's residence, fill in the name and address of the location where you would like the children to be picked up and returned at lines 25 and 26.

**3. Section 3: Other Relief.**

**Line 28.** Section 3 allows the judge to include in the Order other conditions the judge considers necessary to provide for the petitioner's safety and welfare or for the safety and welfare of the petitioner's children while in the petitioner's custody or during parenting time (visitation) with the respondent. For example, the judge can require the respondent not to possess or consume alcohol or other controlled substances during parenting time (visitation) with the children and for 24 hours preceding the parenting time (visitation); or, the judge can require the respondent to pay all or a portion of the cost of supervised parenting time (visitation); or, the judge can require the respondent to pay for a program the judge determines the respondent must attend as a condition of parenting time (visitation).

If there are other conditions you would like the court to include in the Order, check the box at the left on line 28, and write in those conditions in the blanks at lines 28 through 30.

**Page 3.**

**4. Section 4. Request for Relief.**

**Line 1.** If you are the Petitioner, check the "Respondent" blank. If you are the Respondent, check the "Petitioner" blank.

**Lines 9 and 10.** Sign your name, write in the date, and then print or type your name in the blank below.

**C. Affidavit**

**Line 15.** Fill in the name of the county in which you sign the Affidavit.

**Lines 16 and 17.** Fill in your name as it appears in the caption, and then check the "Petitioner" blank if you are the petitioner, or check the "Respondent" blank if you are the respondent.

**Lines 19 through 22.** Describe briefly the facts that show **why** you want the change in custody or parenting time (visitation), including whether the children's situation or other facts have changed, and why the change you want is reasonable and better. If you are the petitioner and you want to change the custody or parenting time (visitation) terms because of facts that have changed with regard to your own or your child(ren)'s safety needs, describe what facts have changed and why the new terms will be better for your own or your child(ren)'s safety needs. You may attach additional pages if you need more room. If you do attach additional pages, please note that fact on the form at lines 19 through 22.

**Lines 24 and 25.** DO **NOT** SIGN THE AFFIDAVIT YET. Because it is a sworn statement, you must sign your name in the blank at line 24 **ONLY** in front of a notary public or the court clerk. Print or type your name below your signature.

**Lines 27 through 30.** The notary public or court clerk will fill in these blanks after you sign your name.

#### Page 4.

#### D. Order to Show Cause

**Lines 4 through 6.** Fill in the other party's name and address, and then check the blank which describes whether the other party is the petitioner or the respondent.

**Line 8.** Skip line 8. The court will fill in this section.

**Line 9.** Fill in the date that the judge signed the original or renewed Restraining Order.

**Lines 11 and 12.** If you are the petitioner, check the "Petitioner" blank. If you are the respondent, check the "Respondent" blank.

**Lines 13 through 22.** Skip lines 13 through 22. The court will fill in this section.

**Lines 24 through 30.** If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the appropriate blank next to either "Petitioner" or "Respondent." (If your attorney completes this form, your attorney will mark the "Attorney" blank and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

If you need to keep your residence address and telephone number confidential, you may use a contact address and contact telephone number so the court and sheriff can reach you if necessary. You are responsible for making sure that all papers delivered to your contact address or agent are actually delivered to you. YOU MUST NOTIFY THE COURT OF ANY CHANGE OF ADDRESS.

Please note that for the purposes of the forms in this packet, "address" means a residence, mailing or contact address in the same state as your home (the place where you live).

**Page 5.**

**E. Relevant Data**

Under the heading “RELEVANT DATA,” fill in the requested information on page 5 of the Motion to Modify form (Form 2A).

This information helps the sheriff or private process server identify the other party when the Order is served, and it helps police officers identify both you and the other party when they enforce the Order. You can also attach a photograph of the other party to help the sheriff or private process server identify the other party.

**If you need to keep your residential address and telephone number confidential, you may use a contact address and contact telephone number so the court and sheriff can reach you if necessary.**

**IV. FILLING OUT THE AFFIDAVIT OF PROOF OF SERVICE (FORM 2B)**

The purpose of the “Affidavit of Proof of Service” form (Form 2B) is to show the court that the Motion to Modify was personally delivered to the other party; that way, the court knows that the other party is aware of what the court has ordered.

The “Affidavit of Proof of Service” form is designed to be filled out by the person who delivers the papers to the other party. However, you may fill in the caption information now if you wish. For a description of “service,” i.e., having legal papers “served” on the other party, see “Serving the Other Party,” Section IX. at pages 10 and 11 of these instructions.

**A. The Caption (the heading)**

**Lines 6 through 10.** Fill in the caption as directed on page 2 of these instructions. Be sure to include the case number on the right.

**B. The Rest of the Form**

The rest of the form should be filled in only after the other party has been served as described on pages 10 and 11 of these instructions. If you have the sheriff's office or a private process server serve the Motion to Modify, the person who serves it will fill in the rest of the blanks.

**V. FILLING OUT THE PETITIONER'S/RESPONDENT'S CERTIFICATE OF DOCUMENT PREPARATION FORM (FORM 2C)**

If one or more of the completed forms in this packet do not bear the name and bar number of an attorney, you must complete and give to the court the "Certificate of Document Preparation" form (Form 2C), along with the rest of the papers you file.

**A. Caption (Heading at Top of Form)**

**Lines 6 through 10.** Fill in the caption as directed on page 2 of these instructions. Be sure to include the case number on the right.

**B. The Rest of the Form**

**Line 14.** If you selected and completed the forms yourself without assistance from an attorney and without paid assistance from a person who is not an attorney, check the blank at line 14.

**Lines 15 and 16.** If you paid or will pay money to a person who is not an attorney for assistance in preparing all the attached forms, check the blank at line 15 and write in that person's name.

**Lines 17 through 19.** If you paid or will pay money to a person who is not an attorney for assistance in preparing some but not all of the attached forms, check the blank at line 17, write in the name of that person, and then list the documents that person helped you with. If you paid more than one person to assist you in preparing the forms, please indicate who helped you with which forms.

**Lines 21 through 25.** Sign your name, write in the date, then type or print your name below. Fill in your address or contact address and telephone or contact telephone number.

**VI. FILLING OUT THE ORDER MODIFYING RESTRAINING ORDER (FORM 2D)**

The Order Modifying Restraining Order (Form 2D), called "Order" in these instructions, is the official court document that the judge signs either to grant or to deny your request to modify the Restraining Order.

**Page 1.**

**A. The Caption (the heading)**

**Lines 6 through 10.** Fill in the caption as directed on page 2 of these instructions. Be sure to include the case number on the right.

**B. The Rest of the Form**

**Lines 12 and 13.** Check the blank which describes which party you are (petitioner or respondent). Leave the space on line 13 blank. The court will put the date of the hearing in that space.

**Line 14.** If you are asking the judge to modify the original Restraining Order, fill in the date that the judge signed the original Restraining Order. If you are asking the judge to modify a renewed Restraining Order, fill in the date that the judge signed the Order Renewing Restraining Order.

**Page 1, lines 17 through 27; page 2; and page 3, lines 1 through 23.** Do not fill in these lines; the court will complete this section.

**Page 3.**

**Line 24 and below.** If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the appropriate blank next to either "Petitioner" or "Respondent." You may use a contact address and contact telephone number if you need to keep your residence address and telephone number confidential.

(If your attorney completes this form, your attorney will mark the "Attorney" blank and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

**VII. FILLING OUT THE PETITIONER'S/RESPONDENT'S WAIVER OF PERSONAL SERVICE FORM (FORM 2E)**

The "Petitioner's/Respondent's Waiver of Personal Service" form (Form 2E) is an optional form that allows you to make choices for proceedings that might occur after the Family Abuse Prevention Act Restraining Order is modified. For example, if you do not follow the child parenting time (visitation) terms of the Order, you could be charged with contempt of court.

If you are later charged with contempt of court for violating (not following) the terms of the Order, you have a right to have notice of the charge personally "served" on you (actually delivered to you). If, however, you need to keep your residential address confidential and you are willing to waive (give up) personal service, you can choose a different method of service (service to a contact address, business address, or agent) by filling out the "Petitioner's/Respondent's Waiver of Personal Service" form (Form 2E).

This is an optional form. Fill out this form only if you are willing to waive (give up) your right to personal service if you are subsequently charged with contempt AND you would like to maintain

the confidentiality of your residential address. You do NOT need to fill out this form to MODIFY (change) a Restraining Order.

**A. Caption (Heading at Top of Form)**

**Lines 6 through 10.** Fill in the caption the same way as directed at page 2 of these instructions. Be sure to include the case number on the right.

**B. The Rest of the Form**

**Lines 15 through 19.** Mark the appropriate blank (mark one blank only) and fill in your contact mailing address, business address, or agent's address. You are responsible for making sure that all papers delivered to your contact address or agent are actually delivered to you.

**Lines 21 and 22.** Sign your name at line 21, write in the date, then clearly type or print your name on the line below your signature.

**Lines 23 through 28.** If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the appropriate blank next to either "Petitioner" or "Respondent." You may use a contact address and contact telephone number if you need to keep your residence address confidential. (If your attorney completes this form, your attorney will mark the "Attorney for Petitioner" blank and will fill in his or her Oregon State Bar number, along with his or her name, address, and telephone number.)

**VIII. FILING YOUR PAPERS WITH THE COURT**

**A. Signing**

After you have completed the Motion to Modify (Form 2A), portions of the Affidavit of Proof of Service (Form 2B), portions of the Order (Form 2D), and, if applicable, the Certificate of Document Preparation (Form 2C) and, if applicable, the Waiver of Personal Service (Form 2E), as described above, take or mail these forms to the court clerk of the county that issued the original Restraining Order. If you have not yet signed the Affidavit portion of the Motion to Modify in front of a notary public, ask the court clerk to watch you sign the Affidavit and acknowledge your signature. If you mail your papers or have someone else file them for you, be sure that you signed the Affidavit portion of the Motion to Modify before a notary public and that the notary public notarized it.

**B. Copies**

The clerk will make the necessary number of certified true copies of the papers at no charge.

## IX. SERVING THE OTHER PARTY

A "true copy" of the Motion to Modify (including the Order to Show Cause) must be "served" on (personally delivered to) the other party to inform the other party that the court will hold a hearing and that the other party has a right to appear and challenge your Motion. The sheriff's office will serve the papers on the other party unless you elect to have the other party served personally by a private (commercial) process server or other qualified adult. You cannot serve the other party yourself.

There is no service fee when the sheriff's office serves the Order. If you arrange to have a private process server serve the papers, you will need to pay any fees to that person.

### A. Service by Sheriff

If you want the sheriff to serve the papers, the clerk will deliver to the sheriff the "true copy" of the Motion to Modify and the Affidavit of Proof of Service unless you want to deliver them to the sheriff yourself. Let the clerk know if you want to deliver the papers to the sheriff.

If the sheriff's office serves the papers, that office will complete the Affidavit of Service (Form 2B) and file it with the court. The sheriff's office will follow the same procedure it used to serve the original Restraining Order. If the sheriff cannot serve the other party within ten (10) days, the sheriff will notify you by mail. You then have ten (10) days to give the sheriff's office additional information to help the sheriff find and serve the other party. If you do not respond within ten (10) days of the sheriff's notice to you, the sheriff will hold your papers for future service and file a return with the court clerk showing that service was not completed.

### B. Private Service

You may have someone other than the sheriff serve the papers. Any person (except yourself, your attorney or your employee) who is mentally competent, 18 years of age or older, and a resident of Oregon or of the state of service may serve the other party. If you have someone other than the sheriff serve the papers, be sure that:

- (1) the person who served the other party completes the Affidavit of Proof of Service and signs it only in front of a notary public or the court clerk;
- (2) the notary public notarizes or court clerk "acknowledges" the signature of the person signing the Affidavit of Proof of Service;
- (3) the Affidavit of Proof of Service (Form 2B) is filed with the court clerk.

If you have a friend or other person serve the Motion to Modify, that person should follow these instructions to fill out the rest of the Affidavit of Service (Form 2B) after that person serves it on the other party.

**Lines 6 through 10.** If not filled in already, fill in the caption information as directed on page 2 of these instructions. Be sure to include the case number.

**Line 13.** Fill in the county where the process server signed the Affidavit of Proof of Service.

**Line 14.** Fill in the name of the process server.

**Line 16.** Fill in the date the Motion to Modify was served on the other party and then check the appropriate blank for the title of the other party ("petitioner" or "respondent") on the line below.

**Lines 17 and 18.** Fill in the county and state where the other party was served, and then check the appropriate blank for the title ("petitioner" or "respondent") of the other party.

**Lines 19 through 22. THE PERSON WHO SERVED THE MOTION TO MODIFY SHOULD SIGN THIS AFFIDAVIT OF PROOF OF SERVICE ONLY IN FRONT OF A NOTARY PUBLIC OR THE COURT CLERK.** The person should print or type his or her name in the blank under the signature line and then fill in his or her address and telephone number.

The notary public or court clerk will complete the rest of the form.

## **X. HEARING**

The court will hold a hearing before signing the Order. The clerk will notify you when and where the court wants you to appear for the hearing. If you have a disability and need special help at the hearing or you are unable to speak English and need a foreign language interpreter at the hearing, you must notify the clerk as soon as possible, but no later than two judicial days before the hearing. You will need to tell the clerk specifically what type of disability you have or which language you speak and what type of assistance you need or prefer.

When the Order is signed, the clerk will make certified copies for you, for the other party, and for the sheriff. If the other party appeared when you requested that a hearing be set on your motion and received a copy of the Order (Form 2D) signed by the judge, the court might decide that no further service is necessary. Look at page 3 of the Order (Form 2D) to see if the judge marked the box in front of the paragraph stating that no further service is necessary. If that paragraph is marked, the other party does not need to be served with another copy of the papers. If the other party did not appear when you requested that a hearing be set, you should mail a "true" (certified) copy to the other party. The clerk will give a copy to the sheriff so the sheriff can enter the new information in the law enforcement computer.

## **XI. ENFORCEMENT OF THE MODIFIED RESTRAINING ORDER**

Changes in custody and parenting time (visitation) do not extend the length of time a Restraining Order remains in effect. (Only a renewal can extend the duration of a Restraining Order. See Family Abuse Prevention Act Packet No. 3 for forms and instructions for continuing (renewing) a Restraining Order.) A modified Restraining Order is effective only until the end of the 12-month term of the Order that is being modified, unless it is ended earlier by the court at the Petitioner's request; or unless the court renews it at the Petitioner's request; or until the order is vacated or modified, whichever occurs first. Additionally, if and when a final decree or judgment in a dissolution, separation, annulment, or unmarried parents' custody case is entered, any conflicting provisions in a preexisting Restraining Order are superseded (have no effect). A Restraining Order cannot later be changed by a temporary custody or parenting time

(visitation) order in any of these other cases unless you first receive notice and an opportunity for a hearing.

The police must enforce the modified Order in the same way they enforced the original Order. You also can ask the district attorney to prosecute (bring legal charges against) the respondent for violating the modified Order.

## **XII. TERMINATING THE RESTRAINING ORDER**

You can ask the court to end the modified Restraining Order before the year is up. Use the form called "Petitioner's Motion and Order of Dismissal" (Form G) that is included in the packet of forms and instructions for the original Restraining Order. The instructions are also in that packet. If you do not have that packet, ask the court clerk for Packet No. 1.





1 4. If (\_\_\_ Petitioner) (\_\_\_ Respondent) fails to appear, I further move that the court grant the Order Modifying the Restraining  
2 Order in the manner indicated above, and that the court provide such other relief as may be appropriate.

3

4 Statement of Points and Authorities

5 ORS 107.730 authorizes the Court to modify the custody and parenting time terms of a Family Abuse Prevention Act Restraining  
6 Order upon the request of either party.

7

8

9

10

11

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name

12

13 **AFFIDAVIT**

14

15 STATE OF OREGON )  
16 County of \_\_\_\_\_ ) ss.

17

18 I, \_\_\_\_\_ swear/affirm that I am the ( \_\_\_ Petitioner) ( \_\_\_ Respondent) in this matter.  
19 (name)

20 The following facts support this motion:

21

22

23

24

25

26

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

27 SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_,  
28 (month) (year)

29 by \_\_\_\_\_  
(Print or Type Name)

30

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON / COURT CLERK  
My Commission expires: \_\_\_\_\_

1 **ORDER TO SHOW CAUSE**

2

3

4 TO: \_\_\_\_\_ ( \_\_\_ Petitioner) ( \_\_\_ Respondent)

5 \_\_\_\_\_ (Address)

6 \_\_\_\_\_

7

8 IT IS HEREBY ORDERED that you must appear at a hearing before this court on \_\_\_\_\_ at \_\_\_\_\_  
(date)

9 o'clock to show cause, if you have any, why the Restraining Order entered in this matter on \_\_\_\_\_  
(date)

10 should not be modified as described in the attached Motion.

11 If you do not appear in person for your hearing when it is scheduled, the Court may grant (\_\_\_ Petitioner) (\_\_\_ Respondent)  
12 the relief requested and such other relief as may be appropriate.

13 IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.  
(month) (year)

14

15

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\_\_\_\_\_  
JUDGE (Signature)

\_\_\_\_\_  
Print, Type or Stamp Name of Judge

**NOTICE**

**READ THESE PAPERS CAREFULLY**

**IF YOU FAIL TO APPEAR AT THE SCHEDULED HEARING, THE COURT MAY GRANT THE RELIEF  
REQUESTED. IF YOU HAVE ANY QUESTIONS, YOU SHOULD SEE AN ATTORNEY IMMEDIATELY.**

Submitted by: \_\_\_\_\_

Print Name

\_\_\_\_ Petitioner \_\_\_\_\_ Respondent

\_\_\_\_ Attorney for: \_\_\_\_\_ Petitioner \_\_\_\_\_ Respondent

OSB No. \_\_\_\_\_

\_\_\_\_\_  
Address or Contact Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone or Contact Telephone Number(s)

**RELEVANT DATA**

RESPONDENT \_\_\_\_\_ Sex \_\_\_\_\_ Telephone # \_\_\_\_\_

Residence Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_ County \_\_\_\_\_

Birth Date \_\_\_\_\_ Age \_\_\_\_\_ Race \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair Color \_\_\_\_\_ Eye Color \_\_\_\_\_

PETITIONER \_\_\_\_\_ Sex \_\_\_\_\_ \*Telephone # \_\_\_\_\_

\*Residence Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_ County \_\_\_\_\_

Birth Date \_\_\_\_\_ Age \_\_\_\_\_ Race \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair Color \_\_\_\_\_ Eye Color \_\_\_\_\_

\*If you wish to have your residential address or telephone number withheld from the respondent, use a contact address and contact telephone number so the court and the sheriff can reach you if necessary.

**PLEASE FILL OUT THIS INFORMATION  
TO AID IN SERVICE OF THE MOTION TO MODIFY**

Where is the other party most likely to be located?

Residence Hours \_\_\_\_\_

Employment Hours \_\_\_\_\_ Address: \_\_\_\_\_

Other Hours \_\_\_\_\_ Address: \_\_\_\_\_

Description of vehicle \_\_\_\_\_

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: \_\_\_\_\_

Is there anything about the other party's character, past behavior, or the present situation that indicates that the other party may be a danger to self or others? EXPLAIN: \_\_\_\_\_

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF \_\_\_\_\_

\_\_\_\_\_) )

Petitioner, )

vs. )

\_\_\_\_\_) )

Respondent. )

STATE OF OREGON )

County of \_\_\_\_\_ )

Case No. \_\_\_\_\_

AFFIDAVIT OF PROOF OF  
SERVICE OF MOTION,  
AFFIDAVIT AND ORDER TO  
SHOW CAUSE FOR MODIFYING  
RESTRAINING ORDER  
(Family Abuse Prevention Act)

) ss.

I, \_\_\_\_\_, swear/affirm under oath that:

I am a resident of the State of Oregon or of the state of service. I am a competent person 18 years of age or older. I am not an attorney for or a party to this case, or an officer, director or employee of any party to this case.

On the \_\_\_\_ day of \_\_\_\_\_, 200\_\_, I served the Motion, Affidavit and Order to Show Cause  
(month) (year)

for Modifying Restraining Order in this case personally upon the above-named (\_\_\_ Petitioner) (\_\_\_ Respondent) in \_\_\_\_\_ County, State of \_\_\_\_\_, by delivering to the (\_\_\_ Petitioner) (\_\_\_ Respondent) a copy of those papers, each of which was certified to be a true copy of each original.

\_\_\_\_\_  
Signature of Process Server

\_\_\_\_\_  
Address

\_\_\_\_\_  
Print or Type Name of Process Server

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone Number(s)

SUBSCRIBED and SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_,  
(month) (year)

by \_\_\_\_\_  
(Print Name of Process Server)

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON / COURT CLERK  
My Commission Expires: \_\_\_\_\_



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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
Petitioner, )  
 )  
vs. ) Case No. \_\_\_\_\_  
 )  
\_\_\_\_\_  
Respondent. )  
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ORDER MODIFYING  
RESTRAINING ORDER  
(Family Abuse Prevention Act)

This matter coming before the Court on the motion of the ( \_\_\_ Petitioner) ( \_\_\_ Respondent) and heard on  
\_\_\_\_\_  
(date)

IT IS HEREBY ORDERED that the Restraining Order issued in this matter on \_\_\_\_\_ be  
(date)

modified as to custody and parenting time (visitation) in the following way(s):

CUSTODY

- 1. Petitioner is awarded custody of the following children of the parties, subject to the parenting time (visitation) terms set forth below.  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Age: \_\_\_\_\_ Age: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Age: \_\_\_\_\_ Age: \_\_\_\_\_
- 2. Respondent is awarded custody of the following children of the parties, subject to the parenting time (visitation) terms set forth below.  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Age: \_\_\_\_\_ Age: \_\_\_\_\_  
Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Age: \_\_\_\_\_ Age: \_\_\_\_\_

1  3. **A peace officer of the county or city in which the children are located shall assist in recovering the**  
2 **custody of the children of the above parties whose custody has been awarded to (\_\_\_ Petitioner)**  
3 **(\_\_\_ Respondent). The peace officer is authorized to use any reasonable force necessary to that**  
4 **end.**

5 IT IS ORDERED that the party not awarded custody shall be allowed parenting time (visitation) as set forth below:

6 PARENTING TIME (VISITATION)

7  1. NO PARENTING TIME (VISITATION) due to \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10  2. SUPERVISED PARENTING TIME (VISITATION): Three hours per week, supervised by: \_\_\_\_\_  
11 As follows (day of week, location, times): \_\_\_\_\_  
12 \_\_\_\_\_

13  3. Once per week on \_\_\_\_\_ (day) from \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ a.m./p.m.

14  4. On the FIRST and THIRD weekends of each month from 7:00 p.m. Saturday to 7:00 p.m. Sunday. The  
15 first weekend is the one in which both Saturday and Sunday are in the new month.

16  5. On the FIRST and THIRD weekends of each month from 7:00 p.m. Friday to 7:00 p.m. Sunday. The first  
17 weekend is the one in which both Saturday and Sunday are in the new month.

18  6. OTHER PARENTING TIME (VISITATION) AS FOLLOWS: \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_

21  7. Parenting time (visitation) details not provided for in this ORDER, including the days or hours of parenting  
22 time (visitation), shall be arranged through \_\_\_\_\_.

23  8. The parent not awarded custody will pick up and return the children at the curb, or driveway if no curb, of  
24 the residence of the custodial parent or at \_\_\_\_\_  
25 \_\_\_\_\_ (name and address of different location) no more than  
26 15 minutes early nor 15 minutes late.  
27

1 IF RESPONDENT IS NOT AWARDED CUSTODY AND IF RESPONDENT IS OTHERWISE PROHIBITED FROM  
2 BEING AT PETITIONER'S RESIDENCE, RESPONDENT MAY BE AT THE CURB, OR DRIVEWAY IF NOT CURB,  
3 OF PETITIONER'S RESIDENCE FOR A MAXIMUM OF FIVE MINUTES AT THE PARENTING TIME (VISITATION)  
4 HOUR SPECIFIED IN THE ORDER TO PICK UP OR RETURN THE CHILDREN OR AT ANY OTHER TIME THE  
5 PARTIES AGREE TO.

6  
7  OTHER RELIEF: \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10  No further service is necessary because (\_\_\_ Petitioner) (\_\_\_ Respondent) appeared in person before the court.

11  ORDERED that (\_\_\_ Petitioner's) (\_\_\_ Respondent's) motion is denied. \_\_\_\_\_  
12 \_\_\_\_\_

14 CERTIFICATE OF COMPLIANCE  
15 WITH THE VIOLENCE AGAINST WOMEN ACT

16 This protective Order meets all full faith and credit requirements of the Violence Against  
17 Women Act, 18 U.S.C. 2265 (1994). This court has jurisdiction over the parties and the subject  
18 matter. The respondent was afforded notice and timely opportunity to be heard as provided by  
the law of the jurisdiction. This Order is valid and entitled to enforcement in this and all other  
jurisdictions.

19 DATED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.  
20 (month) (year)

21 \_\_\_\_\_  
22 JUDGE (Signature)  
23 \_\_\_\_\_  
Print, Type or Stamp Name of Judge

24 Submitted by: \_\_\_\_\_  
25 Print Name  
26 \_\_\_\_\_ Petitioner \_\_\_\_\_ Respondent  
\_\_\_\_\_ Attorney for: \_\_\_\_\_ Petitioner  
\_\_\_\_\_ Respondent  
27 OSB No. \_\_\_\_\_

\_\_\_\_\_ Address or Contact Address  
\_\_\_\_\_ City State Zip  
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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF \_\_\_\_\_

_____ )	
Petitioner, )	Case No. _____
vs. )	___ PETITIONER'S
_____ )	___ RESPONDENT'S
Respondent. )	WAIVER OF PERSONAL SERVICE
	(Family Abuse Prevention Act)

(Note: This is an optional form.)

In order to maintain the confidentiality of my residential address, I hereby waive my right to personal service if I am subsequently charged with contempt. I am giving the following contact address for service of process and select the following method of substituted service: (Check ONE blank only.)

\_\_\_\_\_ Mailing address: \_\_\_\_\_  
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 \_\_\_\_\_ Business address: \_\_\_\_\_  
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 \_\_\_\_\_ Specified agent: \_\_\_\_\_  
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\_\_\_\_\_  
 Signature Date  
 \_\_\_\_\_  
 Print or Type Name

Submitted by: \_\_\_\_\_  
 Print Name  
 \_\_\_ Petitioner \_\_\_ Respondent  
 \_\_\_ Attorney for: \_\_\_ Petitioner \_\_\_ Respondent  
 OSB No. \_\_\_\_\_  
 \_\_\_\_\_  
 Address or Contact Address  
 \_\_\_\_\_  
 City State Zip  
 \_\_\_\_\_  
 Telephone or Contact Telephone Number(s)