CONTESTING A SEXUAL ABUSE PROTECTIVE (SAPO) ORDER

INSTRUCTIONS

WHAT IF I DISAGREE WITH SOME OR ALL OF THE PROTECTIVE ORDER?

The judge granted the Protective Order based on input from the Petitioner. If you disagree with information given to the judge, or you disagree with all or part of the Order, you have a right to appear in court and give the judge your input.

HOW DO I OBJECT TO THE PROTECTIVE ORDER?

If you want a judge to consider whether the Protective Order should remain in effect, or change some of the things in the Protective Order, you must fill out the form called "Request for Hearing." The "Request for Hearing" form is part of the court papers that says "Notice to Respondent/Request for Hearing" on the top, right hand side of the page. You should have received a copy of this form when you were served with the Protective Order. If you did not receive one, you may download the Request for Hearing form from the state website, http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/fapaforms.page or contact the court that issued the Order.

You have 30 days after you are served with the Protective Order to ask the judge to dismiss or change the order, by filing a "Request for Hearing." **The Request for Hearing must be filed with the court within 30 days from the date you were served.**

If it has been more than 30 days since the date you were served, you can request only that the court modify the terms of the Protective Order. You cannot request that the court dismiss the Protective Order. Either party may request this type of hearing to modify. You may request such a hearing by asking the clerk at the courthouse for the forms needed to "modify" a Protective Order. The judge may schedule a hearing to decide whether or not to change the Order. The judge may decide not to change the Order even if both sides agree that they want the same changes

WHAT HAPPENS IF I DO NOT OBJECT?

If you do not ask for a contested hearing within the first 30 days after you receive the court papers, the Protective Order will continue for **one year** from the date the judge signed it. It can also be renewed for one year at a time after that.

WHEN WILL THE CONTESTED HEARING BE HELD?

The court must hold the hearing within 21 days of your request. If the hearing is scheduled more than a few days away, the court will send you notice of the time and date of the hearing in the mail. If there is not enough time to mail you a notice, the court may contact you by telephone. **Be sure the court always has your current contact addresses and contact phone numbers so you get notice of any hearing.** You also can call the court to ask if a hearing has been set.

If you do not go to the hearing, you will lose your chance to ask the judge to dismiss or change the Sexual Abuse Protective Order. If you cannot go to the hearing due to an emergency, call the court clerk right away. It may be helpful to have an attorney represent you at the hearing, but it is not required.

You may ask in writing, ahead of time, to appear by telephone or other two-way electronic communication device, such as video-conferencing.

WHAT WILL HAPPEN AT THE HEARING I REQUEST?

The purpose of the hearing is to decide whether or not the Protective Order will remain in effect, and if it does remain in effect, if the Order will stay the same or change in some way.

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 contest the Protective Order, but you can have a lawyer represent or help you if you wish. The law does not authorize the court to appoint an attorney for you in this case. If you need help finding a lawyer, you may 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 are unable to speak English and 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 MAY BE KEPT CONFIDENTIAL

You may keep certain information ("protected personal information") out of any papers you file or submit to the court. You must instead, provide that information in a Segregated Information Sheet. "Protected Personal Information" includes social security number; date of birth; former legal names, driver license numbers. It also applies to information about a party or a party's child. On the document where that protected personal information would otherwise appear, you must note that the information has been separately provided under **UTCR 2.100**. (UTCR refers to the Uniform Trial Court Rules that apply across the state).

You can ask court staff for the Segregated Information Sheet form.

Relevant Rules and Forms
UTCR 2.100 – Protected Personal Information, Not Contact Information, Requirements and Procedures to Segregate When Submitting
UTCR Form 2.100.4a – Request to Segregate Protected Personal Information from Concurrently Filed Document
UTCR Form 2.100.4b – Segregated Information Sheet