

RENEWING A FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER

INSTRUCTIONS

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

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](#).

Relevant Rules and Forms

[UTCR 2.130](#) – Family Law Confidential Information Forms

[UTCR Form 2.130.1](#) – Family Law Confidential Information Form

[UTCR Form 2.130.2](#) – Notice of Filing Confidential Information Form

CAN I RENEW A RESTRAINING ORDER?

The person who asked for the restraining order can ask the court to renew it for another year if s/he is still afraid s/he may be abused by the respondent in the future.

HOW DO I ASK FOR MY RESTRAINING ORDER TO BE RENEWED?

If you want to renew the restraining order, fill out the forms in Packet #3 and submit them to the court where you got your original restraining order.

WHEN CAN I ASK FOR MY RESTRAINING ORDER TO BE RENEWED?

File your request with the court sometime before the original order ends. Remember, the original restraining order lasts for one year from the day it was signed by the judge. 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 be afraid of future abuse by the other party if the restraining 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 other person 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 declaration of proof 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 request a hearing. If the respondent does not request a hearing, the renewed restraining order will stay in effect.

If the respondent requests a hearing, the only issue the judge will consider is whether to continue or dismiss the restraining 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 requests 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 restraining 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.

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. Court staff cannot give you legal advice. You may have a lawyer represent you at the hearing but it is not required. If 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 any legal services (legal aid) programs that might help you.

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.

I hereby ask the court to issue an Order renewing the Restraining Order in this matter that was originally signed on _____, 20____ (date of *original* order) for a period of one year, and continuing the security amount set forth in the original restraining order or in such other amount as the court deems appropriate.

Signature of Petitioner

Print or Type Name of Petitioner

STATE OF OREGON)
)
County of _____)

SIGNED AND SWORN to before me this _____ day of _____, 20_____ by

(Print Name of Petitioner)

NOTARY PUBLIC FOR OREGON/COURT CLERK

My commission expires: _____

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
Use a **Safe** Contact address

City, State, Zip

Telephone or Contact Telephone Number
Use a **Safe** Contact number

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

_____))
_____))
Petitioner (your full name), see CIF) Case No. _____
(date of birth))
))
))
v.) **ORDER RENEWING RESTRAINING ORDER**
) (Family Abuse Prevention Act)
))
))
_____))
Respondent (full name), see CIF)
(date of birth).)

TO THE RESPONDENT:

This order continues the original or modified restraining order and becomes effective immediately. Violation of the continued restraining order may result in your arrest or in civil and/or criminal penalties. This order is enforceable in every state, the District of Columbia, and all tribal lands and territories of the United States. If you wish to contest the continuation of this order, see your rights to a hearing in the “Notice to Respondent/Request for Hearing” form attached to this Order.

The court, having reviewed the Petition to Renew Restraining Order, makes the following findings:

- A person in the Petitioner’s situation reasonably would fear further acts of abuse by the Respondent if the Restraining Order in this matter is not renewed.
- No further service is necessary because the Respondent appeared in person before the court.

This matter coming before the court on the petition of the Petitioner, **IT IS HEREBY ORDERED** that:

- The Restraining Order in this matter is renewed for a period of one year, expiring on: _____ (date).
- Other: _____

- THE SECURITY AMOUNT FOR VIOLATION OF ANY PROVISION OF THIS ORDER OR THE ORIGINAL RESTRAINING ORDER IS \$5,000 unless otherwise specified here: \$_____
- The Petition to Renew Restraining Order is dismissed because: _____

FIREARMS PROHIBITIONS MAY APPLY TO YOU!

As a result of this Order, or any Order continuing or changing this Order, it may be unlawful for you to possess or purchase a firearm, including, a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8), as well as state and local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

You may also be subject to further restrictions and prohibited from:

- Traveling across state lines or tribal land lines with the intent to violate this Order and then violating this Order.
- Causing the Petitioner to cross state lines or tribal land lines for the purpose of violating the order
- Possessing, receiving, shipping or transporting any firearm or firearm ammunition.

OTHER LAWS MAY ALSO APPLY TO YOU

Whether or not a Restraining Order is in effect, federal law may prohibit you from:

- Traveling across state lines or tribal land lines with the intent to injure the Petitioner and then intentionally committing a crime of violence causing bodily injury to the Petitioner.
- Causing the Petitioner to travel across state lines or tribal land lines if your intent is to cause bodily injury to the Petitioner or if the travel results in your causing bodily injury to the Petitioner.

**CERTIFICATE OF COMPLIANCE
WITH THE VIOLENCE AGAINST WOMEN ACT**

This protective 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 the jurisdiction. This Order is valid and entitled to enforcement in this and all other jurisdictions.

DATED this _____ day of _____, 20_____

JUDGE (Signature)

Print, Type or Stamp Name of Judge

Submitted by:

Print Name Petitioner Attorney for Petitioner

OSB No. (if applicable)

Address or Contact Address
Use a **Safe** Contact address

City, State, Zip

Telephone or Contact Telephone Number
Use a **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)

Birthdate _____ (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

Residence Address _____

Telephone Number _____

Birthdate _____ (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: _____

REQUEST FOR HEARING
(To Be Completed By Respondent Only)

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

_____	See CIF)	Case No. _____
Petitioner	(date of birth))	
(full name of person who asked for restraining order))	
)	REQUEST FOR HEARING
v.)	RE: ORDER RENEWING RESTRAINING
)	ORDER
)	(Family Abuse Prevention Act)
)	
)	
_____	See CIF)	
Respondent	(date of birth))	
(full name of person to be restrained))	

I am the Respondent in the above-referenced action and I request a hearing to contest all or part of the Order Renewing Restraining Order as follows (mark one or more):

- The basis for the renewal.
- Other term(s) of the Order (please be specific): _____

I will will not be represented by an attorney at the hearing. The name and Bar Number of the attorney (if known) are: _____

- I will need _____ language interpretation services at the hearing.
- I will need Americans with Disabilities Act accommodations at the hearing.

Notice of the time and place of the hearing can be mailed to me at the address below.

Respondent's Signature

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, Respondent Attorney for Respondent OSB No. *(if applicable)*

Address or Contact Address City, State, Zip Telephone or Contact Telephone Number
Use Safe Contact Address Use Safe Contact Number

CERTIFICATES OF COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT

FIREARMS NOTIFICATION under 42 USC §3796gg-(4)(e): As a result of this Order, it **may** be unlawful for Respondent to possess, receive, ship, transport or purchase a **firearm or ammunition** pursuant to **federal law** under 18 USC §922 (g)(8). This Order also **may** negatively affect Respondent's ability to serve in the Armed Forces of the United States or to be employed in law enforcement. [OJIN Event Code: **NOGR**]

NOTICE TO RESPONDENT: If you have questions about whether federal or state laws make it illegal for you to possess or purchase a firearm, and/or about whether this Order will affect your ability to serve in the military or be employed in law enforcement, you should consult an attorney.

FIREARMS PROHIBITION: This Order (or the original Order that is continued) prohibits Respondent from possessing FIREARMS or AMMUNITION and it is unlawful for Respondent to do so under **state law**. [OJIN Event Code: **FQOR**]

FEDERAL FIREARMS FINDINGS (BRADY): This Order may subject Respondent to federal prosecution for possession, receipt, shipping, transportation, or purchase of firearms or ammunition while it is in effect. [OJIN Event Code: **ORB**; LEADS Brady Code: **Y**]

The Court finds:

A. Relationship: The person protected by this Order is (*check at least one*):

- A spouse or former spouse of Respondent.
- The parent of Respondent's child.
- A person who does or did cohabit (live in a sexually intimate relationship) with Respondent.
- Respondent's child.
- A child of an intimate partner* of Respondent (*intimate partner is spouse/former spouse, cohabitant/former cohabitant, or parent of Respondent's child).

B. Notice and Opportunity to Participate:

The Order was issued after a hearing of which Respondent received actual notice and at which Respondent had the opportunity to participate.

C. Terms of Order:

The Order restrains Respondent from harassing, stalking or threatening Petitioner or Petitioner's or Respondent's child/ren or engaging in other conduct that would place Petitioner in reasonable fear of bodily injury to Petitioner or Petitioner's or Respondent's child/ren; **AND**

Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's or Respondent's child/ren; **OR**

This Order by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against Petitioner or Petitioner's or Respondent's child/ren that would be reasonably expected to cause bodily injury.

FULL FAITH AND CREDIT PROVISIONS: This Order meets all full faith and credit requirements of the Violence Against Women Act, 18 USC §2265. This Court has jurisdiction over the parties and the subject matter. Respondent was or is being afforded notice and timely opportunity to be heard as provided by Oregon law. This Order is valid and entitled to enforcement in this and all other jurisdictions.

DATED: _____

JUDGE (Signature)

Print or Type Name of Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY

Petitioner
and

Respondent

)
)
) Case No.: _____
)
)

NOTICE OF FILING OF
 CONFIDENTIAL INFORMATION FORM (CIF)
 AMENDED CIF
in a FAPA CASE

NOTICE: Confidential Information Form (CIF) Has Been Filed

- Uniform Trial Court Rule (UTCRC) 2.130 requires that parties to domestic relations cases place certain information about themselves and other parties in a CIF when such information is required in a document filed with the court.
- The CIF is not available for public inspection except as authorized by law.
- Parties are allowed to see a CIF that contains information about them.
- A party who wants to see a CIF that contains information about the other party must ask for permission from the other party or the court by following the procedures set out in UTCRC 2.130. However, UTCRC 2.130(10)(c) requires the court to deny such a motion in situations that include cases in which a restraining order or other protective order is in effect that protects the party or the party's children from the person requesting inspection of the CIF.

I am the (check one box):

Petitioner Respondent

I filed Confidential Information Forms with the court about the following parties to this case (complete a section for each party for whom you have filled out a CIF):

1) Petitioner:

Name (Last, First, Middle): _____

Confidential Personal Information contained in CIF (check all that apply):

party's date of birth children's date of birth

2) Respondent:

Name (Last, First, Middle): _____

Confidential Personal Information contained in CIF (check all that apply):

party's date of birth, children's date of birth, employer's name, address, and telephone number.

Dated this _____ day of _____, 20____

Signature

Print Name

Contact Address

City, State, Zip

Contact Telephone

**NOTICE TO PETITIONERS RECEIVING ELECTRONIC NOTICE
ABOUT SERVICE OR EXPIRATION OF RESTRAINING ORDERS:**

USE THIS FORM IF:

- You have already provided your e-mail address and/or cell phone-number to the sheriff's office in the county where your restraining order was issued so that you could receive electronic notice when your restraining order has been served, and another message 30 days before the Order expires;

AND

- You have had a change in your e-mail address or cell phone number.

The information below must be provided to the Sheriff's office in the county where the Restraining Order was obtained.

DO NOT FILE THIS FORM WITH THE COURT.

If your contact address or phone number has changed, you must separately inform the court where you obtained this Order.

A common time for use of this form is when you are RENEWING or MODIFYING your restraining order; *however, this form should be used ANYTIME a restraining order is in effect and you have changed your e-mail address or cell phone number and still want to receive electronic notice from the Sheriff's Office about service or expiration.*

*This is voluntary—you are not required to provide this information. **You are not required to participate in the electronic notice program.***

PETITIONER'S NOTICE TO SHERIFF'S OFFICE OF CHANGE OF CONTACT INFORMATION

Petitioner's Name: _____

Respondent's Name: _____

Court Case #: _____

County where Order obtained: _____

Your cell phone number: _____

Your cell phone carrier (ATT, Verizon, etc.): _____

Your email address: _____