

CHANGING A SEXUAL ABUSE PROTECTIVE ORDER

INSTRUCTIONS

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

MAY I GET A SEXUAL ABUSE PROTECTIVE ORDER CHANGED?

Yes. A person can ask for these changes any time after the end of the 30 day period the Respondent has to request a hearing (as long as the order has not expired or been terminated (ended) by a judge).

| Modification of a Sexual Abuse Protective Order | | |
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| | If you want <i>less</i> restrictive terms: | If you want <i>more</i> restrictive terms: |
| If you are the Petitioner: | USE: Petitioner’s Motion and Declaration for Less Restrictive Terms; and the Notice to Respondent/ Request for Hearing for Less Restrictive Terms in Packet #2. | USE: Motion, Declaration and Order to Show Cause re: Modifying Sexual Abuse Protective Order in Packet #2. |
| If you are the Respondent: | USE: Motion, Declaration and Order to Show Cause re: Modifying Sexual Abuse Protective Order in Packet #2 | USE: Motion, Declaration and Order to Show Cause re: Modifying Sexual Abuse Protective Order in Packet #2. |

HOW DO I ASK FOR A CHANGE TO THE SEXUAL ABUSE PROTECTIVE ORDER?

The judge may sign an order at the Petitioner’s request making terms less restrictive without requiring a hearing that the Respondent attends. The Respondent, however, may request a hearing once he or she receives a copy of that changed order.

If you fill out the Motion, Affidavit and Order to Show Cause re: Modifying Sexual Abuse Protective Order, the judge will probably sign an order for the other party to appear. Some courts set a hearing when you file the papers. Some courts do not set a hearing until the other person has been served and given 30 days to respond. Check with the court clerk of the county that issued the order to be sure you follow the right process.

WHAT HAPPENS NEXT?

After you file your papers, court staff will make copies for you. You will need to have one of the copies hand-delivered to the other person. A sheriff’s deputy can do that (free in Oregon) as can a private process server or any adult, 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 service. The packet includes a form for service but some servers use their own forms.

If your local court sets a hearing, it is very important for you to attend, or the judge may dismiss your request. **Be sure the court always has your current contact addresses and contact phone numbers so you get notice of any hearing.**

If your packet includes an Order After Hearing form, you should take it to the hearing. The judge will need to write down his/her decision on the form and sign it. If you cannot go to the hearing due to an emergency, call the court clerk right away. If you have requested these changes in a court that does not schedule a hearing, please contact the court clerk to make sure you are following the correct procedures.

If your local court does not set a hearing until the other party has responded, and the other party has NOT filed a response within 30 days after getting the papers, it is your responsibility to turn in the Order After Hearing form for the judge to sign. The court clerk can tell you where to file the order.

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

DO I NEED A LAWYER?

You are not required to have a lawyer to modify the sexual abuse protective order. You can have a lawyer represent or help you if you wish. However, the law does not allow the court to appoint a lawyer for you.

If the Respondent requests a hearing to modify or terminate the order and is represented by a lawyer, you may ask the judge to extend the date of the hearing for up to five days so that you may obtain a lawyer.

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 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 **UTCRC 2.100**. (UTCRC refers to the Uniform Trial Court Rules that apply across the state).

Relevant Rules and Forms

UTCRC 2.100 – Protected Personal Information, Not Contact Information, Requirements and Procedures to Segregate When Submitting

UTCRC Form 2.100.4a – Request to Segregate Protected Personal Information from Concurrently Filed Document

UTCRC Form 2.100.4b – Segregated Information Sheet