

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 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 reasonably fear for your 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 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 Sexual Abuse Protective 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 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 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 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 two-way electronic communication device, 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 requests a hearing to modify or terminate the Order, and is represented by a lawyer, you may request to extend the date of the hearing for up to five days so that you may obtain a lawyer. The law does not authorize the Judge to appoint an attorney for you.

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 **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