GETTING 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

WHAT IS A RESTRAINING ORDER?

A restraining order is a court order that tells the person who hurt you (the respondent) to leave you and your children alone. It can tell the respondent to move from your home and can deal with temporary custody and parenting time of your children. You can ask the judge to add other orders (listed in the restraining order papers) that you think will help you stay safe. You also can ask the court to include an order that says the respondent cannot have guns. A restraining order can deal with custody and parenting time issues only temporarily. To get "permanent" custody and parenting time orders, you will need to a file a family law case, such as a divorce or a custody case.

WHAT ARE THE REQUIREMENTS FOR GETTING A RESTRAINING ORDER?

1. Age You must be at least 18 years old **or**
You are younger than 18 and the person who abused you is at least 18 and
- you are (or were) married to that person or
- you have been in a sexual relationship with that person.

2. Relationship The person who abused you is:
- your husband, wife or domestic partner
- your former husband, wife, or domestic partner
- an adult with whom you are living (or did live) in a sexual relationship
- an adult with whom you have been in a sexual relationship in the last two years
- an adult related to you by blood, marriage, or adoption
- the parent of your child

3. Abuse In the last 180 days*, the person who abused you must have:

- physically injured you **or**
- tried to physically injure you **or**
- made you afraid that he or she was about to physically injure you **or**
- made you have sexual relations against your wishes by using force or threats of force

(*Any time period when the person who abused you was in jail or lived more than 100 miles from your home does not count as part of the 180 day period. This means you may still be able to get a restraining order even if it has been more than 180 days since you were abused.)

4. Ongoing Danger You are in danger of more abuse very soon, and the person who abused you is a threat to the physical safety of you or your children.

NOTE: *A judge cannot give you a restraining order solely for threats to take your children, rude behavior, verbal or emotional abuse, or damaged property unless you were in fear that you were about to be* ***physically injured****.*

WHERE DO I FILE FOR A RESTRAINING ORDER AND HOW MUCH DOES IT COST?

You must file for a restraining order in the courthouse in the county where either you or the respondent live. Getting a restraining order is free.

HOW DO I FILL OUT THE PAPERS TO GET A RESTRAINING ORDER?

Use a blue or black ballpoint pen and write clearly. Answer each question carefully and tell the truth. Do not write in the part of the papers that say "Judge's Initials". You will need to sign in front of a notary or court clerk. Bring ID (photo ID is best). If available, a court facilitator or advocate may be able to help you with the forms. They cannot answer legal questions.

WHAT HAPPENS AFTER I FILL OUT THE PAPERS?

A time will be set for the judge to look over your papers. The judge may ask you some questions. If the judge gives you the restraining order, 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's deputy (free in Oregon), 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. 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 cannot be punished for violating (not following) the restraining order until after service.

WILL A HEARING BE SCHEDULED?

In a few cases, the judge may wait to make a custody order and will set a hearing to get more information about the children from you and the respondent. You must go to that hearing or the order will probably be dismissed (dropped).

Otherwise, the respondent has 30 days from the date of service to request a hearing contesting the restraining order. If the respondent does not request a hearing, the restraining order will stay in effect. After 30 days from the date of service, if the restraining order has not been dismissed, the only type of hearing a party may request is to make changes to custody and/or parenting time, respondent's removal from the home, respondent's restrictions from other premises, or contact by the respondent in-person, by telephone, or otherwise.

If the respondent does request a hearing, it will be held very quickly. You may have as little as two days to get ready to go to the hearing. 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 check to see if a hearing has been set.

You must go to the hearing or the order will probably be dropped. 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.

WHAT HAPPENS AT THE HEARING REQUESTED BY THE RESPONDENT?

The purpose of the hearing is to decide whether or not the restraining order will remain in effect, and if it does remain in effect, if the order will stay the same or change in some way. The judge may decide not to change the order even if both sides agree that they want the same changes.

At the hearing, you must prove that you have been abused and that you are in danger of further abuse. You should be ready to give your own testimony, call witnesses, and give the judge any evidence you have (such as photos of your injuries). In some cases, if the restraining order stays in effect, it will be against the law for the respondent to have guns. If you are worried about your safety, you may ask for a sheriff's deputy to be present in the courtroom.

HOW LONG DOES A RESTRAINING ORDER LAST?

A restraining order lasts for one year from the date the judge signed it or until a judge orders it cancelled. It can be renewed for one year at a time, if the judge believes you are likely still in danger. To renew the order, you must file the court paperwork before the order ends.

WHAT CAN I DO IF THE RESPONDENT VIOLATES (DOES NOT FOLLOW) THE RESTRAINING ORDER?

You can call the police. The officer must arrest the respondent if there is a good reason to believe a violation has happened. The respondent can be charged with contempt of court. If found guilty of contempt, the respondent can be fined, placed on probation, or put in jail. It is best that you carry a copy of the restraining order with you at all times and that you not contact the other party. A restraining order does not guarantee your safety. You can take other steps to stay safe. A domestic violence or sexual assault program can help.

For information regarding domestic violence resources, please visit our website.
http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/domesticviolence.page?

WHAT IF I WANT TO DROP THE RESTRAINING ORDER?

You must file papers at the courthouse to ask the judge to drop the order. The order remains in effect until the judge dismisses it. It may take a few days for law enforcement to get notice of the dismissal.

CAN THE RESTRAINING ORDER BE CHANGED WHILE IT IS IN EFFECT?

At any time after a restraining order has been entered, you may request that the court modify, remove, or make less restrictive those terms involving custody and parenting time, respondent's removal from the house, respondent's restrictions from other premises, or contact by the respondent in-person, by telephone or otherwise. The party (you or the respondent) who wants to make a change must file paperwork at the courthouse. If the Petitioner requests a change that removes or makes less restrictive the terms involving respondent's removal from the home, respondent's restrictions from other premises, or contact by the respondent in-person, by telephone or otherwise, the judge may sign an order changing the terms without requiring a hearing. Otherwise, the judge will 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.

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 obtain the restraining order, but you can have a lawyer represent or help you if you wish. 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.

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.

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

_____, ☐ Petitioner	)	Case No.: _____
and	)	**CONFIDENTIAL INFORMATION FORM (CIF) FOR PROTECTED PERSON (PETITIONER) IN FAMILY ABUSE PREVENTION ACT (FAPA) CASES**
_____. ☐ Respondent	)	☐ **Amended CIF**
	)	**This document is not accessible to the public or other parties. See UTCR 2.130**

ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS DOCUMENT.

The information below is about: ☐ **Petitioner**

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Date of Birth of Petitioner:

Children's Names (Last, First, Middle)	Date of Birth

Please attach an additional sheet if there are more than five children involved in the proceeding.

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Date:_____ Signature:_____

Type or Print Name:_____

COMPLETED AND SUBMITTED BY:

☐ **Petitioner**

NOTE TO COURT STAFF: This Confidential Information Form is <u>not available</u> to the <u>opposing party or his/her attorney</u>, or to the <u>public;</u> except for the state and law enforcement. See UTCR 2.130

NOTICE TO PETITIONER:

The Sheriff is required by law to provide you with a true copy of the proof of service which shows when the Restraining Order has been served.

If you would like to also receive an email message and/or cell phone text message advising you of when the Restraining Order has been served on the Respondent and another message 30 days before the Order expires, please provide the information requested below. This information will be given to the sheriff's office in the county where the Restraining Order was obtained.

This is voluntary—you are not required to provide this information.

Your cell phone number: _____

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

Your email address: _____

Note: If this information changes, you must notify the Sheriff's office of the new information in order to receive the notice by email or cell phone text message.

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

_____, ☐ Petitioner	)	Case No.: _____
and	)	**CONFIDENTIAL INFORMATION FORM (CIF) FOR PERSON RESTRAINED (RESPONDENT) IN A FAMILY ABUSE PREVENTION ACT (FAPA) CASE**
_____. ☐ Respondent	)	☐ **Amended CIF**

This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.

<u>ATTENTION COURT STAFF</u>: THIS IS A RESTRICTED-ACCESS DOCUMENT.

The information below is about: ☐ **Respondent**

Respondent's Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Respondent's Date of Birth:
Employer's Name, Address, and Telephone Number:

Children's Names (Last, First, Middle)	Date of Birth

Please attach an additional sheet if there are more than five children involved in the proceeding.

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Date:_____ Signature:_____

Type or Print Name:_____

COMPLETED AND SUBMITTED BY:

Petitioner

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is <u>not available</u> to the <u>opposing party or his/her attorney</u>, or to the <u>public;</u> except for the state and law enforcement.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____COUNTY

_____, Petitioner	)	Case No.: _____
and	)	**NOTICE OF FILING OF**
	)	☐ **CONFIDENTIAL INFORMATION FORM (CIF)**
	)	☐ **AMENDED CIF**
_____. Respondent	)	**in a FAPA CASE**

NOTICE: Confidential Information Form (CIF) Has Been Filed

- Uniform Trial Court Rule (UTCR) 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 UTCR 2.130. However, UTCR 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

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

_____	See CIF	Case No. _____
Petitioner (your full name)	(date of birth)	
v.		**PETITION FOR RESTRAINING ORDER TO PREVENT ABUSE** (Family Abuse Prevention Act) ORS 107.700 – 107.735
_____	See CIF	
Respondent (full name of person restrained).	(date of birth)	

NOTICE TO PETITIONER

You must provide complete and truthful information. If you do not, the court may dismiss any restraining order and may also hold you in contempt.

Contact Address and Telephone Number: If you wish to have your residential address or telephone number withheld from Respondent, use a contact address and telephone number so the court and the sheriff can reach you if necessary.

NOTICE TO PETITIONER

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). On this document, where that confidential personal information would otherwise appear, you must provide that in a Confidential Information Form (CIF) under UTCR 2.130 (see instructions).

I am the Petitioner and I state that the following information is true:

I am a resident of _____ County, Oregon. I am _____years old.
Respondent is a resident of _____ County, State of _____.
Respondent is _____ years old.

☐ At the hearing, I will need an interpreter in the _____ language.
☐ At the hearing, I will need American's with Disabilities Act accommodations.

1. CHECK and FILL OUT ALL THAT APPLY:

☐ A. Respondent is my ☐ spouse/domestic partner ☐ former spouse/domestic partner. We were married/registered on _____ (date). Our marriage/partnership was dissolved on _____ (date).

☐ B. Respondent and I are adults related by blood, marriage, or adoption. Respondent is my _____ (type of relationship).

☐ C. Respondent and I have been cohabiting (living together in a sexually intimate relationship) since _____ (date), or cohabited from _____ (date) to _____ (date).

☐ D. Respondent and I have been involved in a sexually intimate relationship within the last two years.

☐ E. Respondent and I are the unmarried parents of a child.

☐ F. I am a minor and have been involved in a sexually intimate relationship with Respondent, who is 18 years of age or older.

2. **WITHIN THE LAST 180 DAYS**, RESPONDENT HAS** (*check all that apply*)**:**

☐ A. Caused me bodily injury.
☐ B. Attempted to cause me bodily injury.
☐ C. Placed me in fear of imminent bodily injury.
☐ D. Caused me to engage in involuntary sexual relations by force or threat of force

****THE 180 DAY PERIOD CAN BE INCREASED BY THE AMOUNT OF TIME RESPONDENT WAS IN JAIL, IN PRISON, OR LIVED MORE THAN 100 MILES FROM YOUR HOME:**

☐ The Respondent was incarcerated from _____ to _____.
☐ The Respondent lived more than 100 miles from my home from _____ to_____ (date).

3. **DESCRIBE THE INCIDENT(S) OF ABUSE THAT HAPPENED IN THE LAST 180 DAYS: Describe how Respondent hurt or threatened to hurt you, starting with the most recent incident:**

Date:_____,County/State:_____: _____

_____

_____

_____

_____

_____

_____

Date:_____, County/State:_____: _____

_____

_____

_____

_____

_____

_____

Date:_____, County/State:_____: _____

_____

_____

_____

_____

_____

_____

☐ Additional pages attached labeled "*Paragraph 3: Description of Abuse*"

4. Are there incidents other than those described above in which the Respondent has hurt or threatened to hurt you **before the 180 day period above**? If yes, explain:
Describe how Respondent hurt or threatened to hurt you, starting with the most recent incident:

Date:_____, County/State:_____: _____

_____

_____

Date:_____, County/State:_____: _____

_____

_____

Date:_____, County/State:_____: _____

_____

_____

☐ Additional pages attached labeled "*Paragraph 4: Additional Abuse*"

5. I am in imminent danger of further abuse by Respondent and the Respondent is a threat to my physical safety or the physical safety of my child/ren because: _____

_____

_____

6. IN ANY OF THE ABOVE INCIDENTS OR OTHER INCIDENTS OF ABUSE:

A. Were you injured? ☐ Yes ☐ No Describe: _____

_____

_____

B. Did you seek medical treatment? ☐ Yes ☐ No Describe: _____

_____

_____

C. Were weapons involved? ☐ Yes ☐ No Describe: _____

_____

_____

D. Were drugs or alcohol involved? ☐ Yes ☐ No Describe: _____

_____

_____

E. Were the police called? ☐ Yes ☐ No Who was arrested? _____

_____

7. ☐ The Respondent has access to firearms now, or I am concerned about his/her getting firearms.
☐ I want the Respondent ordered not to possess or purchase firearms or ammunition because *(explain how your and/or your children's safety and welfare are affected by Respondent's possession of firearms)*:

_____

_____

8. ☐ There is another ☐ **restraining order** and/or ☐ **stalking order** between Respondent and me: _____ County, State of _____, Case #_____

9. ☐ There is another **court case** between Respondent and me for divorce/dissolution, annulment, legal separation, or paternity in: _____ County, State of _____, Case # _____.

10. ☐ I need an order requiring Respondent to **move from my residence**. *(Check all that apply.)* The residence is ☐ *solely in my name*, or ☐ *jointly owned*, or ☐ *jointly leased* by me and Respondent, *or* ☐ *jointly rented* by me and Respondent, or ☐ Respondent is my spouse/registered domestic partner.

11. ☐ I request that Respondent pay me **emergency monetary assistance** (one time payment) to help me and/or my child/ren in the amount of $_____ for *(describe why needed)*: _____

_____

_____

JOINT CHILD/REN

12. THE CHILD/REN OF RESPONDENT AND ME WHO ARE UNDER THE AGE OF 18:

Name	Age	Birthdate	Gender/Sex
		SEE CIF	
		SEE CIF	
		SEE CIF	
		SEE CIF	
		SEE CIF	
		SEE CIF	
		SEE CIF	

☐ Additional pages attached labeled "*Paragraph 12: Joint Child/ren*"

13. The child/ren are now living with _____ at _____(address or use a safe contact address). For how long? _____

14. Where have the child/ren listed in Paragraph 12 above lived for the last five years and with whom (starting with the most recent location)?

Child's Name	Lived With	From (date)	To (date)	County & State

☐ Additional pages attached labeled "*Paragraph 14: Child/ren-Past 5 Years*"

15. ☐ My child/ren have lived in Oregon for the last 6 months.
☐ My child/ren have NOT lived in Oregon for the last 6 months BUT my child/ren and I are now living in Oregon and I want the Court to award me custody because of an EMERGENCY. Describe the emergency:
_____
_____
_____

16. If you and Respondent are unmarried, has legal paternity of your child/ren been established? ☐ Yes ☐ No
If yes, in what way? ☐ Birth Certificate ☐ Child Support Proceeding ☐ Voluntary Acknowledgment
☐ Paternity Lawsuit ☐ Other: _____

17. Is there another court order (other than child support) now in effect concerning any of the child/ren listed above? ☐ Yes ☐ No If yes: Date of Order: _____ Case #: _____
Filed in _____ County, State of _____

18. A. I have not participated as a party, witness or in any other capacity in any other proceeding concerning the custody, parenting time or visitation of the child/ren listed EXCEPT: _____
_____

B. I know of no other proceeding that could affect this case (including any other legal case for custody/parenting time enforcement or relating to domestic violence, protective orders, termination of parental rights and adoptions) in this or any other state EXCEPT: _____
_____

C. I know of no one, other than Respondent, who has physical custody of the child/ren or who claims custody, parenting time or visitation rights with the child/ren EXCEPT: _____
_____

19. ☐ I believe that I will need the assistance of a peace officer to regain custody of my child/ren from the Respondent. The address(es) where the child/ren can most likely be found are listed on the proposed Order. I believe the child/ren are most likely to be found there because: _____
_____

20. ☐ The Department of Human Services (Child Welfare) is involved with my child/ren.
Explain: _____
_____

NOTICE TO PETITIONER

You must notify the court of any change of address/contact address or telephone number/contact telephone number. All notices of hearing will be sent to this address and the court may dismiss the restraining order if you do not appear at a hearing.

If you wish to have your residential address or telephone number withheld from Respondent, use a "contact address" and "contact telephone number" so the Court and the Sheriff can reach you if necessary.

I ASK THE COURT TO ORDER MY REQUESTS AS MARKED ON THE RESTRAINING ORDER.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

_____
Signature of Petitioner

STATE OF OREGON)
)
County of _____)

This instrument was acknowledged 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 — City, State, Zip — Telephone or Contact Telephone Number
Use **Safe** Contact Address — Use **Safe** Contact Number

TO PETITIONER AND RESPONDENT:

NOTICE OF "Exceptional Circumstances HEARING:

The Court has scheduled an "exceptional circumstances" hearing about the temporary custody of your child/ren, on:

Date:_____ Time:_____

Courtroom: _____

(To Be Completed by Court Staff Only)

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

_____	See CIF	)	
Petitioner (your full name)	(date of birth)	)	Case No. _____
		)	
v.		)	**RESTRAINING ORDER**
		)	**TO PREVENT ABUSE**
_____	See CIF	)	(Family Abuse Prevention Act)
Respondent	(date of birth)	)	
(full name of person to be restrained)		)	

NOTICE TO RESPONDENT:

- You must obey all of the provisions of this Restraining Order, even if the Petitioner contacts you or gives you permission to contact him/ her.
- Violation of this Restraining Order may result in your arrest and in civil and/or criminal penalties. This order is enforceable throughout Oregon and in every other state. Review this order carefully.
- **See the attached "NOTICE TO RESPONDENT/REQUEST FOR HEARING" for more information about your rights to a hearing.**

The Court, having reviewed the Petition, and having heard testimony, makes the following findings:

Judge's Initials

1. Petitioner and Respondent are **RELATED** as follows: **1.**_____

A. Petitioner and Respondent are ☐ **spouses/ registered domestic partners,** or ☐ **former spouses/former registered domestic partners.**

B. Petitioner and Respondent ☐ are **adults related by blood, marriage or adoption.**

C. Petitioner and Respondent ☐ have been **cohabiting** (living together in a sexually intimate relationship) since _____ (date), or ☐ **cohabited** from _____ ___(date) to _____ (date).

D. Petitioner and Respondent ☐ have been involved in a **sexually intimate relationship within the last two years.**

E. Petitioner and Respondent ☐ are the **unmarried parents of a child/ren.**

F. Petitioner ☐ is a **minor** and has been involved in a **sexually intimate relationship** with Respondent **who is 18 years of age or older.**

2. Respondent has **ABUSED** Petitioner as defined by ORS 107.705; the abuse occurred **WITHIN THE LAST 180 DAYS** as provided in ORS 107.710; Respondent represents a **CREDIBLE THREAT** to the physical safety of Petitioner or Petitioner's child/ren; and the Petitioner is in **IMMINENT DANGER OF FURTHER ABUSE.** **2.**_____

Judge's Initials

3. This order involves minor CHILDREN.

A. Oregon has **JURISDICTION** over the issues of the child/ren custody and parenting time under ORS 109.701 to 109.834 on the following grounds: **3A.**_____

1. ☐ **Oregon is the child/ren's home state** OR ☐ No other state has home state jurisdiction OR ☐ All courts with jurisdiction on home state or significant connections grounds declined jurisdiction ☐ OR _____ is the child/ren's home state but it has declined jurisdiction ☐ AND the children's parents or a person acting as a parent has significant connections with Oregon and substantial evidence is available here concerning the children's care, protection, and personal relationships. ORS 109.741 (1)(a)(b) and (c).

2. ☐ **Oregon was the home state within six months before this proceeding** was commenced and the child/ren are absent from the state but a parent or person acting as a parent continues to live in Oregon. ORS 109.741(1)(a)

3. ☐ **Emergency grounds** exist for the exercise of temporary jurisdiction because the child/ren are present in this state and have been abandoned or it is necessary to protect the child/ren because the child/ren, or a sibling or parent of the child/ren is subjected to or threatened with mistreatment or abuse. ORS 109.751

B. Existence of other orders concerning the minor children involved: **3B.**_____

☐ **PRIOR ORDER EXISTS ELSEWHERE:** A previous child/ren custody, parenting time, guardianship or juvenile dependency determination has been made in _____(State/Tribe/Country).

☐ **CUSTODY/PARENTING TIME MATTER PENDING:** A child/ren custody, parenting time, guardianship, or juvenile dependency proceeding has been commenced in _____(State/Tribe/Country).

☐ **NO PRIOR ORDER EXISTS AND NONE IS PENDING:** No child/ren custody, parenting time, guardianship or juvenile dependency determination has been issued or proceeding commenced in another state, tribe or country having jurisdiction under ORS 109.701-109.834. The custody and parenting time provisions in this Order shall become a final determination for purposes of the Uniform Child/ren Custody Jurisdiction and Enforcement Act if Oregon becomes the home state of the child/ren.

C. **INTERSTATE JUDICIAL COMMUNICATION** is needed because: **3C.**_____

☐ A custody/parenting time/child/ren placement matter is CURRENTLY PENDING in another state/tribe/country, or

☐ Oregon is exercising Temporary Emergency Jurisdiction under the UCCJEA in this protective order <u>and</u> ANOTHER STATE/TRIBE/COUNTRY HAS ALREADY ISSUED a custody/parenting time/child/ren placement order.

D. **EXCEPTIONAL CIRCUMSTANCES** exist that affect the custody of the child/ren. **3D.**_____

4. **EMERGENCY MONETARY ASSISTANCE:** The Court finds that emergency monetary assistance is necessary to provide for the safety and welfare of the Petitioner and/or one or more child/ren in the custody of the Petitioner. **4.**_____

IT IS HEREBY ORDERED THAT: **Judge's Initials**

Petitioner's Request (check all that apply):

☐**1**. Respondent is restrained (prohibited) from intimidating, molesting, interfering with or menacing **Petitioner**, or attempting to intimidate, molest, interfere with or menace **Petitioner** directly or through third parties. **1.**_____

☐**2**. Respondent is restrained (prohibited) from intimidating, molesting, interfering with or menacing, or attempting to intimidate, molest, interfere, or menace, the **minor child/ren** in Petitioner's custody directly or through third parties. **2.**_____

☐**3**. Except as otherwise set out in this Order, Respondent is restrained (prohibited) from **entering or attempting to enter, or remaining in, the area within ☐ 150 feet or ☐ _____ feet of the building and land at** the following **locations**: *(include names/addresses unless withheld for safety reasons)* **3.**_____

- ☐ a. Petitioner's current or future **residence:**_____
  _____
- ☐ b. Petitioner's current or future **business or place of employment:** _____
  _____
- ☐ c. Petitioner's current or future **school:** _____
  _____
- ☐ d. **Other locations:** _____
  _____

☐**4. Respondent shall not knowingly be or stay within ☐ 150 feet or ☐ _____ feet** (other distance) of Petitioner unless otherwise ordered by the Court as follows: _____ **4.**_____
_____

Nothing in this restraining order prevents Respondent from appearing at or participating in a court (or administrative) hearing or other related legal process as a party or witness in a case involving the Petitioner. At these times, Respondent must stay at least _____ feet away from the Petitioner and follow any additional protective terms ordered in that case. Further, nothing in this order prevents Respondent from serving or providing documents related to a court (or administrative) case to the Petitioner in a manner permitted by law. However, Respondent may not personally deliver legally-related documents to the Petitioner.

☐**5**. Except as otherwise set out in this Order, Respondent is restrained (prohibited) from: **5.**_____

- ☐ a. Contacting, or attempting to contact, Petitioner **in person** directly or through third parties.
- ☐ b. Contacting, or attempting to contact, Petitioner **by mail** or **e-mail, or any other electronic transmission**, except for mailing court-ordered emergency monetary assistance, checks or money orders directly or through third parties.
- ☐ c. Contacting, or attempting to contact, Petitioner by **telephone**, including **cell phone** or **text messaging** directly or through third parties.
- ☐ d. **Exceptions to the restraint from third party contact is as follows** *(list purpose/s and person/s)***:** _____
  _____
  _____

Judge's Initials

☐**6**. Respondent is restrained (prohibited) from entering, attempting to enter, or remaining at: **6.**_____

☐ a. The child/ren's current or future **day care provider,** or removing them from daycare.

☐ b. The child/ren's current or future **school,** or removing them from the school.

☐**7**. Respondent shall **move** from and not return to the residence located at: **7.**_____

_____

except with a peace officer to remove essential personal effects of the Respondent, and if the Respondent is the custodial parent, essential personal effects of Respondent's child/ren, including, but not limited to: clothing, toiletries, diapers, medications, social security cards, birth certificates, identification and tools of the trade.

☐**8**. A peace officer shall accompany the Petitioner to the parties' residence to **remove essential personal effects of Petitioner**, and if the Petitioner is the custodial parent, essential personal effects of the Petitioner's child/ren, including, but not limited to: clothing, toiletries, diapers, medications, social security cards, birth certificates, identification and tools of the trade. **8.**_____

☐**9**. **Emergency Monetary Assistance:** The Respondent is ordered to pay Petitioner $_____ as Emergency Monetary Assistance by the **45th day** after Respondent is served with this Restraining Order by ☐ check or ☐ money order. Payment is to be made by mail to the following address: _____ **9.**_____

Use Safe Contact Address

☐**10**. **Firearms.** Respondent shall not **purchase or possess any firearms or ammunition**. [OJIN Event Code: FQOR] **10.**_____

Other orders regarding firearms *(for court use only)*: _____

_____

_____

_____

FIREARMS NOTIFICATION

If the firearms prohibition in Paragraph 10 is initialed by the judge, it IS unlawful under OREGON **state law** for you to possess or purchase a FIREARM, including a rifle, pistol, or revolver, and AMMUNITION.

You should consult an attorney if you have questions about this.

[OJIN EVENT CODE: NOGR]

☐**11**. **Other Relief:** **11.**_____

_____

_____

_____

_____

_____

_____

CHILD CUSTODY

Judge's Initials

☐**12**. **TEMPORARY CUSTODY** of the following child/ren is ordered as follows, subject to the parenting time terms set forth in Paragraphs 17 and 18 below. **12.**_____

☐ **Additional page attached labeled, "Paragraph 12 continued."**

Party to Have Custody (Petitioner or Respondent)	**Child/ren's Name**	**Date of Birth**	**Age**
		See CIF	
		See CIF	
		See CIF	
		See CIF	
		See CIF	
		See CIF	
		See CIF	

☐**13**. A peace officer of the county or city where the child/ren are located shall assist in **recovering the custody of the parties' child/ren** that was awarded to Petitioner. The peace officer is authorized to use any reasonable force to that end, including forcible entry into the following specific premises (*list the address(es) where the child/ren are most likely to be found and why)*: _____ **13.**_____

_____

14. *(For court use only)* **Effect of Prior Custody Order (ORS 107.722)** **14.**_____

A CUSTODY ORDER ALREADY EXISTS in Case # _____ filed in ☐ _____County, Oregon, or ☐ _____ (another state/tribe).

☐ **14A.** **NO new custody order is made** because the terms in the existing order or judgment shall continue to apply.

☐ **14B.** The child/ren custody provisions in paragraph 12 of this Restraining Order are necessary to protect the safety and welfare of the child/ren or Petitioner but they **CONFLICT** with the custody provisions in the already existing order or judgment. Therefore, the child/ren custody provisions in this Restraining Order shall remain in effect only until this Restraining Order expires or is cancelled, until a new order is issued in the other case, or until _____ (date), whichever occurs first.

15. **Exceptional Circumstances Hearing:** The Court has found that exceptional circumstances affecting custody exist, so NO custody order is entered at this time about the parties' child/ren. **Both parties shall instead appear at a hearing as indicated in the box on the upper center of page 1 of this Restraining Order.** This hearing will be the respondent's only chance to contest this order. The purpose of the hearing will be to consider the temporary custody of the parties' child/ren and other issues that may be contested by the Respondent. At the hearing, the court may cancel or change this Order. **15.**_____

Judge's Initials

16. **Until the Exceptional Circumstances Hearing**, the **residence** of the child/ren and the parental contact with the child/ren shall be as follows: _____ **16.**_____

_____

_____

PARENTING TIME

☐**17**. The parent not awarded temporary custody shall have parenting time with the minor child/ren listed in paragraph 12 beginning on _____as follows: **17.**_____

☐ a. **NO PARENTING TIME** because (explain why Respondent should not have parenting time): **17a.**_____

_____

_____

_____

☐ b. **SUPERVISED PARENTING TIME:** **17b.**_____

☐ 3 hours or ☐ _____ hours per week supervised by _____ _____ , as follows: _____

_____

_____

☐ c. **PARENTING TIME** as follows (day/s of week, place, times) ☐ or as attached: **17c.**_____

_____

_____

_____

_____

AND/OR

☐ Every weekend from _____(day) _____ a.m./p.m. until _____ (day) to _____ a.m./p.m.

☐ FIRST AND THIRD or ☐ SECOND AND FOURTH weekends from _____(day) _____ a.m./p.m. until_____ (day) to _____ a.m./p.m.

☐ Once per week on _____(day) _____ a.m./p.m. until _____ (day) to _____ a.m./p.m.

☐ d. The parent without temporary custody will **pick up and return** the child/ren at: **17d.**_____

☐ Petitioner's ☐ Respondent's residence. ☐ Petitioner ☐ Respondent may remain at the curb (or driveway if no curb), for a maximum of 5 minutes or ☐ _____ minutes, for the sole purpose of picking up and/or returning the child/ren.

☐ Other location: _____

_____

_____

18. *(For court use only)* **Effect of Prior Parenting Time Order (ORS 107.722)** **18.**_____

A PARENTING TIME ORDER ALREADY EXISTS in Case # _____filed in _____ County, Oregon, or ☐ _____ (Another State/Tribe)

☐ **NO** new parenting time order is made because the terms in the existing order or judgment shall continue to apply.

☐ The parenting time provisions in this Restraining Order are necessary to protect the safety and welfare of the child/ren or Petitioner but they **CONFLICT** with the custody provisions in the already existing order or judgment. Therefore, the parenting time provisions in this Restraining Order shall remain in effect only until this Restraining Order expires or is cancelled, until a new order is issued in t he other case, or until _____ (date), whichever occurs first.

Judge's Initials

19. No further service is necessary because Respondent appeared in person before the court. **19.**_____

IT IS FURTHER ORDERED that the SECURITY AMOUNT for violation of any provision of this Order is **$5,000** unless otherwise specified here: Other Amount: $_____

The above provisions of this Restraining Order are in effect for a period of one (1) year from the date of the judge's signature *(unless renewed before it expires*) or until the Order is dismissed, modified, or replaced, whichever occurs first.

CERTIFICATE OF COMPLIANCE WITH FULL FAITH AND CREDIT PROVISIONS OF VIOLENCE AGAINST WOMEN ACT (This is not a Brady Certificate)

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

IT IS HEREBY ORDERED that:

☐ The Petition for Restraining Order to Prevent Abuse is **GRANTED** as set forth above.

☐ The Petition for Restraining Order is **DENIED** because:
- ☐ The Petitioner did not establish a claim for relief.
- ☐ The Petitioner did not appear at the time set for the *ex parte* hearing on his/her petition.
- ☐ Other: _____

DATED: _____

_____
JUDGE (Signature)

_____
Print or Type Name of Judge

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 — City, State, Zip — Telephone or Contact Telephone Number
Use Safe Contact Address — Use 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) _____

Birth Date _____(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 _____

Birth Date _____(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: _____

_____

_____

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

_____	See CIF	)	Case No. _____
Petitioner (your name)	(date of birth)	)	
		)	
v.		)	**DECLARATION OF PROOF OF SERVICE**
		)	(Family Abuse Prevention Act)
_____	See CIF	)	
Respondent	(date of birth)	)	
(full name of person to be restrained)		)	

I, (name)_____, declare that I am a resident of the County of _____, State of _____.
I am a competent person 18 years of age or older, and not an attorney for, or a party to, this proceeding. I certify that the person served is the identical one named in this action.

On the _____ day of _____(month), 20_____ (year), I served the following:

RESTRAINING ORDER TO PREVENT ABUSE, PETITION FOR RESTRAINING ORDER TO PREVENT ABUSE, NOTICE TO RESPONDENT/REQUEST FOR HEARING, the instructions "CONTESTING A FAMILY ABUSE PREVENTION ACT RESTRAINING ORDER (FAPA)", and (list any other documents served) _____ in this case upon the above-named Respondent in person in _____County, State of _____, at the following address: _____by delivering to the Respondent a copy of those papers, all of which were certified to be a true copy of the original.
I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

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.

Dated this _____ day of _____, 20_____.

_____	_____
Signature of Process Server	Street or P.O. Address of Process Server
_____	_____
Print Name of Process Server	City State Zip Code
_____	
Telephone #	

TO PETITIONER AND RESPONDENT:

NOTICE OF EXCEPTIONAL CIRCUMSTANCES HEARING:
The court has scheduled an exceptional circumstances hearing about the temporary custody of your child/ren, on:

Date: _____ Time: _____ Courtroom:_____

See below for information about the "Exceptional Circumstances" hearing.

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

_____	See CIF	)	Case No. _____
Petitioner (your full name)	(date of birth)	)	
		)	
		)	NOTICE TO RESPONDENT/
v.		)	REQUEST FOR HEARING
		)	(Family Abuse Prevention Act)
		)	
_____	See CIF	)	
Respondent	(date of birth)	)	
(full name of person to be restrained)		)	

THIS FORM MUST BE ATTACHED TO ALL COPIES OF THE RESTRAINING ORDER

TO RESPONDENT: A RESTRAINING ORDER HAS BEEN ISSUED BY THE COURT WHICH AFFECTS YOUR RIGHTS. THIS ORDER IS NOW IN EFFECT. You have the right to contest this Restraining Order as set out in the paragraph(s) checked below.

☐ **An "Exceptional Circumstance" Hearing Has Been Scheduled.** *(This means that the box on the top of this page, "Notice of "Exceptional Circumstances" Hearing," has been filled out.)*

The court has determined that there are exceptional circumstances affecting your child/ren and has ordered a hearing to be held on the issue of temporary custody. If you wish to be heard on the issue of temporary custody, you must appear at the date and time stated in the box above. If you disagree with any of the OTHER TERMS of the Restraining Order, you must also appear at the time and place specified above. This will be your only chance to do so. If you do not go to the hearing, the Restraining Order may be upheld (continued) and all matters decided against you. If you want an earlier hearing date than the date specified above, you must complete the request for hearing form below and mail or deliver it to the address on Page 2.

☐ **An "Exceptional Circumstances" Hearing Has NOT Been Scheduled.** (*This means that the box on the top of page 1 is* BLANK.) If you want to contest (object to) the terms of this order, including the award of temporary custody to Petitioner, you must complete the attached "REQUEST FOR HEARING" form (on Pages 3and 4) and mail or deliver it to the address on the bottom of this page.

A REQUEST FOR HEARING must be made within 30 days after you receive the order. You must include your address and telephone number with your request for a hearing. The hearing will be held within 21 days, or within 5 days if you are contesting a temporary custody provision (not parenting time). At the hearing, a judge will decide whether the order should be canceled, changed, or continued. **If you do not go to the hearing, the restraining order may be upheld (continued) and all matters decided against you.**

If no hearing date has been set already and you do not request a hearing within 30 days after you receive this Restraining Order, this restraining order will continue in effect as issued.

Enforceability of the Restraining Order

The Restraining Order you have received is in effect and remains in effect until the court modifies or dismisses it or until it expires. The order may also be renewed upon a finding that a person in the Petitioner's situation would reasonably fear further acts of abuse by you if the order is not renewed. If you are arrested for violating this order, the security amount (bail) is $5,000, unless a different amount is ordered by the court.

This Restraining Order, or any Order continuing or changing this Order, is enforceable in every county in Oregon. It is also enforceable in all 50 states, the District of Columbia, tribal lands and territories of the United States.

Violation of the Restraining Order

Violation of any part of this restraining order, or any order continuing or changing this order, constitutes contempt of court, punishable by a fine of up to $500 or one percent of your annual gross income, whichever is greater, or a jail term of up to six months, or both. Other consequences may also be imposed for contempt.

Federal Restrictions

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), 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.

IF YOU COMPLETE THE REQUEST FOR HEARING FORM, YOU MUST MAIL OR DELIVER IT TO (*address of court*):_____

_____

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.		) (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 the following:

Select Paragraph 1 OR 2 below.

1. ☐ **NO HEARING DATE HAS BEEN SET, and I am requesting a hearing to contest (object to) all or a part of the order as follows (mark one or more):**

_____ The order restraining me from contacting, threatening or attempting to contact the Petitioner.
_____ The order granting temporary child/ren custody to the Petitioner.
_____ The terms of the parenting time order.
_____ Other: _____
_____
_____
_____

2. ☐ **THE COURT HAS ORDERED AN "EXCEPTIONAL CIRCUMSTANCES" HEARING, but I am requesting an earlier hearing date to be held within 5 days after the date I file this request with the court, *which is earlier than the date of the hearing already scheduled by the court which is _____ (date)*.**

☐ **I will also be contesting (objecting to) all or a part of the order as follows (mark one or more):**

_____ The order restraining me from contacting, threatening or attempting to contact the Petitioner.
_____ The order granting temporary child/ren custody to the Petitioner.
_____ The terms of the parenting time order.
_____ Other: _____
_____
_____

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 American's 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 below:

☐ 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 a **Safe** Contact address — Use a **Safe** Contact number

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

_____	See CIF	)	Case No. _____
Petitioner (your name)	(date of birth)	)	
		)	
		)	**PETITIONER'S MOTION AND AFFIDAVIT FOR**
v.		)	**DISMISSAL AND ORDER**
		)	(Family Abuse Prevention Act)
		)	
_____	See CIF	)	
Respondent	(date of birth)	)	
(full name of person to be restrained)		)	

MOTION AND AFFIDAVIT

Petitioner, _____, being first duly sworn, moves this court for an order allowing the voluntary withdrawal and dismissal of the Restraining Order on file herein for the following reasons:

_____

_____

_____

_____

_____

STATEMENT OF POINTS AND AUTHORITIES

ORS 107.720(2) authorizes the court to terminate a Family Abuse Prevention Act Restraining Order upon the request of the Petitioner.

_____

Signature of Petitioner **Print or type name of Petitioner**

STATE OF OREGON)
)
County of _____)

This instrument was acknowledged before me this_____ day of _____, 20____ by

_____
(*Print Name of Petitioner*)

_____
NOTARY PUBLIC FOR OREGON/COURT CLERK

My commission expires: _____

ORDER

☐ Motion Granted ☐ Motion Denied ☐ Other: _____

_____

_____

_____

_____

IT IS SO ORDERED this _____ day of _____, 20____.

_____
JUDGE (Signature)

_____
Print, Type or Stamp Name of Judge

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 — City, State, Zip — Telephone or Contact Telephone Number
Use a **Safe** Contact address — Use a **Safe** Contact number

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

_____	See CIF	)
Petitioner	(date of birth)	) Case No._____
(name of person who asked for restraining order)		)
		) **ORDER AFTER HEARING**
v		) ☐ 21 Day or 5 Day Hearing, After Notice
		) ☐ Exceptional Circumstances Hearing
_____	See CIF	) ☐ Modification ☐ Renewal Hearing
Respondent	(date of birth)	) (Family Abuse Prevention Act)
(name of person to be restrained)		)

This matter came before the Court on _____, 20_____.

☐ **PETITIONER**
☐ Appeared in person or ☐ by telephone/video
☐ Was served a copy of this Order in court today
☐ Did not appear
☐ Attorney:_____
OSB#_____

RESPONDENT
☐ Appeared in person or ☐ by telephone/video
☐ Was served a copy of this Order in court today
☐ Did not appear
☐ Attorney:_____
OSB#_____

☐ **FINDINGS:** _____

_____

_____

Having heard the testimony, **IT IS HEREBY ORDERED THAT THE RESTRAINING ORDER OBTAINED BY PETITIONER ON _____, 20 _____ IS:**

☐ **DISMISSED** in its entirety.
☐ **CONTINUED** in its entirety.
☐ **RENEWED** in its entirety. The renewed restraining order expires on: _____(date).
☐ **CONTINUED/RENEWED but MODIFIED/AMENDED** as follows: _____

_____

_____

_____

The renewed restraining order expires on: _____ (date).

IMPORTANT: Except as modified or amended, all other portions of the Restraining Order remain in effect.

SECURITY AMOUNT for VIOLATION OF THIS ORDER IS $5,000 unless a different amount is specified here: OTHER SECURITY AMOUNT: $_____

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: **ORBY**; LEDS Brady Code: **Y**]

The Court finds:

A. <u>Relationship</u>: 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. <u>Notice and Opportunity to Participate</u>:**

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

☐ **C. <u>Terms of Order</u>:**

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

CONTESTING 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

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

The judge granted the restraining order based on input from the other side (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 give the judge your input.

HOW DO I OBJECT TO THE RESTRAINING ORDER?

If you want a judge to consider whether the restraining order should remain in effect, or change some of the things in the restraining order, you must fill out the form called "Request for Hearing." The "Request for Hearing" form is part of the court paper 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 restraining 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 restraining 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 you request a hearing and the judge continues the Restraining Order, federal law may prohibit you from possessing or purchasing any firearm or ammunition (*including hunting rifles*).

If it has been more than 30 days since the date you were served, the only type of hearing you may request is to make changes to custody and/or parenting time, your removal from the home, your restrictions from other premises, or contact by you in-person, by telephone, or otherwise. Either party may request this type of hearing. You may request such a hearing by asking the clerk at the courthouse for the forms needed to "modify" a restraining 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 Restraining 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?

If the court has already ordered a hearing about custody of your children (sometimes called an "exceptional circumstance hearing"): If the court has found that there are "exceptional circumstances" regarding custody of the child/ren, the court will schedule a hearing to be held within 14 days. The box on the top of page 1 of the restraining order and "Notice to Respondent/Request for Hearing" will give you information about the date and place for that hearing. At the hearing, you will be asked to provide information about your children.

If the court has NOT ordered a hearing but you would like to request one: If the order grants custody and you ask the judge to make a change relating to child custody, the court must hold the hearing within 5 business days of your request. If you are not asking the judge to change child custody, 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 check to see 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 Restraining 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.

WHAT WILL HAPPEN AT THE HEARING I REQUEST?

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

If you would like more information about what to expect at the hearing, go to look for the "Information for Respondents" link on the "Domestic Violence Resources" page on our website. http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/domesticviolence.page

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 restraining order, but you can have a lawyer represent or help you if you wish. 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.

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. If the clerk says there will be a "5 day hearing," be sure to indicate this on your "Request for Hearing" form that you will need an interpreter or accommodations the same day you file your "Request for Hearing" form.

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: _____