**PACKET E2**

# RENEWING (CONTINUING) A RESTRAINING ORDER

# ELDERLY PERSONS AND PERSONS WITH DISABILITIES ABUSE PREVENTION ACT

## INSTRUCTIONS

This packet contains forms and instructions for a Petitioner or "guardian Petitioner" (a guardian or guardian ad litem filing on behalf of an elderly/disabled person) to ask the court to renew (continue) a Restraining Order under the Elderly Persons and Persons with Disabilities Abuse Prevention Act for another year. You must file the forms with the court clerk in the county where the court issued the original restraining order.

**GUARDIAN PETITIONERS**

**You may also use this packet if you are a guardian or guardian ad litem for an elderly or disabled person on whose behalf you are filing to renew a restraining order to stop another person (the "Respondent") from threatening or abusing the person you represent. You must be the guardian or guardian ad litem for the elderly person or disabled person for whom you are filing. If you are using the packet for this purpose, you are called a "GUARDIAN PETITIONER."**

**THROUGHOUT THE FORMS AND INSTRUCTIONS, INFORMATION IS PROVIDED FOR AND REQUESTED ABOUT THE ELDERLY OR DISABLED PERSON YOU REPRESENT. AS A GUARDIAN PETITIONER, YOU ARE TO PROVIDE INFORMATION, NOT ABOUT YOURSELF, BUT ABOUT THE ELDERLY OR DISABLED PERSON ON WHOSE BEHALF YOU ARE SEEKING A RESTRAINING ORDER. Provide information about yourself as "guardian Petitioner" only where specifically requested.**

**IF YOU ARE AN ELDERLY PERSON OR A PERSON WITH DISABILITIES, AND A "GUARDIAN PETITIONER" FILES A PETITION ON YOUR BEHALF, YOU RETAIN THE RIGHT TO:**

- Contact and retain counsel;
- Have access to personal records;
- File objections to the restraining order;
- Request a hearing; and
- Present evidence and cross-examine witnesses at any hearing.

**If you have questions about how the law works or what it means, you may need to see a lawyer. The court clerk cannot give you any legal advice.**

**You do not have to have a lawyer to use this procedure, but you have the right to have a lawyer represent or help you. If you do not know a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free by dialing 1-800-452-7636. If you believe you cannot afford a lawyer, ask the court staff if your area has a legal service (legal aid) program that might help you.**

**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. You must instead, provide that information in a Confidential Information Form. "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 about a party or a party's child. On the document where that protected personal information would otherwise appear, you must note that the information has been separately provided under UTCR 2.130. (UTCR refers to the Uniform Trial Court Rules that apply across the state).

Relevant Rules and Forms
**UTCR 2.130** – Confidential Personal Information in Family Law and Certain Protective Order Proceedings
UTCR 2.130 Confidential Information Form for EPPDAPA Petitioners
UTCR 2.130 Confidential Information Form for EPPDAPA Respondents
UTCR Form 2.130.2 - Notice of Filing of Confidential Information Form (CIF) or Amended CIF

## WHO CAN FILE FOR A RENEWAL?

Only the Petitioner or "guardian Petitioner" (the person who asked for the original Restraining Order) may ask the court to renew the Restraining Order. The Petitioner or "guardian Petitioner" may ask the court to renew even if there are no new facts and even if there has been no new abuse since the original Restraining Order.

## WHEN DO I FILE?

You will need to file the necessary forms with the court to request that the original Restraining Order be renewed sometime before the original order ends. Remember, the original Restraining Order is effective for one year (365 days) after the judge signed it. If you want to renew the Order, you should file your papers at least one or two weeks before the end of that year period. If you file too early, the court might tell you to wait to see if your situation changes. If you file too late and the original Order ends before the court can renew it, you may have to start over and petition for a new restraining order and prove that abuse has reoccurred within the last six months.

## HOW DO I GET A RESTRAINING ORDER 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.

If you sign and complete this form yourself, print or type your name, address, and telephone number, and check the blank next to "Petitioner" or "Guardian Petitioner." **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 sheriff can reach you if necessary.** You are responsible for making sure that all papers delivered to your contact address or agent are actually delivered to you. YOU MUST NOTIFY THE COURT OF ANY CHANGE OF ADDRESS. Please note that for the purposes of the forms in this packet, "address" means a residence, mailing, or contact address in the same state as your home (the place where you live).

## WHEN AND HOW DO I FILE FOR THE RENEWAL?

After you have completed the necessary forms, take them to the Domestic Violence Resource Center at 180 East Main Street, Hillsboro, Monday through Friday, before 10:00 am to see the judge that afternoon.

## WILL THERE BE A HEARING?

The court might hold a hearing, although it does not have to, before signing the Order. The court will hold a hearing later if the Respondent or elderly/disabled person requests one. The clerk will notify you if the court wants you to appear at a hearing.

## WHO DO I SERVE AND HOW DO I SERVE THEM?

If the court grants your Motion and renews the Restraining Order, a "true" (certified) copy of the Motion to Renew and the Order must be "served on" (delivered to) the Respondent to inform the Respondent that the court has renewed the Restraining Order. The order must be given to the Respondent in person by the sheriff or other person who is qualified to serve legal papers unless the court finds that further service is unnecessary because the Respondent appeared in person before the court and received the papers. There is no service fee when the sheriff's office serves the order. If you arrange to have a private process server serve the papers, you will need to pay any fees to that person.

GUARDIAN PETITIONERS

A copy of the Motion to Renew and Order must also be given to ("served on") the elderly or disabled person for whom you are guardian ***within 72 hours after the court issues a restraining order***. The papers must be given "in person" by the sheriff or another person who is qualified to serve legal papers. ***You cannot serve the papers on the elderly or disabled person yourself***. The elderly or disabled person must also be served with a NOTICE containing a statement of their rights, together with an objection form that the elderly or disabled person may complete and mail to the court, and to request a hearing.

## HOW LONG IS THE RESTRAINING ORDER IN EFFECT AND HOW IS IT ENFORCED?

Once renewed, the Restraining Order is effective for an additional year unless it is ended earlier by the court at your request, or unless the order is vacated or modified (changed), whichever occurs first. The police must enforce the renewed Order in the same way they enforced the original Order. You also can ask the District Attorney to prosecute (bring legal charges against) the Respondent for violating the renewed Order.

## WHAT IF I WANT TO END THE RESTRAINING ORDER BEFORE A YEAR IS OVER?

You can ask the court to end the renewed Restraining Order before the second (renewal) year is up. The Petitioner's /Guardian Petitioner's Motion and Order of Dismissal form and instructions for completing that form can be found towards the end of the packet you used for the original Restraining Order. If you do not have the original packet and you want to end the Renewed Restraining Order early, ask the court clerk either for Packet E1, or, if your Restraining Order involved sweepstakes promotional mailings, ask the court clerk for Packet E3.

## WHAT IF I NEED AN ACCOMMODATION OR INTERPRETER?

If you have a disability and need special help at a hearing or you are unable to speak English and need a foreign language interpreter at a hearing, you must notify the clerk as soon as possible, but no later than four judicial days before the hearing. You will need to tell the clerk specifically what type of disability you have or which language you speak and what type of assistance you need or prefer.