

RENEWING A FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER

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

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 personally given 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 person 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.

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.**

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.