# FORMER PROTECTED CHILD
# RENEWING A FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER

## INSTRUCTIONS

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

**IMPORTANT NOTES**

***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 will see the words "See CIF." Do not write anything else in these spaces. Do not add any "confidential personal information" in the forms other than what is requested.

You must file a CIF:

- About yourself. Fill out and file with the court the form Confidential Information Form for Petitioner (Former Protected Child) in Family Abuse Prevention Act (FAPA) Cases.

***and***

- About the respondent **only if his or her employment information has changed** since the original FAPA case was filed. Fill out and file with the court the form Confidential Information Form for Respondent in Case Re: Renewal of Restraining Order (Former Protected Child).

You also must fill out and file with the court the form Notice of Filing Confidential Information Form (CIF)/Amended CIF Re: Renewal of Restraining Order (Former Protected Child). Include a copy of this notice in the documents that are served on the respondent (person to be restrained). You also must mail a copy of the notice to the original petitioner (person who obtained original restraining order) and fill out and file with the court a Certificate of Mailing to Original Petitioner Re: Renewal By Former Protected Child.

***INFORMATION ABOUT NOTIFICATION OF SERVICE OF RESTRAINING ORDER***

The Sheriff is required by law to give you a true copy of the proof of service that shows when the renewal of the restraining order has been served. However, if you would like to also receive an email message and/or cell phone text message advising you that your renewal of the restraining order has been served on the respondent (person restrained) and another message 30 days before the order expires, you should include this information on the Confidential Information Form (CIF) about yourself where it is requested.

## CAN I RENEW A RESTRAINING ORDER?

A former minor child who was in the custody of the original petitioner (person who asked for the original restraining order), who was protected under that order, and who is now 18 years old can ask the court to renew the provisions of the restraining order protecting her or him for another year if she/he is afraid she/he may be abused by the respondent (person restrained) 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 the Formerly Protected Child Renewal Packet and submit them to the court where the original petitioner (person who asked for the original restraining order) got the original restraining order.

## WHEN CAN I ASK FOR THE RESTRAINING ORDER TO BE RENEWED?

File your request with the court sometime before the restraining order that was obtained by the original petitioner (person who asked for the original restraining order) ends. The original restraining order lasts for one year from the day it was signed by the judge. If you do not have a copy of the original restraining order, you can contact the court to ask for one. To renew the order, your papers must be filed before the original order expires. You may lose your chance to apply if you do not file before the date the original 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 respondent (person restrained) 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 hand-delivered to the respondent (person restrained) 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, and the original petitioner (person who obtained the original restraining order) cannot serve the papers. 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 serve the respondent.

Also, ***you must mail the original petitioner a copy of the Petition and the Order Renewing Restraining Order Re: Former Protected Child at her or his contact address that is on file with the court. You must also fill out and file a Certificate of Mailing to Original Petitioner Re: Renewal by Former Protected Child with the court showing that you did this.***

The respondent (person restrained) 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 (person restrained) requests a hearing, the only issue the judge will consider is whether to continue or dismiss the restraining order. The only exceptions are if the respondent, in the hearing request forms, asks the judge to consider other issues, and you agree, or if the respondent has filed a request to modify the order.

If the respondent (person restrained) requests a hearing, it will be held within 21 days the court receives 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 address and contact phone number so you get notice of any hearing.** ***Use a safe contact address and contact phone number.***

## 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 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 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.