

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

Case No: _____

Petitioner

v.

**RESTRAINING ORDER
TO PREVENT ABUSE**

Respondent
(Person restrained)

(Family Abuse Prevention Act)

NOTICE TO RESPONDENT

Review this order carefully

- You must obey all of the provisions of this *Restraining Order*, even if Petitioner contacts you or gives you permission to contact them
- You may be arrested and subject to civil and criminal penalties if you violate this order
- This order is enforceable anywhere in Oregon and in every other state
- See the attached "*Notice to Respondent*" and "*Request for Hearing*" for information about your right to a hearing **and** for information about firearms and ammunition prohibition

(For court use only)

NOTICE OF EXCEPTIONAL CIRCUMSTANCES HEARING

Date: _____ **Time:** _____ **Courtroom:** _____

Both parties must appear at this hearing. See Section 16 below for information.

THE COURT FINDS:

Judge Initials

1. Relationship

1. _____

The Petitioner and Respondent: (check all that apply)

- are or were spouses or Registered Domestic Partners
- are related by blood, marriage, or adoption
- live or lived together in a sexually intimate relationship
- have a sexually intimate relationship (or did within the past 2 years)
 - and Petitioner is under 18, Respondent is over 18
- are the parents of a minor child

2. Incidents of Abuse

2. _____

Respondent has abused Petitioner (as defined by ORS 107.705) within the past 180 days as provided in ORS 107.710. Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's children. Petitioner is in imminent danger of further abuse.

3. Minor Children

This Order involves minor children

A. UCCJEA Jurisdiction *(for court use only)*

3A. _____

References to custody orders in this section include parenting time, visitation, guardianship, and dependency orders. "Parent" includes a person acting as a parent.

A1. **No court has issued a custody order.** Oregon has full jurisdiction to address custody and parenting time because:

- Oregon is the children's home state *or*
- Oregon was the home state within 6 months before the *Petition* was filed, the children are not in Oregon, and a parent lives in Oregon
- No other state meets a 'home state' status. Oregon has significant connections to and substantial evidence about the children and a parent
- All other states that meet a 'home state' status have declined to exercise jurisdiction because Oregon is the more convenient forum

A2. **An Oregon court has already issued a custody order** (even if expired) and the children or a parent currently resides in Oregon. Oregon has exclusive continuing jurisdiction under ORS 109.744.

Prior case #: _____ **County:** _____

A3. **A non-Oregon court has issued a custody order**

Prior case #: _____ **State/Tribe/County:** _____

Oregon has jurisdiction over custody issues because:

- Neither the child nor any parent resides in that jurisdiction *and* Oregon:
 - is the children's home state
 - was the home state within 6 months before the *Petition* was filed, the children are not in Oregon, and a parent currently resides in Oregon
 - has significant connections with and substantial evidence about the child and at least one parent
- or*
- is the more convenient forum *and* all other states meeting 'home state' status have declined to exercise jurisdiction

A4. **Oregon has TEMPORARY jurisdiction only** because the children are present in Oregon *and*

- The children have been abandoned *or*
- The children or a parent have been subjected to or threatened with abuse or mistreatment
- No other state or tribe with jurisdiction under ORS 109.741 has issued a custody order or has one pending
- The custody and parenting time terms of this Oregon protection order remain in effect until a state with full jurisdiction issues a custody order or this order expires on its own terms. If no such custody order is issued while this protection order is in effect, the custody and parenting time terms in this order become a final determination under the UCCJEA when Oregon becomes the children's home state.
- Another state or tribe with full jurisdiction has issued a custody order or has a custody matter pending
- This court will initiate communication with a judge in the other jurisdiction

- The custody terms of this Oregon protection order remain in effect until the earlier of:
 - The date the other jurisdiction issues a custody order *or*
 - 1 year (date) _____ which is adequate time for a party to obtain a custody order in the other jurisdiction

A5. **Oregon DOES NOT have subject matter jurisdiction** over custody issues at this time

4. Emergency Monetary Assistance

Emergency monetary assistance is necessary to provide for the safety and welfare of Petitioner and any children in the care of Petitioner

4. _____

PETITIONER
KEEP A COPY OF THIS ORDER WITH YOU AT ALL TIMES

THE COURT ORDERS:

1. Respondent is restrained (prohibited) from intimidating, molesting, interfering with, or menacing **Petitioner**, or attempting to do so, directly or through another person 1. _____

2. Respondent is prohibited from intimidating, molesting, interfering with, or menacing **minor children in Petitioner's care** or attempting to do so, directly or through another person 2. _____

3. Except as otherwise stated in this order, Respondent is prohibited from entering, attempting to enter, or remaining in the area within 150 feet or _____ feet of buildings and land at the following locations: 3. _____
(include names and addresses unless withheld for safety reasons)

Petitioner's current or future **residence**: _____

Petitioner's current or future **business or place of employment**: _____

Petitioner's current or future **school**: _____

Other: _____

4. Respondent is prohibited from knowingly being or staying within 4. _____
 150 feet or _____ of Petitioner
 except as otherwise ordered (*explain*): _____

5. Contact

A. Nothing in this restraining order prevents Respondent from appearing **5.A** _____ 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 **10 feet or** _____ (*initial: _____*) feet away from the Petitioner and follow any additional protective terms ordered in that case.

B. Nothing in this order prevents Respondent from serving or providing **5B.** _____ documents related to a court (or administrative) case to the Petitioner in a manner permitted by law. Respondent may **not** personally deliver documents to the Petitioner. Except as otherwise ordered, Respondent is prohibited from contacting or attempting to contact Petitioner directly or through another person:

- in person**
 - by **private or commercial delivery**, including **mail**, except for court-ordered emergency monetary assistance, checks, or money orders
 - by **email, social media**, or any other **electronic method**
 - by **phone or text** message
 - exceptions** to restrictions on contact (*list name and purpose*):
-
-
-

6. Respondent is prohibited from entering, attempting to enter, **6.** _____ remaining at, or removing the children from the children’s current or future: day care provider school

7. Respondent is ordered to **move from** and not return to the residence: **7.** _____
(*address*): _____
except with a peace officer to remove **Respondent’s** essential personal items, and, if Respondent is the custodial parent, essential personal items of Respondent’s children including (but not limited to) clothing, toiletries, diapers, medications, Social Security cards, birth certificates, identification, and tools of the trade

8. A peace officer will accompany Petitioner to the residence to remove **8.** _____ **Petitioner’s** essential personal items and, if Petitioner is the custodial parent, essential personal items of Petitioner’s children including (but not limited to) clothing, toiletries, diapers, medications, Social Security cards, birth certificates, identification, and tools of the trade

9. **Emergency Monetary Assistance** **9.** _____
Respondent is ordered to pay Petitioner \$ _____ as emergency monetary assistance by the **45th day** after Respondent is served with this *Restraining Order*. Payment must be made by check money order mailed to (*SAFE contact address*): _____

10. **Animals** 10. _____
 To prevent neglect and protect the safety of animals kept for service, therapy,
 protection or companionship, the court makes the following orders: _____

CHILD CUSTODY

11. **Temporary Custody** is ordered as follows 11. _____
 Parenting time is ordered in Sections 15 and 16, below

Child's Name	Age	Party to have custody
		<input type="checkbox"/> petitioner <input type="checkbox"/> respondent
		<input type="checkbox"/> petitioner <input type="checkbox"/> respondent
		<input type="checkbox"/> petitioner <input type="checkbox"/> respondent
		<input type="checkbox"/> petitioner <input type="checkbox"/> respondent

Additional page attached labeled "Additional Custody Orders"

12. A peace officer of the county or city where the children are located will 12. _____
 assist Petitioner in recovering custody of the children awarded above.
 The peace officer is authorized to use any reasonable force to that end,
 including forcible entry into the following specific premises:
(address where the children are most likely to be found and why): _____

13. *(For court use only)* **Effect of Prior Oregon Custody Order** 13. _____

A custody order has been entered in Case # _____

(OR county and state): _____

- A. No changes are made. The existing order or judgment remains in effect.
- B. The custody and parenting time provisions of this order **conflict** with the existing order or judgment, but are necessary to protect the safety and welfare of the children. The provisions of this order will remain in effect until this order expires or is dismissed or modified, or until *(date):* _____, whichever happens first. This date is adequate for a party to seek modification of the existing order.

14. *(For court use only)* **Exceptional Circumstances Hearing** 14. _____

Exceptional circumstances affecting custody exist, so **no custody order** is entered at this time. Both parties are ordered to **appear at a hearing** (see hearing information on Page 1). This hearing will be Respondent's only chance to contest this order. The purpose of the hearing will be to consider the temporary custody of the parties' children,

and other issues that the Respondent may contest. At the hearing, the court may cancel or change this order.

A. Until the Exceptional Circumstances Hearing, the children's residence and parental contact are as follows: **14A.** _____

PARENTING TIME

15. The parent not awarded temporary custody **will NOT** have parenting time with the minor children because (*explain*): **15.** _____

16. The parent not awarded temporary custody **WILL have** parenting time with the minor children beginning on (*date*): **16.** _____
as follows:

A. **Supervised Parenting Time** **16A.** _____
 3 hours or _____ hours per week supervised by _____ as follows:

B. **Parenting time** will be as attached **or** as follows: **16B.** _____

Once per week on (*day*) _____ from:

(<i>Time</i>):	(am/pm)	to	(<i>Time</i>):	(am/pm)
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1st & 3rd or **2nd & 4th** weekends or **Every weekend**

From: (<i>day</i>)	at	(<i>Time</i>):	(am/pm)
To: (<i>day</i>)	at	(<i>Time</i>):	(am/pm)

(*The 1st weekend is the weekend beginning on the first FRIDAY of the month*)

Other (*days of the week, places, times*): _____

C. **Pick up and return** of the children will be as follows: **16C.** _____

Petitioner's Respondent's residence. The other parent may

remain at the curb (or in the driveway, if no curb) for a maximum of **5 minutes** or _____ minutes for the sole purpose of picking up or returning the children.

At another place (*specify where the children will be picked up and returned*): _____

17. (For court use only) Effect of Prior Oregon Parenting Time Order 17. _____

A parenting time order has been entered in Case # _____

(OR county and state): _____

- A. No changes are made. The existing order or judgment remains in effect.
B. The parenting time provisions of this order **conflict** with the existing order or judgment, but are necessary to protect the safety and welfare of the children. The provisions of this restraining order replace prior orders and remain in effect until this order expires or is dismissed or modified.

18. Immediate Firearms Prohibition 18. _____

Respondent is immediately prohibited from **purchasing or possessing any firearms or ammunition** (*Event: FQOR*)

19. Firearms Surrender (*applies to all granted orders*)

Respondent is ordered to surrender all firearms and ammunition according to the attached *Firearms Surrender and Return Terms*, which are incorporated and made part of this *Order*

19A. Respondent is ordered to file a *Declaration of Firearms Surrender* with any required attachments according to the *Firearms Surrender and Return Terms*

FIREARMS NOTIFICATION

If Section 18 is initialed by the judge, you are immediately prohibited from purchasing or possessing any FIREARM, including a rifle, pistol, or revolver, and AMMUNITION (ORS 107.718(1)(h)).

Whether or not Section 18 is initialed, you will be prohibited from purchasing or possessing any firearms or ammunition under ORS 166.255 if:

- You request a hearing to contest this *Order* and the *Order* is not dismissed
 - You request a hearing to contest this *Order* but then withdraw your request
 - You request a hearing to contest this *Order* but do not attend the hearing
- or
- 30 days pass after you were served with this *Order* and you do not request a hearing to contest this *Order*

Talk to a lawyer if you have questions about this

20. Other Orders

20. _____

21. No further service is necessary because Respondent appeared in person before the court

21. _____

22. SECURITY AMOUNT for violation of any provision of this Order is **\$5,000** unless otherwise specified here: \$_____

22. _____

The Petition for Restraining Order to Prevent Abuse is:

DENIED

- Petitioner did not establish a claim for relief
- Petitioner did not appear at the time set for the ex parte hearing on the petition
- Other:

GRANTED

- Criminal penalties for firearms possession apply as of the earliest of:
 - 30 days from the date of service of this *Order*
 - A hearing to contest this *Order*
 - *Unless the judge dismisses or terminates this Order at the hearing. The Order After Hearing may contain updated firearms prohibitions.*
 - Respondent’s withdrawal from a requested hearing to contest this *Order*
- If Section 18 is initialed by the judge, contempt penalties apply as of the date of service or other knowledge of this *Order*. See the “Firearms Notification” box above for information.

The provisions of this Restraining Order are in effect for a period of 2 years 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. 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.

Judge Signature:

Certificate of Readiness

This proposed order is ready for judicial signature because it is submitted **ex parte** as allowed by statute or rule; or in **open court** with all parties present

Submitted by Petitioner Attorney for Petitioner

Date

Signature

OSB# (*attorneys only*)

Name (printed)

Contact Address (*use a SAFE address*) City, State, ZIP

Contact Phone (*use a SAFE number*)

SERVICE INFORMATION

*****The Respondent will receive a copy of this information*****
If you do not want Respondent to know your residential address or phone number, use a contact address in the state where you reside or a contact phone number so the court and the sheriff can reach you if necessary. Check for mail at this address frequently. The court will assume that you receive all notices sent to your contact address.

PETITIONER:(Name) _____ Female Male Nonbinary

Residence/Contact Address (Use a safe address): Street, Apartment, City, State, ZIP _____ County _____

Contact Phone Number _____ (Use safe contact number)

Age _____ Race/Ethnicity _____ Height _____ Weight _____

Eye Color _____ Hair Color _____

RESPONDENT: (Name) _____ Female Male Nonbinary

Residence Address _____ County _____

Phone Number _____

Age _____ Race/Ethnicity _____ Height _____ Weight _____

Eye Color _____ Hair Color _____

**PLEASE FILL OUT THIS INFORMATION
TO HELP WITH SERVICE OF THE RESTRAINING ORDER**

Where is Respondent most likely to be found?

- Residence Hours _____ Address above _____
- Employment Hours _____ Address on CIF form _____
- Other: Hours _____ Address _____

Description of Vehicle _____

Is there anything about the Respondent’s character, past behavior, or the present situation that indicates that Respondent may be a **danger** to self or others? (Explain): _____

Does Respondent have any **weapons, or access to weapons**? (Explain): _____

Has Respondent ever been **arrested for or convicted of** a violent crime? (Explain): _____
