

FILING FOR A RESTRAINING ORDER

UNDER THE FAMILY ABUSE PREVENTION ACT (FAPA)

IMPORTANT NOTE: PROCEDURES FOR GETTING RESTRAINING ORDERS VARY FROM COURT TO COURT. CHECK WITH YOUR LOCAL COURT FOR MORE INFORMATION.



WHAT IS A RESTRAINING ORDER?

A restraining order is a court order to protect your physical safety. It can tell the other person (the “respondent”) to move. The order can also specify locations where the respondent cannot go. The *Petition* includes other things that you can ask for if you think they will help you stay safe. You can ask the court to order that the respondent cannot have guns.

A restraining order can order *temporary* custody and parenting time. To get long-term custody and parenting time orders, including child support, you will need to file a family law case, such as a divorce or a custody case. Check with your court for forms to file a family law case or go to www.courts.oregon.gov.

WHAT ARE THE REQUIREMENTS FOR GETTING A RESTRAINING ORDER?

1.	Age	You and the respondent must both be at least 18 years old or If you are younger than 18, the respondent must be at least 18 and be <ul style="list-style-type: none"> • your current or former spouse or Registered Domestic Partner or • someone who has (or had) a sexually intimate relationship with you
2.	Relationship	The respondent must be: <ul style="list-style-type: none"> • your current or former spouse or Registered Domestic Partner or • someone you live with in a sexually intimate relationship (or used to) or • someone you have a sexually intimate relationship with (or did within the past 2 years) or • related to you by blood, marriage, or adoption or • the parent of your child
3.	Abuse	In the last 180 days*, the respondent must have: <ul style="list-style-type: none"> • 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 <p><i>(*Any time period when the respondent 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.)</i></p>
4.	Ongoing Danger	You must be in ongoing danger of abuse very soon (“imminent danger”). The respondent must be a threat to the physical safety of you or your children.

NOTE: A judge may not give you a restraining order solely to get a temporary custody order or for threats to take your children, rudeness, or meanness without physical threat to you.

WHERE DO I FILE FOR A RESTRAINING ORDER?

File in the county where either you or the respondent lives. File at the Circuit Court courthouse. Go to www.courts.oregon.gov/courts/Pages/default.aspx to find court contact information. **NOTE:** your address may be closer to a court in a different county, and some towns may be in 2 counties. Call the court or talk to a lawyer if you are not sure where to file.

HOW MUCH DOES IT COST?

There is no cost to file for a restraining order

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

Use blue or black ink and print clearly. Answer each question carefully and truthfully. Your court may have a facilitator or advocate available to help you with the forms. They cannot answer legal questions. BE SURE TO FILL IN THE “COUNTY” SPOT AT THE TOP OF EACH FORM.

File the following forms:

- *Petition for Restraining Order to Prevent Abuse*
 - *Confidential Information Form (CIF)*
 - File one for you and one for the respondent. This form is confidential – meaning that no one but the person it’s about can see it. Do not put the confidential information in any other form.
 - *Notice of Filing of Confidential Information Form (CIF)*
 - *Restraining Order to Prevent Abuse*
- **Address and phone number** You must give the court a contact mailing address and phone number where the court and sheriff can reach you. Your contact address must be in the state where you live. This information will be public and the respondent will also see it. You do NOT have to use your residential address or phone number. If you don’t want the respondent to know where you live or have your phone number, you can use a safe contact address and contact phone number.
- The court will assume you receive all communications at the contact address and phone number. Make sure you check both regularly so you know if the court has set hearings or needs information from you. If you do not appear for a hearing, any order may be changed or your case may be dismissed completely.
- **Other cases** The court needs to know if there are any other restraining order or family cases between you and the respondent, whether they are pending or have been completed. Be prepared to give as much information as you have about any other cases.
- **Parentage** Parentage (who the parents of the minor children are) must be legally established before you can use these forms if you want the court to order custody, parenting time, or child support for minor children.

- Parentage is established if both biological parents sign and file a birth certificate or Voluntary Acknowledgment of Paternity (a statement that says who the parents are) with the State Registrar of Vital Statistics. This is usually signed in the hospital when the child is born.
 - Parentage can also be established through the Oregon Child Support Program or through the courts before you file these forms. Contact the Oregon Child Support Program (www.oregonchildsupport.gov) or a lawyer.
 - Parentage is presumed if you and the other parent were married at the time of the child’s birth or if the child was born within 300 days after the marriage ended. This presumption can be rebutted (challenged).
- **The Restraining Order to Prevent Abuse** Fill out the order with the terms you want the court to grant. The terms must be the same as what you put in the *Petition*. Do not write in the right-hand column that says “Judge’s initials.” If the *Restraining Order* is granted, the judge may make changes or additions and will initial the terms that are included. You will get a copy of the *Order* after it is signed.

WHAT HAPPENS AFTER I FILL OUT THE PAPERS?

When you file your *Petition*, the clerk will tell you when and where to go for your hearing. The judge will look over your papers and may ask you questions. If the judge grants your restraining order, court staff will make copies for you.

The Restraining Order is in effect as soon as it is signed. A copy of the Order must be delivered (“served”) to the respondent. The respondent cannot be found in violation of the Order until they have been served. The court will send the *Order* to a sheriff for service. The sheriff will notify you if they are not able to complete service.

You can also have a private process server or any competent¹ adult serve the *Order*, 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 a certificate of service and file it with the court. 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 objecting to (“contesting”) the restraining order. If the respondent does not request a hearing, the restraining order will stay in effect. After the 30 days, the only type of hearing a party can request is to change custody and parenting time, respondent’s removal from the home, respondent’s restrictions from other places, or contact between you and respondent.

In a few cases, the judge may set an “Exceptional Circumstances” hearing to get more information about custody. The date and time of the hearing will be written on the first page of the Order.

WHAT IF THE RESPONDENT REQUESTS A HEARING?

If the respondent does request a hearing, it will be held very quickly. You may have as little as 2 days to prepare. 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

¹ “Competent” means that a person who can understand, remember, and tell others about an event

enough time to mail you a notice, the court may contact you by phone. **Be sure the court always has your current contact address and contact phone number so you get notice of any hearing.** You also can call the court to see if a hearing has been set.

You must go to all scheduled hearings or the order may be dismissed. If you cannot go to a hearing due to an emergency, call the court clerk right away. It may be helpful to have a lawyer represent you at the hearing, but it is not required. You may be able to appear by phone or video in some courts. Contact the court for more information.

If you are worried about your safety, you can ask for a sheriff's deputy to be present in the courtroom. Call the court before the hearing.

If the court scheduled an Exceptional Circumstances hearing, any objections the respondent has will be heard at that hearing.

The purpose of the hearing is to decide if the restraining order will remain in effect, and if so, whether it will 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. 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.

HOW LONG DOES A RESTRAINING ORDER LAST?

A restraining order lasts for 2 years from the date the judge signed it, unless it is dismissed or cancelled by the court.

Orders can be renewed for 2 years at a time, if the judge believes you are likely still in danger. To renew the order, you must file paperwork *before* the order ends. Forms to renew a restraining order are available at the court or online (*see below*).

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

You can call the police (**call 911**). The officer must arrest the respondent if the officer believes a violation happened. If the court finds a violation, the respondent can be fined, put on probation, or put in jail.

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 about domestic violence resources, please visit our website - www.courts.oregon.gov/dv

WHAT IF I WANT TO DROP THE RESTRAINING ORDER?

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

CAN I CHANGE THE TERMS OF THE RESTRAINING ORDER?

Any time after a restraining order has been entered, you or the respondent can file papers to ask the court to modify (change) or remove terms affecting custody and parenting time, respondent's removal from the house, respondent's restrictions from other places, or contact between you and the respondent. Forms to modify a restraining order are available at the courthouse or online (*see below*). If you ask for a change that removes or makes a term less restrictive, 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 ("Order to Show Cause"). Some courts set a hearing when you file the papers. Some courts do not set a hearing until the respondent has been served and given 30 days to respond. Check with the court 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.

COURT FORMS

Forms that can be used in all Oregon courts are available here:

www.courts.oregon.gov/forms

**It is best that you carry a copy of the restraining order
with you at all times**

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

Petitioner
v.

Case No: _____

**PETITION FOR RESTRAINING
ORDER TO PREVENT ABUSE**

Respondent
(Person to be restrained)

(Family Abuse Prevention Act)

➤ I need an interpreter: Spanish ASL other: _____

NOTICE TO PETITIONER

- You must provide **complete and truthful** information. If you do not, the court may cancel the restraining order. The court may also hold you in contempt.
- **Contact Address and Telephone Number:** If you don't want Respondent to know your residential address or phone number, use a contact address and telephone number so the court and the sheriff can reach you if necessary.

I am the Petitioner. I declare that the following information is true:

1. Residency

I live in the county of _____, state of _____

Respondent lives in the county of _____, state of _____

2. Age of Parties

Petitioner: _____ Respondent (must be 18 or older): _____

3. Relationship

Respondent: (check all that apply)

- is or was my spouse or Registered Domestic Partner (RDP)
- is related to me by blood, marriage, or adoption (explain) _____
- lives or has lived with me in a sexually intimate relationship
(dates, from - to) _____
- has a sexually intimate relationship with me (or did within the past 2 years)
- is the parent of my child

4. Abuse within past 180 days (about 6 months)– Within the past 180 days*

Respondent has (check all that apply):

- caused me physical injury
- tried to cause me physical injury
- made me fear that I was about to be physically injured
- made me have sexual relations against my will by force or threat of force

*The 180-day period is increased by any time Respondent was in jail or prison, or lived more than 100 miles from your home

- Respondent was in jail or prison
Dates (from – to) _____
- Respondent lived more than 100 miles from my home
Dates (from – to) _____

5. Incidents of Abuse

A. Describe the incidents of abuse that happened **within the past 180 days**, starting with the most recent incident

Date: _____ County, State: _____

Additional details about this incident:

I was injured I sought medical care (*describe*): _____

Respondent had a weapon was using drugs or alcohol (*describe*): _____

The police were called (*name*): _____ was arrested

Date: _____ County, State: _____

Additional details about this incident:

I was injured I sought medical care (*describe*): _____

Respondent had a weapon was using drugs or alcohol (*describe*): _____

The police were called (*name*): _____ was arrested

Date: _____ County, State: _____

Additional details about this incident:

I was injured I sought medical care (*describe*): _____

Respondent had a weapon was using drugs or alcohol (*describe*): _____

The police were called (*name*): _____ was arrested

Additional page attached labeled "Incidents of Abuse – 180 Days"

B. There are other incidents of abuse that happened **more than 180 days ago** (*describe*):

Date: _____ County, State: _____

Date: _____ County, State: _____

Date: _____ County, State: _____

Additional page attached labeled "Additional Incidents of Abuse"

Describe any injuries, medical treatment, weapons, drug or alcohol use, and police involvement (including arrests) related to any of these incidents:

6. I am in **imminent danger of future abuse** by Respondent
Explain how or why Respondent presents a threat to your physical safety in the near future:

7. Firearms

I want the order to prohibit Respondent from possession or purchase of firearms or ammunition. Because of the abuse and danger detailed in this *Petition*, Respondent's having firearms affects my or my children's safety and welfare.

Additional information:

- Respondent has firearms (or has easy access to firearms)
- Respondent is already prohibited from possession or purchase of firearms or ammunition

8. Existing Restraining and Stalking Orders

- There is a current restraining order or stalking order between Respondent and me
 County and state: _____ Case #: _____
 County and state: _____ Case #: _____

9. Other Family Cases

- There is another court case between Respondent and me for divorce (dissolution), annulment, separation, paternity, or custody and parenting time
(include pending or finished cases)
 County and state: _____ Case #: _____
 County and state: _____ Case #: _____

10. Move-out Order

- I want Respondent ordered to move out of the residence *(check all that apply)*:
 - the residence is solely in my name
 - Respondent and I jointly own *(or)* lease or rent the residence
 - Respondent is my spouse or Registered Domestic Partner

11. Emergency Money

- I want an order for emergency monetary assistance. I want a one-time payment of \$ _____ from Respondent because *(explain)*: _____

12. Animals

- The following companion, service, therapy, or protection animals should be awarded to me

<i>Name, type of animal</i>	<i>Reason this animal should be awarded to me</i>
<i>{Rover, dog}</i>	
_____	_____
_____	_____
_____	_____
_____	_____

JOINT CHILDREN

Minor Children of the Parties (under the age of 18 and not married or emancipated)

13. Name and Age

Name	Age

Additional page attached labeled "Additional Children"

14. Current Residence

The children live with: me or (name and address): _____

For how long? _____

15. Children's Residences – 5 years

List everywhere the children have lived in the past 5 years (starting with the most recent address) and a *current* contact address for each caretaker.

Dates From/To	County, State	Name of Parent/Caretaker	Contact Address of Parent/Caretaker	Which Children

Additional page attached

16. My children have continuously lived in Oregon for the six months before the filing of this *Petition*

My children have **not** lived in Oregon continuously for six months, but my children and I live in Oregon now and I want the court to award me custody because of an emergency (*describe*): _____

17. Unmarried Parents – Parentage (complete all that apply)

Parentage (who the legal parents are) has been established for both parties by:

➤ petitioner respondent giving **birth** to (*names*): _____

- filing a **Birth Certificate** or **Voluntary Acknowledgment of Paternity form** listing petitioner respondent as the parent of children (*names*): _____

- **judicial** order or **administrative/agency** order
(*court/agency name*): _____ case number _____
located in (*county/state*) _____
re: petitioner respondent for children (*list names*): _____

- **other** method (*explain*): _____
re: petitioner respondent for children (*list names*): _____

18. Prior Cases

(*if you have a copy of existing judgments or orders, bring them with you to your hearing*)

- a. There are no other court orders (besides child support) currently in effect regarding any of the children listed (*include juvenile cases*)

except (list information for all cases):

Case #: _____

County and state: _____

- b. I have not participated as a party, witness, or in any other capacity in any other case concerning **custody or parenting time (visitation)** of the children

except: _____

- c. I do not know of any other legal proceeding that could affect this case (for example: custody/parenting time enforcement, domestic violence, protective orders, termination of parental rights, or adoption cases) in any state

except: _____

- d. I do not know of anyone other than Respondent who has physical custody of the children or who claims custody or parenting time (visitation) rights

except: _____

19. Custody Assistance

I believe that I will need the help of a peace officer to regain custody of my children from Respondent. The addresses where the children can most likely be found are listed on the proposed Order.

I believe the children are most likely to be found there because (*explain*): _____

20. Department of Human Services – Child Welfare (DHS)

DHS is involved with my children because (*explain*): _____

21. A *Confidential Information Form* (CIF) has been completed and filed with the court clerk containing all required information that is identified as confidential by UTCR 2.130 for: Petitioner Respondent

NOTICE TO PETITIONER

You must notify the court of any change of address or phone number. All hearing notices will be sent to this address. The court may dismiss the restraining order if you do not appear at a hearing. **You do NOT need to use your residential address or phone number.** If you don't want Respondent to have your residential address or phone number, use a "contact address" and "contact phone 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 to Prevent Abuse

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

Submitted by Petitioner Attorney for Petitioner

Date _____
Signature

Email _____
Print Name

Contact Address (*use a SAFE address*) _____
Contact Phone (*use a SAFE number*)

Attorney for Petitioner: _____

Date _____
Signature

OSB# _____
Name (printed)

Address _____ _____
City, State, ZIP _____
Phone

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

Case No: _____

_____ Petitioner

and

_____ Respondent

**CONFIDENTIAL
INFORMATION FORM**

Amended CIF

(Family Abuse Prevention Act)

UTCR 2.130

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

File one CIF for each party

Submitted by: Petitioner Respondent other: _____

Information about (name): _____
(first, middle, last)

Petitioner Respondent other: _____

Date of Birth: _____

Respondent's Employer's Name, Address, and Phone: (not required for Petitioner)

Minor children of the parties:¹

Name:	Date of Birth:

Additional page attached

¹ The names of parties and children, and children's ages are not confidential. This form can only be viewed by the party who files it unless the court orders otherwise.

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

Case No: _____

_____ Petitioner

and

_____ Respondent

**CONFIDENTIAL
INFORMATION FORM**

Amended CIF

(Family Abuse Prevention Act)

UTCR 2.130

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

File one CIF for each party

Submitted by: Petitioner Respondent other: _____

Information about (name): _____
(first, middle, last)

Petitioner Respondent other: _____

Date of Birth: _____

Respondent's Employer's Name, Address, and Phone: (not required for Petitioner)

Minor children of the parties:¹

Name:	Date of Birth:

Additional page attached

¹ The names of parties and children, and children's ages are not confidential. This form can only be viewed by the party who files it unless the court orders otherwise.

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

Case No: _____

Petitioner

and

Respondent

**NOTICE OF FILING OF
CONFIDENTIAL
INFORMATION
FORM (CIF)**

Amended CIF

I filed Confidential Information Forms with the court about the following parties to this case as required by Uniform Trial Court Rule (UTCRR) 2.130 (*complete a section for each party you filed a CIF for*):

1) Petitioner Name (First, Middle, Last): _____

Confidential Personal Information contained in CIF (check all that apply):

date of birth children's date of birth

2) Respondent Name (First, Middle, Last): _____

Confidential Personal Information contained in CIF (check all that apply):

date of birth children's date of birth
 employer's name, address, and telephone number

Submitted by: Petitioner Attorney for Petitioner Respondent Attorney for Respondent

Date

Signature

OSB# (*Attorneys only*)

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

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

Case No: _____

Petitioner

v.

CERTIFICATE OF SERVICE

Respondent

(Family Abuse Prevention Act)

I, *(name)* _____, declare that I am a resident of the state of _____
_____. I am a competent person 18 years of age or older. I am not a party to or
lawyer in this case, and not the employee of a party.

I certify that on *(date)* _____ at *(time)* _____ (am/pm),
I served the Respondent named above by delivering the following documents in person to
(address or location of service) _____

I served true copies of the original *(check all that apply)*:

- Restraining Order to Prevent Abuse **and** Petition for Restraining Order to Prevent Abuse
- Order Renewing Restraining Order **and** Petition to Renew Restraining Order
- Order to Show Cause re: Modifying Restraining Order **and** Motion for Order to Show Cause & Declaration in Support

with the Notice to Respondent/Request for Hearing, Instructions for Contesting a Family Abuse Prevention Act Restraining Order, and Notice of Confidential Information Form (CIF) Filing

Other *(name all forms or documents served)* _____

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

Date

Signature of Server

Print Name

If person serving is NOT a sheriff or sheriff's deputy, address and phone number of server:

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 3. _____
or _____ feet of buildings and land at the following locations:
(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)
------------------	---------	----	------------------	---------

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): _____

PETITIONER:

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

NOTICE TO RESPONDENT AND REQUEST FOR HEARING

TO RESPONDENT: A *RESTRAINING ORDER* HAS BEEN ISSUED BY THE COURT THAT AFFECTS YOUR RIGHTS. THE ORDER IS NOW IN EFFECT FOR 2 YEARS.

➤ Follow the instructions in the column checked below

<p><input type="checkbox"/> No hearing is scheduled</p> <p>If you want a hearing because you oppose the <i>Restraining Order</i>, including any parenting time or custody orders, fill out the attached <i>Request for Hearing</i> form.</p> <p>Mail or deliver your <i>Request</i> to the court address on Page 2 within 30 days after you received the order.</p> <p>The hearing will be held within 5 business days if you are contesting a custody order (not parenting time), or within 21 calendar days otherwise</p> <p>If you do not go to the hearing, the restraining order may remain in effect for 2 years. At the hearing, a judge will decide whether the order should remain in effect, be changed, or be dismissed.</p>	<p><input type="checkbox"/> An Exceptional Circumstance hearing is scheduled</p> <p>A hearing is scheduled on:</p> <p>Date: _____</p> <p>Time: _____</p> <p>Courtroom: _____</p> <p>The court has decided that there are exceptional circumstances affecting your children. Temporary custody will be decided at this hearing. If you want to be heard on any of the terms of the <i>Order</i>, you must appear at the date and time above.</p> <p>This will be your only chance to oppose the <i>Order</i>. If you do not go to the hearing, the <i>Restraining Order</i> may remain in effect for 2 years.</p> <p>If you want an earlier hearing than the date above, complete the <i>Request for Hearing</i> form below and mail or deliver it to the address on Page 2</p>
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Enforceability of the Restraining Order

The *Restraining Order* you have received is in effect until the court changes (modifies) or dismisses it, or until it expires

If you are arrested for violating this order, the security amount (bail) is \$5,000, unless a different amount is ordered by the court

The order is enforceable in every county in Oregon. It is enforceable in all 50 states, the District of Columbia, tribal lands, and territories of the United States. This includes any order renewing or changing this order.

Violation of the Restraining Order

Violation of any part of this order (or any order renewing or changing this order) is contempt of court. Contempt is punishable by a fine of up to \$500 or 1% of your annual gross income, whichever is greater, or a jail term of up to six months, or both. Other penalties may also be imposed.

FIREARMS PROHIBITIONS APPLY!

Criminal Penalties for Firearms Possession (ORS 166.255(1)(a))

You will be subject to criminal penalties for possessing firearms or ammunition effective the earliest of:

- (1) 30 days after you were served with the *Order*

Or, if you request a hearing:

- (2) the date of the hearing if the *Order* is not dismissed *or*
- (3) the date of the hearing if you fail to appear at the hearing *or*
- (4) the date you withdraw your request for a hearing

Contempt Penalties for Firearms Possession

If the firearms prohibition in Section 18 of the *Restraining Order* is initialed by the judge:

- it is immediately unlawful for you to possess or purchase any firearm or ammunition under ORS 107.718(1)(h)
- you are subject to contempt of court for violation of the firearms prohibition as soon as you are served with or become aware of the *Order*
- criminal penalties may also apply

You may also be prohibited from serving in the Armed Forces of the United States or being employed in law enforcement. Violating this order may subject you to federal criminal charges.

If you have any questions about how these laws apply to you, talk to a lawyer.

IF YOU COMPLETE THE REQUEST FOR HEARING FORM, 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
FOR THE COUNTY OF _____

Case No: _____

Petitioner

v.

REQUEST FOR HEARING

Respondent
(Person to be restrained)

(Family Abuse Prevention Act)

➤ I need an interpreter: Spanish ASL other: _____

I am the Respondent. I oppose the *Restraining Order* as follows and request a hearing if one is not already scheduled:

I oppose: *(check all that apply)*

- the order restraining me from contacting, threatening, or attempting to contact the Petitioner
- the custody order
- the parenting time order
- other: _____

An Exceptional Circumstances hearing is scheduled. I understand this is my **only** chance to oppose the *Order*. I want an earlier hearing than the date scheduled.

I will will not be represented by an attorney at the hearing
Name and bar number of the attorney (if known): _____

I will need Americans with Disabilities Act accommodations at the hearing

A *Confidential Information Form* (CIF) has been completed and filed with the court clerk containing all required information that is identified as confidential by UTCR 2.130 for Respondent

Submitted by: Respondent Attorney for Respondent

Date

Signature

Email

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

Attorney for Respondent:

Date

Signature

OSB#

Name (printed)

Address

City, State, ZIP

Phone

**NOTICE TO PETITIONERS:
RECEIVING ELECTRONIC NOTICE ABOUT RESTRAINING ORDERS**

The sheriff is required to provide you with proof of service showing when your
Restraining Order has been served

USE THIS FORM if you would also like to receive electronic notice by text message
and/or email when your *Restraining Order* has been served or is about to expire

The information below will be given to the sheriff for the county where the
Restraining Order is issued

DO NOT FILE THIS FORM WITH THE COURT!

Give or send it to the sheriff for the county where you filed for your
Restraining Order

This is a VOLUNTARY option. You do not have to provide this information. The sheriff will still notify you when your Restraining Order has been served.

If your contact address or phone number changes, you must separately inform the court that issued the Order. If the information below changes, notify the sheriff.

**PETITIONER'S NOTICE TO SHERIFF'S OFFICE
OF ELECTRONIC CONTACT INFORMATION**

Your Name: _____

Respondent's Name: _____

Court Case #: _____

County where *Order* Issued: _____

Your cell phone number: _____

Cell Carrier (*AT&T, T-Mobile, Verizon. etc.*): _____

Your email address: _____