

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	<p>You and the respondent must both be at least 18 years old or</p> <p>If you are younger than 18, the respondent must be at least 18 and be</p> <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	<p>The respondent must be:</p> <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	<p>In the last 180 days*, the respondent must have:</p> <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

(*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.)

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.
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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.

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.

- **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.

You will need to have one copy delivered (“served”) to the respondent by a sheriff’s deputy. The court will send the *Order* to a sheriff for 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 cannot be punished for violating the restraining order until after service.

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 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.

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

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 1 year from the date the judge signed it, unless it is dismissed or cancelled by the court.

Orders can be renewed for 1 year 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**

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

USE THIS FORM IF:

- You have already provided your email address or cell phone number to the sheriff's office to receive electronic notice when your *Restraining Order* has been served or is about to expire

AND

- Your email address or cell phone number has changed

DO NOT FILE THIS FORM WITH THE COURT

The information below must be provided to the sheriff's office
in the county where the *Restraining Order* was issued

If your contact address or phone number has changed, you must separately inform the court that issued the Order

A common time to use this form is when you are RENEWING or MODIFYING your restraining order. This form can be used ANYTIME a restraining order is in effect and you have changed your email address or cell phone number and still want to receive electronic notice from the sheriff's office about service or expiration.

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

Your Name: _____

Respondent's Name: _____

Court Case #: _____

County where *Order* Issued: _____

Your new cell phone number: _____

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

Your new email address: _____

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

Petitioner
v.

Respondent
(Person to be restrained)

Case No: _____

**PETITION FOR RESTRAINING
ORDER TO PREVENT ABUSE**

(Family Abuse Prevention Act)

➤ I need an interpreter: Spanish Russian 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 the 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

The 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 – Within the past 180 days* the 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 can be increased by any time the 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**

A1. 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):

B1. Date: _____ **County, State:** _____

B2. Date: _____ **County, State:** _____

B3. 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 the respondent
Explain how or why the respondent presents a threat to your physical safety in the near future:

7. Firearms

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

Additional information:

- The respondent has firearms (or has easy access to firearms)
- The 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 the respondent and me

County and state: _____ Case #: _____

County and state: _____ Case #: _____

9. Other Family Cases

There is another court case between the 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 the respondent ordered to move out of the residence *(check all that apply)*:
- the residence is solely in my name
 - the respondent and I jointly own *(or)* lease or rent the residence
 - the 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 the respondent because *(explain)*: _____

JOINT CHILDREN

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

12. Name and Age

Name	Age

Additional page attached labeled “Additional Children”

13. Current Residence

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

For how long? _____

14. 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

15. 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):

16. Unmarried Parents – Paternity

Legal paternity of the children **has not** been established.

Legal paternity **has** been established by (check all that apply):

birth certificate

voluntary acknowledgment of paternity form in a child support case or a paternity case

another method (explain): _____

17. 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 proceeding concerning **custody or parenting time (visitation)** of the children

except: _____

c. I do not know of any other 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 the respondent who has physical custody of the children or who claims custody or parenting time (visitation) rights

except: _____

18. Custody Assistance

I believe that I will need the help of a peace officer to regain custody of my children from the 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):* _____

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

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

20. 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 the 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

Certificate of Document Preparation.

Check all that apply:

- I chose this form for myself and completed it without paid help
- A legal help organization helped me choose or complete this form, but I did not pay money to anyone
- I paid (or will pay) _____ for help choosing, completing, or reviewing this form
- Guide & File selected and completed this form and I did not pay anyone to review the completed form

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

Petitioner Signature

Name (printed)

Contact Address (use a SAFE address)

City, State, ZIP

Contact Phone (use a SAFE number)

Attorney for Petitioner:

Date

Signature

OSB#

Name (printed)

Address

City, State, ZIP

Phone

TO PETITIONER AND RESPONDENT: *(for court use only)*

NOTICE OF EXCEPTIONAL CIRCUMSTANCES HEARING:

Date: _____ Time: _____ Courtroom: _____

Both parties must appear at this hearing. See Section 15 below for information.

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

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 the Petitioner contacts you or gives you permission to contact him/ her
- 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

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. Jurisdiction (for court use only)

3A. _____

Oregon has jurisdiction over issues of custody and parenting time under the UCCJEA because:

- Oregon is the children's **home state**

- Oregon was the home state within **6 months** before the *Petition* was filed. The children are not in Oregon, but a parent (or person acting as a parent) lives in Oregon.

- Emergency** grounds exist for the exercise of temporary jurisdiction. The children are in Oregon and have been abandoned, or the children (or a parent) have been subjected to or threatened with abuse or mistreatment.

- Other: _____

B. Prior Cases

3B. _____

- Existing Orders**
A previous custody, parenting time, guardianship, or juvenile dependency order exists
The order was entered in: (*state, tribe, or country*): _____

- Pending Cases**
A custody, parenting time, guardianship, or juvenile dependency case is pending in (*state, tribe, or country*): _____

- No Pending or Existing Orders**
No custody, parenting time, guardianship, or juvenile dependency case has been started or finished in any state, tribe, or country. The custody and parenting time provisions in this order are final for purposes of the UCCJEA if Oregon becomes the children's home state.

C. Interstate Judicial Communication Needed

3C. _____

- A custody, parenting time, or child placement matter is **PENDING** in another state, tribe, or country **or**
- Oregon is exercising Temporary Emergency Jurisdiction under the UCCJEA **and** another state, tribe, or country has entered an order regarding custody, parenting time, or child placement

4. Emergency Monetary Assistance

4. _____

Emergency monetary assistance is necessary to provide for the safety and welfare of Petitioner and at least one child in the custody of Petitioner

THE COURT ORDERS:

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

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 knowingly being or staying within 150 feet or _____ of Petitioner except as otherwise ordered (explain): **2.** _____

3. Respondent is prohibited from intimidating, molesting, interfering with, or menacing **minor children in Petitioner's custody**, or attempting to do so, directly or through another person **3.** _____

4. 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: **4.** _____
(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: _____

5. Contact

A. Nothing in this restraining order prevents Respondent from appearing 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** away from the Petitioner and follow any additional protective terms ordered in that case.

Nothing in this order prevents Respondent from serving or providing 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.

B. Except as otherwise ordered, Respondent is prohibited from contacting or attempting to contact Petitioner: **5B.** _____

- in person**, directly or through another 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**, directly or through another person
- by **phone** or **text** message
- exceptions** to restrictions on contact by other persons
(list name and purpose):

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

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 **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 **8.** _____

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. **Firearms** **10.** _____
Respondent is prohibited from **purchasing or possessing any firearms or ammunition.** (Event: FQOR)
Other orders regarding firearms (court use only)

FIREARMS NOTIFICATION

If the firearms prohibition in Section 10 is initiated by the judge, it is unlawful for you to possess or purchase a FIREARM, including a rifle, pistol, or revolver, and AMMUNITION (ORS 107.718(1)(h)).

Talk to a lawyer if you have questions about this (*Event: NOGR*)

11. Other Orders

11. _____

CHILD CUSTODY

12. **Temporary Custody** is ordered as follows
Parenting time is ordered in Sections 16 and 17, below

12. _____

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"

13. A peace officer of the county or city where the children are located will 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:
(addresses where the children are most likely to be found and why):

13. _____

14. (For court use only) Effect of Prior Custody Order **14.** _____

A custody order has been entered in Case # _____

(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 the order expires or is dismissed or modified, or until (date): _____, whichever happens first.

15. (For court use only) Exceptional Circumstances Hearing **15.** _____

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: **15A.** _____

PARENTING TIME

16. The parent not awarded temporary custody **will NOT** have parenting time with the minor children because (explain): **16.** _____

17. The parent not awarded temporary custody **WILL have** parenting time with the minor children beginning on (date): _____ as follows: 17. _____

A. **Supervised Parenting Time** as follows: 17A. _____

3 hours or _____ hours per week supervised by:

B. **Parenting time** will be as attached **or** as follows: 17B. _____

Once per week on (day) _____ from:

(Time):	(am/pm)	to	(Time):	(am/pm)
---------	---------	----	---------	---------

1st & 3rd or **2nd & 4th** weekends or **Every weekend**

From: (day)	at	(Time):	(am/pm)
To: (day)	at	(Time):	(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: 17C. _____

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): _____

18. (For court use only) **Effect of Prior Parenting Time Order** 18. _____

A parenting time order has been entered in Case # _____

(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.

19. No further service is necessary because Respondent appeared in person before the court. 19. _____

20. SECURITY AMOUNT for violation of any provision of this Order is \$7,500 unless otherwise specified here: \$ _____ 20. _____

The provisions of this Restraining Order are in effect for a period of one (1) year 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 is being submitted in **open court** with all parties present

Certificate of Document Preparation. Check all that apply:

- I chose this form for myself and completed it without paid help
- A legal help organization helped me choose or complete this form, but I did not pay money to anyone
- I paid (or will pay) _____ for help choosing, completing, or reviewing this form
- Guide & File selected and completed this form and I did not pay anyone to review the completed form

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)

RELEVANT DATA

*****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

Residence/Contact Address (Use a safe address): Street and 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

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): _____

NOTICE TO RESPONDENT AND REQUEST FOR HEARING

TO PETITIONER AND RESPONDENT:

NOTICE OF EXCEPTIONAL CIRCUMSTANCES HEARING:

The court has scheduled an exceptional circumstances hearing about the temporary custody of your children on:

Date: _____ Time: _____ Courtroom: _____

See below for information about the "Exceptional Circumstances" hearing

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

Case#: _____

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

You have the right to contest the Restraining Order as set out in the paragraph checked below.

An "Exceptional Circumstance" Hearing Has Been Scheduled

(See the box on the top of this page, "Notice of Exceptional Circumstances Hearing")

The court has decided that there are exceptional circumstances affecting your children. The court has ordered a hearing to decide temporary custody. If you want to be heard on the issue of temporary custody or if you oppose the *Order* or any of its terms, you must appear at the date and time in the box above. This will be your **only** chance to oppose the *Order*. If you do not go to the hearing, the *Restraining Order* may remain in effect.

If you want an earlier hearing than the date above, complete the *Request for Hearing* form below and mail or deliver it to the address on Page 2.

An "Exceptional Circumstances" Hearing Has NOT Been Scheduled

(The box on the top of this page is BLANK)

If you oppose the Restraining Order, including any parenting time or custody order, complete the attached "*Request for Hearing*" form. Mail or deliver it to the address on Page 2.

A REQUEST FOR HEARING must be filed with the court **within 30 days** after you received the order. You must include your address and telephone number. At the hearing, a judge will decide whether the order should remain in effect, be changed, or dismissed. **If you do not go to the hearing, the restraining order may remain in effect.**

- The hearing will be held within **5 business days** if you are contesting a custody order (not parenting time), or

- within **21 calendar days** if you do not oppose a custody order

If no Exceptional Circumstances hearing date has been set and you do not request a hearing within 30 days, the restraining order will remain in effect as issued.

Enforceability of the Restraining Order

The *Restraining Order* you have received is in effect and remains in effect until the court changes (modifies) or dismisses it, or until it expires. The order may also be renewed upon a finding that a person in the Petitioner's situation would reasonably fear further acts of abuse by you if the order is not renewed.

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 also 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 MAY APPLY TO YOU!

If the firearms prohibition in Paragraph 10 of the *Restraining Order* is initialed by the judge, it is unlawful for you to possess or purchase a FIREARM, including a rifle, pistol, or revolver, and AMMUNITION under ORS 107.718(1)(h).

As a result of this order, or any order renewing or changing this order, it may be unlawful for you to possess or purchase a firearm, including, a rifle, pistol, or revolver, or ammunition under federal, state, and local laws. This order may affect your ability to serve in the Armed Forces of the United States or to be employed in law enforcement. If you have any questions about how these laws apply to you, talk to a lawyer.

You may also be prohibited from:

- Traveling across state lines or tribal land lines with the intent to violate this Order and then violating this order
- Causing the Petitioner to cross state lines or tribal land lines for the purpose of violating the order

Other Laws May Also Apply To You

Whether or not a *Restraining Order* is in effect, federal law may prohibit you from:

- Traveling across state lines or tribal land lines with the intent to injure the Petitioner and then intentionally committing a crime of violence causing bodily injury to the Petitioner
- Causing the Petitioner to travel across state lines or tribal land lines if your intent is to cause bodily injury to the Petitioner or if the travel results in you causing bodily injury to the Petitioner

IF YOU COMPLETE THE REQUEST FOR HEARING FORM, MAIL OR DELIVER IT TO (address of court): Jackson County Circuit Court 100 South Oakdale Medford Or 97501

REQUEST FOR HEARING

(To Be Completed By Respondent Only)

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

Petitioner
v.

Case No: _____

REQUEST FOR HEARING

Respondent
(Person to be restrained)

(Family Abuse Prevention Act)

➤ I need an interpreter: Spanish Russian other: _____

I am the Respondent. I request a hearing to oppose the *Restraining Order* as follows:

Complete section A or B:

A. NO HEARING DATE HAS BEEN SET

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: _____

**B. AN "EXCEPTIONAL CIRCUMSTANCES" HEARING HAS BEEN SET FOR:
(date) _____**

I request a hearing to be held within 5 business days after I file this *Request*
*(Note to Respondent: if the Exceptional Circumstances hearing is within 5
business days of filing this Request, you cannot get an earlier hearing)*

I also oppose all or a part of the order as follows *(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: _____

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

Certificate of Document Preparation. Check all that apply:

- I chose this form for myself and completed it without paid help
- A legal help organization helped me choose or complete this form, but I did not pay money to anyone
- I paid (or will pay) _____ for help choosing, completing, or reviewing this form
- Guide & File selected and completed this form and I did not pay anyone to review the completed form

Submitted by: Respondent Attorney for Respondent

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

Attorney for Respondent:

Date

Signature

OSB#

Name (printed)

Address

City, State, ZIP

Phone

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

Case No: _____

Petitioner

v.

Respondent

CONFIDENTIAL
INFORMATION FORM (CIF)
(Family Abuse Prevention Act)

Amended

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

File one CIF for each party

- **The information below is about:** **Petitioner** **Respondent**
(The names of the parties and the children, as well as the children's ages, are NOT confidential)

Name (First, Middle, Last): _____

Date of Birth: _____

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

Children's Names (First, Middle, Last)	Date of Birth

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 Respondent

Date

Signature

Name (printed)

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

Case No: _____

Petitioner

v.

Respondent

CONFIDENTIAL
INFORMATION FORM (CIF)
(Family Abuse Prevention Act)

Amended

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Children's Names (First, Middle, Last)	Date of Birth

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 Respondent

Date

Signature

Name (printed)

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

Case No: _____

Petitioner

v.

Respondent

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

Amended CIF

NOTICE: Confidential Information Form (CIF) Has Been Filed

- Uniform Trial Court Rule (UTC R) 2.130 requires that parties to domestic relations cases place certain information about themselves and other parties in a CIF when such information is required in a document filed with the court
- The CIF is not available for public inspection except as authorized by law
- Parties are allowed to see a CIF that contains information about themselves
- A party who wants to see a CIF that contains information about another party must ask for permission from the court or the other party by following the procedures in UTC R 2.130. The court must deny the motion if a restraining order or protective order is in effect between the parties.

I filed Confidential Information Forms with the court about the following parties to this case (*complete a section for each party for whom you have filled out a CIF*):

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