

RENEWING A RESTRAINING ORDER

UNDER THE FAMILY ABUSE PREVENTION ACT (FAPA)

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



CAN I RENEW A RESTRAINING ORDER?

If you are the petitioner (the person who asked for the order), you can ask the court to renew it for another year if you are afraid you may be abused by the respondent in the future. You do not have to show that new abuse has occurred. You do have to explain why you want the order renewed.

HOW DO I ASK FOR MY RESTRAINING ORDER TO BE RENEWED?

Fill out the renewal forms and submit them to the court where you got your original restraining order.

File your request with the court before the current order ends. Restraining orders last for one year from the day of the judge's signature. To renew the current order, your papers must be filed before the end of that year. You may lose your chance to renew if you do not file before the date the current order ends.

WHAT HAPPENS NEXT?

After you file your renewal forms, the judge will decide if it is reasonable for a person in your situation to be afraid of future abuse by the respondent if the restraining order is not renewed. Ask the court clerk how the court handles renewal requests. If your request is granted, make sure you get enough copies from the court to serve the respondent. The court will provide copies to you at no charge.

Service - You cannot serve the papers yourself. Have one of the copies hand-delivered to the respondent. This can be done by a sheriff, a private process server, or any competent¹ person who is 18 or older, as long as the server lives in the state where the papers are served. The server must complete a *Certificate of Service* and file 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. If the respondent does not request a hearing, the renewed restraining order will stay in effect.

If the respondent requests a hearing, it will be held within 21 days after receiving the hearing request. The court will mail you a notice of the hearing date and time or may notify you by phone. It is very important for you to give the court a reliable address and phone number where you can be contacted. If you do not appear at the hearing, your restraining order may be dismissed. **Be sure the court always has your current contact address and contact phone number so you get notice of any hearing.** Use a safe contact address and contact phone number.

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

DO I NEED A LAWYER?

If you have questions about how the law works or what it means, you may need to talk to a lawyer. Court staff cannot give you legal advice. You may have a lawyer represent you at the hearing but it is not required. If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or 800.452.7636. If you believe you cannot afford a lawyer, ask court staff if your area has any legal services (legal aid) programs that might help you.

WHAT IF I NEED AN ACCOMMODATION OR AN INTERPRETER?

If you have a disability and need an accommodation, or if you need a foreign language interpreter, tell the court as soon as possible, 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