

CHANGING A PROTECTIVE ORDER **(INSTRUCTIONS)**

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



CAN I CHANGE ("MODIFY") A PROTECTIVE ORDER?

Yes, but only the following terms may be changed:

- 1) respondent's removal from the home
- 2) respondent's restrictions from other premises
- 3) contact with the petitioner, or
- 4) custody and parenting time of the children

If the 30-day period for the respondent to request a hearing has ended, either party can ask for these changes.

WHAT HAPPENS NEXT?

For all requests, a judge will review your documents.

If the motion is granted, the court will either set a hearing for both parties to appear or grant the requested modification without a hearing.

If the motion is denied, the original (or last modified) *Order* remains in effect without change.

NOTE: If a hearing is scheduled, it is very important for you to attend. If you don't show up, your *Motion* will most likely be denied and your requested changes will not be made.

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 phone number.

If you cannot go to the hearing, call the court clerk as soon as possible.

If no hearing is set, ask the court clerk what the next steps will be.

SERVICE

Court staff will make copies of your papers for you after you file. ***You cannot serve the papers yourself.***

If the Respondent lives in Jackson County, a copy will be sent to the Jackson County Sheriff's office for service.

If the Respondent lives outside of Jackson County, speak with the court clerk about options for service.

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, 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
If you 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

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

Petitioner
 By and through his/her Guardian:

Case No: _____

(name of Guardian)
v.

MOTION FOR ORDER
MODIFYING PROTECTIVE ORDER
& DECLARATION IN SUPPORT

Respondent
(Person restrained)

Filed by: Petitioner Respondent Guardian Ad Litem

Motion

Requested Changes:

Custody Parenting Time (explain): _____

Name and age of each child affected by these changes:

Name	Age

Name	Age

I request an order for a peace officer to help me recover custody of the children. The address where the children most likely will be found is:

I believe the children are likely to be found at the address above because:

Respondent's removal from the home (*explain*): _____

Respondent's restriction from other premises (*explain*): _____

Contact with Petitioner (*explain*): _____

Other (*explain*): _____

Statement of Points and Authorities

ORS 107.730(1)(a) authorizes the court to modify the terms of a Protective Order upon the request of either party

Declaration

The following facts support the requested changes above (*explain why you are requesting the changes to the order and provide any facts that support your requests*)

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 _____

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 other party's character, past behavior, or the present situation that indicates that he or she may be a **danger** to others? To him/herself? (Explain): _____

Does the other party have any **weapons, or access to weapons**? (Explain): _____

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