

FACT SHEET

ELECTRONIC NOTIFICATION TO PETITIONER WHEN PROTECTION ORDERS HAVE BEEN SERVED AND PRIOR NOTIFICATION OF EXPIRATION

One of the most dangerous times for a victim is when service of a protection order occurs. Timely notice to the victim is essential so that they can plan for their safety. Current notification requirements under Oregon Revised Statutes (ORS) 107.720 require the Sheriff to provide the petitioner in a Family Abuse Prevention Act (FAPA) case with a true copy of the proof of service. This is done by sending the victim a copy of the, "Return of Service" form by mail. This can sometimes delay notifying the victim of service. ORS 124.020(8)(a) and (b) require the Sheriff in Elderly Person and Persons With Disabilities Abuse Prevention Act (EPPDAPA) cases, within 10 days of receiving a completed Petition and Order, to notify the victim if the Respondent has not been served with documents. ORS 107.720, 124.030, and 30.866(11) also require the Sheriff to enter information about the issuance and service of Restraining Orders into the Oregon State Police Law Enforcement Data System (OSP LEDS) in FAPA, EPPDAPA, and civil Stalking cases.

Some smaller communities may contact the victim by phone after service occurs and others may ask the victim to call them. Victims will call the Sheriff's Office and the court, oftentimes repeatedly, to find out if service occurred, generating call volume to the court and Sheriff's office.

The objective of this project is to provide notification regarding service of protection orders in FAPA, EPPDAPA, and Civil Stalking cases via cell phone text message or email. This notice is an ENHANCEMENT to the existing process. It is not meant to take the place of the requirement to send the victim a true copy of proof of service as required by statutes.

The box below is a copy of the new information box that will be included in the forms for Family Abuse Protection Orders (FAPAs), Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) and Civil Stalking cases. This will reflect the required information if the petitioner opts to receive electronic notification.

NOTICE TO PETITIONER:

If you would like to receive an email message and/or cell phone text message advising you of when the Restraining Order has been served on the Respondent and another message 30 days before the Order expires, please provide the information requested below. This information will be given to the sheriff's office in the county where the Restraining Order was obtained.

*This is voluntary—you are not required to provide this information. **Note: In EPPDAPA and civil Stalking cases, this additional information appears: “The Respondent will receive a copy of this information.”***

Your cell phone number : _____

Your cell phone carrier (ATT, Verizon, etc.): _____

Your email address: _____

Note: If this information changes, you must notify the Sheriff's office of the new information in order to receive the notice by email or cell phone text message.

Key facts:

- Petitioner would need to provide an email address or cell phone number in the new forms.
- This service is **optional**, not required.
- Petitioner is notified as soon as the information is entered into the Law Enforcement Data Systems (LEDS) by the Sheriff's Office.
- This is an **enhancement** to the existing process. It is *not* meant to take the place of the requirement for the Sheriff to send the victim a true copy of the proof of service as required by Oregon Revised Statutes which is accomplished by mail.
- This enhancement will be beneficial to the victims and the Sheriff's Office in providing more timely notification to the petitioner that the restraining order has been served.

The automatic message that will be sent to the petitioner for new protection orders states:

To petitioners' email address (if provided):

“Your protection order has been served by (agency name). Please do NOT reply to this email as it is an unmonitored mailbox. If you have any questions please contact (agency name) at (agency phone number).”

Text message to petitioners' cellular phone:

“Your protection order has been served by (agency name)”

Additional messages will be sent out to each email address and cellular phone number on file for each protected person as follows:

- Renewal notices when a modification to the expiration date transaction is entered into LEDS.
- And 30 days prior to the expiration of an active protection order.

Frequently Asked Questions:

Q: Is the cell phone number and email address kept confidential?

A: In FAPA cases, this information will not be provided to the opposing party or his/her attorney, or to the public; except for the state and law enforcement. However, in EPPDAPA and civil Stalking cases, this information (like all information in those cases) will be received by the Respondent and is available to the public in the court file.

Q: What if I change my cell phone number or my e-mail address?

A: You would need to notify the Sheriff's office in writing in the county where the Restraining Order was obtained.

Q: Can I use the Advocate's organization email address?

A: This would be a decision of the individual organization. *You must have the permission of the organization to use their email address for notification.*

For questions or additional information about this notification enhancement please contact:

Diana Fleming Diana.I.Fleming@doj.state.or.us
Karen Heywood Karen.S.Heywood@doj.state.or.us

For questions or additional information about the forms, please contact the court where you are filing, modifying, or renewing the original restraining order.