

# GETTING A FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER

## INSTRUCTIONS

Procedures vary from court to court. Check with your local court for filing instructions.

### IMPORTANT NOTE

#### *INFORMATION THAT MUST BE KEPT CONFIDENTIAL*

You must keep certain information (“confidential personal information”) out of any papers you file or submit to the court and, instead, provide that information in a Confidential Information Form (CIF). “Confidential Personal Information” includes social security number; date of birth; former legal names, driver license numbers; and employer’s name, address, and telephone number. It also applies to information regarding a party or a party’s child. On the pleading or document where that confidential personal information would otherwise appear, you must note that the information has been separately provided under [UTCR 2.130](#).

#### **Relevant Rules and Forms**

[UTCR 2.130](#). – Family Law Confidential Information Forms

[UTCR Form 2.130.1](#) – Family Law Confidential Information Form

[UTCR Form 2.130.2](#) – Notice of Filing Confidential Information Form

### WHAT IS A RESTRAINING ORDER?

A restraining order is a court order that tells the person who hurt you (the respondent) to leave you and your children alone. It can tell the respondent to move from your home and can deal with temporary custody and parenting time of your children. You can ask the judge to add other orders (listed in the restraining order papers) that you think will help you stay safe. You also can ask the court to include an order that says the respondent cannot have guns. A restraining order can deal with custody and parenting time issues only temporarily. To get “permanent” custody and parenting time orders, you will need to file a family law case, such as a divorce or a custody case.

### WHAT ARE THE REQUIREMENTS FOR GETTING A RESTRAINING ORDER?

- 1. Age** You must be at least 18 years old **or**  
You are younger than 18 and the person who abused you is at least 18 and
  - you are (or were) married to that person or
  - you have been in a sexual relationship with that person.
- 2. Relationship** The person who abused you is:
  - your husband, wife or domestic partner
  - your former husband, wife, or domestic partner
  - an adult with whom you are living (or did live) in a sexual relationship
  - an adult with whom you have been in a sexual relationship in the last two years
  - an adult related to you by blood, marriage, or adoption
  - the parent of your child

- 3. Abuse** In the last 180 days\*, the person who abused you must have:
- 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 person who abused you 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 are in danger of more abuse very soon, and the person who abused you is a threat to the physical safety of you or your children.

***NOTE:** A judge cannot give you a restraining order solely for threats to take your children, rude behavior, verbal or emotional abuse, or damaged property unless you were in fear that you were about to be **physically injured**.*

### **WHERE DO I FILE FOR A RESTRAINING ORDER AND HOW MUCH DOES IT COST?**

You must file for a restraining order in the courthouse in the county where either you or the respondent live. Getting a restraining order is free.

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

Use a blue or black ballpoint pen and write clearly. Answer each question carefully and tell the truth. Do not write in the part of the papers that say "Judge's Initials". You will need to sign in front of a notary or court clerk. Bring ID (photo ID is best). If available, a court facilitator or advocate may be able to help you with the forms. They cannot answer legal questions.

### **WHAT HAPPENS AFTER I FILL OUT THE PAPERS?**

A time will be set for the judge to look over your papers. The judge may ask you some questions. If the judge gives you the restraining order, court staff will make copies for you. You will need to have one of the copies hand-delivered to the other person by a sheriff's deputy (free in Oregon), a private process server, or any adult, 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 and file with the court a declaration of service. 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 (not following) the restraining order until after service.

### **WILL A HEARING BE SCHEDULED?**

In a few cases, the judge may wait to make a custody order and will set a hearing to get more information about the children from you and the respondent. You must go to that hearing or the order will probably be dismissed (dropped).

Otherwise, the respondent has 30 days from the date of service to request a hearing contesting the restraining order. If the respondent does not request a hearing, the restraining order will stay in effect. After 30 days from the date of service, if the restraining order has not been dismissed, the only type of hearing a party may request is to make changes to custody and/or parenting time, respondent's removal from the home, respondent's restrictions from other premises, or contact by the respondent in-person, by telephone, or otherwise.

If the respondent does request a hearing, it will be held very quickly. You may have as little as two days to get ready to go to the hearing. 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 telephone. **Be sure the court always has your current contact addresses and contact phone numbers so you get notice of any hearing.** You also can call the court to check to see if a hearing has been set.

You must go to the hearing or the order will probably be dropped. If you cannot go to the hearing due to an emergency, call the court clerk right away. It may be helpful to have an attorney represent you at the hearing, but it is not required.

### **WHAT HAPPENS AT THE HEARING REQUESTED BY THE RESPONDENT?**

The purpose of the hearing is to decide whether or not the restraining order will remain in effect, and if it does remain in effect, if the order will stay the same or 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. You should 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. If you are worried about your safety, you may ask for a sheriff's deputy to be present in the courtroom.

### **HOW LONG DOES A RESTRAINING ORDER LAST?**

A restraining order lasts for one year from the date the judge signed it or until a judge orders it cancelled. It can be renewed for one year at a time, if the judge believes you are likely still in danger. To renew the order, you must file the court paperwork before the order ends.

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

You can call the police. The officer must arrest the respondent if there is a good reason to believe a violation has happened. The respondent can be charged with contempt of court. If found guilty of contempt, the respondent can be fined, placed on probation, or put in jail. It is best that you carry a copy of the restraining order with you at all times and that you not contact the other party. 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 regarding domestic violence resources, please visit our website.

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/domesticviolence.page?>

### **WHAT IF I WANT TO DROP THE RESTRAINING ORDER?**

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

### **CAN THE RESTRAINING ORDER BE CHANGED WHILE IT IS IN EFFECT?**

At any time after a restraining order has been entered, you may request that the court modify, remove, or make less restrictive those terms involving custody and parenting time, respondent's removal from the house, respondent's restrictions from other premises, or contact by the respondent in-person, by telephone or otherwise. The party (you or the respondent) who wants to make a change must file paperwork at the courthouse. If the Petitioner requests a change that removes or makes less restrictive the terms involving respondent's removal from the home, respondent's restrictions from other premises, or contact by the respondent in-person, by telephone or otherwise, 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. Some courts set a

hearing when you file the papers. Some courts do not set a hearing until the other person has been served and given 30 days to respond. Check with the court clerk of the county 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.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
COUNTY OF CLATSOP

\_\_\_\_\_)  
Petitioner (your full name) (See CIF) )  
(date of birth) )  
v. )  
\_\_\_\_\_)  
Respondent (See CIF) )  
(full name of person restrained). (date of birth) )

Case No. \_\_\_\_\_

**PETITION FOR RESTRAINING ORDER  
TO PREVENT ABUSE**  
(Family Abuse Prevention Act)  
ORS 107.700 – 107.735

**NOTICE TO PETITIONER**

**You must provide complete and truthful information. If you do not, the court may dismiss any restraining order and may also hold you in contempt.**

**Contact Address and Telephone Number: If you wish to have your residential address or telephone number withheld from Respondent, use a contact address and telephone number so the court and the sheriff can reach you if necessary.**

**NOTICE TO PETITIONER**

**You must keep certain information (“confidential personal information”) out of any papers you file or submit to the court and, instead, provide that information in a Confidential Information Form (CIF). On this document, where that confidential personal information would otherwise appear, you must provide that in a Confidential Information Form (CIF) under UTCR 2.130 (see instructions).**

**I am the Petitioner and I state that the following information is true:**

I am a resident of \_\_\_\_\_ County, Oregon. I am \_\_\_\_\_ years old.  
Respondent is a resident of \_\_\_\_\_ County, State of \_\_\_\_\_.  
Respondent is \_\_\_\_\_ years old.

- At the hearing, I will need an interpreter in the \_\_\_\_\_ language.  
 At the hearing, I will need American’s with Disabilities Act accommodations.

**1. CHECK and FILL OUT ALL THAT APPLY:**

- A. Respondent is my  spouse/domestic partner  former spouse/domestic partner. We were married/registered on \_\_\_\_\_ (date). Our marriage/partnership was dissolved on \_\_\_\_\_ (date).
- B. Respondent and I are adults related by blood, marriage, or adoption. Respondent is my \_\_\_\_\_ (type of relationship).
- C. Respondent and I have been cohabiting (living together in a sexually intimate relationship) since \_\_\_\_\_ (date), or cohabited from \_\_\_\_\_ (date) to \_\_\_\_\_ (date).
- D. Respondent and I have been involved in a sexually intimate relationship within the last two years.
- E. Respondent and I are the unmarried parents of a child.
- F. I am a minor and have been involved in a sexually intimate relationship with Respondent, who is 18 years of age or older.

**2. WITHIN THE LAST 180 DAYS\*\*, RESPONDENT HAS** (check all that apply):

- A. Caused me bodily injury.
- B. Attempted to cause me bodily injury.
- C. Placed me in fear of imminent bodily injury.
- D. Caused me to engage in involuntary sexual relations by force or threat of force

**\*\*THE 180 DAY PERIOD CAN BE INCREASED BY THE AMOUNT OF TIME RESPONDENT WAS IN JAIL, IN PRISON, OR LIVED MORE THAN 100 MILES FROM YOUR HOME:**

- The Respondent was incarcerated from \_\_\_\_\_ to \_\_\_\_\_.
- The Respondent lived more than 100 miles from my home from \_\_\_\_\_ to \_\_\_\_\_ (date).

**3. DESCRIBE THE INCIDENT(S) OF ABUSE THAT HAPPENED IN THE LAST 180 DAYS:  
Describe how Respondent hurt or threatened to hurt you, starting with the most recent incident:**

Date: \_\_\_\_\_, County/State: \_\_\_\_\_: \_\_\_\_\_

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Date: \_\_\_\_\_, County/State: \_\_\_\_\_: \_\_\_\_\_

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Date: \_\_\_\_\_, County/State: \_\_\_\_\_: \_\_\_\_\_

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Additional pages attached labeled “*Paragraph 3: Description of Abuse*”

4. Are there incidents other than those described above in which the Respondent has hurt or threatened to hurt you **before the 180 day period above**? If yes, explain:

**Describe how Respondent hurt or threatened to hurt you, starting with the most recent incident:**

Date: \_\_\_\_\_, County/State: \_\_\_\_\_: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_, County/State: \_\_\_\_\_: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_, County/State: \_\_\_\_\_: \_\_\_\_\_

\_\_\_\_\_

Additional pages attached labeled “*Paragraph 4: Additional Abuse*”

5. I am in imminent danger of further abuse by Respondent and the Respondent is a threat to my physical safety or the physical safety of my child/ren because: \_\_\_\_\_

\_\_\_\_\_

6. **IN ANY OF THE ABOVE INCIDENTS OR OTHER INCIDENTS OF ABUSE:**

A. Were you injured?  Yes  No Describe: \_\_\_\_\_

\_\_\_\_\_

B. Did you seek medical treatment?  Yes  No Describe: \_\_\_\_\_

\_\_\_\_\_

C. Were weapons involved?  Yes  No Describe: \_\_\_\_\_

\_\_\_\_\_

D. Were drugs or alcohol involved?  Yes  No Describe: \_\_\_\_\_

\_\_\_\_\_

E. Were the police called?  Yes  No Who was arrested? \_\_\_\_\_

\_\_\_\_\_

7.  The Respondent has access to firearms now, or I am concerned about his/her getting firearms.  
 I want the Respondent ordered not to possess or purchase firearms or ammunition because (*explain how your and/or your children’s safety and welfare are affected by Respondent’s possession of firearms*):

\_\_\_\_\_

\_\_\_\_\_

8.  There is another  **restraining order** and/or  **stalking order** between Respondent and me:  
 \_\_\_\_\_ County, State of \_\_\_\_\_, Case # \_\_\_\_\_
9.  There is another **court case** between Respondent and me for divorce/dissolution, annulment, legal separation, or paternity in: \_\_\_\_\_ County, State of \_\_\_\_\_, Case # \_\_\_\_\_.
10.  I need an order requiring Respondent to **move from my residence**. (*Check all that apply.*)  
 The residence is  *solely in my name*, or  *jointly owned*, or  *jointly leased* by me and Respondent, or  *jointly rented* by me and Respondent, or  Respondent is my spouse/registered domestic partner.
11.  I need an order protecting  my service animal  my therapy animal  an animal kept for my personal protection or companionship.
12.  I request that Respondent pay me **emergency monetary assistance** (one time payment) to help me and/or my child/ren in the amount of \$\_\_\_\_\_ for (*describe why needed*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**JOINT CHILD/REN**

**13. THE CHILD/REN OF RESPONDENT AND ME WHO ARE UNDER THE AGE OF 18:**

Name	Age	Birthdate	Gender/Sex
		SEE CIF	
		SEE CIF	
		SEE CIF	
		SEE CIF	
		SEE CIF	
		SEE CIF	
		SEE CIF	

Additional pages attached labeled “*Paragraph 12: Joint Child/ren*”

14. The child/ren are now living with \_\_\_\_\_  
 at \_\_\_\_\_ (address or use a safe contact address). For how long? \_\_\_\_\_

15. Where have the child/ren listed in Paragraph 12 above lived for the last five years and with whom (starting with the most recent location)?

Child's Name	Lived With	From (date)	To (date)	County & State

Additional pages attached labeled “*Paragraph 14: Child/ren-Past 5 Years*”

16.  My child/ren have lived in Oregon for the last 6 months.  
 My child/ren have NOT lived in Oregon for the last 6 months BUT my child/ren and I are now living in Oregon and I want the Court to award me custody because of an EMERGENCY. Describe the emergency:

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17. If you and Respondent are unmarried, has legal paternity of your child/ren been established?  Yes  No  
If yes, in what way?  Birth Certificate  Child Support Proceeding  Voluntary Acknowledgment  
 Paternity Lawsuit  Other: \_\_\_\_\_

18. Is there another court order (other than child support) now in effect concerning any of the child/ren listed above?  Yes  No If yes: Date of Order: \_\_\_\_\_ Case #: \_\_\_\_\_  
Filed in \_\_\_\_\_ County, State of \_\_\_\_\_

19. A. I have not participated as a party, witness or in any other capacity in any other proceeding concerning the custody, parenting time or visitation of the child/ren listed EXCEPT: \_\_\_\_\_

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B. I know of no other proceeding that could affect this case (including any other legal case for custody/parenting time enforcement or relating to domestic violence, protective orders, termination of parental rights and adoptions) in this or any other state EXCEPT: \_\_\_\_\_

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C. I know of no one, other than Respondent, who has physical custody of the child/ren or who claims custody, parenting time or visitation rights with the child/ren EXCEPT: \_\_\_\_\_

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20.  I believe that I will need the assistance of a peace officer to regain custody of my child/ren from the Respondent. The address(es) where the child/ren can most likely be found are listed on the proposed Order. I believe the child/ren are most likely to be found there because: \_\_\_\_\_

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21.  The Department of Human Services (Child Welfare) is involved with my child/ren.  
Explain: \_\_\_\_\_

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**NOTICE TO PETITIONER**

**You must notify the court of any change of address/contact address or telephone number/contact telephone number. All notices of hearing will be sent to this address and the court may dismiss the restraining order if you do not appear at a hearing.**

*If you wish to have your residential address or telephone number withheld from Respondent, use a "contact address" and "contact telephone 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.**

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

\_\_\_\_\_  
Signature of Petitioner

STATE OF OREGON                    )  
  )  
County of \_\_\_\_\_)

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_  
(Print Name of Petitioner)

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON/COURT CLERK

My commission expires: \_\_\_\_\_

**Certificate of Document Preparation** You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to \_\_\_\_\_ for assistance in preparing this form.

**Submitted by:**

\_\_\_\_\_  
Print Name,  Petitioner  Attorney for Petitioner  OSB No. (if applicable)

\_\_\_\_\_  
Address or Contact Address  
Use **Safe** Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone or Contact Telephone Number  
Use **Safe** Contact Number

**TO PETITIONER AND RESPONDENT:**

**NOTICE OF “Exceptional Circumstances HEARING:**  
 The Court has scheduled an “exceptional circumstances” hearing about the temporary custody of your child/ren, on:  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Courtroom: \_\_\_\_\_

*(To Be Completed by Court Staff Only)*

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
 COUNTY OF CLATSOP

	<u>See CIF</u>	)	
Petitioner ( <i>your full name</i> )	<i>(date of birth)</i>	)	Case No. _____
		)	
vs.		)	<b>RESTRAINING ORDER</b>
		)	<b>TO PREVENT ABUSE</b>
		)	(Family Abuse Prevention Act)
	<u>See CIF</u>	)	
Respondent ( <i>other person’s full name</i> )	<i>(date of birth)</i>	)	

**NOTICE TO RESPONDENT:**

- You must obey all provisions of this Restraining Order, **even if Petitioner contacts you** or gives you permission to contact him/ her.
- Violation of this Restraining Order may result in your arrest and in civil and/or criminal penalties. This order is enforceable throughout Oregon and in every other state. Review this order carefully.
- **See the attached “NOTICE TO RESPONDENT/REQUEST FOR HEARING” for more information about your right to a hearing.**

The Court, having reviewed the Petition, and having heard testimony, makes the following findings:

**Judge’s Initials**

1. Petitioner and Respondent are **RELATED** as follows: 1. \_\_\_\_\_
- A. Petitioner and Respondent are  **spouses/ registered domestic partners**, or  **former spouses/ former registered domestic partners.**
  - B. Petitioner and Respondent  are **adults related by blood, marriage or adoption.**
  - C. Petitioner and Respondent  have **cohabited** (lived together in a sexually intimate relationship) from \_\_\_\_\_(date) to \_\_\_\_\_(date).
  - D. Petitioner and Respondent  have been involved in a **sexually intimate relationship within the last two years.**
  - E. Petitioner and Respondent  are the **unmarried parents of a child/ren.**
  - F. Petitioner  is a **minor** and has been involved in a **sexually intimate relationship** with Respondent **who is 18 years of age or older.**

2. 2. \_\_\_\_\_
- Respondent has **ABUSED** Petitioner as defined by ORS 107.705; the abuse occurred **WITHIN THE LAST 180 DAYS** as provided in ORS 107.710; Respondent represents a **CREDIBLE THREAT** to the physical safety of Petitioner or Petitioner’s child/ren; and the Petitioner is in **IMMINENT DANGER OF FURTHER ABUSE.**

3. This order involves minor CHILDREN.

A. Oregon has **JURISDICTION** over the issues of the child/ren custody and parenting time under ORS 109.701 to 109.834 on the following grounds:

3A. \_\_\_\_\_

1.  **Oregon is the child/ren's home state** OR  No other state has home state jurisdiction OR  All courts with jurisdiction on home state or significant connections grounds declined jurisdiction  OR \_\_\_\_\_ is the child/ren's home state but it has declined jurisdiction  AND the children's parents or a person acting as a parent has significant connections with Oregon and substantial evidence is available here concerning the children's care, protection, and personal relationships. ORS 109.741 (1)(a)(b) and (c).

2.  **Oregon was the home state within six months before this proceeding** was commenced and the child/ren are absent from the state but a parent or person acting as a parent continues to live in Oregon. ORS 109.741(1)(a)

3.  **Emergency grounds** exist for the exercise of temporary jurisdiction because the child/ren are present in this state and have been abandoned or it is necessary to protect the child/ren because the child/ren, or a sibling or parent of the child/ren is subjected to or threatened with mistreatment or abuse. ORS 109.751

B. Existence of other orders concerning the minor children:

3B. \_\_\_\_\_

**PRIOR ORDER EXISTS ELSEWHERE:** A previous child custody, parenting time, guardianship or juvenile dependency determination has been made in \_\_\_\_\_ (State/Tribe/Country).

**CUSTODY/PARENTING TIME MATTER PENDING:** A child custody, parenting time, guardianship, or juvenile dependency proceeding has been commenced in \_\_\_\_\_ (State/Tribe/Country).

**NO PRIOR ORDER EXISTS AND NONE IS PENDING:** No child custody, parenting time, guardianship or juvenile dependency determination has been issued or proceeding commenced in another state, tribe or country having jurisdiction under ORS 109.701-109.834. The custody and parenting time provisions in this Order shall become a final determination for purposes of the Uniform Child Custody Jurisdiction and Enforcement Act if Oregon becomes the home state of the child/ren.

C. **INTERSTATE JUDICIAL COMMUNICATION** is needed because:

3C. \_\_\_\_\_

A custody/parenting time/child placement matter is **CURRENTLY PENDING** in another state/tribe/country, or

Oregon is exercising Temporary Emergency Jurisdiction under the UCCJEA in this protective order and another state/tribe/country **HAS ALREADY ISSUED** a custody/parenting time/child placement order.

D. **EXCEPTIONAL CIRCUMSTANCES** exist that affect the custody of the child/ren.

3D. \_\_\_\_\_

4. **EMERGENCY MONETARY ASSISTANCE:** The Court finds that emergency monetary assistance is necessary to provide for the safety and welfare of Petitioner and/or child in the custody of the Petitioner.

4. \_\_\_\_\_

**IT IS ORDERED:**

**Petitioner's Requests: (check all that apply)**

**Judge's Initials**

1. Respondent is restrained (prohibited) from intimidating, molesting, interfering with or menacing **Petitioner**, or attempting to intimidate, molest, interfere with or menace **Petitioner** directly or through third parties. 1. \_\_\_\_\_

2. Respondent is restrained (prohibited) from intimidating, molesting, interfering with or menacing, or attempting to intimidate, molest, interfere, or menace, the **minor child/ren** in Petitioner's custody directly or through third parties. 2. \_\_\_\_\_

3. Except as otherwise set out in this Order, Respondent is restrained (prohibited) from **entering or attempting to enter or remaining in the area within 150 feet** of the building and land at the following **locations**: *(include names/addresses unless withheld for safety reasons)* 3. \_\_\_\_\_

a. Petitioner's current or future **residence**. \_\_\_\_\_

b. Petitioner's current or future **business or place of employment** \_\_\_\_\_

c. Petitioner's current or future **school**. \_\_\_\_\_

d. Other locations: \_\_\_\_\_

4. Respondent shall not knowingly be or stay within  150 feet or  \_\_\_\_\_ feet 4. \_\_\_\_\_  
(other distance) of Petitioner unless otherwise ordered by the Court as follows: \_\_\_\_\_

**Nothing in this restraining order prevents Respondent from appearing in a court hearing as a party or witness or attending other court-related processes in cases involving Petitioner. At such times Respondent must stay at least \_\_\_\_\_ feet away from Petitioner and follow any additional protective terms ordered in that case.**

5. Except as otherwise set out in this Order, Respondent is restrained (prohibited) from: 5. \_\_\_\_\_

a. Contacting or attempting to contact Petitioner **in person** directly or through third parties.

b. Contacting or attempting to contact Petitioner **by mail or e-mail or any other electronic transmission**, except for mailing court-ordered emergency monetary assistance, checks or money orders directly or through third parties.

c. Contacting or attempting to contact Petitioner by **telephone**, including **cell phone** or **text messaging**, directly or through third parties.

d. **Exceptions to the restraints from third party contact:** *(list purposes and persons):*

6. Respondent is restrained (prohibited) from entering, attempting to enter, or remaining at: 6. \_\_\_\_\_

- a. The child/ren's current or future **day care provider**, or removing them from daycare.
- b. The child/ren's current or future **school**, or removing them from the school.

7. Respondent shall **move** from and not return to the residence located at \_\_\_\_\_ except with a peace officer to remove essential personal effects of Respondent, and if Respondent is the custodial parent, essential personal effects of Respondent's child/ren, including, but not limited to: clothing, toiletries, diapers, medications, social security cards, birth certificates, identification, and tools of the trade. 7. \_\_\_\_\_

8. A peace officer shall accompany Petitioner to the parties' residence to **remove essential personal effects of Petitioner**, and if Petitioner is the custodial parent, essential personal effects of Petitioner's child/ren, 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:** Respondent is ordered to pay Petitioner \$ \_\_\_\_\_ by  check or  money order as Emergency Monetary Assistance by the **45<sup>th</sup> day** after Respondent is served with this Restraining Order. Payment is to be made by mail to the following address (*use safe contact address*):  
\_\_\_\_\_ 9. \_\_\_\_\_

10. **Firearms.** Respondent shall not **purchase or possess any firearms or ammunition.** 10. \_\_\_\_\_  
Event Code: **FQOR** (*for court use only*)  
 Respondent shall surrender firearms and ammunition to police pursuant to the attached surrender order.

<p><b><u>FIREARMS NOTIFICATION</u></b></p> <p>If the firearms prohibition in Paragraph 10 is initialed by the judge, it is unlawful under OREGON <b>state law</b> for you to possess or purchase a FIREARM, including a rifle, pistol, or revolver, and AMMUNITION.</p> <p>You should consult an attorney if you have questions about this.</p> <p style="text-align: right;">EVENT CODE: <b>NOGR</b></p>
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11.  **A. Other Relief:** \_\_\_\_\_ 11A. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B.** Petitioner is awarded the service or therapy animal or any animal kept for personal protection or companionship, to wit: \_\_\_\_\_ 11B. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12. TEMPORARY CUSTODY** of the following child/ren is ordered as follows, subject to the parenting time provisions in Paragraphs 17 and 18 below.

12. \_\_\_\_\_

Party to Have Custody (Petitioner or Respondent)	Child/ren's Name	Date of Birth	Age
		See CIF	
		See CIF	
		See CIF	
		See CIF	
		See CIF	

**Additional page is attached and labeled, "Paragraph 12 continued."**

**13.** A peace officer of the county or city where the child/ren are located shall assist in **recovering custody of the parties' child/ren** that was awarded to Petitioner. The peace officer is authorized to use any reasonable force to that end, including forcible entry into the following specific premises (*list the address(es) where the child/ren are most likely to be found and why*): \_\_\_\_\_

13. \_\_\_\_\_

**14. Effect of Prior Custody Order (ORS 107.722) (For court use only)**

14. \_\_\_\_\_

**A CUSTODY ORDER ALREADY EXISTS** in Case # \_\_\_\_\_ filed in  
 \_\_\_\_\_ County, Oregon, or  \_\_\_\_\_ (*another state/tribe*).

**14A. NO new custody order is made** because the terms in the existing order or judgment shall continue to apply.

**14B.** The child custody provisions in paragraph 12 of this Restraining Order are necessary to protect the safety and welfare of the child/ren or Petitioner but they **CONFLICT** with the custody provisions in the already existing order or judgment. Therefore, the child custody provisions in this Restraining Order shall remain in effect only until this Restraining Order expires or is terminated, until a new order is issued in the other case, or until \_\_\_\_\_ (*date*), whichever occurs first.

**15. Exceptional Circumstances Hearing:** The Court has found that exceptional circumstances affecting custody exist, so NO child custody order is entered at this time **Both parties shall instead appear at a hearing as indicated in the box on the upper left-hand corner of page 1 of this Restraining Order.** This hearing will be Respondent's only chance to contest this order. The purpose of the hearing will be to consider temporary custody of the parties' child/ren and other issues that may be contested by Respondent. At the hearing, the court may cancel or change this order.

15. \_\_\_\_\_

16. **Until the Exceptional Circumstances Hearing**, the **residence** of the child/ren and and the parental contact with the child/ren shall be as follows: \_\_\_\_\_ 16. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**PARENTING TIME**

17. The parent not awarded temporary custody shall have parenting time with the minor child/ren listed in paragraph 12 beginning on \_\_\_\_\_, as follows: 17. \_\_\_\_\_

a. **NO PARENTING TIME** because (*explain why Respondent should not have parenting time*): 17a. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

b. **SUPERVISED PARENTING TIME:** 17b. \_\_\_\_\_

3 hours or  \_\_\_\_\_ hours per week supervised by \_\_\_\_\_, as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

c. **PARENTING TIME** as follows (*days of week, place, times*)  or as attached: 17c. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**AND/OR**

Every weekend from \_\_\_\_\_ (day) at \_\_\_\_\_ a.m./p.m. until \_\_\_\_\_ (day) at \_\_\_\_\_ a.m./p.m.

FIRST AND THIRD or  SECOND AND FOURTH weekends from \_\_\_\_\_ (day) at \_\_\_\_\_ a.m./p.m. until \_\_\_\_\_ (day) at \_\_\_\_\_ a.m./p.m.

Once per week on \_\_\_\_\_ (day) from \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ a.m./p.m.

d. The parent without temporary custody will **pick up and return** the child/ren at 17d. \_\_\_\_\_

Petitioner's  Respondent's residence.  Petitioner  Respondent may remain at the curb (or driveway if no curb), for a maximum of 5 minutes or  \_\_\_\_\_ minutes, for the sole purpose of picking up and/or returning the child/ren.

Other location: \_\_\_\_\_  
\_\_\_\_\_

18. **Effect of Prior Parenting Time Order (ORS 107.722)** (*For court use only*) 18. \_\_\_\_\_

**A PARENTING TIME ORDER ALREADY EXISTS** in Case # \_\_\_\_\_ filed in \_\_\_\_\_ County, Oregon, or  \_\_\_\_\_ (*another state/tribe*)

**NO** new parenting time order is made because the terms in the existing order shall continue to apply.

The parenting time provisions in this Restraining Order are necessary to protect the safety and welfare of the child/ren or Petitioner but they **CONFLICT** with parenting time provisions in the already existing order or judgment. Therefore, the parenting time provisions in this Restraining Order shall remain in effect only until this Restraining Order expires or is terminated, until a new order is issued in the other case, or until \_\_\_\_\_ (date), whichever occurs first.

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

IT IS FURTHER ORDERED that the SECURITY AMOUNT for violation of any provision of this Order is \$5,000 unless otherwise specified here: Other Amount: \$ \_\_\_\_\_

The above 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 terminated, vacated, modified, or replaced, whichever occurs first.

FULL FAITH AND CREDIT PROVISIONS: This Order meets all full faith and credit requirements of the Violence Against Women Act, 18 USC §2265. This Court has jurisdiction over the parties and the subject matter. Respondent was or is being afforded notice and timely opportunity to be heard as provided by Oregon law. This Order is valid and entitled to enforcement in this and all other jurisdictions.

IT IS ORDERED that:

- The Petition for Restraining Order to Prevent Abuse is GRANTED as set forth above.
The Petition for Restraining Order is DENIED because:
Petitioner did not establish a claim for relief.
Petitioner did not appear at the time set for the ex parte hearing on his/her petition.
Other: \_\_\_\_\_

DATED: \_\_\_\_\_

JUDGE (Signature)

Print or Type Name of Judge

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the Court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
I paid or will pay money to \_\_\_\_\_ for assistance in preparing this form.

Submitted by:

Print Name, Petitioner Attorney for Petitioner OSB No. (if applicable)

Address or Contact Address City, State, Zip Telephone or Contact Telephone Number

**RELEVANT DATA**

**PETITIONER** (you) \_\_\_\_\_  Female  Male  
Name

Residence/Contact Address (Use safe address):  
\_\_\_\_\_  
\_\_\_\_\_

Telephone/Contact Telephone Number (Use safe contact number ) \_\_\_\_\_

Birthdate (See CIF) \_\_\_\_\_ Age \_\_\_\_\_ Race/Ethnicity \_\_\_\_\_  
Height \_\_\_\_\_ Weight \_\_\_\_\_ Eye Color \_\_\_\_\_ Hair Color \_\_\_\_\_

**Respondent will receive a copy of this information.** If you wish to have your residential address or telephone number withheld from Respondent, use a contact address in the state where you reside or a contact telephone number so the Court and the Sheriff can reach you if necessary. Please check for mail at this address frequently.

**RESPONDENT** (person to be restrained) \_\_\_\_\_  Female  Male  
Name

Residence Address \_\_\_\_\_  
\_\_\_\_\_

Telephone Number \_\_\_\_\_

Birthdate (See CIF) \_\_\_\_\_ Age \_\_\_\_\_ Race/Ethnicity \_\_\_\_\_  
Height \_\_\_\_\_ Weight \_\_\_\_\_ Eye Color \_\_\_\_\_ Hair Color \_\_\_\_\_

**PLEASE FILL OUT THIS INFORMATION  
TO AID IN SERVICE OF THE RESTRAINING ORDER**

**Where is Respondent most likely to be located?**

- Residence Hours \_\_\_\_\_ Address: \_\_\_\_\_
- Employment Hours \_\_\_\_\_ Address: \_\_\_\_\_
- Other Hours \_\_\_\_\_ Address: \_\_\_\_\_

**Description of Vehicle** \_\_\_\_\_

Is there anything about Respondent's character, past behavior, or the present situation that indicates Respondent may be a **danger** to others? to him/herself? EXPLAIN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does Respondent have any **weapons or access to weapons**? EXPLAIN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has Respondent ever been arrested for or convicted of a **violent crime**? EXPLAIN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Please attach an additional sheet if there are more than five children involved in the proceeding.

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_

**COMPLETED AND SUBMITTED BY:**

Petitioner

**NOTE TO COURT STAFF: This Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state and law enforcement. See UTCR 2.130**

**NOTICE TO PETITIONER:**

The Sheriff is required by law to provide you with a true copy of the proof of service which shows when the Restraining Order has been served.

If you would like to also 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.*

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.

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

\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_ ) )  
           Petitioner ) )  
          and ) )  
\_\_\_\_\_ ) )  
           Respondent ) )

Case No.: \_\_\_\_\_

**CONFIDENTIAL INFORMATION FORM (CIF) FOR  
PERSON RESTRAINED (RESPONDENT) IN A  
FAMILY ABUSE PREVENTION ACT (FAPA) CASE**  
 Amended CIF

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

**ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS  
DOCUMENT.**

The information below is about:  Respondent

Respondent's Name (Last, First, Middle): \_\_\_\_\_

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Respondent's Date of Birth:
Employer's Name, Address, and Telephone Number:

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

Please attach an additional sheet if there are more than five children involved in the proceeding.

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Type or Print Name: \_\_\_\_\_

**COMPLETED AND SUBMITTED BY:**

- Petitioner
- Respondent

**NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state and law enforcement.**

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

\_\_\_\_\_) )  
\_\_\_\_\_) )  
\_\_\_\_\_) ) Case No.: \_\_\_\_\_  
Petitioner ) )  
\_\_\_\_\_) )  
and ) )  
\_\_\_\_\_) )  
\_\_\_\_\_) ) **NOTICE OF FILING OF**  
\_\_\_\_\_) )  **CONFIDENTIAL INFORMATION FORM (CIF)**  
\_\_\_\_\_) )  **AMENDED CIF**  
\_\_\_\_\_) ) **in a FAPA CASE**  
\_\_\_\_\_) )  
Respondent ) )

**NOTICE: Confidential Information Form (CIF) Has Been Filed**

- Uniform Trial Court Rule (UTCR) 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 them.
- A party who wants to see a CIF that contains information about the other party must ask for permission from the other party or the court by following the procedures set out in UTCR 2.130. However, UTCR 2.130(10)(c) requires the court to deny such a motion in situations that include cases in which a restraining order or other protective order is in effect that protects the party or the party's children from the person requesting inspection of the CIF.

**I am the (check one box):**

Petitioner  Respondent

**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 (Last, First, Middle): \_\_\_\_\_

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

party's date of birth  children's date of birth

2)  Respondent:

Name (Last, First, Middle): \_\_\_\_\_

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Telephone

## INSTRUCTIONS TO TURN IN GUNS

### YOU MUST FOLLOW THESE INSTRUCTIONS!!!

1. **If you do not own or possess firearms**, sign the Affidavit of Non-Possession in front of a notary or court clerk and file it with the Court at or before the time of the compliance hearing.
2. **If you own firearms and you want to transfer them to a third party** rather than surrender them to law enforcement, you and the third party must sign the Affidavit of Third Party Transfer before a notary or court clerk and file it with the Court at the compliance hearing. **A judge must approve this transfer so you and the third party must attend the compliance hearing.**
3. **To surrender firearms, immediately call by telephone**  Astoria Police Department  
 Warrenton Police Department  Gearhart Police Department  Seaside Police Department  
 Cannon Beach Police Department  Clatsop County Sheriff's Office  Oregon State Police.  
**You must arrange to surrender firearms within two days of service of the surrender order on you or within two days after you are released from jail if you were in custody when served.**
4. When you call police, ask for the evidence technician or property manager. Inform the evidence technician/property manager that the court ordered you to turn in your guns. Arrange a time to do this as soon as possible. Do not bring your guns to the police agency unless you have made prior arrangements with the evidence technician or property manager or other police official.
5. If the evidence technician or property manager is not available, leave a detailed message and include your name, your telephone numbers, and the court case number. You will be contacted to make an appointment. **If you do not receive a call back within two days, call again.**
6. You must bring a copy of the court order to the police department along with your guns and ammunition.
7. When you arrive at the police department, keep your unloaded guns locked inside your vehicle – in the trunk if possible. Upon contact with the police, give them a copy of the court order and inform them the guns are in your vehicle. The police officer, evidence technician, or property manager will tell you what to do next.
8. Get a receipt or copy of the evidence report from the police to prove to the court that you surrendered your guns. You must file an Affidavit of Surrender and receipt or evidence report with the court **on or before the time of your compliance hearing.**

**Your compliance hearing is scheduled in Clatsop Circuit Court, Courtroom 300, at 8:30 a.m. on \_\_\_\_\_ . You must appear unless you have filed with the Court an Affidavit of Non-Possession or an Affidavit of Surrender with the police receipt or evidence report. Failure to appear could result in a warrant for your arrest and contempt of court charges.**

**IT IS A FEDERAL CRIME FOR YOU TO POSSESS GUNS OR AMMUNITION WHEN A QUALIFYING PROTECTIVE ORDER IS IN EFFECT OR YOU HAVE BEEN CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE. IF YOU VIOLATE FEDERAL LAW, YOU MAY BE PROSECUTED IN FEDERAL COURT.**

**DATED** \_\_\_\_\_

\_\_\_\_\_  
**Judge Signature**

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

Plaintiff/Petitioner, )  
v. ) Case No.  
Defendant/Respondent )  
 ) **ORDER TO SURRENDER**  
 ) **FIREARMS**

This matter came before the Honorable \_\_\_\_\_ on \_\_\_\_\_ [date]  
and the Court having considered the records and files herein; therefore,

**IT IS ORDERED** that defendant/respondent shall surrender **all firearms** in his or her possession, control or custody to  Astoria Police Department  Warrenton Police Department  Gearhart Police Department  Seaside Police Department  Cannon Beach Police Department  Clatsop County Sheriff's Office  Oregon State Police.

Defendant/respondent shall contact the police agency to arrange surrender within two days following service of this order, or, if defendant/respondent is in custody when served, within two days of his/her release from custody. Defendant/respondent shall file with the court proof of surrender immediately after surrender by filing an Affidavit of Surrender with receipt or police evidence report attached. If defendant/respondent does not own or possess any firearms, defendant/respondent shall file an Affidavit of Non-Possession. If defendant/respondent has not filed an Affidavit of Surrender or an Affidavit of Non-Possession prior to the date and time of the compliance hearing, defendant/respondent shall appear for compliance hearing as directed by the court. If defendant/respondent wants to transfer firearms to a third person, defendant/respondent and the third person shall appear for compliance hearing and sign an Affidavit of Third Party Transfer. Failure to comply with these procedures may result in an arrest warrant and/or contempt of court charges and/or criminal charges.

If any of defendant/respondent's firearms are within the custody and control of law enforcement, the court orders the law enforcement agency to retain custody and control of the firearms until further order of the court.

DATED

\_\_\_\_\_  
[Judge]  
CIRCUIT COURT JUDGE

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

)  
) Case No.  
)  
)  
Plaintiff/Petitioner, )  
)  
v. ) **AFFIDAVIT OF NON-POSSESSION**  
)  
)  
)  
Defendant/Respondent.)

I understand the Court has ordered me to surrender all firearms that I own or have in my possession, custody or control. I have not surrendered any firearms pursuant to that order because I do not own any firearms nor do I have any firearms in my possession, custody or under my control.

Under penalty of perjury, I swear or affirm that the information in this affidavit is true.

DATED

\_\_\_\_\_  
Defendant/Respondent Signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public/Court Clerk/Judge

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

	)	Case No.
	)	
Plaintiff/Petitioner,	)	<b>AFFIDAVIT OF SURRENDER</b>
v.	)	
	)	
Defendant/Respondent.	)	

I am aware of the Court’s order to surrender guns, and I have complied with the order by contacting the police agency designated by the Court and surrendering all guns I own and all guns I have in my possession or under my control. I understand that if I failed to surrender each and every one of my guns in the time allowed, I may be arrested and prosecuted for a new crime.

The police receipt or evidence report is attached that shows my guns have been surrendered.

Under penalty of perjury, I swear or affirm that the information in this affidavit is true.

\_\_\_\_\_  
Defendant/Respondent Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public/Judge/Court Clerk



Firearm Make	Model	Caliber	Serial Number

I agree not to return to, loan to, sell to, or allow defendant/respondent to use these firearms at any time under any circumstances without a court order.  I do not reside with defendant/respondent in the same residence.

I understand that violation of this agreement may result in federal and/or state criminal charges being filed against me. I swear that I am not prohibited from owning firearms under state or federal laws. Under penalty of perjury, I swear or affirm that the information in this affidavit is true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public/Judge/Court Clerk

# CONTESTING A FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER

## INSTRUCTIONS

Procedures vary from court to court. Check with your local court for filing instructions.

### IMPORTANT NOTE

#### *INFORMATION THAT MUST BE KEPT CONFIDENTIAL*

You must keep certain information (“confidential personal information”) out of any papers you file or submit to the court and, instead, provide that information in a Confidential Information Form (CIF). “Confidential Personal Information” includes social security number; date of birth; former legal names, driver license numbers; and employer’s name, address, and telephone number. It also applies to information regarding a party or a party’s child. On the pleading or document where that confidential personal information would otherwise appear, you must note that the information has been separately provided under [UTCRC 2.130](#).

#### **Relevant Rules and Forms**

[UTCRC 2.130](#) – Family Law Confidential Information Forms

[UTCRC Form 2.130.1](#) – Family Law Confidential Information Form

[UTCRC Form 2.130.2](#) – Notice of Filing Confidential Information Form

### WHAT IF I DISAGREE WITH SOME OR ALL OF THE RESTRAINING ORDER?

The judge granted the restraining order based on input from the other side (the Petitioner). If you disagree with information given to the judge, or you disagree with all or part of the order, you have a right to give the judge your input.

### HOW DO I OBJECT TO THE RESTRAINING ORDER?

If you want a judge to consider whether the restraining order should remain in effect, or change some of the things in the restraining order, you must fill out the form called “Request for Hearing.” The “Request for Hearing” form is part of the court paper that says “Notice to Respondent/Request for Hearing” on the top, right hand side of the page. You should have received a copy of this form when you were served with the restraining order. If you did not receive one, you may download the Request for Hearing form from the state website, <http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/fapaforms.page> or contact the court that issued the order.

You have 30 days after you are served with the restraining order to ask the judge to dismiss or change the order, by filing a “Request for Hearing.” **The Request for Hearing must be filed with the court within 30 days from the date you were served.** If you request a hearing and the judge continues the Restraining Order, federal law may prohibit you from possessing or purchasing any firearm or ammunition (*including hunting rifles*).

If it has been more than 30 days since the date you were served, the only type of hearing you may request is to make changes to custody and/or parenting time, your removal from the home, your restrictions from other premises, or contact by you in-person, by telephone, or otherwise. Either party may request this type of hearing. You may request such a hearing by asking the clerk at the courthouse for the forms needed to “modify” a restraining order. The judge may schedule a hearing to decide whether or not to change the order. The judge may decide not to change the order even if both sides agree that they want the same changes.

## WHAT HAPPENS IF I DO NOT OBJECT?

If you do not ask for a contested hearing within the first 30 days after you receive the court papers, the Restraining Order will continue for **one year** from the date the judge signed it. It can also be renewed for one year at a time after that.

## WHEN WILL THE CONTESTED HEARING BE HELD?

**If the court has already ordered a hearing about custody of your children (sometimes called an “exceptional circumstance hearing”):** If the court has found that there are “exceptional circumstances” regarding custody of the child/ren, the court will schedule a hearing to be held within 14 days. The box on the top of page 1 of the restraining order and “Notice to Respondent/Request for Hearing” will give you information about the date and place for that hearing. At the hearing, you will be asked to provide information about your children.

**If the court has NOT ordered a hearing but you would like to request one:** If the order grants custody and you ask the judge to make a change relating to child custody, the court must hold the hearing within 5 business days of your request. If you are not asking the judge to change child custody, the court must hold the hearing within 21 days of your request. 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 telephone. **Be sure the court always has your current contact addresses and contact phone numbers so you get notice of any hearing.** You also can call the court to check to see if a hearing has been set.

If you do not go to the hearing, you will lose your chance to ask the judge to dismiss or change the Restraining Order. If you cannot go to the hearing due to an emergency, call the court clerk right away. It may be helpful to have an attorney represent you at the hearing, but it is not required.

## WHAT WILL HAPPEN AT THE HEARING I REQUEST?

The purpose of the hearing is to decide whether or not the restraining order will remain in effect, and if it does remain in effect, if the order will stay the same or change in some way.

If you would like more information about what to expect at the hearing, go to look for the “Information for Respondents” link on the “Domestic Violence Resources” page on our website. <http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/domesticviolence.page>

## 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 contest 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. If the clerk says there will be a “5 day hearing,” be sure to indicate this on your “Request for Hearing” form that you will need an interpreter or accommodations the same day you file your “Request for Hearing” form.

**TO PETITIONER AND RESPONDENT:**

**NOTICE OF EXCEPTIONAL CIRCUMSTANCES HEARING:**  
 The court has scheduled an exceptional circumstances hearing about the temporary custody of your child/ren, on:  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_  
 See below for information about the “Exceptional Circumstances” hearing.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
 COUNTY OF \_\_\_\_\_

\_\_\_\_\_ ) Case No. \_\_\_\_\_  
 Petitioner (your full name) (See CIF )  
 (date of birth) )  
 )  
 ) NOTICE TO RESPONDENT/  
 v. ) REQUEST FOR HEARING  
 ) (Family Abuse Prevention Act)  
 )  
 \_\_\_\_\_ )  
 Respondent (See CIF )  
 (full name of person to be restrained) (date of birth) )  
 )

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

**TO RESPONDENT: A RESTRAINING ORDER HAS BEEN ISSUED BY THE COURT WHICH AFFECTS YOUR RIGHTS. THIS ORDER IS NOW IN EFFECT.** You have the right to contest this Restraining Order as set out in the paragraph(s) checked below.

- An “Exceptional Circumstance” Hearing Has Been Scheduled.** *(This means that the box on the top of this page, “Notice of “Exceptional Circumstances” Hearing,” has been filled out.)*

The court has determined that there are exceptional circumstances affecting your child/ren and has ordered a hearing to be held on the issue of temporary custody. If you wish to be heard on the issue of temporary custody, you must appear at the date and time stated in the box above. If you disagree with any of the OTHER TERMS of the Restraining Order, you must also appear at the time and place specified above. This will be your only chance to do so. If you do not go to the hearing, the Restraining Order may be upheld (continued) and all matters decided against you. If you want an earlier hearing date than the date specified above, you must 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.** *(This means that the box on the top of page 1 is BLANK.)* If you want to contest (object to) the terms of this order, including the award of temporary custody to Petitioner, you must complete the attached “REQUEST FOR HEARING” form (on Pages 3 and 4) and mail or deliver it to the address on the bottom of this page.

A REQUEST FOR HEARING must be made within 30 days after you receive the order. You must include your address and telephone number with your request for a hearing. The hearing will be held within 21 days, or within 5 days if you are contesting a temporary custody provision (not parenting time). At the hearing, a judge will decide whether the order should be canceled, changed, or continued. **If you do not go to the hearing, the restraining order may be upheld (continued) and all matters decided against you.**

**If no hearing date has been set already and** you do not request a hearing within 30 days after you receive this Restraining Order, this restraining order will continue 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 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.

This Restraining Order, or any Order continuing or changing this 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.

### **Violation of the Restraining Order**

Violation of any part of this restraining order, or any order continuing or changing this order, constitutes contempt of court, punishable by a fine of up to \$500 or one percent of your annual gross income, whichever is greater, or a jail term of up to six months, or both. Other consequences may also be imposed for contempt.

### **Federal Restrictions**

#### **FIREARMS PROHIBITIONS MAY APPLY TO YOU!**

As a result of this Order, or any Order continuing or changing this Order, it may be unlawful for you to possess or purchase a firearm, including, a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. § 922(g), as well as state and local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.

You may also be subject to further restrictions and 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
- Possessing, receiving, shipping or transporting any firearm or firearm ammunition.

### **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 your causing bodily injury to the Petitioner.

**IF YOU COMPLETE THE REQUEST FOR HEARING FORM, YOU MUST MAIL OR DELIVER IT TO (address of court):** \_\_\_\_\_



I  will  will not be represented by an attorney at the hearing. The name and Bar Number of the attorney (if known) are: \_\_\_\_\_

I will need \_\_\_\_\_ language interpretation services at the hearing.

I will need American's with Disabilities Act accommodations at the hearing.

Notice of the time and place of the hearing can be mailed to me at the address below.

\_\_\_\_\_  
Respondent's Signature

**Certificate of Document Preparation.** You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply below:

I selected this document for myself and I completed it without paid assistance.

I paid or will pay money to \_\_\_\_\_ for assistance in preparing this form.

**Submitted by:**

\_\_\_\_\_  
Print Name,  Respondent  Attorney for Respondent

OSB No. (*if applicable*)

\_\_\_\_\_  
Address or Contact Address

Use a **Safe** Contact address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone or Contact Telephone Number

Use a **Safe** Contact number