

RENEWING A FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER

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

CAN I RENEW A RESTRAINING ORDER?

The person who asked for the restraining order can ask the court to renew it for another year if s/he is still afraid s/he may be abused by the respondent in the future.

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

If you want to renew the restraining order, fill out the forms in Packet #3 and submit them to the court where you got your original restraining order.

WHEN CAN I ASK FOR MY RESTRAINING ORDER TO BE RENEWED?

File your request with the court sometime before the original order ends. Remember, the original restraining order lasts for one year from the day it was signed by the judge. To renew the order, your papers must be filed before the end of that year. You may lose your chance to apply if you do not file before the date the 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 other party if the restraining order is not renewed. You do not have to prove that there has been any new abuse since the original order was signed. You do have to explain why you want it renewed.

If the judge grants your renewal, court staff will make copies for you. You will need to have one of the copies personally given to the other person by a sheriff, a private process server or any mentally competent person who is 18 or older, as long as the person 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 proof 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 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, the only issue the judge will consider is whether to continue or dismiss the restraining order, unless the respondent requests other issues in the hearing request form, and you agree.

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 addresses and contact phone numbers so you get notice of any hearing.**

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 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 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 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.

I hereby ask the court to issue an Order renewing the Restraining Order in this matter that was signed on _____, 20____(date), for a period of one year, and continuing the security amount set forth in the original restraining order or in such other amount as the court deems appropriate.

Signature of Petitioner

Print or Type Name of Petitioner

STATE OF OREGON)
)
County of _____)

SIGNED AND SWORN to 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

City, State, Zip

Telephone or Contact Telephone Number

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

Petitioner (your full name), _____
(date of birth))
)
) Case No. _____
)
)
) ORDER RENEWING
) RESTRAINING ORDER
) (Family Abuse Prevention Act)
)
)

Respondent (full name), _____
(date of birth).

TO THE RESPONDENT:

This order continues the original or modified restraining order and becomes effective immediately. Violation of the continued restraining order may result in your arrest or in civil and/or criminal penalties. This order is enforceable in every state, the District of Columbia, and all tribal lands and territories of the United States. If you wish to contest the continuation of this order, see your rights to a hearing in the "Notice to Respondent/Request for Hearing" form attached to this Order.

The court, having reviewed the Petition to Renew Restraining Order, makes the following findings:

- A person in the Petitioner's situation reasonably would fear further acts of abuse by the Respondent if the Restraining Order in this matter is not renewed.
- No further service is necessary because the Respondent appeared in person before the court.

This matter coming before the court on the petition of the Petitioner, **IT IS HEREBY ORDERED** that:

- The Restraining Order in this matter is renewed for a period of one year, expiring on: _____
_____ (date).
- Other: _____

- THE SECURITY AMOUNT FOR VIOLATION OF ANY PROVISION OF THIS ORDER OR THE ORIGINAL RESTRAINING ORDER IS \$5,000 unless otherwise specified here: \$ _____
- The Petition to Renew Restraining Order is dismissed. _____

RELEVANT DATA

PETITIONER (you) _____ Female Male
Name

***Residence/Contact Address _____
Number, Street and Apt. Number (*if applicable*)

City County State Zip
Telephone/Contact Telephone Number _____
Birthdate _____ Age _____ Race/Ethnicity _____
Height _____ Weight _____ Eye Color _____ Hair Color _____

***If you wish to have your residential address or telephone number withheld from Respondent, use a contact address or telephone number so the Court and the Sheriff can reach you if necessary.

RESPONDENT _____ Female Male
Name

Residence Address _____
Number, Street and Apt. Number (*if applicable*)

City County State Zip
Telephone Number _____
Birthdate _____ 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 _____
- Employment Hours _____ Address: _____
- Other Hours _____ Address: _____

Description of Vehicle _____

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

Does the Respondent have any **weapons, or access to weapons**? EXPLAIN: _____

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

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

Petitioner (your full name),

v.

Respondent (full name of person to be restrained).

)
) Case No. _____
)
)
) NOTICE TO RESPONDENT/REQUEST FOR HEARING
)
) (Family Abuse Prevention Act)
)
)
)

THIS FORM MUST BE ATTACHED TO SERVICE COPY
OF ORDER RENEWING RESTRAINING ORDER.

To Respondent: The restraining order previously issued by the court has been renewed (continued) and remains in effect. The court has found that a person in the Petitioner's situation would reasonably fear further acts of abuse by you if the order was not renewed. This renewed order becomes effective immediately.

If you wish to contest the renewal of this order, you must complete page 3 and mail or deliver it to _____

Requests 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. At the hearing, a judge will decide whether the order should be renewed. The only issue that will be considered at the hearing is the reason for the renewal unless the Petitioner agrees with your written request to hear other issues involving the restraining order.

Keep in mind that the order you have received is in effect and remains in effect until the court that issued the order modifies or dismisses it or until it expires. 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 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 this order, or any order 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 sanctions may also be imposed for contempt.

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

_____))
Petitioner (your full name),) Case No. _____
))
))
)) RESPONDENT'S REQUEST FOR HEARING
v.) RE: ORDER RENEWING RESTRAINING ORDER
) (Family Abuse Prevention Act)
))
_____))
Respondent (full name of person to be restrained).)

I am the Respondent in the above-referenced action and I request a hearing to contest all or part of the Order Renewing Restraining Order as follows (mark one or more):

- The basis for the renewal.
- Other term(s) of the Order (please be specific): _____

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 Americans 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:

- 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 City, State, Zip Telephone or Contact Telephone Number

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

_____))
Petitioner (your full name), (date of birth)) Case No. _____

vs.))
)) **ORDER AFTER HEARING**
)) **21 Day or 5 Day Hearing, After Notice**
)) **Exceptional Circumstances Hearing**
Respondent (full name), (date of birth).) **Modification** **Renewal Hearing**
) (Family Abuse Prevention Act)

This matter came before the Court on _____, 20__.

PETITIONER

- Appeared in person or by telephone/video
- Was served a copy of this Order in court today
- Did not appear
- Attorney: _____
- OSB# _____

RESPONDENT

- Appeared in person or by telephone/video
- Was served a copy of this Order in court today
- Did not appear
- Attorney: _____
- OSB# _____

FINDINGS: _____

Having heard the testimony, **IT IS HEREBY ORDERED THAT THE RESTRAINING ORDER OBTAINED BY PETITIONER ON _____, 20__ IS:**

- DISMISSED** in its entirety.
- CONTINUED** in its entirety.
- RENEWED** in its entirety. The renewed restraining order expires on: _____ (date).
- CONTINUED/RENEWED but MODIFIED/AMENDED** as follows: _____

The renewed restraining order expires on: _____ (date).

IMPORTANT: Except as modified or amended, all other portions of the Restraining Order remain in effect.

SECURITY AMOUNT for VIOLATION OF THIS ORDER IS \$5,000 unless a different amount is specified here: OTHER SECURITY AMOUNT: \$ _____

CERTIFICATES OF COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT

Judge's Initials

[] FIREARMS PROHIBITION: If this box is checked and initialed by the Judge, this Order (or the original Order that is being continued/amended) prohibits (prevents) Respondent from possessing FIREARMS or AMMUNITION and it is unlawful for Respondent to do so under state law. [OJIN Event Code: FQOR]

[] FIREARMS NOTIFICATION under 42 U.S.C. 3796gg(4)(e): As a result of this Order After Hearing, it MAY be unlawful for Respondent to possess, receive, ship, transport or purchase a FIREARM or AMMUNITION under federal law pursuant to 18 U.S.C. 922 (g)(8) or (9). This Order MAY also negatively affect Respondent's ability to serve in the Armed Forces of the United States as defined in ORS 348.282 or to be employed in law enforcement. [OJIN Event Code: NOGR]

NOTICE TO RESPONDENT: If you have questions about whether federal or state laws make it illegal for you to possess or purchase a firearm, and/or about whether this Order will affect your ability to serve in the military or be employed in law enforcement, you should consult an attorney.

[] FIREARMS CERTIFICATION (BRADY): This Order After Hearing meets the requirements of federal law as set out below and THEREFORE subjects the Respondent to federal prosecution for possession, receipt, shipping, transportation, or purchase of firearms or ammunition while it is in effect. [OJIN Event Code: ORBY]

Relationship: The person protected by this Order After Hearing is an "intimate partner" of the Respondent within the meaning of 18 U.S.C. §921(A)(32) because the Petitioner is: (Check at least one)

- [] The spouse or former spouse of the Respondent.
[] The parent of Respondent's child.
[] A person who does or did cohabit (live in a sexually intimate relationship) with the Respondent.

Notice and Opportunity to Participate: The Order After Hearing was issued after hearing of which the Respondent received actual notice and at which the Respondent had the opportunity to participate.

Terms of Order:

- [] The Order After Hearing restrains Respondent from threatening Petitioner or Petitioner's child(ren), or engaging in other conduct that would place Petitioner in reasonable fear of bodily injury to Petitioner or Petitioner's child(ren).

AND

- [] The Court finds that Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's child(ren).

FULL FAITH AND CREDIT PROVISIONS: This protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (2002). This Court has jurisdiction over the parties and the subject matter. The 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.

Dated: _____

JUDGE

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

Petitioner (your full name),
v.

Respondent (full name of person to be restrained).

)
)
) Case No. _____
)
)
) DECLARATION OF PROOF OF SERVICE
) (Family Abuse Prevention Act)
)
)
)

I, _____, declare that I am a resident of the County of _____
(name), State of _____.

I am a competent person 18 years of age or older, and not an attorney for, or a party to, this proceeding. I certify that the person served is the identical one named in this action.

On the _____ day of _____ (month), 20____ (year), I served the following:

PETITION TO RENEW RESTRAINING ORDER, ORDER RENEWING RESTRAINING ORDER, and the NOTICE TO RESPONDENT/REQUEST FOR HEARING,

in this case personally upon the above-named Respondent at the following address: _____
in _____ County, State of _____, by delivering to the Respondent a copy of those papers, all of which were certified to be a true copy of the original.

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

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.

Dated this _____ day of _____, 20____.

Signature of Process Server

Address

Print or Type Name of Process Server

City State Zip

Telephone Number(s)