LINN COUNTY COURTS

NOTICE TO PETITIONERS FOR FAPA RESTRAINING ORDERS
(FAPA = FAMILY ABUSE PREVENTION ACT)

You **MUST** have these papers **COMPLETELY FILLED OUT** and turned in to Room 107 at the Linn County Courthouse by 9:30AM in order to be heard by the judge on that same day. If you receive a FAPA restraining order you need to understand the following:

If you are asking for the restraining order you are the PETITIONER. The RESPONDENT is the person the order is against. The restraining order is not enforceable until it is served upon (given to) the respondent by the sheriff.

Once the order is served upon the respondent it is in effect for one year from the date it was signed by the judge. It may be renewed for a year if you apply for renewal **before** it expires. At that time you will have to tell a judge why the order should be renewed. You must appear and have your Petition to Renew the Restraining Order **COMPLETELY FILLED OUT** and turned into Room 107 at the Linn County Courthouse by 9:30AM in order to be heard by the judge on that same day.

The respondent may contest this order by asking for a hearing. If contested, there will be a hearing within five (5) judicial (working) days after the respondent requests it **if child custody** is provided for in the order. If there is no child custody provision in the order there will be a hearing within twenty-one (21) judicial days. You will be notified of any such hearing by mail. **It is therefore very important that you keep the court informed of your address at all times so that you receive notice. If you fail to appear for any FAPA hearing, your restraining order may be dismissed.**

This order cannot be changed or otherwise dismissed unless you file a Motion and Affidavit to Dismiss. This form is available in Room 107. If you would like to be heard by a judge today, the Motion and Affidavit to Dismiss must be **COMPLETELY FILLED OUT**, notarized and filed with the court clerk in Room 107 at 9:30AM.

This restraining order must be enforced by you to be effective. Any time and every time that the respondent violates this order you must call the police immediately.

FAPA restraining orders are **not intended** to resolve your child custody and parenting time problems. If you want the court to address those problems in detail you should file the appropriate documents with the court in a domestic relations case. If you have questions about that see an attorney or speak with the Family Court Services Specialist in Room 108B.

THIS INFORMATION SHEET IS NOT LEGAL ADVICE NOR IS IT A SUBSTITUTE FOR LEGAL ADVICE. IF YOU HAVE QUESTIONS ABOUT YOUR LEGAL RIGHTS OR OBLIGATIONS YOU SHOULD CONTACT A LAWYER.

*Forms may also be completed online and printed before coming to court at www.courts.oregon.gov/lin