

## LINN COUNTY COURTS

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

You **MUST** have these papers completed and turned into the cashier by 8:15 AM to be heard by a judge today. 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 does not take effect until it is served upon (given to) the respondent by the sheriff. You **must take the restraining order back down to Room 107 this morning immediately after leaving the courtroom.** There it will be filed and sent to the sheriff for service on the respondent.

Once the order is served upon the respondent it is in effect for one year from the date it was signed. 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 completed and turned into the cashier by 8:15 AM if you want to be heard by a judge today.

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.** In some cases, the court will set an “exceptional circumstances” hearing when you see the judge. If that is the case, a prominent notice (look on the order and the clerk’s notice to you) will indicate when that hearing is to be held. **If you fail to appear at any hearing mentioned in this paragraph the restraining order will be dismissed.**

This order cannot be changed or otherwise dismissed unless you apply in writing. Forms for this purpose are available in Room 107. If the judge required you to attend a Domestic Violence Class prior to the dismissal of the Restraining Order, you must bring your certificate of attendance from the class with you when you come to court. This must be attached to your Motion and Order to Dismiss the Restraining Order. The motion must be completed and turned into the cashier by 8:15 AM if you want to be heard by a judge today.

**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 107.

**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.**