

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

AS GUARDIAN AD LITEM FOR:

Star First Full Middle Last

PETITIONER

vs.

Star First Full Middle Last

RESPONDENT (person to be restrained)

PETITION FOR STALKING
PROTECTIVE ORDER
[ORS 30.866]

Case No: _____

[In all respects "petitioner" herein is to be read as "guardian ad litem for petitioner" where appropriate]

YOU MUST PROVIDE COMPLETE AND TRUTHFUL INFORMATION. IF YOU DO NOT THE COURT MAY DISMISS THE ORDER AND MAY ALSO HOLD YOU IN CONTEMPT OF COURT. If you wish to have your residential address and telephone number withheld from respondent, use a contact address and telephone number so the court and sheriff can reach you.

YOU MUST COMPLETE EVERY LINE PRECEDED BY A Star

I am the petitioner and I state that the following is true:

- Star 1. I am a resident of _____ County, state of _____.
Star 2. Respondent is a resident of _____ County, state of _____.
Star 3. Relationship between respondent and petitioner: _____.

Pursuant to ORS 30.866 Petitioner requests the Court to Order the Respondent to cease and refrain from any contact as defined in ORS 163.730 with the petitioner herein.

[To qualify for a stalking protective order the respondent must have knowingly alarmed or coerced petitioner or a member of petitioner's family or household by engaging in repeated and unwanted contact within the last two years. The petitioner must write out the conduct by respondent that constitutes such repeated and unwanted contact. Note: If the petitioner does not allege facts to support this application it may be denied.]

4. List below any unwanted and repeated contact within the last two years, listing the most recent contact first, followed by the next most recent, etc. For each contact indicate the place and approximate time of day and date of the contact. Explain what it is about the contact that alarms or coerces and who is alarmed or coerced.

Star 4(a). Date of Last Incident: _____:

Star Description of what occurred: _____

Star 4(b). Date of Last Incident before the one listed above in 4a: _____:

Star Description of what occurred: _____

(Note: there must be at least two separate incidents of unwanted contact to meet the statutory requirement)

[In order to issue a stalking protective order the Court must find probable cause to believe that Respondent knew or should have known that his conduct was unwanted.]

Star 5. Describe below why Respondent knew or should have known that his conduct was unwanted: _____

Certificate of Document Preparation

★NOTE: YOU ARE REQUIRED TO COMPLETE THIS CERTIFICATE. CHECK THE BOX THAT APPLIES AND SIGN.

[]The Court provided this document to me and I completed it without paid assistance.

[]I paid, or will pay, money to _____ for assistance in preparing this document.

Dated: _____

Petitioner's Signature

Notice to Petitioner:

This petition must be completely filled out, signed and acknowledged by a notary public or court clerk before a judge can hear it. If the information in the petition does not meet the statutory requirements for a stalking protective order the Court will deny the petition. If you receive a stalking protective order be sure to appear at all scheduled court appearances or the order will be terminated. You must enforce the order if you receive one, that means that any time and every time the Respondent violates the order in any way you must call the police or the order will have no practical effect. You should understand that an order may not protect you. If you feel you are in immediate danger you should contact the police by dialing 911.

The Court reviewed this petition and inquired of petitioner in open court under oath and has determined that the requirements for a stalking order are not met in this case and this petition is denied.

Date: _____

Circuit Judge

STALKING ORDER INFORMATION

IF YOU ARE THE PETITIONER (You obtained the stalking order)...

-understand that the order must be served on the respondent and entered into the state-wide computer system before it is enforceable.

-call the police if the respondent violates this order. Make a police report.

-understand that this stalking order can only be modified, changed, amended or dismissed (vacated) by a judge. If you contact the respondent the order does not automatically become invalid, the respondent is still subject to arrest! You should also understand that if you contact the respondent he may assert that as a defense to the maintenance of the order or to any charges of stalking brought against him.

-if you obtained this order **before** the respondent had an opportunity to be heard in court (called an **ex parte** order) the order will last until a hearing is scheduled giving the respondent an opportunity to be heard.

-if you obtained this order **after** the respondent had an opportunity to be heard (called a **permanent** order) it will last until the court orders otherwise, that is, it will be indefinite.

-if you want to change or dismiss the order you must go to Room 107 in the Linn County Courthouse and request this in writing.

-if you do not appear at any hearings scheduled the order may be dismissed. You must keep the court apprised of your address so you will receive notice of all hearings.

IF YOU ARE THE RESPONDENT (The order was served upon you)...

-you must obey all of the restrictions in the order even if you disagree with them.

-this order does not stop the petitioner from contacting you. **YOUR** behavior and actions are restrained, not theirs. Even if the petitioner has given you "permission" to contact, call, visit or live with them, you are still subject to arrest!

-this order may only be modified, amended or dismissed by a judge.

-if you were served a citation by a police officer to appear and show cause or if you were served with a Temporary **Ex Parte** Order you must appear in court at the time and date listed on the citation or order and show cause why a permanent order should not be issued.

THIS GENERAL INFORMATION SHEET IS NOT A SUBSTITUTE FOR COMPETENT LEGAL ADVICE. IF YOU DO NOT UNDERSTAND YOUR RIGHTS OR OBLIGATIONS YOU SHOULD CONSULT AN ATTORNEY.

CASE NUMBER: _____

RELEVANT DATA

★RESPONDENT _____ Sex _____ Telephone # _____

Residence Address _____

City/State/Zip _____ County _____

Birth Date _____ Age _____ Race _____

Height _____ Weight _____ Hair Color _____ Eye Color _____

★PETITIONER (you) _____ Sex _____ *Telephone # _____

*Residence Address _____

City/State/Zip _____ County _____

Birth Date _____ Age _____ Race _____

Height _____ Weight _____ Hair Color _____ Eye Color _____

*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.

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

Where is respondent most likely to be located?

Residence Hours _____

Employment Hours _____ Address: _____

Other Hours _____ Address: _____

Description of vehicle _____

Does respondent have any weapons or access to weapons? EXPLAIN: _____

Has respondent ever been arrested for or convicted of a violent crime? EXPLAIN: _____

Is there anything about respondent's character, past behavior, or the present situation that indicates that respondent may be a danger to self or others? EXPLAIN: _____

STALKING ORDER RELEVANT DATA