

RENEWING A FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER

Procedures vary from court to court. Check with your local court.

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 hand-delivered 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 server lives in the state where the papers are served. The server must also serve copies of the *Notice to Respondent/Request for Hearing* and *Order After Hearing* forms, which are attached below. 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 attached below, 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, or the respondent has filed a request to modify the order.

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.** Use safe contact addresses and contact phone numbers.

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 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 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.

**NOTICE TO PETITIONERS RECEIVING ELECTRONIC NOTICE
ABOUT SERVICE OR EXPIRATION OF RESTRAINING ORDERS:**

USE THIS FORM IF:

- You have already provided your e-mail address and/or cell phone-number to the sheriff's office in the county where your restraining order was issued so that you could receive electronic notice when your restraining order has been served, and another message 30 days before the Order expires;

AND

- You have had a change in your e-mail address or cell phone number.

The information below must be provided to the Sheriff's office in the county where the Restraining Order was obtained.

DO NOT FILE THIS FORM WITH THE COURT

If your contact address or phone number has changed, you must separately inform the court where you obtained this Order.

A common time for use of this form is when you are RENEWING or MODIFYING your restraining order; however, this form should be used ANYTIME a restraining order is in effect and you have changed your e-mail address or cell phone number and still want to receive electronic notice from the Sheriff's Office about service or expiration.

This is voluntary—you are not required to provide this information. You are not required to participate in the electronic notice program.

PETITIONER'S NOTICE TO SHERIFF'S OFFICE OF CHANGE OF CONTACT INFORMATION

Petitioner's Name: _____

Respondent's Name: _____

Court Case #: _____

County where Order obtained: _____

Your cell phone number: _____

Your cell phone carrier (ATT, Verizon, etc.): _____

Your email address: _____

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

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

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

(Name and Address of Court)

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.

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)(8), 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.

While this Order, or any Order changing this Order, is in effect, federal law may prohibit you:

- 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 your purpose of violating the Order.
- Possessing, receiving, shipping, or transporting any firearm or firearm ammunition.

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 you causing bodily injury to the Petitioner.

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

Petitioner (full name of person who asked for restraining order))
(date of birth)) Case No. _____
(See CIF)

v.

Respondent (full name of person to be restrained))
(date of birth))
(See CIF)

ORDER AFTER HEARING

- 21 Day or 5 Day Hearing, After Notice
- Exceptional Circumstances Hearing
- Modification Renewal Hearing (Family Abuse Prevention Act)

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

PETITIONER/ **GUARDIAN 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

FIREARMS NOTIFICATION under 42 USC §3796gg-(4)(e): As a result of this Order, it **may** be unlawful for Respondent to possess, receive, ship, transport or purchase a **firearm or ammunition** pursuant to **federal law** under 18 USC §922 (g)(8). This Order also **may** negatively affect Respondent's ability to serve in the Armed Forces of the United States 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 PROHIBITION: This Order (or the original Order that is continued) prohibits Respondent from possessing FIREARMS or AMMUNITION and it is unlawful for Respondent to do so under **state law**. [OJIN Event Code: **FQOR**]

FEDERAL FIREARMS FINDINGS (BRADY): This Order may subject Respondent to federal prosecution for possession, receipt, shipping, transportation, or purchase of firearms or ammunition while it is in effect. [OJIN Event Code: **ORBY**; LEDS Brady Code: **Y**]

The Court finds:

A. Relationship: The person protected by this Order is (*check at least one*):

- A spouse or former spouse of Respondent.
- The parent of Respondent's child.
- A person who does or did cohabit (live in a sexually intimate relationship) with Respondent.
- Respondent's child.
- A child of an intimate partner* of Respondent (*intimate partner is spouse/former spouse, cohabitant/former cohabitant, or parent of Respondent's child).

B. Notice and Opportunity to Participate:

The Order was issued after a hearing of which Respondent received actual notice and at which Respondent had the opportunity to participate.

C. Terms of Order:

The Order restrains Respondent from harassing, stalking or threatening Petitioner or Petitioner's or Respondent's child/ren or engaging in other conduct that would place Petitioner in reasonable fear of bodily injury to Petitioner or Petitioner's or Respondent's child/ren; **AND**

Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's or Respondent's child/ren; **OR**

This Order by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against Petitioner or Petitioner's or Respondent's child/ren that would be reasonably expected to cause bodily injury.

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.

DATED: _____

JUDGE (Signature)

Print or Type Name of Judge

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

Petitioner (your name))

(date of birth))

Case No. _____

v.)

DECLARATION OF PROOF OF SERVICE
(Family Abuse Prevention Act)

Respondent)
(full name of person to be restrained))

(date of birth))

I, (name) _____, declare that I am a resident of the
County of _____, 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, AND ANY OTHER (list each): _____

_____ in this case upon the above-named Respondent in person in _____ County,
State of _____, at the following address: _____

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 # _____

DECLARATION OF SERVICE