

## Getting a Protective Order

### First steps:

1. Pick the correct packet
2. Fill out the forms completely and accurately
3. Seek legal advice when needed
4. Ask for help

Use this chart to see the requirements for each of the five protective orders.

- Read all the requirements.
- Use the statements and questions to help pick the correct packet.
- If you cannot check all the required boxes for that protective order, that packet might not work for your situation.
- If you cannot decide which packet fits your situation, you should speak with an attorney.
- There is additional information and instructions in each protective order packet provided by the court.

Electronic Filing: Some protective orders can be filed electronically using Guide & File. If you are interested, we can provide information on how to use Guide & File.

Guardian Ad Litem (GAL): If you are filing on behalf of a minor, elderly person, or person with disabilities, please ask for a guardian ad litem packet. A guardian ad litem (GAL) is a person appointed by the court to make decisions in a specific court case.

### Have legal questions?

Contact the Oregon Law Center at 877-296-4076 or visit their website at oregonlawhelp.org

The Family Resource Center (FRC) can answer questions about court documents and process, and review your packet for completeness before you file.

Questions? Call 503-325-8555 extension 23213.

## Family Abuse Prevention Act (FAPA) Restraining Order

- You and the Respondent are 18 years of age or older **OR**
- You are younger than 18, the respondent must be at least 18 and be your current or former spouse or Registered Domestic Partner **OR** someone who has (or had) a sexually intimate relationship with you

### **AND**

The person you want to be protected from is (check at least one):

- Your current or former spouse Registered Domestic Partner
- Someone you have a sexually intimate relationship with, or did within the past 2 years
- Related to you by blood, marriage, or adoption
- The parent of your child

### **AND**

In the last 180 days\*, the respondent must have (you must be able to check at least one):

- Physically injured you
- Tried to physically injure you
- Made you afraid that they were about to physically injure you
- Made you have sexual relations against your wishes by using force or threats of force

### **AND**

- You are in danger of more abuse very soon (“imminent danger”). The respondent must be a threat to the physical safety of you or your children.

## Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) Restraining Order

- You are 65 years or older **OR**
- You are a “person with disabilities:”
  - You have a physical or mental condition that affects a major life activity, or
  - You have a brain injury resulting in loss of mental or physical function that affects your ability to perform activities of daily living

### **AND**

Abuse was committed within the 180 days\* (check at least one):

- Physical injury or pain that was not accidental
- Neglect that leads to physical harm, or abandoning of duties of care
- Use of insulting or inappropriate names, profanity, ridicule, harassment, threats, intimidation, or inappropriate sexual comments.
  - If the conduct threatens significant physical or emotional harm to you
- Coercion (pressuring you to do things you don’t want to or stopping you from doing things you want to do)
- Conduct that threatens significant physical or emotional harm
- Mailing sweepstakes promotions if you have spent more than \$500 in the previous year on sweepstakes from the same service
- Taking (or threatening to take) money or property wrongfully
- Sexual contact without your consent or if you were not capable of consenting

### **AND**

- You are in “immediate and present danger” of further abuse from the Respondent

\* Any period of time when the respondent was in jail or lived more than 100 miles from your home does not count as part of the 180-day period. This means you may still be able to get a restraining order even if it has been more than 180 days since you were abused.

Sexual Abuse Protective Order (SAPO)

- If you are 18 years of age or older, you and Respondent cannot be "family or household members"\*\*\* as defined by ORS 107.705. This means that the person who abused you is not:
  - Your husband, wife, or Registered Domestic Partner
  - Your former husband, wife, or Registered Domestic Partner
  - An adult with whom you are living (or did live) in a sexual relationship
  - An adult with whom you have been in a sexual relationship within the last two years
  - An adult related to you by blood, marriage, or adoption
  - The parent of your child.

OR

- If you are under the age of 18, you may ask for a SAPO as long as the Respondent is 18 or older.
- If you are under the age of 12, a parent or guardian must file for you. A guardian ad litem can also be appointed by the court.
- If you are at least 12 years of age, you may file for a SAPO on your own

AND

- The respondent must not already be prohibited from contacting you by:
  - A restraining order from another state, Indian tribe, or territory
  - A stalking protective order
  - An Elderly Persons and Persons with Disabilities Abuse Prevention Act restraining order,
  - A no contact order entered in a criminal case, or
  - A restraining order entered in a juvenile court dependency case.

AND

- The person who sexually abused or assaulted you must have:
  - made you have sexual contact without your consent, or
  - made you have sexual contact when you were not capable of consenting

AND

- You are in reasonable fear for your physical safety.

\*\*\* If you and the respondent are "family or household members," you may be able to apply for a Family Abuse Prevention Act (FAPA) Restraining Order.

Stalking Protective Order

- You or a member of your immediate family or household have been contacted **two or more** separate times in the past two years.
- The contact \*\*:
  - must cause alarm, fear, or the feeling of being forced to do or not do something against your will
  - can be made directly by the Respondent or through someone else (for example, having a friend follow you or send messages)

\*\* Contact can mean waiting outside your home, job, or school, following you, letters, phone calls, texts, or emails, or committing a crime against you

\*\* Contact with you includes any of these actions against a member of your immediate family or household

AND

- The contacts must cause you to reasonably fear for the physical safety of you or a member of your immediate family or household

Extreme Risk Protection Order (ERPO)

- You are a family member (spouse, parent, child, or sibling), household member, or intimate partner of the Respondent. Law enforcement officers may also apply for this Order.

AND

- The Respondent is at risk of hurting another person or of committing suicide from having or getting deadly weapons, including firearms.

AND

- File in the county where the respondent lives.

Please note:

- This is a red flag law. This order prevents a person who is at risk of committing suicide or of hurting another person from having or getting deadly weapons, including firearms.
- A respondent subject to an ERPO must give all of their deadly weapons and their concealed handgun license to a law enforcement agency, gun dealer, or someone else who can lawfully hold them within 24 hours. The respondent is not allowed to possess weapons until the order expires or is cancelled by the judge.
- This order does not keep the respondent from contacting you.