

FILING FOR A STALKING PROTECTIVE ORDER

IMPORTANT NOTE: PROCEDURES FOR GETTING STALKING PROTECTIVE ORDERS VARY FROM COURT TO COURT. CHECK WITH YOUR LOCAL COURT FOR MORE INFORMATION.



WHAT IS A STALKING PROTECTIVE ORDER?

A Stalking Protective Order (SPO) is a court order that tells a person (the “respondent”) to stop contacting you and members of your immediate family and household. If the SPO is granted, the court may also order that the respondent cannot have guns.

You may be able to ask for money damages under the law. See “Do I Need a Lawyer?” below.

WHAT ARE THE REQUIREMENTS FOR A STALKING PROTECTIVE ORDER?

- Respondent must have made repeated and unwanted contact with you or a member of your immediate family or household. That contact must cause alarm, fear, or the feeling of being forced to do or not do something against your will.
 - Contacts can be made either directly (by Respondent themselves) or through someone else (for example, having a friend follow you or send messages)
 - “Repeated” means at least 2 incidents within the past 2 years. The incidents do not have to involve the same kind of contact or contact with the same person
 - 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
- The contacts must cause you to reasonably fear for the physical safety of yourself or a member of your immediate family or household

HOW DO I FILL OUT THE PAPERS TO GET A STALKING PROTECTIVE ORDER?

Fill out the *Petition for Stalking Protective Order* and the *Temporary Order on Petition/Citation for Stalking Protective Order*. Your court may have a facilitator or advocate available to help you with the forms. They cannot answer legal questions.

BE SURE TO FILL IN THE “COUNTY” SPOT AT THE TOP OF EACH FORM.

- **Address and phone number** You must give the court a contact mailing address and phone number where the court and sheriff can reach you. Your contact address must be in the state where you live. This information will be public and the respondent will also see it. You do NOT have to use your residential address or phone number. If you don’t want the respondent to know where you live or have your phone number, you can use a safe contact address and contact phone number.
 - The court will assume you receive all communications at the contact address and phone number. Make sure you check both regularly so you know if the court has set hearings or needs information from you. If you do not appear for a hearing, the Judge may change any order or dismiss your case completely.

Complete the *Service Information* page with information about Respondent. This information will help the sheriff serve the order and judgment if your SPO is granted.

HOW MUCH DOES IT COST?

There is no cost to file for a an SPO

WHERE DO I FILE FOR A STALKING PROTECTIVE ORDER?

File in the county where the respondent lives or where the unwanted contacts happened. File at the Circuit Court courthouse. Go to www.courts.oregon.gov/courts/Pages/default.aspx to find court contact information. **NOTE:** your address may be closer to a court in a different county, and some towns may be in 2 counties. Call the court or talk to a lawyer if you are not sure where to file.

WHAT HAPPENS AFTER I FILL OUT THE PAPERS?

When you file your *Petition* and *Temporary Order*, the clerk will tell you when and where to go for your hearing that same day or possibly the next day. Some courts have set times for this type of hearing, while others may have you see a judge immediately. The judge will look over your papers and may ask you questions. If the judge grants you a temporary protective order, court staff will make copies for you. A hearing will be scheduled for the judge to decide whether to make the order permanent.

You will need to have one copy of the temporary order delivered (“served”) to the respondent by a sheriff’s deputy. The court will send the temporary order to a sheriff for service.

You can also have a private process server or any competent¹ adult serve the order, as long as the server lives in the state where the papers are served. **You cannot serve the papers yourself.** The server must complete a certificate of service and file it with the court. A form for this is in the packet but some servers use their own forms. Talk to the court clerk about ways to get the respondent served. The respondent cannot be punished for violating the order until after service.

WHAT HAPPENS AT THE HEARING?

You must go to all scheduled hearings or the Judge may dismiss the order. If you cannot go to a hearing due to an emergency, call the court clerk right away. It may be helpful to have a lawyer represent you at the hearing, but it is not required. You may be able to appear by phone or video in some courts. Contact the court for more information.

If you are worried about your safety, you can ask for a sheriff’s deputy to be present in the courtroom. Call the court before the hearing.

The purpose of the hearing is to decide if the temporary order will be made permanent, and if so, whether it will change in some way. The judge may decide not to change the order even if both sides agree that they want the same changes.

At the hearing, you must prove that Respondent made repeated, unwanted contact with you or a member of your immediate family or household. You must also prove that you (or a

¹ “Competent” means that a person who can understand, remember, and tell others about an event
Civil Stalking Instructions
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member of your immediate family or household) had fears about physical safety and that a reasonable person in your situation would be afraid. Be ready to give your own testimony, call witnesses, and give the judge any evidence you have (such as photos or copies of messages). If the protective order stays in effect, the law prohibits the respondent from having guns.

If the judge makes the order permanent, the court will give you copies of the *General Judgment re: Stalking Protective Order*. A copy must be served on Respondent if they do not attend the hearing.

HOW LONG DOES A STALKING PROTECTIVE ORDER LAST?

If granted, a *General Judgment re: Stalking Protective Order* is permanent. Either party may ask the court to dismiss the SPO. If so, a hearing will be scheduled. Be sure the court always has a contact address that you check regularly. If a hearing is scheduled to terminate (end) the SPO, you will receive notice from the court at your contact address.

WHAT CAN I DO IF THE RESPONDENT VIOLATES THE SPO AFTER SERVICE?

You can call the police (**call 911**). The officer must arrest Respondent if the officer believes a violation happened. If the court finds a violation, Respondent can be fined, put on probation, or put in jail.

A protective order does not guarantee your safety. A domestic violence or sexual assault program can help you take other steps. For information about domestic violence resources, please visit our website - www.courts.oregon.gov/dv

DO I NEED A LAWYER?

You can apply for a SPO without a lawyer. You may want to talk to a lawyer if you have questions about how the law works or what it means. **IF YOU WANT TO ASK FOR MONEY DAMAGES AS WELL AS AN SPO, YOU SHOULD SPEAK TO AN ATTORNEY FIRST!** Asking for money damages is extremely complicated. Requests must be properly classified and supported. Respondent can ask for a jury trial if you ask for money damages, which may take much longer to resolve.

If you need help finding a lawyer, call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or 800.452.7636, or go to www.osbar.org/public. If you believe you cannot afford a lawyer, ask court staff about legal services (legal aid) programs that might help you.

You can have a lawyer represent or help you if you want. You may be able to recover attorney fees.

WHAT IF I NEED AN ACCOMMODATION OR AN INTERPRETER?

You must tell the court as soon as possible if:

- you have a disability and need an accommodation, or
- you are unable to speak English and need a foreign language interpreter

Tell the court 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.

It is a good idea to carry a copy of the temporary order or judgment with you at all times

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

Case No: _____

Petitioner

 Filed by Guardian ad litem

v.

Respondent

**PETITION FOR STALKING
PROTECTIVE ORDER**

Ex parte

➤ I need an interpreter: Spanish ASL other: _____

NOTICE TO PETITIONER

- **Contact Address and Telephone Number:** If you don't want the Respondent to know your residential address or phone number, use a contact address and telephone number so the court and the sheriff can reach you if necessary.

I am the Petitioner. I declare that the following information is true:

1. Residency

I live in the county of _____, state of _____

Respondent lives in the county of _____, state of _____

2. Age of Parties

Petitioner: _____ Respondent: _____

- 3. Contact** – Within the past 2 years the Respondent has engaged in repeated and unwanted contact with me or a member of my immediate family or household¹ by *(describe the incidents of contact beginning with the most recent. Include who was contacted.)*:

a. Date and approximate time: _____

Location: _____

Description: _____

b. Date and approximate time: _____

Location: _____

¹ Your parents, children, siblings, spouse or Registered Domestic Partner, grandparents, stepparents, and stepchildren, or anyone living in the same residence as you

Description: _____

c. Date and approximate time: _____
Location: _____
Description: _____

d. Date and approximate time: _____
Location: _____
Description: _____

Additional page attached

4. Respondent knew or should have known that the contact was unwanted because:

5. Respondent's contacts made me afraid for my physical safety, or the safety of my immediate family or a member of my household, because:

6. Respondent made spoken or written threats directed at me that made me afraid of physical harm
(explain why you believe the threats would result in physical harm, including any acts that support your belief or show that Respondent is likely and able to carry out the threat)

7. Firearms

I have the following relationship with Respondent (*check all that apply*):

- spouses or Registered Domestic Partners (*current or former*)
- cohabitants (*current or former*)
- unmarried parents of a minor child
- sexually intimate relationship (*current or former*)
- adults related by blood or marriage

- The Respondent has firearms (or has easy access to firearms)
- The Respondent is already prohibited from possession or purchase of firearms or ammunition

8. Additional Relationship Information (*This information is optional. You do not have to tell the court what your relationship to Respondent is. Your restraining order will not be denied if you choose not to provide relationship information.*)

Respondent is my:

- family member roommate/cohabitant landlord neighbor
- other: _____

9. Existing Restraining and Stalking Orders

- There is a current restraining order or stalking order between Respondent and me

County and state: _____ Case #: _____

County and state: _____ Case #: _____

I ask the court to grant a Stalking Protective Order

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Submitted by Petitioner Guardian ad litem for Petitioner Attorney for Petitioner

Date

Signature

Name (printed)

Contact Address (*use a SAFE address*)

City, State, ZIP

Contact Phone (*use a SAFE number*)

Attorney for Petitioner:

Date

Signature

OSB#

Name (printed)

Address

City, State, ZIP

Phone

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

Case No: _____

Petitioner

 Filed by Guardian ad litem

v.

Respondent

**TEMPORARY ORDER ON
PETITION/CITATION FOR
STALKING PROTECTIVE
ORDER**

NOTICE TO RESPONDENT

Review this order carefully

- You must obey all provisions of this *Protective Order*, even if Petitioner contacts you or gives you permission to contact them
- You must appear personally in this court at the date and time shown on the *Order to Show Cause* or a warrant may be issued for your arrest
- You may be arrested and subject to civil and criminal penalties if you violate this order
- This order is enforceable anywhere in Oregon and in every other state

This matter came before the court on (date): _____ by Petition Citation

THE COURT FINDS:

Probable cause exists to grant a Temporary Stalking Protective Order. This Order is in effect until further order of the court.

THE COURT ORDERS:

The Petition or Citation for Stalking Protective Order is:

DENIED

- Petitioner did not appear
- Petitioner did not establish a claim for relief
- Other:

GRANTED. Respondent is prohibited from contacting Petitioner or Petitioner's immediate family or household members directly or through another person.

"Contact" includes but is not limited to:

- coming into the visual or physical presence of Petitioner
- following Petitioner
- waiting outside the home, property, place of work or school of Petitioner or of a member of Petitioner's family or household (*optional: list specific addresses or locations you want included*)

- sending or making written or electronic communications in any form to Petitioner
- speaking with Petitioner by any means
- communicating with Petitioner through a third person
- committing a crime against Petitioner
- communicating with a third person who has some relationship to Petitioner with the intent of affecting the third person's relationship with Petitioner
- communicating with business entities with the intent of affecting some right or interest of Petitioner
- damaging Petitioner's home, property, place of work or school
- delivering directly or through a third person any object to the home, property, place of work or school of Petitioner
- service of process or other legal documents unless Petitioner is served as provided in ORCP 7 or 9

NOTE: This Order does not prohibit Respondent from appearing at any scheduled court appearances in this case

Other orders/exceptions: _____

Judge Signature:

Certificate of Readiness

This proposed order is ready for judicial signature because service is not required under UTCR 5.100 because this order is submitted **ex parte** as allowed by statute or rule

Submitted by Petitioner Guardian ad litem for Petitioner

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

SERVICE INFORMATION

*****The Respondent will receive a copy of this information*****
If you do not want Respondent to know your residential address or phone number, use a contact address in the state where you reside or a contact phone number so the court and the sheriff can reach you if necessary. Check for mail at this address frequently. The court will assume that you receive all notices sent to your contact address.

PETITIONER:(Name) _____ Female Male Nonbinary

Residence/Contact Address (Use a safe address): _____ Street, City, State, ZIP

Contact Phone Number _____ (Use safe contact number)

Age _____ Race/Ethnicity _____ Height _____ Weight _____

Eye Color _____ Hair Color _____

RESPONDENT: (Name) _____ Female Male Nonbinary

Residence Address _____ County

Phone Number _____

Age _____ Race/Ethnicity _____ Height _____ Weight _____

Eye Color _____ Hair Color _____

**PLEASE FILL OUT THIS INFORMATION
TO HELP WITH SERVICE OF THE RESTRAINING ORDER**

Where is Respondent most likely to be found?

- Residence Hours _____ Address above
- Employment Hours _____ Address on CIF form
- Other: Hours _____ Address _____

Description of Vehicle _____

Is there anything about the Respondent’s character, past behavior, or the present situation that indicates that Respondent may be a **danger** to self or others? (Explain): _____

Does Respondent have any **weapons, or access to weapons**? (Explain): _____

Has Respondent ever been **arrested for or convicted of** a violent crime? (Explain): _____

**NOTICE TO PETITIONERS:
RECEIVING ELECTRONIC NOTICE ABOUT STALKING ORDERS**

The sheriff is required to provide you with proof of service showing when your
Stalking Protective Order has been served

USE THIS FORM if you would also like to receive electronic notice by text message
and/or email when your *Stalking Protective Order* has been served or is about to
expire

The information below will be given to the sheriff for the county where the *Stalking
Protective Order* is issued

DO NOT FILE THIS FORM WITH THE COURT!

Give or send it to the sheriff for the county where you filed for your
Stalking Protective Order

This is a VOLUNTARY option. You do not have to provide this information. The sheriff will still notify you when your *Stalking Protective Order* has been served.

If your contact address or phone number changes, you must separately inform the court that issued the Order. If the information below changes, notify the sheriff.

**PETITIONER'S NOTICE TO SHERIFF'S OFFICE
OF ELECTRONIC CONTACT INFORMATION**

Your Name: _____

Respondent's Name: _____

Court Case #: _____

County where *Order* Issued: _____

Your cell phone number: _____

Cell Carrier (*AT&T, T-Mobile, Verizon. etc.*): _____

Your email address: _____

**NOTICE TO PETITIONERS RECEIVING ELECTRONIC NOTICE
ABOUT PROTECTIVE ORDERS**

USE THIS FORM IF:

- You have already provided your email address or cell phone number to the sheriff's office to receive electronic notice when your *Stalking Protective Order* has been served or is about to expire

AND

- Your email address or cell phone number has changed

DO NOT FILE THIS FORM WITH THE COURT

The information below must be provided to the sheriff's office
in the county where the *Stalking Protective Order* was issued

If your contact address or phone number has changed, you must separately inform the court that issued the Order

This form can be used ANYTIME a stalking protective order is in effect and you have changed your email address or cell phone number and still want to receive electronic notice from the sheriff's office about service or expiration.

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

Your Name: _____

Respondent's Name: _____

Court Case #: _____

County where *Order* Issued: _____

Your new cell phone number: _____

Cell Carrier (*AT&T, T-Mobile, Verizon. etc.*): _____

Your new email address: _____

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

Case No: _____

Petitioner

CERTIFICATE OF SERVICE

 Filed by Guardian ad litem

v.

Stalking Protective Order

Respondent

I, (name) _____, declare that I am a resident of the state of _____
_____. I am a competent person 18 years of age or older. I am not a party to or
lawyer in this case, and not the employee of a party.

I certify that on (date) _____ at (time) _____ (am/pm),
I served the Respondent named above by delivering the following documents in person to
(address or location of service) _____

I served true copies of the original (check all that apply):

- Order to Show Cause re: Stalking Protective Order
- Temporary Order on Petition/Citation for Stalking Protective Order **and** Petition for Stalking Protective Order
- General Judgment re: Stalking Protective Order

Other (name all forms or documents served) _____

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Signature of Server

Print Name

If person serving is NOT a sheriff or sheriff's deputy, address and phone number of server:

