

# **CHANGING A RESTRAINING ORDER**

## **UNDER THE FAMILY ABUSE PREVENTION ACT (FAPA)**

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



### **CAN I CHANGE (“MODIFY”) A RESTRAINING ORDER?**

Yes, but only the following terms may be changed:

- 1) custody and parenting time of the children
- 2) respondent’s removal from the home
- 3) respondent’s restrictions from other premises, or
- 4) contact with the petitioner

Either party can ask for these changes if the 30-day period for the respondent to request a hearing has ended. Some courts may allow Petitioners to ask for less restrictive terms within the 30-day period.

### **WHAT FORMS SHOULD I USE?**

If you are the **Respondent**: use the *Motion for Order to Show Cause re: Modifying Restraining Order, and Declaration in Support*

If you are the **Petitioner**:

If you want to change <b>custody or parenting time</b> terms:	If you want to change terms about: removal from the home, restraint from premises, or contact:	
	If you want <b>less</b> restrictive terms	If you want <b>more</b> restrictive terms
<b>USE:</b> <i>Motion for Order to Show Cause re: Modifying Restraining Order, and Declaration in Support</i>	<b>USE:</b> <i>Motion and Declaration for Less Restrictive Terms</i>	<b>USE:</b> <i>Motion for Order to Show Cause re: Modifying Restraining Order, and Declaration in Support</i>

### **WHAT HAPPENS NEXT?**

Courts handle these kinds of cases differently. Ask the court when you file how they handle restraining order modifications.

If you are the Petitioner and your request is for **less restrictive** terms, the judge may sign an order granting your request without a hearing. The Respondent can ask for a hearing within 30 days after the *Order* is served.

For all other requests, a judge will review your documents

- If the motion is **denied**, the original (or last modified) *Order* remains in effect without change

- If the motion is **granted**, the court will set a hearing for both parties to appear. Some courts set this hearing when you file your *Motion*, others won't set a hearing unless the other party responds. **NOTE:** if a hearing is scheduled and you don't show up, your *Motion* will most likely be denied and your requested changes will not be made.

**SERVICE:** Court staff will make copies of your papers for you after you file. You cannot serve the papers yourself. Have one of the copies personally given ("served") to the other person by a sheriff, a private process server, or any competent<sup>1</sup> person who is 18 or older, as long as the server lives in the state where the papers are served. The server is required to complete and file with the court a *Certificate of Service*. A form is in the packet, but some servers use their own forms.

If your local court sets a hearing, it is very important for you to attend, or the judge may dismiss your request. **Be sure the court always has your current contact address and contact phone number so you get notice of any hearing.** Use a safe contact address and phone number. If you cannot go to the hearing, call the court clerk as soon as possible.

If no hearing is set, ask the court clerk what the next steps will be

#### **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. You are not required to have a lawyer to obtain the restraining order, but you can have a lawyer represent or help you if you wish. If you need help finding a lawyer, 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 a legal services (legal aid) program that might help you.

#### **WHAT IF I NEED AN ACCOMMODATION OR AN INTERPRETER?**

If you have a disability and need an accommodation, or you 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.

#### **COURT FORMS**

Forms that can be used in all Oregon courts are available here:

[www.courts.oregon.gov/forms](http://www.courts.oregon.gov/forms)

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<sup>1</sup> "Competent" means that a person who can understand, remember, and tell others about an event

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

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

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

The information below will be given to the sheriff for the county where the Restraining 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 Restraining Order

**This is a VOLUNTARY option.** You do not have to provide this information. The sheriff will still notify you when your Restraining 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.*

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**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: \_\_\_\_\_

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

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

v.

**EX PARTE MOTION FOR  
LESS RESTRICTIVE TERMS  
& DECLARATION IN SUPPORT**

\_\_\_\_\_  
Respondent  
(Person restrained)

(Family Abuse Prevention Act)

**Motion**

**I am the Petitioner.** I ask the court to make the restraining order *less restrictive* by allowing the Respondent to (*check all that apply*):

➤  move back into the residence at (*address*): \_\_\_\_\_

because  I no longer live there *or*  other (*explain*): \_\_\_\_\_

➤  come to the following places (*include any restrictions on days, times, purposes, etc.*): \_\_\_\_\_

➤  contact me (*check all that apply*)  in person or by  phone (including voice or text)  
 mail  email  other electronic means (i.e., social media or video chat) (*list any restrictions on method, time, day, or purpose*): \_\_\_\_\_

➤  contact me through a third party (*check all that apply*)  in person or by  phone  
(including voice or text)  mail  email  other electronic means (i.e., social media or video chat) (*list the third party's name and any restrictions on method, time, day, or purpose*): \_\_\_\_\_

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**Statement of Points and Authorities**

ORS 107.730(1)(b) authorizes the court to modify the terms of a Family Abuse Prevention Act Restraining Order

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**Declaration**

The following facts support the requested changes above (*explain why you are requesting the changes to the order and provide any facts that support your requests*)

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**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  Attorney for Petitioner

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Date

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Petitioner Signature

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Name (printed)

---

Contact Address (*use a SAFE address*)

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City, State, Zip

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Contact Phone (*use a SAFE number*)

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---

*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 WASHINGTON

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

v.

\_\_\_\_\_  
Respondent

**ORDER FOR LESS  
RESTRICTIVE TERMS**

*(Family Abuse Prevention Act)*

The court orders that Petitioner's *Motion for Less Restrictive Terms* is:

**GRANTED.** The changes requested in the *Motion* are effective as of the date this *Order* is entered. All other terms of the *Restraining Order* remain in effect.

**DENIED.** The Restraining Order continues in effect without change.

Other: \_\_\_\_\_

- Firearms Surrender** - The prior Order was signed before January 1, 2020.
- Respondent is ordered to surrender all firearms and ammunition according to the attached *Firearms Surrender and Return Terms*, which are incorporated and made part of this *Order*. Criminal penalties apply for violation of the firearms prohibition.
  - Respondent is ordered to file a *Declaration of Firearms Surrender* with any required attachments according to the *Firearms Surrender and Return Terms*

*Judge Signature:*

\_\_\_\_\_

**Certificate of Readiness**

This proposed order is ready for judicial signature because it is submitted **ex parte** as allowed by statute or rule

Submitted by:  Petitioner  Petitioner's attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
OSB# (*attorneys only*)

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Contact Address (*use a SAFE address*) City, State, Zip

\_\_\_\_\_  
Contact Phone (*use a SAFE number*)

## 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

\*\*\*Residence/Contact Address (Use a safe address):\*\*\* Street and Apartment, City, State, Zip County

Contact Phone Number \_\_\_\_\_ (Use safe contact number)

Age \_\_\_\_\_ Race/Ethnicity \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_

Eye Color \_\_\_\_\_ Hair Color \_\_\_\_\_

RESPONDENT: (Name) \_\_\_\_\_  Female  Male

Residence Address \_\_\_\_\_  
County

Phone Number \_\_\_\_\_

Age \_\_\_\_\_ Race/Ethnicity \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_

Eye Color \_\_\_\_\_ Hair Color \_\_\_\_\_

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**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 other party's character, past behavior, or the present situation that indicates that he or she may be a **danger** to others? To him/herself? (Explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the other party have any **weapons, or access to weapons**? (Explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the other party ever been **arrested for or convicted of** a violent crime? (Explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Case No: \_\_\_\_\_

\_\_\_\_\_ Petitioner

and

\_\_\_\_\_ Respondent

**CONFIDENTIAL  
INFORMATION FORM**

Amended CIF

(Family Abuse Prevention Act)

UTCR 2.130

**This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.**

*File one CIF for each party*

**Submitted by:**  Petitioner  Respondent  other: \_\_\_\_\_

**Information about (name):** \_\_\_\_\_  
(first, middle, last)

Petitioner  Respondent  other: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

**Respondent's Employer's Name, Address, and Phone:** *(not required for Petitioner)*

**Minor children of the parties:<sup>1</sup>**

Name:	Date of Birth:

Additional page attached

<sup>1</sup> The names of parties and children, and children's ages are not confidential. This form can only be viewed by the party who files it unless the court orders otherwise.



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

Case No: \_\_\_\_\_

\_\_\_\_\_ Petitioner

and

\_\_\_\_\_ Respondent

**CONFIDENTIAL  
INFORMATION FORM**

Amended CIF

(Family Abuse Prevention Act)

UTCR 2.130

This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.

File one CIF for each party

Submitted by:  Petitioner  Respondent  other: \_\_\_\_\_

Information about (name): \_\_\_\_\_  
(first, middle, last)

Petitioner  Respondent  other: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Respondent's Employer's Name, Address, and Phone: (not required for Petitioner)

**Minor children of the parties:<sup>1</sup>**

Name:	Date of Birth:

Additional page attached

<sup>1</sup> The names of parties and children, and children's ages are not confidential. This form can only be viewed by the party who files it unless the court orders otherwise.

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

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

**NOTICE OF FILING OF  
CONFIDENTIAL  
INFORMATION  
FORM (CIF)**

Amended CIF

I filed Confidential Information Forms with the court about the following parties to this case as required by Uniform Trial Court Rule (UTCRR) 2.130 (*complete a section for each party you filed a CIF for*):

1) Petitioner Name (First, Middle, Last): \_\_\_\_\_

Confidential Personal Information contained in CIF (check all that apply):

date of birth  children's date of birth

2) Respondent Name (First, Middle, Last): \_\_\_\_\_

Confidential Personal Information contained in CIF (check all that apply):

date of birth  children's date of birth

employer's name, address, and telephone number

Submitted by:  Petitioner  Attorney for Petitioner  Respondent  Attorney for Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
OSB# (*Attorneys only*)

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Contact Phone

## NOTICE TO RESPONDENT AND REQUEST FOR HEARING

### **THIS FORM MUST BE ATTACHED TO ALL COPIES OF THE ORDER FOR LESS RESTRICTIVE TERMS**

**TO RESPONDENT: AN ORDER HAS BEEN ISSUED THAT CHANGES THE TERMS OF THE *RESTRAINING ORDER* ALREADY IN EFFECT. THE CHANGES ARE IN EFFECT NOW.**

The changes make the *Restraining Order* less restrictive on you. If you disagree with any changes made to the *Restraining Order*, complete the attached *Request for Hearing* form. File it with the court that issued the order at the address on the bottom of this page within 30 days after you receive this *Notice*.

- **Note:** if you request a hearing, only the changes the Petitioner requested will be considered. You *cannot* ask that the *Restraining Order* be ended.

### **FIREARMS PROHIBITIONS APPLY!**

#### **Criminal Penalties for Firearms Possession (ORS 166.255(1)(a))**

You will be subject to criminal penalties for possessing firearms or ammunition effective the earliest of:

- (1) 30 days after you were served with the *Order*

*Or, if you request a hearing:*

- (2) the date of the hearing if the *Order* is not dismissed *or*
- (3) the date of the hearing if you fail to appear at the hearing *or*
- (4) the date you withdraw your request for a hearing

#### **Contempt Penalties for Firearms Possession**

If the firearms prohibition in Section 18 of the *Restraining Order* is initialed by the judge:

- it is immediately unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, and ammunition under ORS 107.718(1)(h)
- you are subject to contempt of court for violation of the firearms prohibition as soon as you are served with or become aware of the *Order*
- criminal penalties may also apply

You may also be prohibited from:

- Serving in the Armed Forces of the United States or being employed in law enforcement. If you have any questions about how these laws apply to you, talk to a lawyer.
- Traveling across state lines or tribal land lines with the intent to violate this Order and then violating this order
- Causing Petitioner to cross state lines or tribal land lines for the purpose of violating the order

#### **Other Laws May Also Apply To You**

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 Petitioner to travel across state lines or tribal land lines if your intent is to cause bodily injury to Petitioner or if the travel results in you causing bodily injury to Petitioner.

**IF YOU WANT A HEARING, MAIL OR DELIVER THE *REQUEST FOR HEARING* FORM TO (address of court):** WASHINGTON COUNTY CIRCUIT COURT

150 N. FIRST AVENUE HILLSBORO, OREGON 97124

FAMILY LAW ASSISTANCE PROGRAM / ROOM 105J

**REQUEST FOR HEARING**  
*(To Be Completed By Respondent Only)*  
IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

v.

\_\_\_\_\_  
Respondent  
*(Name of person restrained)*

**REQUEST FOR HEARING  
ON ORDER FOR LESS  
RESTRICTIVE TERMS**

*(Family Abuse Prevention Act)*

**I am the Respondent.** I request a hearing to oppose the changes to the *Restraining Order* as follows:

I oppose: *(check all that apply)*

- allowing me to move back into the house
- allowing access to specific locations
- allowing contact with the Petitioner

I understand that only Petitioner's requested changes will be considered at this hearing, and that the judge does not have the authority to end the order at my request. I understand that all unchanged terms of the *Restraining Order* remain in effect.

- I will need \_\_\_\_\_ language interpretation services at the hearing
- I will need American's with Disabilities Act accommodations at the hearing

Submitted by:  Respondent  Attorney for Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Phone

\_\_\_\_\_  
*Attorney for Respondent:*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
OSB#

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**FIREARMS SURRENDER AND RETURN PROCEDURE  
FOR RESPONDENTS UNDER RESTRAINING ORDERS  
FAMILY ABUSE PREVENTION ACT (FAPA)**

The restraining order against you may immediately prohibit you from possessing firearms and ammunition and require you to surrender them. Read carefully the firearms section on page 7, paragraphs 18 & 19. Whether or not those paragraphs are checked, the boxed notice on page 7 tells you that state criminal law also prohibits you from possessing firearms as soon as *a hearing is held continuing the restraining order or your hearing right expires*.

Read your order carefully to know whether the gun ban is in effect now or will be soon.

**AS SOON AS THE RESTRAINING ORDER PROHIBITS YOU from possessing firearms and ammunition, you must do ONE of the following within 24 hours.**

1. Surrender to Law Enforcement or a Licensed Gun Dealer all firearms and/or ammunition in your possession, control, or custody.

If box 18 is checked, you must surrender them at the time you are served with the restraining order. If the firearms or ammunition are not in your custody at that time, you must surrender them to law enforcement (see next page) or a licensed gun dealer within 24 hours of when the gun ban is in effect.

**OR**

2. Have an eligible Third Party take possession of any firearms and/or ammunition in your possession, control, or custody.

You must arrange for an Oregon State Police criminal background check on the third party you select. That Third Party cannot live with you. To get a background check, you must contact a licensed gun dealer. A fee applies. The Third Party must complete the *Third Party Recipient's Declaration* provided to you.

**AND, WITHIN 2 COURT (BUSINESS) DAYS, YOU MUST FILE WITH THE COURT AND DISTRICT ATTORNEYS OFFICE A DECLARATION, WITH PROOF OF TRANSFER.**

These documents will tell the court:

- A. That you have no firearms or ammunition.
- B. The person/agency you gave the guns & ammunition to, and other details of the transfer.
- C. **OR** that you do not want to answer because you do not want to incriminate yourself.

The **Firearms Declaration** is included in your service packet. It is also available in Room 105J of the courthouse or online at: <http://courts.oregon.gov/courts/washington>.

**FAILURE TO COMPLY WITH COURT ORDERED TERMS ABOUT FIREARMS POSSESSION AND SURRENDER MAY SUBJECT YOU TO A CONTEMPT OF COURT CHARGE OR A CRIMINAL CHARGE.**

### **OPTION TO SURRENDER TO LAW ENFORCEMENT**

The Washington County Sheriff's Office and local law enforcement agencies will accept **unloaded** firearms and ammunition of individuals under restraining orders, *regardless of the location of the respondent's residence*.

Below is the contact information for Washington County law enforcement agencies:

Cornelius Police 503-359-1881	Beaverton Police 503-629-0111	Forest Grove Police 503-992-3260
Hillsboro Police 503-681-6190	King City Police 503-620-8851	Oregon State Police 503-378-3720
North Plains Police 503-647-2604	Sherwood Police 503-625-5523	Tigard Police 503-629-0111
Tualatin Police 503-691-4800	Washington County Sheriff 503-846-2537	Wilsonville Police 503-682-1012

- Weapons surrendered to law enforcement must be unloaded.
- Upon arrival at the agency, keep your unloaded weapons locked inside your vehicle (in the trunk if possible), and then contact the agency.
- Give the agency a copy of the court's Order. Inform them that your weapons are in your vehicle.
- Follow the agency's instruction and get a copy of the evidence report that lists the weapons you have surrendered. You will need this as proof to the court.

**RETURN of firearms/ammunition:** The firearm/ammunition ban ends when the restraining order expires or earlier if ended by court order. The law requires another background check on you be done law enforcement, a dealer, or a third party returns your firearms or ammunition to you.

**Frequently Asked Questions:  
SURRENDER and RETURN OF FIREARMS  
In Washington County  
FAMILY ABUSE PREVENTION ACT (FAPA) RESTRAINING ORDER CASES**

**1. Do I have to surrender (give up) my guns?**

Yes, but *when* depends on what the restraining order says. Look at paragraph 18 on page 7 of the order.

- If the judge's initials are on the right side of the page, on the line next to number 18, the "Firearms Surrender and Return Terms" attached to the order apply to you **immediately**.
- Even if box 18 is not initialed by the Judge, the "Firearms Notification" section immediately below box 18 tells you that state *criminal* law bans you from having guns or ammunition as soon as:
  - Your deadline for requesting a hearing on the restraining order passes, but you don't request a hearing (This deadline is 30 days from service) or
  - The date of a court hearing that you received notice of and the restraining order was continued there. This hearing date could be earlier than 30 days from when you were served with the court papers. Even if you withdraw your request for a hearing, or don't show up at a hearing you requested, the gun ban will be in effect as of the hearing date if the Judge keeps the restraining order in effect.

Whether you must surrender your firearms immediately, or in 30 days, or an earlier hearing date, you must also complete the *Declaration of Firearms Surrender* and file it (with *Proof of Transfer*) at the courthouse and with the District Attorney. Legal deadlines apply for taking steps. *See following questions.* The *Declaration w/ Proof of Transfer* documents are included with the court papers you received. It is also available in room 105J of the Courthouse or on the court's website.

**2. How much time do I have to turn over my guns?**

- If box 18 is checked – you must surrender any guns in your possession or control when you are served to a law enforcement officer serving the order. Otherwise, you have 24 hours to turn in your firearms and ammunition to law enforcement, a licensed gun dealer, or a qualified Third Party who doesn't live with you.
- If box 18 is not checked – you have 24 hours from the earlier of (1) the passing of the deadline to request a hearing (30 days from service) or (2) a court hearing that you received notice of and at which the restraining order was continued. Even if you withdraw your request for a hearing, or don't show up at a hearing you requested, the gun ban will be in effect if the Judge keeps the restraining order in effect.

**3. How much time do I have to file the Firearms Declaration (and Proof of Transfer)?**

You have 2 court days from the time you become subject to the surrender order (see answer to Question #1, above) to file the *Firearms Declaration* with the court and District Attorney. Weekend days and holidays do not count as court days. Take or mail the documents to:

**Washington County Circuit Court**  
**Family Law Assistance Program, Room 105J**  
**150 N. 1<sup>st</sup> Avenue**  
**Hillsboro, Oregon 97124**

**Washington County District Attorney**  
**Justice Services Building**  
**150 N. 1<sup>st</sup> Avenue, Suite 300**  
**Hillsboro, Oregon 97124**

**4. Where can I surrender my guns?**

You can surrender (give) your guns to any Law Enforcement Agency. Make sure your firearms are unloaded before transporting and surrendering them. Officers prefer that you have your weapon and ammunition in a container or bag. To turn them over to the ***Washington County Sheriff's Office***, please call first to schedule an appointment.

Cornelius Police 503-359-1881	Beaverton Police 503-629-0111	Forest Grove Police 503-992-3260
Hillsboro Police 503-681-6190	King City Police 503-620-8851	Oregon State Police 503-378-3720
North Plains Police 503-647-2604	Sherwood Police 503-625-5523	Tigard Police 503-629-0111
Tualatin Police 503-691-4800	Washington County Sheriff 503-846-2537	Wilsonville Police 503-682-1012

**5. How do I transport my firearms/ammunition for surrender without breaking the law?**

You will not break the law for Unlawful Possession of a Firearm if:

- You have in your possession a copy of the restraining order against you, **and** it was issued within the last 24 hours,
- The firearm is unloaded, and
- You are transporting it to a law enforcement agency, licensed gun dealer, or third party.

**6. Will I get a receipt from the law enforcement agency that is storing my guns?**

Yes. The agency will give you a receipt. The receipt will list all guns you turn over and the type/amount of ammunition. The agency can use the *Proof of Transfer* that is part of your *Firearms Declaration* that you file. The agency can also use their own form for this proof of transfer.



**7. Can I leave my guns and ammunition with a gun dealer?**

Yes, if the licensed gun dealer agrees to storage of firearms and ammunition for you. The dealer will likely charge you a storage fee for this service. You must get *Proof of Transfer* from the dealer that lists the date of transfer and the serial #, make, and model of each transferred item.

**8. What if I want a friend or relative (instead of law enforcement or a gun dealer) to store my guns while the restraining order is in effect?**

If your guns were not given to law enforcement or a dealer, you can turn your guns over to a friend or relative. This person cannot live with you. You must first get a criminal background check done on this friend/relative to show that he or she is legally able to have firearms. *See Question 9*, below. If you decide to turn your guns over to a friend or relative, that Third Party must fill out and sign the *Third Party's Declaration About Taking Possession*.

**9. How do I get a firearms background check done on the person I want to store my guns?**

The background check is done through a licensed gun dealer. A small fee is charged, and the dealer will do the check through the Oregon State Police. If the person passes the background check, you will be given an approval number to record on the *Proof of Transfer*.

**10. What if I don't have any firearms?**

You still need to complete and file the *Firearms Declaration*. The *Declaration* sets out three choices (boxes) for your response and the first box applies in this situation. This section states that you do not own or possess any firearms. Remember – you must file the *Declaration* at the courthouse within 2 court (business) days of the date you become subject to the surrender order. *See answer to Question #1 for the date you become subject to the surrender order*.

**11. What happens if I don't file the Firearms Declaration?**

If you are required to file the *Firearms Declaration* and do not, you are disobeying the court's order. This is a serious matter. A law enforcement officer could contact you for questioning or cite you to appear in court. The District Attorney's (DA) office could charge you with violating a restraining order (contempt of court). In that case, you will have a right to a court-appointed attorney if you cannot afford to hire a lawyer. If the judge decides after a hearing that you willfully disobeyed the restraining order by not filing the *Declaration*, you could go to jail for up to 6 months, be placed on probation, or be ordered to pay a fine of up to \$500 plus the cost of your state-provided attorney.

**12. How do I get my firearms back from the police or sheriff when the restraining order no longer exists?**

You must call the police or sheriff's office at the numbers provided above and make arrangements to pick up your guns and ammunition. The police or sheriff's office will do a background check on you to be sure you are legally able to possess firearms before returning your guns and ammunition. Take photo identification with you when you go to pick them up.

**13. How do I get my firearms back from a friend or relative storing them when the restraining order no longer exists?**

The person storing them can return them to you. But the law requires a background check first to make sure you are otherwise eligible to possess firearms. See Question 9 above for information about getting this background check done. A dealer or the Oregon State Police will do the check when someone is requesting the check on himself or herself.

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

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff

v.

**RESPONDENT'S/DEFENDANT'S  
DECLARATION OF  
FIREARMS SURRENDER**

\_\_\_\_\_  
Respondent/Defendant

**Declaration**

I am the Respondent/Defendant in this case. I am subject to a court order to surrender firearms.

*Check one:*

I had no firearms in my possession at the time of the court's order. I do not currently possess any firearms.

All firearms and ammunition in my possession have been transferred to:

a law enforcement agency (*name*): \_\_\_\_\_

a gun dealer (*name*): \_\_\_\_\_

a third party who does not live with me (*name*): \_\_\_\_\_

A proof of transfer or receipt is attached (*required*)

I am asserting my constitutional right against self-incrimination. I decline to make any statement about firearms.

I HAVE FILED COPIES OF THIS *DECLARATION* (AND THE *DECLARATION* FROM THIRD PARTY RECIPIENTS, IF ANY) WITH THE DISTRICT ATTORNEY (*required*)

**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 Respondent/Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Respondent/Defendant

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Phone

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

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff

v.

**THIRD PARTY RECIPIENT'S  
DECLARATION OF  
FIREARMS RECEIPT**

\_\_\_\_\_  
Respondent/Defendant

**NOTICE TO RECIPIENT**

**You are subject to criminal and/or civil penalties if:**

- You allow Respondent/Defendant access to firearms or ammunition during the time they are prohibited from possession
- You are subject to any court order prohibiting you from possessing firearms or ammunition

**Declaration**

I, *(full name)* \_\_\_\_\_ received firearms and/or ammunition surrendered by Respondent/Defendant

**By my initials here → \_\_\_\_\_ I swear to the court that all the following statements are true**

- I am aware that Respondent/Defendant is subject to a court order to surrender all firearms and ammunition and prohibited from possessing firearms or ammunition
- I am not a law enforcement officer or gun dealer or not acting in my official capacity as a law enforcement officer or gun dealer
- I do not live with Respondent/Defendant
- I completed a Proof of Transfer listing the firearms and/or ammunition Respondent/Defendant surrendered to me
- I passed a background check by a law enforcement agency or gun dealer *(required)*

The OSP background check number is: \_\_\_\_\_

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 Recipient

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Phone

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

**PROOF OF FIREARMS TRANSFER**

Complete this form if you have received firearms and ammunition  
from the respondent/defendant named below<sup>1</sup>

Name of person surrendering firearms: \_\_\_\_\_

Case #: \_\_\_\_\_

Date of transfer: \_\_\_\_\_

**RECIPIENT'S INFORMATION:**

I, (full name) \_\_\_\_\_ received firearms and/or  
ammunition from the Respondent/Defendant named above

I am a:  third party who does not live with Respondent/Defendant\*

\*OSP background check number: \_\_\_\_\_ (required for third parties)

licensed gun dealer

law enforcement agency representative (agency name): \_\_\_\_\_

Ammunition was surrendered to me

The following firearms were surrendered to me:

Serial Number	Make and Model (or description, if make/model unavailable)

Additional page attached

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of recipient

\_\_\_\_\_  
Name (printed)

<sup>1</sup> Law enforcement and gun dealers may have their own proof of transfer or receipt forms. If so, attach that document to the *Respondent's/Defendant's Declaration of Firearms Surrender*.