

FILING FOR A RESTRAINING ORDER
UNDER THE ELDERLY PERSONS AND PERSONS WITH DISABILITIES
ABUSE PREVENTION ACT (EPPDAPA)

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



WHAT IS A RESTRAINING ORDER?

A *Restraining Order* is a court order to protect you. It can tell the other person (the “respondent”) not to contact, harass, threaten, insult, or harm you. The order can also specify locations where Respondent cannot go and order Respondent to leave your residence. The *Order* may include other orders to help you stay safe and prevent someone from misusing your money, property, or other assets. These forms are for orders under the Elderly Persons and Persons with Disabilities Act (EPPDAPA).

INFORMATION FOR GUARDIANS:

If you are a court-appointed guardian or guardian ad litem for an elderly person or person with disabilities, you can file on behalf of the person to be protected (the “petitioner”). You are a “guardian petitioner.” Complete all the information from the point of view of Petitioner unless the form specifically asks for guardian petitioner information.

- You need to make sure Petitioner receives all the forms you file plus a *Notice of Rights* and *Petitioner’s Objection* form. See below for service information.

INFORMATION FOR PETITIONERS:

If a court-appointed guardian or guardian ad litem (guardian for this case only) files a *Petition* for a *Restraining Order* on your behalf, you have the right to:

- have a lawyer of your own
- see your personal records
- file objections to the *Order*
- request a hearing about the *Order* and present any evidence or witnesses you have at the hearing. You can ask questions of any witnesses who testify at the hearing.

The guardian petitioner will serve you with documents and forms. You can also get the forms at www.courts.oregon.gov/forms.

INFORMATION ABOUT MINOR PARTIES

If either party is a minor (under 18 years of age) a guardian ad litem may be necessary. Go to www.courts.oregon.gov/forms to find forms to appoint a guardian ad litem.

WHAT ARE THE REQUIREMENTS FOR GETTING A RESTRAINING ORDER?

Age or Disability	<p>You must be either: 65 years or older or</p> <p>A person with a disability as defined by ORS 410.040 or 410.715</p> <ul style="list-style-type: none"> ➤ You have a physical or mental condition that affects a major life activity, <i>or</i> ➤ You have had a brain injury resulting in loss of mental or physical function that affects your ability to perform activities of daily living
Relationship	<p>There is no relationship requirement under EPPDAPA. However, you cannot file against your court-appointed guardian or conservator. If you feel that your guardian or conservator is abusing you, contact the court that ordered the appointment or talk to a lawyer.</p>
Abuse	<p>Abuse can mean:</p> <ul style="list-style-type: none"> • Physical injury or pain that was not accidental • Neglect that leads to physical harm, or abandoning duties of care • Use of insulting or inappropriate names, profanity, ridicule, harassment, threats, intimidation, or inappropriate sexual comments <ul style="list-style-type: none"> ○ 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) • 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 <p>Abuse must have happened within the past 180 days (about 6 months)</p> <ul style="list-style-type: none"> ➤ <i>Any 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.</i>
Ongoing Danger	<p>You must be in "immediate and present danger" of further abuse by Respondent</p>

WHERE DO I FILE FOR A RESTRAINING ORDER?

File in the county where either you or Respondent lives. 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.

HOW MUCH DOES IT COST?

There is no cost to file for a *Restraining Order*

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

Your court may have a facilitator or advocate available to help you with the forms. They cannot answer legal questions. Court staff can tell you how the court schedules hearings and explain the process to you.

Fill in the county where you will file at the top of each form

File the following forms:

- *Petition for Restraining Order to Prevent Abuse*
- *Restraining Order to Prevent Abuse*

- **Parties**
 - Petitioner – the victim of abuse who will be protected by the *Restraining Order*
 - Guardian petitioner – the court-appointed guardian or guardian ad litem for Petitioner who files on behalf of Petitioner, if any. Be aware that the *Restraining Order* will not protect the guardian petitioner, only Petitioner.
 - Respondent – the person to be restrained by the *Restraining Order*

- **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. Respondent will also see it. You do NOT have to use your residential address or phone number. If you don't want 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, any order may be changed or your case may be dismissed.
 - If you want the *Order* to prevent Respondent from entering your residence, Respondent will see that address.

- **Other cases** - The court needs to know if there are any other restraining order or family cases between you and Respondent, whether they are pending or have been completed. Be prepared to give as much information as you have about any other cases.

- **Disability** – if you are a person with a disability, you must briefly explain the disability and how the disability affects your daily life. Be aware that your *Petition* is a public record and will be served on Respondent.
 - “Disability” is defined at ORS 410.040 and 410.715 (regarding brain injuries)

- **The Restraining Order to Prevent Abuse** - Fill out the *Order* with the terms you want the court to order. Do not write in the right-hand column titled “Judge’s initials.” If the *Restraining Order* is granted, the judge may make changes or additions and will initial the terms that are included. You will get a copy of the *Order* after it is signed. If a guardian petitioner filed for the *Order*, you will get a copy and additional forms you can use if you have objections to the *Order* or want a hearing.

WHAT HAPPENS AFTER I FILL OUT THE PAPERS?

When you file your *Petition*, the clerk will tell you when and where to go for your initial hearing. This hearing may be done over the phone. Ask the court clerk how to ask for a telephone appearance if you prefer. Your initial hearing is “ex parte” (without the other party).

The judge will read your papers and may ask questions. If the judge grants your *Restraining Order*, court staff will make copies for you for free.

SERVICE

NOTE: service is not required if the party is given a copy of the Order at the hearing

You will need to have one copy of the signed *Order* delivered (“served”) to Respondent by a sheriff’s deputy. The court will send the *Order* to a sheriff for service. If the *Petition* is filed by a guardian petitioner, the *Order* and additional documents must also be personally served on Petitioner within 72 hours of when the court issues the *Order*.

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

Service for sweepstakes promotions:

If the abuse is related to sweepstakes promotions, Respondent can be served personally (as explained above), or by mailing certified true copies (provided by the court for free) to an address where Petitioner would have sent payment to the promoter. Service by mail must be done by certified mail, return receipt requested or by another method ordered by the court.

WHAT HAPPENS AFTER SERVICE?

Respondent has **30 days** from the date of service to request a hearing objecting to (“contesting”) the restraining order. If Respondent does not request a hearing, the restraining order will stay in effect.

Petitioner may object to the order if the petition was filed by a guardian petitioner. Petitioner also has 30 days to request a hearing. Petitioner can bring evidence and witnesses to the hearing and may question any witnesses who testify.

WHAT IF THE RESPONDENT REQUESTS A HEARING?

If a party does request a hearing, it will be held within **21 days** of the request. The court will send you notice of the time and date of the hearing in the mail. **Be sure the court always has your current contact address and contact phone number so you get notice of any hearing.** You can call the court to see if a hearing has been set or look up your case online at <https://publicaccess.courts.oregon.gov/PublicAccess/default.aspx>.

¹ “Competent” means a person who can understand, remember, and tell others about an event

You must go to all scheduled hearings or the order may be dismissed. 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 *Restraining Order* will remain in effect, and if so, whether it will change in some way.

At the hearing, be ready to give your own testimony, call witnesses, and give the judge any evidence you have (such as photos of your injuries, bank statements, or voicemails)

HOW LONG DOES A RESTRAINING ORDER LAST?

A *Restraining Order* lasts for 1 year from the date the judge signed it unless it is dismissed (cancelled) by the court

Orders can be renewed for 1 year at a time if the judge believes you are still in danger. To renew the *Order*, you must file paperwork *before* the *Order* ends. Forms to renew a *Restraining Order* are available at the court or online (*see below*).

WHAT CAN I DO IF THE RESPONDENT VIOLATES (DOES NOT FOLLOW) THE RESTRAINING ORDER AFTER SERVICE?

Service must be completed before Respondent can be punished for violating the *Order*

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 *Restraining Order* does not guarantee your safety. You can take other steps to stay safe. A domestic violence or sexual assault program can help. For information about domestic violence resources, go to www.courts.oregon.gov/dv.

Even if you invite or allow Respondent to violate a term of the *Order*, Respondent may still be punished for violating the court's order

WHAT IF I WANT TO DROP THE RESTRAINING ORDER?

File papers at the courthouse to ask a judge to dismiss the *Order*. The *Order* remains in effect until the judge dismisses it or until it expires. It is up to the judge to decide whether to dismiss the *Order*. It may take a few days for law enforcement to get notice of the dismissal.

CAN I CHANGE THE TERMS OF THE RESTRAINING ORDER?

You may be able to change the terms of an existing *Order*. The court does not provide forms for this. Speak to a lawyer if you want to change your *Order*.

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 get an *Order*, but you can have a lawyer represent or help you if you wish. 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 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 4 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

**It is best that you carry a copy of the *Restraining Order*
with you at all times**

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

Case No: _____

Petitioner

Filed by Guardian or Guardian ad litem

v.

Respondent
(Person to be restrained)

**PETITION FOR RESTRAINING
ORDER TO PREVENT ABUSE**
Ex Parte

(Elderly Persons and Persons with
Disabilities Abuse Prevention Act)

➤ I need an interpreter: Spanish Russian other: _____

NOTICE TO PETITIONER

- You must provide **complete and truthful** information. If you do not, the court may cancel the restraining order. The court may also hold you in contempt.
- **Contact Address and Telephone Number:** If you don't want Respondent to know your residential address or phone number, use a safe contact address and telephone number so the court and the sheriff can reach you if necessary.

I am Petitioner or Petitioner's guardian or guardian ad litem¹ ("guardian petitioner"). I declare that the following information is true as to Petitioner:

1. Residency

I live in (county and state) _____

Respondent lives in (county and state) _____

If this Petition is filed by a guardian petitioner, Petitioner's SAFE contact information:

_____ <i>Street</i>	_____ <i>City, State, ZIP</i>	_____ <i>Contact Phone</i>
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2. Party Information

Petitioner:

- is age 65 or older
- is a person with a disability

Other disability information (optional): _____

Respondent is not a court-appointed guardian or conservator for Petitioner

¹ Complete all answers on behalf of Petitioner, not yourself, unless otherwise specified

3. Other Cases Between Petitioner and Respondent (*pending or finished*)

There is a restraining order² or stalking order

County and state: _____ Case #: _____

There is a court case for divorce (dissolution), annulment, or separation

County and state: _____ Case #: _____

There is a protective order case under ORS Chapter 125 (Guardianship and Conservatorship)

County and state: _____ Case #: _____

4. Abuse within past 180 days

Within the past 180 days (about 6 months)* the respondent has abused me (as defined in ORS 124.005(1)) at least one time in the following ways:

(*check all that apply*)

- Caused (or tried to cause) me physical pain or injury (not by accident)
- Caused physical harm by withholding services needed for my health and well-being
- Abandoned me by neglecting to perform or stopping duties and obligations and is my caretaker
- Wrongfully took or used my money or property, or threatened to
- Had sexual contact with me that I did not consent to or was not able to consent to
- Made me fear significant physical or emotional harm by:
 - using derogatory, inappropriate, or profane names or phrases
 - ridicule, harassment, threats, or intimidation
 - inappropriate sexual comments
 - conduct or actions

**The 180-day period can be increased by any time Respondent was in jail or prison, or lived more than 100 miles from your home*

- Respondent was in jail or prison
Dates (from – to) _____
- Respondent lived more than 100 miles from my home
Dates (from – to) _____

5. Incidents of Abuse (*if filing for sweepstakes restrictions, skip to section 7, below*)

A. Specific Acts re: Money or Property

- Respondent wrongfully took or used Petitioner’s money or property
- Respondent knowingly alarmed Petitioner by threatening to wrongfully take or use money or property. It is reasonable for Petitioner to believe the threat would be carried out.

B. Describe the incidents of abuse that happened **within the past 180 days**, starting with the most recent incident

² Under EPPDAPA, Family Abuse Prevention Act (FAPA), or any other source

Date: _____ County, State: _____

Date: _____ County, State: _____

Date: _____ County, State: _____

Additional page attached labeled "Incidents of Abuse – 180 Days"

c. Other incidents of abuse happened **more than 180 days ago** (*describe*):

Additional page attached labeled "Additional Incidents of Abuse"

6. I am in **immediate and present danger of future abuse** by Respondent
Explain:

7. *For sweepstakes restriction:*

- Petitioner has spent more than \$500 on sweepstakes promotions from Respondent and/or associated entities in the past year. Petitioner needs the court's assistance to avoid incurring further expense.

8. **Move-out and Assistance Orders**

- I want Respondent ordered to move out of my residence (*check all that apply*):
- the residence is solely in my name
 - Respondent and I jointly own, lease, or rent the residence
 - Respondent is my spouse or Registered Domestic Partner³

- I want a peace officer to accompany me Respondent to leave the residence and/or remove essential personal effects from the residence

9. **Firearms Prohibition and Dispossession** (*optional*)

- I ask the court to prohibit Respondent from possessing firearms and ammunition and to order Respondent to surrender all firearms and ammunition currently in their possession because Respondent is a threat to my physical safety and welfare.

Explain why: _____

- Petitioner and Respondent have a QUALIFYING RELATIONSHIP:

- spouses/Registered Domestic Partners (*current or former*)
- cohabitants (*current or former*)
- in a sexually intimate relationship (*current or former*)
- adults otherwise related by blood or marriage

10. **Additional Relationship Information**

(This information is optional. You do not have to tell the court what your relationship to Respondent is unless you have asked for an order prohibiting firearms in Section 9. Your restraining order will not be denied if you choose not to provide relationship information.)

Respondent is my:

- family member roommate/cohabitant landlord caregiver

³ Only same-sex couples can have a Registered Domestic Partnership in Oregon. If you are not sure if your partnership is a Registered Domestic Partnership, you may want to talk to a lawyer.

other: _____

11. Attorney Fees

I want Respondent to reimburse me for attorney fees and other expenses related to this case

I ask the court to order my requests as marked on the Restraining Order to Prevent Abuse

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 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 or Guardian ad litem

v.

Respondent
(Person to be restrained)

**RESTRAINING ORDER
TO PREVENT ABUSE**

(Elderly Persons and Persons with
Disabilities Abuse Prevention Act
ORS 124)

NOTICE TO RESPONDENT

Review this order carefully

- Petitioner cannot give you permission to do something this Order prohibits
- You may be arrested and subject to civil and criminal penalties if you violate this order
- This order is enforceable in every state
- See the attached "Notice to Parties" and "Request for Hearing" for information about your right to a hearing

Based on the *Petition* and testimony of Petitioner Guardian Petitioner

THE COURT FINDS:

Judge Initials

Petitioner is an elderly person or person with a disability _____

Respondent has abused Petitioner (as defined by ORS 124.005) within the past 180 days _____

Petitioner is in immediate and present danger of further abuse _____

THE COURT ORDERS:

1. Respondent is restrained from abusing, intimidating, molesting, interfering with, or menacing Petitioner

1. _____

2. Respondent is prohibited from entering, attempting to enter, or remaining at the following premises:

2. _____

Petitioner's residence (address): _____

3. Respondent is ordered to **move from** and not return to the residence:

3. _____

(address): _____

4. A peace officer will accompany Petitioner Respondent to the residence to remove that party's essential personal items including (but not limited to) clothing, toiletries, medications, Social Security cards, birth certificates, identification, and tools of the trade

4. _____

5. Contact

5. _____

Except for appearing at and participating in legal proceedings or as needed to have Petitioner served with legal documents, Respondent is prohibited from contacting Petitioner

Except Respondent may contact Petitioner by this method: _____ for this reason: _____

6. Sweepstakes

6. _____

Respondent is restrained from mailing Petitioner any sweepstakes promotion effective **150 days** from the date of this Order. Respondent is ordered to remove Petitioner from Respondent’s sweepstakes promotion mailing list or place Petitioner on a list of persons to whom sweepstakes promotions may not be mailed. Respondent is ordered to promptly refund any payment received in any form from Petitioner after the date of this Order.

7. Money and Property

7. _____

Respondent is:

- restrained from exercising control of Petitioner’s money or property
- ordered to follow the instructions of Petitioner’s guardian or conservator
- prohibited from transferring Petitioner’s money or property to anyone other than Petitioner
- ordered to return custody and control of the following money or property to

Petitioner by *(date)* _____ *(list property)* _____

8. No further service is necessary because Respondent appeared in person before the court

8. _____

9. (FOR COURT USE ONLY)

FIREARMS PROHIBITION AND DISPOSSESSION

Judge’s Initials

(Not required unless firearms terms are being ordered.)

9A. The court orders Respondent is PROHIBITED from possessing firearms or ammunition

9A. _____

9B. Respondent is ordered to SURRENDER all firearms and ammunition in their possession according to the attached *Firearms Surrender Terms* because both of the following are found:

9B. _____

- Petitioner and Respondent have a QUALIFYING RELATIONSHIP *(current or former spouses/Registered Domestic Partners, current/former cohabitants, current/former sexually intimate relationship, adults related by blood or marriage, unmarried parents of a minor child)*
- Respondent represents a CREDIBLE THREAT to Petitioner’s physical safety

FIREARMS NOTIFICATION

If Section 9A is initialed by the judge ordering that you are prohibited from possessing firearms or ammunition, you are immediately prohibited from purchasing or possessing any FIREARM, including a rifle, pistol, or revolver, and AMMUNITION (ORS 107.718(1)(h)).

If Section 9B is initialed ordering you to surrender firearms and ammunition, you will be prohibited from purchasing or possessing any firearms or ammunition under ORS 166.255 if:

- You request a hearing to contest this *Order* and the *Order* is not dismissed
 - You request a hearing to contest this *Order* but then withdraw your request
 - You request a hearing to contest this *Order* but do not attend the hearing
- or
- 30 days pass after you were served with or became aware of this *Order* and you do not request a hearing to contest this *Order*

Talk to a lawyer if you have questions about this

10. SECURITY AMOUNT for violation of any provision of this Order is **10.** _____
\$5,000 unless otherwise specified here: \$ _____

11. Other Orders (including service orders for sweepstakes promotions) **11.** _____

The Petition for Restraining Order to Prevent Abuse is:

DENIED

- Petitioner did not establish a claim for relief
- Petitioner did not appear at the time set for the ex parte hearing on the petition
- Other:

GRANTED

The provisions of this Restraining Order are in effect for a period of one (1) year from the date of the judge's signature (unless renewed before it expires) or until the order is dismissed, modified, or replaced, whichever occurs first

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; or is being submitted in **open court** with all parties present

Submitted by Petitioner Guardian petitioner Attorney for Petitioner

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 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 _____

Phone Number _____ County _____

Date of Birth: _____ 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 _____
 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 _____

Case No: _____

Petitioner

CERTIFICATE OF SERVICE

Filed by Guardian Guardian ad litem

*(Elderly Persons and Persons
with Disabilities Abuse Prevention Act)*

v.

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 Respondent Petitioner 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)*:

- Restraining Order to Prevent Abuse **and** Petition for Restraining Order to Prevent Abuse
- Order Renewing Restraining Order **and** Petition to Renew Restraining Order

with the Notice to Parties/Request for Hearing form

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:

NOTICE TO PARTIES AND REQUEST FOR HEARING

**THIS FORM MUST BE ATTACHED TO ALL COPIES
OF THE *RESTRAINING ORDER***

Notice of Petitioner's Rights

PETITIONER: You have the same right to request a hearing as the Respondent. File your *Request for Hearing* within 30 days of receiving notice of the *Order*.

If your *Petition* was filed by a guardian or guardian ad litem (“guardian petitioner”) you still have the right to:

- talk to and be represented by a lawyer
- see your personal records
- request a hearing
- and
- present evidence and question witnesses at any hearing

RESPONDENT

A judge has issued a restraining Order that affects your rights. The order is now in effect.

Enforceability of the Restraining Order

The *Restraining Order* you have received is in effect and remains in effect until the court changes (modifies) or dismisses it, or until it expires. The petitioner may renew the order.

If you are arrested for violating this order, the security amount (bail) is \$5,000, unless a different amount is ordered by the court.

Violation of the Restraining Order

Violation of any part of this order (or any order renewing or changing this order) is contempt of court. Contempt is punishable by a fine of up to \$500 or 1% of your annual gross income, whichever is greater, or a jail term of up to six months, or both. Other penalties may also be imposed.

FIREARMS PROHIBITIONS MAY APPLY TO YOU!

If a firearms prohibition in Section 9 of the *Restraining Order* is initialed by the judge:

If 9A is initialed: Civil Penalties for Firearms Possession Apply

- it is immediately unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, and ammunition under ORS 124.020(1)(f)
- you are subject to contempt of court for violation of the firearms prohibition as soon as you are served with the *Order*

If 9B is initialed: Criminal Penalties for Firearms Possession Apply ([ORS 166.255\(1\)\(a\)](#))

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

(1) 30 days after you were served with or became aware of 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

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 the 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 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 your causing bodily injury to the Petitioner.

BOTH PARTIES

If you oppose the *Restraining Order*, complete the attached “*Request for Hearing*” form. Mail or deliver it to the address below.

A REQUEST FOR HEARING must be filed with the court **within 30 days** after you received the order. You must include your address and telephone number. A hearing will be held within 21 days after you file your request with the court. **If you do not go to the hearing, the restraining order may remain in effect.**

At the hearing, both parties can bring witnesses, including adult protective services workers. The hearing may be held in person or by telephone. The court may change, cancel, or continue any of the terms of the *Order*. The court may order either party to move from the residence, and may order one party to pay attorney fees and costs associated with the hearing.

If you do not request a hearing within 30 days, the order will remain in effect as issued

IF YOU COMPLETE THE REQUEST FOR HEARING FORM, MAIL OR DELIVER IT TO (address of court): _____

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

Case No: _____

Petitioner

**REQUEST FOR
HEARING**

Filed by Guardian Guardian ad litem

v.

*(Elderly Persons and Persons with
Disabilities Abuse Prevention Act)*

Respondent

➤ I need an interpreter: Spanish Russian other: _____

I am the Respondent Petitioner. I request a hearing to oppose the *Restraining Order*.

I oppose the following orders granted in the *Restraining Order*:

Section Number	Explain:

Additional page attached

I will will not be represented by an attorney at the hearing

Name and bar number of the attorney (if known): _____

I will need Americans with Disabilities Act accommodations at the hearing

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 Petitioner Attorney for { Respondent Petitioner}

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

Attorney for filing party:

Date

Signature

OSB#

Name (printed)

Address

City, State, ZIP

Phone

**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.

**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 RESTRAINING 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 *Restraining 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 *Restraining 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 restraining 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: _____

**INSTRUCTIONS REGARDING FIREARMS - RESTRAINING OR STALKING ORDER
YOU MUST FOLLOW THESE INSTRUCTIONS!!!**

YOU MUST SURRENDER ALL FIREARMS WITHIN 24 HOURS AFTER UPHOLDING OF A CONTESTED ORDER, WITHDRAWAL OF A REQUEST FOR A CONTESTED HEARING, NON-APPEARANCE AT A CONTESTED HEARING OR THIRTY DAYS FROM SERVICE IF NOT CONTESTED AND SIGN AND RETURN THE “RESPONDENT’S/DEFENDANT’S DECLARATION OF FIREARMS SURRENDER” WITH APPROPRIATE ATTACHMENTS WITHIN TWO BUSINESS DAYS AFTER THIS DEADLINE.

1. **If you do not own or possess firearms**, check the first box and sign the form and file it with the Court and Tillamook County District Attorney’s Office.

2. **If you own firearms and wish to surrender them to law enforcement**, check the appropriate boxes and sign the form and file it with the Court and Tillamook County District Attorney’s Office. To surrender your firearms to law enforcement, you must immediately call the Tillamook County Sheriff’s Office at 503-815-3330 to arrange surrender. When you call, ask for the office manager or deputy sheriff. Inform the office manager or deputy sheriff that you are the Respondent in a restraining or stalking order that requires surrender of firearms. Follow the instructions you receive. Do not bring your guns to the Sheriff’s Office unless you have made prior arrangements with the office manager or deputy sheriff. If the office manager or deputy sheriff is not available, leave a detailed message and include your name, your telephone numbers, and the court case number. You will be contacted to make an appointment. **If you do not receive a call back within two hours, call again.** You must bring a copy of the court order to the Sheriff’s Office along with your guns. When you arrive at the Sheriff Office, **keep your unloaded guns locked inside your vehicle – in the trunk if possible.** Report to the Sheriff’s Office front window located in the lobby, give them a copy of the court order and inform them the guns are in your vehicle. The deputy sheriff or office manager will tell you what to do next. A representative of the Sheriff’s Office will sign the “Proof of Firearms Transfer” form. **You must attach this form to your Declaration prior to filing it with the Court and the Tillamook County District Attorney’s office.** Surrender to law enforcement must occur within 24 hours of the deadline explained above.

3. **If you own firearms and wish to transfer your firearms to a third party** rather than surrender them to law enforcement, check the appropriate boxes and sign the form and file it with the Court and Tillamook County District Attorney’s Office. In addition, the third party must sign the “Proof of Firearms Transfer” form and the “Third Party Recipient’s Declaration of Firearms Receipt” form. **You must attach these two forms to your Declaration prior to filing it with the Court and Tillamook County District Attorney’s Office.**

The third party must be approved by the Tillamook’s County Sheriff’s Office via an Oregon State Police background check as legally entitled to possess firearms. If the third party passes the background check you will be given an OSP background check number that you must write on both forms. If you choose this option, you must immediately call the Tillamook County Sheriff’s Office to arrange for this transfer. Transfer to a third party must occur within 24 hours of the deadline explained above.

4. **If you own firearms and wish to transfer your firearms to a licensed gun dealer** rather than surrender them to law enforcement or a third party, check the appropriate boxes and sign the form and file it with the Court and Tillamook County District Attorney’s Office. In addition, the licensed gun dealer must sign the “Proof of Firearms Transfer” form. **This transfer form must be attached to your declaration prior to filing it with the Court and the Tillamook County District Attorney’s Office.** Transfer to a licensed gun dealer must occur within 24 hours of the deadline explained above.

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

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 _____

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