

GETTING A SEXUAL ABUSE PROTECTIVE ORDER (SAPO)

INSTRUCTIONS

Procedures vary from court to court. Check with your local court for filing instructions.

WHAT IS A SEXUAL ABUSE PROTECTIVE ORDER (SAPO)?

A Sexual Abuse Protective Order (SAPO) is a court order that tells the person who hurt you (Respondent) to leave you, your children, and your family alone. It can order Respondent not to enter a reasonable area around your residence. You can ask the judge to add other conditions (listed in the protective order) that you think will help keep you safe.

WHO CAN HELP ME DECIDE WHETHER TO ASK FOR A SAPO?

You can call your local Victims' Assistance Program (VAP) or community-based (non-profit) sexual assault or domestic violence program to get help in deciding whether to ask the court for a SAPO and to do safety planning. Advocates can discuss information that may be important for you to consider in deciding whether to seek a SAPO. Advocates can also provide you information about what to expect during a SAPO hearing, which is open to the public. For information regarding sexual violence resources, please ask court staff for information about resources or visit the following websites:

Sexual Violence Resources and Programs: <http://oregonsatf.org/help-for-survivors/>

Victims' Assistance Programs: <https://www.doj.state.or.us/crime-victims/>

Nonprofit Advocacy Programs: <http://www.ocadsv.org/find-help>

If you have questions about how the law works or what it means, you should talk to a lawyer. For 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. You also can go to: www.oregonlawhelp.org.

WHAT ARE THE REQUIREMENTS FOR GETTING A SEXUAL ABUSE PROTECTIVE ORDER?

1. Relationship

If you are an Adult (18 or older):

You and Respondent cannot be "family or household members" as defined by ORS 107.705. This means that the person who abused you is NOT:

- your husband, wife, or Registered Domestic Partner
- your former husband, wife, or Registered Domestic Partner
- an adult with whom you are living (or did live) in a sexual relationship
- an adult with whom you have been in a sexual relationship in the last two years
- an adult related to you by blood, marriage, or adoption, or
- the parent of your child

(If you and Respondent are "family or household members," you may be able to apply for a Family Abuse Prevention Act (FAPA) Restraining Order. For more information ask the court clerk or visit:

<http://www.courts.oregon.gov/programs/family/domestic-violence/Pages/restraining.aspx>)

**If you are a
Minor (under
18):**

You may ask for a SAPO as long as Respondent is 18 or older.

If you are under the age of 12, a parent or guardian must file for you. A *guardian ad litem** can also be appointed by the court. You may file for a Sexual Abuse Protective Order on your own if you are at least 12 years of age.

If you are filing for a protective order on behalf of a minor, fill out the form as if you were the minor.

* A *guardian ad litem (GAL)* is a person appointed by the court to make decisions only about the court case. Go to www.courts.oregon.gov/forms for forms to ask the court to appoint a GAL

IT IS IMPORTANT FOR YOU TO UNDERSTAND

Judges are required by law to report abuse of minors. **If you are a minor** (under age 18) and file a request with the court for a SAPO, the judge is likely to make a report to the Department of Human Services, unless one has already been made.

Staff in law enforcement and district attorneys' offices are also required to report abuse of minors to the Department of Human Services. **If you are a minor** and you seek help completing this paperwork from an advocate program in those offices, they are likely to make a report, unless one has already been made.

- 2. Other Orders** To be eligible for a Sexual Abuse Protective Order, Respondent must NOT already be prohibited from contacting you by:
 - a restraining order from another state, Indian tribe, or territory,
 - a stalking protective order
 - an Elderly Persons and Persons With Disabilities Abuse Prevention Act restraining order
 - a no contact order entered in a criminal case, or
 - a restraining order entered in a juvenile court dependency case
- 3. Sexual Abuse** The person who sexually abused or assaulted you must have:
 - made you have sexual contact without your consent, or
 - made you have sexual contact when you were not capable of consenting
- 4. Ongoing Fear** You are in reasonable fear for your physical safety

There is no time frame in which the abuse must have occurred in order to apply for a SAPO. You are not required to have called the police in order to get a SAPO. The judge will not consider whether you reported the abuse to law enforcement when deciding to grant you the SAPO.

WHERE DO I FILE FOR A SEXUAL ABUSE PROTECTIVE ORDER AND HOW MUCH DOES IT COST?

You must file for a SAPO in the courthouse in the county where either you or Respondent lives. Getting a SAPO is free.

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

Use a blue or black ballpoint pen and write clearly. Answer each question carefully and tell the truth. Do not write in the part that says “Judge’s Initials.” If available, a court facilitator or advocate may be able to help you with the forms. They cannot answer legal questions or give you legal advice.

WHAT HAPPENS AFTER I FILL OUT THE PAPERS?

A time will be set for the judge to look over your papers. The judge may ask you some questions. If the judge gives you the SAPO, court staff will make copies for you. You should keep a copy of your Order with you at all times.

You will need to have one of the copies hand-delivered to Respondent. A sheriff’s deputy can do that (free in Oregon). A private process server or any adult can also serve the papers, as long as the server lives in the state where the papers are served. You cannot serve the papers yourself. Talk to the court clerk about ways to get Respondent served. The server is required to complete and file with the court a certificate of service. The packet includes a form for service, but some servers use their own forms. **The Respondent cannot be punished for violating (not following) the SAPO until after service.**

If the server is unable to serve the papers, you can ask the court to allow you to use an alternative method of service. Go to www.courts.oregon.gov/forms for forms to ask the court to allow alternative service. **NOTE:** If the court allows alternative service, you will need a Summons form. The packets include a blank Summons. **DO NOT** complete, serve, or file the Summons unless you are using an alternative service method ordered by the court.

WILL A HEARING BE SCHEDULED?

Respondent has 30 days from the date of service to ask for a hearing contesting (disagreeing with) the SAPO.

If the Petitioner is an adult and Respondent does not ask for a hearing, the SAPO will stay in effect for five years from the date it was issued, unless the court issued a permanent order.

If a Petitioner is a minor, and Respondent does not ask for a hearing, either:

- The Order will remain in effect permanently, if the court issued a permanent order, or
- The Order will stay in effect until the January 1st following Petitioner’s 18th birthday or five years from the date it was issued, whichever is later

If Respondent does ask for a hearing, the court will schedule it within 21 days of the request. The court will send you notice of the time and date of the hearing in the mail. If there is not enough time to mail you a notice, the court may contact you by telephone. **Be sure the court always has your current contact addresses and contact phone numbers so you get notice of**

any hearing. Use safe contact addresses and contact phone numbers. You also can call the court to ask if a hearing has been set.

You must go to the hearing or the Order will probably be terminated (dropped). If you cannot go to the hearing due to an emergency, call the court clerk right away. It may be helpful to have an attorney represent you at the hearing, but it is not required. If you did not have enough notice of the hearing, you may ask the judge to extend the date of the hearing for up to five days so that you may get a lawyer.

You may ask the judge in writing, ahead of time, to appear by telephone or other method, such as video-conferencing. It is up to the judge to decide whether to allow this.

WHAT HAPPENS AT THE HEARING REQUESTED BY THE RESPONDENT?

The purpose of the hearing is to decide whether or not the SAPO will remain in effect, and if it does remain in effect, if the Order will stay the same or 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 you have been sexually abused and that you reasonably fear for your physical safety. You should be ready to give your own testimony, have witnesses testify if there are any, and give the judge any evidence you have (such as photos of your injuries or text messages from Respondent). If you are worried about your safety, you may ask the court for a sheriff's deputy to be present in the courtroom.

HOW LONG DOES A SEXUAL ABUSE PROTECTIVE ORDER LAST?

The length of time a SAPO is in effect depends on the facts of your case. A SAPO lasts for five years unless one of the following applies:

- If you are under 18 years of age at the time the Order is entered, then the order lasts for five years or until the January 1st after you turn 18, whichever occurs later, or
- The court enters a permanent Sexual Abuse Protective Order, or
- The Order is renewed, modified, or terminated.

The Order can be renewed for five years at a time if the judge finds it is objectively reasonable for a person in your situation to fear for their physical safety if the Order is not renewed. **To renew the Order, you must file the court paperwork before the Order ends.**

WHAT CAN I DO IF THE RESPONDENT VIOLATES (DOES NOT OBEY) THE SEXUAL ABUSE PROTECTIVE ORDER?

You can call the police. The officer must arrest Respondent if there is probable cause (a good reason) to believe a violation has happened. Respondent can be charged with contempt of court. If the court finds Respondent to be in contempt, Respondent can be fined, placed on probation, or put in jail. It is best that you carry a copy of the SAPO with you at all times and that you not contact Respondent. A SAPO does not guarantee your safety. You can take other steps to stay safe. A Victims' Assistance Program (VAP) or a community-based (non-profit) sexual assault or domestic violence program can help.

For information and sexual violence resources, go to: <http://oregonsatf.org/help-for-survivors/>

WHAT IF I WANT TO DROP THE PROTECTIVE ORDER?

You must file papers at the courthouse to ask the judge to drop (terminate) the Order. The Order remains in effect until the judge terminates (ends) it. It may take a few days for law enforcement to get notice of the termination.

DO I NEED A LAWYER?

You are not required to have a lawyer to get a SAPO. You can have a lawyer represent or help you if you wish. However, the law does not allow the court to appoint a lawyer for you.

If Respondent asks for a hearing to modify or terminate the Order and is represented by a lawyer, you can ask the judge to extend the date of the hearing for up to five days so that you may get a lawyer.

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. You also can go to: www.oregonlawhelp.org.

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.

If the sheriff cannot serve Respondent

If the sheriff cannot serve Respondent with the Order within 10 days, they will send you a notice. The sheriff will continue trying to serve the papers. You can either have someone else try to serve or ask the court to allow a different type of service.

Any competent person over age 18 who lives in the state where service happens can serve the papers. You CANNOT serve the papers yourself or have an employee of yourself or Respondent do it.

Alternative Service

If you want to ask the court to order a different method of service like email, text, posting in a courthouse or other location, or publication in a newspaper, complete the Alternative Service forms available here: <https://www.courts.oregon.gov/forms/Pages/civil-general.aspx>

You will need to show the court that you made efforts to help the sheriff serve the papers in person. If the court allows an alternative service method, use the Summons document below. Follow the directions in the Alternative Service packet.

****Do not use the Summons form below unless the court orders alternative service****

Alternative service requires a Summons that is not needed for in-person service. The Summons form is included here for your convenience if you need to use alternative service.

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

Case No: _____

Petitioner

and

Respondent

**SUMMONS
FOR ALTERNATIVE SERVICE**

Sexual Abuse Protective Order

The court has issued a **Sexual Abuse Protective Order** (SAPO) against you. The temporary order is currently in effect. The Order is available at the courthouse at:

Court address: _____

NOTICE TO RESPONDENT: READ THESE PAPERS CAREFULLY!

You can object to the SAPO by appearing according to the court's procedures. Contact the court to find out how to respond to the temporary SAPO order. If you do not properly appear to the court within **30 days**, the Order may be made PERMANENT.

If you have questions, see a lawyer immediately. If you need help finding a lawyer, you can call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or toll free in Oregon at 800.452.7636, or go to www.oregonstatebar.org.

Date

Petitioner Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

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

Petitioner	Case No: _____
(Parent/Guardian of Minor Petitioner) (use full names)	PETITION FOR SEXUAL ABUSE PROTECTIVE ORDER
v.	ORS 163.760 to 163.777
Respondent (full name of person restrained)	

NOTICE TO PETITIONER

You must provide complete and truthful information. If you do not, the court may dismiss the protective order and may also hold you in contempt.

Contact Address and Telephone Number: If you wish to have your residential address or telephone number withheld from Respondent, use a safe contact address and telephone number so the court and the sheriff can reach you if necessary. *NOTE: It is important for you to keep the court and sheriff's office advised of your most current contact information while an Order is in effect.*

I am the Petitioner and I state that the following information is true (if parent or guardian of minor petitioner, use the minor's information):

I am a resident of _____ County, Oregon. I am _____ years old.

Respondent is a resident of _____ County, State of _____.

At the hearing, I will need an interpreter in the _____ language.

At the hearing, I will need Americans with Disabilities Act accommodations.

1. ELIGIBILITY FOR ORDER (You must complete either paragraph 1A or paragraph 1B)

1A. I AM AN ADULT. Respondent is 18 years old or older. Respondent is _____ years old **and RESPONDENT AND I ARE NOT FAMILY OR HOUSEHOLD MEMBERS.** This means:

- we are **not** husband, wife, or Registered Domestic Partners (current or former);
- we are **not** adults related by blood, marriage, or adoption;
- we have **never** cohabited (lived together in a sexually intimate relationship);
- we have **not** been involved in a sexually intimate relationship in the last two years; and
- we are **not** the unmarried parents of a child.

1B. I AM A MINOR OR I AM FILLING THIS OUT ON BEHALF OF A MINOR (UNDER THE AGE OF 18). Respondent is 18 years old or older. Respondent is _____ years old.

2. RESPONDENT IS NOT PROHIBITED FROM CONTACTING ME BY ANY OF THE FOLLOWING KINDS OF RESTRAINING, PROTECTIVE, OR NO CONTACT ORDERS:

- a restraining order from another state, Indian tribe, or territory,
- a stalking protective order,
- an Elderly Persons and Persons With Disabilities Abuse Prevention Act restraining order,
- a no contact order entered in a criminal case, or
- a restraining order entered in a juvenile court dependency case.

3. SEXUAL ABUSE

- 3A. Respondent has subjected me to sexual abuse including (*check all that apply*):
- Sexual contact without my consent
 - Sexual contact when I was not capable of consenting, **and**
- 3B. I reasonably fear for my physical safety

4. DESCRIBE HOW THE RESPONDENT SEXUALLY ABUSED YOU (START WITH THE MOST RECENT ABUSE):

Date: _____, County/State: _____: _____

Date: _____, County/State: _____: _____

Date: _____, County/State: _____: _____

Additional pages attached labeled "*Paragraph 4: Description of Sexual Abuse*"

5. I REASONABLY FEAR FOR MY PHYSICAL SAFETY BECAUSE (DESCRIBE OR EXPLAIN):

6. IN ANY OF THE ABOVE INCIDENTS:

6A. Were weapons involved? Yes No Describe: _____

6B. Were the police called? Yes No

6C. Was the Respondent arrested? Yes No

7. FIREARMS PROHIBITION AND DISPOSSESSION

- Petitioner is under 18, and
- Petitioner and Respondent have a QUALIFYING RELATIONSHIP:
 - current or former spouses/Registered Domestic Partners *or* cohabitants
 - currently or formerly in a sexually intimate relationship
 - co-parents
 - otherwise related by blood or marriage
- I ask the court to order that Respondent be prohibited from possession of firearms and ammunition and to surrender all firearms and ammunition currently in their possession.

8. BASIS FOR A PERMANENT ORDER:

Petitioner 18 and over: The Order will be in effect for five years unless the court makes the order permanent

Petitioner under 18: The Order will be in effect for five years or until January 1st following the Petitioner's 18th birthday, whichever is later.

- I am requesting the Order be permanent, because (check all that apply):
 - Respondent has been convicted of a sex crime against me
 - For the reasons explained below, I fear for my physical safety and the passage of time or a change in circumstances will not lessen my fear

These reasons could include: Respondent has a history of engaging in sexual abuse or domestic violence; Respondent is related to me by blood or marriage and I am under 18; any vulnerabilities that are not likely to change over time; or any other information the court should consider.

Additional pages attached labeled “*Paragraph 8: Basis for a Permanent Order*”

I ASK THE COURT TO ORDER MY REQUESTS AS MARKED ON THE 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:

_____ Date _____ Signature of Petitioner, Parent or Guardian of Minor Petitioner

_____ Print Name, Petitioner, Parent, or Guardian of Minor Attorney for Petitioner
 OSB No. (*if applicable*)

_____ Contact Address _____ City, State, Zip _____ Contact Telephone Number
Use **Safe** Contact Address Use **Safe** Contact Number

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

Petitioner

Case No: _____

(Parent/Guardian of Minor Petitioner)
(use full names)

**PROTECTIVE ORDER TO
PREVENT SEXUAL ABUSE**

v.

Respondent
(full name of person restrained)

NOTICE TO RESPONDENT:

- You must obey all of parts of this Sexual Abuse Protective Order, even if Petitioner contacts you or gives you permission to contact them
- Violation of this Sexual Abuse Protective Order may result in your arrest and in civil and/or criminal penalties. This Order is enforceable in every county in Oregon, all 50 states, the District of Columbia, and all tribal lands and territories of the United States. Review this Order carefully.
- **See the attached “NOTICE TO RESPONDENT/REQUEST FOR HEARING” for more information about your rights to a hearing**

The Court, having reviewed the Petition and heard testimony, makes the following findings:

Judge’s Initials

1. Petitioner is an adult and Respondent is at least 18 years of age.

1. _____

Petitioner and Respondent are **not** family or household members under ORS 107.705.

- They are **not** husband, wife, or Registered Domestic Partners (*current or former*);
- They are **not** adults related by blood, marriage, or adoption;
- They have **never** cohabited (lived together in a sexually intimate relationship);
- They have **not** been involved in a sexually intimate relationship in the last two years; and
- They are **not** the unmarried parents of a child.

2. Petitioner is under 18 and Respondent is at least 18 years of age.

2. _____

Judge's Initials

3. Respondent has subjected Petitioner to sexual abuse as defined by ORS 163.760. It is objectively reasonable for a person in Petitioner's situation to fear for their physical safety if an order is not entered.

3. _____

4. Respondent is not prohibited from contacting Petitioner by a foreign restraining order as defined in ORS 24.190, an order issued under ORS 30.866, 124.015, 124.020, 163.738, or 419B.845, or an order entered in a criminal action.

4. _____

THE COURT ORDERS:

Petitioner's Request (check all that apply):

1. Respondent is restrained (prohibited) from contacting Petitioner and from intimidating, molesting, interfering with or menacing **Petitioner**, or attempting to contact, intimidate, molest, interfere with or menace Petitioner.

1. _____

2. Respondent is restrained (prohibited) from contacting Petitioner's **children** or **family** or **household members**.

2. _____

3. Respondent is restrained (prohibited) from intimidating, molesting, interfering with or menacing any **children** or **family** or **household members** of Petitioner, or attempting to intimidate, molest, interfere with or menace any **children** or **family** or **household members** of Petitioner.

3. _____

4. Respondent is restrained from **entering or attempting to enter, or remaining in, the area within 150 feet unless otherwise specified here: Other Distance: _____ feet of the building and land** at the following locations: *(include names/addresses unless withheld for safety reasons)*

4. _____

a. Petitioner's current or future **residence:** _____

b. Petitioner's current or future **business or place of employment:** _____

c. Petitioner's current or future **school:** _____

d. **Other locations:** _____

5. Respondent must not knowingly be or stay within 150 feet unless otherwise specified here: Other Distance: _____ feet of Petitioner unless otherwise ordered by the Court as follows:

5. _____

Nothing in this Order prevents Respondent from appearing at or participating in a court (or administrative) hearing or other related legal process as a party or witness in a case involving Petitioner. At these times, Respondent must stay at least _____ feet away from Petitioner and follow any additional protective terms ordered in that case. Further, nothing in this Order prevents Respondent from serving or providing documents related to a court (or administrative) case to Petitioner in a manner permitted by law. However, Respondent may not personally deliver legal documents to Petitioner.

Judge's Initials

6. Except as otherwise set out in this Order, Respondent is restrained (prohibited) from:
- a. Contacting, or attempting to contact, Petitioner **in person** directly or through third parties.
 - b. Contacting, or attempting to contact, Petitioner **by mail, or e-mail, social media or any other electronic transmission, or delivery service.**
 - c. Contacting, or attempting to contact, Petitioner by **telephone, including cell phone or text messaging** directly or through third parties.

6. _____

7. (FOR COURT USE ONLY) FIREARMS PROHIBITION AND DISPOSSESSION

Judge's Initials

- Petitioner is a Minor (under age 18)
- Petitioner and Respondent have a QUALIFYING RELATIONSHIP
(current or former spouses/Registered Domestic Partners, related by blood or marriage, current/former cohabitants, current/former sexually intimate relationship, unmarried parents of a minor child)
- Respondent presents a CREDIBLE THREAT to Petitioner's physical safety
- The court orders that Respondent is PROHIBITED from possessing firearms or ammunition *(Event: FQOR)*
- Respondent is ordered to SURRENDER all firearms and ammunition in their possession according to the attached *Firearms Surrender Terms*

Other orders regarding firearms (for court use only): _____

8. Other relief necessary for safety and welfare: _____ 8. _____

FIREARMS NOTIFICATION

If the firearms prohibition in Paragraph 7 is initialed by the judge, it is not lawful for Respondent to possess or purchase a FIREARM, including a rifle, pistol, or revolver, and AMMUNITION. (ORS 163.765(1)(b)(E)). Talk to a lawyer if you have questions about this.

IT IS FURTHER ORDERED that the SECURITY AMOUNT for violation of any provision of this Order is **\$5,000** unless otherwise specified here: Other Amount: \$ _____

**CERTIFICATE OF COMPLIANCE WITH
VIOLENCE AGAINST WOMEN ACT (This is not a Brady Certificate)**

FULL FAITH AND CREDIT PROVISIONS: This Sexual Abuse Protective Order meets all full faith and credit requirements of the Violence Against Women Act. (18 USC § 2265). This court has jurisdiction over the parties and the subject matter. The Respondent is being afforded notice and timely opportunity to be heard as provided by the law of this jurisdiction. This Order is valid and entitled to enforcement in this and all other jurisdictions.

IT IS HEREBY ORDERED that:

The Petition for Sexual Abuse Protective Order is GRANTED as set forth above.

The order lasts for five years

- Expires _____

The order lasts until the first January 1st after the minor petitioner turns 18

- Expires January 1, _____

The order is permanent because (check all that apply)

Respondent has been convicted of a crime described in ORS163.355 to 163.445 committed against Petitioner (*mandatory permanence*).

The passage of time or a change in circumstances would not dissipate Petitioner's fear for their physical safety (*discretionary permanence*). *In making this discretionary decision, the Court has considered:*

- *Whether the Respondent has a history or engaging in sexual abuse or domestic violence as defined in ORS 135.230;*
- *If the Petitioner is a minor, whether the Respondent is related to the Petitioner by blood or marriage;*
- *Whether the Petitioner has any vulnerability not likely to change over time; and*
- *Any other information offered by the Petitioner.*

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

PETITIONER:(Name) _____ Female Male Nonbinary

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

CONTESTING A SEXUAL ABUSE PROTECTIVE ORDER (SAPO)

INSTRUCTIONS

Procedures vary from court to court. Check with your local court for filing instructions.

WHAT IF I DISAGREE WITH SOME OR ALL OF THE PROTECTIVE ORDER?

The judge granted the Sexual Abuse Protective Order (SAPO) based on input from the Petitioner. If you disagree with information given to the judge, or you disagree with all or part of the Order, you have a right to appear in court and give the judge your input.

HOW DO I OBJECT TO THE PROTECTIVE ORDER?

If you want a judge to consider whether the SAPO should remain in effect, or change some of the things in the Order, you must fill out the form called "Request for Hearing." The "Request for Hearing" form is part of the court papers that say "Notice to Respondent/Request for Hearing" on the top, right hand side of the page. You should have received a copy of this form when you were served with the SAPO. If you did not receive one, you may download the Request for Hearing form from the state website, <http://www.courts.oregon.gov/programs/family/domestic-violence/Pages/sexual-abuse.aspx> or contact the court that issued the Order.

You have 30 days after you are served with the SAPO to ask the judge to dismiss or change the order, by filing a "Request for Hearing." **The Request for Hearing must be filed with the court within 30 days from the date you were served.**

If it has been more than 30 days since the date you were served, you can only ask that the court modify the terms of the SAPO. You cannot ask for the court to dismiss the SAPO. Either party may ask for this type of hearing to modify. You may ask for such a hearing by asking the clerk at the courthouse for the forms needed to "modify" a SAPO. The judge may schedule a hearing to decide whether or not to change the Order. The judge may decide not to change the Order even if both sides agree that they want the same changes.

WHAT HAPPENS IF I DO NOT OBJECT?

If you do not ask for a hearing within 30 days after you receive the court papers, the Order will continue for at least 5 years and may be permanent. If the Order is not permanent, it can also be renewed for at least five years at a time.

WHEN WILL THE CONTESTED HEARING BE HELD?

The court must hold the hearing within 21 days of your request. If the hearing is scheduled more than a few days away, the court will send you notice of the time and date of the hearing in the mail. If there is not enough time to mail you a notice, the court may contact you by telephone. **Be sure the court always has your current contact addresses and contact phone numbers so you get notice of any hearing.** You can also call the court to ask if a hearing has been set.

You may ask in writing, ahead of time, to appear by telephone or other two-way electronic communication device, such as video-conferencing.

WHAT WILL HAPPEN AT THE HEARING I REQUEST?

The purpose of the hearing is to decide whether the SAPO will remain in effect and if so, whether the Order will stay the same or change in some way.

If you do not go to the hearing, you will lose your chance to ask the judge to dismiss the SAPO. If you cannot go to the hearing due to an emergency, call the court right away. It may be helpful to have an attorney represent you at the hearing, but it is not required.

FIREARMS PROHIBITIONS MAY APPLY TO YOU.

If the firearms prohibition in Paragraph 7 of the Order is initiated 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 163.765(1)(b)(E).
- you could be subject to criminal penalties or contempt of court for violation of the firearms prohibition as soon as you are served with the Order.

Criminal Penalties for Firearms Possession ([ORS 166.255\(1\)\(a\)](#))

You could be subject to criminal penalties for possessing firearms or ammunition effective the earlier 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

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.

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 contest the SAPO, but you can have a lawyer represent or help you if you wish. The law does not authorize the court to appoint a lawyer for you in this case. 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. You also can go to: www.oregonlawhelp.org.

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.

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

_____	Petitioner	Case No: _____
_____	(Parent/Guardian of Minor Petitioner) (use full names)	NOTICE TO RESPONDENT/ REQUEST FOR HEARING
v.		(Sexual Abuse Protective Order)
_____	Respondent (full name of person restrained)	

THIS FORM MUST BE ATTACHED TO ALL COPIES OF THE SEXUAL ABUSE PROTECTIVE ORDER

TO RESPONDENT: A SEXUAL ABUSE PROTECTIVE ORDER HAS BEEN ISSUED BY THE COURT WHICH AFFECTS YOUR RIGHTS. THIS ORDER IS NOW IN EFFECT.

You have the right to contest this Sexual Abuse Protective Order as set out below.

If you want to contest (object to) any terms of this order you must complete the attached "REQUEST FOR HEARING" form (on Pages 3 and 4) and mail or deliver it to the address on the bottom of Page 2 below. A REQUEST FOR HEARING must be made within 30 days after you receive the Order. You must include your address and telephone number with your request for a hearing. The hearing will be held within 21 days. At the hearing, a judge will decide whether the order should be terminated, changed, or continued. **If you do not go to the hearing, the Protective Order may be upheld (continued) and all matters decided against you. If you do not ask for a hearing within 30 days after you receive this Order, this Protective Order will continue in effect as issued.**

Enforceability of the Sexual Abuse Protective Order

The Sexual Abuse Protective Order you have received is in effect and remains in effect until the court modifies (changes) it, terminates (ends) it, or until it expires. The order may also be renewed if the court finds that it is objectively reasonable for a person in Petitioner's situation to fear for their physical safety if the order is not renewed. If you are arrested for violating this order, the security amount (bail) is \$5,000 unless a different amount is ordered by the court.

This Sexual Abuse Protective Order, or any Order continuing or changing this Order, is enforceable in every county in Oregon. It is also enforceable in all 50 states, the District of Columbia, tribal lands, and territories of the United States.

Violation of the Sexual Abuse Protective Order

Violation of any part of this Sexual Abuse Protective Order, or any Order continuing or changing this Order, constitutes contempt of court, punishable by a fine of up to \$500 or one percent of your annual gross income, whichever is greater, or a jail term of up to six months, or both. Other consequences may also be imposed for contempt.

FIREARMS PROHIBITIONS MAY APPLY TO YOU

If the firearms prohibition in Paragraph 7 of the Order is initiated 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 163.765(1)(b)(E).
- you could be subject to criminal penalties or contempt of court for violation of the firearms prohibition as soon as you are served with the Order.

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

You could be subject to criminal penalties for possessing firearms or ammunition effective the earlier 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

FIREARMS NOTIFICATION: As a result of this Order, or any Order continuing or changing this Order, it may be unlawful for you to possess or purchase a firearm, including, a rifle, pistol, or revolver, or ammunition under federal, state, and local laws. 18 USC § 922(g)(8); ORS 166.250 to 166.270; and local law. This Order also may negatively affect your ability to serve in the Armed Forces of the United States or to be employed in law enforcement. If you have any questions about whether these laws make it illegal for you to possess or purchase a firearm, talk to a lawyer. (*42 USC §3796gg(4)(e) requires this notice*).

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 *Sexual Abuse Protective Order* is in effect, federal law may prohibit you from:

- Traveling across state lines or tribal land lines with the intent to injure Petitioner and then intentionally committing a crime of violence causing bodily injury to 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 the Petitioner.

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

REQUEST FOR HEARING
(To Be Completed By Respondent Only)

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

Petitioner

Case No: _____

(Parent/Guardian of Minor Petitioner)
(use full names)

REQUEST FOR HEARING
(Sexual Abuse Protective Order)

v.

Respondent
(full name of person restrained)

I am the Respondent in the above-referenced action, and I request the following:

1. I am requesting a hearing to contest (object to):

All of the order, **or**

Other: _____

2. I will be represented by an attorney at the hearing. The name and Bar Number of the attorney (if known) are: _____

3. I will need the following accommodations:

I will need _____ language interpretation services at the hearing

I will need Americans with Disabilities Act accommodations at the hearing

Notice of the time and place of the hearing can be mailed to me at the address below

Date

Signature

Print Name,

Respondent Attorney for Respondent OSB No. *(if applicable)*

Contact Address

City, State, Zip

Contact Telephone Number

Use a **Safe** Contact address

Use a **Safe** Contact number

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

Petitioner

Case No: _____

(Parent/Guardian of Minor Petitioner)
(use full names)

CERTIFICATE OF SERVICE
(Sexual Abuse Protective Order)

v.

Respondent
(full name of person restrained)

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):

- Protective Order to Prevent Sexual Abuse **or** Order Renewing Protective Order
- Petition for Order to Prevent Sexual Abuse **or** Petition to Renew Protective Order
- Notice to Respondent/Request for Hearing
- Instructions for Contesting a Sexual Abuse Protective Order (SAPO)
- Motion for Order to Show Cause re: Modifying Sexual Abuse Protective Order (SAPO) and Declaration in Support and Order to Show Cause
- Petitioner's Motion and Declaration for Less Restrictive Terms (Sexual Abuse Protective Order)
- Other (name all forms or documents served): _____

I hereby declare that the above statement is true to the best of my knowledge and belief. I understand it is 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 PETITIONERS:
RECEIVING ELECTRONIC NOTICE ABOUT PROTECTIVE ORDERS**

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

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

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

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

A common time to use this form is when you are RENEWING or MODIFYING your protective order. This form can be used ANYTIME a 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: _____

**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