

# Senate Bill 558

Sponsored by Senators DEVLIN, WALKER; Senators MONNES ANDERSON, MORSE, VERGER, Representatives BARKER, COWAN, FLORES, HOLVEY, HUNT, ROSENBAUM

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands types of relationships covered by Family Abuse Prevention Act to include dating relationships. Allows person under 18 years of age to petition court for restraining order to prevent abuse by another person under 18 years of age.

## A BILL FOR AN ACT

1  
2 Relating to persons who may petition for protective order under Family Abuse Prevention Act;  
3 amending ORS 107.705, 107.718 and 107.726.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 107.705 is amended to read:

6 107.705. As used in ORS 107.700 to 107.735:

7 (1) "Abuse" means the occurrence of one or more of the following acts between family or  
8 household members:

9 (a) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury.

10 (b) Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury.

11 (c) Causing another to engage in involuntary sexual relations by force or threat of force.

12 (2) "Child" means an unmarried person who is under 18 years of age.

13 (3) **"Dating relationship" means a social relationship of a romantic or intimate nature,**  
14 **the existence of which shall be determined based on consideration of the following factors:**

15 (a) **The length of the relationship;**

16 (b) **The type of relationship; and**

17 (c) **The frequency of interaction between the persons involved in the relationship.**

18 [(3)] (4) "Family or household members" means any of the following:

19 (a) Spouses.

20 (b) Former spouses.

21 (c) Adult persons related by blood, marriage or adoption.

22 (d) Persons who are cohabiting or who have cohabited with each other.

23 (e) Persons who, **within two years immediately preceding the filing by one of them of a**  
24 **petition under ORS 107.710**, have been involved in **a dating relationship with each other or a**  
25 **sexually intimate relationship with each other** [*within two years immediately preceding the filing by*  
26 *one of them of a petition under ORS 107.710*].

27 (f) Unmarried parents of a child.

28 [(4)] (5) "Interfere" means to interpose in a manner that would reasonably be expected to hinder  
29 or impede a person in the petitioner's situation.

30 [(5)] (6) "Intimidate" means to act in a manner that would reasonably be expected to threaten

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 a person in the petitioner’s situation, thereby compelling or deterring conduct on the part of the  
 2 person.

3 [(6)] (7) “Menace” means to act in a manner that would reasonably be expected to threaten a  
 4 person in the petitioner’s situation.

5 [(7)] (8) “Molest” means to act, with hostile intent or injurious effect, in a manner that would  
 6 reasonably be expected to annoy, disturb or persecute a person in the petitioner’s position.

7 **SECTION 2.** ORS 107.726 is amended to read:

8 107.726. A person who is under 18 years of age may petition the circuit court for relief under  
 9 ORS 107.710 if[.]

10 [(1)] the person is:

11 [(a)] (1) The spouse of the respondent;

12 [(b)] (2) The former spouse of the respondent; [or]

13 [(c)] (3) A person who, **within two years immediately preceding the filing of the petition,**  
 14 **has been in a dating relationship with the respondent or** in a sexually intimate relationship with  
 15 the respondent.[; and]

16 [(2) *The respondent is 18 years of age or older.*]

17 **SECTION 3.** ORS 107.718 is amended to read:

18 107.718. (1) When a person files a petition under ORS 107.710, the circuit court shall hold an  
 19 ex parte hearing in person or by telephone on the day the petition is filed or on the following judi-  
 20 cial day. Upon a showing that the petitioner has been the victim of abuse committed by the re-  
 21 spondent within 180 days preceding the filing of the petition, that there is an imminent danger of  
 22 further abuse to the petitioner and that the respondent represents a credible threat to the physical  
 23 safety of the petitioner or the petitioner’s child, the court shall, if requested by the petitioner, order:

24 (a) Except as provided in subsection (2) of this section, that temporary custody of the children  
 25 of the parties be awarded to the petitioner or, at the request of the petitioner, to the respondent,  
 26 subject to reasonable parenting time rights of the noncustodial parent, which the court shall order,  
 27 unless such parenting time is not in the best interest of the child;

28 (b) That the respondent be required to move from the petitioner’s residence, if in the sole name  
 29 of the petitioner or if it is jointly owned or rented by the petitioner and the respondent, or if the  
 30 parties are married to each other;

31 (c) That the respondent be restrained from entering, or attempting to enter, a reasonable area  
 32 surrounding the petitioner’s current or subsequent residence if the respondent is required to move  
 33 from petitioner’s residence;

34 (d) That a peace officer accompany the party who is leaving or has left the parties’ residence  
 35 to remove essential personal effects of the party or the party’s children, or both, including but not  
 36 limited to clothing, toiletries, diapers, medications, Social Security cards, birth certificates, identifi-  
 37 cation and tools of the trade;

38 (e) That the respondent be restrained from intimidating, molesting, interfering with or menacing  
 39 the petitioner, or attempting to intimidate, molest, interfere with or menace the petitioner;

40 (f) That the respondent be restrained from intimidating, molesting, interfering with or menacing  
 41 any children in the custody of the petitioner, or attempting to intimidate, molest, interfere with or  
 42 menace any children in the custody of the petitioner;

43 (g) That the respondent be restrained from entering, or attempting to enter, on any premises and  
 44 a reasonable area surrounding the premises when it appears to the court that such restraint is  
 45 necessary to prevent the respondent from intimidating, molesting, interfering with or menacing the

1 petitioner or children whose custody is awarded to the petitioner;

2 (h) Other relief that the court considers necessary to provide for the safety and welfare of the  
3 petitioner and the children in the custody of the petitioner including, but not limited to, emergency  
4 monetary assistance from the respondent; or

5 (i) That the respondent have no contact with the petitioner in person, by telephone or by mail  
6 except as described in parenting time ordered under this section.

7 (2) If the court determines that exceptional circumstances exist that affect the custody of a  
8 child, the court shall order the parties to appear and provide additional evidence at a hearing to  
9 determine temporary custody and resolve other contested issues. Pending the hearing, the court  
10 may make any orders regarding the child’s residence and the parties’ contact with the child that the  
11 court finds appropriate to provide for the child’s welfare and the safety of the parties. The court  
12 shall set a hearing time and date as provided in ORS 107.716 (2) and issue a notice of the hearing  
13 at the same time the court issues the restraining order.

14 (3) The court’s order under subsection (1) of this section is effective for a period of one year or  
15 until the order is withdrawn or amended, or until the order is superseded as provided in ORS  
16 107.722, whichever is sooner.

17 (4) If respondent is restrained from entering, or attempting to enter, an area surrounding  
18 petitioner’s residence or any other premises, the order restraining respondent shall specifically de-  
19 scribe the area.

20 (5) Imminent danger under this section includes but is not limited to situations in which the  
21 respondent has recently threatened petitioner with additional bodily harm.

22 (6) If the court awards parenting time to a parent who committed abuse, the court shall make  
23 adequate provision for the safety of the child and of the petitioner. The order of the court may in-  
24 clude, but is not limited to, the following:

25 (a) That exchange of a child between parents shall occur at a protected location.

26 (b) That parenting time be supervised by another person or agency.

27 (c) That the perpetrator of the abuse be required to attend and complete, to the satisfaction of  
28 the court, a program of intervention for perpetrators or any other counseling program designated  
29 by the court as a condition of the parenting time.

30 (d) That the perpetrator of the abuse not possess or consume alcohol or controlled substances  
31 during the parenting time and for 24 hours preceding the parenting time.

32 (e) That the perpetrator of the abuse pay all or a portion of the cost of supervised parenting  
33 time, and any program designated by the court as a condition of parenting time.

34 (f) That no overnight parenting time occur.

35 (7) An instruction brochure shall be available from the clerk of the circuit court explaining the  
36 rights set forth under ORS 107.700 to 107.735. The petition, order and related forms shall be avail-  
37 able from the clerk of the court and shall be in substantially the following form:

38 \_\_\_\_\_

39

40

IN THE CIRCUIT COURT OF  
THE STATE OF OREGON FOR  
THE COUNTY OF \_\_\_\_\_

41

42

43 \_\_\_\_\_, )

44 Petitioner ) PETITION FOR

45 (your name) ) RESTRAINING ORDER

1 ) TO PREVENT ABUSE  
 2 vs. )  
 3 ) No. \_\_\_\_\_  
 4 )  
 5 \_\_\_\_\_, )  
 6 Respondent )  
 7 (person to be )  
 8 restrained) )

9  
 10 YOU MUST PROVIDE COMPLETE AND TRUTHFUL INFORMATION. IF YOU DO NOT, THE  
 11 COURT MAY DISMISS ANY RESTRAINING ORDER AND MAY ALSO HOLD YOU IN CON-  
 12 TEMPT OF COURT.

13 If you wish to have your residential address or telephone number withheld from  
 14 respondent, use a contact address and telephone number so the Court and the  
 15 Sheriff can reach you if necessary.

16 ATTACH ADDITIONAL PAGES  
 17 IF NECESSARY.

18  
 19 I am the Petitioner and I state that the following information is true:

20  
 21 I am a resident of \_\_\_\_\_ County, Oregon.

22  
 23 Respondent is a resident of \_\_\_\_\_ County, Oregon.

24  
 25 I am \_\_\_\_\_ years of age and Respondent is \_\_\_\_\_ years of age.

26 1. CHECK AND FILL OUT THE SECTION(S) that apply to you and respondent:

27 \_\_\_ A. Respondent is my \_\_\_\_\_ spouse \_\_\_\_\_ former spouse. We were married on  
 28 \_\_\_\_\_, 2\_\_\_\_\_. We were divorced on  
 29 \_\_\_\_\_, 2\_\_\_\_\_.

30 \_\_\_ B. Respondent and I are adults related by blood, marriage or adoption. Respondent is my  
 31 \_\_\_\_\_ (type of relationship).

32 \_\_\_ C. Respondent and I have been living together since \_\_\_\_\_, 2\_\_\_\_\_.

33 \_\_\_ D. Respondent and I lived together from \_\_\_\_\_, 2\_\_\_\_\_, to \_\_\_\_\_,  
 34 2\_\_\_\_\_.

35 \_\_\_ E. Respondent and I have been involved **in a dating relationship or** in a sexually inti-  
 36 mate relationship within the last two years.

37 \_\_\_ F. Respondent and I are the unmarried parents of a child.

38 \_\_\_ G. I am a minor and have been involved **in a dating relationship with respondent or**  
 39 in a sexually intimate relationship with respondent [*who is 18 years of age or older*]  
 40 **within the last two years.**

41 2. To qualify for a restraining order, respondent must have done one or more of the following:  
 42 Within the last 180 days, respondent has:

- 43 \_\_\_ A. Caused me bodily injury.
- 44 \_\_\_ B. Attempted to cause me bodily injury.
- 45 \_\_\_ C. Placed me in fear of imminent bodily injury.

1 — D. Caused me to engage in involuntary sexual relations by force or threat of force.  
2 3. Any period of time after the abuse occurred during which respondent was incarcerated (in  
3 jail or prison) or lived more than 100 miles from your home is not counted as part of the  
4 180-day period, and you may still be eligible for a restraining order.

5 Respondent was incarcerated from \_\_\_\_\_, 2\_\_\_\_\_, to \_\_\_\_\_,  
6 2\_\_\_\_\_.

7 Respondent lived more than 100 miles from my home from \_\_\_\_\_, 2\_\_\_\_\_, to  
8 \_\_\_\_\_, 2\_\_\_\_\_.

9 4. Did the abuse happen within the last 180 days not including the times respondent was  
10 incarcerated (in jail or prison) or lived more than 100 miles from your home? Yes No

11  
12 Date and location of abuse:  
13 \_\_\_\_\_  
14 \_\_\_\_\_

15  
16 How did respondent hurt or threaten you?  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_

20  
21 5. Are there incidents other than those described in question 4 above, in which respondent has  
22 hurt or threatened to hurt you? If Yes, Explain:

23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_

26  
27 6. I am in imminent danger of further abuse by respondent because:

28 \_\_\_\_\_  
29 \_\_\_\_\_  
30 \_\_\_\_\_

31  
32 7. In any of the above incidents:

33  
34 Were drugs, alcohol or weapons involved? Yes No

35 Did you need medical help? Yes No

36 Were the police or the courts involved? Yes No

37  
38 If you have circled yes to any of the above questions, explain:

39 \_\_\_\_\_  
40 \_\_\_\_\_

41  
42 8. A. There (is) (is not) another restraining order pending between respondent and me. It is  
43 filed in \_\_\_\_\_ (County), \_\_\_\_\_ (State), and I am (Petitioner) or (Respondent) in that  
44 case.

45 The case number of the case is: \_\_\_\_\_

1 B. There (is) (is not) another lawsuit pending between respondent and me for divorce,  
2 annulment, legal separation, filiation (paternity), custody, parenting time or visitation.  
3 If yes, type of lawsuit: \_\_\_\_\_  
4 It is filed in \_\_\_\_\_ (County), \_\_\_\_\_ (State).

5 C. If you and respondent are unmarried, has legal paternity of your children been estab-  
6 lished? Yes No  
7 In what way? Birth certificate  
8 Child support  
9 proceeding  
10 Paternity lawsuit  
11 Other

12 Explain: \_\_\_\_\_

13 9. A. The children of respondent and me who are under 18 years of age are:

14 Name \_\_\_\_\_ Age \_\_\_\_  
15 Name \_\_\_\_\_ Age \_\_\_\_  
16 Name \_\_\_\_\_ Age \_\_\_\_  
17 Name \_\_\_\_\_ Age \_\_\_\_

18 B. The children are now living with \_\_\_\_\_, at  
19 \_\_\_\_\_ (address).  
20 For how long? \_\_\_\_\_

21 C. I believe that I will need the assistance of a peace officer to regain custody of  
22 my children from respondent. Yes No

23 D. Is there a custody or any other order now in effect concerning any of these  
24 children? Yes No  
25 Type of order: \_\_\_\_\_

26 The case number is: \_\_\_\_\_ and it is filed in \_\_\_\_\_ (County), \_\_\_\_\_ (State).

27 E. Where have the children listed in A. above lived for the last five years and with  
28 whom?

	County/	Lived	Present
<u>Dates</u>	<u>State</u>	<u>With</u>	<u>Address</u>
30 From ___ to ___	_____	_____	_____
31 From ___ to ___	_____	_____	_____
32 From ___ to ___	_____	_____	_____
33 From ___ to ___	_____	_____	_____
34 From ___ to ___	_____	_____	_____

35  
36 F. I have not been involved as a party, witness or in any other capacity in any  
37 other custody, parenting time or visitation lawsuits concerning the children in  
38 this or any other state except:

39 \_\_\_\_\_  
40 \_\_\_\_\_

41  
42 G. I know of no other custody, parenting time or visitation lawsuits concerning the  
43 children in this or any other state except:

44 \_\_\_\_\_  
45

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H. I know of no one, other than respondent, who has physical custody of the children or who claims custody, parenting time or visitation rights with the children, except:

\_\_\_\_\_

I. My children have not lived in Oregon for the last six months but my children and I are now present in Oregon and I want the court to award me custody because (describe the emergency that makes this necessary or information that is in Oregon that relates to the children):

\_\_\_\_\_

10. Respondent may be required to move from your residence if it is in your sole name, or if it is jointly owned or rented by you and respondent, or if you and respondent are married.

I (do) (do not) want respondent to move from my residence.

My residence is:

Owned Leased Rented

By: \_\_\_\_\_

PETITIONER ASKS THE COURT TO GRANT THE RELIEF INDICATED IN THE "PETITIONER'S REQUEST" COLUMN OF THE PROPOSED RESTRAINING ORDER, WHICH IS ATTACHED.

PETITIONER MUST NOTIFY THE COURT  
OF ANY CHANGE OF ADDRESS.

ALL NOTICES OF HEARING WILL  
BE SENT TO THIS ADDRESS  
AND DISMISSALS MAY BE  
ENTERED IF YOU DO NOT APPEAR  
AT A SCHEDULED HEARING.

If you wish to have your residential address or telephone number withheld from respondent, use a contact address and telephone number so the Court and the Sheriff can reach you if necessary.

\_\_\_\_\_  
PETITIONER

STATE OF OREGON )

) ss.

County of \_\_\_\_\_ )

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

RELEVANT DATA

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RESPONDENT \_\_\_\_\_  
Sex \_\_\_\_\_ Telephone # \_\_\_\_\_  
Residence Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
County \_\_\_\_\_  
Birthdate \_\_\_\_\_ Age \_\_\_\_\_  
Race \_\_\_\_\_  
Height \_\_\_\_\_ Weight \_\_\_\_\_  
Eye Color \_\_\_\_\_

PETITIONER (you) \_\_\_\_\_  
Sex \_\_\_\_\_ \*Telephone # \_\_\_\_\_  
\*Residence Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
County \_\_\_\_\_  
Birthdate \_\_\_\_\_ Age \_\_\_\_\_  
Race \_\_\_\_\_  
Height \_\_\_\_\_ Weight \_\_\_\_\_  
Eye Color \_\_\_\_\_

\*If you wish to have your residential address or telephone number withheld from respondent, use a contact address and telephone number so the Court and the Sheriff can reach you if necessary.

PLEASE FILL OUT THIS INFORMATION  
TO AID IN SERVICE OF  
THE RESTRAINING ORDER

Where is respondent most likely to be located?

Residence           Hours \_\_\_\_\_  
Employment        Hours \_\_\_\_\_  
                          Address: \_\_\_\_\_  
                          \_\_\_\_\_

Employment        Hours \_\_\_\_\_  
                          Address: \_\_\_\_\_  
                          \_\_\_\_\_

Description of vehicle \_\_\_\_\_

Does respondent have any weapons or access to weapons? Explain:

\_\_\_\_\_  
\_\_\_\_\_



1 Has respondent ever been arrested for or convicted of a violent crime? Explain:

2 \_\_\_\_\_  
3  
4 \_\_\_\_\_

5  
6  
7 Is there anything about respondent's character, past behavior or the present situation that indicates  
8 that respondent may be a danger to self or other? Explain:

9 \_\_\_\_\_  
10  
11 \_\_\_\_\_  
12  
13 \_\_\_\_\_

14  
15  
16 IN THE CIRCUIT COURT OF  
17 THE STATE OF OREGON  
18 FOR THE COUNTY OF \_\_\_\_\_

19  
20 \_\_\_\_\_, )  
21 Petitioner ) RESTRAINING ORDER  
22 (your name) ) TO PREVENT ABUSE  
23 )  
24 vs. )  
25 ) No. \_\_\_\_\_  
26 )  
27 \_\_\_\_\_, )  
28 Respondent )  
29 (person to be )  
30 restrained) )

31 TO THE RESPONDENT: VIOLATION OF THIS RESTRAINING ORDER MAY RESULT IN  
32 YOUR ARREST AND IN CIVIL AND/OR CRIMINAL PENALTIES. THIS ORDER IS ENFORCEA-  
33 BLE IN EVERY STATE. REVIEW THIS ORDER CAREFULLY. EACH PROVISION MUST BE  
34 OBEYED. SEE YOUR RIGHTS TO A HEARING.

35 The Court, having reviewed the petition, makes the following findings:

36  
37 Judge's Initials

- 38 1. Petitioner and respondent are related as follows (check all that apply):  
39 A. Petitioner and respondent are spouses. \_\_\_\_\_  
40 B. Petitioner and respondent are former spouses. \_\_\_\_\_  
41 C. Petitioner and respondent are adult persons related by blood,  
42 marriage or adoption. \_\_\_\_\_  
43 D. Petitioner and respondent are cohabiting or have cohabited  
44 with each other. \_\_\_\_\_  
45 E. Petitioner and respondent have been involved in a **dating** \_\_\_\_\_

- 1 **relationship with each other or in a** sexually intimate relationship
- 2 with each other within the last two years.
- 3 F. Petitioner and respondent are unmarried parents of a child. \_\_\_\_\_
- 4 G. Petitioner is a minor and has been involved in a **dating** \_\_\_\_\_
- 5 **relationship with respondent or in a** sexually intimate relationship
- 6 with respondent [*who is 18 years of age or older*] **within the last two years.**
- 7 2. Additional findings:
- 8 A. Petitioner has been abused by respondent as defined by ORS 107.705. \_\_\_\_\_
- 9 B. The abuse of petitioner by respondent occurred within the last \_\_\_\_\_
- 10 180 days as provided in ORS 107.710.
- 11 C. Respondent represents a credible threat to the physical safety \_\_\_\_\_
- 12 of petitioner or petitioner’s child and there is an imminent danger of
- 13 further abuse to petitioner.
- 14 D. If there are children, Oregon has jurisdiction over the issue of the \_\_\_\_\_
- 15 custody of the children under ORS 109.701 to 109.834 on the
- 16 following grounds:
- 17 a. Oregon is the home state of the child on the date this proceeding \_\_\_\_\_
- 18 was commenced; or
- 19 Oregon was the home state within six months before this proceeding \_\_\_\_\_
- 20 was commenced and the child is absent from the state, but a parent
- 21 or person acting as a parent continues to live in Oregon under
- 22 ORS 109.741 (1)(a).
- 23 b. No other state has home state jurisdiction under ORS 109.741 \_\_\_\_\_
- 24 (1)(a); or
- 25 The home state of the child \_\_\_\_\_ (name) \_\_\_\_\_
- 26 has declined jurisdiction and the child’s parents have, or one of
- 27 the child’s parents or a person acting as a parent has, a significant
- 28 connection with Oregon and substantial evidence is available here
- 29 concerning the child’s care, protection, training and personal
- 30 relationships under ORS 109.741 (1)(b).
- 31 c. All courts having jurisdiction under home state grounds under \_\_\_\_\_
- 32 ORS 109.741 (1)(a), or significant connections grounds under ORS 109.741
- 33 (1)(b), have declined to exercise jurisdiction under ORS 109.741 (1)(c).
- 34 d. No court of any other state has jurisdiction under ORS 109.741 \_\_\_\_\_
- 35 (1)(a), (b) or (c).
- 36 e. Emergency grounds exist for the exercise of temporary emergency \_\_\_\_\_
- 37 jurisdiction because the child is present in this state and has
- 38 been abandoned; or
- 39 Emergency grounds exist for the exercise of temporary emergency \_\_\_\_\_
- 40 jurisdiction because it is necessary to protect the child because the
- 41 child, or a sibling or parent of the child, is subjected to or threatened
- 42 with mistreatment or abuse under ORS 109.751.
- 43 f. A previous child custody, parenting time, guardianship \_\_\_\_\_
- 44 or juvenile dependency determination has been made in
- 45 \_\_\_\_\_ (State/Tribe/Country);

1 A child custody, parenting time, guardianship or juvenile \_\_\_\_\_  
 2 dependency proceeding has been commenced in \_\_\_\_\_  
 3 (State/Tribe/Country); or  
 4 No child custody, parenting time, guardianship or juvenile dependency \_\_\_\_\_  
 5 determination has been issued or proceeding commenced in another  
 6 state, tribe or country having jurisdiction under ORS 109.701 to  
 7 109.834. The custody and parenting time provisions in this order  
 8 shall become a final determination for purposes of ORS 109.701 to  
 9 109.834 if Oregon becomes the home state of the child.

10

11 IT IS HEREBY ORDERED that:

12 Petitioner’s Request Judge’s Initials

13

14 [ ] 1. Respondent is restrained (prohibited) from intimidating, \_\_\_\_\_  
 15 molesting, interfering with or menacing petitioner, or  
 16 attempting to intimidate, molest, interfere with  
 17 or menace petitioner.

18 [ ] 2. Respondent is restrained (prohibited) from intimidating, \_\_\_\_\_  
 19 molesting, interfering with or menacing any minor children in  
 20 petitioner’s custody, or attempting to intimidate, molest,  
 21 interfere with or menace any minor children  
 22 in petitioner’s custody:

23 \_\_\_\_\_  
 24 \_\_\_\_\_

25

26 [ ] 3. Respondent is restrained (prohibited) from entering, or \_\_\_\_\_  
 27 attempting to enter:

28 (Include names and address unless withheld for safety reasons.)

29 [ ] Petitioner’s current or subsequent residence. \_\_\_\_\_

30 [ ] Petitioner’s business or place of employment. \_\_\_\_\_

31 [ ] Petitioner’s school. \_\_\_\_\_

32 [ ] Other locations. \_\_\_\_\_

33 [ ] The area surrounding petitioner’s current \_\_\_\_\_  
 34 or subsequent residence or petitioner’s  
 35 school, business, place of employment  
 36 or other named premises described as  
 37 follows (specifically describe area):

38 \_\_\_\_\_  
 39 \_\_\_\_\_

40

41 [ ] 4. Respondent is restrained (prohibited) from:  
 42 [ ] Contacting, or attempting to contact, petitioner by telephone. \_\_\_\_\_

43 [ ] Contacting, or attempting to contact, petitioner by mail. \_\_\_\_\_

44 [ ] 5. Respondent is restrained (prohibited) from entering, or \_\_\_\_\_

45 attempting to enter:

- 1           [ ] The premises of the children’s day care provider. \_\_\_\_\_
- 2           [ ] The children’s school. \_\_\_\_\_
- 3   [ ]     6. Respondent shall move from and not return to the re- \_\_\_\_\_
- 4           residence located at \_\_\_\_\_ except with a
- 5           peace officer in order to remove essential personal
- 6           effects of the respondent, and if the respondent
- 7           is the legal custodian, essential personal effects
- 8           of respondent’s children, including, but not
- 9           limited to: clothing, toiletries, diapers, medica-
- 10          tions, Social Security cards, birth certificates,
- 11          identification and tools of the trade.
- 12   [ ]     7. A peace officer shall accompany the petitioner to the \_\_\_\_\_
- 13          parties’ residence in order to remove essential personal
- 14          effects of petitioner, and if the petitioner is the legal
- 15          custodian, essential personal effects of the petitioner’s
- 16          children, including, but not limited to: clothing,
- 17          toiletries, diapers, medications, Social Security cards,
- 18          birth certificates, identification and tools of the trade.
- 19   [ ]     8. Petitioner is awarded custody of the following children \_\_\_\_\_
- 20          of the parties, subject to the parenting time terms set
- 21          forth below.
- 22
- 23               Name: \_\_\_\_\_
- 24               Age: \_\_\_\_\_
- 25
- 26               Name: \_\_\_\_\_
- 27               Age: \_\_\_\_\_
- 28   [ ]     9. Respondent is awarded custody of the following child- \_\_\_\_\_
- 29          ren of the parties, subject to the parenting time terms set
- 30          forth below.
- 31
- 32               Name: \_\_\_\_\_
- 33               Age: \_\_\_\_\_
- 34
- 35               Name: \_\_\_\_\_
- 36               Age: \_\_\_\_\_
- 37   [ ]     10. A peace officer of the county or city in which the child- \_\_\_\_\_
- 38          ren are located shall assist in recovering the custody of
- 39          the children of the above parties whose custody has been
- 40          awarded to petitioner. The peace officer is authorized to
- 41          use any reasonable force necessary to that end.
- 42   [ ]     11. Other relief: \_\_\_\_\_ \_\_\_\_\_
- 43               \_\_\_\_\_
- 44               \_\_\_\_\_
- 45   [ ]     12. Petitioner and respondent shall appear at a hearing \_\_\_\_\_

1 to be held at a time and place shown in the attached  
2 Notice of Hearing. The purpose of the hearing is to  
3 consider the temporary custody of the parties'  
4 children and other relief that may be contested.  
5 [ ] 13. Pending the hearing to be held pursuant to paragraph \_\_\_\_\_  
6 12 above, if temporary custody of the children is not  
7 awarded to the petitioner under ORS 107.718 (1)(a), the  
8 residence of the children and parental access to the  
9 children is as follows with respect to the following  
10 children (include the children's names and dates of birth):  
11 \_\_\_\_\_  
12 \_\_\_\_\_

13 The order contained in this paragraph expires at the  
14 hearing.

15 [ ] 14. The child custody provisions of this order conflict \_\_\_\_\_  
16 with the child custody provisions of a preexisting order  
17 or judgment issued pursuant to ORS 107.095 (1)(b),  
18 107.105, 107.135, 109.103 or 109.155. The child custody  
19 provisions of this order remain in effect until \_\_\_\_\_,  
20 or until another order is issued in the preexisting  
21 case, whichever occurs first.

22 [ ] 15. The child custody provisions of this order conflict \_\_\_\_\_  
23 with the child custody provisions of a preexisting order  
24 or judgment issued by another jurisdiction. The child  
25 custody provisions of this order remain in effect for  
26 one year or until another order is issued in the  
27 preexisting case, whichever occurs first.

28  
29 IT IS FURTHER ORDERED that the party not awarded custody shall be allowed parenting time as  
30 set forth below:

31 Petitioner's Request Judge's Initials

32  
33 [ ] 16. NO PARENTING TIME due to \_\_\_\_\_ \_\_\_\_\_  
34 \_\_\_\_\_  
35 \_\_\_\_\_

36  
37 [ ] 17. SUPERVISED PARENTING TIME: Three hours per week, \_\_\_\_\_  
38 Supervised by:  
39 As follows:  
40 (day of week, location, times)

41 [ ] 18. Once per week on \_\_\_\_\_ (day) from \_\_\_\_\_ \_\_\_\_\_  
42 a.m./p.m. to \_\_\_\_\_ a.m./p.m.

43 [ ] 19. On the FIRST and THIRD weekends of each month \_\_\_\_\_  
44 from 7:00 p.m. Saturday to 7:00 p.m. Sunday.  
45 The first weekend is the one in which both

- 1                    Saturday and Sunday are in the new month.
- 2    [ ]            20. On the FIRST and THIRD weekends of each month                    \_\_\_\_\_
- 3                    from 7:00 p.m. Friday to 7:00 p.m. Sunday.
- 4                    The first weekend is the one in which both
- 5                    Saturday and Sunday are in the new month.
- 6    [ ]            21. OTHER PARENTING TIME AS FOLLOWS:                    \_\_\_\_\_
- 7                    \_\_\_\_\_
- 8                    \_\_\_\_\_
- 9
- 10   [ ]            22. Parenting time details not provided for in this ORDER,                    \_\_\_\_\_
- 11                    including the days or hours of parenting time, shall be
- 12                    arranged through \_\_\_\_\_.
- 13   [ ]            23. The parent not awarded custody will pick up and return                    \_\_\_\_\_
- 14                    the children at the curb, or driveway if no curb, of the
- 15                    residence of the custodial parent or at \_\_\_\_\_
- 16                    (name and address of different location) no more than
- 17                    15 minutes early nor 15 minutes late.
- 18                    IF RESPONDENT IS NOT AWARDED CUSTODY AND
- 19                    IF RESPONDENT IS OTHERWISE PROHIBITED
- 20                    FROM BEING AT PETITIONER'S RESIDENCE,
- 21                    RESPONDENT MAY BE AT THE CURB, OR DRIVE-
- 22                    WAY IF NO CURB, OF PETITIONER'S RESIDENCE
- 23                    FOR A MAXIMUM OF FIVE MINUTES AT THE
- 24                    PARENTING TIME HOUR SPECIFIED IN THE ORDER
- 25                    TO PICK UP OR RETURN THE CHILDREN OR AT ANY
- 26                    OTHER TIME THE PARTIES AGREE TO.
- 27   [ ]            24. No further service is necessary because respondent                    \_\_\_\_\_
- 28                    appeared in person before the Court.

29

30 IT IS FURTHER ORDERED that:

31                    SECURITY AMOUNT FOR VIOLATION OF ANY PROVISION OF THIS ORDER IS \$5,000

32                    unless otherwise specified.

33                    Other Amount ( \$ )

34

35                    THE ABOVE PROVISIONS OF THIS RESTRAINING ORDER ARE IN EFFECT FOR

36                    A PERIOD OF ONE YEAR OR UNTIL THE ORDER IS VACATED, MODIFIED OR

37                    SUPERSEDED, WHICHEVER OCCURS FIRST.

38

39                    DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

40

41                    \_\_\_\_\_

42                    CIRCUIT COURT JUDGE (signature)

43                    \_\_\_\_\_

44                    CIRCUIT COURT JUDGE (printed)

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IN THE CIRCUIT COURT OF  
THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

\_\_\_\_\_)  
\_\_\_\_\_) No. \_\_\_\_\_  
Petitioner, )  
vs. ) AFFIDAVIT OF PROOF  
\_\_\_\_\_) OF SERVICE  
Respondent. )  
\_\_\_\_\_)  
\_\_\_\_\_)  
STATE OF )  
OREGON )  
\_\_\_\_\_) ss.  
County of \_\_\_\_\_)

I am a resident of the State of Oregon. I am a competent person 18 years of age or older. I am not an attorney for or a party to this case, or an officer, director or employee of any party to this case.

On the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, I served the Restraining Order to Prevent Abuse, the Petition for Restraining Order to Prevent Abuse and, if applicable, the Notice of Hearing in this case personally upon the above-named respondent in \_\_\_\_\_ County by delivering to the respondent a copy of those papers, each of which was certified to be a true copy of each original.

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

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires:\_\_\_\_\_

IN THE CIRCUIT COURT OF  
THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

\_\_\_\_\_)  
\_\_\_\_\_) No. \_\_\_\_\_  
Petitioner, )  
vs. ) MOTION AND ORDER  
\_\_\_\_\_) OF DISMISSAL  
Respondent. )  
\_\_\_\_\_)

1 Comes now petitioner, \_\_\_\_\_, and moves this Court for an order allowing the voluntary  
2 withdrawal and dismissal of the Restraining Order on file herein.

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\_\_\_\_\_  
Petitioner  
SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_

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IN THE CIRCUIT COURT OF  
THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

\_\_\_\_\_, )  
(D.O.B. \_\_\_\_\_) ) NOTICE TO RESPONDENT  
\_\_\_\_\_) (Family Abuse  
Petitioner, ) Prevention Act)  
\_\_\_\_\_) )  
and ) No. \_\_\_\_\_  
\_\_\_\_\_) \_\_\_\_\_,  
\_\_\_\_\_) )  
(D.O.B. \_\_\_\_\_) )  
\_\_\_\_\_) )  
Respondent. )

THIS FORM MUST BE  
ATTACHED TO SERVICE COPY  
OF RESTRAINING ORDER

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TO RESPONDENT: A RESTRAINING ORDER HAS BEEN ISSUED BY THE COURT WHICH AF-  
FECTS YOUR RIGHTS AND IS NOW IN EFFECT. THIS ORDER BECOMES EFFECTIVE IMME-  
DIATELY.

IF A NOTICE OF HEARING IS ATTACHED TO THE RESTRAINING ORDER, YOU ARE RE-  
QUIRED TO APPEAR AT A HEARING AT THE TIME AND PLACE SPECIFIED IN THE NOTICE.  
THE PURPOSE OF THE HEARING IS TO CONSIDER TEMPORARY CUSTODY OF YOUR CHILD  
OR CHILDREN AND OTHER MATTERS. IF YOU WANT AN EARLIER HEARING DATE THAN  
THE DATE SPECIFIED IN THE NOTICE, YOU MUST COMPLETE THE REQUEST FOR HEAR-  
ING FORM BELOW AND MAIL OR DELIVER IT TO:

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IF NO NOTICE OF HEARING IS ATTACHED TO THE RESTRAINING ORDER AND YOU WISH TO CONTEST THE CONTINUATION OF THIS ORDER, YOU MUST COMPLETE THE REQUEST FOR HEARING FORM BELOW AND MAIL OR DELIVER IT TO:

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REQUESTS 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, OR WITHIN FIVE DAYS IF CHILD CUSTODY (NOT PARENTING TIME) IS AT ISSUE.

AT THE HEARING, A JUDGE WILL DECIDE WHETHER THE ORDER SHOULD BE CANCELED, CHANGED OR EXTENDED. IF YOU DO NOT APPEAR AT THE HEARING, THE RESTRAINING ORDER MAY BE UPHeld AND ALL MATTERS COULD BE DECIDED AGAINST YOU.

IF YOU DO NOT REQUEST A HEARING WITHIN THE TIME ALLOWED BY LAW, THIS RESTRAINING ORDER WILL BE CONFIRMED BY OPERATION OF LAW. THAT MEANS THAT THIS RESTRAINING ORDER WILL CONTINUE IN EFFECT AS ISSUED BECAUSE YOU HAVE BEEN GIVEN BUT HAVE NOT EXERCISED YOUR RIGHTS TO REQUEST AND PARTICIPATE IN A HEARING. OREGON LAW CONSIDERS THIS CONFIRMATION SUFFICIENT TO MEET THE REQUIREMENTS OF FEDERAL LAW THAT MAY PROHIBIT YOU FROM POSSESSING A FIREARM OR FIREARM AMMUNITION WHILE THIS RESTRAINING ORDER IS IN EFFECT.

KEEP IN MIND THAT THE RESTRAINING ORDER YOU HAVE RECEIVED IS IN EFFECT AND REMAINS IN EFFECT UNTIL THE COURT THAT ISSUED THE ORDER MODIFIES IT OR DISMISSES IT OR UNTIL IT EXPIRES. THE ORDER MAY ALSO BE RENEWED UPON A FINDING THAT A PERSON IN THE PETITIONER'S SITUATION WOULD REASONABLY FEAR FURTHER ACTS OF ABUSE BY YOU 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 restraining 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 this restraining 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 sanctions may also be imposed for contempt.

While this order, or any order continuing or changing this order, is in effect, federal law may prohibit you from:

Traveling across state lines or tribal land lines with the intent to violate this order and then

1 violating this order.

2 Causing the petitioner to cross state lines or tribal land lines for your purpose of violating the  
3 order.

4 Possessing, receiving, shipping or transporting any firearm or firearm ammunition.

5 Whether or not a restraining order is in effect, federal law may prohibit you from:

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

8 Causing the petitioner to travel across state lines or tribal land lines if your intent is to cause  
9 bodily injury to the petitioner or if the travel results in your causing bodily injury to the petitioner.

10

11

12

REQUEST FOR HEARING

13

14 1. I am the Respondent in the above-referenced action and I request a hearing to contest all or part  
15 of the order as follows (mark one or more):

16  The order restraining me from contacting or attempting to contact the petitioner.

17  The order granting child custody to the petitioner.

18  The terms of the parenting time order.

19  Other \_\_\_\_\_

20

21 2.  If I have checked this box, a Notice of Hearing is attached to the Restraining Order, setting  
22 a hearing for (specify date and time) \_\_\_\_\_. However, I believe exceptional circumstances  
23 affect my child or children and require an earlier hearing. I request an earlier date for a hearing,  
24 to be held within five days after the date I file this request with the court. I understand that this  
25 earlier hearing date must be before the date specified in the Notice of Hearing.

26

27 I (will) (will not) be represented by an attorney at the hearing.

28

29 Notice of the time and place of the hearing can be mailed to me at the address below my signature.

30

31 Date: \_\_\_\_\_

32

33

\_\_\_\_\_

SIGNATURE OF RESPONDENT

35

36

\_\_\_\_\_

37

\_\_\_\_\_

ADDRESS

39

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\_\_\_\_\_

TELEPHONE NUMBER

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43

44 (8) If the court orders relief:

45 (a) The clerk of the court shall provide without charge the number of certified true copies of

1 the petition and order necessary to provide the petitioner with one copy and to effect service and  
2 shall have a true copy of the petition and order delivered to the county sheriff for service upon the  
3 respondent, unless the court finds that further service is unnecessary because the respondent ap-  
4 peared in person before the court. In addition and upon request by the petitioner, the clerk shall  
5 provide the petitioner, without charge, two exemplified copies of the petition and order.

6 (b) The county sheriff shall serve the respondent personally unless the petitioner elects to have  
7 the respondent served personally by a private party or by a peace officer who is called to the scene  
8 of a domestic disturbance at which the respondent is present, and who is able to obtain a copy of  
9 the order within a reasonable amount of time. Proof of service shall be made in accordance with  
10 ORS 107.720. When the order does not contain the respondent's date of birth and service is effected  
11 by the sheriff or other peace officer, the sheriff or officer shall verify the respondent's date of birth  
12 with the respondent and shall record that date on the order or proof of service entered into the Law  
13 Enforcement Data System under ORS 107.720.

14 (c) No filing fee, service fee or hearing fee shall be charged for proceedings seeking only the  
15 relief provided under ORS 107.700 to 107.735.

16 (9) If the county sheriff:

17 (a) Determines that the order and petition are incomplete, the order and petition shall be re-  
18 turned to the clerk of the court. The clerk of the court shall notify the petitioner, at the address  
19 provided by the petitioner, of the error or omission.

20 (b) After accepting the order and petition, cannot complete service within 10 days, the sheriff  
21 shall notify the petitioner, at the address provided by the petitioner, that the documents have not  
22 been served. If the petitioner does not respond within 10 days, the county sheriff shall hold the order  
23 and petition for future service and file a return to the clerk of the court showing that service was  
24 not completed.

25 (10)(a) Within 30 days after a restraining order is served under this section, the respondent  
26 therein may request a court hearing upon any relief granted. The hearing request form shall be  
27 available from the clerk of the court and shall be in substantially the form provided in subsection  
28 (7) of this section.

29 (b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk of the  
30 court shall notify the petitioner of the date and time of such hearing, and shall supply the petitioner  
31 with a copy of the respondent's request for a hearing. The petitioner shall give to the clerk of the  
32 court information sufficient to allow such notification.

33 (c) The hearing shall not be limited to the issues raised in the respondent's request for hearing  
34 form. If the respondent seeks to raise an issue at the hearing not previously raised in the request  
35 for hearing form, or if the petitioner seeks relief at the hearing not granted in the original order,  
36 the other party shall be entitled to a reasonable continuance for the purpose of preparing a response  
37 to the issue.

38 (11) If the respondent fails to request a hearing within 30 days after a restraining order is  
39 served, the restraining order is confirmed by operation of law. The provisions of this section are  
40 sufficient to meet the due process requirements of 18 U.S.C. 922(g) in that the respondent received  
41 actual notice of the right to request a hearing and the opportunity to participate at the hearing but  
42 the respondent failed to exercise those rights.

43