



VETERANS' JUSTICE PROJECT

A Service of Metropolitan Public Defenders

Practice Pointer: Obtaining a Restraining Order in Oregon

Date: 15 April 2014

Dear Colleagues:

There are three main types of protective orders contemplated under Oregon law:

- [Family Abuse Prevention Act Restraining Orders](#)
- [Elder/Disabled Abuse Prevention Act Restraining Orders](#)
- [Stalking Protective Orders](#)

(There are others, including “no-contact” or restraining orders which may be put in place by a judge pursuant to family law proceedings, but these are most common.)

First, it is important to understand some details:

- Is the person to be restrained in Oregon?
- What county?
- Is the person to be protected in Oregon?
- What county?
- What was/is the particular activity which has caused the person to be protected to seek protection?
- How old is the person to be protected?
- How old is the person against whom protection is sought?
- Does the person to be protected have a family/household/sexual relationship with the person to be restrained, and has the maltreatment occurred with the past 180 days?
- Is the person to be protected disabled or over 65 years of age?

With respect to a Family Abuse Prevention Act Restraining Order (the most common type), Legal Aid Services of Oregon in Multnomah County is a good resource. Their number is (503) 224-4086, and they are happy to provide free legal advice about these matters. (They can also provide assistance in the other types of restraining orders.)

Generally, the person to be protected is going to need to actually have been the victim of violence (sexual or physical), or have been threatened with violence. The most common pitfalls of people seeking FAPA Restraining Orders is that they say they are “worried” or “concerned” or they report to the judge some level of risk below the threshold of actual or imminent violence.

The advantage of an Elder/Disabled Abuse Prevention Act Restraining Order is that the protections it offers to qualified persons are much broader and can include “demeaning language.” However, you need to be “disabled” or old to qualify.

Stalking Protective Orders are designed to preclude harassment. To qualify for a stalking protective order:

- The Respondent must have intentionally, knowingly, or recklessly engaged in repeated and unwanted contact that “alarmed” or “coerced” the Petitioner or a member of her immediate family or household within the last two years,
- it is reasonable for the Petitioner to feel alarmed or coerced, and
- the contact made the Petitioner reasonably fear for her physical safety or the safety of her household or family,

The Petitioner must provide details describing the conduct by Respondent that is repeated and unwanted contact. If the facts as stated don't back up the application, it may be denied. In an application for the order, a Petitioner must describe any unwanted contact by Respondent within the last two years and explain what was alarming or coercive and who was alarmed or coerced. The statute requires that at least two separate incidents of unwanted contact must have happened.

Here is some additional information from the [Multnomah County Courts Family Law FAQ](#):

10. How can I get a restraining order?

Forms and instructions for getting a restraining order are available at no cost in Room 211 of the Multnomah County Courthouse. These documents are also available online and could be downloaded from the [OJD's Family Abuse Prevention Act \(FAPA\)](#) (statewide) page, but if you download them, you will need to make and bring to the courthouse 3 copies of the completed forms. [How to Obtain a Restraining Order in Multnomah County](#) booklet is also available on the [Finding Legal Help](#) page.

Not everyone qualifies for an order so read the eligibility sections carefully.
No court fees are charged for the restraining order cases.

An advocate (not working for the courts) is available in the Multnomah County Courthouse in Room 211 to help people filling out the forms every day from 10 a.m. until 12:45 p.m. (Effective May 21, 2012, this will change to 9 a.m. until noon). The advocate is very busy and offers help on a first-come, first-serve basis.

One Judge is assigned to hear requests for restraining orders at 1:30 p.m. every afternoon, so your documents must be completed and submitted to court staff by 12:45. (Effective May 21, 2012, this will change to 12 noon). Except in rare situations approved in advance, you must be present in person at the 1:30 hearing to answer any questions the Judge has. Many people are making requests for restraining orders at this time so there will be a wait for your turn. If the order is granted, you will need to return to Room 211 to make arrangements to have the sheriff or someone else serve the papers. You may not be done at the courthouse until 3 p.m. or later.

Additional information for people wanting restraining orders could be found on the [OJD's Domestic Violence Resources](#) (statewide) page.

11. How can I get a Stalking Protective Order?

Forms and instructions for getting a Stalking Protective order are available in Room 211 of the Multnomah County Courthouse. These documents are also available online and could be downloaded from the [OJD's Civil Stalking Protective Order](#) (statewide) page, but if you download the forms, you will need to make and bring to the courthouse 3 copies of the completed forms. Not everyone qualifies for an order so read the eligibility sections carefully. No court fees are charged for stalking order cases.

See [Q/A No.10](#) about the availability of advocates to help with requests for the Stalking Protective

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orders. The hearings to request these orders are held each weekday at the [Justice Center](#) Courtroom Number One (JC 1) at 8:30 a.m. Your documents must be completed and submitted to court staff by 3:30 p.m. the day before the hearing.

Additional information for people wanting stalking protective orders is available in the [Stalking Protective Orders in Multnomah County](#) booklet on the [Finding Legal Help](#) page.

As I am sure you are aware, these matters can be very, very serious—potentially mortal. (They can also be childishly petty and ridiculous.) To preclude the Court from being clogged up with meritless actions (thereby pushing back actual emergencies and placing people who are actually in danger at greater risk), this is not a process for the overly sensitive or unserious. If the threat is real, act on it immediately. I have lost clients who dithered.