



# Oregon Civil Restraining Orders

## SAPO, FAPA, Stalking, EPPDAPA, ERPO, and EPO

<b>Sexual Abuse Protective Order (SAPO)</b> ORS 163.760 to 163.777	<b>Family Abuse Prevention Act (FAPA)</b> ORS 107.700–107.735	<b>Stalking Order</b> ORS 30.866; ORS 163.730–163.750	<b>Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA)</b> ORS 124.005–124.040
<b>Who can apply?</b> (Note: The person applying is called the “petitioner.”)			
<p>Any adult (1) subjected to at least one incident of sexual abuse* (2) who reasonably fears for their physical safety, so long as the petitioner and respondent are not family or household members. (ORS 163.763(1))</p> <p>Any minor (1) subjected to at least one incident of sexual abuse* (2) who reasonably fears for their physical safety. (ORS 163.763(2))</p> <p>*Sexual abuse is defined at ORS 163.760(2).</p>	<p>Anyone (1) subjected to abuse* within the last 180 days (excluding time respondent was in jail or more than 100 miles away) (2) who is in imminent danger of further abuse; and (3) whose physical safety (or that of their child) is credibly threatened. (ORS 107.718)</p> <p>*Abuse is defined at ORS 107.705.</p>	<p>Anyone (1) subjected to at least two unwanted contacts* within the last two years (2) who reasonably and objectively feels alarmed or coerced and (3) who reasonably fears for their personal safety or that of an immediate family or household member.* (ORS 30.866; 163.730)</p> <p>*Contacts are defined at ORS 163.730(3). Purely communicative acts must be threatening to qualify as contacts. <i>State v. Rangel</i> (1999) 328 Or. 294.</p> <p><i>Immediate family and household member</i> are defined at ORS 163.730(4),(5).</p>	<p>Anyone who (1) is 65 or older and does not reside in a long-term care facility OR has a physical or mental impairment that substantially limits one or more major life activities; (2) has been subjected to at least one incident of <i>abuse</i>* within the last 180 days (excluding any time the respondent was in jail or lived more than 100 miles away); and (3) is in immediate and present danger of further <i>abuse</i>.* (ORS 124.010)</p> <p>Guardians must petition for those who lack capacity to petition on their own. (ORS 124.010(1))</p> <p>*Abuse is defined at ORS 124.005(1).</p>
<b>Can minors apply?</b> (Note: Minors are younger than age 18.)			
<p>Yes. Minors under age 12 <i>must</i> have a guardian petition for them; minors older than 12 but younger than 18 may have a guardian petition for them. (ORS 163.763(2))</p>	<p>Yes, if they are either the spouse or former spouse of the respondent or they have been in a sexually intimate relationship with the respondent, and the respondent is 18 years of age or older. (ORS 107.726)</p>	<p>Yes, but they may be required to have a guardian petition for them or choose to have a parent or guardian petition on their behalf. (ORCP 27B; ORS 163.744(3))</p>	<p>Yes, but they may need to have a guardian <i>ad litem</i> petition for them. (ORCP 27B)</p>

SAPO	FAPA	Stalking	EPPDAPA
<b>Who can be restrained?</b> (Note: the person being restrained is called the “respondent.”)			
<p>The respondent must be 18 or older and must not already be restrained by a “no contact order” entered in a criminal case or by another protective order. (ORS 163.763(1))</p> <p>The respondent cannot be a <i>family or household member*</i> if the petitioner is an adult. (ORS 163.763(1))</p> <p><i>*Family or household member</i> is defined at ORS 107.705(4).</p>	<p>Only adults. (ORS 107.726(2))</p> <p>The respondent must be a <i>family or household member*</i> if the petitioner is an adult. (ORS 107.705(4))</p> <p>The respondent must be the spouse or former spouse of the petitioner or have been in a sexually intimate relationship with the petitioner if the petitioner is a minor. (ORS 107.726)</p> <p><i>*Family or household member</i> is defined at ORS 107.705.</p>	<p>Anyone regardless of age or relationship to the petitioner. (ORS 30.866(5))</p>	<p>Anyone who is not the petitioner’s guardian or conservator. (ORS 124.010(8))</p>
<b>What types of relief can the court order?</b> (Note: See applicable statute for full list of available relief.)			
<p>No contacting, intimidating, molesting, interfering with, or menacing petitioner or petitioner’s children, family, or household members; no entering reasonable area surrounding petitioner’s residence or other premise, and other relief necessary to provide safety. (ORS 163.765(1))</p>	<p>No contacting petitioner; temporary custody of children awarded to petitioner; removal of respondent from petitioner’s residence; peace officer accompaniment for either party to remove belongings from residence; restrain respondent from engaging in or attempting to intimidate, molest, interfere with, or menace petitioner or their children; emergency monetary assistance from the respondent; necessary relief to protect service animals, (ORS 107.718(1)); payment of legal fees against either party. Respondent may have contact when required for legal service of process or related to parenting time. (107.716(3)(b))</p>	<p>No contacting or attempting to contact petitioner; payment of civil damages, emotional distress damages, and punitive damages; reimbursement of reasonable attorney fees and costs (only to petitioner, and only in civil proceedings); limit ability to possess firearms and ammunition; mandate that the respondent undergo mental health evaluations, treatment, up to commitment. (ORS 30.866; ORS 163.738)</p>	<p>No abusing, intimidating, etc., protected person; no entering premises; requirement that respondent move from petitioner’s residence; return of any money or property taken, (ORS 124.020); police escort to retrieve belongings, (ORS 124.020); reasonable attorney fees and costs incurred in the hearing. (ORS 124.015)</p>
<b>How long does the order last?</b>			
<p>For adult petitioners: 5 years unless certain exceptions apply that permit or require entry of permanent order. (ORS 163.765(8)). For minor petitioners: 5 years, or until January 1 of the year following the petitioner’s 18th birthday, whichever is later. (ORS 163.765(8))</p>	<p>One year. (ORS 107.718(3))</p>	<p>The order is for an unlimited time unless another law limits its duration. (ORS 163.738(2)(b))</p> <p>Respondent can obtain dismissal if requests hearing and shows basis of petitioner’s fear is gone.</p>	<p>One year, or until the order is withdrawn or amended. (ORS 124.020)</p>

SAPO	FAPA	Stalking	EPPDAPA
<b>Can the order be renewed?</b>			
<p>Yes, but renewal must be requested before order expires, and petitioner must show it is objectively reasonable for person in their situation to fear for their physical safety if order is not renewed. A finding that the respondent has subjected the petitioner to additional sexual abuse is not required. (ORS 163.775(1))</p>	<p>Yes, but renewal must be requested before original order expires, and petitioner must show person in their situation would reasonably fear further acts of abuse by respondent if order not renewed. A finding that there has been a further act of abuse is not required to renew an order. (ORS 107.725))</p>	<p>Typically not applicable (because order usually lasts indefinitely).</p>	<p>Yes, for good cause shown, and it may be granted regardless of whether there have been further acts of abuse. (ORS 124.035)</p>
<b>Is a hearing with the respondent required?</b> (Note: A hearing is when you speak with a judge.)			
<p>Only if respondent requests one within 30 days after being served with order. (ORS 163.765(6)(a))</p> <p>Hearing must be held within 21 days after request; 5-day extension allowed if needed for party to obtain attorney. (ORS 163.767(2)(b))</p>	<p>Only if respondent requests one within 30 days after being served with order. (ORS 107.718(10)(a))</p> <p>Generally, a hearing must be held within 21 days of a request; within 5 days if the respondent contests the custody awarded to petitioner, (ORS 107.716(1)), and a 5-day extension is allowed for a party to seek representation, (ORS 107.716(4)). Parties may appear by phone. (ORS 107.717)</p>	<p>The respondent is required to appear, but if they do not, the court may continue the hearing for up to 30 days or enter the stalking protective order and issue a warrant on the respondent to ensure their appearance. (ORS 30.866(2)-(3))</p>	<p>Only if requested by respondent or, if petitioner is guardian, by person to be protected, within 30 days after being served with the order. (ORS 124.020(9))</p> <p>Hearing must be held within 21 days after request; 5-day extension allowed if needed for party to obtain attorney. (ORS 124.015)</p>
<b>How to apply</b> (Note: There are no fees for filing, serving the respondent, or for any court hearing.)			
<p>Forms are available at courthouse and online at <a href="https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/sexual-abuse.aspx">https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/sexual-abuse.aspx</a>.</p> <p>Petitioner files petition in circuit court for county where petitioner or respondent resides (ORS 163.763(2)(a)) and attends hearing in person or by phone with judge but without respondent (“ex parte”) on same day petition is filed, or on next judicial day. (ORS 163.765(1))</p>	<p>Forms are available at courthouse and online at <a href="https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/restraining.aspx">https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/restraining.aspx</a>.</p> <p>Petitioner files petition in circuit court for county where either petitioner or respondent resides (ORS 107.728) and attends hearing in person or by phone with judge but without respondent (“ex parte”) on same day petition is filed, or on next judicial day. (ORS 107.718(1), .728)</p>	<p>Forms are available at courthouse and online at <a href="https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/stalking.aspx">https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/stalking.aspx</a>.</p> <p>Petitioner files petition in circuit court for county where respondent lives or where unwanted contact(s) took place. (ORS 30.866). Police can petition after issuing stalking citation; stalking victims can request stalking citation by presenting complaint to police. (ORS 163.735-738, .744)</p>	<p>Forms are available at courthouse and online at <a href="https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/elderly-abuse.aspx">https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/elderly-abuse.aspx</a>.</p> <p>Petitioner files petition in circuit court for county where petitioner or respondent resides (ORS 124.012) and attends hearing in person or by phone with judge but without respondent (“ex parte”) on same day petition is filed, or on next judicial day. (ORS 124.020)</p>

	<b>Extreme Risk Protection Order (ERPO)</b> <b>ORS 166.525–543</b>	<b>Emergency Protective Order (EPO)</b> <b>ORS 133.035</b>
<b>Who can apply?</b>	Anyone who is the family member (spouse, intimate partner, parent, sibling, child) or household member of someone who presents a risk of suicide or causing physical injury to another in the near future. (ORS 166.525(2), .527)  Law enforcement (state, county, or city law enforcement, or tribal police as defined in ORS 181A.680) who believe someone presents a risk in the near future of suicide or causing physical injury to another. (ORS 166.527)	A peace officer who has (1) the consent of the person to be protected; and (2) probable cause to believe that:  (i) the order is necessary to prevent abuse of person to be protected; and  (ii) protected person is in immediate danger of abuse by respondent OR respondent is subject to mandatory arrest under ORS 133.055(2) due to a domestic disturbance. (ORS 133.035(1))
<b>Can minors apply?</b>	Yes, but they may need to have a guardian <i>ad litem</i> petition for them. (ORCP 27B)	No, only peace officers can apply (minors can be a protected person).
<b>Who can be restrained?</b>	Anyone who “presents a risk in the near future, including an imminent risk, of suicide or of causing physical injury to another person.” ORS 166.527(6)(a)	The respondent must be a family or household member, as defined in ORS 107.705(4), of the person to be protected. (ORS 133.035(1))
<b>What types of relief can the court order?</b>	Surrender of deadly weapons (including firearms) to law enforcement, a gun dealer, or third party; surrender of concealed weapon permit. (ORS 166.527)	No contacting protected person; no intimidating, menacing, interfering with, or molesting protected person, or attempting to do so. (ORS 133.035(4)(a))
<b>How long does the order last?</b>	One year. (ORS 166.530; ORS 166.527(10))	Seven days from date court signs it; court may terminate order earlier. (ORS 133.035(7))
<b>Can the order be renewed?</b>	Yes, but renewal must be requested within 90 days before original order expires. (ORS 166.535(1))	No.
<b>Is a hearing with the respondent required?</b>	Only if respondent requests within 30 days after being served with the order. (ORS 166.527(9)(a))  Hearing must be held within 21 days after request. (ORS 166.527(9)(c))	No, no hearing is required for an EPO. ORS 133.035(3)
<b>How to apply</b>	Forms are available at courthouse and online at <a href="https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/Extreme-Risk-Protection.aspx">https://www.courts.oregon.gov/programs/family/domestic-violence/Pages/Extreme-Risk-Protection.aspx</a> .  Petitioner files petition in circuit court for county where respondent lives and attends hearing in person or by video with judge but without respondent (“ex parte”) on same day petition is filed, or on next judicial day. (ORS 166.527)	Forms are available at <a href="https://www.oregon.gov/osp/Docs/Emergency%20Protection%20Order%20Form.pdf">https://www.oregon.gov/osp/Docs/Emergency%20Protection%20Order%20Form.pdf</a>  Police officer presents declaration and proposed order in person or by email to circuit court judge on call. (ORS 133.035(2))