

Additional Resources

Yamhill County District Attorney

Victim Services

503-434-7510

Henderson House

503-472-0244

hendersonhouse.org

Legal Aid Services of Oregon

503-472-9561

lasoregon.org

Oregon Law Center

503-472-9561

oregonlawhelp.org

Department of Human Services

503-434-6195

Toll-free: (800) 822-3903

oregon.gov/dhs

Hope Card Program

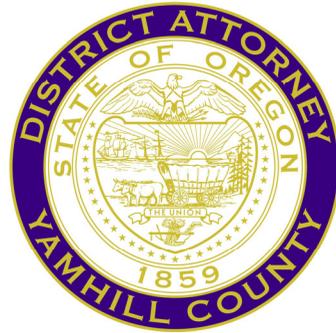
Request a Hope Card through the DOJ portal
<https://doj.state.or.us/hopecard-portal>

Yamhill County Courthouse

535 NE Fifth Street

McMinnville, OR 97128

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Overview on Protective Orders

Family Abuse Prevention

Restraining Order



Stalking Protective Order



Sexual Abuse Protective Order



Elderly/Persons with Disabilities

Protective Order



Extreme Risk Protective Order

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Yamhill County Courthouse

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McMinnville OR 97128

503-434-7510

This brochure provides you a brief overview of five protective orders that may be available to you if you are a victim of abuse. It is important to know, the information contained here is a summary of those orders; a more detailed description of each of the orders can be found at www.oregonlawhelp.org or www.courts.oregon.gov/forms

Assistance with Forms

The Yamhill County District Attorney's Victim Services is available to assist you with the forms. Our office is located in the courthouse, Room 117. Henderson House is also available to assist you. You may also consult an attorney for assistance with the forms.

How to file a Protective Order

Forms are available in Room 128 of the Yamhill County Courthouse. Protective Orders must be filed by 9am, and will be heard the same day at 9:30am. If a Protective Order is turned in after 9am, it will be heard the following judicial day at 9:30am. It can take over an hour for the documents to be completed, so be sure to leave enough time.

Final Order Issued

The final order takes effect when it is personally served upon the Respondent. To help protect yourself, you can request a Hope Card from the Oregon Dept. of Justice that contains the basic information of your issued protective order. Hope Cards are a convenient way to provide information about your protection order to law enforcement, employers, land-lords, schools, daycares, etc. Alternatively, you are encouraged to keep a copy of your order with you at all times.

Contested Hearings

(The process for Stalking Orders is different)

The Respondent has up to 30 days after being served to request a hearing. If a hearing is requested, you must prepare for and attend the hearing or the order will likely be dismissed.

Violations of the Order

Call the police immediately if the Respondent violates the order. The order is enforceable throughout the state of Oregon and nationwide. Violation of the order can be prosecuted by the issuing county or the county where the violation occurred.

Extreme Risk Protective Order

ORS 166.525-166.543

Requires an individual, within 24 hours, to surrender all deadly weapons to a law enforcement agency, a gun dealer, or a third party who may lawfully possess the deadly weapons. Also requires an individual to surrender their CHL and not have in their custody or control, purchase, possess, receive, or attempt to purchase or receive, a deadly weapon while this order is in effect

Time frame: There does not have to be an occurrence within a certain length of time. Respondent has to present an imminent risk.

Eligibility:

- Respondent presents a risk in the near future of suicide or of causing physical injury to another person.
- Qualifying relationship required— Must be a household or family member; A spouse, intimate partner, parent, child or sibling of Respondent, or any person living in the same household as Respondent. Or a Law Enforcement Officer.
- Available to adult Petitioners and may be available to minor Petitioners.

Duration: Lasts for one year, unless dismissed. May be renewed if found that Respondent continues to present a risk in the near future, including an imminent risk, of suicide or of causing physical injury to another person. Renewals must be filed within 90 days before expiration.

Family Abuse Prevention Act

Restraining Order

ORS 107.700-107.732

Prohibits an abuser from intimidating, molesting, or menacing Petitioner (the protected person) and any children in Petitioner's custody.

Time frame: Must have taken place within the last 180 days (six months) Any time the abuser spent in jail or lived more than 100 miles away from the person to be protected does not count against the 180 day time period.

Eligibility:

- There must be an immediate and present danger of further abuse
- Qualifying relationship required— Must be a household or family member; A spouse or former spouse; An adult related by blood, marriage, or adoption; A partner (of the same or opposite sex) who is living or has lived with Petitioner; A person (of the same or opposite sex) who has had a sexually intimate relationship with Petitioner with in the past two years; or the other parent of Petitioner's child(ren).
- Only one instance of abuse is required. Must have been abused in one of the following ways: physical injury, threat of and/or fear of physical injury or forced sexual relationships
- Limited availability to minor Petitioners
- Not available against minor Respondent

Duration: Lasts for two years, unless modified or dismissed. May be renewed if found that it is objectively reasonable for a person in the Petitioner's situation to fear for the person's physical safety if the order is not renewed.

Stalking Protective Order

ORS 30.866 ORS 163.730-163.755

Prohibits a stalker from doing things like following or contacting the victim, or a member of the victim's immediate family or household.

Time frame: Must have taken place within the last two years

Eligibility:

- Petitioner's fear must be actual and reasonable and the contact has actually caused reasonable fear for the physical safety of the petitioner or a member of the petitioner's household or family.
- Two incidents of stalking are required. Examples might be: threatening to cause injury, following, waiting outside home, school, job or property, sending letters, texts, e-mails, or phone calls that threatens immediate serious personal violence.
- Stalking is intentional, knowing, or reckless repeated and unwanted contact that is alarming or coercive (forceful) to Petitioner or a member of the Petitioner's immediate household or family; when it is objectively reasonable for the Petitioner to feel alarmed or coerced; and the contacts cause reasonable fear regarding the Petitioner's (or immediate household or family members') physical safety.
- A parent or guardian may request a stalking order on behalf of a minor child or dependent.
- May get a stalking order against a stalker who is under the age of 18.

Duration: Permanent, unless otherwise ordered by a Judge

Sexual Abuse Protective Order

ORS 163.760-163.777

Prohibits an abuser from intimidating, molesting, interfering with, or menacing Petitioner.

Time Frame: The abuse does not have to have occurred within a certain length of time.

Eligibility:

- There must be reasonable fear for Petitioner's safety with respect to Respondent.
- At least one incident of abuse required where Respondent subjected Petitioner to sexual abuse (sexual abuse = sexual contact with a person who does not or cannot consent to the sexual contact or act)
- Available to minor and adult Petitioners (12 and older can file own petition. Parent or guardian can petition for person under 18)
- Not available against minor Respondents
- Petitioner and Respondent must NOT be "family or household members", as defined in FAPA (does not apply if Petitioner is a minor).
- Respondent must NOT be subject to another protective order regarding this Petitioner

Duration: Lasts for five years, unless modified or dismissed. If Petitioner is a minor at the time of entry, order lasts until Petitioner attains 19 years of age or 5 years, whichever length of time is greater. May be renewed if found that it is objectively reasonable for a person in the Petitioner's situation to fear for the person's physical safety if the order is not renewed. The order can become permanent in certain circumstances.

Elderly/Disabled Person Protective Order

ORS 124.005-124-040

Prohibits an abuser from intimidating, molesting, interfering with or menacing an elderly person or a person with disabilities.

Time frame: Must have taken place within the last 180 days (six months) Any time the abuser spent in jail or lived more than 100 miles away from the person to be protected does not count against the 180 day time period.

Eligibility:

- There must be an immediate and present danger of further abuse of an elderly and/or disabled person is required. An "elderly person" is anyone who is 65 or older and NOT a long-term care facility resident.. A "person with a disability" is anyone who would qualify for services or benefits because of a physical, emotional, or mental disability.
- One incident of abuse required. Abuse is described as any of the following: **Physical Injury:** Physical pain or injury caused by other than accidental means, withholding services, abandonment, desertion or neglect that leads to physical harm. **Threats or Other Abusive Conduct:** Derogatory or inappropriate names, harassing, or threatening conduct of such nature as to threaten significant physical or emotional harm to the Petitioner. **Financial:** wrongful taking or appropriation or money or property. Or threatening to do so. **Sexual:** non-consensual sexual contact
- A guardian may request an order on behalf of Petitioner

Duration: Lasts for one year, unless modified or dismissed. May be renewed , no further acts of abuse are required.