

FACT SHEET

ELECTRONIC NOTIFICATION TO PETITIONER WHEN PROTECTION ORDERS HAVE BEEN SERVED AND PRIOR NOTIFICATION OF EXPIRATION

One of the most dangerous times for a victim is when service of a protection order occurs. Timely notice to the victim is essential so that they can plan for their safety. Current notification requirements under Oregon Revised Statutes (ORS) 107.720 require the Sheriff to provide the petitioner in a Family Abuse Prevention Act (FAPA) case with a true copy of the proof of service. This is done by sending the victim a copy of the, "Return of Service" form by mail. This can sometimes delay notifying the victim of service. ORS 124.020(8)(a) and (b) require the Sheriff in Elderly Person and Persons With Disabilities Abuse Prevention Act (EPPDAPA) cases, within 10 days of receiving a completed Petition and Order, to notify the victim if the Respondent has not been served with documents. ORS 107.720, 124.030, and 30.866(11) also require the Sheriff to enter information about the issuance and service of Restraining Orders into the Oregon State Police Law Enforcement Data System (OSP LEDS) in FAPA, EPPDAPA, and civil Stalking cases.

Some smaller communities may contact the victim by phone after service occurs and others may ask the victim to call them. Victims will call the Sheriff's Office and the court, oftentimes repeatedly, to find out if service occurred, generating call volume to the court and Sheriff's office.

The objective of this project is to provide notification regarding service of protection orders in FAPA, EPPDAPA, and Civil Stalking cases via cell phone text message or email. This notice is an ENHANCEMENT to the existing process. It is not meant to take the place of the requirement to send the victim a true copy of proof of service as required by statutes.

The box below is a copy of the new information box that will be included in the forms for Family Abuse Protection Orders (FAPAs), Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA) and Civil Stalking cases. This will reflect the required information if the petitioner opts to receive electronic notification.

NOTICE TO PETITIONER:

If you would like to receive an email message and/or cell phone text message advising you of when the Restraining Order has been served on the Respondent and another message 30 days before the Order expires, please provide the information requested below. This information will be given to the sheriff's office in the county where the Restraining Order was obtained.

This is voluntary—you are not required to provide this information.

Your cell phone number : _____

Your cell phone carrier (ATT, Verizon, etc.): _____

Your email address: _____

Note: If this information changes, you must notify the Sheriff's office of the new information in order to receive the notice by email or cell phone text message.

Key facts:

- Petitioner would need to provide an email address or cell phone number in the new forms.
- This service is **optional**, not required.
- Petitioner is notified as soon as the information is entered into the Law Enforcement Data Systems (LEDS) by the Sheriff's Office.
- This is an **enhancement** to the existing process. It is *not* meant to take the place of the requirement for the Sheriff to send the victim a true copy of the proof of service as required by Oregon Revised Statutes which is accomplished by mail.
- This enhancement will be beneficial to the victims and the Sheriff's Office in providing more timely notification to the petitioner that the restraining order has been served.

The automatic message that will be sent to the petitioner for new protection orders states:

To petitioners' email address (if provided):

"Your protection order has been served by (agency name). Please do NOT reply to this email as it is an unmonitored mailbox. If you have any questions please contact (agency name) at (agency phone number)."

Text message to petitioners' cellular phone:

"Your protection order has been served by (agency name)"

Additional messages will be sent out to each email address and cellular phone number on file for each protected person as follows:

- Renewal notices when a modification to the expiration date transaction is entered into LEDS.
- And 30 days prior to the expiration of an active protection order.

Frequently Asked Questions:

Q: Is the cell phone number and email address kept confidential?

A: This information will not be provided to the opposing party or his/her attorney, or to the public; except for the state and law enforcement.

Q: What if I change my cell phone number or my e-mail address?

A: You would need to notify the Sheriff's office in writing in the county where the Restraining Order was obtained.

Q: Can I use the Advocate's organization email address?

A: This would be a decision of the individual organization. *You must have the permission of the organization to use their email address for notification.*

For questions or additional information about this notification enhancement please contact:

Diana Fleming Diana.I.Fleming@doj.state.or.us
Karen Heywood Karen.S.Heywood@doj.state.or.us

For questions or additional information about the forms, please contact the court where you are filing, modifying, or renewing the original restraining order.

Getting a Stalking Protective Order (ORS 30.866)

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

What is a Stalking Protective Order?

A Stalking Protective Order is a court order that tells a person who has made unwanted contact with you or a member of your immediate family or household to stop this behavior.

What are the Requirements for Getting a Stalking Protective Order?

To get a Stalking Protective Order (SPO) under Oregon law, you or a member of your immediate family or household must have been contacted **two separate times** within the past two years.

The law says stalking is:

- repeated and **unwanted** contact that is alarming (causes fear) or coercive (forceful) to you and
- it is reasonable for you to feel alarmed or coerced and
- the contacts cause you to reasonably fear for your physical safety or the physical safety of your household or family

What are Some Examples of Stalking Behavior?

Some examples of contacts or behaviors that may be grounds for a Stalking Protective Order are:

- Waiting outside your home, school or work or the home, school or work of an immediate family or household member
- Following you or a member of your immediate family or household
- Committing a crime against you or a member of your immediate family or household
- Letters, phone calls, e-mails or text messages that threaten immediate serious personal violence

Where Do I File for a Stalking Protective Order and How Much Does It Cost?

You must file for a Stalking Protective Order in the courthouse in the county where the stalker lives or where the unwanted contacts took place. A Stalking Protective Order is free.

These forms are **not** meant to be used to ask the court to order the stalker to pay damages you may have suffered as a result of the stalking activity. If you want to ask for damages, you likely will need the help of a lawyer. To find 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.

How Do I Fill Out The Papers to Get a Stalking Protective Order?

IMPORTANT NOTE

INFORMATION THAT MUST BE KEPT CONFIDENTIAL

You must keep certain information (“confidential personal information”) out of any papers you file or submit to the court. You must instead, provide that information in a Confidential Information Form. “Confidential Personal Information” includes social security number; date of birth; former legal names; driver license numbers; and employer’s name, address, and telephone number. It also applies to information about a party or a party’s child. On the document where that protected personal information would otherwise appear, you must note that the information has been separately provided under UTCR 2.130. (UTCR refers to the Uniform Trial Court Rules that apply across the state).

Relevant Rules and Forms

UTCR 2.130 – Confidential Personal Information in Family Law and Certain Protective Order Proceedings

[UTCR 2.130 Confidential Information Form for Stalking Petitioners](#)

[UTCR 2.130 Confidential Information Form for Stalking Respondents](#)

[UTCR Form 2.130.2 Notice of Filing of Confidential Information Form \(CIF\) or Amended CIF](#)

Use a blue or black pen and write clearly. You are the Petitioner and the person you want to stop contacting you is the Respondent. Answer each question on the Petition carefully and tell the truth. Make sure that you fill out the Petition **completely**. You must sign in front of a notary or court clerk. Bring ID (photo ID is best). If available, a court facilitator or advocate may be able to help you with the forms. They cannot answer legal questions. After you fill out the Petition, submit it to the court.

What If I Am a Minor (under 18)?

If you are under the age of 18, the court should appoint a *guardian ad litem*. A *guardian ad litem* is a person who is 18 years or older and a person who can represent your interests; usually a trusted family member or friend. The person who will be your *guardian ad litem* needs to **first** file an Application for a Guardian Ad Litem. The court clerk may have this form available.

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, usually under oath. If the judge decides that the facts of your situation meet the requirements of the law, he or she will give you a Temporary Stalking Protective Order.

How Do I Serve The Papers?

If the judge signs your order, a court clerk should make certified copies of the order for you. You need to have one of the copies hand-delivered to the Respondent by a sheriff’s deputy (free in Oregon), a private process server or certain adults. You **cannot** serve the papers yourself. Talk to the court clerk about ways to get the respondent served. The server must complete a declaration of service and file it with the court. There is a Declaration of Proof of Service form

in the packet, but some servers use their own forms. Until the Respondent is properly served (receives a copy) the Temporary Stalking Protective Order cannot be enforced.

Will a Hearing Be Scheduled?

If the judge signs the Temporary Stalking Protective Order, a hearing will be set. Information about the date and time of the hearing is on page 3 of the Temporary Stalking Protective Order. The Temporary Stalking Protective Order lasts until the hearing.

What Happens at the Hearing?

The reason for the hearing is so the judge can decide whether or not the Temporary Stalking Protective Order should be made permanent. You **must** go to the hearing or the order probably will be dismissed (ended).

At the hearing, you must prove what you wrote in the Petition. You should be ready to give your own testimony, call witnesses, and give the judge any evidence (such as photos, letters, recordings). If the judge decides that you have proven your case, he or she will sign a Final Stalking Protective Order.

If the Respondent does not come to the hearing and the judge signs a Final Stalking Protective Order, the order must be served on the Respondent. (See “How Do I Serve the Papers” on page 2)

How Long Does the Final Stalking Protective Order Last?

A Final Stalking Protective Order is permanent. The Respondent, however, can file legal papers to ask the court to end the order. If the Respondent files papers, a hearing will be set on whether or not the Final Stalking Protective Order should be ended. You will be served with the legal papers. They should include notice of the date and time of the hearing.

What Can I Do If The Respondent Does Not Follow the Temporary or Final Order?

If the Respondent does not obey either a Temporary or Final Stalking Protective Order, it is a crime. If the Respondent acts in a way that the court order does not allow, you should call the police. The police must arrest the Respondent if they have reason to believe that he or she has not followed a Temporary or Final Stalking Protective Order. If the Respondent is convicted of a violation of a Stalking Protective Order, it is a Class A Misdemeanor. If the Respondent has a prior conviction for Stalking or violation of a Stalking Protective Order, it is a Class C Felony.

A Stalking Protective Order alone may not protect you against the Respondent’s actions. If you need information about what other safety steps you can take, you may want to contact a victim advocate in your community. For 24-hour hotline numbers, local resources and other information, go to: <http://courts.oregon.gov/OJD/OSCA/JFCPD/Pages/FLP/Domestic-Violence-Resources.aspx>

What If I Need an Accommodation or an Interpreter?

If you have a disability and need an accommodation, or you are unable to speak English and need a foreign language interpreter, you must tell the court at least 4 days before the hearing, if possible. Tell the clerk that you have a disability and what type of assistance you need or prefer, or which language you speak.

Do I Need a Lawyer?

If you have questions about how the law works, whether a stalking protective order is right for you or you need help with the scheduled hearing, you may want to talk to a lawyer. You are not required to have a lawyer. See the box on Page 1 for information about how to find a lawyer.

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

In the Matter of :) Case No. _____
)
)
_____,)
Petitioner,)
) **PETITION FOR STALKING**
) **PROTECTIVE ORDER**
) ORS 30.866
and Guardian Ad Litem)
)
)
_____,)
Respondent.)

NOTICE TO PETITIONER

- You must provide complete and truthful information. If you do not, the court may dismiss the order and may also hold you in contempt of court.
- If you wish to have your residential address and telephone number withheld from the Respondent, use a contact address and telephone number so the court and sheriff can reach you.

1. I (*write your name*), _____, request that the Court issue a Stalking Protective Order against (*write Respondent's name*) _____, requiring that Respondent stop all contact and avoid all contact with Petitioner (me).
2. I am _____ years old and a resident of _____ County, Oregon.
3. Respondent is _____ years old and a resident of _____ County, Oregon.
4. What is your relationship to Respondent? (*check one*)
 - Respondent is my spouse or former spouse.
 - Respondent is my registered domestic partner or former registered domestic partner.
 - Respondent and I have a child together.
 - Respondent and I cohabit (live together in sexually intimate relationship) or used to cohabit (live together in sexually intimate relationship).
 - I am Respondent's child.
 - I am a child of an intimate partner*of Respondent (*spouse/former spouse, parent of Respondent's child or cohabitant/former cohabitant).
 - Respondent and I are in dating relationship or used to be in a dating relationship.
 - Respondent is a family member. (*How are you and respondent related?* _____)
 - Respondent is a friend or former friend.
 - Respondent is a co-worker or used to be co-worker.
 - Respondent is a stranger.
 - other _____

To qualify for a stalking protective order:

- the Respondent must have intentionally, knowingly, or recklessly engaged in repeated and unwanted contact that alarmed (frightened) or coerced (forced) you or a member of your immediate family or household within the last two years,
- it is reasonable for you to feel alarmed or coerced and
- the contact made you reasonably fear for your physical safety or the safety of your household or family,

You must provide details describing the conduct by Respondent that is repeated and unwanted contact. If you do not state facts to back up this application, it may be denied.

Describe below in Section 5 any **unwanted contact** by Respondent within the **last two years**. List the most recent contact first, followed by the next most recent, etc. For each contact, write down the **location** (place), **date**, and **approximate time** of the contact. Explain what was alarming or coercive and who was alarmed or coerced.

At least two separate incidents of unwanted contact must have happened.

5A. Date/Time of last incident: _____

Location (include County and State): _____

Describe what happened and to whom: _____

5B. Date/Time of earlier unwanted contact: _____

Location (include County and State): _____

Describe what happened and to whom: _____

5C. Date/Time of earlier unwanted contact: _____

Location (include County and State): _____

Describe what happened and to whom _____

6. Explain why the unwanted contact was alarming or coercive: _____

7. Explain why the unwanted contact has made you afraid for your personal safety or the safety of a family or household member: _____

8. Explain why Respondent knew or should have known that his/her conduct was unwanted: _____

I have attached an additional page(s) detailing more unwanted and alarming/coercing contacts, and/or giving more information about the contacts described above.

9A. Were any of the spoken or written contacts a **threat** that made you afraid that serious personal violence or physical harm would happen to you very soon?

- No. You do not need to fill out questions 9A – 9D and can go to Question 10.
- Yes. The spoken or written contact(s) I described in 5A 5B 5C were such a threat.

If you answered yes, you must also answer the following four questions:

9B. Why did you believe that the threat was directed to you: _____

9C. Why did you believe that the Respondent **intended to carry out** that threat: _____

9D. Why did you believe that the Respondent **had the ability to carry out** that threat: _____

9E. Explain why that threat made you **afraid of imminent serious personal violence or physical harm**: _____

10. I want the court to order Respondent to complete a mental health evaluation and any recommended treatment as part of the Permanent Stalking Protective Order. Yes No

11. I will need an interpreter in court. Yes No

12. I believe the Respondent will need an interpreter in court. Yes No

13. If I hire an attorney to represent me in this case, I am asking that the court award me attorney fees pursuant to ORS 30.866(4) (c). Yes No

14. (Optional) I believe the Respondent presents a credible threat to my physical safety. I ask the court to order the Respondent to be prohibited from possessing firearms and ammunition and to surrender any firearms in their possession to law enforcement, a licensed gun dealer, or a qualified third person.

Notice to Petitioner:

This petition must be completely filled out, signed, and acknowledged by a notary public or court clerk before a judge can hear it. If the information in the petition does not meet the statutory requirements for a Stalking Protective Order, the Court will deny the petition. If the order is granted, be sure to appear at all scheduled court appearances or the order may be terminated. To help protect you or a member of your immediate family or household, you should take steps to enforce the order by contacting the police when and if the Respondent violates the order. Even then, this order may not protect you or a member of your immediate family or household against the Respondent's actions. If you feel you or a member of your immediate family or household are in immediate danger, you should contact the police by dialing 911.

DATED this _____ day of _____, 20____.

Signature of Petitioner

Print Name

Address or **Contact** Address

City, State, Zip

Telephone or **Contact** Telephone

State of _____)

County of _____)

This instrument was SIGNED and SWORN to before me on _____, 20____, (date)

by _____ (name of person(s)).

Notary Public for _____/Court Clerk
My Commission Expires: _____

Information about Respondent

(What you write in the blanks below will make it easier to find and serve the Respondent with the order and to take care of any safety concerns the officers serving the order may face.)

Address: _____

City/State/Zip: _____

Birthdate: _____ **(See CIF)** _____

Employer and Employer Address: _____ **(See CIF)** _____

Place most likely found: _____

During what hours: _____

Height/Weight: _____ Hair Color / Eye Color: _____

Physical Characteristics: _____

Description of Vehicle: _____

Access to Weapons? If so, what type? _____

Arrested or convicted of violent crime? *Explain* _____

Danger to Others? To Respondent himself/herself? *Explain* _____

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

In the Matter of :)	Case No. _____
)	
)	<input type="checkbox"/> TEMPORARY STALKING PROTECTIVE ORDER
)	
_____ ,)	<input type="checkbox"/> FINAL STALKING PROTECTIVE ORDER AND JUDGMENT
Petitioner,)	
<input type="checkbox"/> Guardian Ad Litem)	<input type="checkbox"/> ORDER OF CONTINUANCE
and)	
)	<input type="checkbox"/> JUDGMENT OF DISMISSAL
_____ ,)	
Respondent.)	

This matter came before this Court on ____ / ____ / ____ (date) for hearing on issuance of a:

Temporary Stalking Protective Order

Final Stalking Protective Order and Judgment.

PETITIONER: Appeared in person Did not appear With attorney _____

RESPONDENT: Appeared in person Did not appear With attorney _____

The court considered the allegations made in the Petition and other evidence offered and **FINDS:**

(For Temporary Order) probable cause that:

(For Final Order and Judgment) by a preponderance of the evidence that:

1. Respondent has engaged intentionally, knowingly, or recklessly in repeated and unwanted contact with the Petitioner or a member of the Petitioner’s immediate family or household, and it was reasonable for Petitioner to be alarmed or coerced by this contact.
2. Respondent knew or should have known that the repeated contact was unwanted.
3. It is objectively reasonable for a person in Petitioner’s situation to have been alarmed or coerced by Respondent’s contact.
4. Respondent’s repeated and unwanted contact caused the Petitioner reasonable apprehension regarding the Petitioner’s own personal safety or the safety of a member of his/her immediate family or household.
5. The unwanted contact occurred within two years of the filing of this action.
6. If applicable: Any unwanted contact that was purely communicative in nature was perceived by Petitioner as a credible threat of imminent serious personal violence or physical harm to Petitioner or to a member of his/her family, and it was reasonable to believe that such threat was likely to be followed by unlawful acts.
7. **Optional additional findings: FIREARMS PROHIBITION AND DISPOSSESSION**
(only required if firearms terms are ordered)
 - Respondent represents a CREDIBLE THREAT to the physical safety of Petitioner.
 - Petitioner and Respondent have a QUALIFYING RELATIONSHIP:
 - spouses/Registered Domestic Partners (current or former)

- sexually intimate relationship (*current or former*)
- cohabitants (*current or former*)
- adults otherwise related by blood or marriage
- unmarried parents of a minor child

IT IS HEREBY ORDERED that:

- Temporary Stalking Protective Order**
- Final Stalking Protective Order and Judgment**

8. Respondent shall **stop stalking** Petitioner or member of Petitioner’s immediate family or household members and shall **stop all contact and avoid all contact** with Petitioner or members of Petitioner’s immediate family or household. Contact includes but is not limited to:

- A. Coming into the visual or physical presence of the other person;
- B. Following the other person;
- C. Waiting outside the home, property, place of work or school of the other person or of a member of that person's immediate family or household and being at the following places: _____

- D. Sending or making written or electronic communications in any form to the other person;
- E. Speaking with the other person by any means;
- F. Communicating with the other person, including through a third person;
- G. Committing a crime against the other person;
- H. Communicating with a third person who has some relationship to the other person with the intent of affecting the third person's relationship with the other person;
- I. Communicating with business entities with the intent of affecting some right or interest of the other person;
- J. Damaging the other person's home, property, place of work, or school; or
- K. Delivering directly or through a third person any object to the home, property, place of work or school of the other person.
- L. Other: _____

IT IS FURTHER ORDERED THAT:

An ex parte hearing on **TEMPORARY** relief having been held:

9. **Respondent must appear** at a hearing on this Temporary Stalking Protective Order on _____ / _____ / _____ (*date*) and _____ (*time*) in Room _____ of the _____ County Courthouse to show cause why the Temporary Stalking Protective Order should not be continued for an indefinite period. The Temporary Stalking Protective Order issued on _____ / _____ / _____ (*date*)

shall be enforceable against the Respondent until terminated by the court or until service upon the Respondent of a Final Stalking Order. *See attached* **“Notice to Respondent and Order to Personally Appear For Hearing.”**

10. **NO** Temporary Stalking Protective Order shall issue, as the Court finds Petitioner has not proven a basis for such order.

A hearing on **PERMANENT** relief having been set for today after notice to the Respondent:

11. CONTINUANCE

The hearing shall be CONTINUED to _____ / _____ / _____ (date) and _____ (time) in Room _____ of the _____ County Courthouse. The Stalking Protective Order issued on _____ / _____ / _____ (date) shall remain in effect pending this hearing.

12. WARRANT

A Warrant for Respondent’s arrest shall issue because Respondent did not appear. Security amount is set at \$5,000 / \$ _____.

13. DISMISSAL

The Temporary Stalking Protective Order issued on _____ / _____ / _____ (date) shall be terminated and the Petition dismissed, as the Court finds that Petitioner has not proven the basis for this order or
 Petitioner did not appear.

14. VOLUNTARY DISMISSAL

The Temporary Stalking Protective Order issued on _____ (date) shall be terminated and the Petition dismissed, as the Court finds that Petitioner has made such a request voluntarily.

15. FINAL ORDER AND JUDGMENT

The court has ordered the continuation of the terms of the restraint detailed above in Paragraph 8. This Order is a Final Judgment and is of unlimited duration unless modified by law or by further order of the court.

16. ATTORNEY FEES

Pursuant to ORS 30.866(4)(c), Petitioner is awarded attorneys fees in the amount of \$ _____.
 Other order regarding award of attorneys fees to Petitioner: _____

17. MENTAL HEALTH EVALUATION

Respondent is ordered to undergo a mental health evaluation and, if indicated by the evaluation, treatment.
 Respondent is without funds to obtain the evaluation or treatment or both. Respondent is referred to (mental health agency): _____

18. SERVICE: Petitioner Respondent was served in Court with a copy of this Order.

19. DATE OF BIRTH: Respondent's date of birth is: (See CIF)

(Optional terms-only required if firearms terms are ordered)

20. **Immediate Firearms Prohibition** - Respondent is immediately prohibited from **purchasing or possessing any firearms or ammunition** (Event: FQOR)

21. **Firearms Surrender** (if a qualifying relationship exists and a credible threat finding is made after hearing)
Respondent is ordered to surrender all firearms and ammunition according to the attached *Firearms Surrender and Return Terms*, which are incorporated and made part of this *Order*

➤ Respondent is ordered to file a *Declaration of Firearms Surrender* with any required attachments according to the *Firearms Surrender and Return Terms*

FIREARMS NOTIFICATION

If **Box 20 is checked**, you are immediately prohibited from purchasing or possessing any FIREARM, including a rifle, pistol, or revolver, and AMMUNITION (ORS 107.718(1)(h)). You may be held in contempt of court for violation of this prohibition.

If **Box 21 is checked**, you are required to surrender any firearms and ammunition you have in your possession within 24 hours of receiving this *Order*. You must file a *Declaration of Firearms Surrender* with this court within 48 hours of receiving this *Order*. You may be subject to criminal penalties for violation of surrender terms.

B. Notice and Opportunity to Participate:

The Order was issued after a hearing of which Respondent received actual notice and at which Respondent had the opportunity to participate. CERTIFICATES OF COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT

FULL FAITH AND CREDIT PROVISIONS: This 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. Respondent was or is being afforded notice and timely opportunity to be heard as provided by Oregon law. This Order is valid and entitled to enforcement in this and all other jurisdictions.

Judge Signature:

Certificate of Readiness for Judicial Signature.

This proposed order is ready for judicial signature under UTCR 5.100 because this order is submitted ex parte as allowed by statute or rule, or is otherwise not required pursuant to UTCR 5.100(3), or by statute, rule, or otherwise.

Dated: _____ Submitted by (signature): _____

Print Name, Petitioner Attorney for Petitioner

OSB No. (if applicable)

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone Number

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

In the Matter of :) Case No. _____
)
)
_____,)
Petitioner,)
 Guardian Ad Litem)
)
_____,)
Respondent.)

**NOTICE TO RESPONDENT
AND ORDER TO PERSONALLY
APPEAR FOR HEARING**

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

1. You, the Respondent, have been named as an alleged stalker in the attached petition. The Petition claims that you have intentionally, knowingly, or recklessly alarmed (frightened) or coerced (forced) the Petitioner or a member of the Petitioner's immediate family or household by engaging in repeated and unwanted contact with the other person. A Temporary Court's Stalking Protective Order has been entered against you by the court. **See attached copy of the Petition and Temporary Stalking Protective Order.**
2. You **MUST** appear at _____
Name and Address of Courthouse
on ____ / ____ / ____ at _____ for a hearing.
Date Time

At the hearing, the court will determine whether or not to issue a Final Stalking Protective Order for an unlimited amount of time.

TO RESPONDENT: IF YOU FAIL TO ATTEND THE HEARING, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST AND A FINAL STALKING PROTECTIVE ORDER AGAINST YOU.

Violation of the Stalking Order

VIOLATION OF A STALKING PROTECTIVE ORDER, TEMPORARY OR FINAL, IS A CRIME. The crime is a Class A Misdemeanor, but if you have a prior conviction for Stalking or Violating a Stalking Protective Order, a violation is a Class C Felony.

FIREARMS PROHIBITIONS MAY APPLY TO YOU!

FIREARMS NOTIFICATION under 42 USC §3796gg-(4)(e): As a result of this Order, it **may** be unlawful for Respondent to possess, receive, ship, transport or purchase a **firearm or ammunition** pursuant to **federal law** under 18 USC §922(g)(8) and **state law** under ORS 166.250 to 166.270. This Order also **may** negatively affect Respondent’s ability to serve in the Armed Forces of the United States or to be employed in law enforcement. See Sections 20 – 21 on the Order. If Section 20 is checked, you are immediately subject to contempt of court for possession of firearms or ammunition.

If Box 20 is checked, you are immediately subject to civil penalties for possession of firearms or ammunition.

If Box 21 is checked, you must surrender all firearms and ammunition in your possession within **24 hours** of receiving this Order or you will also be subject to criminal prosecution for possession of firearms or ammunition for as long as the Final Stalking Protective Order is in effect. If you have any questions whether this law makes it illegal for you to possess or purchase a firearm, you should consult an attorney.

Other Laws May Also Apply To You

Whether or not a Stalking Protective Order is in effect, federal law may prohibit you from:

- Traveling across state lines or tribal land lines with the intent to injure, harass, or intimidate your current or former spouse or intimate partner and then intentionally committing a crime of violence causing bodily injury to that person.
- Causing your current or past spouse or intimate partner to travel across state lines or tribal land lines and then intentionally committing a crime of violence causing bodily injury to that person.
- Traveling across state lines with the intent to injure or harass another person, and as a result of, or in the course of such travel, placing that person in reasonable fear of the death or serious bodily injury of that person or a member of that person’s immediate family.
- Using the mail or other interstate instrumentality to seriously injure another person, or to place that person in reasonable fear of death or serious bodily injury of that person or a member of that person’s immediate family

Judge Signature:

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

In the Matter of :) Case No. _____
)
)
_____,)
Petitioner,)
)
and)
)
_____,)
Respondent.)

**APPLICATION FOR APPOINTMENT
OF GUARDIAN AD LITEM IN
STALKING ACTION FOR MINOR
CHILD**
Under ORS 30.866

APPLICATION

1. I wish to file a Stalking Petition to protect the following minor Child:
Name: _____
Age: _____ Date of Birth: (See CIF) _____
2. I am willing to serve as Guardian ad Litem in this matter and request that I be appointed.
I am a suitable person for this appointment because: _____

I am at least 18 years old and my relationship to the Child is (describe your relationship with the child and how you know the child):

Signature

Print or Type Name

Notary Public for _____/Court Clerk
My Commission Expires: _____

Signature of Petitioner Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone
Use a Safe Contact Address Use a Safe Contact #

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

 Petitioner
and

 Respondent

)
)
) Case No.: _____
)
)
)
)
)
)
)

**CONFIDENTIAL INFORMATION FORM (CIF) FOR
PROTECTED PERSON (PETITIONER) IN
STALKING CASES**

Amended CIF

**This document is not accessible to the public
or other parties. See UTCR 2.130**

**ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS
DOCUMENT.**

The information below is about: Petitioner

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Date of Birth of Petitioner: _____

Children's Names (Last, First, Middle)	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please attach an additional sheet if there are more than five children involved in the proceeding.

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Date: _____ Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

Petitioner

NOTE TO COURT STAFF: This Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state and law enforcement. See UTCR 2.130

NOTICE TO PETITIONER:

The Sheriff is required by law to provide you with a true copy of the proof of service which shows when the Restraining Order has been served.

If you would like to also receive an email message and/or cell phone text message advising you of when the Restraining Order has been served on the Respondent and another message 30 days before the Order expires, please provide the information requested below. This information will be given to the sheriff's office in the county where the Restraining Order was obtained.

This is voluntary—you are not required to provide this information.

Your cell phone number: _____

Your cell phone carrier (ATT, Verizon, etc.): _____

Your email address: _____

Note: If this information changes, you must notify the Sheriff's office of the new information in order to receive the notice by email or cell phone text message.

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

 Petitioner
and

 Respondent

)
)
) Case No.: _____
)
)
)

**CONFIDENTIAL INFORMATION FORM (CIF) FOR
PERSON RESTRAINED (RESPONDENT) IN A
STALKING CASE**

Amended CIF

**This document is not accessible to the public
or other parties. Exceptions may apply. See
UTCRC 2.130.**

**ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS
DOCUMENT.**

The information below is about: Respondent

Respondent's Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Respondent's Date of Birth: _____

Employer's Name, Address, and Telephone Number: _____

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Date: _____ Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

Petitioner

NOTE TO COURT STAFF: Unless ordered or authorized under UTCRC 2.130, this Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state and law enforcement.

2) Name (Last, First, Middle): _____
 Petitioner Respondent

Confidential Personal Information contained in CIF (check all that apply):

- party's date of birth
- children's date of birth, employer's name, address, and telephone number

Dated this _____ day of _____, 20____

Signature		Print Name
Contact Address	City, State, Zip	Contact Telephone

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