



Educating and empowering our community to live a healthy non-violent lifestyle that strengthens spirit for future generations.

Confidential, culturally-specific services

Office: (541) 444-9679

24/7 Support: (541) 272-7978



[Facebook.com/SiletzCARE](https://www.facebook.com/SiletzCARE)

State of Oregon—Protective Orders 101

Domestic Violence - Family Abuse Protection Act (FAPA) Orders

The law offers the protection of Family Abuse Protection Act (FAPA) orders to victims of domestic violence, whether or not a victim has reported the abuse to the police. A FAPA order is free, and a victim does not need an attorney to get one, although an attorney is recommended if an abuser contests the order.

- Once issued, a FAPA order is effective for one year unless the court terminates or extends the order.
- The court must hold a hearing, by telephone or in person, the day or the day after a victim files for a FAPA order.
- A sheriff or another qualified person must serve the abuser with a copy of the order. After the abuser receives it he has 30 days to ask for a hearing. The judge may change or cancel the order based on information received at the hearing. Changes in custody or visitation rights may be requested at any time while the order is in effect.
- Police must enforce FAPA orders. An abuser who violates a FAPA order can be jailed for up to 6 months & fined up to \$300.

Who can obtain a FAPA order?

A victim of domestic violence is eligible to obtain a FAPA order if she or he meets the following criteria:

- S/he was the victim of abuse within the past six months; or s/he was the victim of abuse more than six months ago, and the abuser has been in prison or jail or has lived more than 100 miles from her in the past six months
- The abuse was bodily injury, attempted bodily injury, the threat of immediate serious bodily injury, or sexual abuse, or rape
- S/he is related to or intimately involved with the abuser-- a spouse or former spouse, the abuser's in-law or relative, or is in a sexually intimate relationship with the abuser, or is the biological co-parent (with the abuser) of a minor child
- S/he is at least 18 years old, is an "emancipated" minor, or is younger than 18 but married to or sexually intimate with an abuser who is 18 or older.

What a FAPA order can do

- Require an abuser to stop abusing, threatening, or interfering with a victim and with children in her custody;
- Forbid an abuser to enter a victim's home, school, place of business, or other specified place;
- Order an abuser out of the home if a victim is sole or part owner of the home;
- Require police to stand guard while the person leaving the home removes personal belongings;
- Give a victim temporary legal custody of the children if the children are in her physical custody or, if they are not, grant her visitation rights.

Sexual Abuse Protective Orders (SAPO)

Effective January 1st, 2014, the state of Oregon began issuing and enforcing orders for protection to survivors who have been sexually assaulted by someone other than an intimate partner. This new civil legal provision bridges a major gap for many survivors whose situations do not fit the issuing criteria for Family Abuse Protection Act (FAPA) orders or Stalking Protective orders.

- Available to minor* as well as adult petitioners (12 yo and older can file on own petition; parent or lawful guardian can petition for person under 18, but must file petition for person under 12)
- Petitioner and respondent must NOT be "family or household members" (defined by ORS 107.705)
- Respondent must NOT be subject to another protective order
- One incident of sexual abuse required
- Petitioner must reasonably fear for their safety with respect to respondent
- Abuse must have taken place within last 180 days (unless respondent is in jail or more than 100 miles away or was subject to a restraining, protective or no contact order)

Stalking Protection Orders

Under Oregon law, stalking is when:

- A person makes you afraid by engaging in repeated and unwanted contact, OR
- A person makes an immediate family (or household) member afraid by engaging in repeated and unwanted contact.

To qualify as stalking, your situation ALSO must meet the following requirements:

- A reasonable person in your situation would have been alarmed or coerced by the contact, and
- The repeated [at least two] and unwanted contact causes you or a member of your immediate family (or household) to reasonably fear for their physical safety
- Unwanted contact is when a person: Comes near you or into your sight; Follows you; Waits outside your home, workplace, or school; Communicates with you in any way (mail, email, phone, or through another person); or damages your home, workplace, or school.

A person may obtain a Stalking Protective Order if he/she or a member of the immediate family or household has been the subject of stalking and qualifies under Oregon law.

CALENDAR

Thurs 25th: Christmas—Office Closed

Fri 26th: Office Closed