



# Oregon Civil Restraining Orders

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

	<b>Sexual Abuse Protective Order (SAPO)</b> <b>ORS 163.760 to 163.777</b>	<b>Family Abuse Prevention Act (FAPA)</b> <b>ORS 107.700–107.735</b>	<b>Stalking Order</b> <b>ORS 30.866; ORS 163.730–163.750</b>	<b>Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA)</b> <b>ORS 124.005–124.040</b>
<b>Relationship</b>	<p>Adult petitioners may not seek a SAPO if their relationship with the respondent qualifies for a FAPA under ORS 107.705.</p> <p>Minors may petition against an intimate or former intimate partner. It appears minors may also seek a SAPO against a family or household member as ORS 107.705 does not apply to minors.</p>	<p>Adult petitioners may seek a FAPA against a respondent related by blood, marriage, or adoption, a current or former (within the last 2 years) intimate partner, or the parent of the petitioner’s child. ORS 107.705.</p> <p>Minors may not seek a FAPA against a family or household member but may seek an order against former and current intimate partners and the parent of their child. ORS 107.726.</p>	<p>No qualifying relationship between the parties is necessary.</p>	<p>No qualifying relationship is necessary.</p> <p>Protected person must be elderly (65 or older) or a person with a disability (i.e., a person with a physical or mental impairment that substantially limits one or more major life activities).</p>
<b>Minors</b>	<p>Minor petitioners age 12 and older may petition on their own. A guardian ad litem (GAL) must petition on behalf of victims under age 12. Respondent must be age 18 or older.</p> <p>Orders protecting minors last until the later of either: (a) five years from when the order was issued or (b) until Petitioner’s 19th birthday. Note: Petitions may not include a minor’s birthdate.</p>	<p>A guardian ad litem (GAL) (usually a parent or guardian) must petition on behalf of minor victims. The respondent must be age 18 or older.</p>	<p>A guardian ad litem (GAL) must petition on behalf of minor victims. Available against minor respondents. No statutory requirement that a minor respondent have a GAL.</p>	<p>A guardian ad litem (GAL) must petition on behalf of minor victims and on behalf of adult victims who lack capacity to petition on their own. The respondent must be age 18 or older.</p>

	<b>SAPO</b>	<b>FAPA</b>	<b>Stalking</b>	<b>EPPDAPA</b>
<b>Timeframe</b>	<p>For petitions filed before 1/1/2020: At least one incident within the last 180 days (excluding any time the respondent was in jail, more than 100 miles away, or subject to another restraining order).</p> <p>For petitions filed after 1/1/2020: One incident at any point prior to filing.</p>	<p>At least one incident within the last 180 days (excluding any time the respondent was in jail or more than 100 miles away).</p>	<p>At least two incidents within the last 2 years.</p>	<p>At least one incident within the last 180 days (excluding any time the respondent was in jail or lived more than 100 miles away).</p>
<b>Duration</b>	<p>For petitions filed before 1/1/2020: One-year order with option to renew if it is objectively reasonable for petitioner to fear for their physical safety if the order is not renewed.</p> <p>For petitions filed after 1/1/2020: Five-year order with option to renew; a permanent order is required or permitted in certain circumstances. Renewal must be before the order expires.</p>	<p>One-year order with option to renew. Renewal must be before the order expires.</p>	<p>Order of indefinite duration available. Respondent may seek hearing to request dismissal and must show that the basis of petitioner's fear is gone.</p>	<p>One-year order with option to renew. Renewal must be before the order expires.</p>
<b>Procedure</b>	<p>Civil petition. Hearing held only if requested by respondent. Either party may request appearance by phone. Alternative service allowed. Note: Rape Shield Law applies. (See ORS 40.210, Rule 412).</p>	<p>Civil petition. Hearing held only if requested by respondent.</p>	<p>Two possible avenues to request: filing a civil petition at court or via a police citation. A court hearing is required.</p>	<p>Civil petition. Hearing held only if requested by respondent or protected person.</p>

	<b>SAPO</b>	<b>FAPA</b>	<b>Stalking</b>	<b>EPPDAPA</b>
<b>RO/POs</b>	No other restraining or protective order may be currently in effect (including a No Contact Order in a criminal case).	Available even if other orders are in place.	Available even if other orders are in place.	Available even if other orders are in place.
<b>Standard of Abuse</b>	<p>The respondent subjected the petitioner to sexual abuse. Sexual abuse is defined as sexual contact (touching of an intimate or sexual part of a person or causing another to touch an intimate or sexual body part (ORS 163.305(6)) with a person who does not consent or does not have the capacity to consent (under 18 or lack of physical or mental capacity (ORS 163.315)).</p> <p>The petitioner must have a reasonable fear of future harm.</p>	<p>The respondent attempted to cause or intentionally, knowingly, or recklessly caused the petitioner bodily injury; or intentionally, knowingly, or recklessly placed the petitioner in fear of imminent bodily injury; or caused petitioner to engage in sexual relations by force or threat of force.</p> <p>At the ex parte hearing the petitioner must be in imminent danger of further abuse.</p> <p>At the contested hearing, the petitioner must have a reasonable fear of future harm.</p>	<p>Non-speech contacts: The respondent has engaged in two or more unwanted contacts that alarm or coerce the petitioner or member of the petitioner's family or household, and the feeling of alarm or coercion is reasonable.</p> <p>Speech-based contacts must instill in the addressee a fear of imminent and serious personal violence from the speaker, be unequivocal, and be objectively likely to be followed by unlawful acts.</p> <p>The petitioner must reasonably fear for their safety or that of a family member.</p>	<p>The respondent subjected the protected person to non-accidental injury; willful infliction of physical pain; neglect leading to physical harm; derogatory or inappropriate names, threats, etc.; or language of such nature as to threaten significant physical or emotional harm; or the respondent is a caretaker of the protected person and abandoned or deserted the protected person; or the respondent wrongfully took or threatened to take money or property, etc.; or subjected the protected person to sexual contact without consent.</p> <p>Protected person must be in immediate and present danger of further abuse.</p>
<b>Standard of Proof</b>	The petitioner must prove the claim by a preponderance of the evidence.	The petitioner must prove the claim by a preponderance of the evidence.	The petitioner must prove the claim must be by a preponderance of the evidence.	The petitioner or their guardian must prove the claim by a preponderance of the evidence.
<b>Remedies</b>	<p>Temporary custody, order to vacate residence, and emergency monetary relief not explicitly available. Court may order relief necessary for safety of petitioner or their children, family, or household members.</p> <p>Attorney fees not available.</p>	<p>Temporary custody and order to vacate parties' joint or petitioner's residence available.</p> <p>Emergency monetary relief available to petitioner.</p> <p>Attorney fees available to either party.</p>	<p>Temporary custody and order to vacate residence not available. No emergency monetary relief.</p> <p>Remedies include civil damages and mental health evaluation for respondent.</p> <p>Attorney fees available for petitioner only (civil route).</p>	<p>Temporary custody not available.</p> <p>Order to vacate residence available.</p> <p>No emergency monetary relief.</p> <p>Attorney fees available to either party.</p>

	<b>Extreme Risk Protection Order (ERPO) ORS 166.525—543</b>	<b>Emergency Protective Order (EPO, ORS 133.035</b>
<b>Relationship</b>	<p>Petitioner must be law enforcement, family member (spouse, intimate partner, parent, sibling, child), or household member). ORS 166.525</p> <p>Law enforcement means state, county, or city law enforcement, or tribal police as defined in ORS 181A.680.</p>	<p>May only be applied for by a peace officer, and only with consent of the person to be protected.</p> <p>Protected person must be respondent’s family or household member, as defined in ORS 107.705.</p>
<b>Minors</b>	Minors may apply with a guardian ad litem (GAL).	Protected person may be a minor.
<b>Timeframe &amp; Duration</b>	<p>No specific timeframe for incidents leading to petitioner’s request. Court must hold hearing with petitioner on the same day or next judicial day after the petition is filed.</p> <p>One year order, with option to renew.</p>	Order expires after seven days or may be terminated earlier by the court.
<b>Procedure</b>	Civil petition. Hearing only if requested by respondent. Respondent or petitioner may request a hearing once every 12 months to ask that the order be terminated.	Police officer presents declaration and proposed order to the judge on call. (Respondent and the “protected person” are the parties in the case.)
<b>RO/ POs</b>	Available even if other orders are in place.	Available even if other orders are in place.
<b>Standard of Abuse</b>	<p>Respondent represents a risk in the near future of suicide or causing physical injury to another.</p> <p><i>Note: Court may not include findings about the respondent’s mental health or any connection between the risk posed by respondent and the respondent’s mental illness.</i></p>	<p>Peace officer has probable cause to believe that either: In a response to a domestic disturbance, the respondent is subject to mandatory arrest under ORS 133.055(2)(a); or the person to be protected is in immediate danger of abuse by a family or household member;</p> <p>AND</p> <p>An emergency protective order is necessary to prevent the protected person from abuse or further abuse.</p>
<b>Standard of Proof</b>	Proof is by clear and convincing evidence (a higher standard than the preponderance standard used in FAPA, Stalking and SAPO proceedings).	Probable cause.
<b>Remedies</b>	Court order requiring respondent to surrender deadly weapons (including firearms) to law enforcement, a gun dealer, or third party. Respondent must also surrender concealed weapon permit.	Order shall prohibit respondent from: contacting the protected person; intimidating, interfering with, or molesting the protected person; and attempting to intimidate, interfere with, or molest the protected person.