

(Continued from inside...)

Visitation supervisors

If you decide to ask the judge for supervised parenting time, you need to let the judge know how often the visits should happen and who the supervisor will be. You can name a friend or relative as the supervisor, if they agree to take on that responsibility. You can also ask that a professional supervise visitations, but you may be charged for this service.

Modifying a parenting time order

If there are problems with your parenting plan, for example your work schedule has changed and the current parenting time schedule no longer works, you or the respondent can ask the court to modify (change) the order. To request a modification, ask the court staff at your local courthouse for the modification packet or you can find the modification paperwork online at: <http://www.courts.oregon.gov/programs/family/domestic-violence/Pages/restraining.aspx>.

If you, as the petitioner, are requesting that the Respondent gets more parenting time or unsupervised parenting time, the judge may sign an order granting the request without a hearing.

If either party requests to reduce the amount of parenting time the other party gets or requests supervised parenting time, the other party has a right to a hearing so they can object to the proposed changes.

Additional Resources for Parents

Domestic violence shelters and centers

The Oregon Coalition Against Domestic & Sexual Violence website has a list of domestic violence shelters and other domestic violence resources in your area. Visit: ocadsv.org/find-help.

Legal assistance

If you can afford an attorney, the Oregon State Bar Lawyer Referral Service can refer you to an attorney in your area who may be able to help you. Call 503-684-3763 or 800-452-7636.

If you cannot afford an attorney, your local legal aid office may be able to provide you with legal assistance for free. Visit oregonlawhelp.org to find a legal aid office near you.

Child support assistance

The Oregon Department of Justice Child Support Division can help you establish a child support order, make changes to an existing order, coordinate health care coverage for a child, determine the amount of past due child support, collect child support payments, and collect spousal support payments when spousal support is part of a child support order. Call 1-800- 850-0228 or go to www.oregonchildsupport.gov.

Legal Aid Services of Oregon & Oregon Law Center



Parenting time in your Family Abuse Prevention Act restraining order.

This brochure is provided by Legal Aid Services of Oregon for general informational use only. It is not a substitute for individual legal advice. Consult an attorney for more information or for advice. The information in this brochure is accurate as of August 2017.

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What is a parenting time order?

If you are applying for a Family Abuse Prevention Act (FAPA) restraining order against the other parent of your children, you can ask for temporary custody of your children as part of that order. If the judge awards you temporary custody, the other parent will usually get reasonable parenting time (visitation), unless the judge believes it is not in the best interests of the children.

When you fill out your FAPA petition, you can set out the parenting time schedule that you think is appropriate for your children. Make sure to let the judge know of any safety concerns you have for yourself or your children regarding parenting time. If the judge grants your FAPA order at the ex parte hearing, the judge will usually order the parenting time you have requested. The parenting time may be changed at a later date, if the respondent requests a hearing.

You must comply with the parenting time ordered by the court. You should not withhold parenting time from the other party. If you do, the Respondent may file an action to enforce the parenting time or to hold you in contempt of court.

Filling out a parenting time order

There are a number of things to think about when deciding what kind of parenting time to request. However, the most important consideration is you and your children's safety.

Before filling anything out, read over the entire "Parenting Time" section of the restraining order forms. The printed options on the form are just suggestions. You can customize the parenting time schedule to fit your family's needs.

Here are some things to consider when setting the parenting time schedule:

- If you're already separated, are you following a parenting plan and is it working?
- How old are your children?
- Are your children comfortable with the respondent?
- Do you have concerns about your children staying overnight at Respondent's place?
- Will the children be safe if they are alone with the respondent?
- Is the Respondent an unsafe or unreliable parent due to drug or alcohol use or an untreated mental illness?
- If the respondent picks up your children at your home, are there likely to be problems? Will you be safe?
- Would it be safer for you or the children if the respondent picked the children up at a neutral location? (For example, at a local restaurant or the police station)
- Would it be safer for you or the children to have someone other than the respondent pick up and drop off the children for visits?

Be detailed in your parenting time order

Be sure to ask the judge to include as many details as possible in the parenting time order. For example:

- The exact days and times the respondent will have parenting time.
- The place where your children will be picked up and dropped off.
- Who will pick up and drop off your children.

Sample parenting plans

The Oregon Judicial Department website has sample parenting plans that you may wish to look at in developing your own parenting plan. There are basic parenting plans, safety-focused plans, and plans for children ages birth to three. The plans are available at: <http://www.courts.oregon.gov/programs/family/children/Pages/parenting-plans.aspx>.

When to ask for no parenting time or supervised parenting time

It may be appropriate to ask the judge to order that the respondent not get any parenting time or have supervised parenting time if:

- Parenting time would put you or your children in danger of further abuse.
- The respondent has abused you in front of the children.
- The respondent has access to guns and has used them in the past against you or anyone else.
- The respondent has stalked you or anyone else, or has threatened to kill you or anyone else.
- The respondent fails to properly supervise your children or keep them safe.
- The respondent has a drug or alcohol problem or mental illness that affects his or her ability to care for your children.
- The respondent has hidden your children from you in the past or is threatening to hide the children from you now.

Be sure to tell the judge about these incidents when explaining why you are requesting no parenting time or supervised parenting time. *(Continued on back...)*