

Comparison Chart of Protective Orders in Oregon

	FAPA Family Abuse Prevention Act Restraining Order, ORS §107.700 – 735	EPPDAPA Elderly Persons and Persons with Disabilities Abuse Prevention Act Restraining Order, ORS §124.005 – 040	SAPO Sexual Abuse Protective Order, ORS §163.760 – 777	SPO Stalking Protective Order, ORS §163.730 – 755 (criminal and civil citation route) & ORS §30.866 (civil petition route)	EPO Emergency Protective Order, ORS §133.035
ELIGIBILITY					
Relationship between petitioner and respondent	Respondent must be petitioner’s “family or household member,” which is defined as: <ul style="list-style-type: none"> • Spouse / former spouse • Adults related by blood, adoption, or marriage • Former sexual partner (within last 2 years) • Parent of petitioner’s child • Person who is cohabitating or formerly cohabitated with petitioner (cohabitate implies sexual relationship) (ORS 107.705(4)) 	Petitioner and respondent do not have to have a particular relationship. However, the respondent cannot be the person’s guardian or conservator (ORS 124.010(1)(c),(8)). Petitioner must be: <ul style="list-style-type: none"> • 65 years or older and not a resident of a long-term care facility, OR • Person with a disability • Guardian or guardian ad litem for an elderly person or person with a disability (ORS 124.010(1)) 	Adult petitioners -- respondent <i>cannot</i> be a household or family member as defined by FAPA statute. (ORS 163.763(a); ORS 163.760(1); ORS 107.705) Minor petitioners —can obtain a SAPO against a family member or intimate partner in limited (ORS 163.763(1)(a); ORS 107.705).	Petitioner and respondent do not have to have a particular relationship (<i>See</i> ORS 30.866 generally)	Respondent must be “family or household member” as defined in FAPA. (see first column) (ORS 133.035(1)(a)(B), ORS 107.705(4)) NOTE: peace officer applies for order on behalf of the victim of abuse. The parties are the “protected person” and the respondent. (ORS 133.035(1))
Does petitioner have to be over 18 to apply?	Minors may obtain a FAPA in limited circumstances. The respondent must be over 18 and must be petitioner’s: <ul style="list-style-type: none"> • Spouse / former spouse • Person with whom they have been involved in a sexually intimate relationship at any point in time (no 2-year limit) (ORS 107.726) 	No, but minor petitioner would require a guardian ad litem (ORCP 27B).	A person 12 years or older may petition court for a restraining order. If younger than 12, petitioner must apply through a parent, guardian, or guardian ad litem (ORS 163.763(2)(a)).	No, but minor petitioner would require a guardian ad litem (ORCP 27B). A parent or guardian can also present a complaint for a stalking citation to protect a minor or dependent person. (ORS 163.744(3)).	N/A, peace officer responding to a domestic violence incident applies. (ORS 133.035(1)) However, the protected person may be a minor in certain circumstances
Does the respondent have to be over 18?	Yes (ORS 107.726(2)).	No, but if respondent is a minor, a guardian ad litem is required (ORCP 27B)	Yes (ORS 163.763(1)(b)).	No; In addition the Court <i>may</i> enter an order against a minor respondent without a GAL (ORS 30.830.866(1)66(5)).	The Respondent may be a minor in certain circumstances

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Types of abuse that qualify petitioner for the order	<ul style="list-style-type: none"> Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury Intentionally, knowingly, or recklessly placing the petitioner in fear of imminent bodily injury Causing petitioner to engage in sexual relations by force or threat of force (ORS 107.705(1)) 	<ul style="list-style-type: none"> Physical injury caused by non-accidental means or at variance with given explanation Neglect leading to physical harm Abandonment by a person who owes duties of care to an elderly person or person with disability Willful infliction of physical pain or injury Verbal abuse (see statute for definition) Threats of physical or emotional harm Sweepstakes abuse (see statute for definition) Wrongfully taking or threatening to take money or property Nonconsensual sexual contact (ORS 124.005(1)) 	<p>Sexual abuse, which means sexual contact with:</p> <ul style="list-style-type: none"> A person who does not consent to the sexual contact* A person who is incapable of consenting due to incapacity (ORS 163.760(2)) <p>* Sexual Contact is any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party. (ORS 163.305)</p>	<p>Intentionally, knowingly, or recklessly engaging in two or more unwanted contacts* that alarmed or coerced the petitioner or member of the petitioner's family or household (ORS 30.866(1)).</p> <p>* Contacts include coming into the visual presence of the other person, following the other person, waiting outside their home, damaging property, speaking with the person, and more (ORS 163.730(3)).</p>	<ul style="list-style-type: none"> The circumstances for mandatory arrest exist (an assault between family or household members, OR one person has placed the other in fear of imminent serious physical injury), OR The person is in immediate danger of abuse by a family or household member (ORS 133.055(2))
Timing of abuse	Abuse must have occurred within last 180 days. Can exclude periods of time where respondent was in jail or lived more than 100 miles from the petitioner's residence (ORS 107.710(1),(8)).	Abuse must have occurred within last 180 days. Can exclude periods of time where respondent was in jail or lived more than 100 miles from the petitioner's residence (ORS 124.010(1),(6)).	Abuse must have occurred within last 180 days. Can exclude periods of time where respondent was in jail, lived more than 100 miles from the petitioner's residence, OR was prevented from contacting petitioner by another restraining order or another criminal or juvenile no contact order (ORS 163.763(2)(b)(B)), (3).	Stalking contacts must have taken place within last 2 years (ORS 30.866(6)).	Statute implies timing of abuse must have been recent. Peace officer must be responding to a domestic disturbance and the person must be in immediate danger (ORS 133.035(1)).
Number of incidents of abuse	One incident of abuse (ORS 107.710(1)).	One incident of abuse (ORS 124.010(1)).	One incident of abuse (ORS 163.763(2)(B))	2 or more stalking contacts (ORS 163.73(7)).	One incident of abuse (ORS 133.055)

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Additional requirements	<p>1. Petitioner must be in imminent danger of further abuse</p> <p>2. Respondent must be a credible threat to petitioner or petitioner’s family’s safety (ORS 107.718(1))</p>	<p>Petitioner must be in immediate & present danger of further abuse (ORS 124.010(1)).</p>	<p>1. Petitioner must have reasonable fear for their physical safety with respect to the respondent (ORS 163.763(2)(b)(A)).</p> <p>2. Respondent must not be prohibited from contacting petitioner by any other restraining or no contact order (ORS 163.763(1)(c)).</p>	<p>1. Victim’s feeling of alarm or coercion must be objectively reasonable</p> <p>2. Repeated and unwanted contacts must cause the victim reasonable apprehension regarding their personal safety or the safety of a member of their immediate family (ORS 30.866(1))</p> <p>If stalking contacts are purely communicative, contact must contain an unambiguous, unequivocal, and specific threat, and petitioner must believe the respondent intends to carry out the threat (<i>State v. Rangel</i>).</p>	<p>Emergency protective order must be necessary to prevent further abuse</p>
PROCEDURE					
How to apply	<p>Forms available at courthouse or online at www.courts.oregon.gov. Petitioner files paperwork in circuit court in county where petitioner or respondent resides (ORS 107.728)</p>	<p>Forms available at courthouse or online at www.courts.oregon.gov. Petitioner, guardian, or guardian ad litem files paperwork in circuit court in county where petitioner or respondent resides (ORS 124.012).</p>	<p>Forms available at courthouse or online at www.courts.oregon.gov. Petition for restraining order must be filed in circuit court in the county where petitioner or respondent resides (ORS 163.763(2)(a)).</p>	<p>Two routes:</p> <p>1. Civil petition: Person files petition in circuit court in county where respondent resides or where one incident of stalking occurred (forms available in courthouse or online at: www.courts.oregon.gov) (ORS14.080(1)), or</p> <p>2. Stalking citation: Police can issue a citation upon receipt of a complaint that stalking has occurred (ORS 163.735).</p>	<p>Peace officer applies to a circuit court in an ex parte proceeding. Protected person must consent to the application (ORS 133.035(1)).</p>
Filing Fees	<p>No filing, service, or hearing fees (ORS 107.718(8)).</p>	<p>No filing, service, or hearing fees (ORS 124.020(7));</p>	<p>No filing, service, or hearing fees (ORS 163.777(1)).</p>	<p>No filing, service, or hearing fees (ORS 30.866(9)).</p>	<p>No filing, service, or hearing fees (ORS 133.035).</p>

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Ex Parte Hearing	Ex parte hearing is held same day or next judicial day after petition is filed. Hearing can be in person or by telephone (ORS 107.718(1)).	Ex parte hearing is held same day or next judicial day after petition is filed. Hearing can be in person or by telephone (ORS 124.020). The required showing at ex parte does not have to be made by the victim, it can also be made by a guardian, GAL, a witness to abuse, or Adult Protective Services worker who conducted an investigation (ORS 124.020(3)).	Ex parte hearing is held same day or next judicial day after petition is filed. Hearing can be in person or by telephone (ORS 163.765(1)).	Civil petition: court holds ex parte hearing same day or next day after petition is filed (ORS 30.866). Stalking citation: no ex parte hearing, police officer issues citation requiring respondent to appear in court in 3 days to show cause why a protective order should not be entered against them (ORS 163.735(1)).	No hearing requirement. Peace officer submits the proposed order and supporting declaration ex parte to the on-call judge (ORS 133.035(1), (9)).
Contested Hearing	Contested hearing occurs if respondent requests a hearing within 30 days of service (ORS 107.718(10)(a)), or if court sets an exceptional circumstances (EC) hearing. EC hearing is set by court if there are concerns about petitioner’s request for custody. EC hearing is also contested hearing and respondent’s only opportunity to object to restraining order (ORS 107.716(2)(a),(c)). If no EC hearing is set and respondent fails to contest the order within 30 days, it is upheld by operation of law ((ORS 107.718(11)). Court must provide petitioner with a copy of respondent’s hearing request (ORS 107.718(10)(b)). Parties may request to appear by phone. Court can	Contested hearing occurs if respondent requests a hearing within 30 days of service (ORS 124.020(9)). Protected person can also request a hearing if GAL or guardian applied for order on their behalf (ORS 124.010(7)(c),(d)). Court must provide petitioner with a copy of respondent’s hearing request (ORS 124.020(9)(b)). Hearing can be held by telephone (ORS 124(9)(c)).	Contested hearing occurs if respondent requests a hearing within 30 days of service (ORS 163.765(6)(a)). If respondent fails to appear or contest the order within 30 days, the order is upheld by operation of law. (ORS 163.765(7)). Court must provide petitioner with a copy of respondent’s hearing request (ORS 163.765(6)(b)). Note: Rape Shield Law applies to the contested hearing (ORS 40.210, Rule 412) Parties may request to appear by phone. Court can waive requirement that motion for telephone testimony be filed 30 days before hearing. Court should consider expedited nature of proceeding and whether good cause exists. Good	Civil petition: Show cause hearing is automatically set by court when a temporary stalking order is granted at ex parte hearing. Respondent is required to personally appear at the hearing. If respondent fails to appear at hearing, court may issue a warrant, continue hearing for 30 days, or enter a permanent stalking order (ORS 30.866(3); ORS 163.738; ORS 133.110). Stalking citation: Show cause hearing is automatically set when a police officer issues a citation. Respondent must be given an opportunity to show cause why a courts stalking protective order should not be entered (ORS 163.738(2)(a)). If respondent fails to appear at hearing, court shall issue a warrant (ORS 163.738(4)). Temporary stalking order can be issued pending further proceedings. (ORS 163.738(2)(a)(A))	No contested hearing available because of temporary nature of order

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	waive requirement that motion for telephone testimony be filed 30 days before hearing. Court should consider expedited nature of proceeding and whether good cause exists. Good cause includes safety and welfare of the parties or witnesses (ORS 107.717(3)).		cause includes safety and welfare of the parties or witnesses (ORS 163.770).		
Burden of proof	Petitioner must prove claim by a preponderance of the evidence (ORS 107.710(2)).	Petitioner must prove claim by a preponderance of the evidence (ORS 124.010(2)).	Petitioner must prove claim by a preponderance of the evidence (ORS 163.763(2)(d)).	Temporary stalking order and stalking citation can be issued upon a finding of probable cause (ORS 30.866(2); ORS 163.735(1)). Petitioner must prove claim by a preponderance of the evidence (ORS 30.866(7)).	Probable cause (ORS 133.035(1)).
Timing of hearing	Hearing must be held within 21 days of hearing request, unless respondent contests custody, then hearing must be held within 5 days of request (ORS 107.716(1)). If court sets exceptional circumstance hearing, it must be held within 14 days. Respondent can request earlier hearing to be held within 5 days. (ORS 107.716(2)).	Court must hold a hearing within 21 days of the request for a hearing (ORS 124.015(1)).	Court must hold a hearing within 21 days of the request for a hearing (ORS 163.767).	Civil petition: Statute doesn't specify timeframe in which show cause hearing must be set. Stalking citation: Show cause hearing occurs within three judicial days after issuance of stalking citation (ORS 163.735).	N/A
Continuances	Discretionary continuances: Court may extend hearing up to five days if one party is represented and the other party wishes to hire an attorney or hearing notice is inadequate to provide sufficient notice of hearing, (ORS 107.716(4)(a)).	Discretionary continuances: Court may extend hearing up to five days if one party is represented and the other party wishes to hire an attorney (ORS 124.015(3)). Mandatory continuance: If respondent or victim seeks to raise an issue not raised in	Discretionary continuances: Court may extend hearing up to five days if one party is represented and the other party wishes to hire an attorney or hearing notice is inadequate to provide sufficient notice of hearing, (ORS 163.767(2)(b)).	Court may continue show cause hearing for up to 30 days (ORS 30.866(3)(a), ORS 163.738(2)(a)).	N/A

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	Mandatory continuance: If respondent seeks to raise an issue not indicated in hearing request or petitioner seeks new relief not granted in the original order, other party is entitled to reasonable continuance to prepare a response (ORS 107.718(10)(c)).	hearing request, other parties are entitled to a reasonable continuance to prepare a response. (ORS 124.020(9)(c)). (
Length of restraining order	One year, but order can be renewed upon a finding that a person in petitioner’s situation would reasonably fear further acts of abuse by respondent if order is not renewed. No need to prove further acts of abuse (ORS 107.718(3); ORS 107.725(1)).	One year, but order can be renewed upon “good cause shown.” No need to prove further acts of abuse (ORS 124.035).	One year, but order can be renewed upon finding that person in petitioner’s situation would reasonably fear for their physical safety if order is not renewed. No need to prove further acts of abuse (ORS 163.775(1)(a)).	Unlimited duration if judge signs a permanent order (ORS 163.738(b)).	Expires 7 days after the judge signs the order (ORS 133.035(7)(a)).
Modifications to protective orders	Either party may request to modify temporary custody, parenting time, ouster, and no contact provisions upon “good cause shown.” Request to modify must be made after 30 day hearing request period is passed. The petitioner can request ex parte to remove or make less restrictive ouster and no contact provisions (ORS 107.730(1)(a)(b)).	No procedure addressed in statute, but legislature seemed to anticipate amendments to order (<i>see</i> ORS 124.020(1)).	Either party can request a modification upon “good cause shown.” The petitioner may request to make the restraining order less restrictive through an ex parte motion. (ORS 163.775(2)).	Not addressed in statute	
AVAILABLE RELIEF					
No contact provisions	Respondent can be ordered to stop contacting petitioner in person, by telephone, and by mail (ORS 107.718(1)(i)). Respondent can be restrained from intimidating, harassing, interfering, and menacing petitioner and petitioner’s custodial	Respondent can be restrained from abusing, intimidating, molesting, interfering with, or menacing the victim (ORS 124.020(1)(c)). Respondent can be restraining from entering any premises if necessary to	Respondent can be restrained from contacting petitioner and petitioner’s children, family, or household members and from intimidating, molesting, or interfering with them (ORS 163.765(1)(a),(b)).	Order shall specify the type of contact respondent is to refrain from, contacts include following the petitioner, waiting outside petitioner’s home, sending emails, or damaging the petitioner’s property. (ORS 163.738(2)(b), ORS 163.730).	Restraint from contacting the person protected by order and restraint from intimidation, molesting, or interfering with protected person (ORS 133.035(4)(a)).

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	<p>children (ORS 107.718(1)(e), (f))</p> <p>Respondent can be restrained from entering a reasonable area around petitioner's residence, workplace, and other premises petitioner frequents (ORS 107.718(1)(c),(g)).</p>	<p>prevent further abuse (ORS 124.020(1)(d)).</p> <p>Respondent can be restrained from mailing sweepstakes promotions and ordered to remove petitioner from mailing list (ORS 124.020(1)(e)).</p>	<p>Respondent can be restrained from entering a reasonable area around petitioner's residence, workplace, and other premises if necessary to prevent further abuse (ORS 163.765(1)(b)(C)).</p>		
Temporary custody / parenting time orders	<p>Court can enter temporary custody orders (ORS 107.718(1)(a)).</p> <p>Court can modify a prior custody order if necessary for the safety of the petitioner or petitioner's child (ORS 107.722(2)).</p>	Not available	Not available	Not available	Not available
Monetary relief	<p>Available if necessary for safety of petitioner or petitioner's children (ORS 107.718(1)(h)).</p>	<p>If court finds that respondent financially abused the protected person, the court can order relief as necessary to remedy or stop the financial abuse (ORS 124.020(2)(a)).</p>	<p>(not explicit in the statute, but see 'other relief' provision below)</p>	<p>Petitioner can request damages, including punitive damages and damages for emotional distress (ORS 30.866(4)).</p>	Not available
Ouster	<p>Respondent can be required to move from petitioner's residence if:</p> <ul style="list-style-type: none"> • Residence is solely in petitioner's name, • Residence is jointly owned/rented by petitioner and respondent, or • Parties are married to each other <p>(ORS 107.718(1)(b)).</p> <p>Civil standby: Party moving out is entitled to have police officer accompany them one</p>	<p>Respondent can be required to move from petitioner's residence if:</p> <ul style="list-style-type: none"> • Residence is solely in petitioner's name, • Residence is jointly owned/rented by petitioner and respondent, or • Parties are married to each other <p>(ORS 124.020(1)(a); ORS 124.015(2)(a)).</p> <p>At contested hearing, court can order either party to</p>	Not available	Not available	<p>Not available, protected person should seek another, more permanent restraining order or family law remedy if they want to oust abuser from the residence</p>

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	time, for 20 minutes, to collect essential personal items from residence (ORS 107.718(1)(d), 107.719)).	<p>move from residence if residence is jointly held (ORS 124.015(2)(a)).</p> <p>Party moving out is entitled to have police officer accompany them one time, for 20 minutes, to collect essential personal items from residence (ORS 124.020(1)(b); 124.025(1))</p>			
Other relief	<p>Court can order “other relief” as necessary for safety and welfare of petitioner or children in petitioner’s custody (ORS 107.718(1)(h)).</p> <p>“Other relief” provision gives court discretion to order that Respondent not possess weapons (even at ex parte).</p> <p>Court can also provide for the safety of a service animal or pet (not animals kept for economic purposes) (ORS 107.718(1)(h)(B)).</p> <p>Court can order law enforcement to assist in recovering custody of child (ORS 107.732).</p>	<p>Court can order “other relief” as necessary for safety and welfare of petitioner (ORS 124.020(1)(f)).</p> <p>“Other relief” provision gives court discretion to order that Respondent not possess weapons (even at ex parte).</p> <p>Order can include a variety of relief to protect from “sweepstakes promotions” (ORS 124.020(1)(e)).</p>	<p>Court can order “other relief” as necessary for safety and welfare of petitioner or petitioner’s children, family, or household members (ORS 163.765(1)(b)(E)).</p> <p>“Other relief” provision gives court discretion to order that Respondent not possess weapons (even at ex parte).</p>	<p>Court can order respondent to undergo mental health evaluation and treatment (ORS 30.866(3)(a); ORS 163.738(5)).</p> <p>Court can initiate civil commitment proceedings if respondent is dangerous to self or others (ORS 30.866(3)(a); ORS 163.738(6)).</p>	No other relief available under this temporary protective order
OTHER PROVISIONS					
Attorney fees and costs	Reasonable attorney fees and costs available (ORS 107.716(3)).	Reasonable attorney fees and costs available (ORS 124.015(b)).	Not available	Petitioner (only) may recover attorney fees (ORS 30.866(4)).	Not available

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Violations of order	<ul style="list-style-type: none"> Petitioner cannot violate their own restraining order Mandatory arrest laws apply if respondent violates the restraining order (ORS 133.310(3)). <p>After respondent is served with restraining order, it is entered into LEDS and NCIC (ORS 107.720(1); ORS 124.022(2))</p>				
Consequences of violation	<p>District attorney brings a contempt case against respondent in a quasi-criminal matter. (ORS chpt. 33 and UTCR chpt. 19).</p> <p>Contempt proceedings can be brought in county of issuance or where violation occurred (ORS 107.728).</p>	<p>District attorney brings a contempt case against respondent in a quasi-criminal matter. (ORS chpt. 33 and UTCR chpt. 19).</p> <p>Contempt proceedings can be brought in county of issuance or where violation occurred (ORS 124.012).</p>	<p>District attorney brings a contempt case against respondent in a quasi-criminal matter. (ORS chpt. 33 and UTCR chpt. 19).</p> <p>Contempt proceedings can be brought in county of issuance or where violation occurred (ORS 163.773).</p>	<p>First violation is a Class A misdemeanor. If respondent has a prior conviction for violating a protective order, then it is a Class C Felony (ORS 163.750(2)).</p> <p>For violations that are expressive contacts, conduct must create reasonable apprehension regarding petitioner’s personal safety (ORS 163.750(1)(c)).</p>	<p>District attorney brings a contempt case against respondent in a quasi-criminal matter. (ORS 133.035(8)(a), ORS chpt. 33 and UTCR chpt. 19).</p>
State / federal gun prohibition	<p>State and federal gun dispossession applies when person is subject to a qualifying protective order:</p> <ol style="list-style-type: none"> Order was issued after a hearing where respondent had actual notice and opportunity to be heard Parties have an intimate partner relationship <ol style="list-style-type: none"> Spouse or former spouse Other parent of respondent’s child Person who does or did cohabit (live in a sexually intimate relationship) with respondent Order restrains future abuse Credible threat finding or physical force prohibition (18 USC §921(a)(32); 18 USC §922(g)(8)); ORS 166.255(1)(a)). 				
	<p>FAPAs will almost always trigger the state and federal gun prohibitions if the order is upheld after a contested hearing (arguably even when respondent fails to show up to the hearing)</p>	<p>Credible threat finding is not required in EPPDAPA. Therefore, a Judge would have to make additional findings (listed in the “Firearms Findings” in the “Order After Hearing” in order for state / federal gun prohibits to apply.</p>	<p>A finding of “credible threat” is not required in SAPO. Therefore, a Judge would have to make additional findings that the respondent is a “credible threat” (listed in the “Firearms Findings” in the “Order After Hearing”. In addition, the requisite relationship will be rare in a SAPO unless the petitioner is a minor.</p>	<p>Credible threat finding is not required in SPOs. Therefore, a Judge would have to make additional findings (listed in the “Firearms Findings” in the “Order After Hearing”. (See ORS 30.866(10) and ORS 163.738(b) for authority to include firearms findings).</p>	<p>Does not apply because there is no contested hearing.</p>