

### **What happens after I file the paperwork?**

The court will schedule a hearing so that a judge can review your petition and verify that you meet the requirements for a SAPO (*see Requirements section*). This is an *ex parte* hearing, which means the respondent does not get notice.

### **What should I expect at the *ex parte* hearing?**

The *ex parte* hearing will take place the same day that you apply for the protective order or the next business day. At the hearing, the judge may ask you some questions about your petition. There may be other people in the courtroom waiting for the judge to review their protective order paperwork, so check with your county to find out how long you should expect to be at the courthouse.

If you do not meet all the requirements for a SAPO, the judge will dismiss your protective order. However, you may file a new petition if the respondent sexually abuses you again.

### **When does the order go into effect?**

If the judge issues you a protective order, the order becomes effective once the respondent is *served* (handed a copy of the protective order).

### **How does the respondent get served?**

After the *ex parte* hearing, the court clerk will provide you with copies of the protective order. Bring two copies of the protective order to the sheriff's office and have them complete service. The sheriff's office will attempt to serve the respondent that day or the next day. Alternatively, any adult over the age of 18 (other than yourself) may serve the respondent. Ask the court clerk for more information on how to properly serve someone. Once the respondent is served, law enforcement will enter the protective order into a statewide law enforcement database to ensure that all Oregon police agencies know about it.

### **Can the respondent object to the order?**

The respondent has 30 days from the date they are served to request a *contested hearing*. At the contested hearing, both you and the respondent will have an opportunity to present evidence and tell

your side of the story. You have the burden of proving that you meet the requirements for a SAPO.

If the respondent requests a hearing, you will receive a court notice in the mail with the date of the hearing. The hearing must be set within 21 days after the respondent files their hearing request.

If the respondent does not request a hearing within 30 days, the order remains in effect and the respondent loses the opportunity to object. However, they can still file a motion to modify the order and make it less restrictive at a later date.

### **How long does the order remain in effect?**

Your restraining order remain in effect for one year from the date it was initially granted (unless it's dismissed at the contested hearing).

### **What happens if the respondent or I don't show up to a hearing?**

It's very important that you show up to the contested hearing, because your restraining order may be dismissed if you don't appear. If the respondent fails to show up to the contested hearing, the order will be continued as previously entered and the respondent loses their opportunity to object.

### **Can I violate my own protective order?**

Only the respondent can violate the no contact provisions of the protective order. However, it's not a good idea to continue contacting the respondent, because a judge is less likely to believe you are afraid of that person.

### **What if the respondent violates the order?**

If the respondent violates the order, you may call the police and make a report. The police must arrest the respondent if they believe that he/she has violated the order. The district attorney's office may or may not choose to bring contempt charges against the respondent based on the violation.

---

The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice or grant-making component. This project was supported by Award No. VOCA-OT-2016-LASO-00069 awarded by the Office for Victims of Crime, Department of Justice.

## Legal Aid Services of Oregon & Oregon Law Center



# Protection from Sexual Abuse

## How to Get a Sexual Abuse Protective Order (SAPO) in Oregon.

---

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 pamphlet is accurate as of August 2017.

# Requirements for Getting a Sexual Abuse Protective Order (SAPO)

## 1. Age

- There is no age restriction for petitioners. However, if you are younger than 12, the court will appoint a guardian ad litem to represent your interests in the court case.
- The respondent must be 18 or older.

## 2. Relationship

The respondent **cannot** be:

- Your spouse or former spouse
- An adult related to you by blood, adoption, or marriage\*
- A former sexual partner (within last 2 years)\*
- The other parent of your child
- Person you are or were living with and having sexual relations with

\*Minors may qualify for a SAPO against a relative or former sexual partner in some circumstances.

## 3. Abuse

In the last 180 days,\*\* you must have been sexually abused. This means you had sexual contact with the respondent that you either (1) did not consent to or (2) were incapable of consenting to due to age or mental incapacity.

\*\*Any time period when the person who abused you was in jail, lived more than 100 miles from your home, or was prevented from contacting you by another restraining order or criminal no contact order does not count as part of the 180-day period.

## 4. Continued Threat of Abuse

You must have a reasonable fear for your physical safety. (In addition, in order to obtain a SAPO, the Respondent must not be prohibited from contacting you by another restraining order or criminal no contact order.)

# Frequently Asked Questions

## What is a SAPO?

A SAPO is a court order that requires someone who sexually assaulted you to stop contacting you and stay a reasonable distance away from you. A SAPO lasts for one year from the date the order is first granted by a judge.

## Do I need an attorney?

An attorney can be helpful if the respondent requests a contested hearing (see “Can the respondent object to the order?” section). We also recommend talking to an attorney in these situations:

- **You are a minor.** If you are a minor, or are obtaining a SAPO on behalf of a minor, you should talk to an attorney before you apply. You should also be aware that the court and law enforcement will be required to report suspected child abuse to DHS child welfare.
- **There is an ongoing criminal investigation.** Your abuser may not be aware they are under investigation until criminal charges have been filed against them. If you obtain a SAPO against your abuser, this can compromise the secrecy of a criminal investigation, making it harder for law enforcement to gather evidence.
- **You are worried that the respondent may use your past sexual history against you.** There are rules that prevent the respondent from discussing your sexual history in court, but it is hard to assert these protections without an attorney.

## Where do I find an attorney?

**If you can afford to pay an attorney,** you can call the Oregon State Bar Lawyer Referral Service at 503-684-3763 or 800-452-7636 to get a referral to a local attorney who accepts this type of case.

**If you cannot afford an attorney,** you may be able to get free representation from one of the non-profit law firms in Oregon:

- **Legal aid.** Offices across the state provide free legal assistance to low-income Oregonians in

civil legal matters. Visit [oregonlawhelp.org](http://oregonlawhelp.org) to find your local office.

- **Victims Right Law Center.** Located in Portland. Provides representation for sexual assault victims in civil legal matters. Call (503) 274-5477.
- **Oregon Crime Victims Law Center.** Located in Portland. Helps crime victims assert their rights in criminal cases. Call (503) 208-8160.

## Where do I apply for a SAPO?

You apply for and file the protective order in the circuit court in the county where you or the respondent live.

## Does it cost anything?

No. There is no cost, filing fee, or service fee to obtain a SAPO in Oregon.

## Who is the petitioner and who is the respondent?

You are the **petitioner** because you are asking (also known as “petitioning”) the court for a SAPO. The person you are getting the SAPO against is the **respondent** because they are responding to the allegations in the petition.

## Where do I get the paperwork to apply for a protective order?

Many counties have SAPO paperwork available at the courthouse. If your county does not have forms available at the courthouse, they can be found online at: [courts.oregon.gov](http://courts.oregon.gov) under the “self help” drop-down menu.

## How do I fill out the paperwork?

Be specific when filling out the paperwork, but it is unnecessary to provide every detail of an incident. Court staff may be able to help you fill out the paperwork, but they cannot answer legal questions.

## Do I have to disclose where I live?

No. You can use a contact address, such as a PO box or a friend’s address on the court paperwork. Just make sure the court always has a valid mailing address so you can receive important court notices in the mail. **(Continued on back...)**