

## How to act in court

- Stand when the judge enters the room and sit when you are told to
- When talking to the judge, stand up, and address the judge as "your honor."
- Be polite. Do not interrupt anyone during the hearing.
- The judge or the Respondent (or their attorney) may ask you questions. If you do not understand a question, tell the judge. Do not answer a question until you fully understand it.
- If you do not know the answer to a question, the right answer is "I don't know."
- Take your time when answering questions and explain your answers if you think it is necessary.
- Answer all questions truthfully.
- Remain calm. Don't make faces or react if the Respondent says something you disagree with.
- Avoid bringing your children to court. Some counties have free child care if you can't find a babysitter. If you have to bring your children, try to find someone who can sit with them during the hearing.
- Do not bring any weapons, such as knives, guns, mace, or pepper spray into the courthouse.
- Do not bring food or drinks into the courtroom, or chew gum in the courtroom.
- Bring friends, relatives, or domestic violence advocates to support you during the hearing
- Do not bring anyone who might "confront" the Respondent.

## Finding an attorney

Attorneys can help you prepare for a contested restraining order hearing, establish custody of your children, and file for divorce or represent you in these matters.

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 <http://oregonlawhelp.org//resource/oregon-legal-aid-offices> to find a legal aid office near you.

## Additional resources

Crime victim assistance programs in Oregon: [www.doj.state.or.us/victims/pages/assistance.aspx](http://www.doj.state.or.us/victims/pages/assistance.aspx)

List of domestic violence shelters in Oregon: <https://www.ocadsv.org/find-help>

Child support assistance: [www.oregonchildsupport.gov](http://www.oregonchildsupport.gov)

\* For more detailed information on what you need to prove at your contested restraining order hearings, visit legal aid's website: [OregonLawHelp.org](http://OregonLawHelp.org) and click on "Protection from Abuse" and then "Protective & Restraining Orders."

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## Legal Aid Services of Oregon & Oregon Law Center



# FAPA Hearing Checklist

A quick guide to help you get ready for your contested Family Abuse Prevention Act (FAPA) restraining order hearing.

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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 July 2017.

## Read your notice carefully

- Double check the date, time, and location of the hearing
- Call the court immediately if you need to reschedule your hearing date
- Call the court if you need an interpreter at the hearing

## What you have to prove

At the hearing you have to prove:

1. You and the Respondent are family or household members
2. The Respondent physically abused you, sexually abused you, or threatened to cause you bodily harm in the last six months;\* and
3. You are still in danger of further abuse from the respondent.\*

## Prepare your testimony

Create an outline of the things you plan to talk about at the contested hearing. You should focus mainly on the abuse you experienced in the last six months. However, you can bring up older incidents of abuse if it will help the judge understand why you are afraid of the Respondent.

**Tell the judge about any times the Respondent:**

- Physically abused you:**
  - Hit, slapped, punched, kicked, choked, grabbed, pushed, shook, or threw you (or tried to do any of those things)
  - Stabbed you (or tried to stab you)
  - Shot you (or tried to shoot you)

- Threatened you:**
  - Threatened to physically injure you
  - Threatened to kill you
  - Pointed a gun at you or shot at you

- Sexually abused you:**
  - Forced you to have sex
  - Threatened to hurt you if you didn't have sex
  - Had sex with you while you were sleeping or unconscious

- Emotionally abused you:**
  - Threatened to commit suicide
  - Called you names or put you down
  - Got angry at you for refusing to have sex or perform a sexual act
  - Controlled what you did, what you wore, or who you could see
  - Threatened to hurt your family or friends or harassed them
  - Killed, hurt, or threatened to hurt your pets
  - Intentionally damaged your property
  - Prevented you from working or got you fired from a job
  - Denied you access to money

- For each incident of abuse, include as many details as possible:**
  - Description of what happened
  - Date and location of incident
  - Did you receive any injuries?
  - Was any property damaged?
  - Were your children present?
  - Were you pregnant at the time?

- Did you call the police?
- Was the Respondent arrested, charged with a crime, or convicted of a crime following the incident?

## Find witnesses

People who personally witnessed your abuse, saw you immediately after you were abused, or saw your injuries can testify for you. Any of the following people may be good witnesses for your case:

- Friends, relatives, neighbors, or co-workers
- Police officers who responded to a domestic violence incident
- Department of Human Services (DHS) caseworkers (if they are involved)
- Child care providers or teachers (if custody is at issue)

## Collect physical evidence

Besides witness testimony, you can use physical evidence to prove your case. Here are some things you may be able to use to prove that you were abused:

- Photos
- Text, email, or Facebook messages
- Audio or video recordings
- Medical records
- Torn clothing or broken items from an abuse incident
- "Certified copies" of the Respondent's criminal records or prior restraining orders from your local courthouse