

Comparison Chart of Protective Orders in Oregon

Current as of February 2020

	FAPA	EPPDAPA	SAPO	SPO	ERPO	EPO
	Family Abuse Prevention Act Restraining Order, ORS §107.700 – 735	Elderly Persons and Persons with Disabilities Abuse Prevention Act Restraining Order, ORS §124.005 – 040	Sexual Abuse Protective Order, ORS §163.760 – 777	Stalking Protective Order, ORS §163.730 – 755 (criminal and civil citation route) & ORS §30.866 (civil petition route)	Extreme Risk Protection Order, ORS §166.525 – 543	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 • Person who is cohabitating or formerly cohabitated with petitioner (cohabitate implies sexual relationship) • Former sexual partner (within last 2 years) • Parent of petitioner's child (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: 65 years or older, 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 situations (ORS 163.763(1)(a); ORS 107.705).	Petitioner and respondent do not have to have a particular relationship (See ORS 30.866 generally)	Petitioner must be either: <ul style="list-style-type: none"> • Law enforcement officer (OSP, Sheriff, city police, tribal police; not campus security), or • Family or household member, which is defined as: <ul style="list-style-type: none"> ○ Spouse ○ Intimate partner ○ Parent, sibling, or child of respondent ○ Any person living in the same household as respondent. (ORS 166.525(2); ORS 166.527(1)) 	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: Spouse / former spouse	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	No, but minor petitioner would require a guardian ad litem (ORCP 27B). A parent or guardian can also present a complaint for a stalking	No, but minor petitioner would require a guardian ad litem (ORCP 28).	N/A, peace officer responding to a domestic violence incident applies. (ORS 133.035(1)) However, the protected

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	Person with whom they have been involved in a sexually intimate relationship at any point in time (no 2-year limit) (ORS 107.726)		ad litem (ORS 163.763(2)(a)).	citation to protect a minor or dependent person. (ORS 163.744(3)).		person may be a minor in certain circumstances
Does the respondent have to be over 18?	Yes (ORS 107.726(2)).	Unclear. Nothing in the EPPDAPA statute prohibits the action but see ORS 419B.100(1)(c) re exclusive jurisdiction of Juvenile Court over minor whose condition or circumstances endanger self or others. If filed against a minor respondent, 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 30.866(5)).	Unclear. Nothing in the ERPO statute prohibits the action but see ORS 419B.100(1)(c) re exclusive jurisdiction of Juvenile Court over minor whose condition or circumstances endanger self or others. If filed against a minor respondent, a guardian ad litem is required (ORCP 27B).	The Respondent may be a minor in certain circumstances
Types of abuse that qualify petitioner for the order	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	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	Sexual abuse, which means sexual contact with: A person who does not consent to the sexual contact* A person who is incapable of consenting due to incapacity (ORS 163.760(2)) * Sexual Contact is any	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)). * Contacts include	Abuse to petitioner is not required. Petitioner must show that respondent represents a risk in the near future, including an imminent risk, of suicide or of causing physical injury to another person. (ORS 166.527(6)(a))	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

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	<p>threat of force (ORS 107.705(1))</p>	<p>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>	<p>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>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>	<p>Court must consider certain mandated elements:</p> <ul style="list-style-type: none"> • History of suicide attempts or threats • Acts of violence against another person • History of use, attempted use, or threatened use of physical force against another person • Previous conviction for stalking, misdemeanors involving violence, or offenses involving domestic violence • DUII • Cruelty or abuse of animals • Unlawful use of controlled substances • Prior use or display of deadly weapons • Prior violations of FAPA orders • Efforts to acquire weapon in last 6 months (ORS 166.527(4)) 	<p>household member (ORS 133.055(2))</p>

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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),(6)).	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)).	There is no time limit for when the abuse occurred.	Stalking contacts must have taken place within last 2 years (ORS 30.866(6)).	Statute implies that the conduct must be ongoing or recent since the risk must be in near future or imminent.	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)).	No minimum number of incidents	One incident of abuse (ORS 133.055)
Additional requirements	1. Petitioner must be in imminent danger of further abuse <i>(required for issuance of initial order only)</i> 2. Respondent must be a credible threat to the physical safety of petitioner or petitioner's child. (ORS 107.718(1))	Petitioner must be in immediate & present danger of further abuse (ORS 124.010(1)).	1. Petitioner must have reasonable fear for their physical safety with respect to the respondent (ORS 163.763(2)(b)(A)). 2. Respondent must not be prohibited from contacting petitioner by any other restraining or no contact order (ORS 163.763(1)(c)).	1. Victim's feeling of alarm or coercion must be objectively reasonable 2. Repeated and unwanted contacts must cause the victim reasonable apprehension regarding their personal safety/safety of immediate family (ORS 30.866(1)) If stalking contacts are purely communicative, contact must contain an unambiguous, unequivocal, and specific threat, and petitioner must believe the respondent intends	Issuance of an ERPO is mandatory if the court finds by clear and convincing evidence that the respondent presents a risk in the near future, including an imminent risk, of suicide or causing physical injury to another. (ORS 166.527(6)(a))	Emergency protective order must be necessary to prevent further abuse

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				to carry out the threat (<i>State v. Rangel</i>).		
PROCEDURE						
How to apply	Forms available at courthouse or online at www.courts.oregon.gov . Petitioner files paperwork in circuit court of county where petitioner or respondent resides (ORS 107.728)	Forms available at courthouse or online at www.courts.oregon.gov v. Petitioner, guardian, or guardian ad litem files paperwork in circuit court in county where petitioner or respondent resides (ORS 124.012).	Forms available at courthouse or online at www.courts.oregon.gov v. Petitioner for restraining order must be filed in circuit court in the county where petitioner or respondent resides (ORS 163.763(2)(a)).	Two routes: 1. Civil petition: Person files petition in circuit court in county where respondent resides or where one incident of stalking occurred (ORS14.080(1)), or 2. Stalking citation: Police can issue a citation upon receipt of a complaint that stalking has occurred (ORS 163.735).	Forms available at courthouse or online at www.courts.oregon.gov . Petitioner applies to circuit court in an ex parte proceeding.	Peace officer applies to a circuit court in an ex parte proceeding. Protected person must consent to the application (ORS 133.035(1)).
Filing Fees	No filing, service, or hearing fees (ORS 107.718(8)).	No filing, service, or hearing fees (ORS 124.020(7);	No filing, service, or hearing fees (ORS 163.777(1)).	No filing, service, or hearing fees (ORS 30.866(9)).	No filing, service, or hearing fees (ORS 166.527(11)).	No filing, service, or hearing fees (ORS 133.035).
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	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	Ex parte hearing is held same day or next judicial day after petition is filed. Hearing can be in person or by video. (ORS 166.527(2); 166.527(5)(b)). Hearing can be continued for good cause (ORS	No hearing requirement. Peace officer submits the proposed order and supporting declaration ex parte to the on-call judge (ORS 133.035(1), (9)).

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		made by a guardian, GAL, a witness to abuse, or Adult Protective Services worker who conducted an investigation (ORS 124.020(3)).		why a protective order should not be entered against them (ORS 163.735(1)).	166.527(5)(c). If court declines to enter the order, court must state with particularity the reasons for the denial on the record (ORS 166.527(12)).	
Contested Hearing	<p>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.</p> <p>EC hearing is set 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)).</p> <p>If no EC hearing is set and respondent fails to contest the order within 30 days, it is</p>	<p>Contested hearing occurs if respondent requests a hearing within 30 days of service (ORS 124.020(9)).</p> <p>Protected person can also request a hearing if GAL or guardian applied for order on their behalf (ORS 124.010(7)(c),(d)).</p> <p>Court must provide petitioner with a copy of respondent’s hearing request (ORS 124.020(9)(b)).</p> <p>Hearing can be held by telephone (ORS 124(9)(c)).</p>	<p>Contested hearing occurs if respondent requests a hearing within 30 days of service (ORS 163.765(6)(a)).</p> <p>Note: The Court may order that the SAPO be served by alternative service per ORCP 7D(6).</p> <p>If respondent fails to appear or contest the order within 30 days, the order is upheld by operation of law. (ORS 163.765(7)).</p> <p>Court must provide petitioner with a copy of respondent’s hearing request (ORS 163.765(6)(b)).</p> <p>Note: Rape Shield Law</p>	<p>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).</p> <p>Stalking citation: Show cause hearing is automatically set when a police officer issues a citation. Respondent must be given an</p>	<p>Contested hearing occurs if respondent requests a hearing within 30 days of service (ORS 166.527(9)(a)).</p> <p>Court must provide petitioner with a copy of Respondent’s request for hearing and notify both parties of date and time of hearing (ORS 166.527(9)(b)).</p> <p>Oregon Evidence code applies but court may consider testimony of parties or any witness or consider sworn affidavits of parties or any witness. Court may examine the parties and witnesses. (ORS</p>	No contested hearing available because of temporary nature of order

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	<p>upheld by operation of law ((ORS 107.718(11)).</p> <p>To continue a FAPA after a contested hearing, court must find:</p> <ol style="list-style-type: none"> 1. Petitioner reasonably fears for their physical safety, and 2. Respondent represents a credible threat to the safety of petitioner or petitioner’s children. <p><i>Note: The “imminent danger of further abuse” finding is no longer required to continue a FAPA after hearing.</i></p> <p>Court must provide petitioner with a copy of respondent’s hearing request (ORS 107.718(10)(b)).</p> <p>Parties may request to appear by phone. Court can waive requirement that motion for telephone testimony be filed 30 days before hearing. Court should</p>		<p>applies to the contested hearing (ORS 40.210, Rule 412)</p> <p>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 cause includes safety and welfare of the parties or witnesses (ORS 163.770)).</p>	<p>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))</p>	<p>166.530(1)(a); 166.530(2)(a)).</p> <p>Court may ensure at the contested hearing that a reasonable search has been conducted for criminal history records of the respondent (ORS 166.530(1)(b)).</p> <p>Court may not include MH diagnosis in findings, or draw nexus between mental illness and risk. (Court may apparently draw nexus between <i>conduct</i> and risk). (ORS 166.530(3)(d)).</p> <p>A continued order must include terms that weapons surrendered to law enforcement remain in LEA custody; date/time of issuance of order; date/time of expiration of order; local protocol for surrender of weapons (ORS 166.530(4)).</p> <p>Order terminating order must state</p>	

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	consider expedited nature of proceeding and whether good cause exists. (ORS 107.717(3)).				reasons on record with particularity (ORS 166.530(7)). Respondent and Petitioner may each submit a written request to terminate order once during the 12 month effective period of the order and once during any 12 month renewal period of the order (ORS 166.533(1)).	
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)).	Petitioner must prove claim by clear and convincing evidence (ORS 16.527(6)(a)).	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	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.	Court must hold hearing within 21 days of respondent's request for hearing (ORS 166.527(9)(c)).	N/A

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	<p>days of request (ORS 107.716(1)).</p> <p>If court sets exceptional circumstance hearing, it must be held within 14 days.</p> <p>Respondent can request earlier hearing to be held within 5 days. (ORS 107.716(2)).</p>			<p>Stalking citation: Show cause hearing occurs within three judicial days after issuance of stalking citation (ORS 163.735).</p>		
Continuances	<p>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)).</p> <p>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</p>	<p>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)).</p> <p>Mandatory continuance: If respondent or victim seeks to raise an issue not raised in hearing request, other parties are entitled to a reasonable continuance to prepare a response. (ORS 124.020(9)(c)).</p>	<p>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)).</p>	<p>Court may continue show cause hearing for up to 30 days (ORS 30.866(3)(a), ORS 163.738(2)(a)).</p>	<p>Court may continue the ex parte hearing, a contested hearing, a subsequent termination hearing, or a renewal hearing for “good cause.” Any order issued stays in effect during the continuance (ORS 166.527(5)(c); 166.530(2)(b); 166.533(3)(c)).</p>	N/A

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	a response (ORS 107.718(10(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).	Three possible durations: (1) Five years, but order can be renewed upon a finding that person in petitioner’s situation would reasonable fear for their physical safety if not renewed. No need to prove further acts of abuse (ORS 163.775(1)(a)). (2) If petitioner is under 18, the SAPO is effective until the petitioner turns 19 or for 5 years, whichever occurs later. (ORS 163.765(8)(a)). [[Watch SB 1547]] (3) Court shall enter a permanent order if respondent has been convicted of a crime described in ORS 163.355- 163.445 against petitioner. (ORS 163.765(8)(b)). Court may enter a permanent restraining order if it is	Unlimited duration if judge signs a permanent order (ORS 163.738(b)). Dismissal may be allowed under case law if grounds for order no longer exist; court’s inquiry should focus primarily on whether petitioner continues to suffer “reasonable apprehension” due to the past acts of the respondent. <i>Edwards v. Biehler, 203 Or.App. 271 (2005).</i>	One year, but order can be renewed (and further renewed) within 90 days of expiration at a hearing for which both parties receive notice and at which the petitioner proves that a predicate risk remains (ORS 166.527(10); 166.535(1); 166.535(4)). Petitioner for renewal must be law enforcement or family/household member, but does not need to be the original petitioner (ORS 166.535(1)).	Expires 7 days after the judge signs the order (ORS 133.035(7)(a)).

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			objectively reasonable for petitioner to fear for their physical safety and the passage of time or change in circumstance would not dissipate that fear. (ORS 163.765(8)(c))			
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 has passed. The petitioner can request ex parte to remove or make less restrictive outster and no contact provisions. (ORS 107.730(1)(a)(b))	No procedure addressed in statute, but legislature seemed to anticipate amendments to order (see 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	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	Respondent can be restraining from abusing, intimidating, molesting, interfering with, or menacing the victim. (ORS 124.020(1)(c))	Respondent can be restrained from contacting petitioner and petitioner’s children, family, or household members and from intimidating, molesting, or	Order shall specify the type of contact respondent is to refrain from, including following the petitioner, waiting outside petitioner’s home, sending emails,	Not available	Restraint from contacting the person protected by order and restraint from intimidating, molesting, or interfering with protected person. (ORS 133.035(4)(a))

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	<p>restrained from intimidating, harassing, interfering, and menacing petitioner and petitioner’s custodial 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>Respondent can be restrained from entering any premises if necessary to 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>interfering with them. (ORS 163.765(a), (b))</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>	<p>or damaging the petitioner’s property. (ORS 163.738(2)(b), ORS 163.730)</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	Not available
Monetary relief	Available if necessary for safety of petitioner or petitioner’s children (ORS 107.718(1)(h)).	If court finds that respondent financially abused the protected person, the court can order relief as necessary to remedy or	(not explicit in the statute, but see ‘other relief’ provision below)	Petitioner can request damages, including punitive damages and damages for emotional distress (ORS 30.866(4)).	Not available	Not available

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		stop the financial abuse (ORS 124.020(2)(a)).				
Ouster	<p>Respondent can be required to move from petitioner's residence if:</p> <p>Residence is solely in petitioner's name, Residence is jointly owned/rented by petitioner and respondent, or Parties are married to each other (ORS 107.718(1)(b)).</p> <p>Civil standby: Party moving out is entitled to have police officer accompany them one time, for 20 minutes, to collect essential personal items from residence (ORS 107.718(1)(d), 107.719)).</p>	<p>Respondent can be required to move from petitioner's residence if:</p> <p>Residence is solely in petitioner's name, Residence is jointly owned/rented by petitioner and respondent, or Parties are married to each other (ORS 124.020(1)(a); ORS 124.015(2)(a)).</p> <p>At contested hearing, court can order either party to 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>	Not available	Not available	Not available	Not available, protected person should seek another, more permanent restraining order or family law remedy if they want to oust abuser from the residence

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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>Order can include a provision that Respondent refrain from exercising control over the money or property of the petitioner and return misappropriated money/property to petitioner (ORS 124.020(2)(a)).</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>	<p>The only relief available under ERPO is the ban on respondent possession or purchasing or attempting to purchase or possess a deadly weapon, and the requirement to surrender the deadly weapons (ORS 166.527).</p>	<p>No other relief available under this temporary protective order</p>
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	Not available

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	FAPA	EPPDAPA	SAPO	SPO	ERPO	EPO
Violation of order	<p>Violations of order</p> <ul style="list-style-type: none"> • Petitioner cannot violate the terms of the order that restrain respondent • Petitioner can be found in contempt for violating custody or parenting terms in the order • Mandatory arrest laws apply if respondent violates the restraining order (ORS 133.310(3)). • After respondent is served with restraining order, it is entered into LEDS and NCIC (ORS 107.720(1); ORS 124.022(2)) 					
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>Violation of ERPO is a Class A misdemeanor if the order was issued after notice and a hearing, confirmed by operation of law when no hearing was requested within 30 days, or renewed at hearing. Conviction for this misdemeanor results in additional 5 year ban on possession of firearms. (ORS 166.543)</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>
Federal gun prohibition	<p>Federal gun dispossession applies when person is subject to a qualifying protective order:</p> <ul 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 <ul 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)). 					
	FAPAs will almost	Credible threat finding	A finding of “credible	Credible threat finding	Does not apply because	Does not apply because

Comparison Chart of Protective Orders in Oregon

Current as of February 2020

	FAPA	EPPDAPA	SAPO	SPO	ERPO	EPO
	always trigger the federal gun prohibitions if the order is upheld after a contested hearing (arguably even when respondent fails to show up to the hearing).	is not required in EPPDAPA. Therefore, a Judge would have to make additional findings (listed in the “Firearms Findings” in the “Order After Hearing”) for federal gun prohibitions to apply.	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.	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.	ERPO does not restrain from harassing, stalking, or threatening.	there is no contested hearing.
State gun prohibition	It is unlawful for a respondent to knowingly possess a firearm or ammunition if subject to a court order that: 1. was issued or continued after a hearing for which the respondent had actual notice and opportunity to be heard, or 2. was issued, continued, or remains in effect after the respondent received notice of the opportunity to request a hearing	Courts may order “No Firearms” under the provision of “other relief” that the court considers necessary to provide for the safety and welfare of the petitioner. For state firearms prohibitions to apply, the court would need to make a credible threat finding and the petitioner would need to be a family or household member of the respondent. (ORS 166.255(1)(a))	Courts may order “No Firearms” under the provision of “other relief” that the court considers necessary to provide for the safety and welfare of the petitioner. For state firearms prohibitions to apply, the court would need to make a credible threat finding and the petitioner would need to be a family or household member of the respondent. (ORS 166.255(1)(a))	If the respondent has been convicted of stalking under ORS 163.732, it is unlawful for the respondent to knowingly possess a firearm or ammunition. (ORS 166.255(1)(c)) If there has been no stalking conviction, state firearm prohibition applies only if the court makes a credible threat finding and if the petitioner is a family or household member of the respondent. (ORS 166.255(1)(a))	Does not apply because ERPO does not restrain from stalking, intimidating, molesting, or menacing.	Does not apply because there is no contested hearing.

Comparison Chart of Protective Orders in Oregon

Current as of February 2020

	FAPA	EPPDAPA	SAPO	SPO	ERPO	EPO
	<p>and either requested the hearing and didn't show, withdrew the request before the hearing occurred, or did not request a hearing.</p> <p>The court order must restrain the respondent from stalking, intimidating, molesting, or menacing the petitioner and includes a finding that the respondent represents a credible threat to the physical safety of the petitioner. (ORS 166.255(1)(a))</p>					

Materials created by Legal Aid Services of Oregon and Oregon Law Center July 2017. Updated by Amy Benedum and Judge Maureen McKnight of the Oregon Judicial Department, and Oregon Law Center February 2020.