Oregon
John A. Kitzhaber, MD, Governor

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January 20, 2015

Administration for Children and Families
Administration on Children, Youth and Families
Family and Youth Services Bureau
Family Violence Prevention and Services Program
ATTN: Ken Noyes, Rebecca Odor, Betty Johnson
1250 Maryland Avenue, SW., Suite 8214
Washington, D.C. 20024

Re: Family Violence Prevention and Services Grants to States for Domestic Violence Shelters and Support Services

Greetings:

Enclosed please find our application in response to the request for applications for the above-captioned grants.

The Department of Human Services is the Oregon state agency designated to receive funding and carry out the activities under this Act. The Child Safety program within DHS will be the administrative unit.

DHS currently uses revenue from a surcharge on marriage licenses and from a criminal fine assessment account to fund grant contracts with private non-profit agencies providing emergency shelter and related services to victims of domestic violence. Oregon's definition of domestic violence is compatible with the Federal definition used in the Act. Domestic violence is defined in Oregon statute as:

> *"The physical injury, sexual abuse or forced imprisonment, or threat thereof, of a person by another who is related by blood, marriage or intimate cohabitation at the present, or has been related at some time in the past, to the extent that the person's health or welfare is harmed or threatened thereby. . ."*

In addition to contracting for shelter and related services, DHS also contracts with the Oregon Coalition Against Domestic and Sexual Violence to provide technical assistance for the non-profit programs.

DHS strongly agrees with the importance of collaboration outlined in the program announcement. We have combined policy functions with our TANF section and field operations within DHS. We work closely with the Crime Victims' Services Division in the Oregon Department of Justice, who is the other Oregon state agency that administers domestic & sexual violence funds. Those funds include the Violence Against Women Act and the Victim of Crime Act funds. The Dept. of Justice administers other state funds for services to victims of domestic violence and sexual assault. We also collaborate with the Oregon Coalition Against Domestic & Sexual Violence (OCADSV) and the Oregon Sexual Assault Task Force.

Thank you for the continued opportunity to receive this funding. We appreciate the support and leadership of the Federal government in addressing violence against women.

Sincerely,

Erinn Kelley-Siel
Director

EKS: LD:dd

OREGON DEPARTMENT OF HUMAN SERVICES

CHILD WELFARE PROGRAM
FAMILY VIOLENCE PREVENTION AND SERVICES ACT
FY 2015 APPLICATION

DOCUMENTATION

1. State Agency Designated to Receive Funds

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Dun and Bradstreet number: 13-672-5301

Central Contractor Registration is current

2. Plan to involve community-based organizations whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State in identifying and addressing the unmet needs of such populations, including involvement in the State planning process and other ongoing communications

The Oregon Department of Human Services (DHS) objective is for services to be informed by the expertise of local cultural experts. Our underserved populations will be more likely to access service providers that are rooted in their culture. Our action steps to implement this will be primarily through:

- Funding domestic violence programs that are part of larger community-based organizations whose primary purpose is to provide

culturally appropriate services to underserved populations;

- Including representatives from these programs in the DHS Domestic and Sexual Violence Fund Advisory Board
- Supporting local programs to implement community engagement and planning through contract requirements;
- Supporting local programs in engaging local cultural experts by providing technical assistance to the programs through a contract with the Oregon Coalition Against Domestic and Sexual Violence (OCADSV);
- Coordinating with Oregon's Department of Justice Crime Victims' Services Division (CVSD) and their advisory board on outreach and planning;
- Inclusion of funding for the 9 Oregon federally recognized Tribes in the joint funding process with CVSD, and
- On-going coordination with CVSD on implementation of the Cultural Competency Standards.

Grant agreements include provisions that require programs to participate in strategic community planning processes with both community partners and victims. The purpose is to identify the needs of their community and appropriate services. Also included is a provision that program implementation is coordinated with other community agencies, as well as domestic violence and sexual assault programs to ensure adequate safety and services for victims of domestic violence and sexual assault.

There are eleven agencies in Oregon currently funded by FVPSA that are part of larger agencies. Of these, at least 6 are part of agencies dedicated to providing culturally appropriate services to underserved populations and/or racial and ethnic minority populations, including Native Americans, immigrants, youth, African Americans, and Latino communities.

As a result of state funding increases in 2013, the joint funding formula for the distribution of DHS and CVSD administered monies will now include Oregon's nine federally recognized Tribes: the Burns Paiute Tribe; the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw; the Coquille Tribe; the Cow Creek Band of Umpqua Indians;

the Confederated Tribes of the Grand Ronde; the Klamath Tribes; the Confederated Tribes of the Siletz; the Confederated Tribes of the Umatilla Indian Reservation; and the Confederated Tribes of the Warm Springs Reservation.

Currently, the DHS Domestic and Sexual Violence Fund Advisory Committee has representation from two agencies that provide culturally specific services to an underserved population - a Tribal program and a program for Spanish-speakers, as well as members from the Asian-American, African-American, Latina, rural and frontier communities. Diversifying representation of marginalized and underserved people on this advisory committee is a priority for all members.

The DHS Domestic and Sexual Violence Fund Advisory Committee routinely coordinates planning and outreach efforts with the CVSD advisory committee and its sub-committees. There is broad representation from throughout the state, including other community-based organizations whose primary purpose is to provide culturally appropriate services to underserved populations, on these advisory groups.

One of the overarching themes throughout the Cultural Competency Standards is the expectation that programs will create and strengthen relationships with culturally specific agencies, key community leaders, and natural helpers who serve culturally specific populations. The standards also encourage programs to be flexible in those relationships.

3. Plan to provide specialized services including trauma-informed services for children exposed to family violence, domestic violence, or dating violence, underserved populations and victims who are members of racial and ethnic minority populations

Our objective is for services to be specialized for unique populations and trauma informed. Our action steps to implement this include:

- Supporting local programs in providing specialized and trauma informed services, especially for children, through grant contract language;
- Supporting local programs in providing these services through grant

requirements for staff training that include significant focus on anti-oppression, the effects of exposure on children and the effects of trauma on survivors, and;

- Providing technical assistance to the programs through a contract with the Oregon Coalition Against Domestic and Sexual Violence (OCADSV);

As required by contract, all funded programs with shelters provide information and referrals, advocacy and/or structured activities designed to relate to the physical, emotional, social and intellectual needs of children. These can include individual and group activities where staff and/or volunteers provide peer counseling, nurturing and/or non-violent role models.

The contract requires that staff and volunteers will understand how violence impacts children and ways to mitigate its impact. Specific content includes:

- Risks associated with children witnessing domestic and other types of violence;
- Range of behavioral and emotional response;
- Factors that assist a child in developing and strengthening resilience;
- Healthy and unhealthy strategies children use to cope;
- Safety planning with children; and
- Talking with children about domestic violence

In addition, all non-shelter programs, except for a couple of culturally specific programs without shelter facilities, provide services specifically to meet children's unique needs. All programs discuss the impact of domestic violence on children with survivors, as appropriate.

Currently, almost all programs have co-located advocates in the Department of Human Services Child Welfare and Self-Sufficiency offices. These advocates provide the full range of advocacy services, link families to shelter, and support survivors as they parent in spite of interference by coercive and controlling partners. At least two funded programs provide therapeutic services specifically for children. Two programs have an in-shelter childcare facility.

There is contract language that requires services to underserved populations be implemented in ways that are appropriate and based on their needs.

Contracts require staff and volunteers to have an understanding of the theoretical dynamics of oppression; the dynamics and effects of domestic violence; sexual assault, dating violence, stalking as it relates to different populations; how oppressions impact survivors; and address how to effectively provide services to different populations. Content will cover:

a. Dynamics of oppression, power and control;
b. How oppressions are interconnected;
c. How oppression reinforces social support of violence against women;
d. The effect of dominant culture assumptions on survivors and service delivery;
e. Strategies to interrupt oppressive actions and words;
f. Demographics and needs of the local community;
g. Strategies to overcome barriers and provide equitable, accessible and appropriate services; and
h. Effects of violence on diverse populations (populations include same-sex, African-American, Asian and SE Asian, Latinas or Hispanic, Pacific Islander, Native American, People with Disabilities, Elders, Male survivors.)

There are training requirements for staff and volunteers to learn possible effects of domestic violence, sexual assault and stalking and learn to mitigate the impact of the trauma on survivors, their families and friends (secondary victimization.)

Specific content includes:

- Trauma from single and cumulative trauma including childhood physical and sexual abuse, recent or past domestic violence, recent or past sexual assault
- Range of possible survivor responses and coping strategies including fear, re-experiencing (physical reactions, flashbacks, nightmares), intrusive memories, being triggered, difficulty concentrating, being very calm, being very agitated, depression,

blaming oneself, hyper-vigilance, hyper-arousal, sleeplessness, substance abuse, etc.,

- Strategies to mitigate or reduce trauma,
- Intersections with other issues (mental health, disabilities, alcohol and drugs, etc.);
- Dynamics of suicide and suicide intervention
- Additional barriers for immigrants, people of color, rural populations, elders, children and youth, Lesbian, Gay, Bi-Sexual, Trans-gendered, Queer (LGBTQ), and people with disabilities,
- Strategies to address local needs and provide accessible and appropriate responses to diverse groups.

The contract requires that, as a result of training, staff and volunteers can demonstrate appropriate knowledge, skills and capacity to respond to survivors of domestic violence, sexual assault, dating violence and stalking. The contract requires that staff and volunteers report competence in responding to survivors of domestic violence, sexual assault, dating violence and stalking.

Finally, the contract requires that survivors report satisfaction with services and responses. In our last FVPSA report, overall satisfaction rating for services was over 93%.

4. Plan to Address the Needs of Underserved Populations

Our objective is for services to be designed and delivered in a way that is accessible to survivors from diverse backgrounds and with diverse needs (i.e. culturally responsive services are designed and implemented by culturally responsive staff.) Our action steps to implement this will be primarily through:

- Funding 41 domestic violence programs that cover all Oregon counties to meet rural and frontier geographic needs;
- Supporting local programs to provide accessible services through technical assistance and grant contract language requiring planning for accessible services, staff training and services to diverse clients;
- Providing technical assistance to the programs through a contract with the Oregon Coalition Against Domestic and Sexual Violence

(OCADSV);

- Coordinating with Oregon's Department of Justice Crime Victims' Services Division (CVSD) on planning and funding specialized services to underserved populations; and
- Coordinating with CVSD on implementation of cultural competency standards.

CVSD administers the STOP Violence Against Women Act Formula Grant (VAWA), the Victims of Crime Act (VOCA) and the Oregon Domestic and Sexual Violence Services Fund (ODSVS). DHS and CVSD undertook a joint planning process with the advisory bodies for the DHS Child Welfare funds, VOCA, VAWA and ODSVS to create and implement the Equity Study recommendations for population based formula grants to Oregon's domestic and sexual violence programs.

DHS collaborates in the development of the STOP VAWA Implementation Plan. This plan includes considerations for addressing the needs of underserved populations. The current Oregon state plan can be found at http://www.doj.state.or.us/victims/pages/vawa.aspx

Grant agreements include provisions requiring all services conducted under the grant agreement be available to diverse and other underserved populations and implemented in ways that are appropriate and based on their needs. Additional grant language addresses Limited English Proficiency.

To assist programs in developing services, DHS continues to collaborate with CVSD on the implementation of cultural competency standards. Recently, recommendations were published by the Victim Services Committee of the Oregon Sexual Assault Task Force based on the results of the Advocacy Services to Underserved Populations survey of state domestic and sexual violence agencies. These recommendations refer to the cultural competency standards and build on them. This resource has been shared with all funded programs.

Grant compliance and implementation of the standards are reviewed during annual site visits. The review focuses on:

- How programs incorporate planning for diverse populations into their

planning processes,

- The diversity of staff and Board members based on individual self-identification,
- How programs do outreach to typically underserved populations,
- How services are accessible to underserved groups, and
- What other language capabilities they have in their programs, both through bilingual staff and volunteers and/or through written materials.

In addition, Oregon is committed to funding culturally specific agencies. We work closely with CVSD, which administers Oregon's Victim of Crime Act (VOCA) funds, the STOP Violence Against Women Act (VAWA) funds and the Oregon Domestic and Sexual Violence Services Fund (ODSVS). All three funds set aside money for culturally specific services.

Furthermore, the ODSVS statute identifies culturally specific services as a funding priority. This funding goes to both culturally specific agencies, and to domestic and/or sexual violence programs providing culturally specific programming.

There are five culturally specific agencies within the Portland metropolitan area who receive state funding. Currently, FVPSA funds go to all five of them. Since 2011 we have increased the number funded directly from one to four, as they met the DHS funding statute that requires 24 hour crisis line and emergency shelter access. The remaining program continues to receive FVPSA funding through a sub-grant from another domestic violence program in Portland who receive direct grants from DHS.

While the sub-granting process has worked to provide funding to these critical services, the process does place additional administrative tasks on both the primary agencies and the sub-grantees. DHS-Child Welfare and CVSD continue to explore strategies for streamlining these funding processes.

While all programs are serving people from underserved populations, DHS remains vigilant to ensure that those services are being provided appropriately and that those programs are recruiting and supporting staff,

volunteers and Board members from diverse groups. On-going technical assistance and training is essential to assist programs.

a.) Specific underserved populations

Each local program identifies the underserved populations they focus on for outreach and services, based on the needs and populations within their service areas. The Cultural Competency Standards assessment tool will assist programs in their identification and planning.

Recent population estimates from the Census Quick Facts give the following percentages for some underserved populations in 2010:

African-American/Black	1.8%
Asian	3.7%
Hispanic/Latino	11.7%
American Indian and Alaska Natives	1.4%
Native Hawaiian and Pacific Islander	0.3%
Persons reporting two or more races	3.8%
Foreign born	9.7%
Language other than English in home	14.3%
Persons over 65	13.9%
Persons under 18	22.6%
Persons below poverty level	14%

There are nine Federally-recognized Native American Tribes in Oregon. In the more urban counties[1], about 1% of the people who were counted identified as American Indian/Alaskan Native. In the rural[2]and frontier[3] areas this percentage increased to 2.22%.

The Hispanic/Latino population averaged about 11% in the more urban

[1]Counties considered urban for the sake of this plan are: Multnomah, Washington, Clackamas, Marion, Benton, Linn, Lane, Yamhill, Deschutes, and Jackson
[2] Counties considered rural for the sake of this plan are: Douglas, Crook, Jefferson, Clatsop, Columbia, Umatilla, Morrow, Wasco, Hood River, Klamath, Baker, Lincoln, Polk, Union, Tillamook, Josephine, and Coos
[3] Counties considered frontier for the sake of this plan are: Gilliam, Sherman, Wheeler, Grant, Harney, Lake, Curry, Malheur, and Wallowa

areas of the state, 12% in the rural areas and 7% in the more frontier counties. However in some rural counties the percentage is significantly higher: 12% in Polk, 19% in Jefferson, 24% in Umatilla, and a high of 31% in Morrow and 30% Hood River.

In the Tri-County metropolitan area around Portland,[4] about 3% of the people who were counted identified as Black. Other urban counties, excluding the Tri-County metro area, had a Black population of around 1%. In rural and frontier Oregon the Black population made up less than half a percent of the population.

The Asian population made up 6% of the population in the Tri-County metro area, and 2% in other more urban counties. In the rural and frontier areas Asians made up an average of 1% of the population. There were two counties where the percentage was closer to 2% - Polk and Malheur.

Frontier areas of Oregon experienced an average 2% loss in population, with some counties experiencing a loss as high as 8.7%. Rural and frontier counties also have an average of 16% of their people living below the poverty level, with Sherman County having 20% and Malheur County having a high of almost 23% living below the poverty level.

Urban areas all experienced a growth in population, with Deschutes County experiencing as much as a 36.7% increase. Urban counties outside the Tri-County metro area have an average rate of 15% living below the poverty level, as did the urban county of Multnomah. The more suburban counties of the Tri-County metro area (Washington and Clackamas) have less than 10% of their population living below the poverty level.

Foreign born persons make up 13% of the population in the Tri-County metro area, with the highest concentration being in Washington County at 16.8%. In more rural counties foreign born persons are about 7% of the population and about 4% in more frontier counties.

People who speak a language other than English at home make up about 18% of the Tri-County metro population, with Washington County again

[4] Multnomah, Washington, and Clackamas counties

having the highest percentage at 22.7%. Other more urban counties averaged around 12% of their population speaking a language other than English at home. In the rural and frontier areas, this group averages around 8%. However in some rural counties the percentage is significantly higher: 12% in Polk, 17% in Jefferson, 20% in Umatilla, and a high of 27% in both Morrow and Hood River counties.

People over the age of 65 make up about 13% of the population in more urban counties, about 18% in more rural areas, and about 22% in frontier counties. Children 6 to 17 years of age average 23% in more urban areas and 20% in rural/frontier counties.

Other underserved populations identified are adults without children, teens, people with disabilities, and people with mental health disorders.

Geographic isolation continues to be a significant issue given Oregon's size, mountainous topography, and population distribution. There is at least one agency identified as the primary service provider in each of Oregon's 36 counties, although that agency may be in a neighboring county. Only 4 agencies are serving more than one county, with all of them having offices and/or collaborative services in the other counties they serve.

b.) Outreach Plan
Training and technical assistance for programs have been a priority for both OCADSV and the DHS Domestic and Sexual Violence Fund Advisory Committee. DHS Child Welfare uses part of its administrative limitation of FVPSA funds and state funds to contract with OCADSV for technical assistance. OCADSV will continue to provide workshops at their annual conference, regional and program training, and technical assistance to assist programs in providing appropriate services and outreach.

Each program is required to provide training on anti-racism, anti-oppression, and effects of domestic violence on survivors who are elderly or have disabilities as part of their new staff and volunteer training. Training is provided by existing staff members and/or community resources.

The Cultural Competency Standards assessment tool assists programs in

engaging local leaders/stakeholders in their planning processes.

Programs also report networking with relevant community groups and agencies to reach typically underserved populations. Examples of these groups/agencies include refugee organizations in the Portland area, Senior and Disabled Services, churches and clinics serving primarily Latino populations.

Overall, our state has seen an increase in Spanish speaking staff and in staff that have Hispanic/Latino cultural expertise. Programs have prioritized ensuring that services are available in Spanish, as this is the fastest growing segment of our population. In the Tri-County metro area there is a rapidly growing program at Catholic Charities that provides all services in Spanish, including a 24/7 Spanish language crisis line. In particular, all of the rural areas identified in the recent Census as having a significantly higher percentage of both Hispanic/Latinos and people speaking a language other than English at home have programs with Spanish speaking staff.

c.) Specific services to be provided

The majority of services will be provided in existing shelters and community-based programs, program outreach offices, and in community settings. Improvements have been made to both shelters and community based services with regard to physical access. Services include language specific support groups, advocacy in-person and by phone, access to immigration services, and youth services. There will also be culturally specific public education, work on engaging men, and media outreach to rural and culturally specific populations.

5. Use of Grant Funds

DHS will use not less than 70% of the Family Violence Prevention and Services Act funds, with at least 25% for related assistance, to continue grants to the **forty-one** currently funded domestic violence programs throughout Oregon. These programs all provide emergency shelter through shelter facilities, referrals to local shelter facilities, safe homes and/or motel vouchers. Additionally they provide related services to adult victims of domestic violence and their children, both those in shelter and in the

community. **Thirty-one** now have shelter facilities, as one urban program has closed its shelter.

The YWCA has joined Home Free – Volunteers of America, in providing housing support and sheltering services based on a "Housing First" model. Home Free provides rapid re-housing for families fleeing domestic violence. The Housing First program was developed in 2003. Approximately 97 percent of families in the program obtain housing, and 86 percent of those families remain in stable housing one year after ending services. The YWCA is co-locating advocates in Home Forward, the primary subsidized housing service provider in the Portland metro area, in order to preserve safe housing options for survivors.

While the majority of funded programs have shelter facilities, most use some or all of their FVPSA funds for non-shelter services. These services include crisis lines, advocacy offices and support groups. **Ten programs do not operate shelters**; five of these programs provide culturally specific services, two use a "housing-first" model with case management (as noted above) and one provides services specifically for children and youth.

The target population will be adult victims of domestic violence and their children in Oregon. The services that will be provided include:

- emergency shelter,
- crisis support through crisis lines,
- peer support, both individually and through groups,
- advocacy, including court advocacy,
- emergency transportation,
- information and referrals,
- services to children with those victims, and
- outreach and prevention

All programs provide a range of related assistance to victims. Below are service definitions for the related assistance required in the contracts and funded through FVPSA funds. These service definitions are compatible with the service definitions cited in the program instruction.

<u>Peer Support</u>: An interaction, either in-person and/or by phone and either individually or in a group, with the goals of validating the experiences of

victims, exploring options with them and advocating for their safety, building on their strengths and avoiding victim-blaming, and respecting their right to self-determination.

Advocacy: Assisting victims to obtain necessary services when they are unable to adequately represent themselves. This includes legal advocacy and assistance obtaining restraining orders, and advocacy to obtain housing, medical, financial or other social services.

Information and Referral: Responding to a request for services with an assessment of the victim's needs and appropriate referrals to community resources to meet those needs.

Transportation: Primarily means transportation provided by staff, volunteers or public transportation to a safe place, such as a safe home, motel or shelter facility or to other needed services. Programs also furnish bus tickets or money for gasoline to go safety out of the area.

Services to Children: Information and referrals, advocacy and/or structured activities designed to relate to the physical, emotional, social and intellectual needs of children. These can include individual and group activities where staff and/or volunteers provide counseling, nurturing and/or non-violent role models.

Prevention: Provision of prevention services, including outreach to underserved populations.

These services are provided to people in shelter and in the community.

The majority of program dollars fund services such as emergency shelter, advocacy, peer support and crisis lines through:

- Paying for staff such as advocates, shelter staff and volunteer coordinators,
- Related costs for direct services such as transportation, food, or occupancy costs for shelters or direct service offices, and/ or
- The costs of the crisis lines

Programs will be given the flexibility to use the funds for any of the allowed direct service activities and may change the use of the funds during the fiscal year. For example, a program may use the funds to pay the costs of the crisis line and part of an advocate's salary. If the phone costs drop, the program may increase the percentage of the advocate's salary paid by the FVPSA funds. As many other funding sources are restricted to specific projects, this will give the program needed flexibility to maximize their resources. In addition, programs are allowed approximately 5% for administrative costs related to those direct services, although we realize this may change based on the 2014 OMB Uniform Guidance.

The expected outcomes for the contracts with the programs are:

- Victims and their children will be safe for the time they are in shelter;
- Victims and their children will learn about their options for on-going safety;
- Victims and their children will receive culturally specific or culturally responsive services;
- Victims and their children will receive trauma-informed services;
- Victims will be better able to access necessary support and services, as available in their communities; and
- Programs will be assisted in maintaining financial stability

The DHS monthly statistical report form includes reporting on numbers of survivors who receive safety assessments and/or safety plans.

CVSD collects outcome measures through participant feedback forms which meet the proposed FVPSA outcome measures:

- *After working with this agency, I have some new ideas about how to stay safe.*
- *After working with this agency, I know more about resources that may be available, including how to access them.*

CVSD provides that information to DHS to reduce report demands on the programs.

In addition, DHS will continue to contract with OCADSV for training and technical assistance. On-going funding assists with staff costs for the

Director and the Equity and Inclusion Program Coordinator (formerly known as the Program Coordinator for Underserved Communities.)

The expected results for the contract with OCADSV are:

- Provider programs' stability and functioning will be enhanced, and
- Provider programs will be better able to provide appropriate and accessible services to all victims of domestic violence, including children and those who are typically underserved

6) Equitable distribution of grant funds within the state and between urban and rural areas

In collaboration with CVSD, DHS contracted with an independent consulting firm to review the funding strategies of all state organizations administering domestic and sexual violence funding for private non-profit agencies in 2006. This Equity Study then advised on the best strategy to achieve an equitable allocation formula for those funds, to ensure access in both rural and urban areas to adequate services throughout Oregon. They recommended consolidating basic domestic and sexual violence victim services funding into one formula and using counties as the geographic unit for fund allocation. There is a base dollar amount per county, and then a per capita rate based on population.

A subcommittee was formed with representatives from the ODSVS, VOCA, VAWA and Child Welfare Advisory Committees. The Joint Funding Subcommittee reviewed the study. They recommended adoption of the base plus per capita formula. Each of the Advisory Bodies met and accepted that recommendation with allocation based on the new formula beginning in July 2007.

The CVSD and DHS fund advisory committees continue to work on implementation issues. OCADSV staff and member programs are represented on the DHS DVSA Fund Advisory Committee as well as on the CVSD Advisory Committee.

7. Procedures to involve the state coalition in the state planning process and grantee compliance

The DHS DVSA Fund Advisory Committee was created at the beginning of the Domestic Violence Program within DHS Child Welfare and is cited in

DHS Child Welfare's Administrative Rule. This standing committee, now named the DHS Domestic and Sexual Violence Fund Advisory Committee, consists of seven domestic violence program representatives (five OCADSV members and two non-OCADSV members), the Director or a designated staff member from the Oregon Coalition Against Domestic and Sexual Violence, the Director or a designated staff member from the Oregon Attorney General's Sexual Assault Task Force, three community members, a field Child Welfare representative, and the DHS TANF domestic violence policy analyst.

The OCADSV program representatives are elected to the committee by OCADSV; DHS appoints its representatives; community and non-OCADSV program members are elected by the Committee. This committee helps meet the requirement to involve the state coalition, knowledgeable individuals and interested community members.

Some of the state planning processes that the DHS Domestic and Sexual Violence Fund Advisory Committee have participated in include the original funding allocation, the Cultural Competency Standards, the Equity Study allocation, and on-going strategic planning.

The DHS Advisory Committee is involved in ensuring grantee compliance in several ways. Advisory Committee members, including the Coalition and its member programs, participate in annual on-site program reviews of sub-grantees. The practice is to have at least one committee member at each review. The committee also receives updates from the program reviews. Committee members review the annual report on the Family Violence funding required by this Act as well as other reports.

In addition, DHS contracts with OCADSV for technical assistance and training for all funded programs. Through this contract, Coalition activities and Advisory Committee participation, OCADSV is involved both in determining if grantees are in compliance and in providing the programs support to maintain compliance.

As described above, OCADSV is actively involved in the Domestic and Sexual Violence Fund Advisory Committee, both by having a staff member on the Committee and by electing program representatives.

The DHS Advisory Committee, which meets at least four to six times a year, advises DHS Child Welfare on its administration of the fund and advocates for services to victims of domestic violence and sexual assault in Oregon.

DHS has issued a joint Request for Applications for domestic violence services in collaboration with CVSD every biennium since 2009. The DHS and CVSD Advisory Committees review draft RFAs and contract requirements, including training requirements for staff and volunteers.

8. Confidentiality of Records

The Department of Human Services has procedures in place to assure confidentiality of records pertaining to persons receiving services from any program receiving assistance from this Act. The statute establishing the Domestic Violence Program within DHS requires confidentiality of records.

Programs report only the numbers of victims served and demographic data of victims sheltered to the DHS Child Welfare program office, not the names or any other identifier. Instructions for completing the DHS Domestic and Sexual Violence Services monthly report include the following direction:

CONFIDENTIALITY AND DEMOGRAPHIC DATA: If any demographic data might potentially identify any survivor, use "unknown" instead for that survivor's information. For example, a small rural program may shelter a survivor who is Asian with 5 children. Someone seeing those statistics may be able to identify the family unless there is a large Asian population in the community. In that situation, the program would use "unknown" for "Race/Ethnicity."

The DHS grant contract also specifies that information on persons served is kept confidential, in line with the language in the FVPSA and VAWA. A copy of the grant language is enclosed (Appendix D). Starting July 1, 2013 grant contracts contain the clarifying information that "No client-level data should be shared with a third party, regardless of encryption, hashing, or other data security measures, without a written, time-limited release." Confidentiality policies and procedures are reviewed during the funding process and monitored during program reviews.

Request for Applications also now include the following proscription: "the address or location of any FVPSA-supported shelter will not be made public without the written authorization of the person or persons responsible for the operation of such shelter."

9. Law to Evict a Spouse from Shared Household.

Oregon has a procedure for the eviction of an abusing spouse from a shared residence. The Abuse Prevention Act (ORS 107.700) allows victims to file for a temporary restraining order when they have been abused or are in danger of abuse. Abuse is defined as the occurrence of one or more of the following acts between family, household members or unmarried parents of minor children:

(I) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury;
(2) Intentionally, knowingly, or recklessly placing another in fear of imminent bodily injury; and/or
(3) Causing another to engage in involuntary sexual relations by force, threat of force, or duress.

The restraining order includes a provision to require the respondent to move from the residence if it is in the sole name of the petitioner or if the parties are married. The restraining order also allows the judge to award temporary custody of children. Such order is fully enforceable in any county in the state. A copy of the statute is attached (Appendix E.)

Appendix A

Assurances of Compliance with Grant Requirements

The undersigned grantee certifies that:

(1) Grant funds under the Family Violence Prevention Services Act (FVPSA) will be distributed to local public agencies or nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations) that assist victims of family violence, domestic violence, or dating violence (as defined in Section 10402(2-4), and their dependents, and have a documented history of effective work concerning family violence, domestic violence, or dating violence (Section 10408(c)).

(2) Grant funds will be used for programs and projects within the State that are designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services and access to community-based programs for adult and youth victims, as well as specialized services for children exposed to domestic violence, underserved populations, and those who are members of racial and ethnic minority populations (as defined in Section 10406(a)(1-3)).

(3) In distributing the funds, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness carried out by non-profit, private organizations, and that have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents or those which provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents (Section 10407(a)(2)(B)(iii)).

(4) Not less than 70 percent of the funds distributed shall be for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents (Section 10408(b)(2)).

(5) Not less than 25 percent of the funds distributed shall be for the purpose of providing supportive services and prevention services as described in Section 10408(b)(2)to victims of family violence, domestic violence, or dating violence, and their dependents).

(6) Not more than 5 percent of the funds will be used for State administrative costs (Section 10407(a)(2)(b)(i)).

(7) The State grantee is in compliance with the statutory requirements of Section 10407(a)(2)(C), regarding the equitable distribution of grants and grant funds within the State and between urban and rural areas within the State.

(8) The State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grant funds and the administration of the grant programs and projects (Section 10407(a)(2)(D)). 20

(9) Grant funds made available under this program by the State will not be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim (Section 10408(d)(1)).

(10) No income eligibility standard will be imposed on individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out the FVPSA (Section 10406(c)(3)).

(11) No fees will be levied for assistance or services provided with funds appropriated to carry out the FVPSA (Section 10406(c)(3)).

(12) The address or location of any shelter or facility assisted under the FVPSA that otherwise maintains a confidential location will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public (Section 10406(c)(5)(H)).

(13) The applicant has established policies, procedures, and protocols to ensure compliance with the provisions of Section 10406(c)(5) regarding non-disclosure of confidential or private information (Section 10407(a)(2)(A)).

(14) Pursuant to Section 10406(c)(5), the applicant will comply with requirements to ensure the non-disclosure of confidential or private information, which include, but are not limited to: (1) grantees will not disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantee's funded activities or reveal personally identifying information without informed, written, reasonably time-limited consent

by the person about whom information is sought, whether for the FVPSA-funded activities or any other Federal or State program and in accordance with Section 10406(c)(5)(B)(ii); (2) grantees will not release information compelled by statutory or court order unless adhering to the requirements of Section10406(c)(5)(C); (3) grantees may share non-personally identifying information in the aggregate for the purposes enunciated in Section 10406(c)(5)(D)(i) as well as for other purposes found in Section 10406(c)(5)(D)(ii) and (iii).

(15) Grants funded by the State in whole or in part with funds made available under the FVPSA will prohibit discrimination on the basis of age, disability, sex, race, color, national origin, or religion (Section 10406(c)(2)).

(16) Funds made available under the FVPSA will be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the objectives of the FVPSA (Section 10406(c)(6)).

(17) Receipt of supportive services under the FVPSA will be voluntary. No condition will be applied for the receipt of emergency shelter as described in Section 10408(d)(2)).

(18) The State grantee has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures (Section 10407(a)(2)(H)).

ErinnKelley-Siel
Signature

Administrator
Director

Department of Human Services
Organization

_____
Date

Appendix B

LGBTQ Accessibility Policy

As the Authorized Organizational Representative (AOR) signing this application on behalf of the Oregon Department of Human Services, I hereby attest and certify that:

The needs of lesbian, gay, bisexual, transgender, and questioning program participants are taken into consideration in applicant's program design. Applicant considered how its program will be inclusive of and non-stigmatizing toward such participants. If not already in place, awardee and, if applicable, sub-awardees must establish and publicize policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin. The submission of an application for this funding opportunity constitutes an assurance that applicants have or will put such policies in place within 12 months of the award. Awardees should ensure that all staff members are trained to prevent and respond to harassment or bullying in all forms during the award period. Programs should be prepared to monitor claims, address them seriously, and document their corrective action(s) so all participants are assured that programs are safe, inclusive, and non-stigmatizing by design and in operation. In addition, any sub-awardees or subcontractors:

- Have in place or will put into place within 12 months of the award policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion, and national origin;
- Will enforce these policies;
- Will ensure that all staff will be trained during the award period on how to prevent and respond to harassment or bullying in all forms, and;
- Have or will have within 12 months of the award, a plan to monitor claims, address them seriously, and document their corrective action(s).

Date of Signature: 1-20-15

Print Name and Title of the AOR: ErinnKelley-Siel, Director

Signature of AOR:

Appendix C

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ``Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, ``Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Erinn Kelley-Siel
Signature

Administrator
Director

Department of Human Services
Organization

1-20-15
Date

Appendix D

Confidentiality Grant Agreement Language

1. **Confidentiality**

   a. In order to ensure the safety of adult, youth, and child victims of Domestic Violence, dating violence, Sexual Assault, or stalking, Recipient shall protect the confidentiality and privacy of persons receiving services. Recipient shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through Recipient's programs; or reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an un-emancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this Program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

   b. If release of information described in the previous paragraph is compelled by statutory or court mandate, Recipient shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and Recipient shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

   c. Recipient may share (1) non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements; (2) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and (3) law-enforcement and prosecution-generated information necessary for law enforcement and prosecution purposes.

   d. The term "personally identifying information", "individual information", or "personal information" means individually identifying information for or about an individual of a victim of Domestic Violence, dating violence, Sexual Assault, or stalking, including (1) a first and last name; (2) a home or other physical address; (3) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); (4) a social security number; and (5) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.

   e. No client-level data should be shared with a third party, regardless of encryption, hashing, or other data security measures, without a written, time-limited release as

described in the FVPSA section 10406(c)(5). The address or location of any FVPSA-supported shelter facility shall not be made public except with written authorization of the person or persons responsible for the operation of such shelter, and the confidentiality of records pertaining to any individual provided Domestic Violence services by any FVPSA-supported program will be strictly maintained.

Appendix E
Oregon Family Abuse Prevention Act Statute

107.700 Short title. ORS 107.700 to 107.735 shall be known and may be cited as the "Family Abuse Prevention Act." [1977 c.845 §4; 1995 c.637 §1]

107.705 Definitions for ORS 107.700 to 107.735. As used in ORS 107.700 to 107.735:

(1) "Abuse" means the occurrence of one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury.

(b) Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury.

(c) Causing another to engage in involuntary sexual relations by force or threat of force.

(2) "Child" means an unmarried person who is under 18 years of age.

(3) "Family or household members" means any of the following:

(a) Spouses.

(b) Former spouses.

(c) Adult persons related by blood, marriage or adoption.

(d) Persons who are cohabiting or who have cohabited with each other.

(e) Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under ORS 107.710.

(f) Unmarried parents of a child.

(4) "Interfere" means to interpose in a manner that would reasonably be expected to hinder or impede a person in the petitioner's situation.

(5) "Intimidate" means to act in a manner that would reasonably be expected to threaten a person in the petitioner's situation, thereby compelling or deterring conduct on the part of the person.

(6) "Menace" means to act in a manner that would reasonably be expected to threaten a person in the petitioner's situation.

(7) "Molest" means to act, with hostile intent or injurious effect, in a manner that would reasonably be expected to annoy, disturb or persecute a person in the petitioner's position. [1977 c.845 §5; 1979 c.161 §1; 1981 c.780 §1; 1985 c.629 §1; 1987 c.331 §3; 1987 c.805 §1; 1993 c.643 §1; 1995 c.637 §2; 1997 c.863 §8; 1999 c.617 §6; 1999 c.1052 §12]

107.707 Application of Uniform Child Custody Jurisdiction and Enforcement Act. The Uniform Child Custody Jurisdiction and Enforcement Act, ORS 109.701 to 109.834, applies to proceedings under ORS 107.700 to 107.735. [2005 c.536 §5]

Note: 107.707 was added to and made a part of 107.700 to 107.735 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

107.710 Petition to circuit court for relief; burden of proof. (1) Any person who has been the victim of abuse within the preceding 180 days may petition the circuit court for relief under ORS 107.700 to 107.735, if the person is in imminent danger of further abuse from the abuser.

The person may seek relief by filing a petition with the circuit court alleging that the person is in imminent danger of abuse from the respondent, that the person has been the victim of abuse committed by the respondent within the 180 days preceding the filing of the petition and particularly describing the nature of the abuse and the dates thereof. The abuse must have occurred not more than 180 days before the filing of the petition. Allegations in the petition shall be made under oath or affirmation. The circuit court shall have jurisdiction over all proceedings under ORS 107.700 to 107.735.

(2) The petitioner has the burden of proving a claim under ORS 107.700 to 107.735 by a preponderance of the evidence.

(3) A person's right to relief under ORS 107.700 to 107.735 shall not be affected by the fact that the person left the residence or household to avoid abuse.

(4) A petition filed under ORS 107.700 to 107.735 shall disclose the existence of any custody, Family Abuse Prevention Act or Elderly Persons and Persons With Disabilities Abuse Prevention Act proceedings, or any marital annulment, dissolution or separation proceedings, or any filiation proceeding, pending between the parties, and the existence of any other custody order affecting the children of the parties.

(5) When the petitioner requests custody of any child, the petition shall comply with ORS 109.767 and disclose:

(a) The child's present residence and the length of time the child has resided at the residence;

(b) The county and state where the child resided for the five years immediately prior to the filing of the petition;

(c) The name and address of the party or other responsible person with whom the child is presently residing;

(d) The name and current address of any party or other responsible person with whom the child resided for the five years immediately prior to the filing of the petition;

(e) Whether the party participated as a party, witness or in any other capacity, in any other litigation concerning the custody of the child in this or any other state;

(f) Whether the party has information of any custody proceeding concerning the child pending in a court of this or any other state; and

(g) Whether the party knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody, parenting time or visitation rights with respect to the child.

(6) For purposes of computing the 180-day period in this section and ORS 107.718, any time during which the respondent is incarcerated or has a principal residence more than 100 miles from the principal residence of the petitioner shall not be counted as part of the 180-day period. [1977 c.845 §6; 1981 c.780 §2; 1985 c.629 §2; 1987 c.805 §2; 1993 c.375 §1; 1995 c.637 §3; 1995 c.666 §19; 1997 c.707 §14; 1999 c.617 §4; 1999 c.649 §50; 1999 c.738 §7; 1999 c.1052 §13; 2003 c.264 §7]

107.715 [1977 c.845 §7; repealed by 1981 c.780 §5 (107.716 enacted in lieu of 107.715)]

107.716 Hearing; order; certificate of compliance; effect on title to real property; no undertaking required. (1) If the respondent requests a hearing pursuant to ORS 107.718 (10), the court shall hold the hearing within 21 days after the request. However, if the respondent

contests the order granting temporary child custody to the petitioner, the court shall hold the hearing within five days after the request.

(2)(a) If the court determines under ORS 107.718 (2) that exceptional circumstances exist that affect the custody of a child, the court shall hold a hearing within 14 days after issuance of the restraining order. The clerk of the court shall provide a notice of the hearing along with the petition and order to the petitioner and, in accordance with ORS 107.718 (8), to the county sheriff for service on the respondent.

(b) The respondent may request an earlier hearing, to be held within five days after the request. The hearing request form shall be available from the clerk of the court in the form prescribed by the State Court Administrator under ORS 107.718 (7). If the respondent requests an earlier hearing, the clerk of the court shall notify the parties of the scheduled hearing date by mailing a notice of the time and place of hearing to the addresses provided in the petition or, for the respondent, to the address provided in the request for hearing, or as otherwise designated by a party.

(c) When the court schedules a hearing under this subsection, the respondent may not request a hearing under ORS 107.718 (10).

(3) In a hearing held pursuant to subsection (1) or (2) of this section, the court may cancel or change any order issued under ORS 107.718 and may assess against either party a reasonable attorney fee and such costs as may be incurred in the proceeding.

(4)(a) If service of a notice of hearing is inadequate to provide a party with sufficient notice of the hearing held pursuant to ORS 107.718 (2) or (10), the court may extend the date of the hearing for up to five days so that the party may seek representation.

(b) If one party is represented by an attorney at a hearing held pursuant to ORS 107.718 (2) or (10), the court may extend the date of the hearing for up to five days at the other party's request so that the other party may seek representation.

(5) If the court continues the order, with or without changes, at a hearing about which the respondent received actual notice and the opportunity to participate, the court shall include in the order a certificate in substantially the following form in a separate section immediately above the signature of the judge:

CERTIFICATE OF COMPLIANCE
WITH THE VIOLENCE
AGAINST WOMEN ACT

This protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. 2265 (1994). This court has jurisdiction over the parties and the subject matter. The respondent was afforded notice and timely opportunity to be heard as provided by the law of this jurisdiction. This order is valid and entitled to enforcement in this and all other jurisdictions.

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(6) The court may approve any consent agreement to bring about a cessation of abuse of the parties. However, the court may not approve a term in a consent agreement that provides for restraint of a party to the agreement unless the other party petitioned for and was granted an

order under ORS 107.710. An order or consent agreement made under this section may be amended at any time and shall continue in effect for a period of one year from the date of the order issued under ORS 107.718, or until superseded as provided in ORS 107.722.

(7) No order or agreement made under ORS 107.705 to 107.720, 133.310 and 133.381 shall in any manner affect title to any real property.

(8) No undertaking shall be required in any proceeding under ORS 107.700 to 107.735.

(9) Any proceeding under ORS 107.700 to 107.735 shall be in addition to any other available civil or criminal remedies. [1981 c.780 §6 (enacted in lieu of 107.715); 1985 c.629 §3; 1987 c.805 §3; 1995 c.637 §4; 1995 c.794 §2; 1997 c.707 §15; 1999 c.617 §5; 1999 c.1052 §14; 2005 c.536 §1; 2007 c.11 §6]

107.717 Appearance by telephone or two-way electronic communication device. (1) A party may file a motion under ORS 45.400 requesting that the court allow the appearance of the party or a witness by telephone or by other two-way electronic communication device in a proceeding under ORS 107.700 to 107.735.

(2) In exercising its discretion to allow written notice less than 30 days before the proceeding as required under ORS 45.400 (2), the court shall consider the expedited nature of a proceeding under ORS 107.700 to 107.735.

(3) In addition to the factors listed in ORS 45.400 (7) that would support a finding of good cause, the court shall consider whether the safety or welfare of the party or witness would be threatened if testimony were required to be provided in person at a proceeding under ORS 107.700 to 107.735.

(4) A motion or good cause determination under this section or ORS 45.400 is not required for ex parte hearings held by telephone under ORS 107.718. [2011 c.244 §2]

Note: 107.717 was added to and made a part of 107.700 to 107.735 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

107.718 Restraining order; service of order; request for hearing. (1) When a person files a petition under ORS 107.710, the circuit court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day. Upon a showing that the petitioner has been the victim of abuse committed by the respondent within 180 days preceding the filing of the petition, that there is an imminent danger of further abuse to the petitioner and that the respondent represents a credible threat to the physical safety of the petitioner or the petitioner's child, the court shall, if requested by the petitioner, order:

(a) Except as provided in subsection (2) of this section, that temporary custody of the children of the parties be awarded to the petitioner or, at the request of the petitioner, to the respondent, subject to reasonable parenting time rights of the noncustodial parent, which the court shall order, unless such parenting time is not in the best interest of the child;

(b) That the respondent be required to move from the petitioner's residence, if in the sole name of the petitioner or if it is jointly owned or rented by the petitioner and the respondent, or if the parties are married to each other;

(c) That the respondent be restrained from entering, or attempting to enter, a reasonable area

surrounding the petitioner's current or subsequent residence if the respondent is required to move from petitioner's residence;

(d) That a peace officer accompany the party who is leaving or has left the parties' residence to remove essential personal effects of the party or the party's children, or both, including but not limited to clothing, toiletries, diapers, medications, Social Security cards, birth certificates, identification and tools of the trade;

(e) That the respondent be restrained from intimidating, molesting, interfering with or menacing the petitioner, or attempting to intimidate, molest, interfere with or menace the petitioner;

(f) That the respondent be restrained from intimidating, molesting, interfering with or menacing any children in the custody of the petitioner, or attempting to intimidate, molest, interfere with or menace any children in the custody of the petitioner;

(g) That the respondent be restrained from entering, or attempting to enter, on any premises and a reasonable area surrounding the premises when it appears to the court that such restraint is necessary to prevent the respondent from intimidating, molesting, interfering with or menacing the petitioner or children whose custody is awarded to the petitioner;

(h) Other relief that the court considers necessary to:

(A) Provide for the safety and welfare of the petitioner and the children in the custody of the petitioner, including but not limited to emergency monetary assistance from the respondent; and

(B) Prevent the neglect and protect the safety of any service or therapy animal or any animal kept for personal protection or companionship, but not an animal kept for any business, commercial, agricultural or economic purpose; or

(i) Except as described in subsection (12) of this section or parenting time ordered under this section, that the respondent have no contact with the petitioner in person, by telephone or by mail.

(2) If the court determines that exceptional circumstances exist that affect the custody of a child, the court shall order the parties to appear and provide additional evidence at a hearing to determine temporary custody and resolve other contested issues. Pending the hearing, the court may make any orders regarding the child's residence and the parties' contact with the child that the court finds appropriate to provide for the child's welfare and the safety of the parties. The court shall set a hearing time and date as provided in ORS 107.716 (2) and issue a notice of the hearing at the same time the court issues the restraining order.

(3) The court's order under subsection (1) of this section is effective for a period of one year or until the order is withdrawn or amended, or until the order is superseded as provided in ORS 107.722, whichever is sooner.

(4) If respondent is restrained from entering, or attempting to enter, an area surrounding petitioner's residence or any other premises, the order restraining respondent shall specifically describe the area.

(5) Imminent danger under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with additional bodily harm.

(6) If the court awards parenting time to a parent who committed abuse, the court shall make adequate provision for the safety of the child and of the petitioner. The order of the court may include, but is not limited to, the following:

(a) That exchange of a child between parents shall occur at a protected location.

(b) That parenting time be supervised by another person or agency.

(c) That the perpetrator of the abuse be required to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or any other counseling program designated by the court as a condition of the parenting time.

(d) That the perpetrator of the abuse not possess or consume alcohol or controlled substances during the parenting time and for 24 hours preceding the parenting time.

(e) That the perpetrator of the abuse pay all or a portion of the cost of supervised parenting time, and any program designated by the court as a condition of parenting time.

(f) That no overnight parenting time occur.

(7) The State Court Administrator shall prescribe the content and form of the petition, order and related forms for use under ORS 107.700 to 107.735. The clerk of the court shall make available the forms and an instructional brochure explaining the rights set forth under ORS 107.700 to 107.735.

(8) If the court orders relief:

(a) The clerk of the court shall provide without charge the number of certified true copies of the petition and order necessary to provide the petitioner with one copy and to effect service and shall have a true copy of the petition and order delivered to the county sheriff for service upon the respondent, unless the court finds that further service is unnecessary because the respondent appeared in person before the court. In addition and upon request by the petitioner, the clerk shall provide the petitioner, without charge, two exemplified copies of the petition and order.

(b) The county sheriff shall serve the respondent personally unless the petitioner elects to have the respondent served personally by a private party or by a peace officer who is called to the scene of a domestic disturbance at which the respondent is present, and who is able to obtain a copy of the order within a reasonable amount of time. Proof of service shall be made in accordance with ORS 107.720. When the order does not contain the respondent's date of birth and service is effected by the sheriff or other peace officer, the sheriff or officer shall verify the respondent's date of birth with the respondent and shall record that date on the order or proof of service entered into the Law Enforcement Data System under ORS 107.720.

(c) No filing fee, service fee or hearing fee shall be charged for proceedings seeking only the relief provided under ORS 107.700 to 107.735.

(9) If the county sheriff:

(a) Determines that the order and petition are incomplete, the sheriff shall return the order and petition to the clerk of the court. The clerk of the court shall notify the petitioner, at the address provided by the petitioner, of the error or omission.

(b) After accepting the order and petition, cannot complete service within 10 days, the sheriff shall notify the petitioner, at the address provided by the petitioner, that the documents have not been served. If the petitioner does not respond within 10 days, the sheriff shall hold the order and petition for future service and file a return to the clerk of the court showing that service was not completed.

(10)(a) Within 30 days after a restraining order is served under this section, the respondent therein may request a court hearing upon any relief granted. The hearing request form shall be available from the clerk of the court in the form prescribed by the State Court Administrator.

(b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk of the court shall notify the petitioner of the date and time of the hearing, and shall supply the

petitioner with a copy of the respondent's request for a hearing. The petitioner shall give to the clerk of the court information sufficient to allow such notification.

(c) The hearing shall not be limited to the issues raised in the respondent's request for hearing form. If the respondent seeks to raise an issue at the hearing not previously raised in the request for hearing form, or if the petitioner seeks relief at the hearing not granted in the original order, the other party shall be entitled to a reasonable continuance for the purpose of preparing a response to the issue.

(11) If the respondent fails to request a hearing within 30 days after a restraining order is served, the restraining order is confirmed by operation of law. The provisions of this section are sufficient to meet the due process requirements of 18 U.S.C. 922(g) in that the respondent received actual notice of the right to request a hearing and the opportunity to participate at the hearing but the respondent failed to exercise those rights.

(12) Service of process or other legal documents upon the petitioner is not a violation of this section if the petitioner is served as provided in ORCP 7 or 9. [1981 c.780 §4; 1983 c.561 §2; 1985 c.629 §4; 1987 c.805 §4; 1989 c.605 §1; 1991 c.303 §2; 1991 c.382 §2; 1991 c.724 §22; 1993 c.375 §2; 1993 c.643 §2; 1995 c.637 §5; 1995 c.794 §1a; 1997 c.607 §1; 1997 c.707 §16; 1997 c.863 §4; 1999 c.617 §2; 1999 c.1052 §§9,9a; 2005 c.536 §2; 2007 c.11 §7; 2009 c.359 §1; 2011 c.274 §1]

107.719 Removal of personal effects; party accompanied by peace officer. (1) A peace officer who accompanies a party removing essential personal effects pursuant to an order issued under ORS 107.718 shall remain for up to 20 minutes and may temporarily interrupt the removal of property at any time. Nothing in this subsection shall affect a peace officer's duty to arrest under ORS 133.055 and 133.310.

(2) The party removing essential personal effects from the residence pursuant to an order issued under ORS 107.718 is entitled to be accompanied by a peace officer on one occasion only.

(3) A peace officer who accompanies a party removing essential personal effects pursuant to an order issued under ORS 107.718 shall have immunity from any liability, civil or criminal, for any actions of the party committed during the removal of essential personal effects. [1989 c.605 §3]

107.720 Enforcement of restraining orders; sheriff's proceedings; security; termination order. (1)(a) Whenever a restraining order, as authorized by ORS 107.095 (1)(c) or (d), 107.716 or 107.718, that includes a security amount and an expiration date pursuant to ORS 107.095, 107.716 or 107.718 and this section, is issued and the person to be restrained has actual notice of the order, the clerk of the court or any other person serving the petition and order shall immediately deliver to a county sheriff a true copy of the affidavit of proof of service, on which it is stated that personal service of the petition and order was served on the respondent, and copies of the petition and order. If an order entered by the court recites that the respondent appeared in person before the court, the necessity for service of the order and an affidavit of proof of service is waived. Upon receipt of a copy of the order and notice of completion of any required service by a member of a law enforcement agency, the county sheriff shall immediately enter the order into the Law Enforcement Data System maintained by the Department of State Police and into the databases of the National Crime Information Center of the United States

Department of Justice. If the petition and order were served on the respondent by a person other than a member of a law enforcement agency, the county sheriff shall enter the order into the Law Enforcement Data System and databases of the National Crime Information Center upon receipt of a true copy of the affidavit of proof of service. The sheriff shall provide the petitioner with a true copy of any required proof of service. Entry into the Law Enforcement Data System constitutes notice to all law enforcement agencies of the existence of the order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of the order may be informed of the existence and terms of the order. The order is fully enforceable in any county or tribal land in this state.

(b) When a restraining order has been entered into the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice under paragraph (a) of this subsection, a county sheriff shall cooperate with a request from a law enforcement agency from any other jurisdiction to verify the existence of the restraining order or to transmit a copy of the order to the requesting jurisdiction.

(2)(a) A restraining order shall remain in effect until the order expires or is terminated by court order.

(b) When a restraining order has been entered under ORS 107.718, the restraining order shall not be terminated upon a motion for dismissal by the petitioner unless the motion is notarized.

(3) In any situation where a restraining order described in subsection (1) of this section is terminated before the expiration date, the clerk of the court shall immediately deliver a copy of the termination order to the county sheriff with whom the original order was filed. Upon receipt of the termination order, the county sheriff shall promptly remove the original order from the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice.

(4) Pending a contempt hearing for alleged violation of a restraining order issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718, a person arrested and taken into custody pursuant to ORS 133.310 may be released as provided in ORS 135.230 to 135.290. Whenever a restraining order is issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718, the issuing court shall set a security amount for the violation of the order. [1977 c.845 §8; 1979 c.522 §1; 1981 c.780 §7; 1983 c.561 §3; 1991 c.382 §1; 1993 c.188 §10; 1999 c.1052 §1; 2007 c.255 §6; 2011 c.269 §1]

107.721 Petitioner's change of residence. If the court does not award parenting time under ORS 107.718 to the parent who committed abuse, the petitioner may move to a residence more than 60 miles from the other parent without giving notice to the other parent of the change of residence. However, the petitioner shall give to the clerk of the court information sufficient to allow notification under ORS 107.718 (10). [1999 c.762 §4; 2005 c.536 §8]