



# Oregon Civil Restraining Orders

## SAPO, FAPA, Stalking, and EPPDAPA

|                     | <b>Sexual Abuse Protective Order (SAPO)</b><br>ORS 163.760 to 163.777   | <b>Family Abuse Prevention Act (FAPA)</b><br>ORS 107.700–107.735  | <b>Stalking Order</b><br>ORS 30.866; ORS 163.730–163.750  | <b>Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA)</b><br>ORS 124.005–124.040   |
|---------------------|---|---|---|--|
| <b>Relationship</b> | For adult petitioners, respondent cannot be an intimate partner, or a household or family member, as defined in FAPA.<br><br>Exception for Minors: Minor petitioners may still qualify for a SAPO against an intimate or former intimate partner. | Qualifying relationship is required (i.e., the respondent must be a family member, intimate partner or former intimate partner (within the last 2 years), or parent of the petitioner’s child). | No qualifying relationship is necessary.  | No qualifying relationship is necessary, but protected person must be elderly (65 or older) or a person with a disability (i.e., a person with a physical or mental impairment that substantially limits one or more major life activities). |
| <b>Minors</b>       | Minor petitioners age 12 and older may petition on their own. A parent or guardian must petition on behalf of victims under age 12. The respondent must be age 18 or older.   | A parent or guardian must petition on behalf of minor victims. The respondent must be age 18 or older.  | A parent or guardian must petition on behalf of minor victims. Available against minor respondents. | A guardian or guardian ad litem (GAL) must petition on behalf of minor victims. The respondent must be age 18 or older.  |
| <b>Timeframe</b>    | At least one incident within the last 180 days (excluding any time the respondent was in jail, more than 100 miles away, or subject to another restraining order).<br><br>One year order w/ option to renew.                                      | At least one incident within the last 180 days (excluding any time the respondent was in jail or more than 100 miles away).<br><br>One year order w/option to renew.                            | At least two incidents within the last 2 years.<br><br>Permanent order available.                   | At least one incident within the last 180 days (excluding any time the respondent was in jail or more than 100 miles away).<br><br>One year order w/ option to renew.  |
| <b>RO/POs</b>       | No other restraining or protective order may be currently in effect.  | Available even if other orders are in place.  | Available even if other orders are in place.  | Available even if other orders are in place.   |



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|                   | SAPO  | FAPA  | Stalking  | EPPDAPA  |
|-------------------|---|---|---|--|
| Standard of Abuse | <p>The respondent subjected the petitioner to sexual abuse. Sexual abuse is defined as sexual contact (touching of an intimate or sexual part of a person or causing another to touch an intimate or sexual body part (ORS 163.305(a)) with a person who does not consent or does not have the capacity to consent (under 18 or lack of physical or mental capacity (ORS 163.315)).</p> <p>The petitioner must have a reasonable fear of future harm.</p> | <p>The respondent attempted to cause or intentionally, knowingly, or recklessly caused the petitioner bodily injury; or intentionally, knowingly, or recklessly placed the petitioner in fear of imminent bodily injury; or caused petitioner to engage in sexual relations by force or threat of force.</p> <p>The petitioner must be in imminent danger of further abuse.</p> | <p>The respondent has Intentionally, knowingly, or recklessly engaged in two or more unwanted contacts that alarm or coerce the petitioner or member of the petitioner's family or household, when it is objectively reasonable for the petitioner to feel alarmed or coerced; and, the contacts cause reasonable fear for the physical safety of the petitioner or the petitioner's family.</p> <p>The petitioner must reasonably fear for his or her safety or the safety of a family member.</p> | <p>The respondent subjected the protected person to non-accidental injury; willful infliction of physical pain; neglect leading to physical harm; derogatory or inappropriate names, threats, etc.; or language of such nature as to threaten significant physical or emotional harm; or the respondent is a caretaker of the protected person and abandoned or deserted the protected person; or the respondent wrongfully took or threatened to take money or property, etc.; or subjected the protected person to sexual contact without consent.</p> <p>Protected person must be in immediate and present danger of further abuse.</p> |
| Remedies          | <p>Temporary custody and order to vacate residence <b>not</b> available.</p> <p>Emergency monetary relief and attorney's fees <b>not</b> available.</p>   | <p>Temporary custody and order to vacate residence available.</p> <p>Emergency monetary relief and attorney's fees available</p>  | <p>Temporary custody and order to vacate residence <b>not</b> available.</p> <p>No emergency monetary relief; potential award of civil damages. Attorney's fees available (civil route).</p>  | <p>Temporary custody <b>not</b> available.</p> <p>Order to vacate residence available.</p> <p>No emergency monetary relief. Attorney's fees available.</p>   |
| Procedure         | <p>Civil petition. Hearing only if requested by respondent.</p> <p>Note: Rape Shield Law applies (ORS 40.210, Rule 412).</p>  | <p>Civil petition. Hearing only if requested by respondent.</p>   | <p>Two possible avenues: civil petition or police citation. Mandatory hearing.</p>  | <p>Civil petition. Hearing only if requested by respondent or protected person.</p>  |