

WHO CAN GET AN EPPDAPA PROTECTIVE ORDER?

If you have been abused, neglected, or harassed, and you are:

- 65 years of age or older and not a resident of a long term care facility; *or*
- Mentally or physically disabled,

You may be able to get an EPPDAPA Protective Order. A protective order can order the abuser to stop abusing you and to leave you alone. The protective order may also order other things to help keep you safe.

YOU CAN GET AN EPPDAPA ORDER AGAINST:

- Any person who has abused you as defined by law. You do not have to be related to the abuser in order to qualify for a protective order.

YOU CAN GET AN EPPDAPA PROTECTIVE ORDER IF*:

1. Within the last six months (180 days)** the abuser:

- Caused you physical pain or injury on purpose;
- Neglected you and caused you physical harm;
- Used derogatory, threatening, intimidating, or harassing language or sexual comments or conduct which threatened you with significant physical or emotional harm; *or*
- Is a caregiver or other person owing care who has abandoned, deserted, or neglected you;

AND

2. You are in immediate and present danger of further abuse.

(For example, if the abuser has recently threatened you with further abuse.)

* If you have been financially abused through sweepstakes promotion you may also qualify for a protection order. This document does not address that type of order.

** The six month (180 day) period is counted differently if the abuser has been in jail or lived more than 100 miles away from you in the last six months.

AN EPPDAPA PROTECTIVE ORDER CAN HELP YOU BY:

- Requiring that the abuser stay away from you and not molest, intimidate, interfere with or menace you;
- 9 Requiring that the abuser move out of your home (if you are married to the abuser or if you are on the title or lease to the home);
- 9 Requiring that the abuser stay away from your home, job, school, senior center, or other places that the Court feels necessary to prevent further abuse; and
- 9 Ordering other things to help protect you; for example, order that the abuser return all keys and medication, that the abuser not have guns, or that the abuser give you emergency monetary assistance.

OTHER HELP MAY BE AVAILABLE:

- 9 You may be entitled to request a landlord to change the locks on a home if necessary for your safety.
- 9 You may be entitled to a release from a rental agreement if moving will protect your safety.
- 9 You may qualify for temporary assistance for domestic violence survivors (TA-DVS) from the state.
- 9 Contact an attorney or an advocate for more information about this assistance. See the inserted resource list for telephone numbers.

HOW LONG DO EPPDAPA ORDERS LAST?

- Once granted, an EPPDAPA protective order lasts for one year from the date of issuance, unless you dismiss the order, or a Court terminates the order before then.
- You can renew your EPPDAPA protective order by submitting a request for renewal before the expiration date of the initial order. You must have good reasons to request a renewal of the order, but no further acts of abuse are required.

HOW DO I GET AN EPPDAPA PROTECTIVE ORDER?

Go to the clerk's office or to the Victim's Assistance Office at the Courthouse in the county where you live to get the EPPDAPA protective order paperwork. It is a good idea to find out when a judge will be available to consider your request. Give yourself plenty of time to get and fill out the papers before you see the judge.

Help is available.

- Most counties have a victims assistance program or a non-profit victim advocacy program where you may get help and support. See the Resources insert for local information on where to find help.
- You may have a witness to the abuse or an Adult Protective Services worker who has conducted an investigation fill out the paperwork and speak to the judge for you, if you are unable to do this yourself.

A Guardian or a Guardian ad Litem may apply for an order on your behalf.

- Contact an attorney for help appointing a Guardian ad Litem if you cannot apply for an order on your own behalf and do not have a witness or adult protective services worker who can apply for an order for you.
- You have the right to object if a Guardian applies for an order without your permission.

Filing a protective order is free.

What to Bring:

- Picture I.D.;
- The address where the abuser can be personally given the order (such as the workplace or home address);
- A contact address if you want to keep your address confidential. **Do not put your confidential address on the protective order papers.**

THE EX PARTE OR PRELIMINARY HEARING

- The Judge will begin reviewing protective order requests at the set time. Usually, everyone applying for a protective order is in the courtroom at the same time. The Judge may ask you (the Petitioner) questions before deciding whether to give you the order.
- The abuser (Respondent) does NOT get notice of this hearing, and is usually not present at this hearing.
- It is possible in some circumstances for you to speak to the Judge by telephone instead of in person. If you are unable to speak yourself, certain others may speak for you (see p. 1).
- If the Judge gives you the protective order, you will get a copy of the order. You may want to get additional copies of the order to give to other people, such as caregivers, co-workers, or relatives.

SERVING THE ORDER

- Talk to the clerks about serving the order on (giving it to) the Respondent. If you want, the Court should send the paperwork to the sheriff for service. You may wish to take the paperwork to the sheriff yourself, if you think that would be quicker. You cannot serve the protective order papers on the Respondent yourself.
- **The protective order is not enforceable until the Respondent has been served.**

THE RESPONDENT HAS 30 DAYS TO REQUEST A HEARING

- The Respondent has 30 days from the date of service to ask for a hearing.
- If the Respondent DOES NOT ask for a hearing within 30 days from service, the order remains in effect for a year.
- If the Respondent DOES ask for a hearing within 30 days of service, you will receive a "notice of hearing" from the Court that tells you the day and time of your hearing. Be sure to keep the Court informed of your current *contact* address so you get notice of the hearing. If a hearing is requested, it is best to have an attorney to represent you, but an attorney is not required. See Resource List.

THE CONTESTED HEARING

- A contested protective order hearing must be held within 21 days of the request for hearing.
- The purpose of this hearing is to decide whether or not the protective order will remain in effect, and whether or not it will be modified.
- It is very important that you show up for the hearing. At the hearing, you should be ready to give your own testimony, call witnesses and present any evidence you have.
- If you are unable to testify on your own behalf, witnesses or an adult protective services worker may testify for you.

WHEN THE ORDER IS IN PLACE:

- Keep a copy of the order with you at all times.
- You cannot violate your own protective order; only the Respondent is prevented from making certain contact and going certain places.
- **If the Respondent disobeys the order, call 911.** The police must arrest the Respondent if the officer has probable cause to believe there has been a violation.

OTHER STEPS YOU CAN TAKE - RESOURCE LIST

A protective order is an important step for safety, but it is important that you plan how to protect yourself in the event that the Respondent disobeys the order. You may want to get more information about shelters, support groups, safety plans, or your legal rights. For more help:

- National Sexual Assault Hotline: (800) 656-HOPE
- National Domestic Violence Hotline: (800) 799-7233
- National Center for Victims of Crime Hotline: (800) FYI-CALL
- Portland Women's Crisis Line: (800) 235-5333 (for statewide help and referral to a local crisis program)
- Oregon's statewide legal aid website: <http://www.oregonlawhelp.org>.
- Seniors and People with Disabilities Services: 1-800-232-3020

HOW TO GET AN ORDER TO PROTECT ELDERLY PERSONS OR PERSONS WITH DISABILITIES FROM ABUSE

A GUIDE FOR SURVIVORS

Legal Aid Services of Oregon
Oregon Law Center
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