

# Parenting Time in Your Family Abuse Prevention Act Restraining Order

## *A Guide for Survivors*

### **What is the Parenting Time Order?**

If you are applying for a restraining order against the other parent of your children (the respondent), you can usually ask for temporary custody of your children. If the judge awards you temporary custody, the judge will also give the other parent reasonable parenting time (visitation), unless the judge believes it is not in the best interests of the children.

You will need to let the judge know what, if any, parenting time is best for your children. Make sure to let the judge know of any safety concerns you have for yourself or your children regarding parenting time. When granting the restraining order, the judge will usually order the parenting time you have requested. The parenting time order may change, if the respondent requests a hearing.

You must comply with the parenting time ordered by the court. If you do not, you could be held in contempt of court.

### **What if There are Problems with the Parenting Time Order?**

If there are problems with the parenting time order after it is final, you can ask the court to modify (change) the order. You can do this by asking the clerk at the courthouse for the forms needed to modify a restraining order.

The respondent has a right to a hearing regarding changes you request. The respondent also has a right to request modifications of the parenting time order. If the respondent asks for a modification, you have the right to a hearing if you disagree with the changes requested.

If you need more information after reading this pamphlet, you may want to talk with one of the following:

- 1) Local shelter, court advocate, or victim's assistance program. See the resource list below.
- 2) Legal Aid Services of Oregon or the Oregon Law Center. See the resource list below.
- 3) Oregon State Bar's Lawyer Referral Service at 1-800-452-7636 for a referral to a family law attorney.
- 4) An advocate at a domestic violence program.

### **Filling Out a Parenting Time Order**

There are a number of things to think about when deciding what kind of parenting time to request. First of all, read over the entire "Parenting Time" section of the Restraining Order forms.

The printed options on the form are just suggestions. You can choose to ask for a different schedule or include different requirements, depending on what works for your family.

### *Some Things to Consider:*

- If you and the respondent are already separated, is there a schedule that you are following that is working pretty well?
- How old are your children?
- Are they comfortable with the respondent?
- How long and how often does the respondent take care of the children on his or her own?
- Is the respondent's living situation appropriate for overnight visits?
- Does the respondent abuse drugs or alcohol?
- If the respondent picks your children up at your home for visits, are there likely to be problems?
- Would it be safer for you or the children if the respondent picked the children up at a neutral location? (For example, at a nearby fast food restaurant or a friend or relative's house?)
- Would it be safer for you or the children to have someone other than the respondent pick up and drop off the children for visits?
- Will the children be safe if they are alone with the respondent?

It is especially important to think about what will keep you and your children safe.

### *Be sure to ask the Judge to include as many details as possible:*

- The exact day or days the respondent will be visiting your children.
- The exact times the visits will begin and end.
- The place where your children will be picked up and dropped off.

### *Some Examples:*

- For very young children: "From 6:00 p.m. to 8:00 p.m. on Sundays and Thursdays. Pick up and drop-off will be at the respondent's mother's house."
- For a ten-year-old who is not in danger when visiting the respondent overnight: "Every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m."
- For a child who is not in danger visiting the respondent during the day: "Every Sunday from 10:00 a.m. until 4:00 p.m. Pick up and drop off of the children will be at the home of Charlie Jones at 2400 NE 15<sup>th</sup>, Portland, Oregon."

### **No Parenting Time or Supervised Parenting Time**

It may be appropriate to ask the judge to order no parenting time or to require that any parenting time be supervised if:

- Parenting time would put you or your children in danger of more abuse.

- The respondent has abused your children or is threatening to abuse them now.
- The respondent has drug or alcohol problems that affect his or her ability to care for your children.
- The respondent has mental health problems that affect his or her ability to care for your children.
- Your children are in danger when in the respondent's care (for example, he/she does not supervise your children or has weapons that are not kept out of reach of your children).
- The respondent has hidden your children from you in the past or is threatening to hide the children from you now.
- The respondent has abused you in front of the children.
- The respondent has access to guns and has used them in the past against you or anyone else.
- The respondent has injured or killed pets on purpose to threaten you.
- The respondent has stalked you or anyone else, or has threatened to kill you or anyone else.

If you decide to ask the judge for supervised parenting time, you need to let the judge know how often the visits should happen and who the supervisor will be. You can name a friend or relative as the supervisor, if they are willing to take on that responsibility. You can also ask that parenting time take place at an agency that provides professional supervisors for a fee. In some counties, there is a local rule with guidelines for both parents and supervisors involved in supervised visitations.

In some communities, there are supervised parenting time programs available. Contact your local court facilitator for more information. See the resource list below.

## Resource List

### *Child Support Programs*

**Child Support Website of the Oregon Department of Justice:** Toll-Free Phone Number: 1-800-850-0228 or <http://www.oregonchildsupport.gov>

### *Domestic Violence and Sexual Assault Resources*

**National Domestic Violence Hotline:** 1-800-799-SAFE (7233); TDD 1-800-787-3224

**National Sexual Assault Hotline:** 800.656.HOPE (4673)

**Portland Women’s Crisis Line (Statewide):**1-888-235-5333

**To find a hotline or help in your county:** [www.dhs.state.or.us/abuse/domestic/gethelp.htm](http://www.dhs.state.or.us/abuse/domestic/gethelp.htm)

**For District Attorney Victim Assistance Programs in your county:**  
[www.doj.state.or.us/crimev/vap.shtml](http://www.doj.state.or.us/crimev/vap.shtml)

**For a list of legal aid programs, brochures and other information:** [www.oregonlawhelp.org](http://www.oregonlawhelp.org)

**Oregon Judicial Department – Domestic Violence Resources:**  
<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/domesticviolence.page?>

**Oregon Department of Justice, Crime Victims Services Division:**  
[www.oregoncrimevictimsrights.org](http://www.oregoncrimevictimsrights.org)

**Oregon Coalition Against Domestic and Sexual Violence:** 503-203-1951 or [www.ocadsv.org](http://www.ocadsv.org)

**Oregon Attorney General’s Sexual Assault Task Force:** 503-990-6541 or [www.oregonsatf.org](http://www.oregonsatf.org)

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