



## Family Abuse Protection Act Orders Information

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The law offers the protection of Family Abuse Protection Act (FAPA) orders to victims of domestic violence, whether or not a victim has reported the abuse to the police. A FAPA order is free, and a victim does not need an attorney to get one, although an attorney is recommended if an abuser contests the order.

FAPA orders are available in every county in Oregon. Once issued, a FAPA order is effective for one year unless the court terminates or extends the order.

The court must hold a hearing, by telephone or in person, the day or the day after a victim files for a FAPA order.

A sheriff or another qualified person must serve the abuser with a copy of the order. After the abuser receives it he has 30 days to ask for a hearing, which must be held within 21 days of that request (5 days if a child is involved). The judge may change or cancel the order based on information received at the hearing. Changes in custody or visitation rights may be requested at any time while the order is in effect.

Police must enforce FAPA orders. An abuser who violates a FAPA order can be jailed for up to six months and fined up to \$300.

If a victim and an abuser later divorce, and the provisions of the divorce decree are different from the provisions of the FAPA order, the divorce decree will take precedence. It is important to remember that a FAPA order does not guarantee safety. If you are a victim of domestic violence contact an advocate to make a safety plan.

### Who Can Obtain a FAPA Order?

A victim of domestic violence is eligible to obtain a FAPA order if she meets the following criteria:

- She was the victim of abuse within the past six months; or she was the victim of abuse more than six months ago, and the abuser has been in prison or jail or has lived more than 100 miles from her in the past six months;
- And The abuse was bodily injury, or attempted bodily injury, or the threat of immediate serious bodily injury, or sexual abuse, or rape;
- And She is related to or intimately involved with the abuser--that is, she is the abuser's wife or former wife, or the abuser's in-law or relative, or is in a sexually intimate relationship with the abuser, or is the biological co-parent (with the abuser) of a minor child;
- And She is at least 18 years old, is an "emancipated" minor, or is younger than 18 but married to or sexually intimate with an abuser who is 18 or older.

### What a FAPA Order Can Do?

- A FAPA order can:
- Require an abuser to stop abusing, threatening, or interfering with a victim and with children in her custody;



- Forbid an abuser to enter a victim's home, school, place of business, or other specified place;
- Order an abuser out of the home if a victim is sole or part owner of the home;
- Require police to stand guard while the person leaving the home removes personal belongings;
- Give a victim temporary legal custody of the children if the children are in her physical custody or, if they are not, grant her visitation rights.