

TO PETITIONER AND RESPONDENT: (for court use only)

NOTICE OF EXCEPTIONAL CIRCUMSTANCES HEARING:

Date: _____ Time: _____ Courtroom: _____

Both parties must appear at this hearing. See Section 16 below for information.

FILED
AUG 11 2020
CIRCUIT COURT OF THE STATE OF OREGON
MULTNOMAH COUNTY, OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF Multnomah

20P007287

Jason A. Pappas

Case No: _____

Petitioner

v.

Chandler A. Pappas

**RESTRAINING ORDER
TO PREVENT ABUSE**

Respondent
(Person restrained)

(Family Abuse Prevention Act)

NOTICE TO RESPONDENT

Review this order carefully

- You must obey all of the provisions of this *Restraining Order*, even if Petitioner contacts you or gives you permission to contact them
- You may be arrested and subject to civil and criminal penalties if you violate this order
- This order is enforceable anywhere in Oregon and in every other state
- See the attached "Notice to Respondent" and "Request for Hearing" for information about your right to a hearing **and** for information about firearms and ammunition prohibition

THE COURT FINDS:

Judge Initials

1. Relationship

1. ArtH

The Petitioner and Respondent: (check all that apply)

- ☐ are or were spouses or Registered Domestic Partners
- ☒ are related by blood, marriage, or adoption
- ☐ live or lived together in a sexually intimate relationship
- ☐ have a sexually intimate relationship (or did within the past 2 years)
 - ☐ and Petitioner is under 18, Respondent is over 18
- ☐ are the parents of a minor child

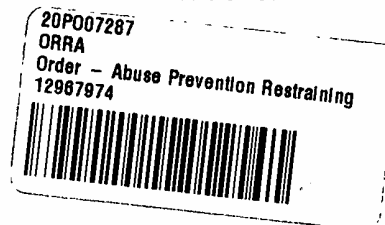
2. Incidents of Abuse

2. ArtH

Respondent has abused Petitioner (as defined by ORS 107.705) within the past 180 days as provided in ORS 107.710. Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's children. Petitioner is in imminent danger of further abuse.

3. Minor Children

- ☐ This Order involves minor children



A. Jurisdiction (for court use only)

3A. _____

Oregon has jurisdiction over issues of custody and parenting time under the UCCJEA because:

- ☐ Oregon is the children's **home state**
- ☐ Oregon was the home state within **6 months** before the *Petition* was filed. The children are not in Oregon, but a parent (or person acting as a parent) lives in Oregon.
- ☐ **Emergency** grounds exist for the exercise of temporary jurisdiction. The children are in Oregon and have been abandoned, or the children (or a parent) have been subjected to or threatened with abuse or mistreatment.
- ☐ Other: _____

B. Prior Cases

3B. _____

- ☐ **Existing Orders**
A previous custody, parenting time, guardianship, or juvenile dependency order exists
The order was entered in: (*state, tribe, or country*): _____
- ☐ **Pending Cases**
A custody, parenting time, guardianship, or juvenile dependency case is pending in (*state, tribe, or country*): _____
- ☐ **No Pending or Existing Orders**
No custody, parenting time, guardianship, or juvenile dependency case has been started or finished in any state, tribe, or country. The custody and parenting time provisions in this order are final for purposes of the UCCJEA if Oregon becomes the children's home state.

C. ☐ Interstate Judicial Communication Needed

3C. _____

- ☐ A custody, parenting time, or child placement matter is **PENDING** in another state, tribe, or country **or**
- ☐ Oregon is exercising Temporary Emergency Jurisdiction under the UCCJEA **and** another state, tribe, or country has entered an order regarding custody, parenting time, or child placement

4. Emergency Monetary Assistance

4. _____

Emergency monetary assistance is necessary to provide for the safety and welfare of Petitioner and any children in the care of Petitioner

THE COURT ORDERS:

1. ☒ Respondent is restrained (prohibited) from intimidating, molesting, interfering with, or menacing **Petitioner**, or attempting to do so, directly or through another person 1. ATH
2. ☐ Respondent is prohibited from intimidating, molesting, interfering with, or menacing **minor children in Petitioner's care** or attempting to do so, directly or through another person 2. _____
3. ☒ Except as otherwise stated in this order, Respondent is prohibited from entering, attempting to enter, or remaining in the area within ☒ 150 feet or ☐ _____ feet of buildings and land at the following locations: 3. ATH
(include names and addresses unless withheld for safety reasons)
☒ Petitioner's current or future **residence**: ATH

☐ Petitioner's current or future **business or place of employment**: _____

☐ Petitioner's current or future **school**: _____

☒ Other: Century 16 movie theater, 24 Hour Fitness — when
petitioner is present ATH
4. ☒ Respondent is prohibited from knowingly being or staying within 4. ATH
☒ 150 feet or ☐ _____ of Petitioner
☐ except as otherwise ordered (explain): _____

5. Contact

- A. Nothing in this restraining order prevents Respondent from appearing at or participating in a court (or administrative) hearing (or other related legal process) as a party or witness in a case involving the Petitioner. At these times, Respondent must stay at least **10 feet or** ☐ _____ (initial: _____) feet away from the Petitioner and follow any additional protective terms ordered in that case.

Nothing in this order prevents Respondent from serving or providing documents related to a court (or administrative) case to the Petitioner in a manner permitted by law. Respondent may **not** personally deliver documents to the Petitioner.

- B. ☒ Except as otherwise ordered, Respondent is prohibited from 5B. ATH
contacting or attempting to contact Petitioner:
☒ **in person**, directly or through another person
☒ by **private or commercial delivery**, including **mail**, except for court-ordered emergency monetary assistance, checks, or money orders

- ☐ by **email, social media**, or any other **electronic method**, directly or through another person
☐ by **phone or text message**
☐ **exceptions** to restrictions on contact (*list name and purpose*):

6. ☐ Respondent is prohibited from entering, attempting to enter, remaining at, or removing the children from the children's current or future: ☐ day care provider ☐ school 6. _____
7. ☐ Respondent is ordered to **move from** and not return to the residence: 7. _____
 (address): _____
 except with a peace officer to remove **Respondent's** essential personal items, and, if Respondent is the custodial parent, essential personal items of Respondent's children including (but not limited to) clothing, toiletries, diapers, medications, Social Security cards, birth certificates, identification, and tools of the trade
8. ☐ A peace officer will accompany Petitioner to the residence to remove **Petitioner's** essential personal items and, if Petitioner is the custodial parent, essential personal items of Petitioner's children including (but not limited to) clothing, toiletries, diapers, medications, Social Security cards, birth certificates, identification, and tools of the trade 8. _____
9. ☐ **Emergency Monetary Assistance** 9. _____
 Respondent is ordered to pay Petitioner \$_____ as emergency monetary assistance by the **45th day** after Respondent is served with this *Restraining Order*. Payment must be made by ☐ check ☐ money order mailed to (*SAFE contact address*): _____
10. ☐ **Animals** 10. _____
 To prevent neglect and protect the safety of animals kept for service, therapy, protection or companionship, the court makes the following orders: _____

CHILD CUSTODY

11. ☐ **Temporary Custody** is ordered as follows 11. _____
 Parenting time is ordered in Sections 18 and 19, below

Child's Name	Age	Party to have custody
		<input type="checkbox"/> petitioner <input type="checkbox"/> respondent

		<input type="checkbox"/> petitioner <input type="checkbox"/> respondent
		<input type="checkbox"/> petitioner <input type="checkbox"/> respondent
		<input type="checkbox"/> petitioner <input type="checkbox"/> respondent

☐ Additional page attached labeled "Additional Custody Orders"

12. ☐ A peace officer of the county or city where the children are located will assist Petitioner in recovering custody of the children awarded above. The peace officer is authorized to use any reasonable force to that end, including forcible entry into the following specific premises:
(addresses where the children are most likely to be found and why): _____

13. (For court use only) **Effect of Prior Custody Order** 13. _____

☐ A custody order has been entered in Case # _____

(county and state): _____

A. ☐ No changes are made. The existing order or judgment remains in effect.

B. ☐ The custody and parenting time provisions of this order **conflict** with the existing order or judgment, but are necessary to protect the safety and welfare of the children. The provisions of this order will remain in effect until the order expires or is dismissed or modified, or until (date): _____, whichever happens first.

14. (For court use only) **Exceptional Circumstances Hearing** 14. _____

☐ Exceptional circumstances affecting custody exist, so **no custody order** is entered at this time. Both parties are ordered to **appear at a hearing** (see hearing information on Page 1). This hearing will be Respondent's only chance to contest this order. The purpose of the hearing will be to consider the temporary custody of the parties' children, and other issues that the Respondent may contest. At the hearing, the court may cancel or change this order.

A. Until the Exceptional Circumstances Hearing, the children's residence and parental contact are as follows: 14A. _____

PARENTING TIME

15. ☐ The parent not awarded temporary custody **will NOT** have parenting time with the minor children because (explain): 15. _____

16. The parent not awarded temporary custody **WILL have parenting time with the minor children beginning on (date):** _____ **16.** _____
as follows:

A. ☐ Supervised Parenting Time **16A.** _____
☐ 3 hours or ☐ _____ hours per week supervised by _____

_____ as follows:

B. ☐ Parenting time will be ☐ as attached **or ☐ as follows:** **16B.** _____

☐ **Once per week** on (day) _____ from:

(Time):	(am/pm)	to	(Time):	(am/pm)
---------	---------	----	---------	---------

☐ **1st & 3rd** or ☐ **2nd & 4th** weekends or ☐ **Every weekend**

From: (day)	at	(Time): (am/pm)
To: (day)	at	(Time): (am/pm)

(The 1st weekend is the weekend beginning on the first FRIDAY of the month)

☐ **Other** (days of the week, places, times):

C. Pick up and return of the children will be as follows: **16C.** _____

☐ Petitioner's ☐ Respondent's residence. The other parent may remain at the curb (or in the driveway, if no curb) for a maximum of **5 minutes** or ☐ _____ minutes for the sole purpose of picking up or returning the children.

☐ At another place (specify where the children will be picked up and returned):

17. (For court use only) Effect of Prior Parenting Time Order **17.** _____

☐ A parenting time order has been entered in Case # _____
(county and state): _____

A. ☐ No changes are made. The existing order or judgment remains in effect.

B. ☐ The parenting time provisions of this order **conflict with the existing order or judgment, but are necessary to protect the safety and welfare of the children. The provisions of this restraining order replace prior orders and remain in effect until this order expires or is dismissed or modified.**

18. ☒ Immediate Firearms Prohibition

18. ArtH

Respondent is immediately prohibited from **purchasing or possessing any firearms or ammunition** (*Event: FQOR*)

19. Firearms Surrender (*applies to all granted orders*)

Respondent is ordered to surrender all firearms and ammunition according to the attached *Firearms Surrender and Return Terms*, which are incorporated and made part of this Order

19A. Respondent is ordered to file a *Declaration of Firearms Surrender* with any required attachments according to the *Firearms Surrender and Return Terms*

FIREARMS NOTIFICATION

If Section 18 is initialed by the judge, you are immediately prohibited from purchasing or possessing any FIREARM, including a rifle, pistol, or revolver, and AMMUNITION (ORS 107.718(1)(h)).

Whether or not Section 18 is initialed, you will be prohibited from purchasing or possessing any firearms or ammunition under ORS 166.255 if:

- You request a hearing to contest this *Order* and the *Order* is not dismissed
 - You request a hearing to contest this *Order* but then withdraw your request
 - You request a hearing to contest this *Order* but do not attend the hearing
- or
- 30 days pass after you were served with this *Order* and you do not request a hearing to contest this *Order*

Talk to a lawyer if you have questions about this

20. Other Orders

20. _____

21. No further service is necessary because Respondent appeared in person before the court

21. _____

22. SECURITY AMOUNT for violation of any provision of this Order is \$**5,000** unless otherwise specified here: \$_____

22. ArtH

The Petition for Restraining Order to Prevent Abuse is:

☐ **DENIED**

- ☐ Petitioner did not establish a claim for relief
- ☐ Petitioner did not appear at the time set for the ex parte hearing on the petition
- ☐ Other:

☒ **GRANTED**

- Criminal penalties for firearms possession apply as of the earliest of:
 - 30 days from the date of service of this Order
 - A hearing to contest this Order
 - *Unless the judge dismisses or terminates this Order at the hearing. The Order After Hearing may contain updated firearms prohibitions.*
 - Respondent's withdrawal from a requested hearing to contest this Order
- If Section 18 is initialed by the judge, contempt penalties apply as of the date of service or other knowledge of this Order. See the "Firearms Notification" box above for information.

The provisions of this Restraining Order are in effect for a period of one (1) year from the date of the judge's signature (unless renewed before it expires) or until the order is dismissed, modified, or replaced, whichever occurs first

**CERTIFICATE OF COMPLIANCE WITH FULL FAITH AND CREDIT
PROVISIONS OF VIOLENCE AGAINST WOMEN ACT**

(This is not a Brady Certificate)

This Restraining Order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. 2265. This court has jurisdiction over the parties and the subject matter. Respondent is being 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.

Judge Signature:

8-11-2020

AMY HOLMES HEHN
CIRCUIT COURT JUDGE

Certificate of Readiness

This proposed order is ready for judicial signature because it is submitted ☒ **ex parte** as allowed by statute or rule; or ☐ in **open court** with all parties present

Submitted by ☒ Petitioner ☐ Attorney for Petitioner

08/11/20

Date

/s/ Jason Pappas

Signature

Jason A. Pappas

Name (printed)

OSB# (attorneys only)

Contact Address (use a SAFE address) City, State, ZIP

Contact Phone (use a SAFE number)

SERVICE INFORMATION

*****The Respondent will receive a copy of this information*****

If you do not want Respondent to know your residential address or phone number, use a contact address in the state where you reside or a contact phone number so the court and the sheriff can reach you if necessary. Check for mail at this address frequently. The court will assume that you receive all notices sent to your contact address.

PETITIONER:(Name) Jason A. Pappas ☐ Female ☒ Male
 Residence/Contact Address (Use a safe address): [REDACTED] Multnc
 Street, Apartment, City, State, ZIP County
 Contact Phone Number [REDACTED] (Use safe contact number)
 Age 50 Race/Ethnicity wh Height 5'4" Weight 165 (appro
 Eye Color BH Hair Color BH

RESPONDENT: (Name) Chandler A. Pappas ☐ Female ☐ Male
 Residence Address [REDACTED] Clackamas
 Phone Number _____ County
 Age 26 (appro Race/Ethnicity WH Height 5'8" Weight 185
 Eye Color n/a Hair Color red/brwn

 PLEASE FILL OUT THIS INFORMATION
 TO HELP WITH SERVICE OF THE RESTRAINING ORDER

Where is Respondent most likely to be found?

☒ Residence Hours _____ Address above
☐ Employment Hours _____ Address on CIF form
☐ Other: Hours _____ Address _____

Description of Vehicle unknown

Is there anything about the Respondent's character, past behavior, or the present situation that indicates that Respondent may be a **danger** to self or others? (Explain): Search Case #: CH1412813- Unlawful possession of firearm

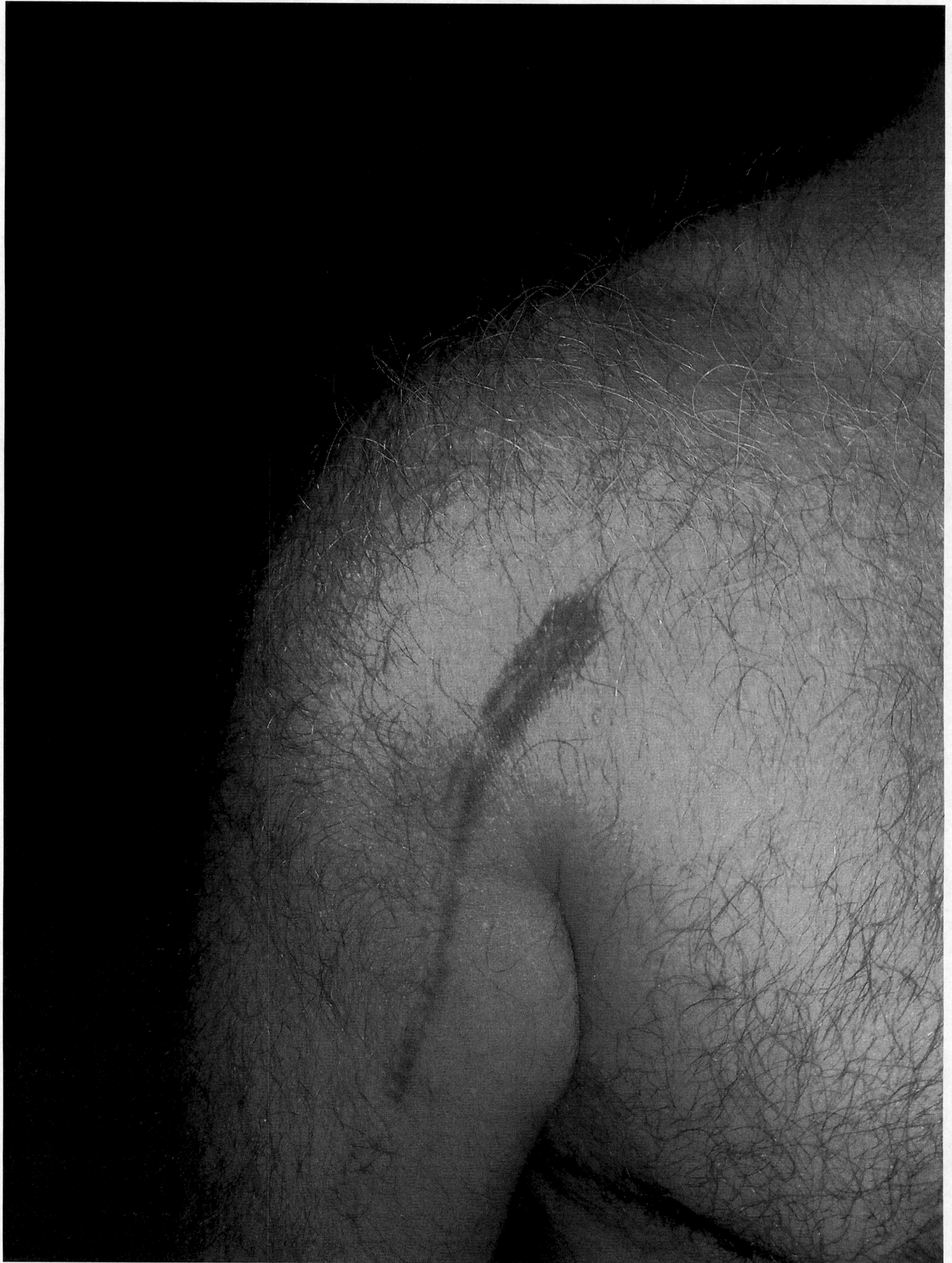
Does Respondent have any **weapons, or access to weapons**? (Explain):
Yes, respondant brought a piston and a baton, has access to other weapons from his da

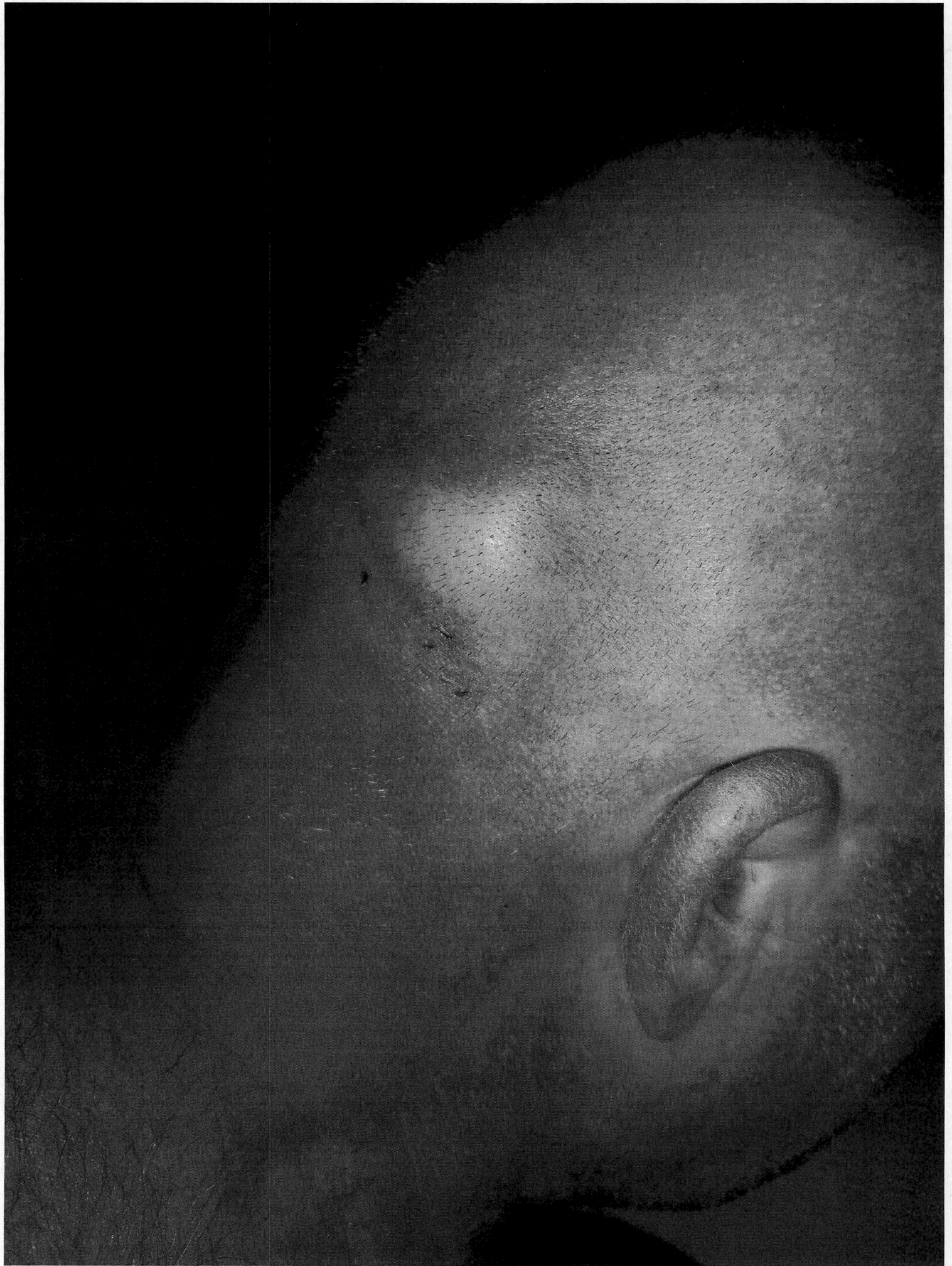
Has Respondent ever been **arrested for or convicted of** a violent crime? (Explain): other cases exis











FIREARMS SURRENDER AND RETURN TERMS
For RESPONDENTS under RESTRAINING ORDERS

The restraining order against you may immediately prohibit you from possessing firearms and ammunition and require you to surrender them. Read carefully the firearms section (page 7, section 18 & 19 of the Family Abuse Prevention Order; page 3, section 9 for Elderly Persons and Persons with Disabilities Abuse Prevention Order; page 3, section 7 for Sexual Abuse Prevention Order). Whether or not those sections are checked, the boxed notice in these sections tells you that state criminal law also prohibits you from possessing firearms as soon as a hearing is held continuing the restraining order or your hearing right expires. Read your order carefully to know whether the gun ban is in effect now, or will be soon.

AS SOON AS THE RESTRAINING ORDER PROHIBITS YOU from possessing firearms and ammunition, you must do ONE of the following within 24 HOURS

1. Surrender to Law Enforcement or a Licensed Gun Dealer all firearms and/or ammunition in your possession, control, or custody.

If the *Firearms Prohibition and Dispossession* box is checked on the restraining order you must surrender them at the time you are served with the restraining order. If the firearms or ammunition are not in your custody at that time, you must surrender them to law enforcement (see bottom of page) or a licensed gun dealer within 24 hours of when the gun ban is in effect.

or

2. Have an eligible Third Party take possession of any firearms and/or ammunition in your possession, control, or custody.

You must arrange for an Oregon State Police criminal background check on the third party you select. That Third Party cannot live with you. To get a background check, you must contact a licensed gun dealer. A fee applies. The Third Party must complete the *Third Party Recipient's Declaration* provided to you.

AND, WITHIN 2 COURT (BUSINESS) DAYS, YOU MUST FILE WITH THE COURT AND DISTRICT ATTORNEY'S OFFICE A DECLARATION, WITH PROOF OF TRANSFER.

These documents will tell the court:

- A. That you have no firearms or ammunition.
- B. The person/agency you gave the guns & ammunition to, and other details of the transfer.
- C. Or that you do not want to answer because you do not want to incriminate yourself.

The **Firearms Declaration** is included in your service packet. It is also available in Room 211 of the courthouse or online at: <http://courts.oregon.gov/courts/multnomah>.

Declarations must be filed in either Room 211 of the Multnomah County Courthouse or East County Courthouse **AND** with the Multnomah County District Attorney's Office.

**FAILURE TO COMPLY WITH COURT-ORDERED TERMS ABOUT FIREARMS POSSESSION AND SURRENDER
MAY SUBJECT YOU TO A CONTEMPT OF COURT CHARGE OR A CRIMINAL CHARGE.**

OPTION TO SURRENDER TO LAW ENFORCEMENT

The Portland Police Bureau and the Multnomah County Sheriff's Office will accept unloaded firearms and ammunition or individuals under restraining orders, *regardless of the location of the respondent's residence.*

Portland Police Bureau
Central Precinct
1111 SW 2nd Ave.
Portland, Oregon 97204
Hours: 24 hours/7 days a week
503/823-0097

Portland Police Bureau
Property & Evidence Division
2619 NW Industrial Way
Portland, Oregon 97210
Hours: 9-12; 1-4 M-F
503/823-2179

Multnomah County Sheriff's Office
234 SW Kendall Ct
Troutdale, OR 97060
Mon-Thurs 8- 4PM; Friday 8- 3PM
Call 503-988-7300, option #5 to
schedule

RETURN of firearms/ammunition: The firearm/ammunition ban ends when the restraining order expires or earlier if ended by court order. The law requires another background check on you be done law enforcement, a dealer, or a third party returns your firearms or ammunition to you.

Frequently Asked Questions:

SURRENDER and RETURN OF FIREARMS In Multnomah County Restraining Order Cases

Verified Copy of Original 8/18/2020

1. Do I have to surrender (give up) my guns?

Yes, but *when* depends on what the restraining order says. Look at *Firearms Prohibition and Disposition* section of the order (page 7, section 18 & 19 of the Family Abuse Prevention Order; page 3, section 9 for Elderly Persons and persons with Disabilities Abuse Prevention Order; page 3, section 7 for Sexual Abuse Prevention Order).

If the judge's initials are on the right side of the page, on the line next to the *Firearms Prohibition and Disposition* section, the "Firearms Surrender and Return Terms" attached to the order apply to you immediately. Even if box for the *Firearms Prohibition and Disposition* section is not initialed by the Judge, the "Firearms Notification" section immediately below those boxes tells you that state *criminal* law bans you from having guns or ammunition as soon as:

- your deadline for requesting a hearing on the restraining order passes but you don't request a hearing (This deadline is 30 days from service) or
- the date of a court hearing that you received notice of and the restraining order was continued there. This hearing date could be earlier than 30 days from when you were served with the court papers. Even if you withdraw your request for a hearing, or don't show up at a hearing you requested, the gun ban will be in effect as of the hearing date if the Judge keeps the restraining order in effect.

Whether you must surrender your firearms immediately, or in 30 days, or an earlier hearing date, you must also complete the *Declaration of Firearms Surrender* and file it (with *Proof of Transfer*) at the Courthouse and with the District Attorney. Legal deadlines apply for taking these steps. See following questions. The *Declaration w/Proof of Transfer* documents are included with the court papers you received. It is also available in room 211 of the courthouse or on the court's website.

2. How much time do I have to turn over my guns?

- If the *Firearms Prohibition and Disposition* boxes are checked – you must surrender any guns in your possession or control **when you are served** to a law enforcement officer serving the order. Otherwise, you have **24 hours** to turn your firearms and ammunition to law enforcement, a licensed gun dealer, or a qualified Third Party who doesn't live with you.
- If the *Firearms Prohibition and Disposition* boxes are *not* checked – you have **24 hours** from the *earlier* of (1) the passing of the deadline to request a hearing (30 days from service) or (2) a court hearing that you received notice of and at which the restraining order was continued. Even if you withdraw your request for a hearing, or don't show up at a hearing you requested, the gun ban will be in effect if the Judge keeps the restraining order in effect.

3. How much time do I have to file the Firearms Declaration (and Proof of Transfer)?

You have **2 court days** from the time you become subject to the surrender order (see answer to Question #1, above) to file the Firearms Declaration with the court *and* District Attorney. Weekend days and holidays do not count as court days. Take or mail the documents to:

Room 211
Main Multnomah County Courthouse
1021 SW 4th Avenue
Portland, Oregon 97204

or East County Courthouse
18480 SE Stark
Portland, Oregon

Multnomah County District Attorney
Room 600
Multnomah County Courthouse
1021 SW 4th Avenue
Portland, Oregon 97204

4. Where can I surrender my guns?

You can surrender (give) your guns to the Portland Police Bureau or Multnomah County Sheriff's Office at these locations during the times listed. To turn them over to the sheriff's office, you must call first to schedule an appointment. Make sure your firearms are unloaded before transporting and surrendering them.

Portland Police Bureau
Central Precinct
111 SW 2nd Ave.
Portland, Oregon 97204
Hours: 24 hours/7 days a week
503/823-0097

Portland Police Bureau
Property & Evidence Division
2619 NW Industrial Way
Portland, Oregon 97210
Hours: 9-12; 1-4 M-F
503/823-2179

Multnomah County Sheriff's Office
234 SW Kendall Court
Troutdale, OR 97060
Mon-Thurs 8- 4PM; Friday 8- 3PM
Call 503-988-7300, option #5 to
schedule

5. How do I transport my firearms/ammunition for surrender without breaking the law?

You will not break the law for Unlawful Possession of a Firearm if:

- You have in your possession a copy of the restraining order against you and it was issued within the last 24 hours,
- The firearm is unloaded, and
- You are transporting it to a law enforcement agency, licensed gun dealer, or third party.

6. Will I get a receipt from the law enforcement agency that is storing my guns?

Yes. The agency will give you a receipt. The receipt will list all the guns you turn over and the type/amount of ammunition. The agency can use the *Proof of Transfer* that is part of your *Firearms Declaration* that you file. The agency can also use their own form for this proof of transfer.

7. Can I leave my guns and ammunition with a gun dealer?

Yes, if the licensed gun dealer agrees to storage firearms and ammunition for you. The dealer will likely charge you a storage fee for this service. You must get a *Proof of Transfer* from the dealer that lists the date of transfer and the serial #, make, and model of each transferred firearm.

8. What if I want a friend or relative (instead of law enforcement or a gun dealer) to store my guns while the restraining order is in effect?

If your guns were not given to law enforcement or a dealer, you can turn your guns over to a friend or relative. This person cannot live with you. You must first get a criminal background check done on this friend/relative to show that he or she is legally able to have firearms. See *Question 9, below*. If you decide to turn your guns over to a friend or relative, that Third Party must fill out and sign the *Third Party Recipient's Declaration of Firearms Receipt*.

9. How do I get a firearms background check done on the person I want to store my guns?

The background check is done through a licensed gun dealer. A small fee is charged and the dealer will do the check through the Oregon State Police. If the person passes the background check, you will be given an approval number to record on the *Proof of Transfer*.

10. **What if I don't have any firearms?**

You still need to complete and file the *Firearms Declaration*. The *Declaration* sets out three choices (boxes) for your response and the first box applies in this situation. This section states that you do not own or possess any firearms. Remember -- you must file the *Declaration* at the Courthouse within 2 court (business) days of the date you become subject to the surrender order. See answer to Question #1 for the date you become subject to the surrender order.

11. **What happens if I don't file the Firearms Declaration?**

If you are required to file the *Firearms Declaration* and do not, you are disobeying the court's order. This is a serious matter. A law enforcement officer could contact you for questioning or cite you to appear in court. The District Attorney's (DA) office could charge you with violating a restraining order (contempt of court). In that case, you will have the right to a court-appointed lawyer if you cannot afford to hire a lawyer. If the judge decides after a hearing that you willfully disobeyed the restraining order by not filing the *Declaration*, you could go to jail for up to 6 months, be placed on probation, or be ordered to pay a fine of up to \$500 plus the cost of your state-provided attorney.

12. **How do I get my firearms back from the *police or sheriff* when the restraining order no longer exists?**

You must call the police or sheriff's office at the numbers provided above and make arrangements to pick up your guns and ammunition. The police or sheriff's office will do a background check on you to be sure you are legally able to possess firearms before returning your guns and ammunition. Take photo identification when you go to pick them up.

13. **How do I get my firearms back from a *friend or relative* storing them when the restraining order no longer exists?**

The person storing them can return them to you. But the law requires a background check *first* to make sure you are otherwise eligible to possess firearms. See question 9 above for information about getting this background check done. A dealer or the Oregon State Police will do the check when someone is requesting the check on himself or herself.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

Case No: _____

Petitioner/Plaintiff

v.

**THIRD PARTY RECIPIENT'S
DECLARATION OF
FIREARMS RECEIPT**

Respondent/Defendant

NOTICE TO RECIPIENT

You are subject to criminal and/or civil penalties if:

- You allow Respondent/Defendant access to firearms or ammunition during the time they are prohibited from possession
- You are subject to any court order prohibiting you from possessing firearms or ammunition

Declaration

I, (full name) _____ received firearms and/or
ammunition surrendered by Respondent/Defendant

**By my initials here → I swear to the court that all the
following statements are true**

- I am aware that Respondent/Defendant is subject to a court order to surrender all firearms and ammunition and prohibited from possessing firearms or ammunition
- I am not a law enforcement officer or gun dealer or not acting in my official capacity as a law enforcement officer or gun dealer
- I do not live with Respondent/Defendant
- I completed a Proof of Transfer listing the firearms and/or ammunition Respondent/Defendant surrendered to me
- I passed a background check by a law enforcement agency or gun dealer (required)

The OSP background check number is: _____

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Signature of Recipient

Name (printed)

Address

City, State, ZIP

Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

Petitioner/Plaintiff

v.

Respondent/Defendant

Case No: _____

**RESPONDENT'S/DEFENDANT'S
DECLARATION OF
FIREARMS SURRENDER**

Declaration

I am the Respondent/Defendant in this case. I am subject to a court order to surrender firearms.

Check one:

☐ I had no firearms in my possession at the time of the court's order. I do not currently possess any firearms.

☐ All firearms and ammunition in my possession have been transferred to:

☐ a law enforcement agency (name): _____

☐ a gun dealer (name): _____

☐ a third party who does not live with me (name): _____

☐ A proof of transfer or receipt is attached (required)

☐ I am asserting my constitutional right against self-incrimination. I decline to make any statement about firearms.

☐ I HAVE FILED COPIES OF THIS *DECLARATION* (AND THE *DECLARATION* FROM THIRD PARTY RECIPIENTS, IF ANY) WITH THE DISTRICT ATTORNEY (required)

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Submitted by Respondent/Defendant

Date

Signature of Respondent/Defendant

Name (printed)

Address City, State, ZIP Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

PROOF OF FIREARMS TRANSFER

*Complete this form if you have received firearms and ammunition
from the respondent/defendant named below¹*

Name of person surrendering firearms: _____

Case #: _____

Date of transfer: _____

RECIPIENT'S INFORMATION:

I, (full name) _____ received firearms and/or
ammunition from the Respondent/Defendant named below

I am a: ☐ third party who does not live with Respondent/Defendant*

*OSP background check number: _____ (required for third parties)

☐ licensed gun dealer

☐ law enforcement agency representative (agency name): _____

☐ Ammunition was surrendered to me

☐ The following firearms were surrendered to me:

Serial Number	Make and Model (or description, if make/model unavailable)

☐ Additional page attached

Date

Signature of recipient

Name (printed)

¹ Law enforcement and gun dealers may have their own proof of transfer or receipt forms. If so, attach that document to the Respondent's/Defendant's Declaration of Firearms Surrender.

NOTICE TO RESPONDENT AND REQUEST FOR HEARING

NOTICE OF EXCEPTIONAL CIRCUMSTANCES HEARING:

The court has scheduled an exceptional circumstances hearing about the temporary custody of your children on:

Date: _____ Time: _____ Courtroom: _____

See below for information about the "Exceptional Circumstances" hearing

THIS FORM MUST BE ATTACHED TO ALL COPIES OF THE RESTRAINING ORDER

Case#: _____

TO RESPONDENT: A RESTRAINING ORDER HAS BEEN ISSUED BY THE COURT THAT AFFECTS YOUR RIGHTS. THE ORDER IS NOW IN EFFECT.

You have the right to contest the Restraining Order as set out in the paragraph checked below.

☐ **An "Exceptional Circumstance" Hearing Has Been Scheduled**

(See the box on the top of this page, "Notice of Exceptional Circumstances Hearing")

The court has decided that there are exceptional circumstances affecting your children. The court has ordered a hearing to decide temporary custody. If you want to be heard on the issue of temporary custody or if you oppose the *Order* or any of its terms, you must appear at the date and time in the box above. This will be your **only** chance to oppose the *Order*. If you do not go to the hearing, the *Restraining Order* may remain in effect.

If you want an earlier hearing than the date above, complete the *Request for Hearing* form below and mail or deliver it to the address on Page 2.

☐ **An "Exceptional Circumstances" Hearing Has NOT Been Scheduled**

(The box on the top of this page is BLANK)

If you oppose the Restraining Order, including any parenting time or custody order, complete the attached "*Request for Hearing*" form. Mail or deliver it to the address on Page 2.

A REQUEST FOR HEARING must be filed with the court **within 30 days** after you received the order. You must include your address and telephone number. At the hearing, a judge will decide whether the order should remain in effect, be changed, or dismissed. **If you do not go to the hearing, the restraining order may remain in effect.**

- The hearing will be held within **5 business days** if you are contesting a custody order (not parenting time), or
- within **21 calendar days** if you do not oppose a custody order

If no Exceptional Circumstances hearing date has been set and you do not request a hearing within 30 days, the restraining order will remain in effect as issued.

Enforceability of the Restraining Order

The *Restraining Order* you have received is in effect and remains in effect until the court changes (modifies) or dismisses it, or until it expires. The order may also be renewed upon a

finding that a person in the Petitioner's situation would reasonably fear further acts of abuse by you if the order is not renewed.

If you are arrested for violating this order, the security amount (bail) is \$5,000, unless a different amount is ordered by the court.

The order is enforceable in every county in Oregon. It is also enforceable in all 50 states, the District of Columbia, tribal lands, and territories of the United States. This includes any order renewing or changing this order.

Violation of the Restraining Order

Violation of any part of this order (or any order renewing or changing this order) is contempt of court. Contempt is punishable by a fine of up to \$500 or 1% of your annual gross income, whichever is greater, or a jail term of up to six months, or both. Other penalties may also be imposed.

FIREARMS PROHIBITIONS APPLY!

Criminal Penalties for Firearms Possession (ORS 166.255(1)(a))

You will be subject to criminal penalties for possessing firearms or ammunition effective the earliest of:

(1) 30 days after you were served with the *Order*

Or, if you request a hearing:

(2) the date of the hearing if the *Order* is not dismissed or

(3) the date of the hearing if you fail to appear at the hearing or

(4) the date you withdraw your request for a hearing

Contempt Penalties for Firearms Possession

If the firearms prohibition in Section 18 of the *Restraining Order* is initiated by the judge:

- it is immediately unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, and ammunition under ORS 107.718(1)(h)
- you are subject to contempt of court for violation of the firearms prohibition as soon as you are served with or become aware of the *Order*
- criminal penalties may also apply

You may also be prohibited from:

- Serving in the Armed Forces of the United States or being employed in law enforcement. If you have any questions about how these laws apply to you, talk to a lawyer.
- Traveling across state lines or tribal land lines with the intent to violate this *Order* and then violating this order
- Causing the Petitioner to cross state lines or tribal land lines for the purpose of violating the order

Other Laws May Also Apply To You

Whether or not a *Restraining Order* is in effect, federal law may prohibit you from:

- Traveling across state lines or tribal land lines with the intent to injure the Petitioner and then intentionally committing a crime of violence causing bodily injury to the Petitioner
- Causing the Petitioner to travel across state lines or tribal land lines if your intent is to cause bodily injury to the Petitioner or if the travel results in you causing bodily injury to the Petitioner

IF YOU COMPLETE THE REQUEST FOR HEARING FORM, MAIL OR DELIVER
IT TO (address of court): 1021 SW 4th Avenue
Portland, OR, 97204

REQUEST FOR HEARING

(To Be Completed By Respondent Only)

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

Case No: _____

Petitioner

v.

REQUEST FOR HEARING

Respondent

(Person to be restrained)

(Family Abuse Prevention Act)

➤ I need an interpreter: ☐ Spanish ☐ Russian ☐ other: _____

I am the Respondent. I request a hearing to oppose the *Restraining Order* as follows:

Complete section A or B:

A. ☐ NO HEARING DATE HAS BEEN SET

I oppose: (check all that apply)

- ☐ the order restraining me from contacting, threatening, or attempting to contact the
Petitioner
☐ the custody order
☐ the parenting time order
☐ other: _____

**B. ☐ AN "EXCEPTIONAL CIRCUMSTANCES" HEARING HAS BEEN SET FOR:
(date) _____**

I request a hearing to be held within 5 business days after I file this Request
(Note to Respondent: if the Exceptional Circumstances hearing is within 5
business days of filing this Request, you cannot get an earlier hearing)

- ☐ I also oppose all or a part of the order as follows (check all that apply):
☐ the order restraining me from contacting, threatening, or attempting to contact
the Petitioner
☐ the custody order
☐ the parenting time order

☐ other: _____

I ☐ will ☐ will not be represented by an attorney at the hearing
Name and bar number of the attorney (if known): _____

☐ I will need Americans with Disabilities Act accommodations at the hearing

A *Confidential Information Form* (CIF) has been completed and filed with the court clerk
containing all required information that is identified as confidential by UTCR 2.130 for
Respondent

Submitted by: ☐ Respondent ☐ Attorney for Respondent

Date Signature

Name (printed)

Contact Address City, State, ZIP Contact Phone

Attorney for Respondent:

Date Signature

OSB# Name (printed)

Address City, State, ZIP Phone