

IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF _____

In the Matter of :) Case No. _____
)
) **TEMPORARY STALKING**
) **PROTECTIVE ORDER**
)
_____,) **FINAL STALKING PROTECTIVE**
Petitioner,) **ORDER AND JUDGMENT**
 Guardian Ad Litem)
and) **ORDER OF CONTINUANCE**
)
_____,) **JUDGMENT OF DISMISSAL**
Respondent.)

This matter came before this Court on ____ / ____ / ____ (date) for hearing on issuance of a:
 Temporary Stalking Protective Order
 Final Stalking Protective Order and Judgment.

PETITIONER: Appeared in person Did not appear With attorney _____
RESPONDENT: Appeared in person Did not appear With attorney _____

The court considered the allegations made in the Petition and other evidence offered and **FINDS:**
 (For Temporary Order) probable cause that:
 (For Final Order and Judgment) by a preponderance of the evidence that:

1. Respondent has engaged intentionally, knowingly, or recklessly in repeated and unwanted contact with the Petitioner or a member of the Petitioner's immediate family or household, and it was reasonable for Petitioner to be alarmed or coerced by this contact.
2. Respondent knew or should have known that the repeated contact was unwanted.
3. It is objectively reasonable for a person in Petitioner's situation to have been alarmed or coerced by Respondent's contact.
4. Respondent's repeated and unwanted contact caused the Petitioner reasonable apprehension regarding the Petitioner's own personal safety or the safety of a member of his/her immediate family or household.
5. Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's or Respondent's child/ren.
6. The unwanted contact occurred within two years of the filing of this action.

7. If applicable: Any unwanted contact that was purely communicative in nature was perceived by Petitioner as a credible threat of imminent serious personal violence or physical harm to Petitioner or to a member of his/her family, and it was reasonable to believe that such threat was likely to be followed by unlawful acts.

IT IS HEREBY ORDERED that:

- Temporary Stalking Protective Order**
- Final Stalking Protective Order and Judgment**

8. Respondent shall **stop stalking** Petitioner or member of Petitioner's immediate family or household members and shall **stop all contact and avoid all contact** with Petitioner or members of Petitioner's immediate family or household. Contact includes but is not limited to:

- A. Coming into the visual or physical presence of the other person;
- B. Following the other person;
- C. Waiting outside the home, property, place of work or school of the other person or of a member of that person's immediate family or household and being at the following places: _____

- D. Sending or making written or electronic communications in any form to the other person;
- E. Speaking with the other person by any means;
- F. Communicating with the other person, including through a third person;
- G. Committing a crime against the other person;
- H. Communicating with a third person who has some relationship to the other person with the intent of affecting the third person's relationship with the other person;
- I. Communicating with business entities with the intent of affecting some right or interest of the other person;
- J. Damaging the other person's home, property, place of work, or school; or
- K. Delivering directly or through a third person any object to the home, property, place of work or school of the other person.
- L. Other: _____

IT IS FURTHER ORDERED THAT:

An ex parte hearing on **TEMPORARY** relief having been held:

9. **Respondent must appear** at a hearing on this Temporary Stalking Protective Order on ____/____/____ (date) and _____ (time) in Room ____ of the _____ County Courthouse to show cause why the Temporary Stalking Protective Order should not be continued for an indefinite period. The Temporary Stalking Protective Order issued on ____/____/____ (date) shall be enforceable against the Respondent until terminated by the court or until service upon the Respondent of a Final Stalking Order. *See attached "Notice to Respondent and Order to Personally Appear For Hearing."*

10. **NO** Temporary Stalking Protective Order shall issue, as the Court finds Petitioner has not proven a basis for such order.

A hearing on **PERMANENT** relief having been set for today after notice to the Respondent:

11. CONTINUANCE

The hearing shall be CONTINUED to ____/____/____ (date) and _____ (time) in Room _____ of the _____ County Courthouse. The Stalking Protective Order issued on ____/____/____ (date) shall remain in effect pending this hearing.

12. WARRANT

A Warrant for Respondent's arrest shall issue because Respondent did not appear. Security amount is set at \$5,000 / \$_____.

13. DISMISSAL

The Temporary Stalking Protective Order issued on ____/____/____ (date) shall be terminated and the Petition dismissed, as the Court finds that Petitioner has not proven the basis for this order or Petitioner did not appear.

14. VOLUNTARY DISMISSAL

The Temporary Stalking Protective Order issued on _____ (date) shall be terminated and the Petition dismissed, as the Court finds that Petitioner has made such a request voluntarily.

15. FINAL ORDER AND JUDGMENT

The court has ordered the continuation of the terms of the restraint detailed above in Paragraph 8. This Order is a Final Judgment and is of unlimited duration unless modified by law or by further order of the court.

16. ATTORNEY FEES

Pursuant to ORS 30.866(4)(c), Petitioner is awarded attorneys fees in the amount of \$_____.
 Other order regarding award of attorneys fees to Petitioner: _____

17. MENTAL HEALTH EVALUATION

- Respondent is ordered to undergo a mental health evaluation and, if indicated by the evaluation, treatment.
- Respondent is without funds to obtain the evaluation or treatment or both. Respondent is referred to (mental health agency): _____
-

18. **SERVICE:** Petitioner Respondent was served in Court with a copy of this Order.

19. **DATE OF BIRTH:** Respondent's date of birth is: _____

20. **FIREARMS NOTIFICATION under 42 USC §3796gg-(4)(e):** As a result of this Order, it **may** be unlawful for Respondent to possess, receive, ship, transport or purchase a **firearm or ammunition** pursuant to **federal law** under 18 USC §922 (g)(8). This Order also **may** negatively affect Respondent's ability to serve in the Armed Forces of the United States or to be employed in law enforcement. [OJIN Event Code: **NOGR**]

NOTICE TO RESPONDENT: If you have questions about whether federal or state laws make it illegal for you to possess or purchase a firearm, and/or about whether this Order will affect your ability to serve in the military or be employed in law enforcement, you should consult an attorney.

21. **FIREARMS PROHIBITION:** This Order (or the original Order that is continued) prohibits Respondent from possessing FIREARMS or AMMUNITION and it is unlawful for Respondent to do so under **state law**. [OJIN Event Code: **FQOR**]

FEDERAL FIREARMS FINDINGS (BRADY): This Order may subject Respondent to federal prosecution for possession, receipt, shipping, transportation, or purchase of firearms or ammunition while it is in effect. [OJIN Event Code: **ORBY**; LEDS Brady Code: **Y**]

The Court finds:

A. **Relationship:** The person protected by this Order is (*check at least one*):

- A spouse or former spouse of Respondent.
- The parent of Respondent's child.
- A person who does or did cohabit (live in a sexually intimate relationship) with Respondent.
- Respondent's child.
- A child of an intimate partner* of Respondent (*intimate partner is spouse/former spouse, cohabitant/former cohabitant, or parent of Respondent's child).

B. **Notice and Opportunity to Participate:**

The Order was issued after a hearing of which Respondent received actual notice and at which Respondent had the opportunity to participate.

C. **Terms of Order:**

The Order restrains Respondent from harassing, stalking or threatening Petitioner or Petitioner's or Respondent's child/ren or engaging in other conduct that would place Petitioner in reasonable fear of bodily injury to Petitioner or Petitioner's or Respondent's child/ren; **AND**

Respondent represents a credible threat to the physical safety of Petitioner or Petitioner's or Respondent's child/ren; **OR**

This Order by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against Petitioner or Petitioner's or Respondent's child/ren that would be reasonably expected to cause bodily injury.

FULL FAITH AND CREDIT PROVISIONS: This Order meets all full faith and credit requirements of the Violence Against Women Act, 18 USC §2265. This Court has jurisdiction over the parties and the subject matter. Respondent was or is being afforded notice and timely opportunity to be heard as provided by Oregon law. This Order is valid and entitled to enforcement in this and all other jurisdictions.

DATED: _____

JUDGE (Signature)

Print or Type Name of Judge