

	SEXUAL ABUSE PROTECTIVE ORDER (SAPO) Effective 1/1/2014
ELIGIBILITY	<ul style="list-style-type: none"> Available to minor* as well as adult petitioners (12 yo and older can file on own petition; parent or lawful guardian can petition for person under 18, but must file petition for person under 12) Not available against minor respondent Petitioner and respondent must NOT be “family or household members” (defined by ORS 107.705) Respondent must NOT be subject to another protective order (ie, EPPDAPA, FAPA**, Release Agreement (in criminal case), No Contact Order, Stalking Order, Protective Order from Juvenile Dependency Court, including foreign restraining orders)
ABUSE	<ul style="list-style-type: none"> One incident of abuse required Subjected petitioner to sexual abuse. Sexual abuse = sexual contact with: <ul style="list-style-type: none"> a person who does not consent to the sexual contact; or a person who is considered incapable of consenting to a sexual act under ORS 163.315 Petitioner must reasonably fear for their safety with respect to respondent Abuse must have taken place within last 180 days (unless respondent is in jail or more than 100 miles away or was subject to a restraining, protective or no contact order)
RELIEF	<ul style="list-style-type: none"> One year (renewable upon finding that it is objectively reasonable for a person in the petitioner’s situation to fear for the person’s physical safety if the restraining order is not renewed) <u>Order shall restrain respondent from:</u> <ul style="list-style-type: none"> contacting petitioner and from intimidating, molesting, interfering with or menacing the petitioner, or attempting to intimidate, molest, interfere with or menace the petitioner. <u>Upon petitioner request, Court may order:</u> <ul style="list-style-type: none"> Respondent be restrained from contacting the petitioner’s children or family or household members; Respondent be restrained from entering, or attempting to enter, a reasonable area surrounding petitioner’s residence; Respondent be restrained from intimidating, molesting, interfering with or menacing any children or family or household members of petitioner (or attempting to do this); Respondent be restrained from entering, or attempting to enter, any premises and a reasonable area surrounding the premises when necessary to prevent the respondent from intimidating, molesting, interfering with or menacing the petitioner or the petitioner’s children or family or household members; and Other relief necessary to provide for the safety and welfare of the petitioner or the petitioner’s children or family or household members.
MODIFICATION	<ul style="list-style-type: none"> Terms of order may be modified <ul style="list-style-type: none"> Petitioner may remove or make terms less restrictive by ex parte motion For other modifications by either party, notice and hearing required
PROCEDURE	<ul style="list-style-type: none"> SATF to develop forms and make available an instructional brochure regarding SAPO rights One procedure – all petitions filed through Court No filing, service, or hearing fees Hearing only if requested by respondent Prohibits use of certain evidence in hearing (Rape Shield law applies) Preponderance-of-the-evidence standard (51%) Ex parte hearing may be held by telephone A party may request that the party or a witness appear by telephone if hearing scheduled
ENFORCEMENT	<ul style="list-style-type: none"> Petitioner cannot violate Mandatory arrest laws apply Sheriffs to enter into LEDS and NCIC databases Violation of order can be prosecuted by issuing county or the county in which violation occurred Violation is a civil matter but remedial sanctions may be sought pursuant to ORS 33.055 (Contempt proceeding)
FULL FAITH AND CREDIT	Yes, enforceable in all states
FEDERAL GUN LIABILITY	No, except certain minor petitioners

*Minor petitioners seeking an order should be advised that Judges and Law Enforcement Officers are mandatory child abuse reporters who will likely make a report to law enforcement or Department of Human Services upon receipt of a SAPO petition from, or on behalf of, a minor petitioner.

**Minor petitioners could be eligible for FAPA and SAPO at same time.