

ELDER ABUSE PREVENTION ACT
INSTRUCTIONS AND FORM FOR AFFIDAVIT
OF PROOF OF SERVICE

Deschutes County Courts
Bend, Oregon

October 1997

**ELDER ABUSE PREVENTION ACT
INSTRUCTIONS FOR AFFIDAVIT OF PROOF OF SERVICE**

The purpose of the "Affidavit of Proof of Service" form is to show the court that the Restraining Order and Petition were personally delivered to the respondent; that way, the court knows that the respondent is aware of what the court has ordered.

The "Affidavit of Proof of Service" form is designed to be filled out by the person who delivers the papers to the respondent. However, you can fill in the caption information now if you wish.

If the court grants a Restraining Order, "true" copies of the Restraining Order and the Petition must be "served on" (personally delivered to) the respondent to inform the respondent that the Restraining Order exists and to tell the person what the court has ordered. If you arrange to have a private process server serve these papers, you will need to pay any fees to that person. Any person (except yourself, your attorney, or your employee) who is mentally competent, 18 years of age or older, and a resident of Oregon of the state of service may serve the papers. If you have someone other than the sheriff serve the papers, be sure that:

- (1) the person who served the respondent completes the "Affidavit of Proof of Service" and signs it only in front of a notary public or the court clerk;
- (2) The notary public notarizes or court clerk "acknowledges" the signature of the person signing the affidavit; and
- (3) The Affidavit of Proof of Service is filed with the court clerk.

The instructions listed below should be followed after the person serves the Restraining Order on the respondent.

Lines 6 through 10. If not filled in already, fill in the caption information as directed on pages 4 and 5 of these instructions. Be sure to include the case number.

Line 14. Fill in the county where the process server signed the affidavit.

Line 17. Fill in the date that the respondent was served.

Line 19. Fill in the county and state where the respondent was served.

Lines 21 through 23. **THE PERSON WHO SERVED THE RESTRAINING ORDER ON THE RESPONDENT SHOULD SIGN THIS AFFIDAVIT ONLY IN FRONT OF A NOTARY PUBLIC OR THE COURT CLERK.** That person should print or type his or her name in the blank under the signature line and then fill in his or her address and telephone number.

Lines 25 through 27. The notary public or court clerk will complete these lines.

