

Instructions for Packet # 11 Change of Venue/Transfer of Case

If you have moved or there is another reason it is no longer convenient for you to have your case in the same Oregon court in which you filed, you may want to file a motion for “change of venue” or to “transfer” your case to another Oregon circuit court in a different county.

You should check with the local court clerk or facilitator where you originally filed for more detailed information, as well as the local court clerk or facilitator for the court where you would like the case moved. If the local court has forms available for either a change of venue or to transfer your case, you should use those forms instead of the ones in this Packet.

The application to transfer/change venue forms may be used only by

- (1) a parent who is a party in a Judgment of Dissolution or Separation which established custody, parenting time and / or child support. (The Judgment may also have included spousal support.)
- (2) an unmarried parent who is a party in a Judgment establishing custody, parenting time and / or child support.

Change of Venue or Transfer of Case?

- If you have filed papers in your proceeding but it is before the date set for trial in your matter, use the instructions and forms for **Change of Venue**. These are:
 - *Petitioner’s/Respondent’s Motion and Order to Change Venue*
 - *Petitioner’s/Respondent’s Affidavit in Support of Motion to Change Venue*
- If your matter has already been adjudicated and there is an order or judgment entered by the court in your case, use the instructions and forms for **Transfer of Case**. These are:
 - *Petitioner’s/Respondent’s Motion and Order to Transfer Case*
 - *Petitioner’s/Respondent’s Certificate in Support of Motion to Transfer Case*

**DO NOT USE THESE FORMS IF YOUR ORIGINAL PAPERS
WERE FILED IN AN OUT-OF-STATE COURT**

Change of Venue: If it is no longer convenient for you to finish your case or go to trial in the county in which you originally filed, you may ask the court to move your case to another court. Typical reasons for moving your case before it is concluded is that you or your child/ren, or other important persons to the case, no longer reside in the county where you originally filed your case. Usually, you are allowed only one change of the place of trial. The court may ask you to pay for the cost of moving your case to another court. Fill out and file the forms for **Change of Venue** in the box above. **You must also serve the other party in your case** (see “*Serve the Other Party*” below).

Transfer of Case: If an order or judgment has already been entered in your case, and you want to modify or enforce it, you may request that the court transfer your case files and records to a court in the Oregon county where you now reside, where the other party resides, or where you own property. The court may ask you to pay for the cost of transferring your case to another court.

Once transferred, the files and records of your case in the new court will be called “auxiliary.” A certified copy of any order or decree entered in your auxiliary case must also be forwarded to the court you originally filed in, and you will have to submit an extra copy to the clerk of the auxiliary court for this purpose. Regardless of the file number assigned to your auxiliary case, the file number in your original case will remain the reference number for all purposes, including support payment records in the Department of Justice. Fill out and file the forms for **Transfer of Case** in the box above.

Serve the Other Party: Whether you file to transfer your case or to change venue, you are required to have the other party served (have papers delivered to) with certified copies of the documents you file with the court clerk (you may certify the copies by signing your name where it says “I certify this is a true copy”).

RESPONDING TO A MOTION TO TRANSFER CASE OR CHANGE VENUE

Complete the “Affidavit Responding to Motion to 9 Transfer Case or 9 Change Venue”, and mail copies to the party requesting the transfer or change of venue. File both the Affidavit and the “Certificate of Mailing (Response)” with the court where the motion has been filed.