

# Filing For Dissolution (Divorce) Co-Petitioners, Cases without Children Instructions for Packet 9B

**Notice about these instructions and forms.**

*These instructions are not a complete statement of the law. They cover basic procedure for uncomplicated divorce cases. For legal information, please talk to a lawyer and/or visit your local law library.*

*The instructions may refer to some forms not included in this packet. If you have a question about a form you cannot locate, you should consult your local court which may have the form available.*

*Each court has local rules, programs and procedures that may not be explained in these instructions. Please refer to the “Local Family Law Practices and Programs” form for your court, attached to these instructions. If it is not attached, consult your local court directly. **Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.courts.oregon.gov>.***

This set of forms and instructions will allow you to file for and obtain a divorce where both parties are in agreement on all issues.

The instructions are broken down into two basic steps. The forms that go with each step are listed below.

Steps and Forms	Page (Instructions)
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Co-Petition for Dissolution of Marriage [Without Children] Notice of Statutory Restraining Order Preventing Dissipation of Assets Co-Petitioners’ Acknowledgment about Dissolution (Divorce) Confidential Information Form (CIF) ( <i>one for each party</i> ) Notice of CIF Filing Record of Dissolution of Marriage ( <i>Vital Statistics Form; Available from your local court</i> )	
2. Finalizing Your Divorce	3
Co-Petitioner’s Ex Parte Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing; and Order Co-Petitioners’ Affidavit Supporting Stipulated Judgment of Dissolution Stipulated General Judgment of Dissolution of Marriage [Without Children]	

**When filling out the forms, follow these directions:**

- You and your spouse are the named “Co-Petitioners” on all court forms. Use full names (first, middle or middle initial, last) and print the names the same on all forms, in the same order.
- The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals.
- Some forms must be notarized or signed in the presence of a court clerk. You will need your current, government-issued picture ID for this. Many banks provide notary services.
- Many forms say on the bottom, “I certify that this is a true copy,” and provide a place to sign. Don’t sign this line on the original form or on your own copy. You need to sign this line only on the copies that are given to your spouse.
- Make yourself and your spouse a copy of any document you are filing with the court. File the original with the court clerk.
- Keep the court informed of your current address so you get notice of all court dates. **You are not required to use your residential address on any court form.** You may use a contact address where you regularly check in. If you use a contact address, the court will assume that you will receive all notices sent to that address. **Note: If you fear for your safety, you may be able to obtain a non-disclosure order.** Consult with your local court for instructions as well as the appropriate forms.

## STEP 1: STARTING YOUR DIVORCE

### Legal Issues to Consider.

A divorce case starts with a “petition” which lists the items you are asking the court to order in the “judgment”. The judgment is the document that finalizes your divorce and contains your rights and responsibilities. Oregon law provides that a number of issues must be addressed in the judgment. Before you fill out the petition, you should think about how you want to handle these issues.

**Spousal Support.** Oregon law provides for three different categories of spousal support: transitional, compensatory and spousal maintenance. Transitional support may be ordered for a spouse to get work related education and training. Compensatory spousal support may be ordered if one party has significantly contributed to the education, training, vocational skills, career or earning capacity of the other spouse. Spousal maintenance may be ordered for the support of one spouse. The judge will consider a number of factors when making the award, and may order more than one type of support. For more information on what the judge will consider, please refer to ORS 107.105 (to view, visit your local law library or [www.leg.state.or.us/ors](http://www.leg.state.or.us/ors)).

**Property and Debts. – Statutory Restraining Order.** Oregon law requires both Co-Petitioners to obey a restraining order preventing *either party* from dissipating (selling, destroying, removing, disposing of) real or personal property, making unilateral (without the agreement of the other party) changes to insurance policies, and making extraordinary expenditures. Expenditures that are necessary for the safety or welfare of the children or the parties are not prohibited. **By filing your co-petition, you agree to be bound by the terms of this order.** The order is effective immediately upon filing of the co-petition. If either co-petitioner violates the order, s/he may be subject to sanctions. The “*Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions*” may be found in this Packet 9B.

For information about these issues, talk to a lawyer and/or go to the Oregon State Bar’s web site for “Legal Links” ([www.osbar.org](http://www.osbar.org)) and read under “Oregon’s Laws” the sections on “Bankruptcy and Credit,” “Real Estate,” and “Taxes.” If either spouse has a retirement plan, you should talk to an attorney before filling out the petition. The attorney can advise you if this packet will work for your situation. If the parties own real estate located in Oregon, a “lis pendens” notice (notice of pending suit) may be filed with the county clerk as provided in ORS 93.740 (to view, visit your local law library or [www.leg.state.or.us/ors](http://www.leg.state.or.us/ors)).

### Initial Forms to File as Co-Petitioners.

To get the divorce case started, fill out the following forms and file them with the clerk:

- *Co-Petition for Dissolution of Marriage*
- *Notice of Statutory Restraining Order Preventing Dissipation of Assets*
- *Co-Petitioners’ Acknowledgment about Dissolution (Divorce)*
- *Confidential Information Forms for each party (CIF)*
- *Notice of CIF Filing*
- *Record of Dissolution of Marriage (Vital Statistics form; Available from your local court)*

### Social Security numbers and other confidential personal information.

There is certain personal information that can only be listed in a Confidential Information Form (CIF) and may not be listed in any of the other papers you file with the court. See the CIF information sheet that is part of this packet for further instruction.

### Make copies.

Make one copy of all of the forms for you and your spouse’s records. If you ask the court to make you a copy, a small fee will be charged per page.

### **Have your documents reviewed.**

You may have your documents reviewed by a lawyer or a courthouse facilitator (if your court has one) before you file. For information about how to find a lawyer, call the Oregon State Bar Lawyer Referral Service (1-800-452-7636). If you are low income, you may get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program, or you may call your local Legal Aid office (<http://www.oregonlawhelp.org>). Other resource information is available on the state's website (<http://www.courts.oregon.gov>) under the Family Law tab of the Self-Represented section.

### **File the forms.**

File all of the original forms that are listed above with the court clerk. The court clerk will ask you for a filing fee when you file your papers. Check with your local court to learn the amount of the filing fee. If you feel you can't afford to pay the fee, you may ask the court to waive or defer your filing fee. Check with your local court for how to access the Application for Deferral or Waiver of Fees. This form needs to be filled out and filed with the court. If the fee is waived, you don't have to pay the fee. If the fee is deferred, most courts will require that you pay the fee at a later date, plus additional fees.

The clerk will give you a number of handouts when you file your papers. The handouts usually include a notice regarding continuation of health coverage, a copy of ORS 107.089 (documents parties may have to give each other), notice regarding mediation, family law guidelines and services, and a family law resource list. The clerk will give you two copies of each handout: one for you and one for your spouse. You aren't required to give the copy of ORS 107.089 on your spouse, but if you do, both spouses must follow what it says.

### **Serving children who are necessary parties.**

Because all unmarried, unemancipated children at least 18 and under 21 years of age are necessary parties to the case, they must also be served. These children will also need to be served with copies of the forms you have filed with the clerk. If the child/ren between the ages of 18 and 21 would like to waive further appearance in this case, you may download the Waiver of Further Appearance/Consent to Entry of Judgment form from packet 6J on the state website ([www.courts.oregon.gov/familylaw](http://www.courts.oregon.gov/familylaw)).

## **STEP 2: FINALIZING YOUR DIVORCE**

A divorce is "final" on the date the judgment of dissolution (divorce) is signed by a judge. You can file the final forms with the initial forms if you would like your divorce to be processed more quickly. If you choose to file the initial forms first, and wait to finalize the divorce, please note that you will be given only 90 (ninety) days to complete the process before the court will notify you that your case will be dismissed without further action.

### **Forms to Finalize Your Divorce.**

The following forms are required to finalize your divorce:

- *Co-Petitioner's Ex Parte Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing; and Order*
- *Co-Petitioners' Affidavit Supporting Stipulated Judgment of Dissolution (Without Children)*
- *Stipulated General Judgment of Dissolution [without Children]; and Money Award*

You may also need to file the following additional form, depending on your circumstances.

### **The Final Judgment.**

The judgment finalizes your divorce and contains all of the issues decided by your agreement. If both spouses agree on all issues, it may be prepared by either spouse as long as it is reviewed and signed by both spouses. The information should be the same as your agreement.

If you are responsible for filling out and filing the final judgment, make a copy for yourself and one for your spouse, and file the original with the court. **If your case involves spousal support, file an extra copy of the proposed judgment and Confidential Information Forms (CIFs) with the court.**