Custody Enforcement
(Oregon and Out-of-State Orders/Judgments)
Packet No. 5B

This process may be used if you have been granted physical custody of your child/ren by a court order, and the other party is violating that order by withholding the child/ren. You must file the application in the county in which the party's child/ren are located, or where a foreign custody order/judgment has been registered pursuant to ORS 109.787 (see Packet #5C).

Important Notice about Enforcement of Out-of-State Judgments

To enforce an Out-of-State custody decree/judgment, you may also complete the forms in Packet #5C—Registration for Enforcement of Out-of-State Orders. These forms are available on the OJD Family Law Website at the *"Family Law Forms"* link: *http://www.courts.oregon.gov/familylaw*.

DO NOT USE THIS PACKET FOR VIOLATIONS OF PARENTING TIME OR VISITATION.
Instead, use the forms available on the OJD Family Law Website-Parenting Plan Enforcement link (*http://www.courts.oregon.gov/familylaw*) which includes forms specifically required by the county in which you are seeking enforcement, or if your county does not have these forms, use Packet 5A.

A ***certified*** ***copy*** *of the custody order* **must** be included with the documents you file with the court.

STEP 1

Get a ***certified*** copy of the order or judgment you are asking the court to enforce. If you don't have a certified copy of the order or judgment, you will need to get one from the court that issued the order/judgment.

If you are requesting assistance from the court that issued the original custody judgment
OR
From a court where an OUT-OF-STATE custody judgment has been registered, fill out the following **MOTION** forms:
- Affidavit in Support of Motion/Petition for Order of Assistance
- Ex Parte MOTION for Order of Assistance
- Order of Assistance

If you are requesting assistance from a court that did NOT issue the original judgment
AND
From a court where an OUT-OF-STATE custody judgment has NOT been registered
BUT
From a court in a county where the CHILD(REN) IS/ARE LOCATED, fill out the following **PETITION** forms:
- Affidavit in Support of Motion/Petition for Order of Assistance
- Ex Parte PETITION for Order of Assistance
- Order of Assistance

- The case heading (names and case number) at the top of each form will be the same as it is on the petition that started the case if you are filing in the same court. If you are asking a different court to enforce the order, the case names and Petitioner/Respondent status will remain the same but the clerk will assign a different case number when you file your papers.

- Do not sign the line where it says "I certify that this is a true copy".

- Have the Affidavit notarized or signed in front of a court clerk.

- Do not fill in the Judge's portion of the order (the findings, the order and the judge's date and signature lines).

STEP 2

- Make a copy of the documents you just filled out for your records. Make a second copy of the Motion and Affidavit and sign them where it says, "I certify that this is a true copy."

STEP 3

- You may file your documents along with the certified copy of the original order with the court clerk. There is no filing fee for this process.

STEP 4

- Sign up for parent education class if required by your local court.

STEP 5

- After the judge has signed the order, get a certified copy of the order from the court clerk and attach it to the second copy of the Motion or Petition and Affidavit you made in step 2. Deliver the papers to the sheriff's office and make arrangements to have them served on the other parent. The sheriff's office will attempt to serve the order on the other party and deliver the child/ren to you.