

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

In the Matter of the Marriage of:)
 _____)
 Petitioner,)
 and)
 _____)
 Respondent,)
 and)
 _____)
 Child who is 18, 19, or 20 years of age,)
 unmarried and unemancipated.)
 (ORS 107.108))

Case No. _____

PETITIONER'S RESPONDENT'S
 EX PARTE MOTION FOR ORDER TO
 SHOW CAUSE REGARDING
 MODIFICATION OF JUDGMENT RE:
 CUSTODY
 PARENTING TIME
 CHILD SUPPORT

Motion

I, Petitioner Respondent, request that the court issue an Order to Show Cause requiring Petitioner Respondent to appear in Circuit Court in the Clackamas County Courthouse in Oregon City, Oregon, to show cause why this court should not grant the following relief concerning the parties' child/ren: _____

 (Name/s and years of birth)

1. Change custody of the minor child/ren as follows:

a. Petitioner Respondent to be awarded sole custody of the child/ren (list names and years of birth): _____

b. The parties have agreed to joint custody of the following child/ren (list names and years of birth): _____

2. Change the current court-ordered parenting time as follows:

a. Petitioner Respondent should have parenting time with the child/ren as set forth in the attached Parenting Plan, labeled Exhibit _____, or Other: _____

b. Petitioner Respondent should not be granted parenting time because this would endanger the health and safety of the child/ren. Supporting facts are as follows: _____

c. Parenting time shall be supervised by: _____
 Any cost of the supervision shall be paid by Petitioner Respondent Other: _____

d. Petitioner and Respondent should each provide contact addresses and contact telephone numbers to the other and notify each other of any emergency circumstances or substantial changes in the child/ren's health.

e. Petitioner Respondent should be allowed to move more than 60 miles further distant from the other parent without advance notice because good cause exists.

3. Terminate Petitioner's Respondent's child support obligation effective the first (or _____) day of the month following the date of the judgment, or _____ the date the other party is served with this motion, or other date thereafter, due to the requested change in custody, or because the child no longer qualifies for support under Oregon law.

4. **Child Support, including Health Care Coverage and Cash Medical Support.**

A. **Other Pending Child Support Cases.** *(Check one.)*

No other agency or court child support proceeding is currently pending *(include any child support matter being heard as part of a dissolution, separation, annulment, paternity, support or modification case).*

There is/are other child support proceeding(s) currently pending in either an agency or court case as set forth in the CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDING and/or EXISTING CHILD SUPPORT ORDER attached to this petition.

B. **Other Child Support Orders.** *(Check one.)*

No other child support orders, from an agency or court, are currently in effect in the State of Oregon or any other state.

There is/are other child support orders from an agency or court as set forth in the CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDING and/or EXISTING CHILD SUPPORT ORDERS/JUDGMENTS attached to this petition.

C. **Currently Effective Child Support Order.** *(Check any that apply.)*

The following child support order/s is/are currently in effect: _____

(List state, court/agency, case number, date of order)

This order should remain in place and includes provisions for medical support for the child/ren, or

This order is from an Oregon court or agency, one of the parents or the child/ren receiving support still resides in Oregon and the order should be changed because circumstances have changed since the last order was entered.

State facts showing how circumstances have changed: _____

D. Cash Child Support.

Complete either (1) or (2) below:

- (1) Cash child support should be paid by Petitioner to Respondent (or) Respondent to Petitioner.

The monthly amount of support should be \$_____ for ____ children.

This is the amount presumed correct under the Oregon Child Support Guideline as shown in the attached support calculation worksheet, labeled Exhibit _____. **or**

This requested amount differs from the presumed correct Oregon Child Support Guideline amount of \$_____. The guideline amount would be unjust or inappropriate for the following reasons: _____

The judgment should require Petitioner Respondent to begin paying support on:

The first (or _____) day of the month following the date of the judgment and continuing on the same day of each month thereafter. **or**

The date Respondent is served with this motion and continuing on the same day of each month thereafter.

- (2) No cash child support should be ordered in this case because:

An order, including medical support, for child support in the monthly amount of \$_____ has already been ordered in Circuit Court case number _____ in _____ County, Oregon.

Other reason: _____

E. Medical Support. Complete section (1) or (2) below. Also complete section (3) or (4) below.

Complete (1) or (2):

- (1) **Private Health Care Coverage is Appropriate and Available.**

Petitioner Respondent Both Petitioner and Respondent has/have appropriate private health care coverage available for the parties' child/ren through an employer, spouse, domestic partner or other source. Petitioner Respondent Both Petitioner and Respondent should be required to obtain and maintain this coverage throughout the period of the support obligation for the benefit of the parties' child/ren.

Health care coverage has already been ordered in another case as described in paragraph D(2) above.

- (2) **No Private Health Care Coverage is Appropriate or Available.**

Neither Petitioner nor Respondent has appropriate private health care coverage available for the parties' child/ren. Petitioner Respondent Both Petitioner and Respondent should be ordered to provide appropriate private health care coverage for the child/ren when such coverage becomes available to them at a reasonable cost through any source.

The custodial parent should enroll the child/ren in public health care coverage.

The child/ren are currently enrolled in public health care coverage.

Health care coverage has already been ordered in another case as described in paragraph D(2) above.

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Complete (3) or (4):

(3) **Cash Medical Support Should Be Ordered.**

Because neither parent has appropriate private health care coverage available for the parties' child/ren: The parent obligated to pay child support should be ordered to pay cash medical support in the monthly amount of \$_____ to the parent receiving child support, whenever the paying parent does not provide appropriate private health care coverage for the child/ren. This medical support may be collected by and assigned to the State of Oregon if the child is on public health care.

NOTE: Cash medical support **must** be ordered whenever neither parent provides appropriate private health care coverage for the child/ren, *unless* findings are included stating why cash medical support is not required (*see subsection (4) below*).

or

To help defray the cost of health care coverage provided by Petitioner Respondent for the parties' child/ren, or to help defray the cost of uninsured medical expenses, Petitioner Respondent must pay \$_____ for monthly cash medical support to Petitioner Respondent.

(4) **Cash Medical Support Should Not Be Ordered.**

- Cash medical support should not be ordered for the following reasons:
- Petitioner Respondent provides private health care coverage for the child/ren.
 - Petitioner's Respondent's gross monthly income is at or below the Oregon minimum wage for full-time employment or is eligible for Oregon public assistance.
 - I am requesting that the parties share the cost of the child/ren's uninsured medical expenses (see paragraph F below).
 - Other reason: _____
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All payments of child support should be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309 **by electronic payment withdrawal (EPW) or electronic funds transfer (EFT).** In addition, support for a child attending school (between the ages of 18 and 21) as defined by Oregon law shall be distributed by the Department of Justice directly to the child subject to ORS 107.108.

(*Applies only if support enforcement services are not being provided.*)
Petitioner requests an exception to the income withholding requirement of ORS 25.378 allowing payment to be made directly to Petitioner's Respondent's checking or savings account. A receipt of deposit should be kept by the parent paying support as proof of payment. The parent receiving support should provide the paying parent with current deposit slips and/or bank name, account name, and account number.

F. **RESPONSIBILITY FOR UNINSURED HEALTH EXPENSES.**

Petitioner should pay _____% and Respondent should pay _____% of the reasonably incurred uninsured HEALTH, ACCIDENT, DENTAL, ORTHODONTIC, AND OPTICAL HEALTH costs incurred by the child/ren. This obligation is in addition to any cash medical support ordered.

G. **LENGTH OF CHILD SUPPORT.**

Unless the child becomes self-supporting, emancipated, or married:

- The support ordered in paragraphs D., E., and F. above for each child shall continue until the child reaches eighteen (18) years of age.
- The support ordered in paragraphs D., E., and F. above for each child shall continue until the child reaches age 21 if the child qualifies for support as a child attending school as defined by Oregon law.

H. **TAX DEPENDENTS.** *(Check one.)*

Petitioner Respondent shall be entitled to claim the following child(ren) as dependent(s) for tax purposes beginning the year this judgment is entered *(list names)*: _____

OR

Other *(specify)*: _____

5. **Life Insurance Coverage for Child/ren**

Petitioner Respondent should obtain and maintain life insurance for the benefit of the parties' child/ren throughout the period of the support obligation. The coverage should be in the amount of \$_____.

6. **Court Costs and Fees.** *(Choose "a" or "b")*

Judgment should be entered according to the cost and fee allocation indicated below.

a. **Deferred Costs and Fees.** Any court costs and service fees (if service completed by the Sheriff) that are deferred (required to be paid at a later date) by the court should be paid by:

Petitioner Respondent. Both parties equally Other: _____

b. **Costs and Fees Paid by the Parties.**

i. Each party should be responsible for paying his/her own court costs and service fees for this case.

ii. To be paid by both parties equally

iii. Petitioner Respondent should reimburse the other party for his/her court costs and service fees for this case.

iv. Other: _____

7. **Additional Provisions:** _____

8. **Preservation of General Judgment Terms.** Any terms in the original Judgment not amended by this Supplemental Judgment should remain in effect.

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Points and Authorities

ORS 107.135(1)(a) allows the court to modify custody, parenting time and support terms in a judgment of dissolution.

ORS 109.103 extends the provisions of ORS 107.135 to custody and parenting time cases involving the children of unmarried parents.

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

DATED: _____, 20 _____.

Petitioner Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

I certify that this is a true copy:
