Temporary POST-JUDGMENT Custody and Parenting Time Application Packet – "Immediate Danger"
Instructions for Packet 16B

This process is authorized by ORS 107.139 for certain cases involving child custody issues where the child/ren is/are in "immediate danger." A court order or judgment for custody or parenting time must already exist. **A motion for a permanent modification of custody must be filed or pending at the time this application is made.**

STEP 1

Fill out the following forms:

- Affidavit in Support of Motion for Post-Judgment Temporary Custody and Parenting Time – "Immediate Danger" (AFFIDAVIT),
- Ex Parte Motion for Post-Judgment Temporary Custody and Parenting Time – "Immediate Danger" (MOTION), and
- Ex Parte Order for Post-Judgment Custody and Parenting Time – "Immediate Danger" (ORDER)

The case heading (names and case number) at the top of each form will be the same as it is on the petition that originally started your case. Sign the lines that say "I certify this is a true copy" **only** on the copies that you make for the other party. You must sign the affidavit in front of a court clerk or notary, and will be asked for picture identification.

Attach any existing custody orders involving the child/ren to the AFFIDAVIT.

You must make a good faith effort to talk to the other party regarding the purpose of this proceeding and the time you will appear before a judge on this matter. If you have not notified the other party at least 24 hours in advance about your intended ex parte court appearance, the judge may not be able to consider your Motion.

STEP 2

You may wish to get your paperwork reviewed by the courthouse facilitator (if there is one at your court) or an attorney.

STEP 3

Make two copies (one for service; one for your records) of the AFFIDAVIT, MOTION and signed ORDER. Sign each of the copies on the line below the words, "I certify this is a true copy."

STEP 4

File the original documents (AFFIDAVIT, MOTION, and ORDER) with the court clerk. Ask the court clerk when a judge might be available to decide the matter. Once the order has been signed by a judge, the clerk will keep the originals for the court's legal file. Ask the clerk for two copies of the signed ORDER. Sign the copies on the line next to the words, "I certify this is a true copy."

STEP 5

Have the AFFIDAVIT, MOTION and signed ORDER served on the other parent. You may use the sheriff's office, a process server or any competent person 18 years of age or older (who is a resident of the state of service and not a party to the case, nor an officer, director or employee of a party, nor an attorney for a party), to complete service. *This means you cannot serve the documents yourself, because you are a party.* For information about other service methods, talk to your local courthouse Facilitator.

After the document have been served, the person who serves them must complete and file the AFFIDAVIT OF SERVICE with the court.

NOTE: At any time while the temporary order is in effect, the other parent has a right to request a hearing. After the court receives the other parent's request for hearing form, the court must hold the hearing within 14 days. ORS 107.139(2)(a). If a hearing is scheduled, you must attend. If you fail to appear at the hearing, the court is required to vacate the order (meaning it will no longer be in effect).