

In the Matter of Adopting a New)	CHIEF JUSTICE ORDER
Out-of-Cycle UTCR to Establish)	No. 03-072
Statutory Restraining Order Forms in)	
Domestic Relations Actions as required)	ORDER ADOPTING OUT-OF-CYCLE
by Section 3, Chapter 414, Oregon)	UTCR RE: STATUTORY RESTRAINING
Laws 2003)	ORDER IN CERTAIN DOMESTIC
)	RELATIONS ACTIONS; and
)	ESTABLISHING FORMS OF NOTICE
)	AND REQUEST FOR HEARING

Whereas, chapter 414, Oregon Laws 2003 ('03 SB 801), was signed by the Governor on June 17, 2003, and

Whereas, the measure has an effective date of January 1, 2004; and

Whereas, section 2 of the measure provides for an automatic statutory restraining order effective after filing of a petition and upon service of summons and petition upon the respondent in all marital annulment, separation, or dissolution actions filed in Oregon after the effective date of the measure; and

Whereas, section 3 of the measure provides that forms for the restraining order and request for hearing shall be established by court rule; and

Whereas, adoption of a Uniform Trial Court Rule (UTCR) will allow for implementation of the measure on its effective date; and

Whereas, the attached rule implements the statutory requirements of the measure; now, therefore,

I HEREBY ORDER, pursuant to ORS 1.002(1)(a) and (3), and section 3, chapter 414, Oregon Laws 2003 ('03 SB 801), the following:

1. The attached UTCR 8.080 is adopted.
2. The attached adopted UTCR is to be published with the 2003 proposed changes to UTCR that are published for public comment.
3. The attached adopted UTCR will be placed on the regular spring agenda (for the meeting currently scheduled for April 9, 2004), of the UTCR Committee to allow public comment and proposed changes.

This order takes effect immediately, and this UTCR shall be effective January 1, 2004.

DATED this 5th day of December, 2003

Wallace P. Carson, Jr.
Chief Justice

CHAPTER 8 - DOMESTIC RELATIONS PROCEEDINGS

8.080 STATUTORY RESTRAINING ORDER TO PREVENT DISSIPATION OF ASSETS IN CERTAIN DOMESTIC RELATIONS ACTIONS

- (1) The form of notice specified in Form 8.080.1 in the UTCR Appendix of Forms shall be used for the statutory restraining order established by section 2, chapter 414, Oregon Laws 2003 ('03 SB 801). The petitioner shall be responsible for assuring that a copy of the notice is attached to the summons as required by section 5, chapter 414, Oregon Laws 2003 ('03 SB 801). The notice shall not be signed by a judge.
- (2) The request for hearing required by section 3, chapter 414, Oregon Laws 2003 ('03 SB 801) shall be in substantially the same form as specified in Form 8.080.2 in the UTCR Appendix of Forms.

[Attach to Summons per Section 2(5), Chapter 414, Oregon Laws 2003 ('03 SB 801)]

**NOTICE OF STATUTORY RESTRAINING ORDER
PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS**

TO THE PETITIONER AND RESPONDENT:

REVIEW THIS NOTICE CAREFULLY. BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATION OF THE LAW. SEE INFORMATION ON YOUR RIGHTS TO A HEARING BELOW.

PURSUANT TO section 2, chapter 414, Oregon Laws 2003, and UTCR 8.080, Petitioner and Respondent are restrained from:

1. Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.
2. Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.
3. Transferring, encumbering, concealing, or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life. This paragraph (3) does not apply to payment by either party of:
 - a. Attorney fees in this action;
 - b. Real estate and income taxes;
 - c. Mental health therapy expenses for either party or a minor child of the parties; or
 - d. Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.
4. Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. The paragraph (4) does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

AFTER FILING OF THE PETITION, THE ABOVE PROVISIONS ARE IN EFFECT IMMEDIATELY UPON SERVICE OF THE SUMMONS AND PETITION UPON THE RESPONDENT. IT REMAINS IN EFFECT UNTIL A FINAL DECREE OR JUDGMENT IS ISSUED, UNTIL THE PETITION IS DISMISSED, OR UNTIL FURTHER ORDER OF THE COURT.

PETITIONER'S/RESPONDENT'S RIGHT TO REQUEST A HEARING

Either petitioner or respondent may request a hearing to apply for further temporary orders, or to modify or revoke one or more terms of the automatic mutual restraining order, by filing with the court the Request for Hearing form specified in Form 8.080.2 in the UTCR Appendix of Forms.

Submitted by:

Petitioner Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

Certificate of Mailing. I certify that I mailed a copy of this Request for Hearing by U.S. Mail with postage paid to the other party, or the other party's attorney, at the following address: _____ on the following date: _____.

Petitioner Respondent, Signature

Print Name

I certify that this is a true copy:

Petitioner Respondent, Signature