

PACKET 4

INSTRUCTIONS FOR MOTION, AFFIDAVIT AND NOTICE FOR EVIDENTIARY HEARING PRIOR TO ENTRY OF JUDGMENT

This packet may be used to request temporary orders which would be effective during the pendency of your case.

You may use this packet to request temporary custody or parenting time of a child(ren) but you will first need to attend mediation. To schedule a mediation session, you must attend a Mediation Orientation which is offered every Wednesday at 4:00 pm in the 1st Floor Conference Room of the Juvenile Services Building, 609 W. 10th Street, Medford, OR. Please refer to the NOTICE regarding Parent Education and Mediation Requirements for further information.

PREPARING THE DOCUMENTS

- 1.) Complete the case captions (names and case number) as they appear on the petition.
- 2.) Most of the forms also require your name, address and phone number. Please **print** that information.

Motion and Declaration: Indicate the issue(s) you wish to be addressed in court. A declaration is a sworn statement and must be true and accurate to the best of your knowledge. Explain in your own words the issue(s) you want the court to rule on and why. You may attach an additional page if necessary. Date and sign the motion and declaration.

Notice of Hearing: Indicate the issue(s) you wish to be addressed in court as stated in your motion. Leave the hearing date blank. It will be set by court staff at the time you file the motion. Date and sign the notice.

Declaration of Service: To be completed by whoever serves the other party.

FILLING THE DOCUMENTS

Make an appointment with the Family Law Resource Center to review your forms, witness your signature, and make your copies; OR

Make two copies (or three, if you plan to serve the other party by mail) of the original Motion and Notice after you have completed them. Take the originals and copies to the court clerk, who will file the originals and process the copies. The court clerk will set the hearing date at that time and return the copies to you. One set is for your records; the other set(s) must be served on the other party.

SERVING THE DOCUMENTS

Personal service may be made by a competent person, 18 years of age or older, who is not a party to this action. You may wish to make arrangements for service with the Sheriff's department or a private process server. Service by mail may be done by First Class Mail **and** either Certified or Registered (return receipt requested) or Express Mail.

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

In the Matter of:	
	Petitioner
and	
	Respondent

Case No. _____

MOTION AND DECLARATION FOR EVIDENTIARY HEARING FOR TEMPORARY ORDER

MOTION

COMES NOW _____ (name)

Petitioner Respondent and moves the court for an order regarding:

(Check the appropriate box(s))

CHILD SUPPORT

PARENTING TIME

CUSTODY

PERSONAL PROPERTY

DEBT

SPOUSAL SUPPORT

OTHER _____

DECLARATION

I request an Evidentiary Hearing for the following reasons: _____

Additional page titled "Declaration Continued" is attached

CERTIFICATE OF DOCUMENT PREPARATION: You are required to truthfully complete this certificate regarding the document(s) you are filing with the court. Check the boxes and complete the blanks that apply.

I selected this packet of documents for myself and I completed them without paid assistance.

I paid, or will pay, money to _____ for assistance in preparing this document.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

Dated: _____, 20____

Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

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

In the Matter <input type="checkbox"/> of the Marriage of:	
	Petitioner
and	
	Respondent

Case No. _____

DECLARATION OF SERVICE

- Personal Service
- Substitute Service
- Office Service
- Service by Mail:
 - Following Substitute Service
 - Return Receipt Requested

I, _____, declare I am a resident of the County of _____, State of _____. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action.

- I served true copies of:
- Summons and Petition** with attached Notice of Statutory Restraining Order Preventing Dissipation of Assets in Domestic Relations Actions (dissolution only), Notice of CIF Filing, notices on mediation and other information provided by the court clerk.
 - Motion, Declaration and Order for Status Quo**
 - Motion, Declaration and Notice of Evidentiary Hearing**
 - Request for Mediation and Order**
 - Other:** _____

In the following manner: *(Check one)*:

1. **Personal Service.** On _____, 20____, at _____ a.m./p.m., by delivering them to Respondent _____(name) in person at the following address: _____ within the County of _____, State of _____.

2. **Substitute Service.** On _____, 20____, at _____ a.m./p.m., by delivering them to: _____(name), who is a person age 14 or older and a member of the household of the party to be served, at the following address: _____ within the County of _____, State of _____.

(Complete the section 4 below only if you performed the follow up mailing required by ORCP 7D(2)(b). If a party or person other than you did the follow up mailing, s/he must use a separate Declaration of Service.)

3. **Office Service.** On _____, 20____, at _____ a.m./p.m., by delivering to the office of the party to be served, located at: _____
_____(Address), during normal working hours for that office, where I left the documents with: _____(name), who is a person apparently in charge and who has a business duty to provide the documents to the party to be served. (Complete section 4 below only if you performed the follow-up mailing required by ORCP 7D(2)(c). If a party or person other than you did the follow up mailing, s/he must use a separate Declaration of Service.)

4. **Mail following Substitute or Office Service:** On _____, 20____, I personally deposited a true copy of the documents indicated above with the United States Postal Service, via first class mail, in a sealed envelope, postage prepaid, addressed to the party to be served: ___(name) at the party's: home address located at: _____, OR business address located at: _____, together with a statement of the date, time, and place that the documents were hand-delivered to the party's dwelling (residence) or business.

5. **Service by Mail, Return Receipt Requested.** On _____, 20____, I personally deposited **two true copies** of the documents indicated above with the United States Postal Service, one via first class mail, and the other by certified or registered, return receipt requested, or by express mail, with postage on both copies fully paid, addressed to the party to be served: _____(name), at the party's address located at: _____.

(NOTE: If mailed return receipt requested, the return receipt MUST be attached to this Declaration of Service.)

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.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

Dated _____, 20 _____

Signature of Server

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

NOTICE

PARENT EDUCATION AND MEDIATION REQUIREMENTS

You are required to serve this Notice on the other party with your Petition pursuant to SLR 8.013(4).

MANDATORY MEDIATION:

- **Is required** if you and the other parent cannot agree on custody and parenting time and the Respondent (other parent) has filed a response to the petition for dissolution or custody.
- If you are required to attend mandatory mediation, you must attend Mediation Orientation (see below).
- **A judge will not hear your case until BOTH parties have attended mediation when required.**

Petitioner (parent filing the case):

- You must attend a Court Mediation Orientation within 2 weeks from receiving the response to your petition.
- You must successfully complete a mandatory Parenting Class whether or not the other parent files a response to your petition.

Respondent (parent responding to a case that has been filed):

- If you are filing a response to a petition for dissolution or custody, **YOU MUST** successfully complete a mandatory parenting class.
- You must also attend mandatory mediation if required (see above).
- If you have received an Order for Mediation, **YOU MUST** attend a Mediation Orientation and successfully complete a Parent Education class **PRIOR** to your scheduled mediation session.
- If you have **NOT** received an Order for Mediation within 30 days from filing your response, you must attend a Court Mediation Orientation to schedule your mediation session.

MEDIATION ORIENTATION:

- Is conducted every Wednesday at 4:00 p.m. in the First Floor Conference Room in the Juvenile Services Building, 609 W. 10th Street, Medford, Oregon 97501.
- At the Mediation Orientation you will be assigned a time when you and the other party in your case are to participate in a mediation session.
- You will be provided with certified copies of an Order that you **MUST SERVE** on the other party.
- **You must bring your case number to Mediation Orientation.**
- If you need an interpreter or accommodations under the Americans with Disabilities Act, please contact the mediation program in advance.
- The local Parenting Class will be offered immediately after Mediation Orientation **ONLY** on the **2nd** and **4th Wednesdays** of the month.

MANDATORY PARENTING CLASSES:

- **If you have children, you must successfully complete a parent education class.**
- There are two options:
 - On-line parenting class - Children in Between Online (\$45.95)
 - Attendance at local Parenting Class (\$30.00)

Information regarding each of the parenting class options is attached. If you do not have this information, you may obtain it at the family law window at the Jackson County Justice Building or online at www.courts.oregon.gov/Jackson.

The parties shall successfully complete the parent education program **prior to any court hearing or trial and prior to attending mediation** (SLR 8.013(2)).

CONTACT INFORMATION:

Court Mediation Program - 100 S. Oakdale Avenue, Medford, OR 97501 - (541) 776-7171 ext. 240

Parent Education Online Course Option

Meeting the Requirements of ORS 3.425 for Parent Education and Local Rules
For the First Judicial District of Oregon, Jackson County Circuit Court

Program Name: The Center for Divorce Education's
CHILDREN IN THE MIDDLE ONLINE (CIMO)
(Offered in both English and Spanish)

What is CIMO?: An online co-parenting course for divorcing or separating parents that teaches specific communication techniques to help minimize parental conflict and improve things for the child(ren).

1. What you will need:

- a. Access to the Internet.
- b. The e-mail address for the Jackson County Court to email your certificate of completion directly to the court [see #7b (below) for further instructions].
- c. If eligible, your approved court order stating fees are waived/deferred (if so, skip to #5 below).

2. Go to: <http://online.divorce-education.com>

3. Click on "Purchase," subscribe/pay and complete registration.

4. You will receive an email confirmation of your registration along with your Username and Password.

5. Processing Fees Waivers/Deferrals (if eligible):

- a. On your **approved** court order which states fees are waived/deferred:
 - i. **Write your name and e-mail address** at the top of the approved court order.
 - ii. **Fax** approved court order to: **(740) 594-2521**.
NOTE: your fee waiver/deferral request will be processed Monday - Friday 7:00 a.m. - 5:00 p.m. (EST).
Any fee waiver/deferral requests received on weekends or holidays will be processed the following Monday (or first business day).
- b. You will receive an e-mail confirmation of your registration along with your **Username and Password**. Please allow 48-72 hours for processing of fee waiver/deferral requests.

6. Once you have your Username and Password, go to Website: <http://online.divorce-education.com>

- a. **Click on:** "Log In" (upper right corner)
- b. Enter your Username and Password. Begin course.

7. What to do with: CERTIFICATE OF COMPLETION:

When you complete the course and successfully pass, you will be issued a certificate of completion. Please do **BOTH** of the following steps:

- a. Print at least one (1) copy of the certificate for your records. **YOUR CASE NUMBER MUST APPEAR ON THE CERTIFICATE.** If your case number is not pre-printed on the certificate when you print it, **you must write the case number on the certificate yourself.** Keep this copy on file and carry it to court with you in case needed.
- b. **Once at the "Results Page" click on "e-mail copies of the certificate" and type in the e-mail address to the Jackson County Court:** jacparentclass@ojd.state.or.us. A copy of your certificate will be emailed directly to the court. **NOTE:** the court's e-mail address is intended for receiving certificates only, not for ongoing correspondence.

Jackson County Local Parenting Class Option

Meeting the Requirement of ORS 3.425 for Parent Education and Local Rules for the
First Judicial District of Oregon, Jackson County Circuit Court

- Class Name:** Parenting in Transition
- Location:** Juvenile Services Building
First Floor Conference Room
609 W. 10th Street
Medford, OR 97501
- Day:** 2nd and 4th Wednesday of each month
- Time:** 4:00 p.m. to 5:00 p.m. Mediation Orientation
5:00 p.m. to 8:30 p.m. Parenting in Transition
- Cost:** \$30.00 (cash or check) payable at the door*
- How to sign up:** Pre-registration is NOT required, just appear on one of the days above.

This class is mandatory for parents involved in a divorce, separation, custody, parenting time or paternity case. The class informs parents of ways to help their children cope with the changes in the family, so that their children will be less likely to develop long-term problems. Each class begins with an orientation to the mediation program.

Please attend this class prior to your mediation appointment.

Basic Guidelines:

- Be punctual
- Do not bring children
- Come prepared to actively participate
- Be prepared to attend the entire class to receive the Certificate of Attendance**

* *If your filing fees were waived or deferred, you must present a copy of the Order Waiving/Deferring Filing Fees at the time you attend the class.*

** *The Certificate of Attendance is required to be filed with the court prior to your judgment being entered. Following completion of the Parenting in Transition class, the mediator will prepare, and file with the court, a Certificate of Attendance.*