



**Multnomah County Circuit Court
Family Law Department**

TO: _____
FROM: Judge Nan G. Waller, Chief Family Court Judge
DATE: _____

RE: Documents Submitted regarding Temporary Relief in:

Case No.: _____

I have asked staff to return the enclosed document(s) because:

The proposed documents request a Limited Judgment for temporary rulings re custody, parenting time, or other relief not addressing the payment of money and therefore are not appropriate for judgment.

The Court of Appeals has ruled that trial courts do not have authority to enter Limited Judgments regarding temporary domestic relations relief *outside of child support , spousal support, or other orders for the payment of money*. Explicit statutory authority for Limited Judgments addressing the payment of support or other money is set out at ORS 107.095(2). *Order to Dismiss Appeal on Court’s Motion in Mullarkey and Nemiroff*, Court of Appeals case no. CA A130533 (Dec. 2005) (Justice Brewer).

The proposed documents impermissibly combine temporary orders re custody, parenting time, or other *pendente lite* relief with orders to pay support/money for which you have included a money award.

Because a money award implicates a judgment (ORS 18.005(14)) and because a “judgment document must be separate from any other document in the action” (ORS 18.038(3)), temporary terms for payment of support or money must be in a *separate* document labeled a “Limited Judgment” and containing a money award section (ORS 18.042(1)) if you wish those terms to have judgment lien effect.

If you do not wish the temporary orders for payment of support or money to have judgment lien effect, such terms may be included in a Temporary *Order* that also addresses custody, parenting time, or non-financial obligations. No money award section is necessary. ORS 18.042.

Thank you for supporting our efforts to comply with statutory and appellate court directives. Please forward your new documents to Trial Court Administration staff in Room 211. 7/07