

Custody Enforcement (Oregon and Out-of-State Orders/Judgments)

This process may be used if you have been granted physical custody of your child[ren] by a court order, and the other party is violating that order by withholding the child. The court to which the application is being made must be in a county in which the parties' child/ren are located, or where a foreign custody order has been registered pursuant to ORS 109.787.

Important Notice about Enforcement of Out-of-State Judgments

To enforce an Out-of-State custody decree/judgment, you may also complete the forms in "Registration for Enforcement of Out-of-State Orders." These forms are available on the OJD Family Law Website at the "Family Law Forms" link: <http://www.courts.oregon.gov/familylaw>.

DO NOT USE THIS PACKET FOR VIOLATIONS OF PARENTING TIME OR VISITATION. Instead, use the forms available on the OJD Family Law Website Family Law Forms - Enforcement link (<http://www.courts.oregon.gov/familylaw>) which includes forms specifically required by the county in which you are seeking enforcement, or if your county does not have these forms, use Parenting Plan Enforcement.

A *certified copy of the custody order* must be included with the documents you file with the court.

STEP 1

Get a *certified* copy of the order or judgment you are asking the court to enforce (you will attach it to the motion or petition when you file your papers).

If you are requesting assistance from the court that issued the original custody judgment
OR

From a court where an OUT-OF-STATE custody judgment has been registered, fill out the following MOTION forms:

- Ex Parte MOTION AND DECLARATION in Support of Order of Assistance
- Order of Assistance

If you are requesting assistance from a court that did NOT issue the original judgment
AND

From a court where an OUT-OF-STATE custody judgment has NOT been registered
BUT

From a court in a county where the CHILD(REN) IS/ARE LOCATED, fill out the following PETITION forms:

- Ex Parte PETITION AND DECLARATION in Support of Order of Assistance
- Order of Assistance

- The case heading (names and case number) at the top of each form will be the same as it is on the petition that started the case if you are filing in the same court. If you are asking a different court to enforce the order, the case names and Petitioner/Respondent status will remain the same but the clerk will assign a case number when you file your papers.
- Do not fill in the Judge's portion of the order (the findings, the order and the judge's date and signature lines).

STEP 2

- Make two copies of the documents you just filled out for your records.

STEP 3

- You may file your documents along with the certified copy of the original order with the court clerk. There is no filing fee for this process.

STEP 4

- Sign up for parent education class if required by your local court.

STEP 5

- After the judge has signed the order, get a certified copy of the order from the court clerk and attach it to the second copy of the Motion and Declaration, or Petition and Declaration you made in Step 2. Deliver the papers to the sheriff's office and make arrangements to have them served on the other parent. The sheriff's office will attempt to serve the order on the other party and deliver the child/ren to you.