

Custody Enforcement (Oregon and Out-of-State Orders/Judgments) Packet No. 5B

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 (see Packet #5C).

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 Packet #5C—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-Parenting Plan 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 Packet 5A.

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:

- Affidavit in Support of Motion/Petition for Order of Assistance
- Ex Parte MOTION for 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:

- Affidavit in Support of Motion/Petition for Order of Assistance
- Ex Parte PETITION for 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 sign the line where it says “I certify that this is a true copy”.
- Have the Affidavit notarized or signed in front of a court clerk.
- 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 a copy of the documents you just filled out for your records. Make a second copy of the Motion and Affidavit and sign them where it says, “I certify that this is a true copy.”

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 or Petition and Affidavit 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.

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

_____,)
Petitioner,) Case No. _____
and)
_____,) EX PARTE MOTION
Respondent.) FOR ORDER OF ASSISTANCE

Motion

I, Petitioner Respondent, request that the court issue an Order of Assistance directing a peace officer of the county or city in which the child/ren are located to assist in recovering the custody of the child/ren listed in the attached affidavit.

Points and Authorities

ORS 107.437 allows the court to issue an order of assistance upon the sworn affidavit of the applicant and a finding that the applicant is entitled to physical custody of the child/ren under a valid and current custody order, and that the child is being held by another person in substantial violation of the custody order.

I have attached a certified copy of the custody order currently in effect to this Motion.

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.

DATED: _____, 20 _____.

 Petitioner Respondent, Signature Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

I certify that this is a true copy: _____
 Petitioner Respondent, Signature

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

_____,)
Petitioner,) Case No. _____
and)
_____,) EX PARTE PETITION
Respondent.) FOR ORDER OF ASSISTANCE

STATE OF _____)
County of _____) ss.

I, Petitioner, request that the Court issue an Order of Assistance directing a peace officer of the county or city in which the child/ren are located to assist in recovering the custody of the child/ren listed in the attached affidavit.

Information Required by the Uniform Child Custody Jurisdiction and Enforcement Act.

1. The Court that issued the Order I am asking this Court to enforce did did not identify the jurisdictional basis it relied upon when it exercised jurisdiction over the child/ren. The basis was: _____

(fill out if the court did identify the jurisdictional basis)

2. The Order that I am asking the Court to enforce has has not been vacated, stayed or modified. The name of the court, case number and nature of the proceeding is as follows: _____

(fill out if the Order has been vacated, stayed or modified)

3. No proceeding involving domestic violence, custody or any other issue regarding the child/ren has been started that could affect this proceeding, except: _____

(List court, case number and nature of proceeding)

4. The present physical address of the child and the other party is: _____

5. The Order I am asking the court to enforce is a valid and current order which has has not been registered and confirmed under the UCCJEA (ORS 109.787). *[If the Order has been registered, use the MOTION rather than this PETITION.]*

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6. I have attached a certified copy of the custody order currently in effect to this Motion.

Points and Authorities

ORS 107.437 allows the court to issue an order of assistance upon the sworn affidavit of the applicant and a finding that the applicant is entitled to physical custody of the child/ren under a valid and current custody order, and that the child is being held by another person in substantial violation of the custody order.

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.

DATED: _____, 20 _____.

Petitioner, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

SIGNED AND SWORN to before me this _____ day of _____, 20 _____

Notary Public for _____/Court Clerk

My Commission Expires: _____

I certify that this is a true copy.

Petitioner, Signature

I have have not participated in any litigation concerning the custody, visitation, parenting time or placement of the child/ren in this or any other state. I have participated in the following litigation:

Name of Court	State	Case No.	Date	Result

I do not know of any other domestic violence, custody, visitation, parenting time or placement proceeding involving the child/ren, or of any other court case which could affect this case, pending in this or any other state except for: _____

(identify court, case number and kind of proceeding)

I do not know any person other than petitioner who has physical custody of the child/ren or who claims to have custody, visitation or parenting time rights except for: _____

(list name and address)

6. The other party has not complied with the attached order in the following way(s): _____

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- 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.

Petitioner Respondent, Signature _____ Print Name

Address or Contact Address _____ City, State, Zip _____ Telephone or Contact Telephone _____

SIGNED AND SWORN to before me this _____ day of _____, 20 _____

 Notary Public for _____/Court Clerk
 My Commission Expires: _____

I certify that this is a true copy.

 Petitioner Respondent, Signature

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

_____,)
Petitioner,) Case No. _____
and)
ORDER OF ASSISTANCE
_____,)
Respondent.)

This matter came before the Court on the motion/petition and affidavit of the Petitioner
 Respondent requesting that the Court direct the law enforcement agency having jurisdiction where the
child/ren are located to assist the applicant in recovering the custody of _____

(name(s) and year(s) of birth of child/ren)

The court has considered the motion/petition and affidavit on file and, being fully advised, makes the
following findings and order.

The applicant is is not entitled to physical custody of the child/ren under a valid and current
custody order.

The child/ren are are not being held by Petitioner Respondent in substantial violation of the
custody order.

IT IS HEREBY ORDERED applicant's motion/petition is:

Allowed. Any law enforcement agency having jurisdiction where the child/ren are located shall use
reasonable means and force to recover custody of the child/ren listed below and deliver the child/ren to
applicant.

Denied.

Names and location(s) of child/ren: _____

Name and address/contact address of applicant: _____

DATED this _____ day of _____, 20_____.

Circuit Court Judge

Print Name

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- 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.

Submitted by:

Petitioner Respondent

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

I certify that this is a true copy: _____

Petitioner Respondent, Signature