

Summary Dissolution of Marriage/Domestic Partnership
ORS 107.485 – ORS 107.500
INSTRUCTIONS

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for an uncomplicated divorce case. For legal information, please talk to a lawyer or visit your local law library. Each court has local rules, programs and procedures that may not be explained in these instructions. Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.courts.oregon.gov>.

This packet contains forms and instructions to help you obtain a divorce through a procedure called **Summary Dissolution of Marriage/Domestic Partnership**. "Summary" means "without a hearing" and "dissolution of marriage" means "divorce." **Not everyone is eligible for a divorce through this procedure.** Check carefully the eligibility list in the next section to determine whether you may use the summary dissolution procedure to get a divorce. **The instructions are broken down into four basic steps listed below.**

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When filling out the forms, follow these directions:

- You are the named “petitioner” on all court forms and the other party is the “respondent.” Use full names (first, middle or middle initial, last) and print the names the same on all forms.
- The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals.
- Make yourself a copy of any document you are filing with the court. File the original with the court clerk.
- Keep the court informed of your current address so you get notice of any court dates. **You are not required to use your residential address on any court form.** You may use a contact address where you regularly check in. If you use a contact address, the court will assume that you will receive all notices sent to that address.

ELIGIBILITY TO USE THE SUMMARY DISSOLUTION PROCEDURE

You are eligible to use this packet of forms if all the following statements are true for you:

A. Residency

Spouses: You **OR** the other party are a resident of Oregon and have been continuously for the past six months before filing the petition for dissolution.

Domestic Partners: You and the other party were Oregon residents at the time of the registration of your domestic partnership. The petition for dissolution may be filed in the county where **either** party currently resides or last resided.

B. Length of Marriage/Partnership

You have been married or in a registered domestic partnership with the other party for no more than **ten (10) years**.

C. Children

You and the other party have **no minor children** born to or adopted by you and the other party during or before the marriage/partnership. You and the other party do not have any child between the ages of 18 to 21 years attending school as defined in ORS 107.108. Neither party is pregnant.

D. Real Property

Neither you nor the other party owns any interest in real property (land or buildings) in Oregon or elsewhere. (Mobile homes on rented land are not real property.)

E. Personal Property

The personal property that you and the other party own, individually or together, is worth **less than \$30,000** after deducting any money you owe on that property (like a car loan).

F. Debts

The unpaid debts that you and the other party, individually or together, incurred during the marriage/partnership **do not exceed \$15,000**.

G. Spousal Support

You, as the petitioner, give up all rights to spousal support (alimony).

H. Temporary Orders

You, as the petitioner, give up all rights to any temporary orders as part of this dissolution proceeding (such as support payments or exclusive use of marital property) except restraining orders and orders that allow exclusive use of the residence under the Family Abuse Prevention Act (ORS 107.700 to 107.730) or under the Elderly Persons and Persons With Disabilities Abuse Prevention Act (ORS 124.005 to 124.040).

I. Other Divorce Actions

You are not aware of any other pending (not yet decided) divorce, annulment, or separation proceedings involving your marriage and filed in Oregon or in any other state.

STEP 1: STARTING YOUR CASE

Fill out the forms

Fill out the forms listed under *Step 1: Starting Your Summary Dissolution Case* on page 1 of these Instructions. Read the Confidential Information Form (CIF) instructions before filling out the other forms.

Have your documents reviewed

You may have your documents reviewed by a lawyer or a courthouse facilitator. Contact your local court for local resource and facilitator information. For information about how to find a lawyer, call the Oregon State Bar Lawyer Referral Service. If you are low income, you might get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program, or you may call your local Legal Aid office.

Make copies

Make at least two photocopies of all the documents you filled out, one for your records and another to serve on the other party.

File the forms with the court

File the original Step 1 forms with the court, EXCEPT the *Summons* and *Declaration/Acceptance of Service*. The court clerk will ask you for a filing fee when you go to file the papers. Call the court to find out how much the fee will be. If you feel you cannot pay this fee, ask the court if you may apply for a fee waiver or fee deferral. You will need to fill out a fee waiver or deferral form and file this document with the court too. If the fee is waived, you do not have to pay it. If the fee is deferred, you will not have to pay the fee now, but you may be required to pay it later.

The clerk will give you a number of forms when you file your papers. You will need two copies of each form. You need to keep one copy for yourself and have the other copy served on the other party. (See the section "Serving the Other Party" below.)

Serving the other party

The other party has to be served (have papers delivered or given to) with the papers given to you by the court clerk AND with true copies of the Petition and the Summons. To certify the Petition and Summons as true copies, you will need to sign your name at the bottom of the forms on the line that says "I certify that this is a true copy."

If the other party is willing to accept service (they don't have to agree with the papers, just be willing to accept them), have the other party sign the *Acceptance of Service* form in front of a notary or court clerk, then file the *Acceptance of Service* with the court. If the other party signs this form, you don't have to have someone else serve the papers on the other party.

If the other party is not willing to accept service, you will have to use a process server, the Sheriff's office, or someone who is over the age of 18, and Oregon resident, and not a party to the proceedings, to serve the other party. **You cannot serve the other party yourself since you are a party.** After service is complete, have the person who served the other party complete the *Certificate of Service* and promptly file it with the court.

STEP 2: (FOR PARTIES WHO FILED BEFORE JANUARY 1, 2012 – APPLYING FOR WAIVER OF 90 DAY WAITING PERIOD.

If you filed your case before January 1, 2012, Oregon law requires a 90 day waiting period between the time the other party was served and the time the court can hold a final hearing on your case or sign the final judgment. However, if both parties stipulate (agree) to the judgment or there are grounds for a waiver based on emergency or necessity, you can ask the court to waive the 90 day period. Where you

don't have your spouse's agreement to the judgment, the Judge usually will not consider waiving the waiting period until at least 30 days have passed from the day your spouse was served. To request a waiver, fill out the forms listed under *Step 2: Applying for Waiver of 90 Day Waiting Period* on page 1 of these instructions. You will submit these forms with other paperwork required under either Step 3 or Step 4, below.

STEP 3: FOR PARTIES WHO HAVE NOT STIPULATED (AGREED) —
WAITING FOR A RESPONSE; TAKING A DEFAULT;
SUBMITTING GENERAL JUDGMENT OF SUMMARY DISSOLUTION

Check to see if a response has been filed

Oregon law gives the other party 30 days from when they were served to respond to your petition. If you have not received a response after 30 days, check with the court to see if a response has been filed.

If no response has been filed

You can ask the court for a default order and submit a completed *General Judgment of Dissolution*. **The information you fill out in the general judgment must be the same as what you requested in the Petition.** Generally, once the Order of Default is signed, it's too late for the other party to contest what you requested in your Petition. To ask the court for a default order, fill out the *Motion and Declaration in Support of Order for Default Judgment of Dissolution* form (do not fill out the bottom part of the form under the word "Order"). Submit this form to the Court along with your completed *General Judgment of Dissolution*. You may do this anytime after the 30 days have passed as long as no response has been filed.

STEP 4: FOR PARTIES WHO HAVE AGREED –
SUBMITTING STIPULATED GENERAL JUDGMENT OF SUMMARY DISSOLUTION

If both parties come to agreement

You must complete the *Stipulated General Judgment of Summary Dissolution*. Start by marking the box at the top right-hand corner of page 1 that says "Stipulated General Judgment of Summary Dissolution. Both you and the respondent (the other party) must sign the judgment.

ADDITIONAL INFORMATION

In some cases, the court may have questions about your case and may require additional written information or schedule a hearing at which you and the other party must appear. Normally, however, a hearing is not held and the judge will sign the papers without requiring you or the other party to appear in court.

Once the judge has signed the *General or Stipulated General Judgment of Summary Dissolution*, the court clerk will send you and the other party a notice that the Judgment has been signed and entered into the court records. When the Judgment is signed, you are legally divorced. Once you have received the notice, you may contact the court to obtain a copy of the Judgment. A fee may be charged. Keep the notice from the court that the Judgment has been signed for your records.