Post-Judgment Status Quo Order
During Pendency of Modification

Instructions for Packet 6B Application Packet

This process is authorized by ORS 107.138 for certain cases where:

- A final judgment for divorce, separation, custody or parenting time has already been signed by a judge, AND
- A proceeding to modify custody or parenting time has been filed or is filed simultaneously with these documents.

THE CHILD(REN) MUST HAVE LIVED AT THE CURRENT RESIDENCE CONTINUOUSLY FOR A PERIOD OF THREE CONSECUTIVE MONTHS, EXCLUDING PARENTING TIME, TO REQUEST A POST-JUDGMENT STATUS QUO ORDER.

A Post-Judgment Status Quo Order (signed at the judge's discretion) restrains **each** parent from changing the child's usual place of residence, interfering with the present placement and daily schedule of the child, hiding or secreting the child from the other parent, interfering with the other parent's usual contact and parenting time with the child, leaving the state with the child without the written permission of the other parent or the permission of the court, or in any manner disturbing the current schedule and daily routine of the child until the motion for modification of judgment has been granted or denied.

STEP 1

Fill out the following forms:

- Motion for Order to Show Cause re: Post-Judgment Status Quo Order (MOTION)
- Affidavit in Support of Motion for Post-Judgment Status Quo Order (AFFIDAVIT),
- Order to Show Cause re: Post-Judgment Status Quo Order (ORDER TO SHOW CAUSE)
- Post-Judgment Status Quo Order (ORDER), and
- AFFIDAVIT OF SERVICE

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 divorce, separation, or custody/parenting time case. Sign the lines that say "I certify this is a true copy" **only** on the copies that you make for the other party. You must sign the affidavit in front of a court clerk or notary, and you will be asked for picture identification.

Attach any existing custody orders involving the child/ren to the AFFIDAVIT.

STEP 2

You may wish to get your paperwork reviewed by the courthouse facilitator (if there is one at your court) or an attorney. Check with your local court to determine how they prefer you appear. Some courts may prefer that you file the MOTION and AFFIDAVIT with the court clerk and schedule a time to speak with a judge. Some courts may prefer that you appear during a time reserved specifically for ex parte matters such as this one.

STEP 3

Once the judge signs the ORDER TO SHOW CAUSE, obtain a court certified copy from the Court Clerk. Make two copies (one for service; one for your records) of the MOTION, AFFIDAVIT, and ORDER TO SHOW CAUSE. Sign each of the copies that will be served on the other party on the line below the words, "I certify this is a true copy."

Serve the other party with certified copies of the AFFIDAVIT, MOTION and ORDER TO SHOW CAUSE. Service may be done through the sheriff's office or through a private process server. *You cannot serve the documents yourself because you are a party.*

After the documents have been served, the person who serves them must complete and file the AFFIDAVIT OF SERVICE with the court.

The hearing cannot take place until at least 21 days have passed following service. The court will either fill in or provide you with a date to fill in on the ORDER TO SHOW CAUSE.

STEP 4

Attend the hearing at the time stated in the ORDER TO SHOW CAUSE. Bring the final order (POST-JUDGMENT STATUS QUO ORDER) to the hearing with you. If the court grants your request at the hearing, the Order will be signed by the judge.