

Parenting Plan Enforcement Instructions for Packet No. 5A

Most Oregon circuit courts have developed their own forms for enforcement of parenting time orders and/or parenting plans. These are available on the OJD Family Law Website at the “*Parenting Plan Enforcement*” link: <http://www.courts.oregon.gov/familylaw>. If your local court has forms available, you should use those forms instead of the ones in this Packet.

Important Notice about Enforcement of Orders from Another Court.

To enforce an Out-of-State parenting time order or judgment, you will also have to 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>. If the order was entered in another Oregon county, you will need to file a request to transfer with the court that entered the order (see Packet #11-Change of Venue/Transfer Case).

STEP 1

For all cases, if the copy of the parenting time judgment or order you attach to your motion contains confidential personal information, you must redact – black out or erase – that information. You must also fill out and file a Confidential Information Form (CIF) and must serve the other party with a Notice of CIF filing. See the CIF forms and CIF information sheet for the type of information that must be protected.

If your case involves an OREGON order or judgment, fill out the following forms:

- Motion for Order to Show Cause Re: Enforcement of Parenting Plan and Order (MOTION AND ORDER)
- Affidavit Supporting Motion/Petition for Enforcement of Parenting Plan (AFFIDAVIT).

The case heading is the same as it was when visitation or parenting time was ordered.

If your case involves an OUT-OF-STATE order or judgment (whether registered or not), fill out the following forms:

- Petition for Order to Show Cause Re: Enforcement of Parenting Plan and Order (PETITION AND ORDER)
- Affidavit Supporting Motion/Petition for Enforcement of Parenting Plan (AFFIDAVIT).

If you are requesting enforcement of an Out-of-State order, you are the petitioner.

Do not fill in the section that sets the hearing date, and do not fill in the judge’s portion of the order.

Wait to sign the affidavit until you are the presence of a court clerk or a notary public. You will sign where it says “I certify that this is a true copy” only on copies to serve on the other party.

Attach a certified copy of the order or judgment that established the parenting time or visitation you are now asking the court to enforce to the original MOTION (or PETITION) and ORDER you just filled out.

Make two copies of the AFFIDAVIT and one copy of the MOTION AND ORDER (or PETITION). Keep one copy of each for your records. On the second copy of the AFFIDAVIT sign your name where it says, “I certify that this is a true copy.”

STEP 2

File the original MOTION (or PETITION), ORDER, AFFIDAVIT, and CIF if applicable with the court clerk and pay the filing fee or ask for a form to waive or defer the fee.

Fill in the case number on your copy if it does not have one on it already.

STEP 3

Check back with the court to see if the ORDER was signed. Obtain a court certified copy of the signed ORDER through the records department.

Have the other party served with the second copy of your AFFIDAVIT and the court certified copy of the MOTION (or PETITION), ORDER, and NOTICE OF CIF FILING. You cannot serve the papers yourself. You may ask your local sheriff's office or a private process server to serve the papers for you. Make sure the person who completes service files a proof of service with the court, detailing how service was made.

STEP 4

Sign up for your court's parent education class if you are required to attend. For more information on the class, ask the courthouse facilitator or court clerk.

If the parents come to agreement before the hearing, both parents may then complete the Judgment Re: Enforcement of Parenting Plan (JUDGMENT), sign it, and file it with the court in advance of the hearing date. If the judge signs the JUDGMENT, neither parent needs to attend the hearing.

STEP 5

Attend the hearing set in the MOTION and ORDER. Participate in mediation if the court requires it. You may ask the court to waive mediation by filling out the Motion and Order for Waiver of Mediation; and Affidavit in Support of Motion to Waive Mediation, available in Packet #6-I.

STEP 6

After the hearing, the judge may require that you complete the form called Judgment Re: Enforcement of Parenting Plan (JUDGMENT), or the judge may complete the JUDGMENT and file it with the court. You should obtain a copy for your records, and serve the other parent with a copy.