

Parenting Plan Enforcement Instructions for Packet No. 5A

These forms may be used for enforcement of an Oregon order or judgment. The hearing must occur within 45 days of the day you file your documents.

STEP 1

Fill out the following forms: Motion for Order to Show Cause Re: Enforcement of Parenting Plan and Order (MOTION AND ORDER) and Affidavit Supporting Motion for Enforcement of Parenting Plan (AFFIDAVIT). The case heading is the same as it was when visitation or parenting time was ordered, if you are filing in the same county. If you were the Petitioner in the initial case, you still are the petitioner.

Don't fill in the section of the motion that sets the hearing date and time, and don't fill in the judge's portion of the order.

Wait to sign the affidavit until you are in 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 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 and ORDER you just filled out.

Make two copies of the AFFIDAVIT. Keep one copy 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

Once you have paid the \$103 filing fee to the court cashier, take your receipt, the MOTION and ORDER and the original AFFIDAVIT to the judge's courtroom (you may check with the courthouse facilitator or a domestic relations clerk to determine which judge) at 8:30 a.m. any day Monday through Friday to ask the clerk to fill in a date and time for the hearing and the judge to sign the order. It is not necessary for you to schedule your appearance. If the order is signed by the judge, ask the clerk for a copy of the signed MOTION and ORDER.

STEP 3

Have the other party served with the second copy of your AFFIDAVIT and a copy of the MOTION and ORDER (sign your name where it says, "I certify that this is a true copy" on the MOTION and ORDER). You cannot serve the papers yourself. You may ask the sheriff's office in the county where the papers will be served, a private process server or any mentally competent person age 18 or older (as long as that person resides in the state in which they serve the other party) to serve the papers for you. Make sure the person who serves the other party completes the AFFIDAVIT OF SERVICE detailing how service was made. The AFFIDAVIT OF SERVICE must be filed with the family law clerk.

STEP 4

On the day of the hearing, go to the cashier in the courthouse and pay the \$35 hearing fee. The cashier will give you a receipt to give the judge's clerk when you attend the hearing set in the MOTION and ORDER.