FILING FOR DISSOLUTION (DIVORCE) WITH CHILDREN

Important Contact Information
Oregon Judicial Department - *www.courts.oregon.gov*
Oregon State Bar Lawyer Referral Service - *www.oregonstatebar.org*
Phone: 503.684.3763 or toll-free in Oregon at 800.452.7636

If you are deployed or about to be deployed, contact the Oregon State Bar Military Assistance Panel (*www.osbar.org/_docs/ris/militaryflier.pdf*) for information about special rights and rules that may apply to you.

Symbols used in this form:

- Important Note
- STOP! You may not be able to use this form
- Caution! You may need a lawyer
- Concerns children
- Concerns money
- Timing requirement

Notice about these instructions and forms

These instructions are not a complete statement of the law. They cover basic procedures for simple dissolution cases involving custody, parenting time, and child support. If you have complicated issues or questions about the law, talk to a lawyer.

All of the necessary forms should be online. If you cannot find a form, ask your local court.

Each court has local rules, programs, and procedures that may not be explained in these instructions. Refer to the Supplementary Local Rules for your county. These rules are available online or at your local court or law library. Forms and information about your local court are on the Oregon Judicial Department website.

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Additional Forms:

- Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions
- Notice to Parties in a Suit for Marriage Dissolution or Legal Separation Regarding Continuation of Health Coverage
- Summons for Family Law Case
- Acceptance of Service
- Certificate of Service
- Waiver of Further Appearance and Consent to Entry of Judgment
- Default forms (Motion and Declaration, Order, Declaration in Support of Judgment, General Judgment)

TABLE OF FORMS

1. Starting your Case *(See the last box of this table for additional forms you may need)*

Guide and File prepared these forms for you:
_x__ Petition for Dissolution of Marriage/RDP
_x__ Certificate re: Pending Child Support Proceedings and Existing Child Support Orders or Judgments
_x__ Record of Dissolution of Marriage, Annulment or Registered Domestic Partnership
_x__ Confidential Information Form (CIF) *(one for each party and each adult child)*
_x__ Notice of CIF Filing

All other forms in this table are included in this Next Steps document or can be found online at www.courts.oregon.gov

___ Notice of Statutory Restraining Order Preventing Dissipation of Assets
___ Summons

Optional:
___ Fee Deferral or Waiver Application and Declaration

2. Notifying the Other Party

___ Acceptance of Service *(if possible)*
___ Certificate of Service
___ Certificate of Mailing to DCS *(if you or the respondent is receiving public assistance)*

3. Temporary Orders

4. Resolving Your Case

By Agreement:
___ Declaration in Support of Judgment
___ General Judgment of Dissolution of Marriage/RDP
Or
By Default:
___ Ex Parte Motion for Order of Default and Declaration in Support
___ Order on Motion for Default
___ Declaration in Support of Judgment
___ General Judgment of Dissolution of Marriage/RDP
Or
By Hearing:
___ General Judgment of Dissolution of Marriage/RDP

Additional forms you may need:
You may have completed these forms through Guide and File. If you did not, you can find them online at www.courts.oregon.gov

___ Uniform Support Declaration
____ Child Support Worksheets *(if you are requesting child support)*
___ Parenting Plan
___ Statement of Assets and Liabilities
___ Waiver of Personal Service
___ Waiver of Further Appearance and Consent to Entry of Judgment *(for adult children)*
___ Parenting Class Completion Certificate *(if required by your court)*
___ End-of-case Fee Waiver Application & Declaration

STEP 1: STARTING YOUR CASE

Information about Dissolution

- **Contact Information** - Keep the court and all other parties informed of your current address. **You don't have to use your home address.** You may use any contact address where you regularly check in, as long as it is in the same state as your home. The court will assume that you receive all notices and documents sent to that address. **It is YOUR responsibility to let the court and other parties know if you move or want to get mail at a different address.**

- **Statutory Restraining Order**
  By filing your *Petition*, you agree to follow the terms of an automatic restraining order. The order is effective once the papers have been served on the respondent *(see below for service information)*. If you don't follow the order, you can be held in contempt of court and subject to penalties.
  - You must attach a copy of the restraining order (called "***Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions***") to the *Summons* and serve it on the respondent.
  - The statutory restraining order prevents *either party* from:
    - Dissipating (transferring, selling, destroying, removing, disposing of) real or personal property.
    - Making changes to insurance policies without the agreement of the other party.
    - Making extraordinary expenditures (unusual or high-dollar payments or purchases). Expenditures that are necessary for the safety or welfare of the parties, ordinary business activities, or related to this court case are allowed.

STEP 2: FILING AND SERVICE

Make copies
Keep one copy of **all** of the completed forms for your records. See below for additional copies you will need.

If you eFiled your forms in Guide and File, skip to "Service", below

File your forms

File all of the original forms *except* the *Summons* and *Notice of Statutory Restraining Order* with the court clerk. The clerk will give you a **case number** when you file. Put the case number on all copies and originals. See below for a list of the forms you will need to copy to serve on the respondent.

You have to pay the filing fees when you file your papers. Go to *www.courts.oregon.gov* for the filing fee.

- If you are low income, you may ask the court to defer or waive your filing fee. You must complete an ***Application and Declaration for Deferral or Waiver of Fees*** and an ***Order Regarding Deferral or Waiver of Fees*** and file them with your papers. If the fee is deferred, you will have to pay the fee later. If the fee is waived, you don't have to pay it now. However, the judge may reconsider waived and deferred fees at the end of the case.

The clerk may give you some papers. A copy of these papers must be included with the *Petition* that you serve on Respondent (see below regarding service). **NOTE:** You are not required to serve the *List Of Documents Parties May Have To Give Each Other (ORS 107.089)* on Respondent, but if you do, then you both have to follow it.

Make a copy of the following forms to serve on the respondent:

- *Petition*
- *Summons*
- *Notice of Filing of Confidential Information Form*
- *Certificate re: Pending Child Support Proceedings and/or Existing Support Orders/Judgments*
- *Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions*
- *Uniform Support Declaration, Statement of Assets and Liabilities,* and *Parenting Plan (if you are filing any of these documents with your* Petition*)*
- Any other forms your local court requires you to serve on Respondent

TANF
OHP
OYA
Foster

You must also send a copy of the filed *Petition* to the Department of Justice Division of Child Support (DCS) if either you or Respondent receives Temporary Assistance to Needy Families (TANF) or the Oregon Health Plan (OHP), or if your children are in foster care or in custody of the Oregon Youth Authority. Your county branch office's address can be found at *www.oregonchildsupport.gov/offices*. After you mail the *Petition*, fill out the ***Certificate of Mailing or Delivery to Division of Child Support*** and file it with the court.

SERVICE

You must officially notify Respondent that you have filed a case. This is called "service." Follow the same steps to serve any 18, 19, or 20 year old children.

Acceptance of Service – If it is safe for you to give the respondent the papers yourself, you can use an ***Acceptance of Service*** form. If the respondent signs an *Acceptance of Service*, no other kind of service is required. Signing the *Acceptance of Service* does *not* mean the respondent agrees with anything in your *Petition*, only that he or she received the papers. **You must file the papers with the court before you give the copies to the respondent.**

Formal Service

If the respondent does not sign the ***Acceptance of Service***, you must use another method. There are four ways you can serve. Service must be done ***after*** your *Petition* is filed.

****3 CRITICAL POINTS****

1. If you serve before you file, you will have to serve the papers again
2. You *CANNOT* serve the papers yourself
3. If Respondent has a lawyer, you should also mail a courtesy copy of the papers to the lawyer

1. **Personal Service:**
   a. By Process Server: Take a copy of your papers to the sheriff's office in the county where Respondent is located and have a sheriff's officer serve the papers. The sheriff's office charges a fee for service. You can also hire a private process server of your choice.
   b. By a Non-Party: Have a competent* person 18 years or older who is a resident of Oregon **and who is not a party** to the case (Petitioner or Respondent), **nor** the lawyer of a party, serve the papers. The server cannot be an employee of any party. If the respondent is outside of Oregon, the server can be a resident of the state where the respondent is. If you have safety concerns, have the sheriff perform service.

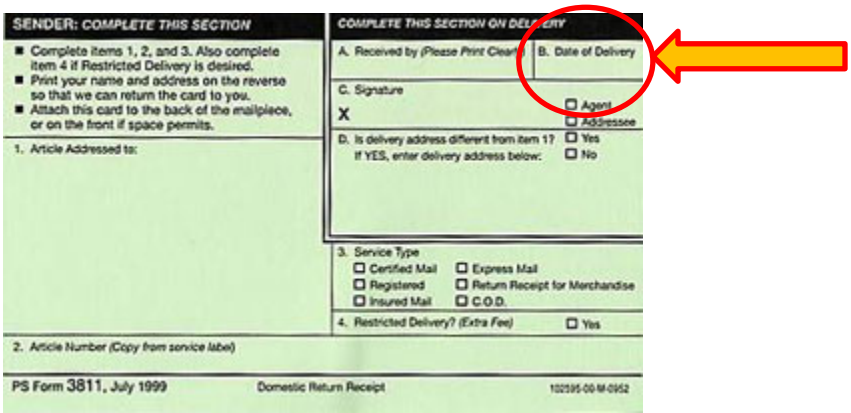
*competent means a person who can understand, remember, and tell others about an event.

A ***Certificate of Service*** must be filed with the court by whoever serves the respondent. The certificate must include the date of service and the name of the person served.

2. **<u>Substituted Service</u>:** The process server may leave the papers at the respondent's residence (where he or she normally lives) with someone 14 years or older who lives there. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the respondent by first class mail. Make sure the process server completes a ***Certificate of Service***. The date of service is the day the first class mailing is put in the mail.

3. **<u>Office Service</u>:** The process server may leave the papers with someone *in charge* of the respondent's office or normal workplace. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the respondent by first class mail. Make sure the process server completes a ***Certificate of Service***. The date of service is the day the first class mailing is put in the mail.

4. **<u>By Mail</u>:** <u>First</u>, the process server must send the papers to the respondent's home or business address by first class mail. <u>Second</u>, the server must send a copy by certified mail, return receipt requested. The process server **must** file proof of service with the court, including the signed green card, date of receipt, and item number along with a ***Certificate of Service***. If the green card is not returned or if someone other than the respondent signed for it, then service by mail was not effective and you must try another type of service. The date of service is the day the respondent signed the returned green card.


SENDER: COMPLETE THIS SECTION
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.
1. Article Addressed to:
COMPLETE THIS SECTION ON DELIVERY
A. Received by (Please Print Clearly)
B. Date of Delivery
C. Signature
X
Agent
Addressee
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No
3. Service Type
Certified Mail
Express Mail
Registered
Return Receipt for Merchandise
Insured Mail
C.O.D.
4. Restricted Delivery? (Extra Fee) Yes
2. Article Number (Copy from service label)
PS Form 3811, July 1999
Domestic Return Receipt
102595-00-M-0952

<u>Proof of Service</u>

The Certificates are your <u>proof of service</u>. An original *Certificate of Service* or *Acceptance of Service* must be filed with the court for your case to proceed, regardless of the method of service.

If proof of service is not filed within **63 days** of filing your *Petition*, the court may send you a notice of dismissal. Your case may be dismissed if proof of service is not filed within 28 days of the notice.

If you are not able to have Respondent served by any of the methods listed above, you may ask a judge to allow you to use another service method. The judge might allow you to publish or post the documents. Forms to make this request are available online at *www.courts.oregon.gov*.

NOTE: Some courts have extra papers you have to serve with your filing. If you eFile your *Petition*, the court will email you the papers after your filing is accepted. If you do not include these papers with service, your case may be delayed and you may have to pay additional service fees.

STEP 3: TEMPORARY ORDERS

You can ask the court to make temporary orders after you file the *Petition*. Temporary orders are effective as soon as a judge signs the order. They last until a judge changes the terms, signs the *General Judgment*, or dismisses the case. For example, either party may request an order for spousal/partner or child support, or an order requiring one party to move out of the family home. To make any of these requests, you must file a "motion" (request) asking the court to do what you want. You may need a lawyer to file these requests.

- **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

One type of temporary order is called a *Status Quo Order*. This order prevents either parent from changing the children's normal schedules, interfering with parenting time by the other parent, or changing where the children live. This does *not* decide custody or who can make major decisions for the children. "Normal schedule" means the children's schedule for the three months before you file a request for a *Status Quo Order*.

Go to *www.courts.oregon.gov* for the forms to request temporary orders. The forms may not cover all temporary orders you need. Talk to a lawyer for more information.

Domestic Violence

All courts have restraining order forms for cases involving domestic violence. The judge will usually hear your request within a day or two of filing. Check with your local court for filing times and procedures.

Refer to *www.courts.oregon.gov/fapa* for Family Abuse Prevention Act (FAPA) forms and information.

Forms for other types of protective order are available at *www.courts.oregon.gov*

STEP 4: RESOLVING YOUR CASE

There are three ways your case can be resolved: by agreement between the parties, by default if the respondent doesn't respond, or by a judge in a hearing.

Even if you submitted Child Support Worksheets with your *Petition*, you MUST include a worksheet with your *Judgment*, regardless of how you resolve your case.

By Agreement

It is always better to resolve issues yourselves, since you know what's important to you. Once the case goes to a judge, it is out of your control. If you can't resolve the issues on your own, or if it is not safe for you to talk to Respondent, the court may provide options to help you, including mediation and arbitration. Some courts may require that you mediate before you have a hearing. Check your court's Supplementary Local Rules for more information.

Mediation: A mediator is a person trained to help people resolve disagreements. Mediation is confidential. You may ask to meet with the mediator alone if you are uncomfortable meeting with the other party for any reason. Check with your local court clerk to see if there is a fee for this service. Mediators are *not* judges – they cannot impose their decisions on you. Their job is to help *you* reach an agreement. This may be your last chance to retain control over the outcome of the case. Agreements incorporated into a *Judgment* are fully enforceable *(see below)*.

If mediation has not yet been ordered in your case and you would like to request it, you may file a ***Request for Mediation*** form. You may also request that the court waive mediation requirements if you have a good reason by filing a ***Motion and Declaration for Waiver of Mediation***. Talk to your court if you have safety concerns.

Arbitration: If you disagree only about how to divide your property, the court may send you to an arbitrator. The court may also ask the arbitrator to resolve spousal/partner support issues. An arbitrator is appointed by the court to meet with both parties and their lawyers (if any) and to make a decision about how property should be divided. Both parties are required to pay for this service unless the court orders otherwise. If either of you disagrees with the arbitrator's decision, you can ask the court for a trial. Trial requires payment of additional fees. If a trial is not requested, the arbitrator's decision is final unless both of you agree on another resolution.

If you and Respondent have agreed to all of the issues, fill out and file:

- ***Declaration in Support of Judgment***
- ***General Judgment of Dissolution of Marriage/RDP***

  Note: The *Judgment* must be signed by both parties before being submitted to the court.

By Default

Respondent has 30 days to respond to your *Petition*. The time starts running from the day *after* the date of service. The response must be in writing and must be filed with the court and mailed to you. If the respondent does not file a response within 30 days, you may request an *Order of Default*.

Forms and instructions for getting an *Order of Default* are included at the end of this document.

By Trial

Conferences with the Judge

Many courts will schedule a "status," "pretrial," or "settlement" conference if a response has been filed. These meetings usually take place with a judge with both parties present, along with their lawyers (if any). You must attend any conferences that are scheduled unless you have received permission from the judge not to attend. At the conference, the judge may talk to you about how your case is going to be handled, consider requests for temporary orders, or set future court dates.

- Many courts require that you mediate or arbitrate before you can get a hearing. See the **Mediation** and **Arbitration** sections above in the BY AGREEMENT section.

NOTE: You must give the other party an opportunity to review the judgment before you submit it to the court. See UTCR 5.100 for information.

Trial Guide: The State Family Law Advisory Committee has written a guide that may help you prepare for trial. This guide is NOT a substitute for legal advice! The rules of court can be technical and complex, and you may damage your case if you are not properly informed. If your case goes to trial, you are strongly advised to talk to a lawyer. To read the guide, go to: *www.courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw / TrialBrochureFINAL1-12-06_000.pdf*

THE JUDGMENT

Regardless of how you resolve your case, a ***General Judgment of Dissolution of Marriage/RDP*** must be signed by a judge. One of you may be ordered to fill out the judgment form and give it to the court to be signed. **NOTE:** you must include Child Support Worksheets with your Judgment if child support is awarded.

The judgment finalizes your dissolution and contains all of the issues decided in the mediation, arbitration, trial, or agreement.

- **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

If the respondent DID NOT file a response, the information you fill out in the final judgment should be *exactly* the same as what you requested in the *Petition*.

If the respondent DID file a response, the information should be the *exactly* the same as what was decided in mediation, arbitration, hearing, trial, or through your agreement. All parties must review the *Judgment* before you submit it to the court. You must send the *Judgment* document along with the *Notice of Proposed Judgment or Order* to the respondent and any adult children who have not filed a *Waiver of Further Appearance* in the case.

Other parties can object to the *Judgment*. If that happens, you have to discuss the objections and attempt to resolve them before you submit the *Judgment* to the court. If you are not able to resolve the objections, the objecting parties can either send you a written statement explaining their objections, or they can submit their objections directly to the court. You must complete the *Certificate of Readiness* section of the *Judgment* to tell the judge whether there are outstanding objections. See UTCR 5.100(1) for more information about notice and objections.[1]

If the respondent is responsible for preparing the judgment, the respondent must send the proposed judgment to you before submitting it to the court. Then you can review it and object to it within 7 days of the date it was sent to you. If you and the respondent are not able to resolve your objections after reasonable efforts, you can either send a written explanation of your objections to the respondent or directly to the court. You must notify the respondent of your intentions so that they can advise the judge that there are outstanding issues. The judge may make a decision after reviewing the documents, or the court may contact you with further information.

If you are responsible for preparing the final judgment, make a copy for yourself and one for Respondent (unless you got an *Order of Default*). File the original with the court. **If your case**

[1] www.courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx

involves spousal/partner or child support, give the court an extra copy of the judgment.

Your dissolution is finished and effective the date the *Judgment* is signed by the judge. NOTE: the terms of your judgment are not enforceable until the court enters the judgment. You will receive a *Notice of Entry of Judgment*.

NOTE: Every document you file must have a mailing address where you will receive documents related to this case. You do NOT need to use your home address. You can use any contact address in the same state as your home. You are responsible for checking your contact address. Notify the court and the other party in writing if your contact address changes.

Support for a Child Attending School

If an adult child is attending school at least half-time according to the school's standards, that child is considered a "Child Attending School." A Child Attending School may be entitled to child support until he or she turns 21. "Child Attending School" is defined at ORS 107.108 and does not include children who are married.

IMPORTANT! After an order is made for support of a child attending school, the child *must* remain enrolled at least half-time AND make sufficient academic progress according to the school to qualify as a child attending school and continue to receive support.

NOTE: you can ask the court to extend child support for minor children to cover them when they qualify as Children Attending School. If a child does not immediately enter higher education after high school or drops out of high school, child support will end.

If you have an order that says support continues *if* the child becomes a Child Attending School, the child must notify the payor *before* the child turns 18 that he or she will be attending school, which school, and when the child expects to graduate or stop taking classes. Support generally continues during summers if the child has properly notified the other parent that the child intends to return to school.

The child must also provide consent to the school to release certain information to any parent paying child support. The requirements are at ORS107.108.

Paying Support for a Child Attending School

Support for an adult child is normally paid directly to the child, whether by the payor directly or by DCS. If you have good cause why the child should *not* receive payment, you must explain that in your *Petition*.

There is NO parenting plan or parenting time credit for a Child Attending School who has graduated from high school.

For more information, go to:
http://oregonchildsupport.gov/services/pages/child_attending_school.aspx

[Attach to Summons per ORS 107.093(5)]

NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE DISSIPATION OF ASSETS IN DOMESTIC RELATIONS ACTIONS

REVIEW THIS NOTICE CAREFULLY.
BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATING THE LAW.
SEE INFORMATION ON YOUR RIGHT TO A HEARING BELOW.

TO THE PETITIONER AND RESPONDENT:

Under ORS 107.093 and UTCR 8.080, neither Petitioner nor Respondent may:

Insurance Policies
(1) Cancel, modify, terminate, or allow to lapse for nonpayment of premiums, any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

Insurance Beneficiaries
(2) Change beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

Property
(3) Transfer, encumber, conceal, or dispose of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.

(A) Paragraph (3) does not apply to payment by either party of:

(i) Attorney fees in this action;
(ii) Real estate and income taxes;
(iii) Mental health therapy expenses for either party or a minor child of the parties; or
(iv) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

Expenses
(4) Make extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. This does not apply to payment of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

EFFECTIVE DATE:
The above provisions are in effect immediately upon service of the *Petition* and *Summons* on the respondent. They remain in effect until a final judgment is issued, until the petition is dismissed, or until further order of the court.

RIGHT TO REQUEST A HEARING

Either Petitioner or Respondent may request a hearing to modify or revoke one or more terms of this restraining order by filing with the court the *Request for Hearing re: Statutory Restraining Order* form specified in Form 8.080.2 in the UTCR Appendix of Forms.

Department of Consumer and Business Services
Insurance Division
P.O. Box 14480, Salem, OR 97309-0405
Phone: 503-947-7891, Fax: 503-378-4351
350 Winter St. NE, Salem, OR 97301-3883
Email: dcbs.insmail@state.or.us
www.insurance.oregon.gov

Notice to parties in a suit for marriage dissolution or legal separation regarding continuation of health coverage

If you or your spouse have filed for divorce or legal separation and currently hold group health insurance coverage through your spouse, your coverage may end when the court grants your divorce or separation. Oregon law offers options that may enable you to continue your coverage. This notice outlines continued coverage options available under Oregon law. Federal law commonly known as COBRA may also enable you to continue coverage. *Note*: You must act promptly to continue coverage.

Applying for individual coverage may also be an option. Insurers can no longer deny enrollment to individuals because of health or pre-existing conditions. You may be eligible to enroll in a plan through healthcare.gov or directly from an insurer. If you apply for coverage through healthcare.gov, you may qualify for financial assistance.

For more information about Oregon and federal law, consult your health insurer, the plan administrator for your insurance coverage, the employer through whom your insurance is provided, or your attorney.

The following is a summary of options under Oregon law:

1. **Continuation of existing coverage for a divorced or legally separated spouse who is 55 years of age or older** (ORS 743.600 to 743.602). If you are a divorced or legally separated spouse and if you are 55 years of age or older when the dissolution or legal separation occurs, you may continue your existing group coverage until you obtain other group coverage or become eligible for Medicare. In order to continue coverage, you must do both of the following:

   A. You must notify the group health insurance plan administrator in writing of the dissolution or legal separation within 60 days of the entry of the decree of divorce or legal separation.

   B. You must elect to continue and pay for the group coverage. You must make the election on a form provided by the plan administrator.

Note: This provision applies only if your coverage is provided through an employer who employs 20 or more employees or if your coverage is provided by a group health insurance plan that covers 20 or more employees.

2. **Continuation of existing coverage for a divorced spouse when federal law does not provide for continued coverage** (ORS 743.610). If you are not able to continue your group health coverage under federal law (COBRA), you may continue your existing group coverage upon dissolution of your marriage for a period not exceeding nine months. The following requirements apply:

   A. You must have been continuously covered by the group policy for at least three months prior to your divorce.

   B. You must ask the insurer or the group policyholder, in writing, to continue your coverage. You must also pay the required premiums.

   C. You must make your request by the latter of the following dates:

      (1) Ten days after the date that your coverage under the group policy as a qualified family member ends;

      or

      (2) Ten days after the date on which the employer or group policyholder gives notice of the right to continue coverage.

3. **Apply for individual coverage.** If you were covered by a group health plan and you lost that coverage because of a legal separation or divorce, you may qualify for a special enrollment and be eligible to purchase an individual plan through healthcare.gov or from an insurer. To qualify for this special enrollment:

   (1) Apply through healthcare.gov and pay your premium within 60 days of the date you lost your group coverage;

   or

   (2) Apply for individual coverage from an insurer within 60 days of the date you lost your group coverage.

Remember: The longer you wait to apply, the later your coverage will start. Financial help is available only if you apply for insurance through healthcare.gov. Your insurance agent can also help you apply through healthcare.gov.

Prepared by Insurance Division, Department of Consumer and Business Services, under ORS 107.092.
Revised January 9, 2015. Distributed by the Office of the State Court Administrator.

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

Case No: _____

_____
Petitioner

and

_____
Respondent

SUMMONS FOR FAMILY LAW CASE

☐ **Marriage**
☐ **Registered Domestic Partnership (RDP)**
☐ **Unmarried & Unregistered**

To *(name)*: _____

Address:

Your spouse or partner has filed a *Petition* asking for divorce or dissolution of your marriage or registered domestic partnership (RDP).

NOTICE TO RESPONDENT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear," you must file a legal paper called a "*Response*" or a motion. *Response* forms are available through the court at the address above or online at *www.courts.oregon.gov*. Talk to a lawyer for information about appearing by motion.

Your *Response* must be filed with the court clerk at the court listed above **within 30 days of the day you received this *Summons*,** along with the required filing fee (go to *www.courts.oregon.gov* for fee information). It must be in proper form and you must show that the Petitioner's lawyer (or the Petitioner if he or she does not have a lawyer) was formally served with a copy of the *Response* according to the service rules. Service rules are included in *Instructions for Respondents*, available at *www.courts.oregon.gov*.

If you have questions, see a lawyer immediately. If you need help finding a lawyer, you can call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or toll free in Oregon at 800.452.7636, or go *to www.oregonstatebar.org*.

_____ _____
Date Petitioner Signature

_____
Name (printed)

_____
Contact Address City, State, ZIP Contact Phone

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

_____ **Case No:** _____
Petitioner

and

ACCEPTANCE OF SERVICE

_____
Respondent

I am the Respondent in this case

On (*date*) _____ I received a true copy of *(check all that apply)*:

☐ Petition
☐ Summons
☐ Information on mediation
☐ Notice of Statutory Restraining Order Preventing Dissipation of Assets
☐ Notice of CIF *(Confidential Information Form)* Filing
☐ Information on continuation of insurance coverage (COBRA)
☐ Statement of Assets and Liabilities
☐ Uniform Support Declaration
☐ Other forms: _____

_____

_____

Certificate of Document Preparation. Check all that apply:
☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.

_____ _____
Date Signature

_____
Print Name

_____
Address City/State/Zip Telephone

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

Case No: _____

_____
Petitioner

and

_____
Respondent

CERTIFICATE OF SERVICE

(ORCP 7D(2))

☐ (a) Personal Service
☐ (b) Substitute Service
☐ (c) Office Service
☐ (d) Service by Mail

I, *(name)*_____, declare that I am a resident of the state of _____. I am a competent person 18 years of age or older. I am not a party to or lawyer in this case, and not the employee of a party. I certify that the person served is the person named below. I served true copies of the original *(check all that apply)*:

☐ Petition and Summons
☐ Information about mediation
☐ Notice of Confidential Information Form (CIF) Filing
☐ Notice of Statutory Restraining Order Preventing Dissipation of Assets
☐ Order to Show Cause re: Modification with Motion and Declaration
☐ Information about continuing insurance coverage (COBRA)
☐ Uniform Support Declaration
☐ Other *(name all forms or documents served)*_____
_____
_____

by *(check a, b, c, or d and complete all information):*

(a) ☐ **Personal Service** on *(date)*_____, at _____ a.m./p.m., to {☐ Petitioner ☐ Respondent} (*name*)_____in person at the following address _____ in the County of _____, State of _____.

(b) ☐ **Substitute Service** on *(date)*_____, at _____ a.m./p.m., by delivering them to the following address _____ in the County of _____, State of _____ . Delivered to (*name*)_____ _____, who is a person age 14 or older and who lives there.
(*Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(b). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)*

☐ On *(date)*_____, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served: ☐ Petitioner ☐ Respondent (*name*) _____ _____, at the party's home address listed above, together with a statement of the date, time and place that the documents were hand-delivered to the party's dwelling (residence).

(c) ☐ **Office Service** on *(date)*_____, at _____ a.m./p.m., by delivering them to the office of the party to be served, located at: (*address*) _____ _____, during normal working hours for that office, where I left the documents with (*name*) _____, who is a person apparently in charge, to give the documents to the party to be served.
(*Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(c). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)*

☐ On *(date)*_____, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served: ☐ Petitioner ☐ Respondent (*name*) _____ _____, at the party's: ☐ home address at: _____ _____, ***OR*** ☐business address above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

(d) ☐ **Service by Mail, Return Receipt Requested** on *(date)*_____, I personally deposited **two** true copies with the U.S. Postal Service. **One** by first class mail, and the **other** by certified or registered mail, Return Receipt Requested, or by express mail, postage paid, addressed to the party to be served: ☐ Petitioner ☐ Respondent _____ (*name*), at the party's home address located at:_____ _____(*address*). *(NOTE: If mailed Return Receipt Requested, the return receipt must be attached to this Certificate of Service.)*

Certificate of Document Preparation. Check all that apply:
☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

_____ _____
Date Signature of Server

_____
Print Name

If person serving is NOT a sheriff or sheriff's deputy, address and phone number of server:

_____

_____

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

_____
Petitioner

and

_____
Respondent

Case No. _____

CERTIFICATE OF MAILING OR DELIVERY TO DIVISION OF CHILD SUPPORT

I certify that on *(date)* _____, I ☐ hand-delivered ***or*** ☐ mailed by first-class mail a true copy of the *Petition* in the above domestic relations case to the local branch office of the Department of Justice, Division of Child Support at (*list address*): _____

_____

_____

Certificate of Document Preparation. Check all that apply:
☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

_____
Date

_____
Signature

_____
Print Name

_____
Contact Address City / State / ZIP Contact Phone

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

Case No: _____

_____
Petitioner

and

_____
Respondent

WAIVER OF FURTHER APPEARANCE AND CONSENT TO ENTRY OF JUDGMENT

I am the respondent in this case. I waive (give up) my right to further appearance and consent (agree) to entry of judgment according to the terms of the *Petition*.

Certificate of Document Preparation. Check all that apply:
☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form

I hereby declare that the above statements are true and complete to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

_____ _____
Date Signature

_____
Print Name

_____
Contact Address City, State, Zip Contact Phone

Statement of Assets and Liabilities

You will need to file a *Statement of Assets and Liabilities* if the respondent files a *Response* **and** you have not reached an agreement as your trial date nears. Each party's *Statement* must be filed with the court and served on the other party at least 14 days before your trial. Check your local court's Supplementary Local Rules, Chapter 8 for other time limits and requirements.

Most courts prefer that you complete ONE joint form so that you don't have one form listing "house 1" and the other calling it "123 Main St." Your *Statement* should name the asset as specifically as possible. You and Respondent should do everything you can to agree on the value of your assets and liabilities. Then list who the court should give each asset or liability to. You can use one of the formats below.

Tax debts, student loans, and support arrears can be totaled for each party, specific details are not required.

If you and Respondent agree on the *value* of each entry, use this format. You do NOT have to agree about who gets each asset – only about what the assets are worth.

Assets	**Value**	**Petitioner's Claim**	**Respondent's Claim**	**Court Award**
1998 blue Ford Ranger	$5,000	Petitioner	Respondent	
Home - 123 Main St.	$250,000	Respondent	Respondent	
Liabilities				
Mortgage on 123 Main St, Chase Bank	$120,000	Respondent	Respondent	

(Here, the Petitioner and Respondent both want the Ford Ranger, but agree that Respondent should get the house and be responsible for the mortgage. Leave the last column blank for the judge.)

If you cannot agree on the value of each entry, use this format.

Asset	**Petitioner's value**	**Petitioner's claim**	**Respondent's value**	**Respondent's claim**	**Court Award**
1998 blue Ford Ranger	$5,000	Petitioner	$15,000	Petitioner	

(Here, the parties disagree about the *value* of the truck, but agree that Petitioner should get it. Leave the last column blank for the judge.)

If you use the form attached below, only one party has to complete the "value" column if you agree on the value of the item.

Statement of Assets and Liabilities Case # _____

Submitted by: *(name)*_____ ☐ Petitioner ☐ Respondent

DESCRIPTION OF ASSETS	PETITIONER Name:		RESPONDENT Name:		COURT	
	Claimed Value	Proposed Distribution (Pet or Resp)	Claimed Value	Proposed Distribution (Pet or Resp)	Value	Distribution (Pet or Resp)
1. Real Property (address)						
2. Vehicles (car, truck, boat, ATV, etc.)						
3. Bank Accounts (bank, type, & name on the account)						
4. Cash on Hand						
5. Furniture/Appliances						
6. Personal Property (by type)						
7. Business Interests						

	Claimed Value	Proposed Distribution (Pet or Resp)	Claimed Value	Proposed Distribution (Pet or Resp)	Value	Distribution (Pet or Resp)
8. Insurance Policies (with cash surrender or loan value)						
9. Pensions and Investments						
10. Expected Assets (inheritance, tax refund, pending lawsuit)						
11. Other assets						
TOTAL ASSETS:						

☐ Additional page attached

DESCRIPTION OF LIABILITIES	PETITIONER		RESPONDENT		COURT	
	Claimed Value	Proposed Distribution (Pet or Resp)	Claimed Value	Proposed Distribution (Pet or Resp)	Value	Distribution (Pet or Resp)
12. Mortgages						
13. Vehicle loans						
14. Tax Debt						
15. Student Loans						

	Claimed Value	Proposed Distribution (Pet or Resp)	Claimed Value	Proposed Distribution (Pet or Resp)	Value	Distribution (Pet or Resp)
16. Credit Card Debt						
17. Support Arrears						
18. Court Fines						
19. Expected Liabilities (college costs, pending lawsuit)						
20. Other Debt/Loans						
TOTAL LIABILITIES:						

☐ Additional page attached

USE THIS PAGE FOR ADDITIONAL ASSETS & LIABILITIES NOT LISTED ABOVE						
DESCRIPTION	**PETITIONER**		**RESPONDENT**		**COURT**	
	Claimed Value *(mark "+" for assets and "-" for liabilities)*	Proposed Distribution (Pet or Resp)	**Claimed Value** *(mark "+" for assets and "-" for liabilities)*	Proposed Distribution (Pet or Resp)	Value	Distribution (Pet or Resp)
TOTAL ADDDITIONAL ASSETS:						
TOTAL ADDITIONAL LIABILITIES:						

If Respondent Does Not Respond:

The respondent has 30 days to respond to your *Petition*. The time starts running from the day *after* the date of service. The response must be in writing and must be filed with the court and mailed to you. If the respondent does not file a response within 30 days of the date of service, you can request an *Order of Default*.

Default

Default means that you are asking the judge to award you what you asked for in your *Petition* because the respondent did not file a response. Look at Oregon Rules of Civil Procedure (ORCP) rule 69 for more detailed information.

- NOTE: If the respondent has given you written notice that he or she intends to appear, you have to give written notice that you intend to apply for a default order at least 10 days before you file your motion. See Uniform Trial Court Rule 2.010 for the form your notice must be in. File your notice of intent with the court and serve it on the respondent. See Oregon Rules of Civil Procedure Rule 9 for information about how to serve documents after the *Petition*.

The judge may not grant a default if the respondent is incapacitated, a minor, a financially incapable person, a protected person, or a respondent in a fiduciary protective proceeding, as defined by ORS 125.005.

You must also show that the respondent is not in active military service before the court can enter an order of default. This is part of the ***Ex Parte Motion for Order of Default & Declaration in Support***. If the respondent is in active military service, you cannot get an order of default unless the servicemember waives protection under the Servicemembers Civil Relief Act (SCRA). This federal law starts at 50 U.S.C. 3901. Your local law librarian can help you find it, or go to *www.law.cornell.edu*[*] (under *Get the Law* click *U.S.Code*, then click *Title 50* and go to *Chapter 50*). This law has strict rules about what "active military service" means. This protection does not apply to all servicemembers at all times.

If the respondent is in the military, you should see a lawyer before trying to get an order of default. If a default is not done properly, the respondent can re-open the case after returning from service. **Be aware** that if you knowingly make false statements about the respondent's status, you may face both federal and state penalties.

If you know the respondent is *not* in the military, you must state *facts* that explain how you know.

If you have the respondent's Social Security Number or date of birth, go to the Department of Defense website (*https://scra.dmdc.osd.mil/*) to find out if the respondent is in active service. This site can give you a free statement of service status that you can print out (called a "certificate of service" on the website). Attach this statement or a printout of the screen

[*] This is an outside site maintained by Cornell University. The Oregon Judicial Department is not responsible for any information on this site. Links may have moved.

to your motion. You can also call 571.372.1100 for military verification. Put the date and the name of the person you spoke with on your motion. If you don't have the Social Security Number or date of birth, commercial sites may be able to provide information.

If you don't know whether the respondent is in the military and have checked the website, or don't have the necessary information, mark "I am unable to determine whether this person is in military service" and add any facts that you *do* know. The judge will decide whether to grant the default.

➢ **If Respondent is in the military**

If the respondent is in active military service of the United States and has not responded to the *Petition*, the court won't go ahead with your case until one of the following things happens:

(1) Respondent is no longer in active military service,
(2) Respondent waives, in writing, the right to avoid default, <u>or</u>
(3) the judge holds a special hearing in your case.

Talk to a lawyer if the respondent will not sign the waiver and you do not want to wait for military service to end. The SCRA rules are technical and complex. Contact the Oregon State Bar for help (contact information is on Page 1). The court does not provide blank waivers for this purpose.

* * * * *

<u>Requesting a Default</u> - fill out the following forms *(included below)*:

- *Ex Parte Motion for Order of Default and Declaration in Support*
- *Order on Motion for Default*
- *Declaration in Support of Judgment*
- *General Judgment of Dissolution of Marriage/RDP*

Read your *Petition* CAREFULLY! The ***Declaration in Support of Judgment*** allows you to note any information that has <u>changed</u> since you filed the *Petition*. Read **each** section of the *Petition* you filed and note any changes in the spaces provided. You must complete the rest of the *Declaration* in all cases. Guide & File has completed some information for you, but you need to check all of the information to make sure it is complete and nothing has changed.

<u>The Judgment</u>

Guide & File has pre-completed most of the *General Judgment* form. **It is VERY important that you check ALL of the information!** Some information cannot be completed by the system. If you leave required fields blank or do not correct inaccurate or changed entries, your judgment may be delayed or returned to you.

After you make yourself a copy of the completed forms, file the originals with the court any time *after* 30 days from the date of service. You must file the *Motion for Order of Default* by the **91st day** after you filed <u>the *Petition*</u> (NOT the proof of service!). If not, your case may be dismissed.

The court will send you notice when your judgment has been entered.

NOTE: Some information may print on additional pages at the end of your Petition. It is VERY important that you attach copies of ALL of the additional pages to your Judgment. If you don't, your judgment may be delayed, or you may not be able to enforce certain aspects of the judgment.

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

_____
Petitioner

and

_____
Respondent

Case No: _____

EX PARTE MOTION FOR ORDER OF DEFAULT and DECLARATION IN SUPPORT

Motion

Based on the attached *Declaration*, Petitioner requests that this court grant an *Order* entering the default of Respondent and directing entry of judgment.

Statement of Points and Authorities

ORCP 69 requires the court or clerk to enter an order of default on a showing by affidavit or declaration that a party against whom a judgment is sought has been served with Summons or is otherwise subject to the jurisdiction of the Court and has failed to plead or otherwise defend within the time set by law.

Declaration

Respondent was served with the *Summons*, *Petition* and other documents required by law in _____ County, State of _____, on *(date)* _____ and has not made an appearance within the time required by law.

☐ Respondent has not provided me with written notice of intent to appear.
or
☐ Respondent provided me with written notice of intent to appear **and** I filed and served written notice of intent to apply for default at least 10 days before filing this motion, or fewer days as permitted by the court.

Respondent is not now, and was not at the time of the service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005,

and *(check one of the following):*

☐ The Respondent **is not** now, and was not at the time of service of the *Petition* and *Summons*, in active military service of the United States. *Provide facts supporting this statement*:_____
_____
_____

☐ The Respondent **is** now, or was at the time of service of the *Petition* and *Summons*, in active military service of the United States. Respondent has waived his or her rights under the Servicemembers' Civil Relief Act, as shown by the attached waiver, labeled Exhibit _____ .

☐ I am unable to determine whether or not Respondent is now, or was at the time of the service of the *Petition* and *Summons*, in active military service of the United States.
*Provide any facts you do know:*_____
_____
_____

I request the relief specified in the attached *Judgment*.

Costs and fees are allowable under ORS 107.105(1)(j) or 107.490(4).

Certificate of Document Preparation. Check all that apply:
☐ I chose this form for myself and completed it without paid help.
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone.
☐ I paid(or will pay) _____ for help choosing, completing, or reviewing this form.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

_____ _____
Date Signature

_____
Name (printed)

_____
Contact Address City, State, ZIP Contact Phone

 Case No. _____

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

_____
Petitioner

and

_____
Respondent

Case No: _____

ORDER ON MOTION FOR DEFAULT

Based on the motion and declaration of the Petitioner in this case,

☐ The court **DENIES** the *Ex Parte Motion for Order of Default* because:

☐ the respondent was not properly served with the *Petition* and *Summons* or other necessary documents, or no proof of service has been filed with the court.

☐ the respondent has filed an appearance.

☐ the respondent is now or was, at the time of service of the *Petition* and *Summons,* in active military service of the United States and has not waived protection under the Servicemembers Civil Relief Act.

☐ the respondent is now, or was, at the time of service of the *Petition* and *Summons,* incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005.

☐ Other:

☐ The court **GRANTS** the *Ex Parte Motion for Order of Default* and directs entry of judgment because the court finds that:

1) The respondent was properly served with the *Petition* and other necessary documents and has not filed an appearance,
2) The respondent is not now and was not, at the time of service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005, ***and***
3) The respondent:

   ☐ is not now and was not, at the time of service of the *Petition* and *Summons,* in active military service of the United States, *or*

   ☐ is in active military service of the United States and has waived protection against default judgments under the Servicemembers Civil Relief Act.

Judge Signature:

_____ _____

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

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

_____
Petitioner

and

_____
Respondent

and
☐_____
Unmarried children 18, 19, or 20 years old *(full names)*

Case No: _____

DECLARATION SUPPORTING GENERAL JUDGMENT OF DISSOLUTION OF ☐ MARRIAGE ☐ RDP

☒ The statements made in the Petition remain true and accurate *except:*

Section Number	Explain

☐ Additional page attached

Minor Children

Children of Petitioner and Respondent (under age 18) conceived, born, or adopted during or prior to the marriage/RDP and any children otherwise legally recognized as children of both parties:

Name of Child	Age	Currently lives with (Name, Address or Contact Address)	For how long

☐ Additional children listed on page attached titled "Additional Children"

☐Petitioner ☐ Respondent is pregnant (and) the other party ☐ is ☐ is not the parent of this child. The expected date of the child's birth is _____

☐ **Child support** has been requested. I have attached to the proposed judgment a *Child Support Worksheet* labeled Exhibit _____. The information included in that worksheet is true and accurate to the best of my knowledge.

☐ The parent who should pay child support ("payor") does **not** live in Oregon **but** *(check all that apply)*

- ☐ Was personally served with the *Petition* in Oregon
- ☐ Filed a response in this case
- ☐ Lived in Oregon with at least one of the children
- ☐ Lived in Oregon and paid for prenatal or other costs for at least one of the children
- ☐ At least one child lives in Oregon as a result of an act or instruction by the payor
- ☐ At least one child may have been conceived in Oregon
- ☐ Claimed parenthood on a Voluntary Acknowledgment of Paternity
- ☐ Both parties lived in Oregon for at least 6 months and the non-resident party moved out of Oregon less than one year before the *Petition* was filed in this case
- ☐ There is another basis for jurisdiction *(explain)*: _____

_____

I ask the court to enter judgment without a hearing under ORS 107.095(4) *because:*

- ☐ Respondent has not appeared and an *Order of Default* has been entered.
- ☐ Respondent has stipulated (agreed) to the terms of the *Judgment*.

Certificate of Document Preparation. Check all that apply:

☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form

I hereby declare that the above statements are true and complete to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Submitted by ☒ Petitioner ☐ Respondent

_____ Date

_____ Signature

_____ Name (printed)

_____

Contact Address City, State, Zip Contact Phone

Case No. _____

NOTICE OF PROPOSED JUDGMENT OR ORDER

To be sent to all other parties before submitting proposed Judgment or Order to the court for signature. Send the Judgment or Order to the other party with this Notice at least 7 days before submitting it to the court. This does not apply to judgments submitted with a Motion for Order of Default or after an Order of Default has been granted.

This notice is to inform you that you can object to the attached proposed *Judgment* or *Order*.

Uniform Trial Court Rule (UTCR) 5.100[1] allows you to object to the proposed judgment or order. If you have no objections, you can sign the last page and return it to me.

If you do object to any of the terms of the judgment or order, you may:

1) Contact me within 7 days of the date of this notice. If you contact me and we are not able to resolve your objections after reasonable efforts, I will include your objections with the proposed judgment or order when I submit it to the court.

or

2) Submit your objections directly to the court. If you intend to submit your objections directly to the court, notify me within 7 days of the date of this notice so that I can inform the court of your intentions when I submit the proposed judgment or order. If you do object to the proposed order or judgment, you must contact me within 7 days of the date of this notice.

_____ _____

Date Signature

_____

Name (printed)

_____

Address City/State/Zip Phone

[1] www.courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx

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

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

Case No: _____

_____
Petitioner

and

_____
Respondent

and
☐_____
Unmarried children 18, 19, or 20 years old *(full names)*

GENERAL JUDGMENT OF DISSOLUTION OF
☐ MARRIAGE ☐ RDP

☐ and MONEY AWARD

This document was presented to the court:

☐ On the motion and declaration of Petitioner, the default of Respondent having been found
☐ and Respondent being represented by a guardian ad litem or other person described in Oregon Rules of Civil Procedure, Rule 27
☐ On the stipulation of the parties, as shown by the signatures at the end of this *Judgment*
☐ After a hearing held _____*(date)*, at which the following persons were present:
☐ Petitioner ☐ Petitioner's attorney _____
☐ Respondent ☐ Respondent's attorney _____
☐ Other _____

Children 18, 19, or 20 Years of Age

☐ Waived further appearance in these proceedings: *(names)* _____
☐ Fully participated in the proceedings and are bound by the terms of this judgment: *(names)*_____
☐ Signed and stipulated to the terms of this judgment as shown by the signatures below

FINDINGS:

1. The court considered the ☐ Declaration ☐ Stipulations ☐ Evidence presented and finds that: *(Check all that apply)*

A. ☒ Irreconcilable differences have caused the irremediable breakdown of this marriage or registered domestic partnership

B. At the time the *Petition* was filed:
Marriage Only: ☐ At least one spouse lived in Oregon and that same spouse had lived in Oregon continuously for 6 months prior to the filing of the Petition. At least one spouse lived in the county in which the *Petition* was filed.

Registered Domestic Partnership Only:
☐ At least one partner lived in Oregon and that same partner had lived in Oregon continuously for 6 months prior to the filing of the Petition. At least one partner lived in the county in which the *Petition* was filed.

or

☐ neither partner lived in Oregon and the *Petition* was filed in the county where {☐ Petitioner ☐ Respondent} last resided

2. Party and Marriage/RDP Information:

Date of Marriage /RDP: _____

Place of Marriage/RDP: _____ *(County, State)*

Current age of parties: Petitioner _____ Respondent_____

3. Children of the Parties *(Children conceived, born, or adopted during or prior to the marriage/RDP and any children otherwise legally recognized as children of both parties)*

Name	Year of Birth	Age

☐Additional page attached

☐ Petitioner ☐ Respondent is not the father of, or paternity has not been established for, the children: *(names)*_____

☐ Neither party is now pregnant *(or)*
☐ Petitioner ☐ Respondent is now pregnant
☐ The other party is not the parent of the child due *(date)*_____

4. Child Custody Jurisdiction

☐ Oregon has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to decide custody and parenting time matters because:

☐ Oregon is the children's home state (all of the minor children have lived here continuously for the six month period immediately before this case was filed)

☐ Other:

☐ Oregon does not have jurisdiction under the UCCJEA because:

The court grants judgment as follows:
The marriage or RDP is legally dissolved as of the date this Judgment is signed. The terms of this judgment are effective upon entry in the court register.

CHILDREN

NOTICE ABOUT PARENTING TIME AND CHILD SUPPORT

The terms of child support and parenting time (visitation) are designed for the child's benefit and not the parents' benefit. You must pay support even if you are not receiving parenting time. You must comply with parenting time and visitation orders even if you are not receiving child support.

Violation of child support orders and visitation or parenting time orders may result in fines, imprisonment, or other penalties.

Help may be available to establish, enforce, and modify child support orders. Paternity establishment services are also available. Contact your local district attorney, the domestic relations court clerk, or the Department of Justice at 1.800.850.0228 or 503.378.5567 for information.

Help may be available to establish, enforce, and modify parenting time or visitation orders. Forms are available to enforce parenting time or visitation orders. Contact your local court for information.

1. Custody and Parenting Time

Custody of the children is awarded as follows:

☐ Petitioner and Respondent have **joint** custody of the following children:

☐ Petitioner is awarded **sole** custody of the following children *(names)*:

☐ Respondent is awarded **sole** custody of the following children *(names)*:

Parenting time is awarded

☐ as described in the attached **Parenting Plan**, labeled Exhibit _____ ***or***

☐ as follows

☐ Parenting time will be supervised by _____

☐ Any cost of supervision must be paid by ☐ Petitioner ☐ Respondent

☐ Other:

☐ Petitioner ☐ Respondent is not awarded parenting time because it would endanger the health and safety of the children

Relocation

☐ Neither parent may move more than 60 miles further distant from the other parent without giving the other parent reasonable notice of the change of residence and providing a copy of such notice to the court, ***or***

☐ The requirement of ORS 107.159 regarding notice of relocation is suspended for good cause

Contact Information

☐ Petitioner and Respondent must each provide contact addresses and contact telephone numbers to the other and notify each other of any emergencies or substantial changes in the children's health

☐ Good cause exists to suspend the obligation of the parties to provide contact information to each other

Parental Authority

☐ The non-custodial parent's authority under ORS 107.154 is suspended for good cause

2. Child and Medical Support and Life Insurance for Children

A. Child Support

Existing Child Support Obligation

list court/agency, case number, and date of prior child support orders and judgments:

☐ No action is taken by this judgment regarding any prior child support order or judgment

☐ This judgment **does not** replace any existing child support order or judgment. Payment amount and schedule remain as ordered on *(date of order or judgment)*:_____

☐ any arrears accumulated under the continued order or judgment remain due

☐ This judgment **replaces** the existing child support obligation because the existing orders and judgments were issued by an Oregon court or agency, one of the parents or children receiving support still resides in Oregon, and circumstances have changed since the orders were entered. Support is due as detailed in the "Support Order" section below.

☐ any arrears accumulated under the continued order or judgment remain due

☐ Other:

Presumed Inability To Pay Under ORS 25.245

☐ The parent who would pay support is presumed to be unable to pay because that parent:

☐ receives cash payments from a **public assistance** program including TANF or SSI

☐ is (or is expected to be) **incarcerated** (in jail or prison for at least 6 months) and has income less than $200 per month

☐ The presumption **has not been rebutted** and **no** child support (including cash medical support) is ordered

☐ The presumption **has been rebutted**, and support **is ordered** as detailed in the "Support Order" section below for the following reasons:_____
_____

Support Order

☐ **No support** is ordered for reasons other than the presumption of inability to pay or continuation of an existing order or judgment *(explain)*:

or

☐ **Support must be paid:**

By ☐ Petitioner ☐ Respondent

To ☐ Petitioner ☐ Respondent
☐ Adult Child Attending School *(name)*:_____

On the ☐ first *or* ☐_____ day of each month

Starting ☐ the month following entry of this judgment *or*
☐ the date of service of this *Petition*

The total monthly amount due is: $_____ *(Child Support Worksheets are attached and incorporated, labeled Exhibit _____)*

This amount is:
☐ the amount presumed to be appropriate under the support guidelines
☐ different from the presumed appropriate amount of $_____ because the presumed amount is unjust or inappropriate *(explain)*:

B. Medical Support

☐ Medical support has already been ordered in another case ☐ as listed in Section 2A above *or* ☐ from county. The court case # is _____ _____ and the Child Support Program (CSP) # is _____
☐ The existing order is not changed
☐ The existing order is terminated. Medical support is ordered as follows

i. Private Health Insurance:

☐ **is** appropriate and available to *(check one or both)*
☐ Petitioner ☐ Respondent ***and***
☐ both parents have agreed to provide coverage ***or***
☐ Petitioner ☐ Respondent is ordered to keep insurance throughout the period of the child support obligation

☐ **is not** appropriate or available to either parent
The parent awarded custody must enroll the children in public health insurance until private health insurance becomes available ***and***
The first parent with access to appropriate private health insurance for the children is ordered to provide it.

ii. Cash Medical Support

☐ Cash Medical Support is ordered in the amount of $_____ per month because no private health insurance is available to either parent. Cash Medical Support is payable by the parent ordered to pay child support on the same schedule.

☐ The paying parent is ordered to provide Cash Medical Support only when not providing private health insurance for the children

☐ Cash Medical Support is **not** ordered because:

☐ Support is presumed to be unavailable for the reason marked above and the presumption has not been sufficiently rebutted

☐ The parent paying child support has income at or below Oregon's minimum wage for full-time employment, so cash medical support should not be ordered

☐ The children's medical needs will be met by the *Uninsured Medical Expenses* provision below

☐ Other *(explain)*:

CHANGES TO HEALTH INSURANCE AVAILABILITY

Both the payor and the recipient of child support **must** notify the Division of Child Support (DCS) in writing of any change in the availability of private health insurance within **10 days** of the change if collection services are provided by DCS.

iii. Uninsured Medical Expenses

☐ Uninsured medical expenses are not awarded

or

☐ Petitioner must pay _____% and Respondent must pay _____% of the unreimbursed costs of the children's reasonable medical, dental, and vision care. This does not include ordinary nonprescription expenses like bandages, vitamins, and copays for regular checkups, which the parents must provide for the children in proportion to their parenting time. This obligation is in addition to any child support ***and*** will be **offset** by any cash medical support ordered above.

or

☐ This obligation is **in addition** to any child support and cash medical support ordered above

C. Payment

NOTICE OF INCOME WITHHOLDING

This child support order is enforceable by income withholding under ORS 25.378 to 25.390, 25.414 to 25.372, and 25.375. Withholding shall occur immediately whenever there is an arrearage at least equal to the support payment for one month, whenever the obligated parent requests such withholding, or whenever the obligee requests withholding for good cause. The District Attorney or, as appropriate, the Division of Child Support of the Department of Justice, will assist in securing such withholding. Exceptions may apply in some circumstances.

☐ **Income withholding** is not ordered at this time because there is no support arrearage, the paying parent has not previously been granted an exemption from withholding ***and***

☐The parents (or the State, if support rights are assigned) have agreed in writing to an alternative arrangement which is approved by the court; ***or***

☐ Good cause not to require withholding is found because there is proof of timely payment of previously ordered support and income withholding would not be in the best interests of the child

In all cases, select one of the following:

☐ All support payments must be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309

Or

☐ An exception to income withholding applies as noted above. All support payments must be deposited to the recipient's checking or savings account. The receiving parent is ordered to provide the paying parent with current deposit slips or bank name, account name, and account number.

Or

☐ Other *(explain)*

Adult Child Attending School

Support for an adult child attending school as defined by ORS 107.108 must be paid by the Division of Child Support directly to the child unless good cause exists for payment to be made another way

☐ GOOD CAUSE exists not to pay support directly to a child attending school. Payments must be made to ☐ Petitioner ☐ Respondent in the amount of $_____ per month

D. Length of Child Support

Support should end when the last child becomes self-supporting, emancipated, or married ***or*** *(check one)*:

☐ reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21

☐ reaches age 18

E. Tax Dependents

Parties are advised that this judgment is not binding on the IRS and will not provide a defense if the parties fail to comply with IRS regulations in any given tax year

As between the parties, ☐ Petitioner ☐ Respondent may claim the following children as dependents for tax purposes beginning with the **tax** year this judgment is entered. The other parent must complete any IRS waivers or forms necessary to accomplish this judgment in each tax year and must not file contradictory tax returns.

List names:

or

☐ Other *(specify)*:

F. Life Insurance Coverage for Children

☐ The party paying support must carry life insurance for the benefit of the parties' children throughout the period of the support obligation if he or she is insurable. The coverage must be at least . The party paying support must provide to the party receiving support a true copy of the policy. The party paying

support must also provide to the party receiving support written notice of any action that will reduce the benefits or change the designation of the beneficiaries under the policy.

or

☐ Neither party is ordered to carry life insurance for the benefit of the parties' children

G. Additional Provisions

NOTICE ABOUT PERIODIC REVIEWS

If you are receiving child support services through the Department of Justice, either parent may request that the Department of Justice/Division of Child Support review the amount of support ordered after 3 years from the date the order took effect or at any time upon a substantial change of circumstances.

SPOUSAL/PARTNER SUPPORT

3. Spousal or Partner Support and Life Insurance

☐ There is an existing Limited Judgment for temporary spousal/partner support. Temporary support under the limited judgment ends as of the date of entry of the General Judgment, but any arrears accrued under the Limited Judgment remain enforceable under the Limited Judgment.

A. Support

☐ No spousal/partner support or life insurance for the benefit of either party is ordered in this case ***or***

☐ Spousal support must be paid by ☐ Petitioner to Respondent *(or)* ☐ Respondent to Petitioner

Type of support and amount ordered *(check all that apply)*:	Monthly Or Total	Based on the following factors *(explain)*:
☐ transitional $ _____ Ends:	☐ /mo ☐ total	
☐ compensatory $ _____ Ends:	☐ /mo ☐ total	
☐ maintenance $ _____ Ends:	☐ /mo ☐ total	

B. Payments

Payments must be made:

☐ **on** the ☐ first *or* ☐ _____ day of each month

beginning ☐ the month following entry of this judgment *or* ☐ the date of service of this *Petition*

or

☐ in a lump sum in the amount of $_____ by _____*(date)*

Payments will end upon the sooner of the death of either party or:

All payments of spousal/partner support must be made:

☐ To the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309. Petitioner requests that collection, accounting, disbursement, and enforcement services be provided through the Department of Justice.

or

☐ Directly into _____'s bank account. The paying spouse/partner should keep a receipt of deposit as proof of payment. The person receiving support must provide the person paying support with current deposit slips or bank name, account name, and account number.

C. Withholding

☐ If enforcement services are provided through the State of Oregon's Department of Justice, the support order is enforceable by income withholding under ORS 25.311

D. Life Insurance

☐ The party paying support must carry life insurance for the benefit of the other party throughout the period of the support obligation if he or she is insurable. The coverage must be at least . The party paying support must provide to the party receiving support a true copy of the policy. The party paying support must also provide to the party receiving support written notice of any action that will reduce the benefits or change the designation of the beneficiaries under the policy.

or

☐ Neither party is ordered to carry life insurance for the benefit of the other party

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PROPERTY AND DEBTS

4. Real Property

☐ Neither party has any interest in any real property in Oregon or any other place

☐ Both parties have *or* {☐ Petitioner ☐ Respondent has} an interest in real property at: *(address)*:

☐ This property is awarded as follows:

☐ Additional page attached

☐ The legal description of the property is attached as Exhibit _____ and incorporated into this Judgment

☐ Petitioner ☐ Respondent is responsible for preparing, signing, and recording a deed transferring the real property as required by this judgment

Other:

5. Personal Property

The Petitioner and Respondent have divided between them all personal property that they own separately or together, and each is awarded those items now in their possession

except that:

☐ The Petitioner is awarded the following personal property:

☐ The Petitioner is awarded all retirement benefits, pension plans, profit-sharing plans, deferred compensation plans, and stock options held by Petitioner's current and past employers, free of any interest by the Respondent

☐ The Respondent is awarded the following personal property:

☐ The Respondent is awarded all retirement benefits, pension plans, profit-sharing plans, deferred compensation plans, and stock options held by Respondent's current and past employers, free of any interest by the Petitioner

6. <u>Distribution of Debts</u> The debts will be paid as follows:

Name of creditor (who money is owed to)	What the debt is for	Amount	Who pays (Petitioner or Respondent)

☐ Additional page attached

Unless otherwise specified above, each party is responsible for the payment of all debts incurred by him or her individually since the date of separation, all debts distributed to him or her by the court, and all debts which are secured by property distributed to that party. If any creditor asks the party not responsible for a debt to pay any portion of it, and he or she does so, the party responsible for that debt must reimburse the paying party for any amount paid to the creditor after the date this judgment is entered.

Debts are divided between the parties as of *(date)*:_____

Transfer of Property and Debts

Within thirty (30) days of the date of this judgment, each party must execute, acknowledge, and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. This judgment operates to convey title to the party awarded the property if the other party fails to comply with this requirement.

7. <u>Former Name</u>

☐ Petitioner's former name of _____ is restored *(First, Middle, Last)*

8. <u>Additional Provisions</u>

9. Court Costs and Fees, Whether Paid Or Deferred

☐ Each party is responsible for paying his or her own court costs and service fees
☐ Petitioner ☐ Respondent will reimburse the other party $_____for costs and fees
☐ Judgment is awarded to the State of Oregon for deferred costs or fees of $_____
☐ Other: _____

10. Information Required by ORS 25.020 and 107.085

As required by UTCR 2.130, a *Confidential Information Form* has been completed for each party and filed with the court. The CIF contains all information required by ORS 25.020 and 107.085 that is identified as confidential by UTCR 2.130.

Both parties must inform the Court and the Department of Justice (P.O. Box 14506, Salem, Oregon 97309) in writing of any change in the information within ten (10) days of such change. The Department of Justice or the District Attorney may not disclose the information in the CIF to the other party.

MONEY AWARD Support Obligation ☐ included

	PETITIONER	RESPONDENT
Full Name		
Contact Address		
Year of Birth		
Social Security # (last 4 digits)		
Driver License # (last 4 digits) and State		
Lawyer Name, Address, Phone #		

NOTE: a party RECEIVING a money award is the JUDGMENT CREDITOR; a party PAYING a money award is the JUDGMENT DEBTOR

- *If an adult child is awarded support to be paid directly to the child **AND** there is no support awarded for minor children of the parties, or if the judge tells you that the adult child is a Judgment Creditor, fill out this box:*

☐ The adult child named *(full name and contact address)*_____
_____
is a judgment creditor on this judgment
Adult child's lawyer's name, address, phone #:_____
_____

The following information must be provided by any party entitled to receive a money award as listed in this Judgment	
	The following person or public body is known to be entitled to a portion of a payment made on the judgment (other than payee's lawyer):
Petitioner	☐ None *or* ☐ Name: _____ _____
Respondent	☐ None *or* ☐ Name: _____ _____
Adult Child Name: _____	☐ None *or* ☐ Name: _____ _____

Type of Judgment		**Amount**	**Beginning / Ending**
☐ Child Support	WHO PAYS ☐ Petitioner ☐ Respondent	$_____ per month for cash medical support ***and*** $_____ per month for child support	Beginning: ☐ the first *or* ☐ _____ day of the month following entry of this judgment *or* ☐ the date of service of the *Petition (date)*_____ *or* ☐ Other _____ and due on the same day of each month thereafter
	WHO RECEIVES ☐ Petitioner ☐ Respondent ☐ Adult Child		Ending when the last child turns ☐ 18 *or* ☐ 21 (if the child remains a Child Attending School)
☐ Spousal/ Partner Support	WHO RECEIVES ☐ Petitioner ☐ Respondent	$_____ per month	Beginning: ☐ the first *or* ☐ _____ day of the month following entry of this judgment *or* ☐ the date of service of the *Petition (date)*_____ *or* ☐ Other _____ and due on the same day of each month thereafter

Case No. _____

Type of Judgment		Amount	Beginning / Ending
			Ending the earlier of: *(date)* _____ or the death of either party
		or	
		A lump sum of $_____	Paid by *(date)*: _____
☐ Property Division	WHO RECEIVES ☐ Petitioner ☐ Respondent	$_____ per month until a total of $_____ is paid	Beginning the *(day)* _____ of the month following entry of judgment
		or	
		A lump sum of $_____	Paid by *(date)*: _____

☐ Prejudgment Interest	WHO RECEIVES ☐ Petitioner ☐ Respondent	$_____	
☐ Postjudgment Interest	WHO RECEIVES ☐ Petitioner ☐ Respondent	9% per year simple interest on the unpaid balance of the total judgment amount of $_____	Interest accrues from the date the judgment is entered and continues until the judgment is fully paid

☐ Court Costs and Service Fees already paid	WHO PAYS ☐ Petitioner ☐ Respondent	Checked party reimburses the other party's costs and fees of: $_____ Directly to the awarded party
☐ Deferred Court Costs and Service Fees	WHO PAYS ☐ Petitioner ☐ Respondent	Checked party must pay deferred costs and fees of: $_____ To the State of Oregon through this court

Judge Signature:

_____ _____

Case No. _____

Certificate of Readiness

This proposed judgment is ready for judicial signature because *(check all that apply)*:

☐ Service is not required under UTCR 5.100 because the other party has been found in **default** or an order of default is being requested with this proposed judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.

☐ Each party affected by this judgment has **stipulated** to or approved the judgment, as shown by the signatures on the judgment.

☐ I have **served** a copy of this judgment and written notice of the 7-day objection period set out in UTCR 5.100 on all parties entitled to service *(complete service information below)*. ***And:***

☐ No objection has been served on me within that time frame.

☐ I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.

☐ After conferring about objections, the other party agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100

I certify that on *(date)*: _____ I placed a true and complete copy of this proposed *Judgment* in the United States mail to *(name)* _____ at *(address)* _____

_____

Submitted by: ☐ Petitioner ☐ Respondent

_____ _____

Signature Print Name

Certificate of Document Preparation. Check all that apply:

☐ I chose this form for myself and completed it without paid help

☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone

☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form

I understand that I am subject to penalty for perjury for giving false information to the court. All factual information in this Judgment is true to the best of my knowledge and belief. I agree to the terms of this Judgment. I understand that this Judgment is enforceable by the court.

_____ _____

Petitioner, Signature Date

_____

Petitioner, Name (printed)

☐ Respondent stipulates (agrees) to the terms of this judgment

Respondent, Signature | Date

Respondent, Name (printed)

☐Child 18, 19, or 20 years of age, stipulates to the terms of this judgment

Child, Signature | Date

Child, Name (printed)

Optional: **APPLICATION FOR FULL CHILD SUPPORT PROGRAM SERVICES**

By signing below, I apply for child support services, including enforcement, from the Child Support Program (CSP).

Check here: ☐ if you are requesting only accounting and disbursement services and not enforcement services.

Note: If you never received TANF, tribal TANF or AFDC in any state, an annual $25 fee will apply if over $500 is collected and distributed to the family each year.)

☐Petitioner, Signature | Date

☐Respondent, Signature | Date

☐Adult Child, Signature | Date

Case No. _____