

## Correcting Clerical Error in Judgment and Amending Judgment or Money Award

### Instructions for Packet 12

**About the forms in Packet #12:** This set of forms and instructions will allow you to ask the court to correct a clerical error in either the body of your judgment or the “money judgment” or “money award” portion of your judgment, or to respond to a request made by the other party. The forms in Packet #12 may be used in dissolution, separation, modification, custody, parenting time, and/or child support proceedings. Instructions on how to respond to a motion or order to show cause to correct a clerical error are also included in the section entitled “IF YOU ARE THE RESPONDING PARTY.”

These forms should *only* be used where the terms of the court’s orders in the body of the judgment are *different from* those indicated in the “money judgment/money award” portion of the judgment. The forms allow you to ask the court to change either the body of the judgment, or the “money judgment” or “money award” portions of the judgment, so each accurately reflects the correct judgment of the court. ***The forms cannot be used to introduce new evidence or request something other than what the court ordered.*** The forms may also be used if you are notified by the Division of Child Support that the child/ren or spousal support provisions in the “money judgment” or “money award” sections do not match the provisions for child/ren or spousal support in the body of the judgment.

### **IF YOU ARE THE REQUESTING PARTY:**

#### **STEP 1 - FILLING OUT THE FORMS**

- Fill out the forms called “ Ex Parte Motion  For Order to Show Cause To Correct Clerical Error in Judgment (MOTION).

**NOTE: You will have to contact your local court to determine which checkbox you need to check, whether  Ex Parte Motion or  For Order to Show Cause.** courts differ on which procedure should be used for this type of a proceeding. Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.courts.oregon.gov>.

- If your local court does require an Order to Show Cause, mark **BOTH** check boxes for  *Ex Parte Motion* and  *For Order to Show Cause* on the MOTION form, **AND** fill out the form called “Order to Show Cause Regarding Correction of Clerical Error in Judgment and/or To Amend Money Judgment (ORDER TO SHOW CAUSE).
- If your local court does NOT require an Order to Show Cause, mark the checkbox for “*Ex Parte Motion*” **ONLY**. You will **NOT** need to fill out the ORDER TO SHOW CAUSE form.
- Fill out the form called “CORRECTED SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY AWARD (ORCP 71A)” (CORRECTED JUDGMENT) but leave blank the signature lines for the judge to sign.
- Make two copies of each of the forms. One is for your records and the other is to send to the other party (unless the other party has defaulted). Sign the copies for the other party where it says “I certify this is a true copy.”

## STEP 2 – FILING, MAILING OR SERVING THE FORMS

Your request should be filed in the circuit court that entered the judgment you are asking the court to correct.

- **If your local court requires the Order to Show Cause proceeding:** File the original MOTION, ORDER TO SHOW CAUSE, and CORRECTED JUDGMENT with the court. Once the court has signed the ORDER TO SHOW CAUSE, you are required to serve the other party or his/her attorney (have papers deliver to) with certified copies of the MOTION, ORDER TO SHOW CAUSE, and the CORRECTED JUDGMENT(unless the other party has defaulted).

If the other party or his/her attorney is willing to accept service, s/he must fill out the Acceptance of Service form, sign it in front of a notary or court clerk, then file it with the court. It is not necessary that the other parent agree with what is in the papers, just that s/he is willing to acknowledge receipt of them.

If the other party will not complete the Acceptance of Service form, **YOU CANNOT SERVE THE PAPERS YOURSELF.** You may have service completed by the Sheriff in the county where the other parent lives, by a private process server, or by another individual who is a competent person 18 years or older, an Oregon resident (or of the state where service is made) and not a party nor an attorney for a party. Caution should be used before asking a friend or relative to serve the papers if the other parent might react angrily or violently. An Affidavit of Service must be filed with the court after service has been made.

- **If your local court does NOT require the Order to Show Cause proceeding:** Send the copies of the MOTION and CORRECTED JUDGMENT to the other party, or his/her attorney, by mail (unless the other party has defaulted). Fill out the CERTIFICATE OF MAILING form. Then file the original MOTION, CORRECTED JUDGMENT and CERTIFICATE OF MAILING with the court.

## STEP 3 - THE COURT’S RULING ON THE MOTION

- Check back when the local court clerk indicates you should (this may be several days or weeks) to see if your request was granted and if the CORRECTED JUDGMENT has been signed by a judge, or if it was denied.

- If the request was granted, the body of the judgment, and/or “money award” section of your judgment, will be as set forth in the CORRECTED JUDGMENT. **If child/ren or spousal support was ordered, provide a copy of the signed CORRECTED JUDGMENT to the Division of Child Support.**

- If the request was denied, the judgment will remain as it was originally entered.

## **IF YOU ARE THE RESPONDING PARTY:**

### STEP 1 - FILLING OUT THE FORMS

- Fill out the form called “Response to  Ex Parte Motion  For Order to Show Cause To Correct Clerical Error in Judgment” (RESPONSE).

- If you AGREE with the requested relief, complete Paragraph 1 but do not mark the check box before or fill in the blank lines after “ except as follows:\_\_\_\_\_.” Do NOT complete Paragraph 2.

- If you DO NOT AGREE with the requested relief, complete Paragraph 1 and mark the check box before and fill in the blank lines after “ except as follows:\_\_\_\_\_.” Also, complete Paragraph 2 and fill out the form called “CORRECTED SUPPLEMENTAL JUDGMENT CORRECTING JUDGMENT OR MONEY AWARD (ORCP 71A)” (CORRECTED JUDGMENT) with the relief you would agree to, but leave blank the signature lines for the judge to sign.

- Make two copies of your forms. One is for your records and the other is to send to the other party. Sign the copies for the other party where it says “I certify this is a true copy.”

## **STEP 2 - MAILING AND FILING THE FORMS**

File your response with the circuit court. Mail copies of your documents to the other party, or his/her attorney, by mail. Fill out the CERTIFICATE OF MAILING form and file it with the court.

## **STEP 3 - THE COURT'S RULING ON THE MOTION**

- Check back when the local court clerk indicates you should (this may be several days or weeks) to see what relief the court has ordered. The court may schedule a hearing for the parties to appear at.
- If the court orders relief, the body of the judgment, and/or “money award” section of your judgment, will be as set forth in the CORRECTED JUDGMENT granted by the court. **If child/ren or spousal support was ordered, provide a copy of the signed CORRECTED JUDGMENT to the Division of Child Support.**
- If the court does NOT order relief, the judgment will remain as it was originally entered.