

FILING FOR DISSOLUTION (DIVORCE) CO-PETITIONERS WITHOUT CHILDREN

TABLE OF FORMS

___	Petition for Dissolution of Marriage/RDP
___	Record of Dissolution of Marriage, Annulment or Registered Domestic Partnership
___	Confidential Information Form (CIF)
___	Notice of CIF Filing
___	Notice of Statutory Restraining Order Preventing Dissipation of Assets
___	Declaration in Support of Judgment
___	General Judgment of Dissolution of Marriage/RDP

What these forms do

This set of forms will help you to get a divorce (legally called a “dissolution of marriage”) if you both agree on all the terms and conditions of your divorce and do not have children under 21. If you have any children under 21, use the *Dissolution with Children* forms.

TALK TO A LAWYER BEFORE USING THESE FORMS IF:

- You are part of a **same-sex couple** AND:
 - You are married, have a civil union, or registered in another state
 - You are married, have a civil union, or registered in another state in addition to Oregon
 - You registered as domestic partners in Oregon ***before February 4, 2008***
 - You are unsure if your partnership is a Registered Domestic Partnership (RDP)
 - If you want partner support and either party lives in (or may move to) another state.
- You want to *divide* the **retirement benefits** of either party
- Either party is a debtor in a current **bankruptcy** case

Important Contact Information

Washington County Circuit Court—courts.oregon.gov/washington

Oregon Judicial Department—courts.oregon.gov

Oregon State Bar Lawyer Referral Service—oregonstatebar.org

Phone: 503.684.3763 or toll-free in Oregon at 800.452.7636

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

Notice about these instructions and forms

These instructions are not a complete statement of the law. They cover basic procedures for simple dissolution. If you have complicated issues or questions about the law, talk to a lawyer.

Information about Dissolution

Petition and Judgment—A dissolution case starts with a “petition,” which tells the court what you want. The case ends with a “judgment,” which is the court’s final decision. The judgment is the document that finalizes your case and contains your rights and responsibilities. Your dissolution is

effective once the judge signs the judgment. (See “*The Judgment*” section for more details about the terms of your judgment)

- **NOTE:** the general judgment in this case will create rights and responsibilities that may be permanent. Spousal support orders often can be modified later, but property orders usually can’t. Talk to a lawyer if you have questions about these issues.

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.**

WHO IS A “CHILD”?

- “Child” means any child who was born, conceived, or adopted during this marriage or Registered Domestic Partnership (RDP). It also includes any children of both co-petitioners who were born prior to the marriage or RDP.
- Children who have been emancipated are not “children” for purposes of these forms. A child is considered emancipated (independent) if the child:
 - Has been declared emancipated by a court order or
 - Is legally and validly married

STEP 1: STARTING YOUR CASE

Keep In Mind:

- Talk to a lawyer if either party is already in bankruptcy. The court may not be able to proceed with your dissolution until the bankruptcy is resolved.
- **Registered Domestic Partners (RDP)** should see a lawyer if partner support is requested and either party might move out of state. If the new state does not recognize RDPs, you may have trouble collecting partner support.
 - ✓ Note: Only same-sex couples can have Registered Domestic Partnerships
- You may be entitled to part of the other party’s retirement benefits. See the “Property and Debts” section for important information. You may lose this right if you do not include it in your Petition.

Legal Questions

➤ **Where to File**

- Marriage—you must file in a county where either party lives at the time you file. One spouse must have lived in Oregon for at least six months before the Petition is filed.
- RDP—you must file in a county where either you or your partner lives. If neither of you lives in Oregon but your RDP was registered here, you may file in the county where either of you last lived.

➤ **Statutory Restraining Order**

By filing your Petition, you agree to follow the terms of an automatic restraining order. The order is effective on both parties when you file the Petition. If you don’t follow the order, you can be held in contempt of court and subject to penalties.

- The statutory restraining order prevents *both parties* from:
 - Dissipating (transferring, selling, destroying, removing, disposing of) real or personal property.

- Making changes to insurance policies without the agreement of the other party or the court.
- 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.

➤ **Name Change**

If you changed your last name when you got married or registered as domestic partners and want to change it back to a former legal name, you can request that on your Petition. **NOTE:** You *cannot* use this form to change your name to a name you have never used before.

- **RDPs:** If you changed your name through a separate name-change judgment and want to change it back, you should also file for another judgment to do that. Do not rely on the dissolution judgment to be effective for all purposes, especially federal records like Social Security, Medicare, and immigration. Talk to a lawyer if you have concerns.

Filling Out The Forms

- Use full names (first, middle or middle initial, last) and print names the same way on all forms—*first, middle, last*.
- **Do not put Social Security numbers or dates of birth on your documents.** Social Security numbers and dates of birth must be given to the court but kept confidential from the public and the other party. Use the “Confidential Information Form” (CIF) to protect your identifying information.
 - Fill out one CIF for each party.
 - The Notice of Filing of Confidential Information Form is a public document listing the information that has been provided on the CIF.

Spousal/Partner Support

There are three different categories of spousal or partner support in Oregon:

- **Transitional** support is to help you get work-related education and training.
- **Compensatory** support may be ordered if you significantly contributed to the education, training, job skills, career, or earning capacity of your spouse or partner.
- **Maintenance** may be ordered for your general support.

Either party may request and be awarded support. More than one type of support may be awarded. Any award may be ongoing or for a particular period of time (such as three years, while in school, up to a certain amount, etc.).

- **NOTE:** Support is also available to **Registered Domestic Partners**. If either partner might leave the state or declare bankruptcy, you should see a lawyer.

Spousal and partner support are taxable income to the recipient. Support is deductible to the person making payments (payor). RDPs should see a tax professional about support.

Life Insurance

The court can order a party to carry life insurance if that party is ordered to pay spousal/partner support. Life insurance in connection with a support obligation is for the benefit of the person receiving support.

PROPERTY AND DEBTS

You need to tell the court how you want to divide your property and debts. You should be as specific as possible and include everything you and the other party own or owe. If any property or debts are not included in your judgment, you cannot return to court to make changes later except in very limited circumstances.

You may be entitled to part of the other party's retirement benefits (including pensions). If you do not address retirement benefits in your judgment, you will lose the right to claim your share except in very limited circumstances. These forms will not *divide* a party's retirement benefits. Talk to a lawyer first if you want to claim a portion of the other party's retirement benefits.

Have your documents reviewed

You may want to have your documents reviewed before you file. For information about how to find a lawyer, call the Oregon State Bar at the numbers on page 2. If you are low-income, you might be able to get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program. The local Legal Aid office might review documents for free if you qualify. You may make an appointment to have the courthouse facilitator review your documents for completeness. Facilitators are not lawyers and cannot give legal advice.

Make copies

Make one copy of **all** of the completed forms if you want one for your records.

STEP 2: FILING

File your forms

File all of the ***original*** forms. The clerk will give you a **case number** when you file. Put the case number on all the originals.

You have to pay the filing fees when you file your papers. Go to courts.oregon.gov/Washington for the current filing fee schedule.

STEP 3: RESOLVING YOUR CASE

THE JUDGMENT

The judgment finalizes your dissolution and contains all of the issues in your agreement.

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.