

Parenting Plan Enforcement Instructions for Packet No. 5A

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

STEP 1

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

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

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

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

Make two copies of the AFFIDAVIT. Keep one copy for your records. On the second copy of the AFFIDAVIT sign your name where it says, "I certify that this is a true copy."

STEP 2

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

STEP 3

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

STEP 4

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

Information about the Confidential Information Form (CIF)

What is a CIF?

Most court files may be viewed by the public. Uniform Trial Court Rule (UTCRC) 2.130 requires certain confidential personal information to be protected from public disclosure. That is done by providing the information in a separate form. After you file your papers, the court keeps the form separate from the part of the court file that may be viewed by the public. The form is UTCRC Form 2.130.1, known as the Confidential Information Form, or CIF.

What information does a CIF make confidential?

The information protected by the CIF is social security numbers, birth dates, driver license numbers, and former legal names. Also protected are the name, address, and telephone number of a party's employer.

The CIF should only be used to protect the information described above. There may be other information in your court papers that you do not want the public to be able to see, such as bank account or credit card numbers. The separate process for protecting that information is described in UTCRC 2.100, which can be read at:

<http://courts.oregon.gov/OJD/programs/utcr/utcrrules.page?>

How do I know when I need to put information in the CIF?

When a document filed with the court requires you to include information protected by a CIF, that information must **only** be provided to the court in a CIF and must not be listed in any other document to be filed. Where you would otherwise provide the information in the document to be filed you must make a note that the information has been provided in the CIF. For example, if a document requires a party's full social security number to be listed, you must not list the social security number, but must instead make a note on the document that the information has been filed under UTCRC 2.130. **The online court forms already have that note on the forms.**

Do I need to file more than one CIF?

In most cases, yes. You must fill out a CIF for yourself, and if the documents you are filing with the court require confidential personal information about the other party, you must also fill out a separate CIF with the other party's information. If your case involves children, you should include their information in *your* CIF. You do not need a separate CIF for your children.

If there is CIF information you do not know when you file your papers, or if the information changes during your case, you must file an amended CIF that provides the new or updated information.

The CIF rule requires you to redact—black out or erase—confidential personal information from any attachments to documents you file with the court and to make a note on the attachment that the information has been provided in the CIF. The only exception is when you are required to attach a court-certified document. Documents that are required to be court certified should not be altered in any way.

Does the other party get copies of a CIF I file?

You are not required to serve the CIFs on the other party, though you may share a CIF with the other party if you chose to do so. You *are* required to serve the other party with UTCRC Form 2.130.2, which is a notice that a CIF has been filed. You must also file a certificate with the court showing that you served the other party with the notice that a CIF was filed.

There are steps the other party and other people can go through to ask the court to allow them access to a CIF that you have filed. UTCRC 2.130 explains that process in detail, and also describes the circumstances under which the court must deny a request by someone else to view a CIF you have filed.

The CIF rule (UTCRC 2.130) can be read at:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?>

and you can find additional information about the rule at:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?>