

Filing For Dissolution (Divorce), Co-Petitioners Cases without Children Instructions for Packet 9B

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for uncomplicated divorce cases. For legal information, please talk to a lawyer, visit your local law library and/or refer to the “Additional Resources” section on the last page of these instructions.

The instructions may refer to some forms not included in this packet. If you have a question about a form you cannot locate, you should consult your local court which may have the form available.

This set of forms and instructions will allow you to file for and obtain a divorce where both parties are in agreement on all issues.

When filling out the forms, follow these directions:

- You and your spouse/domestic partner are the named “Co-Petitioner” on all court forms. Use full names (first, middle and last) and print the names the same on all forms.
- The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals.
- **Do not use any kind of correction fluid or tape on documents to be filed with the court. If you make an error, cross it out and initial it.**
- Some forms have to be notarized or signed in the presence of a court clerk. You will need your picture ID for this.
- Keep the court informed of your current address so you get notice of all court dates. **You are not required to use your residential address on any court form.** You may use a contact address where you regularly check in. If you use a contact address, the court will assume you will receive all notices sent to that address.

Legal Issues to Consider.

A divorce case starts with a “petition” that lists the items you are asking the court to order in the general judgment. The general judgment is the document that finalizes your divorce, and contains your rights and responsibilities. Oregon law provides that a number of issues must be addressed in the judgment. Before you fill out the petition, you should think about how you want to handle these issues.

Unmarried and Unemancipated Children at Least 18 and Under 21 years of Age. Unmarried and unemancipated children who are at least 18 years old and less than 21 years old are necessary parties to all family law cases involving support. If you have any children in this category who **ARE** attending school and do not agree to waive child support, do not use these forms. You will need to use the forms for parties with children. Otherwise, enter the child’s name in the heading on the third line of the petition and the general judgment as well as under the Co-Petitioners’ names on the general judgment. The adult child’s signature must be notarized on the general judgment or the child may sign a waiver of further appearance.

Spousal Support. Oregon law provides for three different categories of spousal support: transitional, compensatory and spousal maintenance. Transitional support may be ordered for a spouse/domestic partner to get work-related education and training. Compensatory spousal support may be ordered if one party has significantly contributed to the education, training, vocational skills, career or earning capacity of the other spouse/domestic partner. Spousal maintenance may be ordered for the support of one spouse/domestic partner. The judge will consider a number of factors when making the award, and may order more than one type of support. For more information on what the judge will consider, please refer to ORS 107.105 (to view visit the local law library or www.leg.state.or.us/ors).

Property and Debts–Statutory Restraining Order. Oregon law requires both parties to obey a restraining order preventing *either party* from dissipating (selling, destroying, removing, disposing of) real or personal property, making unilateral (without the agreement of the other party) changes to insurance policies, and

making extraordinary expenditures. Expenditures that are necessary for the safety or welfare of the parties are not prohibited. **By filing your co-petition, you both agree to be bound by the terms of this order.** The order is effective immediately upon filing. If either Co-Petitioner violates the order, s/he may be subject to sanctions. The “*Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions*” is included in this packet.

For information about these issues, talk to a lawyer and/or go to the Oregon State Bar’s web site (www.osbar.org), and select “Public Info.” If either spouse/domestic partner has a retirement plan, you should talk to an attorney before filling out the petition. The attorney can advise you if this packet will work for your situation. If either spouse/domestic partner owns real estate located in Oregon, a “lis pendens” notice (notice of pending suit) may be filed with the county clerk as provided in ORS 93.740 (to view visit your local law library or www.leg.state.or.us/ors).

Forms to File as Co-Petitioners.

To get the divorce, fill out the following forms and file them with the court clerk:

- *Acknowledgment about Dissolution*
- *Co-Petition for Dissolution of Marriage*
- *Record of Dissolution of Marriage (Vital Statistics form)*
- *UTCR 2.130 Confidential Information Form (one REQUIRED for EACH party)*
- *UTCR 2.130 Notice of Filing CIF*
- *Notice of Statutory Restraining Order Preventing Dissipation of Assets*
- *Affidavit Supporting Judgment of Dissolution*
- *Stipulated General Judgment of Dissolution*

Oregon law requires that social security numbers be provided to the court, but kept confidential from the public in all family law cases. Additionally, UTCR 2.130 considers the following personal information as confidential: date of birth; social security number; if required by law, employer’s name, address and telephone number; and driver license number of a party or the child of a party, as well as former married names. **Do not include any of this personal information in your pleadings.** Instead, include this information in the **required** UTCR 2.130 Confidential Information Form (CIF). You must submit one form for each party. The court has no responsibility or liability to make sure you have omitted this information from your documents—it is your responsibility.

Have your documents reviewed.

You may have your documents reviewed by a lawyer or by a courthouse facilitator (at a scheduled workshop) before you file. For information about how to find a lawyer, you may call the Oregon State Bar Lawyer Referral Service. If you are low income, you may be able to get your documents reviewed for a smaller fee through the Oregon State Bar’s Modest Means program, or you may call the Legal Aid office. Contact numbers and websites are listed in the additional resources section at the end of these instructions.

If you want your documents reviewed by a courthouse facilitator, you may register for a workshop in person in room 102C of the courthouse or by emailing wsh.familylaw@ojd.state.or.us and including “workshop” in the subject line.

File the forms.

File all of the original forms listed above with the court clerk. The court clerk will ask you for a filing fee when you file your papers. Check with the court to learn the amount of the filing fee. The clerk will give you several handouts when you file your papers. The handouts include notices regarding continuation of health coverage and copies of ORS 107.089 (documents parties may have to give each other). The clerk will give you two copies of each handout: one for each of you. You aren’t required to request the documents listed in the ORS 107.089 notice, however, if you do request the documents from the other party, you also are required to provide the same documents.

Once you submit your documents, the General Judgment is forwarded to the judge for signature. The form looks very similar to the Petition you filed to start your case. The Petition is where you tell the judge what you want, and the Judgment is where the judge grants your request. You must completely fill out the document before

submitting it for the judge's signature. Once the judge has signed the General Judgment, the clerk will mail both parties a notice stating the Judgment has been entered. Your divorce is final on the date the General Judgment of Dissolution is signed by the judge. Once you receive the notice, you may contact the records department to arrange to get a copy for your records: <http://courts.oregon.gov/Washington/Services/Records/pages/records.aspx>.

WASHINGTON COUNTY FAMILY LAW RESOURCES

BELOW IS A LIST OF SOME SERVICES THAT ARE AVAILABLE IN WASHINGTON COUNTY. THE CIRCUIT COURT DOES NOT SPECIFICALLY ENDORSE ANY OF THEM.

Circuit Court

Name: Washington County Circuit Court
Address: 150 N First Avenue
Hillsboro, OR 97124
Phone number: (503) 846-8888
Website: <http://courts.oregon.gov/Washington>
Fees: http://courts.oregon.gov/Washington/Rules_Fees/Court_Fees/Pages/fees.aspx

Name: Family Law Assistance Program, 8 am to 5 pm, Monday-Friday
Address: 145 NE Second Avenue, Room 102C
Hillsboro, OR 97124
Phone: Not available by phone.
Website: http://courts.oregon.gov/Washington/Services/Family_Law/pages/family_law_main.aspx
Email: wsh.familylaw@ojd.state.or.us
Fee: Services are free; forms are 25 cents per page
Service provided: Sell and review forms for divorce, separation, and modification. Many forms available on website or by email. Document reviews for starting or finishing divorce or custody cases and modifications only by registering for a workshop by email or in person.
Services are for people representing themselves in a family law court action. Court employees (facilitators) in the program are not attorneys and may not give legal advice. Spanish-speaking staff available.

Mediation Services (privately obtained)

Name: Oregon Mediation Association
Phone number: (503) 8872-9775
Website: www.omediate.org
Service provided: Referral to private mediation services providers

NON-PROFIT LEGAL SERVICES

Name: Oregon Law Center (Legal Aid)—Hillsboro Regional Office
Address: 230 NE Second, Suite F
Hillsboro, OR 97124-3011
Phone number: (503) 640-4115
Fax: (503) 640-9634
Website: <http://www.oregonlawhelp.org>
Fee: Free
Service provided: Legal services to low income individuals; Spanish speaking staff available.

Name: **St. Andrew Legal Clinic**—Hillsboro Office
Address: 232 NE Lincoln, Suite H
Hillsboro, OR 97124
Phone number: (503) 648-1600
Website: <http://www.salcgroup.org>
Fee: Sliding fee scale
Service provided: Legal services for divorce, family abuse prevention, guardianship, and spousal support.

SERVICES PROVIDED BY THE OREGON STATE BAR

Lawyer Referral Service 8 am to 5 pm, Monday-Friday
Phone number: (503) 684-3763 or toll-free in Oregon: (800) 452-7636
Website: <http://www.osbar.org/public/ris/ris.html#referral>
Fee: \$35 initial consultation; further representation as arranged with attorney
Service provided: Referral to an attorney for an in-office consultation about your legal issues.

Modest Means Program 8 am to 5 pm, Monday-Friday
Phone number: (503) 684-3763 or toll-free in Oregon: (800) 452-7636
Website: <http://www.osbar.org/public/ris/ris.html#referral>
Fee: \$35 initial consultation; further representation as arranged with attorney
Service provided: Legal assistance at a reduced rate. Assistance is offered to qualified applicants based on income and assets, type of case and availability of a participating lawyer in Washington County.

Military Assistance Panel 8 am to 5 pm, Monday-Friday
Phone number: (503) 684-3763 or toll-free in Oregon: (800) 452-7636
Website: http://www.osbar.org/_docs/ris/militaryflier.pdf
Fee: Free 30-minute consultation; further representation as arranged with attorney.
Service provided: The Military Assistance Panel matches Oregon active-duty **deployed** service members and their dependents with lawyers willing to provide legal advice. Lawyers have been trained to provide legal assistance relating to the Service Members Civil Relief Act and also are able to help with a wide range of legal matters.

Problem Solvers 8 am to 5 pm, Monday-Friday
Phone number: (503) 684-3763 or toll-free in Oregon: (800) 452-7636
Website: <http://www.osbar.org/public/ris/ris.html#solvers>
Fee: Free 30 minute consultation.
Service provided: Young people between the ages of 11 and 17 may call to request a referral to this program for a consultation with an attorney.

Legal Topic Index: <http://www.oregonstatebar.org/public/legalinfo.html>
Fee: Free
Service provided: Legal information covering a variety of general legal topics.