

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

In the Matter of  the Marriage of: )  
 )  
\_\_\_\_\_, )  
  ) Petitioner, )  
      and )  
\_\_\_\_\_, )  
  ) Respondent, )  
 and \_\_\_\_\_, )  
Child who is at least 18 and under 21 years of age )  
and unmarried. (ORS 107.108) )  
  ) Respondent. )

Case No. \_\_\_\_\_  
 PETITIONER'S  RESPONDENT'S  
EX PARTE MOTION FOR ORDER TO  
SHOW CAUSE re TEMPORARY  
MODIFICATION OF JUDGMENT re  
 CUSTODY  
 PARENTING TIME  
 CHILD SUPPORT  
DUE TO MILITARY DEPLOYMENT

Motion

I am the  Petitioner  Respondent in this case. The parent who is or will be deployed for military duty is  myself  the other parent.

I am asking the court to issue an order requiring the other party to appear in Circuit Court in the \_\_\_\_\_ (courthouse) in \_\_\_\_\_, Oregon, to show why the relief I am requesting should not be granted during the deployment. This relief concerns the parties' child/ren:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ *(List name/s and ages of the children)*

*READ THIS BOX, THEN WRITE YOUR INITIALS HERE \_\_\_\_\_*

I understand that:

- When a parent's military deployment is imminent or ongoing, court orders changing prior judgment terms about the child/ren because of that deployment will only be TEMPORARY.
- Any terms of the prior judgment not temporarily modified due to the deployment will remain in effect.
- The **preexisting judgment terms about the child/ren will automatically go back into effect** 10 days after the nondeployed parent receives official notice from the deployed parent that the deployment has ended.
- The only situation in which the temporary orders about the child/ren can continue in effect is if a judge finds (before those 10 days pass) that the child/ren would be in immediate danger or face irreparable harm if the prior terms are reinstated.

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I am asking the court to temporarily modify the judgment(s) signed on \_\_\_\_\_(date(s)). The changes will reasonably accommodate the circumstances relating to deployment and are in the best interests of the child/ren.

The court should enter a supplemental judgment with the following terms:

1.  I want to change **CUSTODY** of the minor child/ren as follows:

A.  Petitioner  Respondent to be awarded sole custody of the child/ren (list names): \_\_\_\_\_

\_\_\_\_\_

B.  The parties have agreed to joint custody of the following child/ren (list names): \_\_\_\_\_

\_\_\_\_\_

C.  Other: \_\_\_\_\_

\_\_\_\_\_.

2.  I want to change the current court-ordered **PARENTING TIME** as follows:

Petitioner  Respondent should have: (fill in both sections):

A. Parenting time while deployed and not on leave: (consider contact that includes phone, regular mail, email, Skype, and other video and visual imaging) \_\_\_\_\_

\_\_\_\_\_

B. Parenting time while deployed but on leave

as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

as set forth in the attached Parenting Plan, labeled Exhibit \_\_\_\_\_.

3. I understand that the new order must require the nondeployed parent to provide the court and the deployed parent with written notice 30 days before a change of address or phone number during the period of deployment.

4.  I want to change the existing **CHILD SUPPORT OBLIGATION** due to the changed circumstances resulting from the military deployment. (or  I want the court to order child support due to the military deployment or \_\_\_\_\_ (reason) even though no child support award currently exists.)

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**MOTION FOR ORDER TO SHOW CAUSE re TEMPORARY MODIFICATION OF JUDGMENT  
DUE TO MILITARY DEPLOYMENT - PAGE 2 OF 7**

**A. Other Pending Child Support Cases.** *(Check one)*

- No other agency or court child support proceeding is currently pending.
- There is/are other child support proceeding(s) currently pending in either an agency or court case *(include any child support matter being heard as part of any other pending modification case)*. Information about these cases is set out in the CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDING and/or EXISTING CHILD SUPPORT ORDER attached to this petition.

**B. Other Child Support Orders.** *(Check one)*

- No other child support orders, from an agency or court, are now in effect in the State of Oregon or any other state.
- There is/are other child support orders from an agency or court. Information about these orders is set out in the CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDING and/or EXISTING CHILD SUPPORT ORDERS/JUDGMENTS attached to this petition.

**C. Currently Effective Child Support Order.** *(Check any that apply.)*

- The following child support order/s is/are now in effect: \_\_\_\_\_

\_\_\_\_\_  
*(List state, court/agency, case number, date of order)*

- This order should remain in place  and includes provisions for medical support for the child/ren, **or**
- This order is from an Oregon court or agency, one of the parents or the child/ren receiving support still resides in Oregon and the order should be changed because circumstances have changed  since the last order was entered  because of the deployment or  the following reason: \_\_\_\_\_.

**D. Cash Child Support.** *(Complete 1 or 2)*

- (1)  The cash child support order currently in effect in the amount of \$\_\_\_\_\_ should **terminate**. No cash child support should be ordered during  Petitioner's  Respondent's deployment because: \_\_\_\_\_

- (2)  The current cash support order paid by  Petitioner  Respondent in the amount of \$\_\_\_\_\_ should **change** temporarily as follows (or  no child support order currently exists but child support should be **added** temporarily as follows):

***complete (a) and (b):***

- (a)  Cash child support should be paid by  Petitioner to Respondent or  Respondent to Petitioner:

In the amount of \$\_\_\_\_\_ for \_\_\_\_\_ children. This is the amount presumed correct under the Oregon child support guidelines. **or**

In the amount of \$ \_\_\_\_\_ for \_\_\_\_\_ children. The amount of support presumed correct under the Oregon child support guidelines, \$ \_\_\_\_\_, would be unjust or inappropriate for the following reasons \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
*(The reasons must also be shown on the support worksheets you attach to this petition.)* **or**

In an amount to be determined under the Oregon child support guidelines before judgment.

(b) The judgment entered in this case should require  Petitioner  Respondent to pay cash child support beginning on:

The first (or \_\_\_\_\_) day of the month following the date of the judgment and continuing on the same day of each month thereafter. **or**

The date  Petitioner  Respondent was served with this motion or other date thereafter and continuing on the same day of each month thereafter.

#### **E. Medical Support.**

The medical support order, including any cash medical support currently in effect, is terminated. No medical support should be ordered during  Petitioner's  Respondent's deployment because: \_\_\_\_\_

The current medical support order, including cash medical support paid by  Petitioner  Respondent in the amount of \$ \_\_\_\_\_, should temporarily change as follows: **or**  
 No medical support order, including cash medical support, currently exists but medical support should be provided temporarily as follows:

***complete (1) or (2):***

(1) **Private Health Care Coverage is Appropriate and Available.**

Petitioner  Respondent  Both Petitioner and Respondent has/have appropriate private (or military) health care coverage available for the parties' child/ren through an employer, spouse, domestic partner, or other source.  Petitioner  Respondent  Both Petitioner and Respondent should be required to obtain and maintain this coverage throughout the period of the support obligation for the benefit of the parties' child/ren.

(2) **No Private Health Care Coverage is Appropriate or Available.**

Neither Petitioner nor Respondent has appropriate private/military health care coverage available for the parties' child/ren.  Petitioner  Respondent  Both

Petitioner and Respondent should be ordered to provide appropriate private health care coverage for the child/ren when such coverage becomes available to them at a reasonable cost through any source.

- The custodial parent should enroll the child/ren in public health care coverage.
- The child/ren are currently enrolled in public health care coverage.

***Complete (3) or (4):***

**(3) Cash Medical Support Should Be Ordered.**

Because the parent receiving cash child support is ordered to maintain private health care coverage and the parent paying cash child support is not, in addition to cash child support  Petitioner  Respondent should pay \$\_\_\_\_\_ for cash medical support to  Petitioner  Respondent, **or**

Neither parent has appropriate private health care coverage available for the parties' child/ren.  Petitioner should pay cash medical support in the monthly amount of \$\_\_\_\_\_ to Respondent.  Respondent should pay cash medical support in the monthly amount of \$\_\_\_\_\_ to Petitioner.

**(4) Cash Medical Support Should Not Be Ordered.**

- Cash medical support should not be ordered for the following reasons:
  - The parent paying cash child support is also providing health care coverage.
  - Petitioner's  Respondent's gross monthly income is at or below the Oregon minimum wage for full-time employment.
  - I am requesting that the parties share the cost of the child/ren's uninsured medical expenses (see paragraph G. below).
  - Other reason: \_\_\_\_\_

All payments of child support should be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309  **by electronic payment withdrawal (EPW) or electronic funds transfer (EFT).** In addition, support for a child attending school (between the ages of 18 and 21) as defined by Oregon law shall be distributed by the Department of Justice directly to the child subject to ORS 107.108.

***(Applies only if DOJ/DA support enforcement services are not being provided.)***

Petitioner requests an exception to the income withholding requirement of ORS 25.378 allowing payment to be made directly to  Petitioner's  Respondent's checking or savings account. A receipt of deposit should be kept by the parent paying support as proof of payment. The parent receiving support should provide the paying parent with current deposit slips and/or bank name, account name, and account number.

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**F. Responsibility for Uninsured Health Expenses.**

Petitioner should pay \_\_\_\_\_%  and Respondent should pay \_\_\_\_\_% of the reasonably incurred uninsured HEALTH, ACCIDENT, DENTAL, ORTHODONTIC, AND OPTICAL HEALTH costs incurred by the child/ren.  This obligation is in addition to any cash medical support ordered.

**G. Length of Child Support.**

Unless the child becomes self-supporting, emancipated, or married:

The support ordered in paragraphs D., E., and F. above for each child shall continue until the child reaches eighteen (18) years of age.

The support ordered in paragraphs D., E., and F. above for each child shall continue until the child reaches age 21 if the child qualifies for support as a child attending school as defined by Oregon law.

**5. Tax Dependencies.**  Petitioner  Respondent should be entitled to claim the following child/ren as dependent/s for tax purposes beginning the year this judgment is entered (*list names*): \_\_\_\_\_, **or**

Other (*specify*): \_\_\_\_\_

**6. Life Insurance Coverage for Child/ren.**

Petitioner  Respondent should obtain and maintain life insurance for the benefit of the parties' child/ren throughout the period of the support obligation. The coverage should be in the amount of \$\_\_\_\_\_.

**7. Court Costs and Fees.** Choose "a" or "b"

Judgment should be entered as indicated:

(a) **Deferred Costs and Fees.** Any court costs and service fees (if service is completed by the Sheriff) that are owed to the state (or sheriff) should be paid by:

Petitioner  Respondent.  Both parties equally  Other: \_\_\_\_\_

(b) **Costs and Fees Paid by the Parties.**

i. Each party should be responsible for paying his/her own court costs and service fees for this case.

ii.  Each party should pay an equal amount of the total fees and costs.

iii.  Petitioner  Respondent should reimburse the other party for his/her court costs and service fees for this case.

iv.  Other: \_\_\_\_\_

**8. Preservation of Existing Judgment Terms.** Any terms in the existing judgment(s), identified on page 2, not amended by this Supplemental Judgment should remain in effect.

**9. Notice of Termination of Deployment.** Upon termination of deployment, the deployed parent should serve on the nondeployed parent a copy of written orders or other official notification that the deployed parent is no longer deployed or in active military service. The deployed person should also provide a copy to the court and to the Division of Child Support.

**10. Reinstatement of Existing Judgment.** The Supplemental Judgment should terminate by operation of law 10 days after the date on which the deployed parent serves the nondeployed parent (and provides to the court and to the Division of Child Support) copies of written orders or other official notification that the deployed parent is no longer deployed or in active military service. Any provisions of the existing judgment modified by the Supplement Judgment in this case should be automatically reinstated.

**Points and Authorities**

ORS 107.145 allows the court to enter during a parent’s military deployment a temporary order modifying custody, parenting time, and support terms in a judgment of dissolution/separation/annulment.

ORS 109.103 extends the provisions of ORS 107.145 to custody and parenting time cases involving the children of unmarried parents.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**Certificate of Document Preparation.** *You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:*

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to \_\_\_\_\_ for assistance in preparing this form.

\_\_\_\_\_  
 Petitioner    Respondent, Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address or Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone or Contact Telephone