

NON-DISCLOSURE OF PERSONAL IDENTIFICATION INFORMATION

INSTRUCTIONS for requesting an ORDER PROHIBITING DISCLOSURE OF PERSONAL IDENTIFICATION INFORMATION

This form is for use only in court procedures involving child/ren, such as divorce, custody, parenting time, paternity, or child support proceedings. If you have child/ren and worry that disclosing personal identification information could expose you or your child/ren to harm, you may ask the court for permission to keep your personal identification information confidential. The forms provided in this confidentiality packet cannot be used alone. They must be used together with the other legal paperwork you are filing. If your child/ren are NOT involved in your court proceeding, then this packet does not apply to you. (You may qualify for protection under a different statute, see box below.)

NOTE: Certain protection is available to anyone: Whether you have child/ren or not, ORS 25.011 offers certain protection by allowing anyone to provide a **contact or mailing** address instead of your residential address any time you are asked for an address in a domestic relations case. The contact or mailing address you provide must be in the same state as your home. If your court case does not involve custody, parenting time, paternity, or child support, there is no protection for information other than your residential address. You should consult an attorney or a victims advocate in your area if you have concerns about keeping other identifying information confidential and your case does not involve child/ren. See the Resource Directory section at the back of this packet.

In General:

Many of the forms required in custody, parenting time, paternity, or child support matters require that you provide personal information such as your mailing address, residential address, contact address and telephone number, and other personal information. Unless a judge orders otherwise, this personal identification information is **not** kept confidential. In most cases, you will have to provide the other party with a copy of forms you submit to the court. Also, the paperwork you submit to the court is part of the public record and is available to the public. If you have child/ren and you believe that the disclosure to the public or to the other party of personal identifying information such as your residential address, mailing address, contact address, or other information could put you or your child/ren's health, liberty, or safety at risk, you may ask the court for an Order Prohibiting Disclosure of Personal Identifying Information. If the judge grants this order, you may withhold selected personal identifying information from any document served on the other party or made part of the public record. The information will remain confidential unless the court enters an order ordering disclosure after a hearing. ORS 109.767(5)

Note: *The order prohibiting disclosure may be used to protect you or your child/ren from the other party, or from a different person who may be totally unrelated to your case.*

Important!

Despite the fact that orders prohibiting disclosure can provide you with an important benefit and help you and your child/ren keep safe, there are also **risks** to obtaining these orders.

Service: In most court proceedings related to custody, parenting time, and child support, the law requires that the other parent have you personally served with court documents s/he may file with the court. Being personally served means that you are personally given a copy of the paperwork, and that you actually receive and see a copy of paperwork filed against you. However, if you chose to use these forms to keep your residential address, employer address, and/or other locate information confidential, you must waive personal service requirements while the case is being decided. The forms require you to select an address that the other side may use to serve you by certified mail with any paperwork s/he may file before the judge makes a decision in your case. **If you use this packet, you will get paperwork filed against you ONLY by mail. You will not be handed a copy of the paperwork.**

The forms require that you waive the personal service requirements only during the *pendency* of the proceedings. This means that until the judge makes a final decision in the case, the other party will be able to serve you *by certified mail to an address you select*. For example, if the other party requested temporary custody, child support, visitation, or other relief normally requiring personal service, you could be served with this paperwork by mail rather than in person. **After the judge has made a final decision, the other party would be required to personally serve you in any post judgment proceedings.**

Risk: The risk in filing these confidentiality papers and waiving personal service requirements is *that you may not receive any paperwork the other parent files against you between now and when the judge makes a final decision in the case.* If you do not see the paperwork filed against you, you could miss important deadlines and/or hearing dates, and a decision could be automatically made against you. You can reduce this risk by selecting an alternate contact address where you are sure that you will actually receive your mail. *You can also reduce the risk by making sure to check your mail frequently while the case is being decided.*

NOTE: If you chose to request the judge to prohibit disclosure of your personal identification information:

- You are required to select an alternative method of service for use between now and when the judge makes a final decision in the case.
- Selecting an alternative method of service will make it easier for the other side to serve you with paperwork between now and when the judge makes a final decision in your case.
- Selecting an alternative method of service does **not** release you from your obligation to serve the other party personally if you decide to file enforcement, contempt, or modification paperwork *in the future*.
- You may cancel or change the waiver of personal service at any time by filing a written request with the court.

YOUR RESPONSIBILITIES

Keep the Form Updated: If you select an address for service by certified mail during the pendency of the proceedings and then wish to change the selected address, you must file an updated form reflecting the new address and provide a copy of the updated form to the other parties in the case. Otherwise, you will be served at the old mailing address.

Check Your Mail: During the pendency of the proceedings, before the judge has made a final decision on the case, you must be sure to check your mail at the contact service address regularly to make sure that you receive notice of any papers served upon you.

Select a Safe Address: Be sure to select a trusted address for service of process. You must be sure that you can count on people at the address to reliably give you any mail you receive.

Consult an Attorney: If you have questions about confidentiality, contact addresses, or about waiving the personal service requirement in subsequent proceedings, you should consult an attorney. See the Resource Information section at the end of these instructions.

WARNING!!!

Contact Address for Post-Judgment Notification

The forms request you to provide a **contact address** for the court to use to notify you of any court proceedings after the judge has made a final decision in your case. This post judgment notification address **does not have to be the same address as your substitute service address**. The post judgment notification address is **not for the other parent to use** as a substituted service address **but rather for the court to use** if necessary to contact you.

INSTRUCTIONS

These Confidentiality forms must be used with the other legal paperwork you are filing, whether it is a Petition for Dissolution, a Petition for Unmarried Parent Custody, a Motion for Modification, a Response to any of those forms, or other domestic relations paperwork.

Step A

Before you use these Confidentiality forms, you must make sure to read over the other legal paperwork you plan on filing (Petition, Response, Motion for Modification, etc.). Determine what information requested could, if disclosed to the other party or to the public, put you and/or your child/ren at risk. Fill out the other paperwork (Petition, Response, etc.) completely as directed in those instructions, marking “**confidential**” in all the spaces which request information you believe to be dangerous if disclosed. Then proceed to Step B.

Step B.

Fill out the ‘**EX PARTE MOTION FOR ORDER PROHIBITING DISCLOSURE OF PERSONAL IDENTIFICATION INFORMATION.**’

1. Fill out the document heading at the top of the page as you have on all the other documents you have filled out. On the right hand side of the header, there are three boxes for you to select which law allows the court to grant you permission not to disclose. Check one or more boxes as follows:
 - ORS 25.020(8)(d)(A) Check this box if you are filing paperwork related to child support, and if you and the other party both live in Oregon.
 - ORS 110.375 Check this box if you are filing paperwork related to child support, and one parent lives in a different state.
 - ORS 109.767(5) Check this box if you are filing paperwork related to child/ren custody or parenting time (visitation).
2. Motion: Check the appropriate box to identify whether you are the Petitioner or Respondent in this matter.
3. Waiver of Personal Service and Selection of Substitute Method of Service:
Fill in the address you would like the other party to use for service of process during the pendency of the proceedings (between now and when the judge makes a final decision in the case.)
4. Selection of Contact Address for Post-Judgment Notification:
Fill in the address you would like the court to use to contact you or notify you about court proceedings after the judge has made a final decision in your case.
5. Points and Authorities: Check the same box or boxes you selected in the heading. (See Step B1 above.)
6. Footer: At the very bottom of each page, the footer identifies the name of the document and has space to identify the appropriate law. Again, check the same boxes you checked on the top right of the first page and in the Points and Authorities section. (See Steps B1 and B5 above.)
7. Fill out the rest of the form, sign and date the document, and make a copy for your records.

Step C.

Fill out the “**AFFIDAVIT IN SUPPORT OF EX PARTE MOTION FOR ORDER PROHIBITING DISCLOSURE OF PERSONAL IDENTIFICATION INFORMATION.**”

1. Fill out the header at the top of page one and the footers at the bottom of page one and two just as you did on the “Ex Parte Motion for Order Prohibiting Disclosure of Personal Identification Information.”
2. Identify whether you are the Petitioner or the Respondent.
3. Question 1: Identify which party should not be given the personal information, and check the boxes to identify what information you want kept confidential. If you want the nondisclosure order to protect certain information not listed on the form, check the box marked “other personal information as set forth below:” and describe the information you want protected.
4. Question 2: Tell the court why you want the information kept confidential.
 - a. If there is already a court order prohibiting disclosure, check paragraph A, and attach a copy of that order. Write the case number, the name of the court that issued the order, and the date the order was issued.
 - b. If there is not already a court order prohibiting disclosure, check paragraph B and tell the court how the health, safety, or liberty of you or your child/ren would be jeopardized by disclosure of the information you want kept confidential.
5. Question 3: Waiver of Personal Service and Selection of Substitute Method of Service: (*Be sure to read the above general instructions on this topic carefully.*) Fill this section of the form out the same way you filled out the **Waiver of Personal Service and Selection of Substitute Method of Service** section in the Motion.)
6. Selection of Contact Address for Post-Judgment Notification: Fill this section out the same way you filled out the **Selection of Contact Address for Post Judgment Notification** in the Motion.
7. Fill out the rest of the document, sign the Affidavit in front of a notary, and make a copy for your records.

Step D.

Fill out the “**ORDER PROHIBITING DISCLOSURE OF PERSONAL IDENTIFICATION INFORMATION.**”

1. Fill in the header at the top of page one and the footer at the bottom of pages one and two as you have on the other documents.
2. Do **not** fill in anything under the “**ORDER**” heading. This is for the judge to fill out.
3. On page 2, underneath the judge’s signature, complete the Certificate of Document Preparation.
4. Sign the document and make a copy for your records.

Step E.

File your domestic relations paperwork (Response, Petition for Dissolution or Custody for Unmarried Parents, Motion for Modification, etc.). In Step A, you will have marked “withheld” in all the spaces which request information you believe to be dangerous if disclosed. At the same time, file the **Ex Parte Motion** for Order Prohibiting Disclosure of Personal Identification Information, **Affidavit** in Support of Ex Parte Motion for Order Prohibiting Disclosure of Personal Identification Information, and **Order** Prohibiting Disclosure of Personal Identification Information with the court.

Step F.

Wait approximately *3 days to a week* to find out whether the judge has signed the Order Prohibiting Disclosure of Personal Identification Information. You can check to see if the Order has been signed by calling the court or by contacting the court clerk. Once the Order has been signed, ask the court for 2 certified copies of the signed Order.

Step G.

If the Order Prohibiting Disclosure of Personal Identification Information has been signed, you must serve a certified, true copy of the signed order on the other party along with the domestic relations documents you are filing (Petition for Dissolution, Response, Petition for Custody for Unmarried Parents, etc.) as directed in the service instructions accompanying those documents. *You do not need to serve the other party with a copy of the Ex Parte Motion for Order Prohibiting Disclosure of Personal Identification Information or with the Affidavit in Support of Ex Parte Motion for Order Prohibiting Disclosure of Personal Identification Information.*

Step H.

If the judge does not sign the Order Prohibiting Disclosure of Personal Identification Information, you may not keep personal identification information confidential and must answer all questions asked in the domestic relations paperwork you plan to file.

Resource Information

Lawyer Referral Service

Oregon State Bar
(503) 684-3763 in Portland, or
1-800-452-7636 toll free in Oregon

This service gives you the name of an attorney in your community. There is a fee of \$35 for the first meeting with the lawyer. The Lawyer Referral Service also operates the Modest Means Program, which makes referrals to lawyers who provide reduced-fee legal services on some cases to clients that meet eligibility guidelines. Call for information.

Legal Aid Offices and Volunteer Lawyer Programs

These offices provide legal assistance to low-income persons who live in certain counties. A list of offices is available on the OJD Family Law website: <http://www.oregon.courts.gov/familylaw>, at the “Family Law Resources” link. You may contact an office in _____ county at:

