# FILING FOR SEPARATION WITH CHILDREN

TABLE OF FORMS				
Part 1: Starting Your Case				
1. Filing (See the last box of this table for additional forms you may need)				
Petition for Separation Summons Notice of Statutory Restraining Order Preventing Dissipation of Assets Confidential Information Form (CIF) (one for each party and each adult child) Notice of CIF Filing Optional: Fee Deferral or Waiver Application and Declaration				
2. Notifying the Other Party				
Acceptance of Service (if possible) Certificate of Service Certificate of Mailing to DCS (if you or the respondent is receiving public assistance)				
3. Temporary Orders				
Part 2: Finishing Your Case				
By Agreement:				
Declaration in Support of Judgment General Judgment of Separation				
By Default:				
Ex Parte Motion for Order of Default and Declaration in Support Order on Motion for Default Declaration in Support of Judgment General Judgment of Separation				
By Hearing:				
General Judgment of Separation				

Additional forms you may need: (More information is in the Instructions below)
Uniform Support Declaration Child Support Worksheets (if you are requesting child support) Parenting Plan Statement of Assets and Liabilities Waiver of Personal Service Waiver of Further Appearance and Consent to Entry of Judgment (for adult children) Parenting Class Completion Certificate (if required by your court) End-of-case Fee Waiver Application & Declaration

#### What these forms do

This set of forms will help you to get a legal separation if you have children under 18. Separation is not the same as divorce. If you have *only* children over 18 and under 21 who are in school, use the *Separation with Adult Children Only* forms (*not yet available. Talk to a lawyer if you only have children 18, 19, or 20*).

#### TALK TO A LAWYER BEFORE USING THESE FORMS IF:

- You are not sure whether separation or dissolution (divorce) is the right choice for you
- You are part of a **same-sex couple** AND
  - You registered as domestic partners in Oregon <u>before February 4, 2008</u>
  - Either of you is not the biological or adoptive parent of one of your children, even if both of your names are on the birth certificate
- You want to *divide* the **retirement benefits** of either party
- Either party is a debtor in a current bankruptcy case
- You have a Registered Domestic Partnership from anywhere other than the State of Oregon or if you are unsure if your partnership is a Registered Domestic Partnership (RDP)

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#### **Important Contact Information**

Oregon Judicial Department – <u>www.courts.oregon.gov</u> Oregon State Bar Lawyer Referral Service - <u>www.oregonstatebar.org</u> **Phone:** 503.684.3763 or toll-free in Oregon at 800.452.7636

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

# Symbols used in this form:



**Important Note** 



STOP! You may not be able to use this form



Caution! You may need a lawyer



Concerns children



Concerns money



Timing requirement



#### Notice about these instructions and forms

These instructions are not a complete statement of the law. They cover basic procedures for simple separation cases involving custody, parenting time, and child support. If you have complicated issues or questions about the law, talk to a lawyer.

All of the necessary forms should be online. If you cannot find a form, ask your local court.

Each court has local rules, programs, and procedures that may not be explained in these instructions. Refer to the Supplementary Local Rules for your county. These rules are available online or at your local court or law library. Forms and information about your local court are on the Oregon Judicial Department website.

# PART 1 STARTING YOUR CASE



# **Information about Separation**

- ❖ <u>Duration</u> Legal separation can be for a specific period of time (**limited**), or it can have no set end time (**unlimited**). A limited separation will end when the judgment says so, and your marriage or Registered Domestic Partnership (RDP) will be fully intact. Even in a separation of unlimited duration, you may still get divorced or get back together, but you will need to have the court legally change your relationship.
- ❖ Petition and Judgment A separation case starts with a "petition," which tells the court what you want. That's why you are called the "petitioner." The other parent is the "respondent." 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 separation 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 become permanent. Custody, parenting time, and support orders often can be modified later, but property orders usually can't. Talk to a lawyer if you have questions about these issues.
- ❖ <u>Divorce</u> When considering a separation, think about your long-term goals. You can convert a separation into a dissolution (divorce) within 2 years of the judgment of separation. After the judgment, conversion requires an additional legal procedure, filings, fees, and appearances. Talk to a lawyer if you have concerns or need advice about the best course to take.



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 Petitioner and Respondent 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
  - o Is legally and validly married
- ➤ **Adult Children:** If you and the respondent have any children together who are **18**, **19**, **or 20 years old**, each child is a "necessary party" to this case until his or her 21<sup>st</sup> birthday. Each child *must* be included in your filings and properly served with all documents. A child may later waive the right to be part of the case, but this must be done formally after you file. If you fail to properly serve an adult child, your case may be delayed until you do.

- ➤ **Child Attending School**, **ORS 107.108**: If you have an adult child (*see above*), child support may be ordered for that child **as long as** the child is attending school. See **Appendix E** for more information.
  - o If you have children **under** 18 **AND** at least one child 18, 19, or 20, use these forms
  - o If you have **ONLY** children 18, 19, or 20, use the *Petition for Separation With Adult Children Only (coming soon, talk to a lawyer)*
  - o If you only have children 21 or older, use the *Petition for Separation* with No Children

#### **CO-PARENTING EDUCATION**



Many courts require that parents of minor children go to a court-approved co-parenting class. Some courts will not allow you to finalize your case until you have completed the class and filed a certificate of completion with the court. Contact the court to see if you have to sign up or if the court will send you information after you file.

## **STEP 1: STARTING YOUR CASE**



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#### **Keep In Mind:**

- Issues involving the debts of separated couples are complicated. Talk to a lawyer if either of you might declare bankruptcy, especially for Registered Domestic Partners (RDPs). Your judgment of separation affects you and the respondent, but does NOT bind your creditors. Either party may still be responsible for the debts, in spite of this judgment.
  - ✓ Talk to a lawyer if you or Respondent is <u>already</u> in bankruptcy. The court may not be able to proceed with your separation until the bankruptcy is resolved.
- **Registered Domestic Partners** 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.
- You may be entitled to part of the respondent'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*.
- If Respondent provides health or other insurance for you, check with each carrier to find out if coverage can be continued during your separation. If so, you must include this in your *Petition* and *Judgment*. Talk to a lawyer if you have any concerns about continuing coverage.



#### **Legal Questions**

#### > Where to File

- o Marriage you must file in a county where either you or your spouse lives at the time you file.
- 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 can 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 once the papers have been served on the respondent (*see below for service information*). If you don't follow the order, you can be held in contempt of court and subject to penalties.

- You must attach a copy of the restraining order (called "Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions") to the Summons and serve it on the respondent.
- The statutory restraining order prevents *either party* from:

- Dissipating (transferring, selling, destroying, removing, disposing of) real or personal property.
- Making changes to insurance policies without the agreement of the other party.
- 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.

<u>RDPs</u>: 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 separation judgment to be effective for all purposes, especially federal records like Social Security, Medicare, and immigration. Talk to a lawyer if you have concerns.

#### If Both Parties Agree on All Issues

#### Filing separately

You can file as Petitioner and the respondent can accept service of the *Petition*. Complete the appropriate *General Judgment* form and have both parties sign it. If you file separately, each party is required to pay a fee.

The respondent can choose not to file a *Response*. If no response is filed, judgment will be entered based on what is in the *Petition* after you file a *Motion for Order of Default* (see "By Default" section below).

or

#### Filing together

You can choose to file as Co-parties using the *Co-party Petition for Entry of Stipulated Judgment* form. You do not have to complete or serve the regular *Petition* if you choose to file a co-party petition. Complete the appropriate *General Judgment* form and file it with your *Co-party Petition*. All of the information you need to complete the forms is in these instructions.

- ➤ If you file as co-parties, one of you will be labeled 'petitioner' and the other will be 'respondent.' There is no legal or procedural difference between the "petitioner" and "respondent" in co-party filings.
- ➤ If you file as co-parties, only one filing fee is required at the time of filing. Note that if you file as co-parties and later need to file a modification of judgment, you will have to pay both the filing fee for modification of judgment and the second initial filing fee.



#### Filling Out The Forms

- MAKE SURE YOU COMPLETE THE **COUNTY NAME** AT THE TOP OF THE FIRST PAGE OF EACH FORM!
- > You are the "Petitioner" on ALL forms throughout this case, and your spouse or partner is the "Respondent."
  - Use full names (first, middle or middle initial, last) and print names the same way on all forms – first, middle, last.
- > <u>Do not put Social Security numbers on your Petition</u>. Social Security numbers 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.
  - o Fill out one CIF for each party, including adult children.
  - o The *Notice of Filing of Confidential Information Form* must be served on the respondent with your other documents. See below for information about service.
- ➤ If the other parent does not respond, you may be able to get a judgment by default (see "Resolving Your Case," below, for more information). As you fill out your Petition, you must include enough information that the respondent knows what you are asking for. If you do not include specific requests, the court will not be able to enter a judgment by default until after you serve amended (changed) paperwork on the respondent.
  - NOTE: this often happens with parenting plans, property awards, and debt allocations. See the Appendices for specific information.

#### Fill out the following forms

- Petition for Separation
- Summons
- Confidential Information Form (CIF)
- Notice of Filing of Confidential Information Form
- Certificate of Mailing or Delivery to Division of Child Support (ONLY if you
  or Respondent receives certain types of public assistance see "Make
  Copies" below)

You may need additional paperwork before the court can enter a judgment. See the Appendices for more information about when you need each form.

- ♦ Uniform Support Declaration See Appendix A
- ♦ Statement of Assets & Liabilities See Appendix C
- ♦ Parenting Plan See Appendix D







#### **CHILDREN**

#### **UCCJEA**

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) is a law that controls which state can decide issues of custody and parenting time. In most cases, if all of the children you are asking the court to address have lived in Oregon for the six months before you filed the *Petition*, Oregon courts can make a decision. You must provide certain information before an Oregon court can decide custody or parenting time.

Click <u>here</u> to read the UCCJEA (ORS 109.701-.834)



If you have any other orders or judgments about custody or parenting time from other states, or if any of your children have not lived in Oregon for six months before you file, you should see a lawyer.

NOTE: If your child is under 6 months old, write "birth", do not enter their birthdate.



#### **Custody and Parenting Time (Visitation)**

Read ORS <u>107.137</u> to see what a court will consider when awarding custody. The most important factor is *always* the best interest and welfare of the *child*.

#### Custody and Parenting Time

Joint and Sole Custody are legal terms that generally refer to the right to make certain decisions about the child. How much time each parent has with each child ("parenting time") is controlled by the parenting plan. See <u>Appendix D</u> for important information about custody and parenting plans. The court can only award joint custody if both parents agree to all of the terms. In most cases, both parents will have equal rights to information about the child regardless of the type of custody ordered. Both parents will have time with the child unless the court orders otherwise.

#### **Parenting Plans**

To avoid delay in your case, your *Petition* should include a parenting plan. A parenting plan sets out the schedule and may include rules for each parent's time with the child. Your plan must include the minimum amount of parenting time (formerly called "visitation") you want the non-custodial parent to have. You can be as detailed as you like. You can describe the parenting plan in the *Petition* or you can attach a separate page.

At the end of your case, the *Judgment* **must** contain a parenting plan. The parenting plan can be a part of the judgment form, or it can be in an attached document. See <u>Appendix D</u> for more information about parenting plans.

**Moving** – The *Judgment* will prohibit either parent from moving more than 60 miles farther away from the other parent without giving written notice to the court and the other parent.

You can ask the judge to waive this rule by checking the appropriate box on the *Petition* and explaining why you should not have to give notice of a move.



#### **Safety**

If you have safety concerns, you can ask the judge to suspend certain rights that the non-custodial parent automatically has. Check the appropriate box on the *Petition*. These rights include your duty to provide contact information and to tell the other parent if there is a major health concern for the children. ORS 107.154 and 107.164 list the rights of a non-custodial parent. You MUST have a good reason for suspending these rights. Talk to a lawyer about these issues.

#### **SUPPORT**

#### **Child Support**

#### **Calculating Child Support**

In most cases, the court will order child support if you have a child and no child support order already exists. Go to <a href="www.oregonchildsupport.gov/calculator">www.oregonchildsupport.gov/calculator</a> for worksheets and an interactive program to calculate support. Click on this link:

#### Go to Guidelines Calculator

Worksheets must be submitted to the court before a judgment can be entered. You can submit them with your *Petition*. At the latest, you can submit them with your *Judgment*.



**NOTE:** If you request a child support amount that is *different* from what the calculator or worksheet says, you *must* explain why and how you reached that amount. If not, your case may be delayed until you explain the difference.

#### Payment of Child Support

Support is usually withheld from the payor's (the person who has to pay support) paycheck. The court may allow an exception to the income withholding requirement if you qualify under <u>ORS 25.396</u> and if you request an exception in the *Petition*. If the court grants an exception to income withholding, payment can be deposited into the receiver's bank account. If you are *paying* child support directly to the other parent, you should keep proof of every payment, including a receipt if you pay cash.

See Appendix E for information about how payments are made to adult children attending school.

Child support is NOT taxable as income or deductible to either party.



#### Health Insurance

Your judgment *must* address health insurance for any minor child involved in your case. Health insurance coverage may be provided through an employer or directly from an insurance carrier, or from a public option such as the Oregon Health Plan, which you have to apply to the state for.

#### Cash Medical Support

In addition to child support, the court may order "Cash Medical Support." Cash Medical Support is to help pay for health insurance and out-of-pocket medical expenses.

If health insurance is not available, the court must order Cash Medical Support unless the judge finds reasons not to. In some situations, the judge *cannot* order Cash Medical Support.

Go to <a href="http://oregonlawhelp.org/resource/insurance-for-children">http://oregonlawhelp.org/resource/insurance-for-children</a> for additional information about insurance

\* \* \*

#### Adult Children (18-21)

If you have **any** child with the respondent who is 18, 19, or 20 years old and who is not married or emancipated, that child is a necessary party to this case. He or she *must* be added as a party in the case caption and has the right to participate. Adult children who are attending school at least half-time may seek child support from either or both parents. See <u>Appendix E</u> for more information about a Child Attending School.

You must properly serve each adult child with all the same papers as Respondent (see section below about serving the other party). After being served, a child **may** sign a *Waiver of Further Appearance and Consent to Entry of Judgment* form if the child chooses not to participate in the case.

#### 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 3 years, while in school, up to a certain amount, etc.).

If you and Respondent do not agree on support, you need to submit a *Uniform Support Declaration*. See Appendix A for more information.

For more information on factors the judge will consider when making the award, see ORS 107.105.



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

Talk to a tax professional about tax impact of spousal/partner support

#### Life Insurance

The court can order a party to carry life insurance if that party is ordered to pay either child or 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 respondent 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.

If you don't know what to ask for in your *Petition*, you can request "equitable relief." This means that the judge will decide what is fair if your case goes to trial. You should talk to a lawyer if you intend to do this.

You will probably have to serve new documents on the respondent before you can get a final judgment if:

- > you are not specific in your *Petition* about how you want the court to divide property and debts (including if you asked for equitable relief)
- ➤ what you put in the *Judgment* is <u>different</u> from what you asked for in the *Petition*



You may be entitled to part of the respondent'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 cannot be used to *divide* one party's retirement benefits. Talk to a lawyer first if you want to claim a portion of the respondent's retirement benefits.

For detailed information about property and debts, see Appendix B.

#### STATEMENT OF ASSETS AND LIABILITIES

If your case goes to trial you will need a *Statement of Assets and Liabilities*. See <u>Appendix C</u> for more information and formats that you can use.



#### Have your documents reviewed

You may have your documents reviewed by a lawyer or a court facilitator before you file. Call your court or go to <a href="www.courts.oregon.gov">www.courts.oregon.gov</a> to see if your court has a facilitator available. Court facilitators are free. For information about how to find a lawyer, call the Oregon State Bar at the number on <a href="Page 4">Page 4</a>. If you are low-income, you may get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program, or call your local Legal Aid office.



#### Make copies

Make one copy of <u>all</u> of the completed forms for your records. See Step 2 for additional copies you will need.

# **STEP 2: FILING AND SERVICE**



#### File your forms

File all of the *original* forms <u>except</u> the *Summons* and *Notice of Statutory Restraining Order* with the court clerk. The clerk will give you a **case number** when you file. Put the case number on all copies and originals. See below for a list of the forms you will need to copy to serve on the respondent.



You have to pay the filing fees when you file your papers. Go to *www.courts.oregon.gov* for the filing fee.

• If you are low income, you may ask the court to defer (postpone) or waive your filing fee. You must complete an *Application and Declaration for Deferral or Waiver of Fees* and an *Order Regarding Deferral or Waiver of Fees* and file them with your papers. If the fee is deferred, you will have to pay the fee later. If the fee is waived, you don't have to pay it now. However, the judge may reconsider waived and deferred fees at the end of the case.

**The clerk may give you some papers**. A copy of these papers must be included with the *Petition* that you serve on Respondent (see below regarding service). **NOTE:** You are not required to serve the *List of Documents Parties May Have to Give Each Other (ORS 107.089)* on Respondent, but if you do, then you both have to follow it.

**Make a copy** of the following forms to serve on the respondent:

- Petition
- Summons
- Notice of Filing of Confidential Information Form
- Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions
- Uniform Support Declaration, Statement of Assets and Liabilities, and Parenting Plan (if you are filing any of these documents with your Petition) (see Appendices A, C, and D for information)
- Any other forms your local court requires you to serve on Respondent



If either you or Respondent receives Temporary Assistance to Needy Families (TANF) or the Oregon Health Plan (OHP), or if your children are in foster care or in custody of the Oregon Youth Authority, then you must also send a copy of the filed Petition to the Department of Justice Division of Child Support (DCS). Your county branch office's address can be found at <a href="https://www.doj.state.or.us/child-support/locations">www.doj.state.or.us/child-support/locations</a>. After you mail the *Petition*, fill out the *Certificate of Mailing or Delivery to Division of Child Support* and file it with the court.



You must officially notify Respondent that you have filed a case. This is called "service." Follow the same steps to serve any 18, 19, or 20 year old children.

Acceptance of Service – If it is safe for you to give the respondent the papers yourself, you can use an *Acceptance of Service* form. If the respondent signs an *Acceptance of Service*, no other kind of service is required. Signing the *Acceptance of Service* does *not* mean the respondent agrees with anything in your *Petition*, only that he or she received the papers. You must file the papers with the court before you give the copies to the respondent.



#### **Formal Service**

If the respondent does not sign the *Acceptance of Service*, you must use another method. There are four ways you can serve. Service must be done *after* your *Petition* is filed.

#### \*\*3 CRITICAL POINTS\*\*

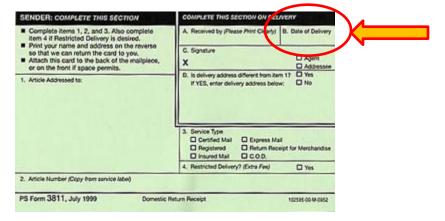
- 1. If you serve before you file, you will have to serve the papers again
- 2. You *CANNOT* serve the papers yourself
- 3. If Respondent has a lawyer, you should also mail a courtesy copy of the papers to the lawyer

#### 1. Personal Service:

- a. <u>By Process Server</u>: Take a copy of your papers to the sheriff's office in the county where Respondent is located and have a sheriff's officer serve the papers. The sheriff's office charges a fee for service. You can also hire a private process server of your choice.
- b. By a Non-Party: Have a competent\* person 18 years or older who is a resident of Oregon **and who is not a party** to the case (Petitioner, Respondent, or a child 18, 19, or 20 years old), **nor** the lawyer of a party, serve the papers. The server cannot be an employee of any party. If the respondent is outside of Oregon, the server can be a resident of the state where the respondent is. If you have safety concerns, have the sheriff perform service.
- \*competent means a person who can understand, remember, and tell others about an event.
- A *Certificate of Service* must be filed with the court by whoever serves the respondent. The certificate must include the date and time of service and the name of the person served.
- 2. **Substituted Service:** The process server may leave the papers at the respondent's residence (where he or she normally lives) with someone 14 years or older who lives there. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers

were served) to the respondent by first class mail. Make sure the process server completes a *Certificate of Service*. The date of service is the day the first class mailing is put in the mail.

- 3. Office Service: The process server may leave the papers with someone *in charge* of the respondent's office or normal workplace. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the respondent by first class mail. Make sure the process server completes a *Certificate of Service*. The date of service is the day the first class mailing is put in the mail.
- 4. **By Mail:** First, the process server must send the papers to the respondent's home or business address by first class mail. Second, the server must send a copy by certified mail, return receipt requested. The process server **must** file proof of service with the court, including the signed green card, date of receipt, and item number along with a **Certificate of Service**. If the green card is not returned or if someone other than the respondent signed for it, then service by mail was not effective and you must try another type of service. The date of service is the day the respondent signs the returned green card.



#### **Proof of Service**

The Certificates are your <u>proof of service</u>. An original *Certificate of Service* or *Acceptance of Service* **must** be filed with the court for your case to proceed, regardless of the method of service.

If proof of service is not filed within **63 days** of filing your *Petition*, the court may send you a notice of dismissal. Your case may be dismissed if proof of service is not filed within 28 days of the notice.

If you are not able to have Respondent served by any of the methods listed above, you may ask a judge to allow you to use another service method. The judge might allow you to publish or post the documents. Forms to make this request are available online at <a href="https://www.courts.oregon.gov">www.courts.oregon.gov</a>.

# **STEP 3: TEMPORARY ORDERS**



You can ask the court to make temporary orders after you file the *Petition*. Temporary orders are effective as soon as a judge signs the order. They last until a judge changes the terms, signs the *General Judgment*, or dismisses the case. For example, either party may request an order for spousal/partner or child support, or an order about temporary use of property. To make any of these requests, you must file a "motion" (request) asking the court to do what you want. You may need a lawyer to file these requests.

➤ **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

One type of temporary order is called a *Status Quo Order*. This order prevents either parent from changing the children's normal schedules, interfering with parenting time by the other parent, or changing where the children live. This does *not* decide custody or who can make major decisions for the children. "Normal schedule" means the children's schedule for the three months before you file a request for a *Status Quo Order*.

Go to <u>www.courts.oregon.gov</u> for the forms to request temporary orders. The forms may not cover all temporary orders you need. Talk to a lawyer for more information.

#### **Domestic Violence**

All courts have restraining order forms for cases involving domestic violence. A judge will usually hear your request within a day or two of filing. Check with your local court for filing times and procedures.

Refer to <u>www.courts.oregon.gov/fapa</u> for Family Abuse Prevention Act (FAPA) forms and information.

Forms for other types of protective order are available at <u>www.courts.oregon.gov/forms</u>



# File your forms with the court and complete service

Save these instructions to complete your case later

# PART 2

# **FINISHING YOUR CASE**

## **STEP 4: RESOLVING YOUR CASE**

There are three ways your case can be resolved: by agreement between the parties, by default if the respondent doesn't respond, or by a judge in a hearing.

Even if you submitted the Child Support Worksheet with your *Petition*, you MUST include a worksheet with your *Judgment*, regardless of how you resolve your case.



#### **By Agreement**

It is always better to resolve issues yourselves, since you know what's important to you. Once the case goes to a judge, it is out of your control. If you can't resolve the issues on your own, or if it is not safe for you to talk to Respondent, the court may provide options to help you, including mediation and arbitration. For information about arbitration, see "By Trial" section below.

**Mediation:** A mediator is a person trained to help people resolve disagreements. Mediation is confidential. You may ask to meet with the mediator alone if you are uncomfortable meeting with the other party for any reason. Check with your local court clerk to see if there is a fee for this service. Mediators are *not* judges – they cannot impose their decisions on you. Their job is to help *you* reach an agreement. This may be your last chance to retain control over the outcome of the case. Agreements incorporated into a *Judgment* are fully enforceable (*see below*).

Some courts may require that you mediate before you have a hearing. Check your court's Supplemental Local Rules for more information. If mediation has not yet been ordered in your case and you would like to request it, you may file a *Request for Mediation* form. If your court requires mediation, you may request that the court waive mediation if you have a good reason by filing a *Motion and Declaration for Waiver of Mediation*. Talk to your court if you have safety concerns.

If you and Respondent have agreed to all of the issues, fill out and file:

- Declaration in Support of Judgment
- General Judgment of Separation

Note: The *Judgment* must be signed by both parties before being submitted to the court.



#### **By Default**



Respondent has 30 days to respond to your *Petition*. The time starts running from the day *after* the date of service. The response must be in writing and must be filed with the court and mailed to you. If the respondent does not file a response within 30 days, you may request an *Order of Default*.

Default means that you are asking the judge to award you what you asked for in your *Petition* because the respondent did not file a response. Look at <u>Oregon Rules of Civil Procedure</u> (ORCP) rule 69 for more detailed information.

➤ NOTE: If the respondent has given you <u>written</u> notice that he or she intends to appear, you must give written notice that you intend to apply for a default order at least 10 days before you file your motion. See <u>Uniform Trial Court Rule 2.010</u> for requirements about the notice. File your notice with the court and mail it to the respondent.

The judge may not grant a default if the respondent is incapacitated, a minor, a financially incapable person, a protected person, or a respondent in a fiduciary protective proceeding, as defined by ORS 125.005.

You must also show that the respondent is not in active military service before the court can enter an order of default. This is part of the *Ex Parte Motion for Order of Default & Declaration in Support*. If the respondent is in active military service, you cannot get an order of default unless the servicemember waives protection under the Servicemembers Civil Relief Act (SCRA). This federal law starts at 50 U.S.C. 3901. Your local law librarian can help you find it, or go to <a href="www.law.cornell.edu">www.law.cornell.edu</a>\* (under Get the Law click U.S.Code, then click Title 50 and go to Chapter 50). This law has strict rules about what "active military service" means. This protection does not apply to all servicemembers at all times.



If the respondent is in the military, you should see a lawyer before trying to get an order of default. If a default is not done properly, the respondent can re-open the case after returning from service. **Be aware** that if you knowingly make false statements about the respondent's status, you may face both federal and state penalties.

If you know the respondent is *not* in the military, you must state *facts* that explain how you know.

If you have the respondent's Social Security Number or date of birth, go to the Department of Defense website (<a href="https://scra.dmdc.osd.mil/">https://scra.dmdc.osd.mil/</a>) to find out if the respondent is in active service. This site can give you a free statement of service status that you can print out (called a "certificate of service" on the website). Attach this statement, or a printout of the screen, to your motion. You can also call 571.372.1100 for military verification. Put the date and the name of the person you spoke with on your motion. If you don't have the Social Security Number or date of birth, commercial sites may be able to provide information.

If you don't know whether the respondent is in the military and have checked the website, or don't have the necessary information, mark "I am unable to determine whether this person is in military service" and add any facts that you do know. The judge will decide whether to grant the default.

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<sup>\*</sup> This is an outside site maintained by Cornell University. The Oregon Judicial Department is not responsible for any information on this site. Links may have moved.

#### > If Respondent is in the military



If Respondent is in active military service of the United States and has not responded to the *Petition*, the court won't go ahead with your case until one of the following things happens:

- (1) Respondent is no longer in active military service,
- (2) Respondent waives, in writing, the right to avoid default, or
- (3) the judge holds a special hearing in your case

Talk to a lawyer if Respondent will not sign the waiver and you do not want to wait for military service to end. The SCRA rules are technical and complex. Contact the Oregon State Bar for help (contact information is on Page 4).

\* \* \* \* \*

#### **Requesting a Default** - fill out the following forms:

- Ex Parte Motion for Order of Default and Declaration in Support
- Order on Motion for Default
- Declaration in Support of Judgment
- General Judgment of Separation

The **Declaration in Support of Judgment** allows you to note any information that has <u>changed</u> since you filed the **Petition**. Read **each** section of the **Petition** you filed CAREFULLY and note any changes in the spaces provided in the Declaration in Support of Judgment. You must complete the rest of the **Declaration** in all cases.



After you make yourself a copy of the completed forms, file the originals with the court any time *after* 30 days from the date of service. You must file the *Motion* for Order of Default by the **91**<sup>st</sup> **day** after you filed the Petition (NOT the proof of service!). If not, your case may be dismissed.

The court will send you notice when your judgment has been entered.



#### **By Trial**

If Respondent has filed a response and the parties are unable to agree on the terms of a judgment, your case may go to trial.

Informal Domestic Relations Trials (IDRTs) are available in all courts if both parties agree. See UTCR 8.120 for more information. Each court handles IDRTs differently. Contact your court for more information.

#### **Conferences with the Judge**

Many courts will schedule a "status," "pretrial," or "settlement" conference before a case goes to trial. These meetings usually take place with a judge with both parties present, along with their lawyers (if any). You must attend any conferences that are scheduled unless you have received permission from the judge not to attend. At the conference, the judge may talk to you about how your case is going to be handled, consider requests for temporary orders, or set future court dates.

Some courts may refer certain cases to arbitration. You will receive information from the court if that happens.

➤ Many courts require that you mediate before you can get a trial. See the <u>BY</u> <u>AGREEMENT</u> section above.

**NOTE:** You must give the other party an opportunity to review the judgment before you submit it to the court. See <u>UTCR 5.100</u> for information.

You can represent yourself at trial. Some courts provide information about representing yourself on their websites. Go to <u>www.courts.oregon.gov</u> to find your court's website.

The State Family Law Advisory Committee has written a guide that may help you prepare for trial. This guide is NOT a substitute for legal advice! The rules of court can be technical and complex. You may damage your case if you are not properly informed. If your case goes to trial, you are strongly advised to talk to a lawyer. To read the guide, go to:

http://www.courts.oregon.gov/help/Documents/famlawtrialbrochure.pdf

## THE JUDGMENT



Regardless of how you resolve your case, a *General Judgment of Separation* must be signed by a judge. One of you may be ordered to fill out the judgment form and give it to the court to be signed. **NOTE:** you must include Child Support Worksheets with your Judgment if child support is awarded.

The judgment finalizes your separation and sets out all of the issues decided in mediation, arbitration, trial, or by agreement.

➤ **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

If the respondent DID NOT file a response, the information you fill out in the judgment should be *exactly* the same as what you requested in the *Petition*.

<u>If the respondent DID file a response</u>, the information should be the *exactly* the same as what was decided in mediation, arbitration, hearing, trial, or through your agreement. All parties must review the *Judgment* before you submit it to the court. You must send the *Judgment* document along with the *Notice of Proposed Judgment or Order* to the respondent and any adult children who have not filed a *Waiver of Further Appearance* in the case.



Other parties can object to the *Judgment*. If that happens, you have to discuss the objections and attempt to resolve them before you submit the *Judgment* to the court. If you are not able to resolve the objections, the objecting parties can either send you a written statement explaining their objections, or they can submit their objections directly to the court. You must complete the *Certificate of Readiness* section of the *Judgment* to tell the judge whether there are outstanding objections. See <u>UTCR 5.100(1)</u> for more information about notice and objections.

If the respondent is responsible for preparing the judgment, the respondent must send the proposed judgment to you before submitting it to the court. Then you can review it and object to it within 7 days of the date it was sent to you. If you and the respondent are not able to resolve your objections after reasonable efforts, you can either send a written explanation of your objections to the respondent or directly to the court. You must notify the respondent of your intentions so that they can advise the judge that there are outstanding issues. The judge may make a decision after reviewing the documents, or the court may contact you with further information.

If you are responsible for preparing the judgment, make a copy for yourself and one for Respondent (unless you got an *Order of Default*). File the original with the court.

Your separation is 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*.

NOTE: Every document you file must have a mailing address where you will receive documents related to this case. You do NOT need to use your home address. You can use any contact address in the same state as your home. You are responsible for checking your contact address. Notify the court and the other party in writing if your contact address changes.

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<sup>&</sup>lt;sup>1</sup> http://courts.oregon.gov/utcr

# Appendix A - Uniform Support Declaration

You may need to complete a *Uniform Support Declaration* (*USD*) if you and Respondent do not agree on an amount for child or spousal/partner support.

You can file your USD with the *Petition*. If you don't file it with your *Petition* and Respondent opposes your claim for support, you must provide it to the court and serve a copy on Respondent within 30 days after you receive the *Response*.

If you are NOT requesting child support or spousal/partner support, do not file the USD.

#### <u>Tips for filling out the *USD*:</u>

- ➤ If you are requesting child support for the amount that the Child Support Guidelines recommend, fill out only the *Declaration* and attach the documents it asks for.
  - o If you are requesting spousal/partner support *or* a different amount of child support than the Guidelines recommend, fill out *both* the *Declaration* and *Supplement*. Attach all of the documents that the *Declaration* and *Supplement* ask for.
- ➤ If you are requesting *only* child support for the amount that the Child Support Guidelines recommend, only fill out the *Declaration* and attach the documents it asks for.
  - o If you are requesting spousal/partner support *or* a different amount of child support than the Guidelines recommend, fill out *both* the *Declaration* and *Supplement*. Attach all of the documents that the *Declaration* and *Supplement* ask for.
- ➤ Use your *actual*, *present* expenses. Estimates are fine as long as they are realistic and you have no way of confirming the amount.
  - Some items may not apply to you − mark those spaces "N/A" (Not Applicable), but complete *every* item that does apply.
  - o If your amounts are unusual or likely to change soon, include a brief explanation of why (if you are temporarily living with a relative, or if one party moved out and is no longer contributing to shared expenses). Include an estimate of what you believe your expenses will be after the situation changes.
- > If you have an expense that is not listed, add it, along with a brief explanation.
- ➤ If you anticipate any major changes (birth of a new baby, a child entering or leaving school, a layoff, a car payment or mortgage being paid off), note these as well. Do NOT include fears or possibilities only things you know or reasonably expect will happen.
- ➤ If one of your children has serious medical or dental problems, note it and include a reasonably accurate estimate of the treatment cost.
- > Household items are things like paper towels, cleaning supplies, light bulbs, storage containers.
- ➤ If you are attending school, include your tuition payments, supplies and books, and any other necessary school-related costs.

The *Uniform Support Declaration* can be found here: www.courts.oregon.gov/forms in the *Family Law*  $\rightarrow$  *Miscellaneous* category.

**Certificate of Mailing** – the *Uniform Support Declaration* includes a Certificate of Mailing at the bottom of the form. Once the *USD* is completed, copy the entire form and all attachments and mail them to the respondent. THEN fill out the Certificate of Mailing and file the original with the court. Keep a copy of all documents for your own records.

# Appendix B - Property and Debts

- ➤ **Real Property** Include property that you own together or separately *and* property owned before the marriage/RDP.
  - o Include land, houses, mobile homes, and other structures *attached to or built on land*. Also include partial rights to land like the right to fish, farm, cut timber or mine minerals. This does not mean *personal* property like clothes, jewelry, furniture, cars, etc.
  - o Identify the property by address, lot, map, or plat number, or any other method that is specific enough to identify the property.
  - When completing the *Judgment*, use the full legal description of the property that is on the deed or tax records. If you improperly describe the property, you may not be able to enforce your judgment.

#### You should speak with a lawyer if:

- any party is a debtor in a current bankruptcy proceeding.
- there is a joint line of credit, such as a <u>home equity line of credit</u>, on any real property. This judgment is *not* binding on the lender and may not prevent the other party from using the credit line, even after the judgment.
  - anyone other than you and Respondent has any interest in the real property either now or in the future. For example:
    - if your title is only for life or for a fixed period of time
    - ♦ if anyone has a right-of-first-refusal to buy the property
    - ♦ if anyone else's name is on the title
    - if anyone else's name is on a loan that the property is collateral for. These people *must* be joined to the case or the court may not have authority to award that property.
  - you are concerned about the other party selling real property located in Oregon. You can put a hold on the title of the property during the case (called "lis pendens").



If **ANY** property was used to secure a loan, debt, mortgage, or other encumbrance, it is important that you speak with a lawyer. Future bankruptcy filings by either party may create problems for the other party in spite of this judgment. This is especially important for Registered Domestic Partnerships, as bankruptcy and IRS laws are federal and may not recognize the debt award of this judgment.

- ➤ **Personal Property** is anything you own together or separately that *is not* real property. This includes property owned before the marriage.
- ➢ If you want certain things *plus* equitable distribution of the rest, mark both boxes in the appropriate section and list the specific property you want in the space provided. **BE AWARE** that if you do not include enough information and the other party does not respond, you may have to serve the other party with corrected paperwork before you can get a *Judgment*.



**Debts** - The court will divide your debts. Use this table to list all debts in either or both of your names. Include debts that existed before your marriage/partnership; debts that you each or both incurred during your marriage/partnership; and debts that you each incurred after separation. If any debt includes amounts incurred both during the marriage/partnership *and* after separation, write in the "Who pays" column who should pay how much (see example). Talk to a lawyer if you have questions about who should pay which debts.

#### Example:

Name of Creditor (who	What debt is for	Amount	Who pays	
money is owed to)	what deol is joi	Amount	Petitioner	Respondent
Chase Bank	Credit Card	\$10,000		X
Wells Fargo	Home Equity Credit Line	\$20,000	\$15,000	\$5,000
	(petitioner added \$10,000			
	after separation)			
Local Lender	Petitioner's car loan	\$4,500	X	·

Name of Creditor (who money is owed to)	What debt is for	Amount	Who pays	
money is owed to)			Petitioner	Respondent

Attach this page to the Petition if your list of debts is longer than the table in the Petition

# Appendix C – Statement of Assets and Liabilities

You will need to file a *Statement of Assets and Liabilities* if the respondent files a *Response* **and** you have not reached an agreement as your trial date nears. Each party's *Statement* must be filed with the court and served on the other party at least 14 days before your trial. Check your local court's Supplementary Local Rules, Chapter 8 for other time limits and requirements.

Most courts prefer that you complete ONE joint form so that you don't have one form listing "house 1" and the other calling it "123 Main St." Your *Statement* should name the asset as specifically as possible. You and Respondent should do everything you can to agree on the value of your assets and liabilities. Then list who the court should give each asset or liability to. You can use one of the formats below.

In the examples below, the parties disagree about the value of the Ford Ranger but agree that it should be awarded to Petitioner. The parties agree about the value of the Kia Soul but disagree about who it should be awarded to. Leave the last 2 columns blank – the judge will make a final decision about the value of each asset and who it is awarded to.

DESCRIPTION OF	<u>PETITIONER</u>		RESPONDENT		COURT	
<u>ASSETS</u>	Name:		Name:			
	Claimed Value	Proposed Distribution (Pet or Resp)	Claimed Value	Proposed Distribution (Pet or Resp)	Value	Distribution (Pet or Resp)
2008 Ford Ranger	\$12,000	Petitioner	\$6,000	Petitioner		
2011 Kia Soul	\$5,000	Petitioner	\$5,000	Respondent		

# Appendix D- Custody and Parenting Plans

#### Joint Custody and Sole Custody

#### What does "Custody" mean?

- Custody refers to decision-making about a child. Decisions may include the child's residence, health care, education, religion, and other big issues.
- > Joint custody means that the parents have agreed to decide major decisions in the child's life together. Joint custody can also occur when parents agree about how to split up major decisions about a child. The court can order joint custody only if both parents agree to all of the terms, including the parenting plan.
- > Sole custody means that one parent can make decisions alone. These are legal terms and don't impact how much time each parent has with the child.

Regardless of the custody order, both parents will usually have time with the child (parenting time) and the right to certain information. Both parents have the right to review school records and medical records, and to authorize emergency medical, dental, psychological, or other health care if the other parent is not available, unless the court orders otherwise.

Read ORS <u>107.137</u> to see what a court will consider when awarding custody. The most important factor is *always* the best interest and welfare of the *child*.

A **parenting plan** is where you provide a plan for when each parent will actually be with the child (parenting time). Parenting plans can also include specific times for contact. For example, "Mother can call on Fridays between 7pm and 10pm." Parenting time is separate from custody. For example, you can have joint custody with one parent having the child 75% of the time, and you can have sole custody with 50-50 parenting time. See below for more information.

Child support is separate from custody. Either parent can be ordered to pay child support regardless of who has custody or what kind of custody is ordered.

#### **Sole Custody**

If sole custody is ordered, the other parent will almost always have some parenting time with the child. The non-custodial parent has equal rights to the child's school records and medical records, and to authorize emergency medical, dental, psychological, or other health care if the other parent is not available, unless the court orders otherwise.

#### **Joint Custody**

Joint custody does not mean that every day-to-day activity has to be agreed to, but major decisions must be discussed by the parties.

A joint custody order can also specify certain decisions that can be made by one parent or the other. For example, Mother may be allowed to make decisions about religious training, or Father can made decisions about medical care.

A joint custody order might specify that one parent's home is the child's primary residence, but it's not required.

#### **Parenting Time & Parenting Plans**

Parenting time is what some people call 'visitation' – it is the time a child spends with each parent. Parenting time is detailed in a "parenting plan," which is usually focused on the parent who does not have sole or primary residential custody.

Once the court enters a judgment with parenting time included, that time is enforceable like any other court order. Parents can file for an expedited (faster) hearing if the other is not following the parenting time in the judgment.

A parenting plan is required for all cases involving a minor child. The plan sets out the schedule and rules for each parent's time with each child. A parenting plan should be written in the space provided in your *Petition* or attached to it as a separate form.

A parenting plan can be as general or as specific as you need it to be. The judge will expect to see some information about the days and times when children will be picked up and dropped off, and some plan for weekends, holidays, and school breaks. Consider whether you have children with different needs. Children at different ages may need different parenting plans. If you have a child with a medical issue, you may want to consider how the plan will impact care.

**BE AWARE** that if you do not include enough information in your plan and the other parent does not respond, you may have to serve the other parent with corrected paperwork before you can get a *Judgment*.

The parenting plan may include safety provisions for the child if problems like domestic violence, drug or alcohol abuse, or child abuse are involved in your case.

Oregon has a *Basic Parenting Plan Guide for Parents*. This guide has information about how to develop a plan, information about alternative schedules, and stages of your children's growth that should be considered when creating a plan. A sample parenting plan is included in the guide. The guide can be downloaded at <a href="www.courts.oregon.gov/familylaw">www.courts.oregon.gov/familylaw</a>. There is also a Safety Focused Parenting Plan Guide on this website. This can help you develop a parenting plan if you have safety concerns for your children. Many local courts also have standard plans in their Supplemental Local Rules. Check your local court's website. You can use these plans whole or as a guide to develop your own.

A mediator can help you create a parenting plan. A mediator is a neutral person trained to help you come to your own agreement and cannot make decisions for you. Information about mediation and parenting plans may be available through your court's parent education program, the court facilitator, or your local law library. Your local court may also have a mediation program for parents. Some courts require you to try mediation before your hearing.

**Custody/Parenting Time Evaluation** - If parents can't agree on a parenting plan, the court may order the parents to hire a custody or parenting time evaluator. Either or both parents may be ordered to pay for the evaluator.

If you and Respondent don't agree on a parenting plan before trial, the judge will order one.

# Appendix E – Support for a Child Attending School

If an adult child is attending school at least half-time according to the school's standards, that child is considered a "Child Attending School." A Child Attending School may be entitled to child support until he or she turns 21. "Child Attending School" is defined at ORS 107.108 and does not include children who are married.



IMPORTANT! After an order is made for support of a child attending school, the child *must* remain enrolled at least half-time AND make sufficient academic progress according to the school to qualify as a child attending school and continue to receive support.

**NOTE:** you can ask the court to extend child support for minor children to cover them when they qualify as Children Attending School. If a child does not immediately enter higher education after high school or drops out of high school, child support will end.

If you have an order that says support continues *if* the child becomes a Child Attending School, the child must notify the payor *before* the child turns 18 that he or she will be attending school, which school, and when the child expects to graduate or stop taking classes. Support generally continues during summers if the child has properly notified the other parent that the child intends to return to school.

The child must also provide consent to the school to release certain information to any parent paying child support. The requirements are at <u>ORS107.108</u>.

#### Paying Support for a Child Attending School

Support for an adult child is normally paid directly to the child, whether by the payor directly or by DCS. If you have good cause why the child should *not* receive payment, you must explain that in your *Petition*.

There is NO parenting plan or parenting time credit for a Child Attending School who has graduated from high school.

For more information, go to:

http://oregonchildsupport.gov/services/pages/child\_attending\_school.aspx

# Appendix F – Statutory Restraining Order

#### [Attach to Summons per ORS 107.093(5)]

# NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE DISSIPATION OF ASSETS IN DOMESTIC RELATIONS ACTIONS

PROVISION OF THIS ORDER TO AVOID VIOLATING THE LAW.

SEE INFORMATION ON YOUR RIGHT TO A HEARING BELOW.

#### TO THE PETITIONER AND RESPONDENT:

Under ORS 107.093 and UTCR 8.080, neither Petitioner nor Respondent may:

#### **Insurance Policies**

(1) Cancel, modify, terminate, or allow to lapse for nonpayment of premiums, any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

#### **Insurance Beneficiaries**

(2) Change beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

#### **Property**

- (3) Transfer, encumber, conceal, or dispose of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.
  - (A) Paragraph (3) does not apply to payment by either party of:
    - (i) Attorney fees in this action;
    - (ii) Real estate and income taxes;
    - (iii) Mental health therapy expenses for either party or a minor child of the parties; or
    - (iv) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

#### **Expenses**

(4) Make extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. This does not apply to payment of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

#### **EFFECTIVE DATE:**

The above provisions are in effect <u>immediately</u> upon service of the *Petition* and *Summons* on the respondent. They remain in effect until a final judgment is issued, until the petition is dismissed, or until further order of the court.

#### RIGHT TO REQUEST A HEARING

Either Petitioner or Respondent may request a hearing to modify or revoke one or more terms of this restraining order by filing with the court the *Request for Hearing re: Statutory Restraining Order* form specified in Form 8.080.2 in the UTCR Appendix of Forms.

Page 1 of 1 (Mar 2019)

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

	<b>Case No:</b>		
Petitioner	PETITION FOR OF MAR Filing fees at ORS 2	RIAGE 🗌 1	RDP
Respondent	Claim is not subject	t to mandatory a	rbitration
Unmarried children 18, 19, or 20 years old (per ORS 107.	108) (full names)		
$\succ$ I need an interpreter: $\square$ Spanish $\square$ ASL $\square$	] other:		
Date of marriage or registration of RDP:			
Place of marriage or registration of RDP:		(County, Stat	re)
<ul> <li>My spouse or partner and I have differences s repaired</li> <li>My spouse or partner and I have an agreement all rights and obligations as husband and wife/do year</li> </ul> 2. Duration	t that will be filed w	vith the court su	ıspending
The separation should be $\square$ unlimited $or$ $\square$	(fill in amount of ti	me or end date)	
3. Residency  Marriage Only: □ At least one spouse currently being filed			tition is
Registered Domestic Partnership Only:  □ At least one partner currently lives in the coron or  □ Neither partner currently lives in Oregon and where {□ Petitioner □ Respondent} last lived	d this <i>Petition</i> is be		
4. Children of Petitioner and Respondent conceived marriage/RDP and any children otherwise legally			
Name		Age	

		11 1' . 1		. 101:11 "					
	Additional children listed on page attached titled "Section 4 – Additional Children"								
	Tame and age of any cloth parties	nild conceived or born	during this marriage/RDP	who is NOT the child of					
_	☐Neither party is now	nragnant							
	- •		the other party $\square$ is $\square$ is	not the parent of this					
			the other party $\square$ is $\square$ is $\square$						
را	ппа. Тпе ехрестей аат	c of the child's pirth is							
	<b>Section 3.</b> By filing this petition, I acknowledge that I am bound by the terms of the <b>Statutory Restraining Order (SRO)</b> prohibiting either party from disposing of marital/partnership assets. I understand that this restraining order is effective as soon as this <i>Petition</i> and the <i>Summons</i> are served on Respondent.								
U	. Other Case Inform 6A. Pending (								
			nat has been started but no	t vet finished in anv					
			ld or spousal/partner supp						
			ody, paternity, juvenile cou						
Ī	Name of Court or	Case No.	Invol						
	Agency		(check all th	'ıat apply)					
ŀ			☐ Dissolution, annulment,	or separation					
			☐ Spousal/partner support	<u>-</u>					
			☐ Child Support						
			☐ Custody/Parenting Time	:					
			Restraining Order						
			☐ Juvenile Dependency/De						
Ī			☐ Dissolution, annulment,	-					
			☐ Spousal/partner support						
			☐ Child Support						

☐ Additional information attached

#### **6B. Existing Orders or Judgments**

List any existing order or judgment in this or any other state between the parties **and** attach a copy of the signed order or judgment (including child support (whether or not it is currently effective), dissolution (divorce), annulment, separation, custody, paternity, juvenile court, modification, or restraining/protective orders)

☐ Custody/Parenting Time ☐ Restraining Order

☐ Juvenile Dependency/Delinquency

Name of Court or	Case No.	Date	Involves:			
Agency		Signed	(check all that apply)			
			Dissolution, annulment, or separation			
			Spousal/partner support			
*Result (if custody/parent	ing time)		☐ Child Support			
Result (ij custody/parenti	ing time).		Custody/Parenting Time*			
			Restraining Order			
			☐ Juvenile Dependency/Delinquency			
			Dissolution, annulment, or separation			
			☐ Spousal/partner support			
			☐ Child Support			
*Result (if custody/parent)	ing time):		☐ Custody/Parenting Time			
			☐ Restraining Order			
			☐ Juvenile Dependency/Delinquency			
			☐ Dissolution, annulment, or separation			
			☐ Spousal/partner support			
			☐ Child Support			
*Result (if custody/parent	ing time):		☐ Custody/Parenting Time			
			Restraining Order			
			☐ Juvenile Dependency/Delinquency			
			☐ Dissolution, annulment, or separation			
			☐ Spousal/partner support			
			☐ Child Support			
*Result (if custody/parent)	ing time):		☐ Custody/Parenting Time			
			Restraining Order			
			☐ Juvenile Dependency/Delinquency			
☐ Additio	onal information	attached				
Cress pages						
<u>CHILDREN</u>						
☐ A No-Contact Order (criminal or other) prohibits ☐ me ☐ the other parent from						
exercising parenting tin		C				
Case #		County/State:				

#### 7. UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act)

You must advise the court if any of this information changes

**7A**. Besides those listed above, list any case about the CUSTODY or PARENTING TIME (visitation) of the minor children named in this case that you participated in (include any that were filed but dismissed or denied by the court, and any filed by or against someone other than the Petitioner and Respondent in this case.)

Name of C	Court	State	Case No.	Date of final		Result
Traine of C	Jourt			decision		de names of ed children)
						·
			eding that may affect t			
			ce or protective orders ng any of the children j			oarental
Name of Co	ourt or	State	Case No.	Type of Case		ted Children
Agenc	y					
			the children in Section			
names of the p <b>Current:</b>	people th	ey nvea v	vith at that time, and $c\imath$	<i>irrent</i> contact ad	aresses 101	r tnose people
Child's Name	9	Currer	nt Address Li	ves with:	1 .	
Child's Name	9	Currer	nt Address Li	ves with: Petitioner Res	pondent	
Child's Name	9	Curren	nt Address Li	Petitioner Res Other: Petitioner Res	pondent	
Child's Name		Currer	nt Address Li	Petitioner Res	pondent	
	9	Currer	nt Address Li	Petitioner Res Other: Petitioner Res	pondent	
		Currer y, State	Name of Parent/Caretaker	Petitioner Res Other: Petitioner Res	pondent ress of	Which Children
Residences:			Name of	Petitioner Res Other: Petitioner Res Other: Contact Add	pondent ress of	
Residences:			Name of	Petitioner Res Other: Petitioner Res Other: Contact Add	pondent ress of	
Residences:			Name of	Petitioner Res Other: Petitioner Res Other: Contact Add	pondent ress of	
Residences:			Name of	Petitioner Res Other: Petitioner Res Other: Contact Add	pondent ress of	
Residences:			Name of	Petitioner Res Other: Petitioner Res Other: Contact Add	pondent ress of	
Residences:			Name of	Petitioner Res Other: Petitioner Res Other: Contact Add	pondent ress of	

**Additional Caregivers:** 

Dates From/To	Name of Parent/Caretaker	Where did they live with this caretaker?	Contact Address of Parent/Caretaker	Which Children
before  The	the filing of this <i>Petitio</i> e following children haves)	4 have continuously liv n, except for the childre we <b>not</b> lived in Oregon or Oregon to address cu	en named below continuously for six mo	onths:
or who claims	to have custody, visitat	the other parent who he ion or parenting time r induction data data data data data data data dat	ights	
8. Custody a	and Parenting Time			
Custody of the	e children should be aw	arded as follows: ustody of the following o	children (list names):_	
	ould be awarded sole co	ıstody of the following o	children (list names):	
$\Box$ Res	pondent should be awa	rded sole custody of the	e following children (lis	st names):
_		as set forth in the attac	_	
	ng time should be supe et of supervision should	rvised by be paid by □ Petitione	r □ Respondent □ Otl	ner:
	dent should not be gran f the children. <b>State su</b>	nted parenting time bec	ause this would endan	
	e allowed to move more en notice because good	than 60 miles farther a cause exists (explain): _	away from the respond	

☐ I sł Respo	nould not be required to provide contact information to Respondent or to contact indent in case of emergency circumstances or substantial change in the health of the en (explain):
<b>Pare</b> r ☐ Res	spondent should not have authority under ORS 107.154 (explain):
9. Su	pport A. <u>Child Support</u>
	There <b>IS</b> an existing child support order in the monthly amount of \$
	from (county, state) and the Child
	Support Program (CSP)# is and the child
	☐ I <u>do not</u> want to change this amount (skip to section 9B, below) ☐ I <u>do</u> want to change this amount because circumstances have changed significantly since the order was issued. Explain the change
	(fill in the sections below with the new amount you are requesting)
	(or)
	☐ There <u>IS NOT</u> an existing child support order from any other court or agency ☐ I <u>am not</u> requesting child support <u>because</u>
	(skip to section 9B, below)  ☐ I <u>am</u> requesting child support (fill in the sections below)
	<ul> <li>9.A.1.  Support is presumed to be unavailable because the parent who would pay (check all that apply):</li></ul>
	☐ Support should be ordered despite the presumption ( <i>explain why and complete section 9.A.2, below</i> ):
	9.A.2. Support should be ordered payable:  by Petitioner Respondent  to Petitioner Respondent Adult Child Attending School (name):

<b>on</b> the first day of each month <b>beginning</b> $\square$ the month following entry of this judgment $or$ $\square$ the date of service of this <i>Petition</i>
The total monthly amount should be:  □ Determined under the Oregon child support guidelines prior to judgment (or)  □ \$
because the guideline amount would be unjust or inappropriate (explain):
B. Medical Support
<ul> <li>Medical support has already been ordered in another case as noted in Section 9A above</li> <li>☐ The existing order should <u>not</u> be changed (<i>skip to section 9B.2 below</i>)</li> <li>☐ The existing order should be changed (<i>fill out the sections below</i>). I have also requested a change of child support above.</li> </ul>
If medical support has not been ordered in another case, complete sections below
B.1. Health Insurance Coverage
Petitioner Respondent both parents should be ordered to provide health insurance coverage throughout the period of the child support obligation
Cash Medical Support  (If health insurance is not available, then the parent who is ordered to pay child support will also be ordered to pay cash medical support according to the Child Support Guidelines unless the court finds reason not to)
Cash Medical Support should <b>not</b> be ordered because:  ☐ Support is presumed to be unavailable for the reason marked in Section 9.A.1, above (Note: if you asked that support be awarded anyway, do not mark this box)
<ul> <li>☐ the parent paying child support has income at or below Oregon's minimum wage for full-time employment, so cash medical support should not be ordered</li> <li>☐ The children's medical needs will be met by the <i>Uninsured Medical Expenses</i> provision below</li> <li>☐ Other (explain):</li> </ul>
B.2. <u>Uninsured Medical Expenses</u>
Uninsured medical expenses should not be awarded
or ☐ Petitioner should pay% and Respondent should pay% of the
unreimbursed costs of the children's reasonable medical, dental, and vision
care. This does not include ordinary expenses like nonprescription medication, bandages, vitamins, and copays for regular checkups, which the parents are
presumed to provide for the children in proportion to their parenting time. This

obligation is in addition to any child support <b>and</b> will be <b>offset</b> by any cash medical support ordered above.
<ul> <li>or</li> <li>☐ This obligation should be in addition to any child support and cash medical support ordered above</li> </ul>
C. Payment  How should payments be made?  I understand that payments will be made by income withholding unless an exception applies
☐ I request an exception to the income withholding requirement of ORS 25.378 so that payment can be made another way because good cause exists ☐ Petitioner and Respondent have agreed in writing to the following alternative payment method (explain):
Other exception under ORS 25.396 (explain):
Where should payments go?  All support payments should be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309  or
An exception to income withholding applies as noted above. All support payments should be made to the recipient's checking or savings account. The receiving parent should be ordered to provide the paying parent with current deposit slips or bank name, account name, and account number.
Other (explain):
(only available if you request an exception to income withholding, above)
Adult Child Attending School  The Division of Child Support (DCS) should pay support for an adult child attending school directly to the child unless good cause exists for payment to be made another way  GOOD CAUSE exists for DCS not to pay support directly to a child attending school (explain):
D. Length of child support Support should end when the last child becomes self-supporting, emancipated, or married, or reaches age 18  Support should continue until the last child reaches age 21 if the child qualifies as a child attending school under ORS 107.108
E. <u>Tax Dependents</u>

(Note that the judgment is not binding on the IRS and will not provide a defense if the parties

fail to comply with IRS regulations in any given tax year. Speak to a lawyer or tax

professional	.)	
dependents The other p this order in	er Respondent should be permitted to classifier tax purposes beginning with the <b>tax</b> ye arent must complete any IRS waivers or for a each tax year and must not file contradicted	ar this judgment is entered. rms necessary to accomplish ory tax returns.
or ☐ Other (s <sub>j</sub>	pecify):	
The participation that the different thread the difference in the	tance Coverage for Children  ty paying support should carry life insurance roughout the period of the support obligation of \$  visions	on. The coverage should be in
☐ Additional p	age attached titled "Section 10 - Additional Prov	risions"
A. Support  No spousal  Spousal/pa	SPOUSAL/PARTNER SUPPORT <b>r Support and Life Insurance</b> /partner support is requested <b>or</b> artner support should be paid by □ Petition  ent to Petitioner	
Type of Support:	Payment Terms:*	Based on these factors:
Transitional \$	☐ monthly payments beginning the month following:  ➤ ☐ entry of this judgment or  ➤ ☐ the date of service of this Petition  ➤ ☐ or  Ending*:	
	Or ☐ lump sum payable by (date):	
Compensatory \$	<ul> <li>☐ monthly payments beginning the month following:</li> <li>➢ ☐ entry of this judgment or</li> <li>➢ ☐ the date of service of this Petition</li> <li>➢ ☐ or</li> <li>Ending*:</li> </ul>	
	Or ☐ lump sum payable by (date):	

Maintenance	monthly payments beginning the month
Maintenance	following:
\$	<ul> <li>entry of this judgment or</li> <li>the date of service of this Petition</li> </ul>
	$\rightarrow$ $\Box$ the date of service of this $T$ ethion
	Ending*:
	Or ☐ lump sum payable by
	(date):
	s are due by the 1 <sup>st</sup> of the month. All payments end on the death of either r event is specified above)
Choose ONE option:	
	ts should be made directly into recipient's checking or savings account.
	receiving support must provide the paying spouse or partner with either
	their bank name, account name, and account number.
or	
	of Justice, Child Support Accounting Unit, PO Box 14506, Salem, OR,
,, e	t of Justice should provide all collection, accounting, disbursement, and
enforcement services.	
B. <u>Life Insuran</u>	e
	ying support should carry life insurance for the benefit of the other party
	he period of the support obligation. The coverage should be in the
amount of	
	PROPERTY AND DEBTS
12. Real Property	PROPERTY AND DEBTS
Neither party has	ny interest in any real property in Oregon or any other place
<ul><li>☐ Neither party has</li><li>☐ Both parties have</li></ul>	
☐ Neither party has ☐ Both parties have (address)	ny interest in any real property in Oregon or any other place $r \{ \Box \text{ Petitioner } \Box \text{ Respondent has} \}$ an interest in real property at:
☐ Neither party has ☐ Both parties have (address)	ny interest in any real property in Oregon or any other place
☐ Neither party has ☐ Both parties have (address) ☐ Additional p	ny interest in any real property in Oregon or any other place r { Petitioner Respondent has} an interest in real property at: ge attached titled "Section 12 - Real Property"
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description	ny interest in any real property in Oregon or any other place $r \{ \Box \text{ Petitioner } \Box \text{ Respondent has} \}$ an interest in real property at:
☐ Neither party has ☐ Both parties have (address) ☐ Additional p	ny interest in any real property in Oregon or any other place r { Petitioner Respondent has} an interest in real property at: ge attached titled "Section 12 - Real Property"
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description	ny interest in any real property in Oregon or any other place  r { Petitioner Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description	ny interest in any real property in Oregon or any other place r { Petitioner Respondent has} an interest in real property at: ge attached titled "Section 12 - Real Property"
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description	ny interest in any real property in Oregon or any other place  r { Petitioner Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description	ny interest in any real property in Oregon or any other place  r { Petitioner Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description	ny interest in any real property in Oregon or any other place  r { Petitioner Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description This property should	ny interest in any real property in Oregon or any other place  r { Petitioner Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in  ge distributed equitably or as follows:
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description This property should ☐ 13. Personal Prope	ny interest in any real property in Oregon or any other place  r { Petitioner   Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in  ge distributed   equitably or   as follows:
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description This property should ☐ The legal description This property should ☐ Compare the should of the	ny interest in any real property in Oregon or any other place  r { Petitioner   Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in  ge distributed   equitably or   as follows:  ty  nefits can be divided. See a lawyer if you want to do that.)
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description  This property should ☐ 13. Personal Prope (Retirement b) ☐ The Petitioner a	ny interest in any real property in Oregon or any other place  r { Petitioner Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in  e distributed equitably or as follows:  ty  nefits can be divided. See a lawyer if you want to do that.)  d Respondent have divided between them all personal property that they
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description  This property should ☐  13. Personal Prope (Retirement b) ☐ The Petitioner a own. This includes	ny interest in any real property in Oregon or any other place  r { Petitioner   Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in  ge distributed   equitably or   as follows:  ty  nefits can be divided. See a lawyer if you want to do that.)  d Respondent have divided between them all personal property that they  ll personal effects, household goods, motor vehicles, pets, and other
☐ Neither party has ☐ Both parties have (address) ☐ Additional p ☐ The legal description This property should ☐ The Personal Prope (Retirement b) ☐ The Petitioner a own. This includes items of property.	ny interest in any real property in Oregon or any other place  r { Petitioner Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in  e distributed equitably or as follows:  ty  nefits can be divided. See a lawyer if you want to do that.)  d Respondent have divided between them all personal property that they
□ Neither party has □ Both parties have (address) □ Additional p □ The legal description This property should □ The Petitioner a own. This includes items of property.	ny interest in any real property in Oregon or any other place  r { Petitioner   Respondent has} an interest in real property at:  ge attached titled "Section 12 - Real Property"  n of the real property is attached as Exhibit and incorporated in  ge distributed   equitably or   as follows:  ty  nefits can be divided. See a lawyer if you want to do that.)  d Respondent have divided between them all personal property that they  ll personal effects, household goods, motor vehicles, pets, and other

	deferred-compensation plans, and stock option plans held by the parties. <i>or</i>					
□ Th	☐ The parties' personal property should be divided as follows, with equitable distribution of					
	any property not listed:  ☐ Petitioner should be awarded the following personal property:					
_						
_	☐ Additional page attached titled "Section 13 - Petitioner's Personal Property"					
ŗ	☐ Petitioner should be awarded all of Petitioner's retirement benefits, pension plans, profit-sharing plans, deferred-compensation plans, and stock option plans held by Petitioner's employer, free of any interest by Respondent.					
[	□Respondent should	be awarded the foll	lowing perso	nal property:		
_	☐ Additional pa	ge attached titled "So	ection 13 – Res	spondent's Personal P	roperty"	
I I	Respondent should profit-sharing plans, despondent's employe	eferred-compensater, free of any interest.	tion plans, an est by Petition	nd stock option plan ner.		
	tribution of Debts	Debts should What debt is for	be paid as fo Amount	llows: Who should pay	(Petitioner or	
	fame of Creditor to debt is owed to)	What debt is for	Timount	Respon		
	¬ . 1 1'.' 1 1	1.11 1.60	D' - '1 - '	CD 1: "		
Each spo	☐ Additional page attached titled "Section 14, Distribution of Debts"  Each spouse or partner should be responsible for the payment of all debts incurred individually since the date of their separation, all debts distributed to him or her by the court, <i>and</i> all debts secured by property distributed to him or her					
Debts sh	ould be divided as of	(date):				
Transfer of Debts and Property  Each party should be ordered to complete all property transfers required by the judgment within 30 days of the date of judgment. Each should execute, acknowledge, and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. The judgment should operate to convey title if either party fails to comply with this requirement.						
	mer Name former name of restored	d (write the FULL)	name – first.	middle, and last)	_should be	

16. In	Age of Petitioner:  Respondent's contact addres	<b>RS 107.085</b> Age of Responden ss:	t:
	A Confidential Information clerk containing all informat confidential by UTCR 2.130	ion required by ORS 107.0	
17. Co	Costs and fees should be	ponsible for paying his or he paid by both parties equall ourse Petitioner for costs ar	er own costs and fees y
	iest a judgment granting t he court finds just	the relief asked for abov	ve, and other equitable relief
	icate of pending/existing There ☐ is ☐ is not a PEND		
>	There 🗌 is 🔲 is not an EXIS	STING child support order	or judgment
Inform	nation about any pending or e	xisting child support proce	edings is included above
know	•		d complete to the best of my use in court and I am subject
Date		Signature	
Email		Name (printed)	
Contac	et Address	City, State, ZIP	Contact Phone
	nal: APPLICATION FOR I NOTE: If more than \$550 is received TANF, tribal TANF	collected each year, a \$35	PROGRAM SERVICES fee will apply unless you have
	regon Child Support Program you opt out here: I <b>opt-out</b> of Oregon Chil	will provide collection and d Support Program service	



#### Department of Consumer and Business Services Division of Financial Regulation

P.O. Box 14480, Salem, OR 97309-0405 Phone: 503-947-7980, Fax: 503-378-4351 350 Winter St. NE, Salem, OR 97301-3883

> Email: dfr.mail@oregon.gov dfr.oregon.gov

# Notice to parties in a suit for marriage dissolution or legal separation regarding continuation of health coverage

If you or your spouse have filed for divorce or legal separation and currently hold group health insurance coverage through your spouse, your coverage may end when the court grants your divorce or separation. Oregon law offers options that may enable you to continue your coverage. This notice outlines continued coverage options available under Oregon law. Federal law, commonly known as COBRA, may also enable you to continue coverage. *Note*: You must act promptly to continue coverage.

Applying for individual coverage may also be an option. Insurers can no longer deny enrollment to individuals because of health or pre-existing conditions. You may be eligible to enroll in a plan through healthcare.gov or directly from an insurer. If you apply for coverage through healthcare.gov, you may qualify for financial assistance.

For more information about Oregon and federal law, consult your health insurer, the plan administrator for your insurance coverage, the employer through whom your insurance is provided, or your attorney.

#### The following is a summary of options under Oregon law:

- 1. Continuation of existing coverage for a divorced or legally separated spouse who is 55 years of age or older (ORS 743B.343 to 743B.345). If you are a divorced or legally separated spouse and if you are 55 years of age or older when the dissolution or legal separation occurs, you may continue your existing group coverage until you obtain other group coverage or become eligible for Medicare. In order to continue coverage, you must do both of the following:
  - A. You must notify the group health insurance plan administrator in writing of the dissolution or legal separation within 60 days of the entry of the decree of divorce or legal separation.
  - B. You must elect to continue and pay for the group coverage. You must make the election on a form provided by the plan administrator.

*Note*: This provision applies only if your coverage is provided through an employer who employs 20 or more employees or if your coverage is provided by a group health insurance plan that covers 20 or more employees.

- 2. Continuation of existing coverage for a divorced spouse when federal law does not provide for continued coverage (ORS 743B.347). If you are not able to continue your group health coverage under federal law (COBRA), you may continue your existing group coverage upon dissolution of your marriage for a period not exceeding nine months. The following requirements apply:
  - A. You must have been continuously covered by the group policy for at least three months prior to your divorce.
  - B. You must ask the insurer or the group policyholder, in writing, to continue your coverage. You must also pay the required premiums.
  - C. You must make your request by the latter of the following dates:
    - (1) Ten days after the date that your coverage under the group policy as a qualified family member ends;

or

(2) Ten days after the date on which the employer or group policyholder gives notice of the right to continue coverage.

- **3. Apply for individual coverage**. If you were covered by a group health plan and you lost that coverage because of a legal separation or divorce, you may qualify for a special enrollment and be eligible to purchase an individual plan through healthcare.gov or from an insurer. To qualify for this special enrollment:
  - (1) Apply through healthcare.gov and pay your premium within 60 days of the date you lost your group coverage; or
  - (2) Apply for individual coverage from an insurer within 60 days of the date you lost your group coverage.

**Remember**: The longer you wait to apply, the later your coverage will start. Financial help is available only if you apply for insurance through healthcare.gov. Your insurance agent can also help you apply through healthcare.gov.

Prepared by Oregon Division of Financial Regulation, Department of Consumer and Business Services, under ORS 107.092.

Revised Nov. 3, 2016. Distributed by the Office of the State Court Administrator.



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

		Case No:
and	Petitioner	SUMMONS FOR FAMILY LAW CASE  Marriage Registered Domestic Partnership (RDP)
	Respondent	☐ Unmarried & Unregistered
To (name):		_
Home Address:		Work Address:
	marriage or Register	ed Domestic Partnership (RDP)
	ion of your marriage cody, or parenting tim	or Registered Domestic Partnership (RDP) ne
NOTICE TO RES	SPONDENT: READ	THESE PAPERS CAREFULLY!
you must file a legal paper cal	led a " <i>Response</i> " or a	<b>side will win automatically.</b> To "appear," motion. <i>Response</i> forms are available <u>pregon.gov</u> . Talk to a lawyer for information
the day you received this a www.courts.oregon.gov for for the Petitioner's lawyer (or the	<b>Summons,</b> along wi ee information). It m Petitioner if he or sh ccording to the service	the court named above <b>within 30 days of</b> th the required filing fee (go to ust be in proper form and you must show that e does not have a lawyer) was formally served e rules. Service rules are included in <u>ourts.oregon.gov</u> .
	r Referral Service at 5	you need help finding a lawyer, you can call 03.684.3763 or toll free in Oregon at
Date	Petitio	ner Signature
	Name	(printed)
Contact Address	City, State, ZIP	Contact Phone

## FOR THE COUNTY OF Case No: Petitioner and CONFIDENTIAL **INFORMATION FORM** ☐ Amended CIF Respondent UTCR 2.130 Unmarried children age 18, 19, or 20 years old (per ORS 107.108) **Submitted by:** Petitioner Respondent other: **Information about** (name): Petitioner Respondent other: (first, middle, last) **Social Security Number:** Date of Birth: Driver License (Number and State): Former Legal Names: Employer's Name, Address, and Phone: Minor children of the parties:1 Name: Date of Birth: **Social Security Number:**

IN THE CIRCUIT COURT OF THE STATE OF OREGON

☐ Additional page attached

<sup>&</sup>lt;sup>1</sup> The names of parties and children, and children's ages are not confidential. This form can only be viewed by the party who files it unless the court orders otherwise.

## FOR THE COUNTY OF Case No: Petitioner and CONFIDENTIAL **INFORMATION FORM** ☐ Amended CIF Respondent UTCR 2.130 Unmarried children age 18, 19, or 20 years old (per ORS 107.108) **Submitted by:** Petitioner Respondent other: **Information about** (name): Petitioner Respondent other: (first, middle, last) **Social Security Number:** Date of Birth: Driver License (Number and State): Former Legal Names: Employer's Name, Address, and Phone: Minor children of the parties:1 Name: Date of Birth: **Social Security Number:**

IN THE CIRCUIT COURT OF THE STATE OF OREGON

☐ Additional page attached

<sup>&</sup>lt;sup>1</sup> The names of parties and children, and children's ages are not confidential. This form can only be viewed by the party who files it unless the court orders otherwise.

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

	Pet: and	CONI INFO	OF FILING OF FIDENTIAL DRMATION RM (CIF)
and	Respo	ondent	mended CIF
	ried children 18, 19, or 20 years old (per		
I filed	Confidential Information Forms with ed by Uniform Trial Court Rule (UTC	n the court about the followi	
1)	My Name: Respondent □ O	ther:	
	Containing (check all that apply):  ☐ Social Security Number (SSN) ☐ Da ☐ employer's name, address, and phone ☐ former legal names	ate of Birth (DOB) 🗌 children's	s SSN 🔲 children's DOB
2)	Name: Petitioner ☐ Respondent ☐ Ot	ther:	
	Containing (check all that apply):  ☐ SSN ☐ DOB ☐ children's SSN ☐ number ☐ driver license number ☐ for	children's DOB □ employer's ormer legal names	name, address, and phone
3)	Name: Petitioner ☐ Respondent ☐ Ot	ther:	
	Containing (check all that apply):  ☐ SSN ☐ DOB ☐ children's SSN ☐ number ☐ driver license number ☐ for	children's DOB □ employer's ormer legal names	name, address, and phone
4)	Name: Respondent □ Ot	ther:	
	Containing (check all that apply):  ☐ SSN ☐ DOB ☐ children's SSN ☐ number ☐ driver license number ☐ for		name, address, and phone
Date		Signature	
		Name (printed)	
Contac	t Address	City, State, ZIP	Contact Phone

	FOR THE COUNTY OF	
	C	ase No:
v.	Plaintiff/Petitioner	ACCEPTANCE OF SERVICE
De	efendant/Respondent	
I am the Plaintiff/Pet	titioner □Defendant/Responde	ent in this matter.
On (date)	I received a true cop	y of (check all that apply):
<ul><li>☐ Petition</li><li>☐ Claim</li><li>☐ Complaint</li></ul>		on on mediation
And for Domestic Rela	ations cases:	
<ul> <li>□ Notice of CIF (Confide</li> <li>□ Information on contin</li> <li>□ Order to Show Cause i</li> <li>□ Statement of Assets ar</li> <li>□ Uniform Support Decl</li> </ul>		DBRA) I Declaration
		e to the best of my knowledge court and I am subject to penalty
Date	Signature	
	Name (printed	
Address	City/State/Zip	Telephone

IN THE CIRCUIT COURT OF THE STATE OF OREGON

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

		Case No:	
	Petitioner	CERTIFICATE O	
and		☐ (a) Personal Ser	
		☐ (b) Substitute S	
		☐ (c) Office Service	
	Respondent	` '	
	Respondent	$\square$ (d) Service by M	lail
I, (name)			
		erson 18 years of age or o	
party to or lawyer in this case,			_
the person named below. I serv	<del>-</del>	original (check all that a	apply):
Petition and Summons			
☐ Information about med		TEV Edda a	
☐ Notice of Confidential			nta.
Order to Show Cause r	o: Modification with	enting Dissipation of Asso Motion and Declaration	ets
☐ Information about con			
Uniform Support Decla		veruge (CODIMI)	
		rk (name all forms or do	ocuments served)
		d)	
by (check a, b, c, or d and con	-		
		, at	-
$\{\Box \text{ Petitioner } \Box \text{ Respondent}\}\$			
following addressCounty of			in the
County of	, State of		
(b) 🗆 Substitute Ser	<b>vice</b> on <i>(date)</i>	, at	a.m./p.m., by
delivering them to the following	ıg address		
delivering them to the followin in the County of	, State of	Deliver	ed to ( <i>name</i> )
(Complete the continue below to	, who is a pers	on age 14 or older and w	no lives there.
(Complete the section below of	niy ii the server also	ala the follow-up mailing	g requirea by UKCP
7D(2)(b). If a person other that complete a separate Certificat			oerson must
☐ On (date) documents served with the U.S	, I pers	onally deposited a true c	opy of the same
documents served with the U.S	5. Postal Service, via f	irst class mail, in a seale	d envelope, postage
paid, addressed to the party to	be served: $\square$ Petition	ner $\square$ Respondent ( $nam$	e)

, at the party's home address list time and place that the documents were hand-o	ed above, together with a statement of the date, delivered to the party's dwelling (residence).
(c) $\Box$ Office Service on (date)	, ata.m./p.m., by
delivering them to the office of the party to be s	erved located at: (address)
denvering them to the office of the party to be s	during normal working hours for that
office, where I left the documents with (name)	, during normal working hours for that , who
is a person apparently in charge, to give the doc	ruments to the party to be served.
(Complete the section below only if the server a	also did the follow-up mailing required by ORC
7D(2) (c). If a person other than the server did	
complete a separate Certificate of Service Mail	
□ On (date), I	personally deposited a true copy of the same
documents served with the U.S. Postal Service,	via first class mail, in a sealed envelope, postage
	etitioner 🗆 Respondent ( <i>name</i> )
, at the party's: □ hom	
. <i>OR</i> \( \text{b} \)	usiness address above, together with a statemen
of the date, time and place that the documents	were hand-delivered to the party's office.
(d) Service by Mail, Return Rece	eipt Requested on (date)
I personally deposited <b>two</b> true copies with the	e Ü.S. Postal Service. <b>One</b> by first class mail, and
the <b>other</b> by certified or registered mail, Return	n Receipt Requested, or by express mail, postag
paid, addressed to the party to be served: $\Box$ Pe	
(name), at the pa	arty's home address located at:
	(address). (NOTE: If mailed Return Recei
Requested, the return receipt must be attached	l to this Certificate of Service.)
I hereby declare that the above statemen	
and belief, and that I understand they are am subject to penalty for perjury.	e made for use as evidence in court and I
and subject to penalty for perjury.	
Date	Signature of Server
	0
	Print Name
If person serving is NOT a sheriff or sheriff's d	eputy, address and phone number of server:
-	-

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

		Case No.	
and	Petitioner	DELIV	TICATE OF MAILING OR VERY TO DIVISION OF CHILD SUPPORT
	Respondent		
	ppy of the <i>Petition</i> in the e Department of Justic	ne above dom ce, Division c	l-delivered <b>or</b> mailed by nestic relations case to the of Child Support at
I hereby declare that the and belief. I understar subject to penalty for p	nd they are made for		he best of my knowledge nce in court and I am
Date		Signature	{☐ Petitioner ☐ Respondent}
		Name (printe	ed)
Contact Address	City / State / Z	ZIP	Contact Phone

### **NOTICE OF PROPOSED JUDGMENT OR ORDER**

To be sent to all other parties before submitting proposed Judgment or Order to the court for signature. Send the Judgment or Order to the other party with this Notice at least 7 days before submitting it to the court. This does not apply to judgments submitted with a Motion for Order of Default or after an Order of Default has been granted.

This notice is to inform you that you can object to the attached proposed *Judgment* or *Order*.

Uniform Trial Court Rule (UTCR) 5.100<sup>1</sup> allows you to object to the proposed judgment or order. If you have no objections, you can sign the last page and return it to me.

#### If you do object to any of the terms of the judgment or order, you may:

1) Contact me within 7 days of the date of this notice. If you contact me and w	/e
are not able to resolve your objections after reasonable efforts, I will include your objections	
with the proposed judgment or order when I submit it to the court.	

**2) Submit your objections directly to the court.** If you intend to submit your objections directly to the court, notify me within 7 days of the date of this notice so that I can

or

inform the court of your intentions when I submit the proposed judgment or order. If yo object to the proposed order or judgment, you must contact me within 7 days of the date notice.				
Date	Signature			
	Name (printed)			
Address	City/State/Zip	Phone		

<sup>&</sup>lt;sup>1</sup> http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx

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

and		F	Petitioner	SUPPOR' JUDGMENT	LARATIO FING GEN FOF SEPA RRIAGE [	ERAL RATION
,		Res	spondent	_	_	_
and						
Unmarried children	18, 19, or 20	years old <i>(f</i>	ull names)			
Γhe statements ma	ade in the Po	etition rem	ain true and	accurate except:		
Section Number	Explain					
Addition	<u> </u> al page attacl	ned				
Minor Children Children of Petitio prior to the marria parties:  Name of Chi	ner and Res		ren otherwis		ed as children	
Addition	al children lis	sted on page	attached title	d "Additional Child	ren"	
□Petitioner □ Rechild. The expected						nt of this
Child suppor				ion included in the		
☐ The parent who that apply)	should pay	child supp	oort ("payor"	does <b>not</b> live in	Oregon <b>but</b> (	check all

	ed with the <i>Petition</i> in Oregon	
Filed a response in the		
	at least one of the children	
Lived in Oregon and	paid for prenatal or other costs for at	least one of the children
☐ At least one child live	es in Oregon as a result of an act or ins	truction by the payor
	y have been conceived in Oregon	
	on a Voluntary Acknowledgment of Pa	
	Oregon for at least 6 months and the r	
	one year before the <i>Petition</i> was filed i	in this case
☐ There is another bas	is for jurisdiction <i>(explain)</i> :	
I ask the court to enter judgmen	nt without a hearing under ORS 107.09	95(4) because:
	appeared and an <i>Order of Default</i> has	
	ulated (agreed) to the terms of the Jud	
Respondent signed a	Waiver of Appearance and Consent t	to Entry of Judgment
knowledge and belief. I und I am subject to penalty for		
Submitted by Petitioner	kespondent	
Date	Signature	
	Print Name	
Contact Address	Print Name  City, State, Zip	Contact Phone

# IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF \_\_\_\_\_\_ In the Matter of the Marriage or Registered Domestic Partnership (RDP) of: Case No: \_\_\_\_\_\_ Petitioner GENERAL JUDGMENT OF SEPARATION OF \_\_\_\_\_ MARRIAGE \_\_\_ RDP

and	SEPARATION OF  ☐ MARRIAGE ☐ RDP
Respondent	
and	
Unmarried children 18, 19, or 20 years old (full names)	
This document was presented to the court:	
$\square$ On the motion and declaration of Petitioner, the	<u>default</u> of Respondent having been found
☐ and Respondent being represented by a guard	dian ad litem or other person described in
Oregon Rules of Civil Procedure, Rule 27	•
$\square$ On the <u>stipulation</u> of the parties, as shown by the	signatures at the end of this Judgment or by
Waiver of Further Appearance	· ·
☐ After a <u>hearing</u> held(date), a	at which the following persons were present:
☐ Respondent ☐ Respondent's attorney	
☐ Other	
Children 18, 19, or 20 Years of Age	1'
☐ Waived further appearance in these proce	
☐ Fully participated in the proceedings and	are bound by the terms of this judgment:
(names)	
$\square$ Signed and stipulated to the terms of this	judgment as shown by the signatures below
FINDINGS: {ORS 107.105}	
A. The court considered the □ Declaration □ Stipu	ılations □ Evidence presented and finds
that: (Check all that apply)	
I. $\square$ Irreconcilable differences have caused the b	reakdown of this marriage or registered
domestic partnership	
☐ The parties have entered into an agreemen	
for at least one year their rights and obligation	s as spouses or domestic partners, as shown
by their signatures on this judgment	
II. At the time the <i>Petition</i> was filed:	
Marriage Only: $\square$ At least one spouse lived in	the county in which the <i>Petition</i> was filed
Registered Domestic Partnership Only:	•
□at least one partner lived in the county i	in which the <i>Petition</i> was filed
<u>or</u>	
☐ neither partner lived in Oregon and the	e Petition was filed in the county where

		$\{\Box \text{ Petitioner } \Box \text{ Respondent}\}$ last	resided		
В.	Pa	arty and Marriage/RDP Informati	on:		
	Da	ate of Marriage or registration of RDP:			
	Pl	ace of Marriage or registration of RDP:		(Co	unty, State)
	Cı	ırrent age of parties: Petitioner		Respondent	
C.		hildren of the Parties (Children con arriage/RDP and any children otheru			
		Name		Year of Birth	Age
		☐Additional page attached titled "Find	inga C. Childre	n of the Douties"	
			G		
		itioner □ Respondent is not the father en: (names)			olished for, the
		ither party is now pregnant $(or)$ :itioner $\square$ Respondent is now pregnant			
		The other party is not the parent of the	e child due ( <i>da</i>	te)	
D.	Cl	hild Custody Jurisdiction			
		egon has jurisdiction under the Uniford JEA) to decide custody and parenting t   Oregon is the children's home stat continuously for the six month period  Other:	ime matters be e (all of the mi	cause: nor children have li	ved here
	Ore	egon does not have jurisdiction under t	he UCCJEA be	cause:	

**The court grants judgment as follows:**The parties are legally separated as of the date this Judgment is signed, to continue for the period of time specified in Section 8B below. The terms of this judgment are effective upon entry in the court register.

#### **CHILDREN**

#### NOTICE ABOUT PARENTING TIME AND CHILD SUPPORT

The terms of child support and parenting time (visitation) are designed for the child's benefit and not the parents' benefit. You must pay support even if you are not receiving parenting time. You must comply with parenting time and visitation orders even if you are not receiving child support.

Violation of child support orders and visitation or parenting time orders may result in fines, imprisonment, or other penalties.

Help may be available to establish, enforce, and modify child support orders. Paternity establishment services are also available. Contact your local district attorney, the domestic relations court clerk, or the Department of Justice at 1.800.850.0228 or 503.378.5567 for information.

Help may be available to establish, enforce, and modify parenting time or visitation orders. Forms are available to enforce parenting time or visitation orders. Contact your local court for information.

#### 1. Custody and Parenting Time

tody of the children is awarded as follows:
☐ Petitioner and Respondent have <b>joint</b> custody of the following children:
☐ Petitioner is awarded <b>sole</b> custody of the following children (names):
☐ Respondent is awarded <b>sole</b> custody of the following children (names):
Parenting time is awarded
as described in the attached <b>Parenting Plan</b> , labeled Exhibit or
☐ to ☐ Petitioner ☐ Respondent as follows
☐ Parenting time will be supervised by
$\square$ Any cost of supervision must be paid by $\square$ Petitioner $\square$ Respondent
☐ Other:
$\square$ Petitioner $\square$ Respondent is not awarded parenting time because it would
endanger the health and safety of the children

Relocation  ☐ Neither parent may move more than 60 miles farther away from the other parent without giving the other parent reasonable notice of the change of residence and providing a copy of such notice to the court, or  ☐ The requirement of ORS 107.159 regarding notice of relocation is suspended for good cause
Contact Information  ☐ Petitioner and Respondent must each provide contact addresses and contact telephone numbers to the other and notify each other of any emergencies or substantial changes in the children's health ☐ Good cause exists to suspend the obligation of the parties to provide contact information to each other
Parental Authority under ORS 107.154  The non-custodial parent's authority under ORS 107.154 is suspended for good cause
2. Child and Medical Support and Life Insurance for Children
A. Child Support
Existing Child Support Obligation (list court/agency, case number, and date of prior child support orders and judgments:
☐ No action is taken by this judgment regarding any prior child support order or judgment
☐ This judgment <b>does not</b> replace any existing child support order or judgment. Payment amount and schedule remain as ordered on (date of order or judgment):
☐ This judgment <b>replaces</b> the existing child support obligation because the existing orders and judgments were issued by an Oregon court or agency, one of the parents or children receiving support still resides in Oregon, and circumstances have changed since the orders were entered. Support is due as detailed in the "Support Order" section below.  ☐ any unpaid child support is still owed
Other:
Presumed Inability To Pay Under ORS 25.245
☐ The parent who would pay support is presumed to be unable to pay because that parent: ☐ receives cash payments from a <b>public assistance</b> program including TANF or SSI ☐ is (or is expected to be) <b>incarcerated</b> (in jail or prison for at least 6 months)
☐ The presumption <b>has not been rebutted</b> and <b>no</b> child support (including cash medical support) is ordered
☐ The presumption <b>has been rebutted</b> , and support <b>is ordered</b> as detailed in the "Support Order" section below for the following reasons:

<b>Support</b>	<u>Order</u>			
of an ex	<b>port</b> is ordered for reasons other than the presumption of inability to pay or continuation disting order or judgment in:			
or	t must be paid:			
	☐ Petitioner ☐ Respondent			
•	☐ Petitioner ☐ Respondent			
On	Adult Child Attending School (name): the first day of each month			
Starting	☐ the month following entry of this judgment <i>or</i> ☐ the date of service of this <i>Petition</i>			
The total m	onthly amount due is: \$(Child Support Worksheets are attached orated, labeled Exhibit)			
different	nt is:  unt presumed to be appropriate under the support guidelines  t from the presumed appropriate amount of \$			
	dical Support			
<ul> <li>Medical support has already been ordered in another case ☐ as listed in Section 2A, above or ☐ from county. The court case # is and the Child Support Program (CSP) # is The existing order is not changed</li> <li>☐ The existing order is terminated. Medical support is ordered as follows.</li> </ul>				
i. Health Insurance Coverage  Parties are ordered to keep insurance through the period of the child support obligation as follows:  Petitioner Respondent both parties or whichever party has insurance available at reasonable cost first  ii. Cash Medical Support  Cash Medical Support ordered in the amount of per month because health insurance is not available to either parent at reasonable cost. Cash Medical Support is payable by the parent ordered to pay child support on the same schedule.  The paying parent is ordered to provide Cash Medical Support only when not providing health insurance for the children				
	☐ Cash Medical Support <b>is not</b> ordered because: ☐ Support is presumed to be unavailable for the reason marked above and the presumption has not been sufficiently rebutted ☐ The parent paying child support has income at or below Oregon's minimum wage for full-time employment, so cash medical support should not be ordered ☐ The children's medical needs will be met by the <i>Uninsured Medical</i>			

Expenses provision below  Other (explain):
CHANGES TO HEALTH INSURANCE AVAILABILITY  Both the payor and the recipient of child support <b>must</b> notify the Division of Child Support (DCS) in writing of any change in the availability of health insurance within <b>10 days</b> of the change if collection services are provided by DCS.
<ul> <li>iii. <u>Uninsured Medical Expenses</u></li> <li>☐ Uninsured medical expenses are not awarded</li> <li>or</li> </ul>
Petitioner must pay% and Respondent must pay% of the unreimbursed costs of the children's reasonable medical, dental, and vision care. This does not include ordinary nonprescription expenses like bandages, vitamins, and copays for regular checkups, which the parents must provide for the children in proportion to their parenting time. This obligation is in addition to any child support and will be offset by any cash medical support ordered above.  or  This obligation is in addition to any child support and cash medical support ordered above
C. Payment
NOTICE OF INCOME WITHHOLDING  This child support order is enforceable by income withholding under ORS 25.378 to 25.390, 25.414 to 25.372 and 25.375. Withholding shall occur immediately whenever there is an arrearage at least equal to the support payment for one month, whenever the obligated parent requests such withholding, or whenever the obligee requests withholding for good cause. The District Attorney or, as appropriate, the Division of Child Support of the Department of Justice, will assist in securing such withholding. Exceptions may apply in some circumstances.
☐ <b>Income withholding</b> is not ordered at this time because there is no support arrearage <u>and</u> ☐ The parents (or the State, if support rights are assigned) have agreed in writing to an alternative arrangement which is approved by the court; <b>or</b> ☐ Good cause not to require withholding is found because there is proof of timely payment of previously ordered support and income withholding would not be in the best interests of the child
In all cases, select one of the following:  All support payments must be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309
or  ☐ An exception to income withholding applies as noted above. All support payments must be deposited to the recipient's checking or savings account. The receiving parent is ordered to provide the paying parent with current deposit slips or bank name, account name, and account number.  Or

	Other (explain)
	Adult Child Attending School  The Division of Child Support will pay support for an adult child attending school directly to the child unless good cause exists for payment to be made another way  GOOD CAUSE exists not to pay support directly to a child attending school Payments must be made to Petitioner Respondent in the amount of per month
	<ul> <li>D. Length of child support</li> <li>Support ends when the last child becomes self-supporting, emancipated, or married, or (check one):</li> <li>reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21</li> <li>reaches age 18</li> </ul>
	<ul> <li>E. Tax Dependents Parties are advised that this judgment is not binding on the IRS and will not provide a defense if the parties fail to comply with IRS regulations in any given tax year</li> <li>As between the parties, ☐ Petitioner ☐ Respondent may claim the following children as</li> </ul>
	dependents for tax purposes beginning with the <b>tax</b> year this judgment is entered. The other parent must complete any IRS waivers or forms necessary to accomplish this judgment in each tax year and must not file contradictory tax returns.  List names:
	or  Other (specify):
	F. Life Insurance Coverage for Children  The party paying support must carry life insurance for the benefit of the parties' children throughout the period of the support obligation if he or she is insurable. The coverage must be at least \$
3∙	Additional Provisions
	☐ Additional page attached titled "Section 3 – Additional Provisions"

#### NOTICE ABOUT PERIODIC REVIEWS

If you are receiving child support services through the Department of Justice, either parent may request that the Department of Justice/Division of Child Support review the amount of support ordered after three years from the date the order took effect or at any time upon a substantial change of circumstances.

	Cypnong	
support under the lim	g Limited Judgment for temporary spousal/ ited judgment ends as of the date of entry o nder the Limited Judgment remain enforces	f the General Judgment, but
A. Support  No spousal, in this case or	ner Support and Life Insurance  /partner support or life insurance for the be port must be paid by   Petitioner to Response	
Туре:	Terms:*	Factors:
Transitional \$	☐ monthly payments beginning the month following:  ➤ ☐ entry of this judgment or  ➤ ☐ the date of service of this Petition  ➤ ☐ or  Ending*:	
	Or ☐ lump sum payable by (date):	
Compensatory \$	<ul> <li>☐ monthly payments beginning the month following:</li> <li>➢ ☐ entry of this judgment or</li> <li>➢ ☐ the date of service of this Petition</li> <li>➢ ☐ or</li> <li>Ending*:</li> </ul>	
	Or  lump sum payable by (date):	
Maintenance \$	☐ monthly payments beginning the month following:  ➤ ☐ entry of this judgment or  ➤ ☐ the date of service of this Petition  ➤ ☐ or  Ending*:	
	Or ☐ lump sum payable by (date):	

<sup>\*</sup>All monthly payments are due by the 1st of the month. All payments end on the death of either party (unless an earlier event is specified above)

		All payments of spousal/partner support must be made:  □ To the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309. Petitioner requests that collection, accounting, disbursement,
		and enforcement services be provided through the Department of Justice.
		□ Directly into's bank account. The paying spouse/partner should keep a receipt of deposit as proof of payment. The person receiving support must provide the person paying support with current deposit slips or bank name, account name, and account number.
	В.	Withholding ☐ If enforcement services are provided through the State of Oregon's Department of Justice, the support order is enforceable by income withholding under ORS 25.311
	C.	Life Insurance  ☐ The party paying support must carry life insurance for the benefit of the other party throughout the period of the support obligation if he or she is insurable. The coverage must be at least \$ The party paying support must provide to the party receiving support a true copy of the policy. The party paying support must also provide to the party receiving support written notice of any action that will reduce the benefits or change the designation of the beneficiaries under the policy.  Or
		☐ Neither party is ordered to carry life insurance for the benefit of the other party
<u>P</u> 1	ROP	ERTY AND DEBTS
5.		Real Property  Neither party has any interest in any real property in Oregon or any other place  Both parties have $or \{ \Box \text{ Petitioner } \Box \text{ Respondent has} \}$ an interest in real property  (address)
	-	(address)   □ This property is awarded as follows:
		☐ Additional page attached titled "Section 5- Real Property"
		The legal description of the property is attached as Exhibit and incorporated to this Judgment
	tra	Petitioner  Respondent is responsible for preparing, signing, and recording a deed unsferring the real property as required by this judgment her:
	The owr	ersonal Property Personal Prop
		☐ Additional page attached titled "Section 6A-Petitioner's Personal Property"
		☐ The Petitioner is awarded all retirement benefits, pension plans, profit-sharing plans, deferred compensation plans, and stock options held by Petitioner's current and past

		iterest by the Responden		
]	☐ The Respondent is a plans, deferred compen	e attached labeled "Section warded all retirement be sation plans, and stock o any interest by the Petitic	6B-Respondent's nefits, pension pl	ans, profit-sharing
7. <u>]</u>	Distribution of Debts	The debts will be paid as	follows:	
	Name of creditor (who money is owed to)	What the debt is for	Amount	Who pays (Petitioner or Respondent)
	☐ Additional page attache	ed titled "Section 7-Distribu	tion of Debts"	
cour the presp after Deb	im or her individually since to and all debts which are so party not responsible for a consible for that debt must the date this judgment is at are divided between the <b>Transfer of Property and</b> Within thirty (30) days of the deliver whatever document or operty ordered by the conduction of the property if the other party and deliver whatever document or operty ordered by the conduction of the property if the other party and deliver whatever document or operty ordered by the conduction of the property if the other party and the party and the property if the other party and the property and the property if the other party and the property if the other party and the property a	secured by property districted debt to pay any portion of reimburse the paying parentered.  parties as of (date):  ad Debts  the date of this judgment, ments are necessary to accurt. This judgment operations.	buted to that part fit, and he or shorty for any amount each party must complish the distes to convey title	execute, acknowledge tribution of debts and
8. <u>c</u>	Other Provisions A. Former Name			
□ <b>P</b>	etitioner's $\square$ Respondent's			
		is restored	(use FULL nam	e – first, middle, last)
The	<b>B. Duration</b> length of the separation is	□ unlimited □ for a per	iod of	
	C. Additional Provi	sions:		
		11 1		
	⊥ Additional page attache	ed titled "Section 8C - Addit	nonal Provisions"	

Money Award   Support obligation included □ and child support must be paid to Dept. of Justice   PETITIONER RESPONDENT   Full Name Contact Address   Year of Birth Year:	☐ Each party is res☐ Petitioner ☐ Recosts and fees☐ Judgment is awa	spondent will reimburse the	er own court costs and service fees e other party \$for for deferred costs or fees of \$
PETITIONER         RESPONDENT           Full Name         Contact Address           Year of Birth         Year:	As required by UTCR 2.130 party and filed with the course 107.085 that is identified as Both parties must inform the Oregon 97309) in writing of The Department of Justice to the other party.  Money Award	o, a Confidential Information of the CIF contains all informations confidential by UTCR 2.13 the Court and the Department of any change in the information or the District Attorney shall	or Form has been completed for each ormation required by ORS 25.020 and ont of Justice (P.O. Box 14506, Salem, tion within ten (10) days of such change. Il not disclose the information in the CIF
Year of Birth         Year:	Support obligation men		
Year of Birth         Year:	Full Name		
Last 4 digits Social Security #  Last 4 digits:  State:	Contact Address		
Last 4 digits Social Security #  Last 4 digits:	Year of Birth	Year:	Year:
Last 4 digits Driver License # and State  Last 4 digits:			
Lawyer Name, Address,			
FHORE #	Lawyer Name, Address, Phone #		
NOTE: a party RECEIVING a money award is the <u>JUDGMENT CREDITOR</u> ; a party PAYING a mone award is the <u>JUDGMENT DEBTOR</u> ➤ If an adult child is awarded support to be paid directly to the child <b>AND</b> there is no support awarded for minor children of the parties, or if the judge tells you that the adult child is a Judgment Creditor, fill out this box:   ☐ The adult child named (full name and contact address)  is a judgment creditor on this judgment Adult child's lawyer's name, address, phone #:	award is the JUDGMENT DEL  If an adult child is a support awarded for adult child is a Judg  The adult child named (  is a judgment creditor on the	BTOR  nwarded support to be paid or minor children of the par gment Creditor, fill out this full name and contact addr nis judgment	directly to the child <b>AND</b> there is no rties, or if the judge tells you that the box:

The following info money award as li	sted in this Judgn	nent	ty entitled to receive a
·	The following	person or public body is l de on the judgment (othe	known to be entitled to a portion of r than payee's lawyer):
Petitioner	☐ None or ☐	Name:	
Respondent	None or	Name:	
Adult Child Name:	□ None or □	Name:	
Type of Judgment		Amount	Beginning / Ending
Child Support	WHO PAYS  ☐ Petitioner ☐ Respondent  WHO RECEIVES ☐ Petitioner ☐ Respondent ☐ Adult Child	\$ per month for cash medical support and \$ per month for child support	Beginning the first day of the month following:  □ entry of this judgment or □ the date of service of the Petition (date) or □ Other □ and due on the first day of each month thereafter  Ending when the last child turns □ 18 or □ 21 (if the child remains a Child Attending School)  Payable on the first of every
☐ Spousal/ Partner Support	WHO RECEIVES ☐ Petitioner ☐ Respondent	### Transitional    \$     per month     or     total    Compensatory     \$     per month     or	month beginning the month following:  — entry of this judgment or — the date of service of this Petition — or:  Ending:  or due in full by:

Type of Judgment		Amount	Beginning / Ending
		□ total	Ending:  or due in full by: (date):  Other:
		Maintenance  \$  per month  or  total	Payable on the first of every month beginning the month following:  — entry of this judgment or — the date of service of this  Petition — or:  Ending:
			or due in full by: (date): Other:
	All payments end or specified	n the death of either party	unless an earlier event is
☐ Property Division	WHO RECEIVES  ☐ Petitioner ☐ Respondent	\$ per month until a total of \$ is paid	Beginning the <u>(day)</u> of the month following entry of judgment
		A lump sum of \$	Paid by ( <i>date</i> ):
☐ Prejudgment Interest	WHO RECEIVES  ☐ Petitioner ☐ Respondent	\$	
☐ Postjudgment Interest	☐ Petitioner ☐ Respondent	interest on the unpaid balance of the total	Interest accrues from the date the judgment is entered and continues until the judgment is fully paid
		1	
☐ Court Costs and Service Fees already paid	WHO PAYS  ☐ Petitioner  ☐ Respondent	Checked party reimbutes of:  \$	ed party

☐ Deferred Court Costs and Service Fees	WHO PAYS  □ Petitioner □ Respondent	Checked party must pay deferred costs and fees of:  \$ To the State of Oregon through this court
Judge Signature:		
Certificate of Readine This proposed judgment		gnature because (check all that apply):
order of default is l	peing requested with the	100.  The other party has been found in <b>default</b> or an his proposed judgment;  this judgment is submitted <b>ex</b> this judgment is being submitted in <b>open court</b> with all
		nas <b>stipulated</b> to or approved the judgment, as shown by reviously filed waiver of appearance.
UTCR 5.100 on all ☐ No objection ☐ I received of to do so. I has objections ren	parties entitled to serven has been served on objections that I could we filed with the court anain unresolved.  erring about objections	t and written notice of the 7-day objection period set out in rice (complete service information below). And: me within that time frame.  not resolve with the other party despite reasonable efforts a copy of the objections I received and indicated which s, the other party agreed to file any remaining objection
Certificate of	Service under UTC	<u>R 5.100</u>
		I placed a true and complete copy of
	_	ted States mail to (name)
at (address)		
Submitted by:   Petition	ner 🗌 Respondent	
Signature		Print Name

I understand that I am subject to penalty for perjury for giving false information to the court. All factual information in this Judgment is true to the best of my knowledge and belief. I agree to the terms of this Judgment. I understand that this Judgment is enforceable by the court.

Date	Petitioner Signature	
Email	Print Name	
Contact Address	City, State, Zip	Contact Phone
Respondent stipulates (agrees) to th	e terms of this judgment	
Date	Respondent Signature	
Email	Print Name	
Contact Address	City, State, Zip	Contact Phone
☐ Child 18, 19, or 20 years of age, stipu	ulates to the terms of this judgment	
Date	Adult Child Signature	
Email	Print Name	
Contact Address	City, State, Zip	Contact Phone

## IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF Case No: \_\_\_\_\_ Petitioner and **EX PARTE MOTION FOR ORDER OF DEFAULT and DECLARATION IN SUPPORT** Respondent Motion Based on the attached *Declaration*, Petitioner requests that this court grant an *Order* entering the default of Respondent and directing entry of judgment. **Statement of Points and Authorities** ORCP 69 requires the court or clerk to enter an order of default on a showing by affidavit or declaration that a party against whom a judgment is sought has been served with Summons or is otherwise subject to the jurisdiction of the Court and has failed to plead or otherwise defend within the time set by law. **Declaration** Respondent was served with the Summons, Petition and other documents required by law in \_\_\_\_\_ County, State of \_\_\_\_\_\_, on (date) \_\_\_\_\_\_ and has not made an appearance within the time required by law. Respondent has not provided me with written notice of intent to appear. Respondent provided me with written notice of intent to appear **and** I filed and served written notice of intent to apply for default at least 10 days before filing this motion, or fewer days as permitted by the court. Respondent is not now, and was not at the time of the service of the Petition and Summons, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005, and (check one of the following): ☐ The Respondent **is not** now, and was not at the time of service of the *Petition* and Summons, in active military service of the United States. Provide facts supporting this statement: ☐ The Respondent **is** now, or was at the time of service of the *Petition* and *Summons*, in active military service of the United States. Respondent has waived his or her rights

under the Servicemembers' Civil Relief Act, as shown by the attached waiver, labeled

Exhibit \_\_\_\_\_\_.

service of the Petiti	etermine whether or not Respondent is n ion and <i>Summons</i> , in active military servi	ce of the United States.
I request the relief specifie	d in the attached <i>Judgment</i> .	
Costs and fees are allowab	le under ORS 107.105(1)(j) or 107.490(4).	
	ne above statements are true to the l nderstand they are made for use as or perjury.	
Date	Signature	
	Name (printed)	
Contact Address	City, State, ZIP	Contact Phone

	Case No:
Petitione and	ORDER ON MOTION FOR DEFAULT
Responden	t
cioner's Motion for Order of Default and En	ntry of Judgment is:
cioner's <i>Motion for Order of Default and En</i> ☐ granted	ntry of Judgment is:

<u>Certificate of Readiness under UTCR 5.100</u> This proposed judgment is ready for judicial signature because service is not required under UTCR 5.100 because this judgment is submitted ex parte as allowed by statute or rule