

Governing Child Support Judgments - RESPONSE

Instructions for Packet No. 14

Notice about these instructions and forms.

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

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

Each court has local rules, programs and procedures that may not be explained in these instructions. Please refer to the “Local Family Law Practices and Programs” form for your court, attached to these instructions. If it is not attached, consult your local court directly. Information about how to contact your local court may be found at the following website: <http://www.courts.oregon.gov>.

This set of forms and instructions explain how to file a response to a petition requesting that the court issue a GOVERNING CHILD SUPPORT ORDER. Such a petition is typically filed when there are two or more child support orders/judgments (issued by either the child support agency or a court) and there are conflicting terms for monetary support and/or health insurance which a party wishes to resolve or change. The multiple orders or judgments must involve the same obligor (party that owes child support) and the same child/ren.

STEP 1

You will have thirty (30) days (unless the court specifies a different time period) following the date you were served with the Petition to file a written response with the court clerk and pay the filing fee.

• **Fill out the following forms:**

- Response to Petition for Governing Child Support Judgment; and Order to Show Cause (RESPONSE)

- Certificate of Mailing (CERTIFICATE)

When filling out your forms, follow these directions:

- **Case Heading:** The case heading is the same as on the documents you were served with.

- **Presumption:** Refer to the boxes checked on the Petition when completing your Response and indicate whether you disagree with any of the requests made, filling in the blanks with details where required. The Petitioner may have filled out Paragraph 3 of the Petition, requesting that the “**presumption**” be rebutted. Oregon law presumes that the terms of the last-issued child support judgment are the “controlling terms” (the terms the parties must legally follow). If you do not think the presumption has been rebutted by the Petitioner, you need to fill out Paragraph 3 of the RESPONSE and set forth reasons why the presumption should apply in your matter.

- Attach a **certified copy** of any child support order or judgment that was not included in the Petition which you think the court should know about.

- Make two copies of the RESPONSE. One copy is for your records. On the other copy, sign your name where it says, “*I certify that this is a true copy.*”

STEP 2

File the original RESPONSE with the court clerk and pay the filing fee. If you feel you cannot afford to pay the fee, your court may have forms to waive or defer your filing fee. Check with your court clerk or facilitator. Note, however, that even if your filing fee is deferred, most courts will require that you pay it at a later date.

STEP 3

Serve the other parent. If the other parent does not have an attorney, mail the other parent's copy to the other parent's address and fill out the Certificate of Mailing form, and file it with the court. If the other parent is represented by an attorney, you must instead mail the copy to the other parent's attorney and provide the attorney's address in the Certificate of Mailing form.

STEP 4

Attend the hearing on the date set in the PETITION AND ORDER served on you.

STEP 5

After the hearing, the judge may require that you or another party complete all or a portion of the GOVERNING CHILD SUPPORT JUDGMENT, or the judge may complete it and file it with the court.

You should obtain a copy of the JUDGMENT for your records. The other party may be required to mail you a copy but if s/he does not, you may obtain a copy from the court clerk.

The judge will also name a party to file a certified copy of the GOVERNING CHILD SUPPORT JUDGMENT with each court or the Child Support Program Administrator that issued an earlier child support judgment. Failure to do so may result in monetary sanctions including but not limited to attorney fees, costs and disbursements.

The GOVERNING CHILD SUPPORT JUDGMENT will be the most current effective order of the court for child support and health insurance in your matter. The GOVERNING CHILD SUPPORT JUDGMENT will describe what happens to all other child support orders or judgments.

IMPORTANT: Even though the court may change the cash child support and/or medical support provisions of an earlier judgment, the GOVERNING CHILD SUPPORT JUDGMENT will not affect the enforcement or validity of ALL OTHER PROVISIONS which do not pertain to cash child support and/or medical support. You should continue to comply with all other provisions in the earlier judgment(s).