

# CONVERTING A SEPARATION JUDGMENT TO DISSOLUTION JUDGMENT

This packet is for parties who have obtained a Judgment of Separation **within the last two years**.

## STEP 1

Fill out the following forms:

- *Petitioner's/Respondent's Ex Parte Motion Regarding Conversion of Judgment* (MOTION)
- *Declaration in Support of Motion Re: Conversion of Judgment* (DECLARATION)
- *Record of Dissolution of Marriage (NCR Vital Statistics form)*

The case heading (names and case number) on each form will be the same as it was on the Separation Judgment. Fill out each form completely. Make two copies of the MOTION and DECLARATION.

## STEP 2

### A. IF YOUR SPOUSE/PARTNER AGREES TO THE CONVERSION BEFORE FILING YOUR PAPERS:

In addition to the forms in Step 1, fill out the *Supplemental Judgment of Dissolution Converted from Judgment of Separation* (JUDGMENT) form completely except the date and signature lines for both the judge and the other party. Have your spouse/partner date and sign the *Judgment*.

Make copies. Submit the JUDGMENT, together with the papers in Step 1 above, to the Court. Skip to step 3 for instructions regarding how to submit the forms to the Court. Once the Judge signs the JUDGMENT, you will be finished and a Supplemental Judgment of Dissolution will be entered. There will be no need for you to do any of the other steps.

### B. IF YOUR SPOUSE/PARTNER HAS NOT AGREED TO THE CONVERSION BEFORE FILING YOUR PAPERS:

In addition to the forms in Step 1, fill out *the Order to Show Cause Regarding Conversion of Judgment* (ORDER TO SHOW CAUSE) form completely except the middle section for the judge to set the court date and date and sign.

Make copies. Submit the ORDER TO SHOW CAUSE, together with the papers in Step 1 above, to the Court. See step 3 below for instructions regarding how to submit the forms to the Court.

## STEP 3

Attend an Ex Parte proceeding. Ex Parte is a time when you can present papers to a judge. You do not need an appointment to attend. It is held between 8:30am and 8:50am Monday through Friday except legal holidays, doors to the courtroom open at 8:20am. You must check in beforehand with the cashiers on the second floor of the courthouse.

#### **STEP 4**

After the Judge signs the ORDER TO SHOW CAUSE, a clerk in the courtroom will take you to the cashiers to file the paperwork. The cashier will conform your copies. You must formally serve your spouse/partner with the conformed copies of the MOTION, DECLARATION and ORDER TO SHOW CAUSE. You may do this through the sheriff's office or through a private process server. Detailed instructions covering how to serve legal papers in Oregon are available on the Oregon Judicial Department's Family Law Program website at: [www.courts.oregon.gov/familylaw](http://www.courts.oregon.gov/familylaw). Click on "Family Law Resources" under the "Self-Help" tab. You must file a CERTIFICATE OF SERVICE with the Court.

#### **STEP 5**

After being served, your spouse/partner may CONSENT to your request. The law allows your spouse/partner to file a written CONSENT at any time before the hearing. If your spouse/partner CONSENTS after being served with the papers, have your spouse/partner fill out and sign the *Consent to Conversion and Waiver of Right to Hearing* (CONSENT) form. Bring the signed CONSENT form together with the *Supplemental Judgment of Dissolution Converted from Judgment of Separation* (JUDGMENT) form to an Ex Parte hearing (see Step 3 above) to present the forms to a judge. Once the Judge signs the JUDGMENT, you will be finished and a Supplemental Judgment of Dissolution will be entered. The hearing previously set will no longer be required because your spouse/partner consented to your request. There will be no need to do any other steps.

#### **STEP 6**

Attend the hearing at the time stated in the ORDER TO SHOW CAUSE. Be sure your CERTIFICATE OF SERVICE has been filed with the Court. Bring the proposed final judgment (SUPPLEMENTAL JUDGMENT OF DISSOLUTION CONVERTED FROM JUDGMENT OF SEPARATION) with the original General Judgment of Separation to the hearing. **The Judgment of Separation can't be changed in any way and must be attached to the final judgment.** If the court grants your request at the hearing, the judgment will be signed and a Supplemental Judgment of Dissolution will be entered.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE

In the Matter of  the Marriage of: )

\_\_\_\_\_ )

\_\_\_\_\_ )

Petitioner, )

and )

\_\_\_\_\_ )

Respondent. )

Case No. \_\_\_\_\_

PETITIONER'S  RESPONDENT'S  
EX PARTE MOTION  FOR ORDER  
TO SHOW CAUSE REGARDING  
CONVERSION OF JUDGMENT

Motion

I,  Petitioner  Respondent, request that:

1. *Choose one:*

(*Ex Parte Motion Only*) the court convert the General Judgment of Separation granted on \_\_\_\_\_ (*Date*) to a Supplemental Judgment of Dissolution based on the  stipulations  consent and waiver of right to a hearing of the other party to this case.

(*Ex Parte Motion for Order to Show Cause*) the court issue an Order to Show Cause requiring the other party to this case to appear in Circuit Court in the \_\_\_\_\_ County Courthouse in \_\_\_\_\_, Oregon to show cause why the Court should not convert the General Judgment of Separation granted on \_\_\_\_\_ (*Date*) to a Supplemental Judgment of Dissolution.

Points and Authorities

ORS 107.465 allows the Court to convert a judgment of separation to a judgment of dissolution within two years after the entry of the judgment of separation.

DATED: \_\_\_\_\_, 20 \_\_\_\_.

Petitioner  Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone





IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE

Case No: \_\_\_\_\_

\_\_\_\_\_  
and  
\_\_\_\_\_  
Petitioner  
Respondent

**CERTIFICATE OF SERVICE**

(ORCP 7D(2))

- (a) Personal Service  
 (b) Substitute Service  
 (c) Office Service  
 (d) Service by Mail

I, **(name)** \_\_\_\_\_, declare that I am a resident of the state of \_\_\_\_\_ . I am a competent person 18 years of age or older. I am not a party to or lawyer in this case, and not the employee of a party. I certify that the person served is the person named below. I served true copies of the original **(check all that apply):**

- Petition and Summons  
 Information about mediation  
 Notice of Confidential Information Form (CIF) Filing  
 Notice of Statutory Restraining Order Preventing Dissipation of Assets  
 Order to Show Cause re: Modification with Motion and Declaration  
 Information about continuing insurance coverage (COBRA)  
 Uniform Support Declaration  
 Other information provided by the court clerk **(name all forms or documents served)** \_\_\_\_\_  
 Other **(name all forms or documents served)** \_\_\_\_\_

**by (check a, b, c, or d and complete all information):**

(a)  **Personal Service** on **(date)** \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., to { Petitioner  Respondent} **(name)** \_\_\_\_\_ in person at the following address \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_.

(b)  **Substitute Service** on **(date)** \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., by delivering them to the following address \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_ . Delivered to **(name)** \_\_\_\_\_, who is a person age 14 or older and who lives there.

**(Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(b). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)**

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 paid, addressed to the party to be served:  Petitioner  Respondent **(name)** \_\_\_\_\_, at the party's home address listed above, together with a statement of the date,

time and place that the documents were hand-delivered to the party's dwelling (residence).

(c)  **Office Service** on *(date)* \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., by delivering them to the office of the party to be served, located at: *(address)* \_\_\_\_\_, during normal working hours for that office, where I left the documents with *(name)* \_\_\_\_\_, who is a person apparently in charge, to give the documents to the party to be served.

**(Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(c). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)**

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 paid, addressed to the party to be served:  Petitioner  Respondent *(name)* \_\_\_\_\_, at the party's:  home address at: \_\_\_\_\_, **OR**  business address above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

(d)  **Service by Mail, Return Receipt Requested** on *(date)* \_\_\_\_\_, I personally deposited **two** true copies with the U.S. Postal Service. **One** by first class mail, and the **other** by certified or registered mail, Return Receipt Requested, or by express mail, postage paid, addressed to the party to be served:  Petitioner  Respondent *(name)*, at the party's home address located at: \_\_\_\_\_ *(address)*. **(NOTE: If mailed Return Receipt Requested, the return receipt must be attached to this Certificate of Service.)**

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**I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

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

***If person serving is NOT a sheriff or sheriff's deputy, address and phone number of server:***

\_\_\_\_\_  
\_\_\_\_\_

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE

In the Matter of  the Marriage of: )  
 )  
\_\_\_\_\_, )  
Petitioner, )  
and )  
\_\_\_\_\_, )  
Respondent. )

Case No. \_\_\_\_\_

CONSENT TO CONVERSION;  
WAIVER OF RIGHT TO HEARING;  
AND WAIVER OF PERSONAL  
SERVICE

For purposes of ORS 107.465, I hereby consent to  Petitioner's  Respondent's request that the Judgment of Separation previously entered in this case be converted to a Judgment of Dissolution.

Further, I waive any right I have to a hearing on this issue.

I also waive any right I have to personal service of the Order Regarding Conversion of Judgment and agree to accept service by regular mail.

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

\_\_\_\_\_  
 Petitioner  Respondent, Signature Print Name

\_\_\_\_\_  
Address or Contact Address City, State, Zip Telephone or Contact Telephone





**Certificate of Readiness**

This proposed judgment is ready for judicial signature because *(check all that apply)*:

- Service is not required under UTCR 5.100 because the other party has been found in **default** or an order of default is being requested with this proposed judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.
- Each party affected by this judgment has **stipulated** to or approved the judgment, as shown by the signatures on the judgment.
- I have **served** a copy of this judgment and written notice of the 7-day objection period set out in UTCR 5.100 on all parties entitled to service *(complete service information below)*. **And:**
  - No objection has been served on me within that time frame.
  - I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
  - After conferring about objections, the other party agreed to file any remaining objection with the court.

**Certificate of Service under UTCR 5.100**

I certify that on *(date)*: \_\_\_\_\_ I placed a true and complete copy of this proposed *Judgment* in the United States mail to *(name)* \_\_\_\_\_ at *(address)* \_\_\_\_\_

Submitted by:  Petitioner  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.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner, Name (printed)

Respondent stipulates (agrees) to the terms of this judgment

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent, Name (printed)

## 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 and 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 (UTCRC) 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 we 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.

or

**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 inform the court of your intentions when I submit the proposed judgment or order. If you do object to the proposed order or judgment, you must contact me within 7 days of the date of this notice.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Phone

<sup>1</sup> <http://courts.oregon.gov/OJD/programs/utcr/pages/utcrules.aspx>

**RECORD OF DISSOLUTION  
OF MARRIAGE, ANNULMENT OR  
REGISTERED DOMESTIC PARTNERSHIP**

136-

State file number:

The petitioner or legal representative of the petitioner is responsible for completing the personal information on this form and shall present this form to the clerk of the court with the petition. In all cases the completed record shall be a prerequisite to the granting of the final judgment.

Case number: \_\_\_\_\_  
 Judgment type:     Dissolution of marriage     Annulment     Dissolution of registered domestic partnership(RDP)

**Spouse / Partner A**

1. Spouse/Partner A – Legal name: (first, middle, last, suffix)    2. Last name at birth: (not required for RDP)  
 3. Residence or legal address: (street and number) (city or town) (county) (state)  
 4. Other legal last names used:  
 5. Date of birth: (mm/dd/yyyy)    6. Birthplace: (state, territory or foreign country)

**Spouse / Partner B**

7. Spouse/Partner B – Legal name: (first, middle, last, suffix)    8. Last name at birth: (not required for RDP)  
 9. Residence or legal address: (street and number) (city or town) (county) (state)  
 10. Other legal last names used:  
 11. Date of birth: (mm/dd/yyyy)    12. Birthplace: (state, territory or foreign country)

**Marriage / Declaration**

13. Date of marriage / filing of RDP declaration: (mm/dd/yyyy)    14. Date couple last resided in same household: (mm/dd/yyyy)  
 15a. Place of marriage/RDP: (city, town or location)    15b. County:    15c. State or foreign country:  
 16. Number of children under 18 in this household as of the date in item 14:  
 Number: \_\_\_\_\_ None    17. Petitioner:  
 Spouse/Partner A     Spouse/Partner B     Both

**Attorney**

18a. Name of petitioner's attorney: (print)    18b. Address: (street and number or rural route number, city or town, state, ZIP code)  
 19a. Name of respondent's attorney: (print)    19b. Address: (street and number or rural route number, city or town, state, ZIP code)

**Judgment**

20. Marriage/RDP declaration of the above named persons was dissolved on: (mm/dd/yyyy)    21. Date judgment becomes effective: (mm/dd/yyyy)  
 22. Number of children under 18 whose physical custody was awarded to:  
 \_\_\_ Spouse/Partner A    \_\_\_ Spouse/Partner B    \_\_\_ Joint (shared custody)    \_\_\_ Other (specify) \_\_\_\_\_     No children  
 23. County of decree:    24. Title of court: **Circuit**  
 25. Signature of court official:    26. Title of court official:    27. Date signed: (mm/dd/yyyy)

Information below will not appear on the certified copies of the record.

**Spouse / Partner A**

28. Spouse A's Social Security number: (not required for RDP)				29. Spouse B's Social Security number: (not required for RDP)					
30. Number of this marriage/RDP – first, second, etc.:		31. If previously married or in a RDP date last marriage/RDP ended:		32. Hispanic origin: Cuban, Mexican, Puerto Rican		33. Race(s): Black, White, etc.		34. Education – Specify only highest grade completed:	
Marriage	RDP	By death, divorce, dissolution or annulment (specify below)	Date: (mm/dd/yyyy)	List all that apply (specify below)		List all that apply (specify below)		Elementary/Secondary: (grades 0-12)	College: (1-4 or 5+)
30a.	30b.	31a.	31b.	32a.	33a.	34a.	34b.		
30c.	30d.	31c.	31d.	32b.	33b.	34c.	34d.		

**Spouse / Partner B**