

Request for Temporary Access to Minor

These instructions are not a complete statement of the law. They cover basic procedure for requesting temporary relief during the pendency of a case. **A petition for dissolution, separation, custody or parenting time must have already been filed, or must be filed at the same time as the forms in this packet are filed.** These forms are not intended to be used during a post judgment modification proceeding. Neither the Court nor Court Staff is permitted to give legal advice. For legal advice you should speak with a lawyer. For additional information visit your local law library and/or refer to the Lane County Circuit Court Local Family Law Practices and Programs information sheet.

STEP 1

Fill out the following forms: Ex Parte Motion for Order to Show Cause Re: Access to Minor Child During Pendency of Proceedings, Declaration in Support of Motion for Access to Minor child during Pendency of Proceedings, and Order to Show Cause re: Access to Minor Child During Pendency of Proceedings.

The case heading (names and case number) at the top of each form will be the same as it is on the petition that started your case. Keep the court informed of your current address so you get notice of all court dates. You are not required to use your residential address on any court form. You may use a contact address where you regularly check in. The court will assume that you will receive all notices sent to that address.

Attach any existing custody orders involving the child/ren to the Declaration.

STEP 2

Get your paperwork reviewed by the Family Court Assistance Office or a lawyer. Make two copies of the documents (one for service; one for your records).

STEP 3

Attend an Ex Parte proceeding. Ex Parte is a time when you can present papers to a judge. It is held between 8:30 a.m. and 8:50 a.m. Monday through Friday except legal holidays. Check in with the Court Information on the second floor of the Courthouse at 8:00 a.m. to find the courtroom for Ex Parte. You must file your court documents with the cashier immediately after you see a judge. **Never** leave the courthouse with an original document that has been signed by a judge. The cashier can make you a copy of the signed order for a small fee. If you have already made a copy of the Order, you must conform the copy that you plan to serve on the other party. To conform the copy, have the cashier file stamp the copy and place the symbol “/s/” on the judge’s signature line.

STEP 4

Have the copies of the Declaration, Motion and Order to Show Cause served on the other parent. You may use the sheriff’s office or a process server to complete service. For information about other service methods, talk to the Family Court Assistance Office or a lawyer. *You cannot serve the documents*

yourself because you are a party. After the documents have been served, the person who serves them must complete and file the CERTIFICATE OF SERVICE with the court.

The hearing must take place on a date later than the 21st day following service. The court will either fill in or provide you with a date to fill in on the ORDER TO SHOW CAUSE.

STEP 5

Attend the hearing and bring the Order for Temporary Access to Minor During Pendency of Proceedings that is provided in this packet along with you to the hearing.

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

In the Matter of the Marriage of:)
)
) Case No. _____
_____,)
) Petitioner,)
) and)
) MOTION FOR ORDER TO SHOW
_____,) CAUSE RE: ACCESS TO MINOR
) CHILD DURING PENDENCY OF
) PROCEEDINGS
) Respondent.)
)
) EXPEDITED HEARING REQUESTED
) (EX PARTE)

Petitioner Respondent moves that the court order the other party to show cause why:

1. Petitioner Respondent should not be awarded parenting time with the child/ren: _____

(List name(s). Date(s) of birth provided by UTCR 2.130 CIF.)

2. Petitioner Respondent should not be required to pay Petitioner's Respondent's reasonable costs and attorney fees, if any, for this hearing.

Date: _____ Petitioner's Respondent's Signature: _____

POINTS AND AUTHORITIES

Affidavit/Declaration of Petitioner Respondent attached hereto and incorporated herein, the records and files herein, ORS 107.095(1)(b), SLR 8.041.

Submitted by:

 Petitioner Respondent, Signature Print Name

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

Name of Court	State	Case No.	Date	Result

7. I do not know of any other domestic violence, custody, visitation, parenting time or placement proceeding involving the child/ren, or of any other court case which could affect this case, pending in this or any other state except for: _____

(identify court, case number and the kind of proceeding)

8. I do not know any person other than my spouse/partner who has physical custody of the child/ren or who claims to have custody, visitation or parenting time rights except for: _____

(list name and address)

9. There are are not any other custody, parenting time, visitation or restraining orders affecting the child/ren. I have attached copies of any existing orders to this declaration.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and subject to penalty for perjury.

Dated this ____ day of _____, 20__.

 Petitioner Signature
 Respondent Signature

 Print Name

 Print Name Petitioner Respondent Attorney for Petitioner or Respondent OSB No. *(if applicable)*

 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.)**

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:

Petitioner and Respondent shall each provide contact addresses and contact telephone numbers to the other and notify each other of any emergency circumstances or substantial changes in the child/ren's health.

Neither parent shall move to a residence more than 60 miles further distant 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 move is suspended for good cause found.

Judge Signature:

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.

Submitted by:

Petitioner Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone