

CHANGING (“MODIFYING”) JUDGMENTS



Important Contact Information

Oregon Judicial Department - <http://courts.oregon.gov>

Oregon State Bar Lawyer Referral Service - www.oregonstatebar.org

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 (www.osbar.org/docs/ris/militaryflier.pdf) for information about special rights and rules that may apply to you.

NOTE: If you only want to change child support, contact the Department of Justice, Division of Child Support (www.oregonchildsupport.gov).

What these forms do

This set of forms will help you to ask the court to change (‘modify’) support, custody, or parenting time if you already have a judgment from a court. If a change in custody or parenting time is ordered, the court may also change the amount of child support or end it.

- **Military Deployment:** If you need a modification because a parent is being deployed by the military, you must use a different packet of forms. Special rules and rights apply in those cases. Go to www.courts.oregon.gov/forms for the correct forms.
- **Adult Children:** If you have adult children 18, 19, or 20 years old, they are “**necessary parties**” to this case. They **MUST** be included as parties and properly served with all documents. Each 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. Talk to a lawyer if you have any concerns.
- **Child Attending School:** If you have an adult child (*see above*), the court may order child support for that child as long as the child is attending school. The court may order child support and medical support to be paid by either or both parents. There is NO parenting plan or parenting time credit for a Child Attending School. See ORS 107.108 for more information.

If Both Parties Already Agree

If you both agree on all of the issues, you may be able to file a stipulated *Supplemental Judgment*. Call the court to find out how to do that.



Information about Modifications

This type of case starts with a motion called an *Ex Parte Motion for Order to Show Cause re: Judgment Modification and Declaration in Support*. This *Motion* tells the court what you want. It ends with a *Supplemental Judgment*. The *Judgment* contains the changes that the court makes to your old judgment.

- **Where to File** - You normally should file in the circuit court that entered the judgment you are trying to modify.
 - Talk to a lawyer or court staff if you want your modification heard in a different county.
 - If you want to modify a judgment from another state, talk to a lawyer. Oregon courts may not be able to modify the judgment.
- **Case Number** – Your case number is the same as the one on your old judgment.
- **Parties** – The parties are the same as on the judgment you want to modify. If you were the “Respondent” in that case, then you are still the “Respondent” now, even if you are the one requesting the modification.
 - If any of the children in your old judgment are now 18, 19, or 20 years old, you will need to add those children to the case as “necessary parties.”
- **Contact Information** - Keep the court and all other parties informed of your current address so you get notice of all court dates. **You are not required to use your home address on any court form.** You may use any contact address where you regularly check in, as long as it is in the same state as your home. If you use a contact address, the court will assume that you receive all papers 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.**



STEP 1: FILLING OUT FORMS

Fill out the following forms:

- *Ex Parte Motion for Order to Show Cause re: Modification of Judgment and Declaration in Support*
- *Order to Show Cause Regarding Modification of Judgment – Written Response Required*
- *Confidential Information Form (CIF) (one for each party) and Notice of Filing of CIF*
- *Uniform Support Declaration* (if you are requesting a change in child support or spousal/partner support)
- *Certificate of Mailing to DCS* (if either parent is receiving public assistance)

It is important that you file with the court before you serve the other party! If you serve before you file, you will have to re-serve and pay the service fees again. See Step 2 below for information about service.

Uniform Support Declaration

If you are asking for a change in spousal/partner support or child support, you must complete a ***Uniform Support Declaration (USD)***

- **NOTE:** This form is not included in this Modification packet. It is available at the Court or on-line at www.courts.oregon.gov/programs/family/forms, click on "Miscellaneous."

Tips for filling out the USD:

- If you are requesting a change of **spousal/partner support**, fill out the Declaration and Schedule 1 and attach the documents required by both
- If you are requesting **child support** for the amount that the Child Support Guidelines recommend, only fill out the Declaration and attach the documents it asks for.
 - If you are requesting a different amount of child support than the Guidelines recommend, fill out *both* the Declaration and Schedule 1. Attach all of the documents that the Declaration and Schedule 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.
- 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 your amounts are unusually high or low, include a brief explanation of why (if one of you is 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 is resolved.
- If one of your children has a medical problem, be sure to note it and include a reasonably accurate estimate of the treatment cost.

Parenting Plan

A parenting plan is required if you want to change custody or parenting time. If you are *only* trying to change child support, you do not need to submit a parenting plan. The plan sets out the schedule and may include rules for each parent's time with the child. You can describe your parenting plan in the *Motion* or attach it as a separate page.

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 www.courts.oregon.gov/parentingplans. 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. You can also use OJD Guide & File to create a parenting plan interactively. Go to www.courts.oregon.gov/iforms.

Co-Parenting Education

The Lane County Court requires that parents of minor children take the "Focus on Children" class. A judge may not allow you to change custody or parenting time until you have completed the class and filed a certificate of completion with the court. Complete the "Focus on Children" registration form within 15 days of filing your motion and mail or deliver the form to the address provided on the registration. You may also register online at www.lanecountyor.gov/mediation,

follow the links for Focus on Children.

Moving

Neither parent may move more than 60 additional miles away from the other parent without giving him or her and the court notice of the move (unless your *Judgment* waived that requirement). You may ask the judge to waive this requirement by checking the appropriate box on the *Motion*.

Custody

Refer to ORS 107.137 for factors a court will consider in awarding custody. The most important factor is *always* the best interest and welfare of the *child*.

Child Support:

Calculating Child Support

Child support can only be changed if there has been a significant change of circumstances or a change in custody or parenting time since the original order.

The amount of child support is determined by the Child Support Guidelines. The Guidelines have worksheets to help you estimate what support may be ordered. The Division of Child Support (DCS) also has an interactive calculator at www.oregonchildsupport.gov that can give you an idea of what child support may be ordered. You may also be able to ask a facilitator at your local court for help estimating child support. Submit the worksheet or calculator printout with your forms.

➤ **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 provide an explanation for 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 [ORS 25.396](#) and if you request an exception. 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.

Health Insurance

The judgment *must* address health insurance for any minor child involved in your case if your existing order does not.

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 neither parent has health insurance available, the court must order Cash Medical Support unless the judge finds reasons not to. The judge *cannot* order Cash Medical Support in some situations.

Life Insurance

Life insurance orders can be modified by either party if child support or health insurance orders are being changed (including division of uninsured medical expenses),

Life insurance orders can also be modified by the party currently ordered to keep a life insurance policy for the benefit of the children under the following circumstances:

- When the paying parent retires
- Once every 5 years after the paying parent reaches 60 years of age
- If the lowest premium available costs more than 50% of the monthly support payment
- If the benefits paid would be more than twice the total remaining support amount
- If the paying parent has established an appropriate trust for 125% of the total support amount that would have been paid after the paying parent's death

Adult Children (18-21)

If you have any child with the respondent who is 18, 19, or 20 years old 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.

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 is entitled to child support until age 21. The child must sign the judgment if support is ordered.

You must properly serve each adult child with all the same papers as the other parent (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.



Have your documents reviewed

You may want to have your documents reviewed before you file. For information about how to find a lawyer, call the Oregon State Bar at the number on Page 1. If you are low-income, you might be able to get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program. Your local Legal Aid office might review documents for free if you qualify. Facilitators are available for free through the Lane County Circuit Court, but you have to make an appointment. Call the Family Court Assistance Office at 541-682-4302 or email the office at LANFamilycourt@ojd.state.or.us to schedule an appointment.



Make copies

Make one copy of **all** of the forms for your records, and one copy of the *Motion and Declaration and Order* to serve on the other party if the court grants your motion (*see below*).

If you or the other party are receiving public assistance (in relation to a child), you must also serve by mail or personally deliver a copy of the *Motion and Declaration* to the Administrator of the Division of Child Support (**Division of Child Support, Department of Justice, 165 E. 7th Avenue, Suite 300, Eugene, Oregon 97401**). Fill out and file the ***Certificate of Mailing or Delivery to DCS*** after you mail or deliver the copy of the *Motion*.

STEP 2: FILING AND SERVICE



File your forms

Once the forms are complete, you must submit them to the Court for a Judge to review the *Motion and Declaration* and sign the proposed *Order on Motion to Show Cause*. Lane County Supplementary Local Rule (SLR) 2.501 sets forth the procedure for presenting these forms to a Judge for signature. There is a filing fee. Go to <http://www.courts.oregon.gov/Pages/fees.aspx> 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.

Contact the Family Court Assistance Office for current information about fees and the process for presenting the forms to a Judge and filing with the Court.

The Order on Motion to Show Cause

The judge will review your motion and declaration. The judge will sign the *Order on Motion to Show Cause* which either grants or denies your request to have the other party respond to your requested changes. The order will have information for both you and the other party about how your case will proceed. If a hearing is scheduled, you *must* appear or the court will deny the changes you asked for.

- If the court grants your request on the *Order to Show Cause*, you must serve the *Order* and a copy of the *Motion and Declaration* on the other party. See the next section for service information.
- If the court denies your request, then no changes will be made to your judgment and no hearing will be scheduled.



SERVICE

You must officially notify the other party that you have filed a motion. 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 other party the papers yourself, you can use an ***Acceptance of Service*** form. If the other party signs an *Acceptance of Service* form, no other kind of service is required. Signing the *Acceptance of Service* does *not* mean the other party agrees with anything in your *Motion*, only that he or she received the papers. You must still file the papers with the court before you give the copies to the other party.

Formal Service

If the other party does not sign the ***Acceptance of Service***, you must use another method. There are four ways you can serve. Service must be done ***after*** you receive an order granting your motion.

****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 the other party has a lawyer, you should also send a courtesy copy of the papers to the lawyer

1. **Personal Service:**

- a. **By Process Server:** Take a copy of your papers to the sheriff's office in the county where the other party 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 or Respondent), **nor** the lawyer of a party, serve the papers. The server cannot be an employee of any party. If the other party is outside of Oregon, the server can be a resident of the state where the other party 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 other party. The certificate must include the date of service and the name of the person served.

2. **Substituted Service:** The process server may leave the papers at the other party'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 other party 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 other party'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 other party 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 other party signs the returned green card.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION FOR DELIVERY										
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<table border="1"> <tr> <td>A. Received by (Please Print Clearly)</td> <td>B. Date of Delivery</td> </tr> <tr> <td colspan="2">C. Signature</td> </tr> <tr> <td colspan="2">X</td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </td> </tr> <tr> <td colspan="2"> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No </td> </tr> </table>	A. Received by (Please Print Clearly)	B. Date of Delivery	C. Signature		X		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
A. Received by (Please Print Clearly)	B. Date of Delivery										
C. Signature											
X											
<input type="checkbox"/> Agent <input type="checkbox"/> Addressee											
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No											
1. Article Addressed to:	3. Service Type										
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.										
2. Article Number (Copy from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes										
PS Form 3811, July 1999	Domestic Return Receipt 102595-00-M-0952										

Certificate of Service

The Certificates are your proof of service. 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 received within **63 days** of filing your *Motion*, the court may send you a notice of dismissal.

If you are not able to have other party 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 <http://courts.oregon.gov>.

STEP 3: RESOLVING YOUR CASE

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



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 the other party, the court may provide options to help you, including mediation. Some courts may require that you mediate before you have a hearing.

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. Mediation Orientation is included in the Focus on Children class. Mediators are *not* judges – they cannot impose their decisions on you. Their job is to help *you* reach an agreement. This is your opportunity to retain control over the outcome of the case. Agreements incorporated into a *Judgment* are fully enforceable (*see below*). If you and the other party have agreed (“stipulated”) to all of the issues, fill out:

- **Supplemental Judgment Modifying a Domestic Relations Judgment**

Both parties must sign the *Judgment*. After you make yourself a copy of the completed form, you must submit the form to the Court (see pg. 6) to be signed a judge.



By Default

The other party has 30 days to respond to your *Motion* ORS 107.135(14). 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 other party 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 *Motion* because the other party did not file a response. Look at [Oregon Rules of Civil Procedure](#) (ORCP) rule 69 for more detailed information.

- NOTE: If the other party has given you written 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 [Uniform Trial Court Rule 2.010](#) for the form your notice must be in. File your notice with the court and mail it to the other party.

The judge may not grant a default if the other party 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 other party 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 other party 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 law has strict rules about what “active military service” means. This protection does not apply to all servicemembers at all times.



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

* * * * *

Requesting a Default - fill out the following forms:

- ***Ex Parte Motion for Order of Default and Declaration in Support***
- ***Order on Motion for Default***
- ***Supplemental Judgment Modifying a Domestic Relations Judgment***

Read your original *Motion* carefully. The information in the Supplemental Judgment must be exactly what you requested in your *Motion*.

After you make yourself a copy of the completed forms, you must submit the forms to the Court (see pg. 6) any time after 30 days from the date of service to be signed by a judge.

By Hearing

If the other party files a written response, the court will schedule a hearing in your case. You *must* appear or your motion will be dismissed and no changes will be made to your existing judgment.

- Many courts require that you mediate before you can get a hearing. See the **Mediation** section above in the BY AGREEMENT section.

Trial Guide: The Lane County Circuit Court has a written 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, and 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/Lane/FamilyandChildren/pages/Assist.aspx>

THE JUDGMENT



Fill out:

• ***Supplemental Judgment Modifying a Domestic Relations Judgment***

- **NOTE:** The judgment finalized your case and contains all of the issues decided in mediation, hearing, or through your agreement. If both parties agree on all issues, it may be prepared by either party as long as it is reviewed and signed by both parties. If the parties don't agree on all issues, the judge may direct one party to fill out the judgment.

If the other party DID NOT file a response, the information you fill out in the final judgment should be the same as what you requested in your motion.

If the other party DID file a response, the information should be the same as was decided in mediation, hearing, or through your agreement. If you are responsible for filling out and filing the final judgment, make a copy for yourself and one for the other party (unless he or she didn't file a response). Submit the original to the court. You must send a copy of the proposed *Judgment* along with the *Notice of Proposed Judgment or Order* to the other party and any adult children who have not filed a Waiver of Further Appearance in the case. The 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 [UTCR 5.100\(1\)](#) for more information about notice and objections.¹

Your modification is effective the date the *Judgment* is signed by a judge and enforceable the date it is entered into the court register. You will receive a notice when the judgment is entered.

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

TABLE OF FORMS

1. Starting your Action *(See the last box of this table for additional forms you may need)*

- Ex Parte Motion for Order to Show Cause Re: Judgment Modification and Declaration
- Order to Show Cause Regarding Modification of Judgment
- Confidential Information Form (CIF) *(one for each party, including adult children)*
- Notice of CIF Filing

Optional:

- Fee Deferral or Waiver Application and Declaration

2. Notifying Other Parties

- 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

4. Resolving Your Action

By Agreement

- Supplemental Judgment Modifying a Domestic Relations Judgment

Or

By Default

- Ex Parte Motion for Order of Default and Declaration in Support
- Order on Motion for Default
- Supplemental Judgment Modifying a Domestic Relations Judgment

Or

By Hearing

- Supplemental Judgment Modifying a Domestic Relations Judgment

Additional forms you may need: (More information is in the Instructions)

- Parenting Plan
- Fee Deferral or Waiver Application and Declaration *(optional)*
- Child Support Worksheets
- Uniform Support Declaration *(if a modification or termination of support is requested)*
- Parenting Class Certificate of Completion *(if required for your court)*
- Waiver of Personal Service
- Waiver of Further Appearance and Consent to Entry of Judgment *(for adult children)*
- End-of-case Fee Waiver Application

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

Case No: _____

and

Petitioner
Respondent

**EX PARTE MOTION FOR
ORDER TO SHOW CAUSE
RE: JUDGMENT MODIFICATION
and DECLARATION IN SUPPORT**

and

Unmarried children 18, 19, or 20 years old (per ORS 107.108) (full names)

➤ I need an interpreter: Spanish ASL other: _____

Motion

I am the Petitioner Respondent in this case. I ask the court to issue an *Order to Show Cause* requiring the other party to appear and show cause why this court should not modify (change) the provisions of a prior judgment related to (check all that apply):

- Spousal/Partner Support
- Custody
- Parenting Time
- Child Support
- Other: _____

The judgment I want to modify is (court or agency, case number, and date) _____

Court Costs and Fees (whether paid or deferred) related to this motion

- Each party should be responsible for paying his or her own costs and fees
- Costs and fees should be paid by both parties equally
- Respondent Petitioner should reimburse the other party for costs and fees paid
- Other: _____

Statement of Points and Authorities

ORS 107.135(1)(a) allows the court to modify custody, parenting time, and support terms in a judgment of dissolution, annulment, or separation

ORS 107.431 allows the court to set aside, alter, or modify parenting time and to terminate or modify child support if parenting time is being denied

ORS 106.340(3) extends all legal rights and obligations of spouses pertaining to a child of either party to registered domestic partners

ORS 109.103(1) extends all provisions of ORS 107.135 to unmarried parents

Declaration

- The other party is not in active military service of the United States and is not incapacitated, a minor, a protected person, or a respondent (as defined by ORS 125.005)
 Other (*explain*): _____

-
-
- Spousal/Partner Support:**
Spousal/Partner support should be terminated **or** changed to (*explain the changes you want*) _____

Because (*specifically describe substantial change in circumstances*) _____

Effective date - The new support order should be effective as of the date this *Motion* is served on the other party (*or*) Other _____

Children

- A No-Contact Order (criminal or other) prohibits Respondent from exercising parenting time
Case # _____ County/State: _____

The following children are affected by this request (*names and ages of children*) _____

Custody and Parenting Time

- 1. UCCJEA Information (Uniform Child Custody Jurisdiction and Enforcement Act)**
This court has jurisdiction to modify custody, or parenting time under the UCCJEA (ORS 109.741 – 109.751) because

- An Oregon court made the original order and the children (or at least one parent) still live in Oregon
 Other reason (*explain*) _____

1A. List the places where any of the named children has lived in the last five years, the names of the people they lived with at that time, and *current* contact addresses for those people

Current:

Child's Name	Current Address	Lives with:
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____

Residences:

Dates From/To	County, State	Name of Parent/Caretaker	Contact Address of Parent/Caretaker	Which Children

Additional page attached titled "Section 6A-UCCJEA"

Additional Caregivers:

Dates From/To	Name of Parent/Caretaker	Where did they live with this caretaker?	Contact Address of Parent/Caretaker	Which Children

1B. Other than the judgment I want to modify,

I **have not** participated in any case about the custody or parenting time of the named children in any state **or** I **have** participated in the following case:

Name of Court	State	Case No.	Date of final decision	Result <i>(include names of affected children)</i>

Additional page attached; see section titled "Section 1B-UCCJEA"

1C. I do not know of any other legal proceeding that may affect the outcome of this case, including enforcement of domestic violence or protective orders, adoption, termination of parental rights, or guardianship involving any of the children pending in any state

except for: _____
(*identify court, case number and the kind of proceeding*)

1D. I do not know any person besides the other parent who has physical custody of the children or who claims to have custody, visitation or parenting time rights

except for (*list name and address*): _____

2. A change in custody or parenting time is in the **best interest** of the children because
(*explain in detail*) _____

Additional page attached; see section titled "Section 2-Best Interests"

2A. **Custody** should be changed as follows

Petitioner Respondent should have sole custody of (*names*) _____

Parties have agreed to joint custody of (*names*) _____

Modification of **custody** is appropriate because circumstances have changed significantly since the prior judgment (*explain in detail*) _____

Additional page attached; see section titled "Section 2a-Circumstances"

2B. **Parenting Time** should be changed as follows (*check all that apply*)

according to the attached Parenting Plan labeled Exhibit _____ **or**

as follows _____

Parenting time should be supervised by _____

Cost of supervision should be paid by:

Petitioner Respondent Other _____

Other terms _____

Petitioner Respondent should not have parenting time because it would endanger the health or safety of the children (*state supporting facts*) _____

Additional page attached; see section titled "Section 2B-Endangerment"

3. **Relocation** - Petitioner Respondent should be allowed to move more than 60 miles further distant from the other party without advance written notice because good cause exists (*explain*) _____

4. **Contact Information** - Petitioner Respondent **should not** be required to provide contact information to the other party *because* _____

Child Support and Medical

Pending Child Support Cases

No other child support case is pending in any state

Another child support case is pending in another court or agency

Name of court or agency: _____ Case #: _____

Existing Child Support Cases

No other child support orders or judgments exist (besides the order I want to modify)

Another child support order or judgment exists (besides the order I want to modify)

Name of court or agency: _____ Case #: _____

Date signed: _____

1. Child support should be **terminated** (stopped) based on the change of custody requested above

2. Child support should be changed as follows based on the requested change of custody or substantially changed circumstances (*explain in detail*) _____

2A. Child Support (*including Cash Medical Support, see instructions*) **is presumed to be unavailable** because the parent who would pay (*check all that apply*):

receives cash payments from a **public assistance** program including TANF or SSI

is (or is expected to be) **incarcerated** (in jail or prison) for at least 6 months

Support should be ordered despite the presumption because (*explain why and complete the section below*): _____

2B. Support should be ordered payable:

by Petitioner Respondent

to Petitioner Respondent Adult Child Attending School (name): _____

on the first day of each month

beginning the month following entry of this judgment or the date of service of this *Motion*

2C. The total monthly amount should be \$_____, which is (check one):

the amount presumed correct under the Oregon child support guidelines, worksheets are included with this *Motion* (**or**)

different from the amount presumed correct by the child support guidelines because the guideline amount would be unjust or inappropriate (*explain*) _____

(The reasons must also be shown on the support worksheets you submit with this Motion)

3. Payment – I understand that payments will be made by income withholding unless an exception applies

3A. 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*) _____

3B. Payment should be made to:

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.

or

Other (*explain*) _____

(only available if you request an exception to income withholding, above)

3C. Adult Child Attending School

Support for an **adult child attending school** as defined by ORS 107.108 should be distributed by the Department of Justice directly to the child

or

Good cause exists to pay support for an adult child attending school to the:

Petitioner Respondent and NOT to the child (*explain*) _____

-
-
4. **Length of Child Support** - Child support should end when the last child (*check one*):
- reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21
 - reaches age 18
- or becomes self-supporting, emancipated, or married

5. **Medical**

The original judgment provided for medical costs **and**

- that order should NOT be changed (*skip to section 5B*)
- that order should be changed as follows (*complete the sections below*)

The original judgment did NOT provide for medical costs (*complete sections below*)

5A. **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 **not** be ordered because:

- Support is presumed to be unavailable for the reason marked in Section 2A, above (*Note: if you asked that support be awarded anyway, do not mark this box*)
- 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 *Uninsured Medical Expenses* provision below
- Other (*explain*): _____

5B. **Uninsured Medical Expenses**

- Uninsured medical expenses should be terminated (stopped)

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 **and** will be **offset** by any cash medical support ordered above.

or

- This obligation should be **in addition** to any child support and cash medical support ordered above

6. **Life Insurance for the Children**

The party paying support should carry life insurance for the benefit of the parties' children throughout the period of the support obligation. The coverage should be in the amount of \$ _____

(or)

The life insurance provision should be terminated (stopped) or changed as follows: _____

Because: _____

I am the parent currently ordered to keep a life insurance policy for the benefit of the parties' children. I request the change above because *(check all that apply)*:

- I am retired
- I am over 60 years of age and at least 5 years has passed since the last modification of this order
- the lowest premium available costs more than 50% of the monthly support payment
- the benefits paid would be more than twice the total remaining support amount
- I have established an appropriate trust for 125% of the total support amount

7. **Tax Dependents**

Petitioner Respondent may claim the following children as dependents for tax purposes beginning with the **tax** year this judgment is entered. The other parent should be ordered to complete any IRS waivers or forms necessary to accomplish this in each tax year and ordered not to file contradictory tax returns.

List names: _____

OR

Other *(specify)*: _____

** 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. Parties are advised to speak to a tax specialist.*

Certificate of pending/existing child support proceedings

- There is is not a PENDING child support proceeding
- There is is not an EXISTING child support order or judgment

Information about any pending or existing child support proceedings is included above

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

Date

Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

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

Petitioner,

Case No. _____

and

**Order to Show Cause Regarding
Modification of Judgment re:**

Respondent.

- Custody
- Parenting Time
- Child Support
- Spousal Support

Written Response Required

Based upon the Motion and Declaration of the Petitioner Respondent on file herein, the request for an Order to Show Cause is:

- allowed.
- denied.

IT IS ORDERED that Petitioner Respondent appear by written response **within thirty (30) days after service** of this order to show cause why an order should not be entered granting the relief requested in the attached motion.

Judge Signature:

Certificate of Readiness. This proposed order is ready for judicial signature under UTCR 5.100 because this order is submitted ex parte as allowed by statute or rule.

Dated: _____ Submitted by (signature): _____

NOTICE TO Petitioner Respondent: READ THESE PAPERS CAREFULLY!

The other party to this case has filed a request to change some of the terms of a previous judgment in this case. If you do not file the appropriate legal paper with the court in the time required, the other party may ask the court for a judgment against you that orders these changes.

You must “appear” on this motion or the other side will win automatically.

To “appear,” you must file with the Court a legal paper called a “Response” (or “Responding Affidavit”) or “Motion.” These forms may be available through the court located at: 125 E. 8th Avenue, Eugene, Oregon 97401.

They may also be available online at: <http://courts.oregon.gov/OJD/OSCA/JFCPD/Pages/FLP/Forms-Modifications.aspx>

This Response (or Motion) must be filed with the court clerk or administrator within thirty (30) days along with the required filing fee. It must be in proper form and you must show that the moving party’s attorney (or the moving party if he/she does not have an attorney) was mailed a copy of the “Response” or “Motion.” The location to file your Response is at the court address indicated above.

You must pay any filing fee required by law, or obtain a Court Order waiving or deferring the fee when you file the response.

If you have questions, you should see an attorney immediately.

If you need help finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll free elsewhere in Oregon at (800) 452-7636.

If special accommodation under the Americans with Disabilities Act is needed, please contact your local court at the address above; telephone number: 541-682-4020.

Submitted by:

Submitting Party, *Print Name*

Telephone or Contact Telephone

Address or Contact Address

City / State / Zip

Information about the Confidential Information Form (CIF)

What is a CIF?

Most court files may be viewed by the public. Uniform Trial Court Rule (UTCRC) 2.130 requires certain confidential personal information to be protected from public disclosure. That is done by providing the information in a separate form. After you file your papers, the court keeps the form separate from the part of the court file that may be viewed by the public. The form is UTCRC Form 2.130.1, known as the Confidential Information Form, or CIF.

What information does a CIF make confidential?

The information protected by the CIF is social security numbers, birth dates, driver license numbers, and former legal names. Also protected are the name, address, and telephone number of a party's employer.

The CIF should only be used to protect the information described above. There may be other information in your court papers that you do not want the public to be able to see, such as bank account or credit card numbers. The separate process for protecting that information is described in UTCRC 2.100, which can be read at:

<http://courts.oregon.gov/OJD/programs/utcr/utcrrules.page?>

How do I know when I need to put information in the CIF?

When a document filed with the court requires you to include information protected by a CIF, that information must **only** be provided to the court in a CIF and must not be listed in any other document to be filed. Where you would otherwise provide the information in the document to be filed you must make a note that the information has been provided in the CIF. For example, if a document requires a party's full social security number to be listed, you must not list the social security number, but must instead make a note on the document that the information has been filed under UTCRC 2.130. **The online court forms already have that note on the form.**

Do I need to file more than one CIF?

In most cases, yes. You must fill out a CIF for yourself, and if the documents you are filing with the court require confidential personal information about the other party, you must also fill out a separate CIF with the other party's information. If your case involves children, you should include their information in *your* CIF. You do not need a separate CIF for your children.

If there is CIF information you do not know when you file your papers, or if the information changes during your case, you must file an amended CIF that provides the new or updated information.

The CIF rule requires you to redact – black out or erase – confidential personal information from any attachments to documents you file with the court and to make a note on the attachment that the information has been provided in the CIF. The only exception is when you are required to attach a court-certified document. Documents that are required to be court certified should not be altered in any way.

Does the other party get copies of a CIF I file?

You are not required to serve the CIFs on the other party, though you may share a CIF with the other party if you chose to do so. You *are* required to serve the other party with UTCR Form 2.130.2, which is a notice that a CIF has been filed. You must also file a certificate with the court showing that you served the other party with the notice that a CIF was filed.

There are steps the other party and other people can go through to ask the court to allow them access to a CIF that you have filed. UTCR 2.130 explains that process in detail, and also describes the circumstances under which the court must deny a request by someone else to view a CIF you have filed.

The CIF rule (UTCR 2.130) can be read at:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?>

and you can find additional information about the rule at:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?>

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

Case No: _____

_____ Petitioner

and

_____ Respondent

**CONFIDENTIAL
INFORMATION FORM**

Amended CIF

UTCRC 2.130

Unmarried children age 18, 19, or 20 years old (per ORS 107.108)

Submitted by: Petitioner Respondent other: _____

Information about (name): _____
(first, middle, last) Petitioner Respondent other: _____

Date of Birth:	Social Security Number:
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:

Additional page attached

¹ 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 _____

Case No: _____

_____ Petitioner

and

_____ Respondent

**CONFIDENTIAL
INFORMATION FORM**

Amended CIF

UTCRC 2.130

Unmarried children age 18, 19, or 20 years old (per ORS 107.108)

Submitted by: Petitioner Respondent other: _____

Information about (name): _____
(first, middle, last) Petitioner Respondent other: _____

Date of Birth:	Social Security Number:
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:

Additional page attached

¹ 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 _____

Case No: _____

Petitioner

and

Respondent

**NOTICE OF FILING OF
CONFIDENTIAL
INFORMATION
FORM (CIF)**

Amended CIF

and

Unmarried children 18, 19, or 20 years old (per ORS 107.108) (full names)

I filed Confidential Information Forms with the court about the following parties to this case as required by Uniform Trial Court Rule (UTCRC) 2.130 (Use first, middle, last names below):

1) My Name: _____

Petitioner Respondent Other: _____

Containing (check all that apply):

Social Security Number (SSN) Date of Birth (DOB) children's SSN children's DOB
 employer's name, address, and phone number driver license number
 former legal names

2) Name: _____

Petitioner Respondent Other: _____

Containing (check all that apply):

SSN DOB children's SSN children's DOB employer's name, address, and phone number
 driver license number former legal names

3) Name: _____

Petitioner Respondent Other: _____

Containing (check all that apply):

SSN DOB children's SSN children's DOB employer's name, address, and phone number
 driver license number former legal names

4) Name: _____

Petitioner Respondent Other: _____

Containing (check all that apply):

SSN DOB children's SSN children's DOB employer's name, address, and phone number
 driver license number former legal names

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

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

Case No: _____

Plaintiff/Petitioner

v.

**ACCEPTANCE OF
SERVICE**

Defendant/Respondent

I am the Plaintiff/Petitioner Defendant/Respondent in this matter.

On **(date)** _____ I received a true copy of **(check all that apply)**:

Petition

Summons

Claim

Information on mediation

Complaint

Other: _____

And for Domestic Relations cases:

Notice of Statutory Restraining Order Preventing Dissipation of Assets

Notice of CIF (***Confidential Information Form***) Filing

Information on continuation of insurance coverage (COBRA)

Order to Show Cause re: Modification with Motion and Declaration

Statement of Assets and Liabilities

Uniform Support Declaration

Other forms: _____

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

Date

Signature

Name (printed)

Address

City/State/Zip

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:

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

Case No. _____

Petitioner

and

Respondent

**CERTIFICATE OF MAILING OR
DELIVERY TO DIVISION OF
CHILD SUPPORT**

I certify that on *(date)* _____, I hand-delivered **or** mailed by first-class mail a true copy of the *Motion* in the above domestic relations case to the local branch office of the Department of Justice, Division of Child Support at *(list address)*: _____
165 E. 7th Avenue, Suite 300
Eugene, OR 97401

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

Date

Signature { Petitioner Respondent }

Name (printed)

Contact Address

City / State / ZIP

Contact Phone

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

Case No: _____

Petitioner
and

Respondent

**EX PARTE MOTION FOR
ORDER OF DEFAULT and
DECLARATION IN SUPPORT**

Motion

Based on the attached *Declaration*, Petitioner Respondent requests that this court grant an *Order* entering the default of Petitioner 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

Petitioner Respondent was served with the *Motion*, *Order to Show Cause* and other documents required by law in _____ County, State of _____, on (date) _____ and has not made an appearance within the time required by law.

Petitioner Respondent has not provided me with written notice of intent to appear.

or

Petitioner 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.

Petitioner Respondent is not now, and was not at the time of the service of the *Motion* and *Order to Show Cause*, 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 Petitioner Respondent **is not** now, and was not at the time of service of the *Motion* and *Order to Show Cause*, in active military service of the United States.
Provide facts supporting this statement: _____

The Petitioner Respondent **is** now, or was at the time of service of the *Motion* and *Order to Show Cause*, in active military service of the United States. Petitioner Respondent has waived his or her rights under the Servicemembers' Civil Relief Act, as shown by the attached waiver, labeled Exhibit _____ .

I am unable to determine whether or not Petitioner Respondent is now, or was at the time of the service of the *Motion* and *Order to Show Cause*, in active military service of the United States. *Provide any facts you do know:* _____

I request the relief specified in the attached *Judgment*.

Costs and fees are allowable under ORS 107.105(1)(j) or 107.490(4).

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

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

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

Case No: _____

Petitioner

and

Respondent

**ORDER ON MOTION
FOR DEFAULT**

Petitioner's Respondent's Motion for Order of Default and Entry of Judgment by Default
is:

Allowed.

Denied.

Certificate of Readiness under UTCR 5.100

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

Judge Signature:

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) 5.100¹ 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

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

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

Case No: _____

Petitioner
and

Respondent
and

**SUPPLEMENTAL JUDGMENT
MODIFYING A
DOMESTIC RELATIONS
JUDGMENT**

Unmarried Children 18, 19, or 20 years old (per ORS 107.108) (full names)

This *Supplemental Judgment* modifies the following provisions of a prior *Judgment*:

- Spousal/Partner Support
 Custody Parenting Time Child Support
 Other: _____

This matter came before the court on the motion and declaration of

- Petitioner Respondent

No response to the *Order to Show Cause re: Modification* was received from the non-moving party

The non-moving party is not in active military service of the United States and is not incapacitated, a minor, a protected person, or a respondent (as defined by ORS 125.005)

A hearing was held _____ (date), at which the following were present:

- Petitioner Petitioner's attorney
 Respondent Respondent's attorney
 Other: _____

The parties have stipulated (agreed) to the terms of this judgment as shown by their signatures at the end of this *Judgment*

Children 18, 19, or 20 Years of Age

- Waived further appearance: (names) _____
 Fully participated in the proceedings (names) _____
 Signed and stipulated to the terms of judgment shown by the signature at the end of this *Judgment*

THE COURT FINDS:

The court considered the declaration response evidence presented and found that:

a substantial change in circumstances has occurred since the last judgment or order, justifying a change in **support or custody**

the requested change in **custody or parenting time** is in the children's best interest

Jurisdiction

This court has jurisdiction to modify the following judgment (list court or agency, case number, and date): _____

Because: (check all that apply)

Only spousal/partner support is at issue in this Modification action

Child Support

the judgment above was issued by a court in Oregon and one of the parents or a child receiving support under the prior judgment still resides in Oregon, **or**

Other reason (*explain*) _____

Custody or Parenting Time under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

the judgment above was issued by a court in Oregon and one of the parents or a child affected by the custody or parenting time provisions still resides in Oregon, **or**

Other reason (*explain*) _____

Oregon does not have jurisdiction under the UCCJEA because: _____

THE COURT ORDERS the following modifications to a prior judgment:

1. Spousal/Partner Support

Spousal/Partner support is terminated **or** changed as follows: _____

Findings supporting termination: _____

Effective date – changes are effective as of (*date*) _____

2. Custody and Parenting Time

a) Petitioner Respondent is granted sole custody of: (*names*) _____

Parties have agreed to joint custody of: (*names*) _____

b) Parenting Time is changed according to the attached Parenting Plan labeled Exhibit _____ **or**

as follows: _____

Petitioner Respondent must not have parenting time because it would endanger the health or safety of the children

Parenting time must be supervised by: _____
Cost of supervision will be paid by Petitioner Respondent Other: _____

- c) Petitioner Respondent is allowed to move more than 60 miles farther away from the other party without advance written notice because good cause exists
- d) Petitioner Respondent is not required to provide contact information to the other party

3. Child Support and Medical Costs

a) Petitioner's Respondent's child support obligation to children (*names*) _____
_____ is **terminated** based on the change of custody *or*
(explain other reason for termination) _____

b) Child support is **changed** as follows based on the requested change of custody or substantially changed circumstances

Support must be paid:

by Petitioner Respondent

to Petitioner Respondent Adult Child Attending School

on the first day of each month

beginning the month following entry of this judgment *or* the date of service of this motion (*date:* _____)

The monthly **amount** due is: \$ _____ (*Child Support Worksheets are attached and incorporated, labeled Exhibit _____*)

This amount is:

the amount presumed to be appropriate under the support guidelines

different from the presumed appropriate amount *because:* _____

c) **Income withholding** is **not** ordered at this time because there is no support arrearage ***and***

The parents (or the State, if support rights are assigned) have agreed in writing to an alternative arrangement which is approved by the court; ***or***

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*) _____

Child Attending School

Support for an adult child attending school as defined by ORS 107.108 must be paid 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

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.

d) **Length of Child Support:** Child support will end when the last child (*check one*)
 reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21
 reaches age 18
or becomes self-supporting, emancipated, or married

e) **Tax Dependents***
 Petitioner Respondent may claim the following children as dependents for tax purposes beginning with the **tax** year this judgment is entered. The other parent must complete any IRS waivers or forms necessary to accomplish this order in each tax year and must not file contradictory tax returns.
List names: _____

OR

Other (*specify*): _____

** 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. Parties are advised to speak to a tax specialist.*

f) **Life Insurance**
Life insurance is terminated or changed as follows: _____

Petitioner Respondent must carry life insurance for the benefit of the children in the amount of \$ _____ throughout the period of the support obligation if he or she is insurable

Petitioner Respondent is no longer required to provide life insurance
 because they have established a qualifying trust

g) **Medical Costs**

Medical costs and insurance have been addressed in a prior judgment and are not being changed

1. **Health Insurance Coverage**

Petitioner Respondent is ordered to keep insurance for the children throughout the period of the child support obligation

2. **Cash Medical Support**

Cash Medical Support **is** ordered in the amount of \$_____ per month because health insurance coverage is not available to either parent. Cash Medical Support is payable in addition to child support by the parent ordered to pay child support, and on the same schedule.

Cash Medical Support **is not** 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

The children’s medical needs will be met by the *Uninsured Medical Expenses* provision below

Other (*explain*): _____

CHANGES TO HEALTH INSURANCE AVAILABILITY

Both the person paying and the person receiving child support **must** notify the Division of Child Support (DCS) in writing of any change in the availability of health insurance within **10 days** of the change if collection services are provided by DCS.

h) **Uninsured Medical Expenses**

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

(or)

orders regarding uninsured medical expenses are terminated

4. **Additional changes:** _____

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 is punishable by fine, imprisonment or other penalties.

Publicly funded help is 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.

Publicly funded 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 the domestic relations, civil court clerk or courthouse facilitator for information.

NOTICE ABOUT PERIODIC REVIEW AND MODIFICATION OF CHILD SUPPORT ORDERS

If your child support case is handled by the District Attorney or the Department of Justice Division of Child Support, this agency will review your child support order if at least three years have passed since the order was entered, modified, or last reviewed. *This review will take place only if a parent requests.*

The purpose of the review is to see if the amount ordered is still within the guidelines for child support set out in Oregon law. The review could result in an increase or decrease in the support amount, depending on the parents’ financial circumstances and the needs of the child.

This “periodic review” service is provided at no cost to parents, but is available only for cases handled by the District Attorney or the Department of Justice.

The support agency handling your case will also review your support order for compliance with the guidelines whenever a substantial change in circumstance has occurred. You can request this “change in circumstance” modification from the support agency. But *any* support order (not just orders handled by the District Attorney or Department of Justice) can be modified because of a change in circumstance, so a private attorney is also able to assist you with this. You may also represent yourself.

5. Any terms in the prior *Judgment* not changed by this *Supplemental Judgment* remain in effect.

6. **Court Costs and Fees** (whether paid or deferred)

- Each party is responsible for paying his or her own costs and fees
- Costs and fees will be paid by both parties equally
- Respondent Petitioner must reimburse the other party for costs and fees paid
- Other: _____

7. Information Required by ORS 25.020(8)(a)

As required by UTCR 2.130, a *Confidential Information Form (CIF)* has been completed for each party and filed with the court. The CIF contains all information required by ORS 25.020(8)(a).

Both parties must inform the Court and the Department of Justice (P.O. Box 14506, Salem, Oregon 97309) in writing of any change in the information within ten (10) days of such change. The Department of Justice or the District Attorney shall not disclose the information in the preceding section to the other party.

8. Money Award*

**only complete this section if there is a change to child or spousal/partner support*

Support obligation included and child support must be paid to Dept. of Justice

	PETITIONER	RESPONDENT
Full Name		
Contact Address		
Year of Birth		
Social Security # (last 4 digits)		
Driver License # (last 4 digits) and State		
Lawyer's Name, Address, Phone #		

➤ *If an adult child is awarded support to be paid directly to the child AND 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:*

<input type="checkbox"/> The adult child named (<i>full name and contact address</i>) _____ _____ is a judgment creditor on this judgment Adult child's lawyer's name, address, phone #: _____ _____
--

The following information must be provided by any party entitled to receive a money award as listed in this Judgment	
	The following person or public body is known to be entitled to a portion of a payment made on the judgment (other than payee's lawyer):
Petitioner	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____ _____
Respondent	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____ _____

Adult Child Name: _____	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____ _____
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Type of Judgment		Amount	Beginning / Ending
<input type="checkbox"/> Child Support	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ Per month for child support	Beginning the first day of the month following: <input type="checkbox"/> entry of this judgment <i>or</i> <input type="checkbox"/> the date of service of the <i>Order to Show Cause (date)</i> _____ <i>or</i> <input type="checkbox"/> Other _____ and due on the first day of each month thereafter
	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Adult Child	and \$ _____ per month for cash medical support	
<input type="checkbox"/> Spousal/ Partner Support	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ per month	Beginning: <input type="checkbox"/> the first <i>or</i> <input type="checkbox"/> _____ day of the month following entry of this judgment <i>or</i> <input type="checkbox"/> the date of service of the <i>Order to Show Cause (date)</i> _____ <i>or</i> <input type="checkbox"/> Other _____ and due on the same day of each month thereafter
			Ending the earlier of: (date) _____ or the death of either party
		or A lump sum of \$ _____	Paid by (date): _____

<input type="checkbox"/> Prejudgment Interest	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____	
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<input type="checkbox"/> Postjudgment Interest	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	9% per year simple interest on the unpaid balance of the total judgment amount of \$_____	Interest accrues from the date the judgment is entered and continues until the judgment is fully paid
<input type="checkbox"/> Court Costs and Service Fees already paid	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Checked party reimburses the other party's costs and fees of: \$_____ Directly to the awarded party	
<input type="checkbox"/> Deferred Court Costs and Service Fees	WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Checked party must pay deferred costs and fees of: \$_____ To the State of Oregon through this court	

Judge Signature:

Certificate of Readiness under UTCR 5.100

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

Service is not required under UTCR 5.100. The other party has been found in **default** or an order of default is being requested with this proposed judgment; 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, or by written confirmation sent to me.

I have **served** a copy of this judgment and the *Notice of Proposed Judgment or Order* on all parties entitled to service. **And:**

No objection has been served on me within the 7-day 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 (*name*) _____ 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.

Date

Petitioner Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

Respondent stipulates (agrees) to the terms of this judgment

Date

Respondent Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

Child 18, 19, or 20 years of age, stipulates to the terms of this judgment

Child, Signature

Date

Child, Name (printed)

Optional: APPLICATION FOR FULL CHILD SUPPORT PROGRAM SERVICES:

By signing below, I apply for child support services, including enforcement, from the Child Support Program (CSP). If you never received TANF, tribal TANF or AFDC in any state, an annual \$35 fee will apply if over \$550 is collected and distributed to the family each year.

Petitioner, Signature

Date

Respondent, Signature

Date

Adult Child, Signature

Date