

REQUEST FOR TEMPORARY STATUS QUO ORDER (post-judgment)

A *Status Quo Order* will keep the children's schedule the same as it has been for the past **3 months**. If the children's address, residential parent, or regular schedule (other than parenting time and normal changes like the end of sports or the school year) has changed within the past 3 months, talk to a lawyer before trying to get a *Status Quo Order*.

You can use these forms only if you have already filed a request to modify (change) your judgment (or if you will file the request along with this motion).

If you do not have a judgment that awards custody or parenting time, do not use these forms. Go to www.courts.oregon.gov for the appropriate forms or talk to a lawyer.

Important Contact Information

Oregon Judicial Department - www.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



Step 1: Filling out the Forms

- MAKE SURE YOU COMPLETE THE **COUNTY NAME** AT THE TOP OF THE FIRST PAGE OF EACH FORM!

Fill out the following forms:

- ***Motion for Status Quo Order & Declaration in Support***
- ***Order to Show Cause Regarding Post-Judgment Status Quo Order***
- **Parties & Case Number** – the parties and the case number are the same as they are on your modification papers
 - Make sure you put the case number on each form and on the bottom of each page
 - If you have any children with the other party who are 18, 19, or 20 years old, they are necessary parties. You must add their names to the form and serve all documents the same as you serve the other party. See below for service information.



Have your documents reviewed

You may have your documents reviewed by a lawyer or a court facilitator (if your court has one) 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 may get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program or call your local Legal Aid office. Facilitators are available for free at the Lane County Circuit Court, but you must make an appointment. Call the Family Court Assistance Office at 541-682-4302 to schedule an appointment.



Make a copy of all forms for your records. You will also need copies for service. See Step 2 for information about service.

- *Note: if you have adult children (18, 19, or 20) make an additional copy to serve each child*



File. Take the forms to a judge at “Ex Parte.” “Ex Parte” is a time when you can present papers to the judges. It is between 8:30am and 8:50am Monday through Friday. You will need to check in with Court Information on the second floor of the Lane County Courthouse in order to attend an Ex Parte hearing. There is no filing fee for this motion. You must file your forms with the cashier immediately after you see a judge. A clerk in the courtroom will take you to the cashier. The cashier can make you a copy of the signed Order to Show Cause for a small fee. If you have already made a copy of the Order, you must conform the copy 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 2: NOTIFY THE OTHER PARTY

You must officially notify all other parties of your request. This is called “service.” **NOTE:** If the other party has a lawyer, you **MUST** serve the lawyer – NOT the party!

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 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 other party'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 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.

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.

The image shows a green Domestic Return Receipt form. The form is divided into two main sections: 'SENDER: COMPLETE THIS SECTION' and 'COMPLETE THIS SECTION ON DELIVERY'. The 'SENDER' section includes instructions to complete items 1, 2, and 3, and to print name and address on the reverse. The 'COMPLETE THIS SECTION ON DELIVERY' section includes fields for 'A. Received by (Please Print Clearly)', 'B. Date of Delivery', 'C. Signature', and 'D. Is delivery address different from item 1?'. A red circle highlights the 'B. Date of Delivery' field, and a yellow arrow points to it from the right. Below these sections are checkboxes for '3. Service Type' (Certified Mail, Express Mail, Registered, Return Receipt for Merchandise, Insured Mail, C.O.D.) and '4. Restricted Delivery? (Extra Fee)'. The form footer includes 'PS Form 3811, July 1999', 'Domestic Return Receipt', and '102395-00-M-0952'.

Proof of Service

The Certificates are your proof of service. An original *Certificate of Service* must be filed with the court.

If you are not able to have the 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. Check with your local court about how to make this request.



STEP 3: THE HEARING

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**.

Attend the hearing and bring the **Order on Motion to Maintain Status Quo** form that is provided in this packet along with you to the hearing. You **must** appear at the hearing date and time scheduled in the Order to Show Cause or your motion will not be granted.

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

Case No: _____

Petitioner

and

Respondent

and

**MOTION FOR STATUS QUO
ORDER
& DECLARATION IN SUPPORT**

(Post-judgment per ORS 107.138)

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

A motion to modify the judgment in this case has been filed or is being filed along with this motion. Date of judgment being modified: _____

I am the petitioner respondent

Motion

I request a temporary ***STATUS QUO ORDER*** prohibiting either parent from:
changing the children's usual place of residence,
interfering with the children's **daily schedule**,
hiding the children from the other parent,
interfering with the other parent's **usual contact** and parenting time with the children,
leaving the state with the children without the written permission of the other parent or the permission of the court, **or**
disturbing the current schedule and daily routine of the children until a judgment is entered on the modification request

Name of Child <i>(list each minor child)</i>	Year of Birth

Statement of Points and Authorities

ORS 107.138 authorizes the court to enter a temporary status quo order to either party in a proceeding to modify a judgment that awards custody of a child.

Declaration

1. The children have lived at the following address for the past 3 months: _____

(excluding any time the noncustodial parent exercised parenting time)

2. The children’s current schedule and routine is: *(detail each child’s regular schedule, including parenting time with each parent, during the past 3 months)* _____

Additional page attached titled “Section 2”

3. UCCJEA Information

List the places where any of the children named above 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

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

Additional page attached titled “Section 3”

4. The children named above have lived in Oregon continuously for the six months before the filing of this *Motion*, except for the children named below.

The following children have **not** lived in Oregon continuously for six months: *(names)* _____

There is another legal basis for Oregon to address custody of these children. *Explain:* _____

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

Name of Court	State	Case No.	Date of final decision	Result

Additional page attached titled "Section 5"

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

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

7. 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)*: _____

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

_____ Name (printed)

_____ Address

_____ City/State/Zip

_____ Phone

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

Petitioner,

Case No. _____

and

**Order to Show Cause Regarding
Post-Judgment Status Quo Order**

Respondent.

Based upon the motion and declaration of the Petitioner Respondent on file herein;

IT IS HEREBY ORDERED that Petitioner Respondent appear before the Court on _____
_____ at _____ a.m./p.m. (date must provide other party at least 21 days
advance notice from date of service) to show cause, if any there be, why a temporary post-judgment status quo
order in conformity with the Petitioner's Respondent's motion and declaration should not be entered
restraining Petitioner and Respondent from changing the child/ren's usual place of residence at, (*address of
children's usual place of residence*) _____
_____, from interfering with the present placement and daily
schedule of the child/ren; from hiding or secreting the child/ren from the other party; from interfering with the
other parent's usual contact and parenting time with the child/ren; or from taking the child/ren out of the state
without the written permission of the other parent or permission of the Court; or in any manner disturbing the
current schedule and daily routine of the child/ren until custody or parenting time have been modified.

Judge Signature:

Certificate of Readiness for Judicial Signature. 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.

Submitted by:

Submitting Party, *Print Name*

Telephone or Contact Telephone

Address or Contact Address

City / State / Zip

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

Case No: _____

Petitioner

and

Respondent

and

**ORDER ON MOTION
TO MAINTAIN STATUS QUO**

post-judgment

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

Based on the *Motion* and *Declaration* submitted and testimony by
 Petitioner Respondent, a temporary *Status Quo Order* is:

Denied

GRANTED as to the children named below. The children's usual place of residence (below), detailed parenting schedule, and daily routine are described in the *Declaration*.

Until further order of the court, **both parties are prohibited from:**

changing the children's usual place of residence
interfering with the children's **daily schedule**
hiding the children from the other parent
interfering with the other parent's **usual contact** and parenting time with the children
leaving the state with the children without the written permission of the other parent or the permission of the court
disturbing the current schedule and daily routine of the children until custody and parenting time have been decided

List the name and year of birth of all minor children to be protected by this order _____

Children's usual place of residence: _____

Judge Signature:

Certificate of Readiness

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

Pre-judgment only: Service is not required under UTCR 5.100 because this order is submitted **ex parte** as allowed by statute or rule;

Service is not required under UTCR 5.100 because this order is being submitted in **open court** with all parties present

I have **served** a copy of this order and written notice of the 7-day objection period set out in UTCR 5.100 on all parties entitled to service (*complete service information below*). **And:**

No objection has been served on me within that time frame.

I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.

After conferring about objections, the other party agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100

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

Submitted by: Petitioner Respondent

Signature

Print Name

Certificate of Service

I (*name*) _____ certify that on (*date*) _____

I mailed delivered this Order to the petitioner respondent (lawyer for the party)

At the following address: _____

Date

Signature

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: