

Alternative Form of Service

This packet is for a person who has filed a petition for dissolution, separation, custody or parenting time (visitation), and cannot complete service by the usual methods, including:

- personal service (having the papers delivered directly to the other party),
- substitute service (delivery of papers to a person living at the other party's home who is at least 14 years old, and mailing of documents to home address),
- office service (delivery of papers to the person apparently in charge at the other party's office during working hours), and
- service by mail (delivery to the other party by first class mail and by certified, registered or express mail *provided* the other party signs a receipt for the certified, registered or express mail. The other party must not be a minor or incapacitated).

The law requires that you try to locate the other party through all possible methods before an alternative method of service is allowed. This may include contacting the other party's employer, friends and relatives, public utilities, the post office, and any other entity or person that might know of the other party's whereabouts.

These forms allow you to request permission from the Court to use one of the following methods of service: publication, posting, or mailing to a specified post office address.

STEP 1

- Fill out the Declaration in Support of Motion for Alternative Form of Service (DECLARATION) and Motion for Order to Allow an Alternative Form of Service (MOTION).
- Fill out the case heading on the Order Regarding Request for Alternative Form of Service (ORDER).
- Make two copies of the MOTION, DECLARATION, and proposed ORDER. One is for your records and the other is to send to the other party.

STEP 2

Attend an Ex parte hearing to have a judge make a decision on your Motion. Ex parte takes place Monday through Friday from 8:30 to 8:50 a.m., it is a hearing where judges are available to sign documents and you do not need to have an appointment to attend. Check in first with Court Information on the second floor of the courthouse.

STEP 3

- If an alternative method was allowed in the ORDER, follow the instructions in the ORDER to complete service.
- To serve by publication, you must fill out the Summons in this packet completely. Then you must publish BOTH the Summons and the "Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Cases" in the newspaper

specified in the ORDER. You must also mail a copy of the summons, notice of statutory restraining order, and petition to the other party if you know his or her post office box number or can find out what the post office box number is with reasonable diligence. If you can't find out the post office box number by exercising reasonable diligence, you may mail the documents to the other party's last known address. If you can't find out the last known address using reasonable diligence, you don't have to mail the documents.

- To serve by mail, send the summons, notice of statutory restraining order, and petition by first class mail **and** by any of the following: certified or registered mail, return receipt requested, or express mail.
- To serve by posting, you must have someone other than yourself post the Summons, Notice of Statutory Restraining Order, and Petition at the location indicated by the court. The person who posts these papers must be 18 years of age or older and an Oregon resident, who is not a party, nor an attorney for any party, in your proceeding.

STEP 4

Once service is complete, file a proof of service with the court. You may do this by filing the Declaration of Service if service was completed by posting or mailing. If service was completed by publication, submit the Declaration of Publication and the Certificate of Mailing (if you are able to mail; see Step 3).

STEP 5

Wait until the period for the other party to file a response has passed. If you don't receive a copy of a response in the mail, check with the court clerk to see if one was filed. If no response was filed, you may file your request for a default according to the instructions in the packet you used to file your petition.

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

In the Matter of <input type="checkbox"/> the Marriage of:)	
)	
_____	)	Case No. _____
Petitioner,)	
and	)	MOTION FOR ORDER TO ALLOW
	)	AN ALTERNATIVE FORM OF
_____	)	SERVICE
Respondent.)	

Motion

I, _____, request that the court issue an Order allowing service by publication, mailing or posting based on unsuccessful attempts to locate and serve the other party detailed in the attached declaration. If the court orders service by publication, I request that I be allowed to publish notice in _____, a newspaper of general circulation in _____ County.

Points and Authorities

ORCP 7D(6)(a) allows the court to order service by any method or combination of methods which under the circumstances is most reasonably calculated to apprise the party of the existence and pendency of the action, upon a showing that service cannot be made by any method otherwise specified by law.

Dated: _____, 20____.

Petitioner, Signature

Petitioner, Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

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

In the Matter of <input type="checkbox"/> the Marriage of:)	
)	
_____	)	Case No. _____
Petitioner,)	
and	)	DECLARATION IN SUPPORT OF
	)	MOTION FOR ALTERNATIVE
_____	)	FORM OF SERVICE
Respondent.)	

I, _____, am the Petitioner Respondent in this case. The following facts support my Motion:

1. I have had no contact with the other party since (date) _____. His/Her last known address is _____, and I am not presently aware of his/her whereabouts, mailing address or how to get in contact with him/her.

2. I attempted to have the other party personally served at his or her dwelling house or usual place of abode located at _____. Service at this address has not been successful because _____

3. I attempted to complete substitute service on the other party but was unsuccessful because: _____

4. Check one: I attempted to complete office service on the other party but was unsuccessful because: _____

The other party does not have an office for the conduct of business.

5. I attempted to mail the documents to the other party at the following address(es): _____
_____ by first class mail and certified or registered mail, return receipt requested, or express mail, but was not able to get a receipt signed by the other party because: _____

6. I have have not found a post office address for the other party. I have made the following efforts to locate a post office address: _____

7. In addition to the methods described above, I have tried to locate the other party using the following methods: *(Describe methods, list dates they were used, and explain why efforts to locate through utility company records, driving records, postal records, family members, friends and any other reasonable means has not been successful. Attach additional pages if necessary.)*: _____

8. **Check one:** I know of a specific location outside of *(List county of filing)* _____
 County where publication might reasonably result in actual notice to the other party. *(List county and state.)*: _____
 I do not know of a specific location where publication might result in actual notice to the other party.

REQUIRED: I selected the newspaper in my Motion based upon the following facts: _____

9. I am without funds to pay for publication by newspaper. A copy of the order deferring or waiving my filing fee is attached.

Dated: _____, 20____.

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)

 Contact Address

 City / State / ZIP

 Contact Phone

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

In the Matter of <input type="checkbox"/> the Marriage of:)	
)	
_____, Petitioner,	)	Case No. _____
and	)	ORDER REGARDING REQUEST FOR ALTERNATIVE FORM OF SERVICE
)	
_____, Respondent.)	

Based upon the motion and declaration of the petitioner respondent on file herein, the request for the use of an alternative service method is hereby:

- allowed
- denied.

IT IS HEREBY ORDERED that service shall be made upon the other party as follows:

By publication. The summons and “Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions” shall be published once a week for four consecutive weeks in _____, which is hereby found to be a newspaper of general circulation in _____ County, _____ (state).

By mailing. The summons, “Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions,” and petition shall be mailed to the other party at the following address: _____ by first class mail and by certified or registered mail, return receipt requested or express mail. The other party shall have _____ days to respond from the following date: the signing of the receipt of mailing (if applicable), three days after the mailing if mailed to an Oregon address, or seven days after the mailing if mailed to an out of state address, whichever comes first.

///
///
///

By posting. The summons, “Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions,” and petition shall be posted at the following location(s): _____
_____ for a period of four (4) weeks by a person who is not a party to, nor an attorney in, the proceedings, and who meets the other qualifications set forth in ORCP 7F(2)(a)(i). The other party shall have _____ days to respond from the date of first posting (insert date): _____.

DATED

Circuit Court Judge

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:

Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

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

_____,)
Petitioner,) Case No. _____
and)
_____,)
Respondent.)
SUMMONS FOR FAMILY LAW CASE

To (name): _____

Home Address

Work Address

Your spouse, partner, or child's parent has filed a *Petition* asking for:

- Separation of your marriage or registered domestic partnership (RDP)
- Divorce or dissolution of your registered domestic partnership (RDP)
- Child Support, custody, or parenting time

NOTICE TO RESPONDENT: READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear,” you must file a legal paper called a “**Response**” or a motion. **Response** forms are available through the court above or online at www.courts.oregon.gov. Talk to a lawyer for information about appearing by motion.

Your **Response** must be filed with the court clerk at the court named above **within 30 days of the date of first publication specified herein:** _____ **(date)**, along with the required filing fee (go to www.courts.oregon.gov for fee information). It must be in proper form and you must show that the Petitioner's lawyer (or the Petitioner if he or she does not have a lawyer) was formally served with a copy of the **Response** according to the service rules. Service rules are included in **Instructions for Respondents**, available at www.courts.oregon.gov.

If you have questions, see a lawyer immediately. If you need help finding a lawyer, you can call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or toll free in Oregon at 800.452.7636, or go to www.oregonstatebar.org.

Petitioner, Signature Print Name

Address or Contact Address City, State, Zip

Telephone or Contact Telephone

[Attach to Summons per ORS 107.093(5)]

**NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE
DISSIPATION OF ASSETS IN DOMESTIC RELATIONS ACTIONS**

**REVIEW THIS NOTICE CAREFULLY. BOTH PARTIES MUST OBEY EACH
PROVISION OF THIS ORDER TO AVOID VIOLATING THE LAW.
SEE INFORMATION ON YOUR RIGHT TO A HEARING BELOW.**

TO THE PETITIONER AND RESPONDENT:

Under ORS 107.093 and UTCR 8.080, neither Petitioner nor Respondent may:

Insurance Policies

(1) Cancel, modify, terminate or allow to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

Insurance Beneficiaries

(2) Change beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

Property

(3) Transfer, encumber, conceal, or dispose of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.

(A) Paragraph (3) does not apply to payment by either party of:

- (i) Attorney fees in this action;
- (ii) Real estate and income taxes;
- (iii) Mental health therapy expenses for either party or a minor child of the parties; or
- (iv) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

Expenses

(4) Make extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. This does not apply to payment of expenses necessary to provide for the safety and welfare of a party or a minor party of the parties.

EFFECTIVE DATE:

The above provisions are in effect immediately upon service of the *Petition* and *Summons* on the respondent. They remain in effect until a final judgment is issued, until the petition is dismissed, or until further order of the court.

RIGHT TO REQUEST A HEARING

Either Petitioner or Respondent may request a hearing to modify or revoke one or more terms of this restraining order, by filing with the court the *Request for Hearing re: Statutory Restraining Order* form specified in Form 8.080.2 in the UTCR Appendix of Forms.

[Attach to Summons per ORS 109.103(5)]

**NOTICE OF STATUTORY RESTRAINING ORDER
PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS BETWEEN UNMARRIED PARENTS**

REVIEW THIS NOTICE CAREFULLY. BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATION OF THE LAW. SEE INFORMATION ON YOUR RIGHT TO A HEARING BELOW.

TO THE PETITIONER AND RESPONDENT:

Under ORS 109.103(5) and UTCR 8.080, neither Petitioner nor Respondent may:

Insurance Policies

(1) Cancel, modify, terminate or allow to lapse for nonpayment of premiums any policy of health insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

Insurance Beneficiaries

(2) Change beneficiaries or covered parties under any policy of health insurance that one party maintains to provide coverage for a minor child of the parties, or any life insurance policy.

EFFECTIVE DATE:

The above provisions are in effect immediately upon service of the *Petition* and *Summons* on the respondent. They remain in effect until a final judgment is issued, until the petition is dismissed, or until further order of the court.

RIGHT TO REQUEST A HEARING

Either Petitioner or Respondent may request a hearing to modify or revoke one or more terms of this restraining order, by filing with the court the *Request for Hearing re: Statutory Restraining Order* form specified in Form 8.080.3 in the UTCR Appendix of Forms.

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

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

Case No. _____

DECLARATION OF SERVICE

I, _____, declare: I am a resident of the County of _____, State of _____. I am a competent person 18 years of age or older. I certify that the person, firm, or corporation served is the identical one named in this action.

Service by Posting. I am not a party to or attorney in this proceeding. I personally posted the summons, "Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions," and petition at (location): _____ for a period of four (4) weeks, beginning _____ and ending _____.

Service by Mailing. I personally deposited a true copy of the summons, "Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions," petition, and _____ in the United States first class mail and by: certified mail or registered mail, return receipt requested, or express mail on (date) _____. The return receipt is attached to this declaration.

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)

Contact Address City / State / ZIP Contact Phone

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

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

Case No. _____

DECLARATION OF PUBLICATION

I, _____, declare that I am the _____
(job title/description)
of _____, a newspaper of general circulation published in _____ (town/state)
(name of newspaper)
located in _____ County; and that I know from my personal knowledge that the summons, "Notice
of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions," and
summary of the petition, a printed copy of which is attached, were published in the entire issue of said
newspaper four times in the following issues: _____

**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)

Contact Address City / State / ZIP Contact Phone

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

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

Case No. _____

CERTIFICATE OF MAILING

I certify that on _____, 20_____, I placed a true copy of: _____
_____ previously filed in the above
case:

to the other party directly, at the following address, because s/he has no attorney:

 to the other party's attorney _____ at the following address:

Mailing was done by first class mail and by certified or registered mail, return receipt requested, or express mail. (NOTE: If mailed Return Receipt Requested, the return receipt must be attached to this Certificate of Service.)

DATED this _____ day of _____, 20_____.

Signature of Petitioner Respondent

Print Name

Address or Contact Address

City, State, Zip Code

Telephone or Contact Telephone