

REQUEST FOR TEMPORARY STATUS QUO ORDER (pre-judgment)

You can use these forms to ask for a court order requiring **both** parents to keep the children's residence and schedule the same throughout your case. You can ask for a *Status Quo Order* at any time **after** filing a *Petition* for dissolution, separation, or custody and parenting time. A *Status Quo Order* does NOT award custody or parenting time to either parent and does not award support.

If you want temporary custody or support, you will need to file a *Motion for Temporary Orders* instead. If the children are in immediate danger and you're want temporary custody, you can file a *Motion for an Order of Immediate Danger and Temporary Custody and Parenting Time*. Go to <https://www.courts.oregon.gov/courts/clackamas/help/Pages/temp-order-forms.aspx> for those forms. A *Status Quo Order* will keep the children's schedules the same as they have been for the **3 months immediately prior** to you filing the *Motion*.

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

- **Fill out the following forms:**
 - *Ex Parte Motion for Pre-Judgment Status Quo Order & Declaration in Support*
 - *Status Quo Order*
- **Parties & Case Number** – the parties and the case number are the same on your *Motion* as they are on your *Petition*. If you filed the *Petition*, then you are the Petitioner on this motion. If the other party filed the *Petition*, then you are still the Respondent, even if you are the one filing this motion.
 - 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.
- A *Status Quo Order* will keep the children's schedule the same as it has been for the past **3 months**. In the *Declaration* section, you must list the address where the children have lived for 3 months before this motion. If the children have moved or changed schedules in the past 3 months, talk to a lawyer.



Have your documents reviewed

You may have your documents reviewed by a lawyer or a court facilitator before you file. Go to www.courts.oregon.gov/familylaw to see if your court has a facilitator available. Facilitators can NOT give provide advice. 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.



STEP 2: THE HEARING AND ORDER

Take your completed forms to the courtroom scheduled to hear *Ex-Parte* at 1:00 pm. You must be present in court when the judge reviews your paperwork. If the judge grants your *Motion*, the court clerk will give you copies of the documents for service.



If the judge grants your *Motion*, you must formally serve a copy of the *Motion and Declaration* and signed *Order* on the other party (*see Step 3*).



STEP 3: NOTIFY THE OTHER PARTY

You must officially notify all other parties of the *Motion* and *Order*. This is called “service.” You must serve BOTH the signed *Order* **and** a copy of the *Motion & Declaration*. The *Order* is effective once the judge signs it, but you **cannot** enforce it until you have the other parent, each adult child, and any other parties served. You must also provide proof of service to the court, showing that service has been completed. If the other party has a lawyer, you should also send the lawyer a copy.

****2 CRITICAL POINTS****

1. You **CANNOT** serve the papers yourself
2. If the other parent has a lawyer, you **MUST** serve the lawyer – NOT the parent

Formal Service - There are four ways you can have service completed:

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.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON 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>C. Signature X</td> <td> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </td> </tr> <tr> <td>D. Is delivery address different from item 1? If YES, enter delivery address below.</td> <td> <input type="checkbox"/> Yes <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? If YES, enter delivery address below.	<input type="checkbox"/> Yes <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? If YES, enter delivery address below.	<input type="checkbox"/> Yes <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 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. Check with your local court about how to make this request.



The other party can request a hearing to challenge the order at any time while the order is in effect. The court will notify you of the time of the hearing if this happens. If you do not go to the hearing, the court may “vacate” your order, meaning that your order will be cancelled. You will not be able to enforce any of the terms of the order against the other party.

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

Case No: _____

Petitioner

and

Respondent

and

**EX PARTE MOTION FOR
PRE-JUDGMENT
STATUS QUO ORDER
& DECLARATION IN SUPPORT**
(Pre-judgment ORS 107.097(2))

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

A *Petition* has been filed (or is being filed along with this motion) for custody and parenting time of the children named below, but no *General Judgment* has been issued.

I am the Petitioner Respondent.

Motion

I request a ***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
- disturbing** the current schedule and daily routine of the children until custody and parenting time have been decided

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

Statement of Points and Authorities

ORS 107.097(2) authorizes the court to enter a pre-judgment status quo order until custody or parenting time has been determined.

Declaration

1. The children named above 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 over 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 CLACKAMAS

Case No: _____

Petitioner

and

**ORDER ON MOTION
TO MAINTAIN STATUS QUO**

Respondent

Pre-judgment

and

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: _____

Notice for pre-judgment orders: If you disagree with this order, you may request a hearing on this order as long as it remains in effect by filing with the court a request for a hearing. In the request you must tell the court and the other party that you object to the order and specifically why you disagree with the representation of the status quo described in the order. In the request you must also inform the court of your telephone number or contact number and your current residence, mailing or contact address. Go to www.courts.oregon.gov for forms to request a hearing.

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;

Submitted by: <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	
_____	_____
Signature	Printed Name

=====

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

Case No: _____

CERTIFICATE OF SERVICE
(ORCP 7D(2))

and

Petitioner
Respondent

- (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*):

- Motion and Declaration in Support of Status Quo Order
 Status Quo Order
 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:

