

Forms and Instructions for Converting Separation Judgment to Dissolution Judgment

This packet is for parties who have obtained a Judgment of Separation within the **last two years**. When completing these forms, follow the instructions based on whether the party consents (agrees) to the conversion or does not consent to the conversion.

IMPORTANT: Oregon law authorizes the court to convert a separation to a dissolution within two years. If both parties agree and the non-filing party signs a *Consent*, this process can be very quick. If parties do not agree, or if the non-filing party does NOT file a *Consent*, it could take at least 3-5 months to get into court for a hearing. Keep that in mind when deciding whether to file these forms or a brand-new case for dissolution (filing fees are not refundable).

The case heading (names and case number) on each form will be the same as it was on the *General Judgment of Separation*. Fill out each form completely, except for the date and signature lines for the Judge on the *Supplemental Judgment*.

FORMS TO COMPLETE (WITH CONSENT)

If your spouse/partner **has consented (agreed)** to the conversion, fill out the following forms

1. **Fill out the following forms**

- *Ex Parte Motion for Order to Show Cause RE: Conversion of Judgment; and Declaration.*
- *Record of Dissolution of Marriage* (vital statistics form).
- *Consent to Conversion; Waiver of Right to Hearing; and Waiver of Personal Service* (to be completed by the other party).
- *Supplemental Judgment of Dissolution Converted from Judgment of Separation* and have both parties sign to show their stipulation (agreement) on the last page.

2. **File with the Court**

File all of the original forms with the court clerk.

You have to pay the filing fee when you file your papers. Go to www.courts.oregon.gov for the filing fee.

- If you are low income, you may ask the court to defer 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.

FORMS TO COMPLETE (NO CONSENT)

If the other party has **not consented (not agreed)** to the conversion

Fill out the following forms

- *Ex Parte Motion for Order to Show Cause RE: Conversion of Judgment; and Declaration*
- *Record of Dissolution of Marriage* (vital statistics form)

File with the Court

1. **Make copies**
2. **File** the original *Motion* and *Record of Dissolution* form with the court clerk where the separation case is filed.
3. The clerk will schedule a hearing date and time and issue an *Order to Show Cause* that directs the other party to appear for court to discuss your *Motion*. They will make you copies of the forms you filed. They copies must be served on the other party.

Serve the other party

4. **Have the other party served** with the copies. You may have the sheriff, a private process server, or a third-party adult who resides in Oregon serve the papers for you. **NOTE: The documents must be served at least 30 days before the scheduled hearing**

Click on this link for additional information about service:

<https://www.courts.oregon.gov/programs/family/selfhelp/Documents/HowToServeLegalPapers.pdf>

5. **File proof of service with the court.** If you use a sheriff or private process server, they will likely supply their own proof of service that you will need to file with the court clerk. If you have the documents served by a third-party adult, they will need to complete the *Certificate of Service* form. You or they will need to file it with the Court. The *Certificate of Service* must be completed by whoever serves the other party. It must include the date of service, and the name of the person served.

If the other party **Consents** to the Conversion **AFTER being served**:

If at any time prior to the scheduled court hearing the other consents to your request, they may file with the court a written **Consent**. Have them complete the *Consent to Conversion; Waiver of Right to Hearing; and Waiver of Personal Service* form.

1. **Fill out** the *Supplemental Judgment of Dissolution Converted from Judgment of Separation* and have both parties sign to show their stipulation (agreement) on the last page.
2. **Have the other party fill out** the *Consent to Conversion; Waiver of Right to Hearing; and Waiver of Personal Service*.
3. **Return both completed forms to the court.**
4. The Hearing will be canceled because the other party consented to the request.

If the other party **does not consent** to the Conversion:

Attend the Hearing

1. **Attend the hearing** at the time stated in the *Order to Show Cause*. Bring the final Judgment (*Supplemental Judgment of Dissolution Converted from Judgment of Separation*) with the original *Judgment of Separation* to the Hearing. The original judgment of separation cannot be changed and must be attached to the supplemental judgment.
2. The court will review your request and if granted, the judgment will be signed, and a Supplemental Judgment of Dissolution will be entered.

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

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

_____,
Petitioner,
and
_____,
Respondent.

Case No. _____
**EX PARTE MOTION FOR ORDER TO
SHOW CAUSE REGARDING
CONVERSION OF
JUDGMENT; and DECLARATION**

Motion

I, Petitioner Respondent, request that the court issue an *Order to Show Cause* requiring the other party to this case to appear in the Clackamas County Circuit Court in Oregon City, Oregon to show cause why the Court should not convert the General Judgment of Separation granted in this case to a Judgment of Dissolution.

Points and Authorities

ORS 107.465 allows the Court to convert a judgment of separation to a judgment of dissolution within two years after the entry of the judgment of separation.

Declaration

1. A Judgment of Separation was entered on _____ (*date*), less than two years ago. I am requesting that the Judgment of Separation be converted to a Supplemental Judgment of Dissolution because irreconcilable differences have caused the irremediable breakdown of the marriage/partnership.
2. The Supplemental Judgment of Dissolution that I am requesting will not set aside, alter, or modify any part of the General Judgment of Separation, which has created or granted rights that have vested.
3. **Marriage Only:** The Petitioner Respondent is an Oregon resident and has been a resident of this state continuously for the past six months.
Domestic Partnership Only: I certify that one or both of the parties to this case currently live in the county in which this motion is being filed, or neither party currently resides in Oregon but I certify that this motion is filed in the county where Petitioner or Respondent last resided.

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

Submitted By: Petitioner Respondent

Signature

Print Name

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

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

_____,
Petitioner,
and
_____,
Respondent.

Case No. _____

**CONSENT TO CONVERSION;
WAIVER OF RIGHT TO HEARING;
AND WAIVER OF PERSONAL
SERVICE**

For purposes of ORS 107.465, I hereby consent to Petitioner's Respondent's request that the General Judgment of Separation previously entered in this case be converted to a Supplemental Judgment of Dissolution.

Further, I waive any right I have to a hearing on this issue.

I also waive any right I have to personal service of the Supplemental Judgment and agree to accept service by regular mail.

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

Submitted By: Petitioner Respondent

Signature

Print Name

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

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

_____,
Petitioner,
and
_____,
Respondent.

Case No. _____

**SUPPLEMENTAL JUDGMENT OF
DISSOLUTION CONVERTED FROM
JUDGMENT OF SEPARATION**

This matter coming before the court on the Motion and Declaration of Petitioner
 Respondent requesting that the court convert the attached General Judgment of Separation
previously entered on _____ (date), in this case to a Judgment of Dissolution. The court, having
considered the:

- Evidence presented
- Judgment of Separation entered in Clackamas Circuit Court on _____ (date), 20____.
- Default of the Petitioner Respondent.
- Written consent and waiver of the Petitioner Respondent.

and being fully advised, HEREBY:

CONVERTS the General Judgment of Separation into a Judgment of Dissolution. The parties to this
action are considered divorced as of the date of this Judgment, and all terms and provisions of the previous
General Judgment of Separation (attached and incorporated to this Supplemental Judgment) shall remain in
effect; except those that declare the parties separated.

DENIES the conversion of the General Judgment of Separation into a Judgment of Dissolution.

Judge Signature:

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)

Certificate of Readiness

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

Service is not required under UTCR 5.100 because the other party has been found in **default** or an order of default is being requested with this proposed judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.

Each party affected by this judgment has **stipulated** to or approved the judgment, as shown by the signatures on the judgment.

I have **served** a copy of this judgment 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.

Submitted By: Petitioner Respondent

Signature

Print Name

Petitioner Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

It is so stipulated (agreed):

Petitioner Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone