ENFORCING CUSTODY
BY ORDER OF ASSISTANCE



NOTE: These forms are for enforcement of custody orders. An *Order of Assistance* will direct law enforcement to retrieve the children and return them to you.

- This order (if granted) will order law enforcement to forcibly retrieve the children. Consider what impact this may have on the children.
- If you need to enforce a parenting plan, see the parenting time enforcement forms at *www.courts.oregon.gov/forms*
- If you want to change custody because of parenting plan violations, see the modification of judgment forms at *www.courts.oregon.gov/forms*

Important Contact Information
Oregon Judicial Department – *www.courts.oregon.gov*
Oregon State Bar Legal Referral Service - *https://www.osbar.org/public/*
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.

You will need a certified copy of your custody order or judgment

Contact the court that issued your order or judgment for certified copies



Information about Orders of Assistance

What these forms do

This set of custody enforcement forms will help you to ask the court for an *Order of Assistance* if you already have an order or judgment from a court that grants you sole or joint custody of minor children.

An *Order of Assistance* will direct law enforcement to retrieve the children and return them to you. If you want to change the custody orders, you will need to file a separate motion to modify your judgment.

Custody enforcement starts with a ***Motion/Petition for Order of Assistance and Declaration in Support***. If you are filing in the county where your judgment was issued or registered, the document will be called a *Motion*. If you are filing in a different county, it will be called a *Petition*. Mark the appropriate box on the *Motion/Petition* form.

If the judgment you want to enforce was not issued by or registered in an Oregon court, you can (but don't have to) register your judgment first or at the same time. Go to *www.courts.oregon.gov/forms* to get forms to register a foreign judgment.

STEP 1: FILLING OUT FORMS



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

- **Where to File** – File in the circuit court for the county where the children are located
  - If you registered a foreign custody judgment in Oregon, you can choose to file in the county where you registered the judgment instead
- **Parties**
  - If the judgment you are enforcing was issued or registered in Oregon and the children are located in the county where you are filing, your party titles and case number are the same as on the order or judgment, or on the registration forms
  - If you are filing in a different county than where the judgment was issued or registered, you are the Petitioner and the other party is the Respondent. The court will assign a new case number.

- Attach a certified copy of the custody order or judgment you want to enforce. Contact the court that issued your order or judgment to find out how to get certified copies.

- **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.**

- There is no fee to file this form



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 may be available for free in your court, but you may have to make an appointment. Call your court for information.



Make copies

Make one copy of **all** of the forms for your records, and one copy of the *Motion/Petition* form to serve on the other party if the court grants your request

STEP 2: FILING AND SERVICE



File your forms

File the *Motion/Petition* form and copy of your order or judgment with the court clerk. There is no filing fee. Some courts will have you file at a certain time and immediately send you to speak to a judge. Others will set a hearing for you to appear later, and others may review the documents without a hearing. You can ask the court clerk how ex parte proceedings are handled.

The *Order of Assistance*

The judge will review your *Motion/Petition*. The court will send (or give) you an *Order on Request for Assistance re: Custody* which either grants or denies your request to have the children returned to you by law enforcement. 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* attend or the court will not grant your request.



SERVICE

If the court grants your request, take the *Order* and a copy of the *Motion/Petition for Order of Assistance and Declaration in Support* to the sheriff of the county where the children are located. The sheriff can explain to you what will happen next.

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

_____ **Case No:** _____
Petitioner

and

MOTION/PETITION FOR ORDER OF ASSISTANCE
AND
DECLARATION IN SUPPORT
Ex Parte

_____
Respondent

No Filing Fee

Judgment or Order:

A copy of the judgment or order below is attached

Case #: _____ County or State/Tribe/Country: _____

Date: _____

☐ This is a **MOTION** because the judgment I want to enforce was issued by or registered in this court. I am the ☐ petitioner ☐ respondent in this case.

☐ This is a **PETITION** because the judgment I want to enforce was issued by another court

Motion/Petition

The other party is holding the children in violation of the custody order or judgment above. I ask the court to issue an *Order of Assistance* directing law enforcement to return the children to me.

Names and ages of affected children: _____

_____

Statement of Points and Authorities

ORS 107.437 allows the court to issue an order of assistance upon the declaration under penalty of perjury of the applicant and a finding that the applicant is entitled to physical custody of the children (other than for parenting time/visitation) under a valid and current custody order, and that the children are being held by another person in substantial violation of the custody order

Declaration

☐ I am entitled to physical custody of the minor children under a court judgment that gives me sole or joint custody

The person who has the children is *(name)*: _____
This person's relationship to the children is: _____
The children have been with this person since *(date)*: _____

Children's current address: _____
I believe the children are at this address because: _____
_____
_____

Keeping the children violates the judgment because: _____
_____
_____

The children have lived with the following people in the last year:
(do not include time the children lived with you or any time required by court order)

Name	**Current Contact Address**	**Dates:**
		From: To:
		From: To:

☐ Additional page attached labeled "Additional Residences"

The custody determination ☐ **has** ☐ **has not** been modified, stayed, or vacated by any court
If so, list the state or tribe, case #, and type of proceeding) _____
_____

Another custody proceeding that could affect this enforcement action ☐ **has** ☐ **has not** been filed or started in any court
If so, list the state or tribe, case #, and type of proceeding) _____
_____

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

_____
Name (printed)

_____
Contact Address City, State, ZIP Contact Phone