

# **FILING FOR DISSOLUTION (DIVORCE)**

TABLE OF FORMS
<b>Part 1: Starting Your Case</b>
1. Filing <i>(See the last box of this table for additional forms you may need)</i>
<input type="checkbox"/> Petition for Dissolution of Marriage/RDP <input type="checkbox"/> Summons <input type="checkbox"/> Record of Dissolution of Marriage, Annulment or Registered Domestic Partnership <input type="checkbox"/> Notice of Statutory Restraining Order Preventing Dissipation of Assets <input type="checkbox"/> Confidential Information Form (CIF) <i>(one for each party)</i> <input type="checkbox"/> Notice of CIF Filing <i>Optional:</i> <input type="checkbox"/> Fee Deferral or Waiver Application and Declaration
2. Notifying the Other Party
<input type="checkbox"/> Acceptance of Service <i>(if possible)</i> <input type="checkbox"/> Certificate of Service
3. Temporary Orders
<b>Part 2: Finishing Your Case</b>
<b><i>By Agreement:</i></b>
<input type="checkbox"/> Declaration in Support of Judgment <input type="checkbox"/> General Judgment of Dissolution of Marriage/RDP
<b><i>By Default:</i></b>
<input type="checkbox"/> Ex Parte Motion for Order of Default and Declaration in Support <input type="checkbox"/> Order on Motion for Default <input type="checkbox"/> Declaration in Support of Judgment <input type="checkbox"/> General Judgment of Dissolution of Marriage/RDP
<b><i>By Hearing:</i></b>
<input type="checkbox"/> General Judgment of Dissolution of Marriage/RDP

**Additional forms you may need:** (More information is in the Instructions below)

- \_\_\_ Uniform Support Declaration
- \_\_\_ Statement of Assets and Liabilities
- \_\_\_ Waiver of Personal Service
- \_\_\_ End-of-case Fee Waiver Application & Declaration






**What these forms do**

This set of forms will help you to get a divorce (legally called a “dissolution of marriage”) if you have no children under 21. If you have *only* children over 18 and under 21 who are in school, use the *Dissolution with Adult Children Only* forms (*not yet available. Talk to a lawyer if you only have children 18, 19, or 20*).

**TALK TO A LAWYER BEFORE USING THESE FORMS IF:**

- You are part of a **same-sex couple** AND:
  - You registered as domestic partners in Oregon ***before February 4, 2008***
  - Either of you is not the biological or adoptive parent of one of your children, even if both of your names are on the birth certificate
- You want to *divide* the **retirement benefits** of either party
- Either party is a debtor in a current **bankruptcy** case
- You have a Registered Domestic Partnership from anywhere other than the State of Oregon or if you are unsure if your partnership is a Registered Domestic Partnership (RDP)

**Symbols used in this form:**

	Important Note
	STOP! You may not be able to use this form
	Caution! You may need a lawyer
	Concerns money
	Timing requirement

**Important Contact Information**

Oregon Judicial Department – [www.courts.oregon.gov](http://www.courts.oregon.gov)  
Oregon State Bar Lawyer Referral Service - [www.oregonstatebar.org](http://www.oregonstatebar.org)  
**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](http://www.osbar.org/docs/ris/militaryflier.pdf)) for information about special rights and rules that may apply to you.

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# **PART 1**

## **STARTING YOUR CASE**



## Information about Dissolution




### Notice about these instructions and forms

These instructions are not a complete statement of the law. They cover basic procedures for simple dissolution cases with no children under 21. If you have complicated issues or questions about the law, talk to a lawyer.

All of the necessary forms should be online. If you cannot find a form, ask your local court.

Each court has local rules, programs, and procedures that may not be explained in these instructions. Refer to the Supplementary Local Rules for your county. These rules are available online or at your local court or law library. Forms and information about your local court are on the Oregon Judicial Department website.

- ❖ A dissolution case starts with a “petition,” which tells the court what you want. That’s why you are called the “**petitioner.**” The other person is the “**respondent.**” The case ends with a “judgment,” which is the court’s final decision. The judgment is the document that finalizes your case and contains your rights and responsibilities. Your dissolution is effective once the judge signs the judgment.
  - **NOTE:** the final judgment in this case will create rights and responsibilities that may be permanent. Support orders often can be modified later, but property orders usually can’t. Talk to a lawyer if you have questions about these issues.
- ❖ Divorce can affect other documents like wills, medical advance directives, trusts, and pensions. Divorce may also affect immigration status. Talk to a lawyer for more information.
- ❖  Keep the court informed of your current address so you get notice of all court dates. **You don’t have 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. The court will assume that you receive all notices sent to that address. **It is YOUR responsibility to let the court know if you move or want to get mail at a different address.**

## STEP 1: STARTING YOUR CASE



### Keep In Mind:



- Talk to a lawyer if you or Respondent is already in bankruptcy. The court may not be able to proceed with your case until the bankruptcy is resolved.
- **Registered Domestic Partners** should see a lawyer if partner support is requested and either party might move out of state. If the new state does not recognize RDPs, you may have trouble collecting partner support.
- You may be entitled to part of the respondent's retirement benefits. See the "Property and Debts" section for important information. You may lose this right if you do not include it in your *Petition*.



### Legal Questions

#### ➤ Where to File

- Marriage – you must file in a county where either you or your spouse lives at the time you file. One spouse must have lived in Oregon for at least 6 months before the *Petition* is filed.
- RDP – you must file in a county where either you or your partner lives. If neither of you lives in Oregon but your RDP was registered here, you can file in the county where either of you last lived.

#### ➤ Statutory Restraining Order

By filing your *Petition*, you agree to follow the terms of an automatic restraining order. The order is effective once the papers have been served on the respondent (*see below for service information*). If you don't follow the order, you can be held in contempt of court and subject to penalties.

- You must attach a copy of the restraining order (called "**Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions**") to the *Summons* and serve it on the respondent.
- The statutory restraining order prevents *either party* from:
  - Dissipating (transferring, selling, destroying, removing, disposing of) real or personal property.
  - Making changes to insurance policies without the agreement of the other party.
  - Making extraordinary expenditures (unusual or high-dollar payments or purchases). Expenditures that are necessary for the safety or welfare of the parties, ordinary business activities, or related to this court case are allowed.

➤ **Name Change**

If you changed your last name when you got married or registered as domestic partners and want to change it back to a former legal name, you can request that on your *Petition*. **NOTE:** You *cannot* use this form to change your name to a name you have never used before.

- **RDPs:** If you changed your name through a separate name-change judgment and want to change it back, you should also file for another judgment to do that. Do not rely on the dissolution judgment to be effective for all purposes, especially federal records like Social Security, Medicare, and immigration. Talk to a lawyer if you have concerns.

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**If Both Parties Agree on All Issues**

**Filing separately**

You can file as Petitioner and the respondent can accept service of the *Petition*. Complete the appropriate *General Judgment* form and have both parties sign it. If you file separately, each party is required to pay a fee.

- The respondent can choose not to file a *Response*. If no response is filed, judgment will be entered based on what is in the *Petition* after you file a *Motion for Order of Default* (see “By Default” section below).

or

**Filing together**

You can choose to file as Co-parties using the *Co-party Petition for Entry of Stipulated Judgment* form. You do not have to complete or serve the regular *Petition* if you choose to file a co-party petition. Complete the appropriate *General Judgment* form and file it with your *Co-party Petition*. All of the information you need to complete the forms is in these instructions.

- If you file as co-parties, one of you will be labeled ‘petitioner’ and the other will be ‘respondent.’ There is no legal or procedural difference between the “petitioner” and “respondent” in co-party filings.
- If you file as co-parties, only one filing fee is required at the time of filing. Note that if you file as co-parties and later need to file a modification of judgment, you will have to pay both the filing fee for modification of judgment and the second initial filing fee.



**Filling Out The Forms**

- **MAKE SURE YOU COMPLETE THE COUNTY NAME AT THE TOP OF THE FIRST PAGE OF EACH FORM!**
- **You are the “Petitioner” on ALL forms throughout this case, and your spouse or partner is the “Respondent.”**
  - Use full names (first, middle or middle initial, last) and print names the same way on all forms – *first, middle, last*.

- **Mandatory Arbitration** - If the ONLY disagreement between you and the respondent is about property, mark in the caption that the claim **IS** subject to mandatory arbitration.
  - If you disagree about any issue OTHER than property, mark that your claim **IS NOT** subject to mandatory arbitration.

Claim {  is  is not } subject to mandatory arbitration



- **Do not put Social Security numbers on your *Petition*.** Social Security numbers must be given to the court but kept confidential from the public and the other party. Use the “*Confidential Information Form*” (CIF) to protect your identifying information.
  - Fill out one CIF for each party.
  - The *Notice of Filing of Confidential Information Form* must be served on the respondent with your other documents. See below for information about service.



- **If the other party does not respond**, you may be able to get a judgment by default (see “*Resolving Your Case*,” below, for more information). As you fill out your *Petition*, you must include enough information that the respondent knows what you are asking for. If you do not include specific requests, the court will not be able to enter a judgment by default until after you serve amended (changed) paperwork on the respondent.
  - **NOTE:** this often happens with property awards, and debt allocations. See the Appendices for specific information.

**Fill out the following forms**

- *Petition for Dissolution of Marriage/RDP*
- *Summons*
- *Record of Dissolution of Marriage, Annulment or Registered Domestic Partnership*
- *Confidential Information Form (CIF)*
- *Notice of Filing of Confidential Information Form*

In some cases you will need additional paperwork before the court can enter a judgment. See the Appendices for more information about when you need each form.

- ◇ *Uniform Support Declaration* – See [Appendix A](#)
- ◇ *Statement of Assets & Liabilities* - See [Appendix C](#)

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## SUPPORT

- There are three different categories of spousal or partner support in Oregon:
- **Transitional** support is to help you get work-related education and training.
  - **Compensatory** support may be ordered if you significantly contributed to the education, training, job skills, career, or earning capacity of your spouse or partner.
  - **Maintenance** may be ordered for your general support.



Either party may request and be awarded support. More than one type of support may be awarded. Any award may be ongoing or for a particular period of time (such as 3 years, while in school, up to a certain amount, etc.).

If you and Respondent do not agree on support, you need to submit a **Uniform Support Declaration**. See [Appendix A](#) for more information.

For more information on factors the judge will consider when making the award, see [ORS 107.105](#).

- **NOTE:** Support is also available to **Registered Domestic Partners**. If either partner might leave the state or declare bankruptcy, you should see a lawyer.

Talk to a tax professional about tax impact of spousal/partner support.



**Life Insurance:** The court can order a party to carry life insurance if that party is ordered to pay spousal/partner support. Life insurance in connection with a support obligation is for the benefit of the person receiving support.



## PROPERTY AND DEBTS

You need to tell the court how you want to divide your property and debts. You should be as specific as possible and include everything you and the respondent own or owe. If any property or debts are not included in your judgment, you cannot return to court to make changes later except in very limited circumstances.

If you don't know what to ask for in your *Petition*, you can request "equitable relief." This means that the judge will decide what is fair if your case goes to trial. You should talk to a lawyer if you intend to do this.

You will probably have to serve new documents on the respondent before you can get a final judgment if:

- you are not specific in your *Petition* about how you want the court to divide property and debts (including if you asked for equitable relief)
- or**
- what you put in the *Judgment* is different from what you asked for in the *Petition*



You may be entitled to part of the respondent's retirement benefits (including pensions). If you do not address retirement benefits in your judgment, you will lose the right to claim your share except in very limited circumstances. These forms will not *divide* a party's retirement benefits. Talk to a lawyer first if you want to claim a portion of the respondent's retirement benefits.

**For detailed information about property, see [Appendix B](#).**

## **STATEMENT OF ASSETS AND LIABILITIES**

If your case goes to trial you will need a *Statement of Assets and Liabilities*. See [Appendix C](#) for more information and formats that you can use.

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### **Have your documents reviewed**

You may have your documents reviewed by a lawyer or a court facilitator before you file. Call your court or go to [www.courts.oregon.gov](http://www.courts.oregon.gov) to see if your court has a facilitator available. Court facilitators are free. For information about how to find a lawyer, call the Oregon State Bar at the number on [Page 2](#). 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.



### **Make copies**

Make one copy of **all** of the completed forms for your records. See Step 2 for additional copies you will need.

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## **STEP 2: FILING AND SERVICE**



### ***File your forms***

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File all of the **original** forms *except* the *Summons* and *Notice of Statutory Restraining Order* with the court clerk. The clerk will give you a **case number** when you file. Put the case number on all copies and originals. See below for a list of the forms you will need to copy to serve on the respondent.



You have to pay the filing fees when you file your papers. Go to [www.courts.oregon.gov](http://www.courts.oregon.gov) for the filing fee.

- If you are low income, you may ask the court to defer (postpone) 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. However, the judge may reconsider waived and deferred fees at the end of the case.

**The clerk may give you some papers.** A copy of these papers must be included with the *Petition* that you serve on Respondent (see below regarding service). **NOTE:** You are not required to serve the *List Of Documents Parties May Have To Give Each Other (ORS 107.089)* on Respondent, but if you do, then you both have to follow it.

**Make a copy** of the following forms to serve on the respondent:

- *Petition*
- *Summons*
- *Notice of CIF Filing*
- *Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions*
- *Uniform Support Declaration and Statement of Assets and Liabilities (if you are filing these documents with your Petition)* (see [Appendices A and C](#) for information)
- Any other forms your local court requires you to serve on Respondent



## SERVICE

You must officially notify Respondent that you have filed a case. This is called “service.”

**Acceptance of Service** – If it is safe for you to give the respondent the papers yourself, you will need an **Acceptance of Service** form. If the respondent signs an *Acceptance of Service*, no other kind of service is required. Signing the *Acceptance of Service* does *not* mean the respondent agrees with anything in your *Petition*, only that he or she received the papers. **You must file the papers with the court before you give the copies to the respondent.**



### **Formal Service**

If the respondent does not want to sign the **Acceptance of Service**, you must use another method. There are four ways you can serve. Service must be done **after** your *Petition* is filed.

### **\*\*3 CRITICAL POINTS\*\***

1. If you serve before you file, you will have to pay to serve the papers again
2. You **CANNOT** serve the papers yourself
3. If Respondent has a lawyer, you should also send a courtesy copy of the papers to the lawyer

#### 1. **Personal Service:**

- a. **By Process Server:** Take a copy of your papers to the sheriff’s office in the county where Respondent 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 respondent is outside of Oregon, the server can be a resident of the state where the respondent 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 respondent. 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 respondent'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 respondent 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 respondent'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 respondent 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 respondent'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 respondent 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 respondent 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 the 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', 'D. Is delivery address different from item 1?', '3. Service Type' (with checkboxes for Certified Mail, Registered, Insured Mail, Express Mail, Return Receipt for Merchandise, and C.O.D.), and '4. Restricted Delivery? (Extra Fee)'. A red circle highlights the 'B. Date of Delivery' field, and a red arrow points to it from the right.

### **Proof of Service**

The Certificates are your proof of service. An original *Certificate of Service* or *Acceptance of Service* must be filed with the court for your case to proceed, regardless of the method of service.



If proof of service is not received within **63 days** of filing your *Petition*, the court may send you a notice of dismissal. Your case may be dismissed if you do not provide proof of service within 28 days of the notice.

If you are not able to have Respondent 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. Forms to make this request are available online at <http://www.courts.oregon.gov/forms>.

## STEP 3: TEMPORARY ORDERS



You can ask the court to make temporary orders after you file the *Petition*. Temporary orders are effective as soon as a judge signs the order. They last until a judge changes the terms, signs *General Judgment*, or dismisses the case. For example, either party may request an order for spousal/partner support, or an order about temporary use of property. To make any of these requests, you must file a “motion” (request) asking the court to do what you want. You may need a lawyer to file these requests.

- **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

Go to [www.courts.oregon.gov](http://www.courts.oregon.gov) for the forms to request temporary orders. The forms may not cover all temporary orders you need. Talk to a lawyer for more information.

### **Domestic Violence**

All courts have restraining order forms for cases involving domestic violence. A judge will usually hear your request within a day or two of filing. Check with your local court for filing times and procedures.

Refer to [www.courts.oregon.gov/fapa](http://www.courts.oregon.gov/fapa) for Family Abuse Prevention Act (FAPA) forms and information.

Forms for other types of protective order are available at [www.courts.oregon.gov/forms](http://www.courts.oregon.gov/forms)



**File your forms with the court  
and complete service**

Save these instructions to complete your case later

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## **PART 2**

# **FINISHING YOUR CASE**

## STEP 4: RESOLVING YOUR CASE

There are three ways your case can be resolved: by agreement between the parties, by default if the respondent doesn't respond, or by a judge in a hearing.



### By Agreement

It is always better to resolve issues yourselves, since you know what's important to you. Once the case goes to a judge, it is out of your control. If you can't resolve the issues on your own, or if it is not safe for you to talk to Respondent, the court may provide options to help you, including mediation and arbitration. For information about arbitration, see "By Trial" section below.

**Mediation:** A mediator is a person trained to help people resolve disagreements. Mediation is confidential. You may ask to meet with the mediator alone if you are uncomfortable meeting with the other party for any reason. Check with your local court clerk to see if there is a fee for this service. Mediators are *not* judges – they cannot impose their decisions on you. Their job is to help *you* reach an agreement. This may be your last chance to retain control over the outcome of the case. Agreements incorporated into a *Judgment* are fully enforceable (*see below*).

Some courts may require that you mediate before you have a hearing. Check your court's Supplemental Local Rules for more information. If mediation has not yet been ordered in your case and you would like to request it, you may file a **Request for Mediation** form. If your court requires mediation, you may request that the court waive mediation if you have a good reason by filing a **Motion and Declaration for Waiver of Mediation**. Talk to your court if you have safety concerns.

If you and Respondent have agreed to all of the issues, fill out and file:

- **Declaration in Support of Judgment**
- **General Judgment of Dissolution of Marriage/RDP**

Note: The *Judgment* must be signed by both parties before being submitted to the court.



### By Default



Respondent has 30 days to respond to your *Petition*. The time starts running from the day *after* the date of service. The response must be in writing and must be filed with the court and mailed to you. If the respondent does not file a response within 30 days, you may request an *Order of Default*.

Default means that you are asking the judge to award you what you asked for in your *Petition* because the respondent did not file a response. Look at [Oregon Rules of Civil Procedure](#) (ORCP) rule 69 for more detailed information.

- NOTE: If the respondent has given you written notice that he or she intends to appear, you have to give written notice that you intend to apply for a default order at least 10 days before you file your motion. See



[Uniform Trial Court Rule 2.010](#) for the form your notice must be in. File your notice of intent with the court and serve it on the other party.

The judge may not grant a default if the respondent is incapacitated, a minor, a financially incapable person, a protected person, or a respondent in a fiduciary protective proceeding, as defined by [ORS 125.005](#).



You must also show that the respondent is not in active military service before the court can enter an order of default. This is part of the ***Ex Parte Motion for Order of Default & Declaration in Support***. If the respondent is in active military service, you cannot get an order of default unless the servicemember waives protection under the Servicemembers Civil Relief Act (SCRA). This federal law starts at 50 U.S.C. 3901. Your local law librarian can help you find it, or go to <http://www.law.cornell.edu> (under Get the Law click U.S.Code, then click Title 50 and go to Chapter 50). This law has strict rules about what “active military service” means. This protection does not apply to all servicemembers at all times.



If the respondent is in the military, you should see a lawyer before trying to get an order of default. If a default is not done properly, the respondent can re-open the case after returning from service. **Be aware** that if you knowingly make false statements about the respondent’s status, you may face both federal and state penalties.

If you know the respondent is *not* in the military, you must state *facts* that explain how you know.

If you have the respondent’s Social Security Number or date of birth, go to the Department of Defense website (<https://scra.dmdc.osd.mil/>) to find out if the respondent is in active service. This site can give you a free statement of service status that you can print out (called a “certificate of service” on the website). Attach this statement, or a printout of the screen (by pressing the “print screen” button on your keyboard), to your motion. You can also call 571.372.1100 for military verification. Put the date and the name of the person you spoke with on your motion. If you don’t have the Social Security Number or date of birth, commercial sites may be able to provide information.

If you don’t know whether the respondent is in the military and have checked the website, or don’t have the necessary information, mark “I am unable to determine whether this person is in military service” and add any facts that you *do* know. The judge will decide whether to grant the default.

➤ **If Respondent is in the military**



If Respondent is in active military service of the United States and has not responded to the *Petition*, the court won’t go ahead with your case until one of the following things happens:

- (1) Respondent is no longer in active military service,
- (2) Respondent waives, in writing, the right to avoid default, or
- (3) the judge holds a special hearing in your case.

Talk to a lawyer if Respondent will not sign the waiver and you do not want to wait for military service to end. The SCRA rules are technical and complex. Contact the Oregon State Bar for help (contact information is on [Page 2](#)).

\* \* \* \* \*

**Requesting a Default** - fill out the following forms:

- ***Ex Parte Motion for Order of Default and Declaration in Support***
- ***Order on Motion for Default***
- ***Declaration in Support of Judgment***
- ***General Judgment of Dissolution of Marriage/RDP***

Read your *Petition* CAREFULLY! The ***Declaration in Support of Judgment*** allows you to note any information that has changed since you filed the *Petition*. Read **each** section of the *Petition* you filed and note any changes in the spaces provided. You must complete the rest of the *Declaration* in all cases.



After you make yourself a copy of the completed forms, file the originals with the court any time *after* 30 days from the date of service. You must file the *Motion for Order of Default* by the **91<sup>st</sup> day** after you filed the *Petition* (NOT the proof of service!). If not, your case may be dismissed.

The court will send you notice when your judgment has been entered.



### **By Trial**

If Respondent has filed a response and the parties are unable to agree on the terms of a judgment, your case may go to trial

Informal Domestic Relations Trials (IDRTs) are available in all courts if both parties agree. See UTCR 8.120 for more information. Each court handles IDRTs differently. Contact your court for more information.

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### **Conferences with the Judge**

Many courts will schedule a “status,” “pretrial,” or “settlement” conference before a case goes to trial. These meetings usually take place with a judge with both parties present, along with their lawyers (if any). You must attend any conferences that are scheduled unless you have received permission from the judge not to attend. At the conference, the judge may talk to you about how your case is going to be handled, consider requests for temporary orders, or set future court dates.

Some courts may refer certain cases to arbitration. You will receive information from the court if that happens.

- Many courts require that you mediate before you can get a trial. See the BY AGREEMENT section above.



**NOTE:** You must give the other party an opportunity to review the judgment before you submit it to the court. See [UTCR 5.100](#) for information.

You can represent yourself at trial. Some courts provide information about representing yourself on their websites. Go to [www.courts.oregon.gov](http://www.courts.oregon.gov) to find your court's website.

The State Family Law Advisory Committee has written a guide that may help you prepare for trial. This guide is NOT a substitute for legal advice! The rules of court can be technical and complex. You may damage your case if you are not properly informed. If your case goes to trial, you are strongly advised to talk to a lawyer. To read the guide, go to:

<http://www.courts.oregon.gov/help/Documents/famlawtrialbrochure.pdf>

## THE JUDGMENT



Regardless of how you resolve your case, a ***General Judgment of Dissolution of Marriage/RDP*** must be signed by a judge. One of you may be ordered to fill out the judgment form and give it to the court to be signed.

The judgment finalizes your dissolution and contains all of the issues decided in mediation, arbitration, trial, or by agreement.

- **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

If the respondent DID NOT file a response, the information you fill out in the judgment should be *exactly* the same as what you requested in the *Petition*.

If the respondent DID file a response, the information should be the *exactly* the same as what was decided in mediation, arbitration, hearing, trial, or through your agreement. All parties must review the *Judgment* before you submit it to the court. You must send the *Judgment* document along with the *Notice of Proposed Judgment or Order* to the respondent and any adult children who have not filed a *Waiver of Further Appearance* in the case.

Other parties can object to the *Judgment*. If that happens, you have to discuss the objections and attempt to resolve them before you submit the *Judgment* to the court. If you are not able to resolve the objections, the objecting parties can either send you a written statement explaining their objections, or they can submit their objections directly to the court. You must complete the *Certificate of Readiness* section of the *Judgment* to tell the judge whether there are outstanding objections. See [UTCRC 5.100\(1\)](#) for more information about notice and objections.<sup>1</sup>

If the respondent is responsible for preparing the judgment, the respondent must send the proposed judgment to you before submitting it to the court. Then you can review it and object to it within 7 days of the date it was sent to you. If you and the respondent are not able to resolve your objections after reasonable efforts, you can either send a written explanation of your objections to the respondent or directly to the court. You must notify the respondent of your intentions so that they can advise the judge that there are outstanding issues. The judge may make a decision after reviewing the documents, or the court may contact you with further information.

If you are responsible for preparing the final judgment, make a copy for yourself and one for Respondent (unless you got an *Order of Default*). File the original with the court.

Your dissolution is finished and effective the date the *Judgment* is signed by the judge. NOTE: the terms of your judgment are not enforceable until the court enters the judgment. You will receive a *Notice of Entry of Judgment*.

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<sup>1</sup> <http://courts.oregon.gov/utcr>

**NOTE: Every document you file must have a mailing address or contact address where you will receive documents related to this case. You do NOT need to use your home address. You are responsible for checking your contact address. Notify the court in writing if your contact address changes.**

## Appendix A – Uniform Support Declaration

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You may need to complete a **Uniform Support Declaration (USD)** if you and Respondent do not agree on an amount for spousal/partner support.

You can file your USD with the *Petition*. If you don't file it with your *Petition* and Respondent opposes your claim for support, you must provide it to the court and serve a copy on Respondent within 30 days after you receive the *Response*.

If you are NOT requesting spousal/partner support, do not file the *USD*.

### Tips for filling out the USD:

- Fill out *both* the *Declaration* and *Schedule 1*. Attach all of the documents that the *Declaration* and *Schedule* ask for.
- Use your *actual, present* expenses. Estimates are fine as long as they are realistic and you have no way of confirming the amount.
  - Some items may not apply to you – mark those spaces “N/A” (Not Applicable), but complete *every* item that does apply.
  - If your amounts are unusual or likely to change soon, include a brief explanation of why (if you are temporarily living with a relative, or if one party moved out and is no longer contributing to shared expenses). Include an estimate of what you believe your expenses will be after the situation changes.
- If you have an expense that is not listed, add it, along with a brief explanation.
- If you anticipate any major changes (birth of a new baby, a layoff, a car payment or mortgage being paid off), note these as well. Do NOT include fears or possibilities – only things you know or reasonably expect will happen.
- Household items means things like paper towels, cleaning supplies, light bulbs, storage containers.
- If you are attending school, include your tuition payments, supplies and books, and any other necessary school-related costs.

The *Uniform Support Declaration* is Form 8.010.5 and can be found here: [www.courts.oregon.gov/forms](http://www.courts.oregon.gov/forms) in the *Family Law* → *Miscellaneous* category.

**Certificate of Mailing** – the *Uniform Support Declaration* includes a Certificate of Mailing at the bottom of the form. Once the *USD* is completed, copy the entire form and all attachments and mail them to the respondent. THEN fill out the Certificate of Mailing and file the original with the court. Keep a copy of all documents for your own records.

## Appendix B - Property and Debts

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- **Real Property** – Include property that you own together or separately *and* property owned before the marriage/RDP.
  - Include land, houses, mobile homes, and other structures *attached to or built on land*. Also include partial rights to land like the right to fish, farm, cut timber or mine minerals. This does not mean *personal* property like clothes, jewelry, furniture, cars, etc.
  - Identify the property by address, lot, map, or plat number, or any other method that is specific enough to identify the property.
  - When completing the *Judgment*, use the full legal description of the property that is on the deed or tax records. If you improperly describe the property, you may not be able to enforce your judgment.
  - **You should speak with a lawyer if:**
    - any party is a debtor in a current bankruptcy proceeding.
    - there is a joint line of credit, such as a home equity line of credit, on any real property. This judgment is *not* binding on the lender and may not prevent the other party from using the credit line, even after the judgment.
    - anyone other than you and Respondent has any interest in the real property either now or in the future. For example:
      - ◇ if your title is only for life or for a fixed period of time
      - ◇ if anyone has a right-of-first-refusal to buy the property
      - ◇ if anyone else’s name is on the title
      - ◇ if anyone else’s name is on a loan that the property is collateral for. These people *must* be joined to the case or the court may not have authority to award that property.
    - you are concerned about the other party selling real property located in Oregon. You can put a hold on the title of the property during the case (called “lis pendens”).



If **ANY** property was used to secure a loan, debt, mortgage, or other encumbrance, it is important that you speak with a lawyer. Future bankruptcy filings by either party may create problems for the other party in spite of this judgment. This is especially important for Registered Domestic Partners, as bankruptcy and IRS laws are federal and may not recognize the debt award of this judgment.

- **Personal Property** is anything you own together or separately that *is not* real property. This includes property owned before the marriage.
- If you want certain things *plus* equitable distribution of the rest, mark both boxes in the appropriate section and list the specific property you want in the space provided. **BE AWARE** that if you do not include enough information and the other party does not respond, you may have to serve the other party with corrected paperwork before you can get a *Judgment*.





## Appendix C – Statement of Assets and Liabilities

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You will need to file a *Statement of Assets and Liabilities* if the respondent files a *Response* **and** you have not reached an agreement as your trial date nears. Each party’s *Statement* must be filed with the court and served on the other party at least 14 days before your trial. Check your local court’s Supplemental Local Rules, Chapter 8 for other time limits and requirements.

Most courts prefer that you complete ONE joint form so that you don’t have one form listing “house 1” and the other calling it “123 Main St.” Your *Statement* should name the asset as specifically as possible. You and Respondent should do everything you can to agree on the value of your assets and liabilities. Then list who the court should give each entry to. You can use one of the formats below.

In the examples below, the parties disagree about the value of the Ford Ranger but agree that it should be awarded to Petitioner. The parties agree about the value of the Kia Soul but disagree about who it should be awarded to. Leave the last 2 columns blank – the judge will make a final decision about the value of each asset and who it is awarded to.

<u>DESCRIPTION OF ASSETS</u>	<u>PETITIONER</u>		<u>RESPONDENT</u>		<u>COURT</u>	
	Name:		Name:			
	Claimed Value	Proposed Distribution (Pet or Resp)	Claimed Value	Proposed Distribution (Pet or Resp)	Value	Distribution (Pet or Resp)
2008 Ford Ranger	\$12,000	Petitioner	\$6,000	Petitioner		
2011 Kia Soul	\$5,000	Petitioner	\$5,000	Respondent		

# Appendix D – Statutory Restraining Order

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[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 child 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.