

Instructions for Packet # 11

Change of Venue/Transfer of Case

If you have moved or there is another reason it is no longer convenient for you to have your case in the same Oregon court in which you filed, you may want to file a motion for “change of venue” or to “transfer” your case to another Oregon circuit court in a different county.

You should check with the local court clerk or facilitator where you originally filed for more detailed information, as well as the local court clerk or facilitator for the court where you would like the case moved. If the local court has forms available for either a change of venue or to transfer your case, you should use those forms instead of the ones in this Packet.

The application to transfer/change venue forms may be used only by

- (1) a parent who is a party in a Judgment of Dissolution or Separation which established custody, parenting time and / or child support. (The Judgment may also have included spousal support.)
- (2) an unmarried parent who is a party in a Judgment establishing custody, parenting time and / or child support.

Change of Venue or Transfer of Case?

- If you have filed papers in your proceeding but it is before the date set for trial in your matter, use the instructions and forms for **Change of Venue**. These are:
 - *Petitioner’s/Respondent’s Motion and Order to Change Venue*
 - *Petitioner’s/Respondent’s Affidavit in Support of Motion to Change Venue*
- If your matter has already been adjudicated and there is an order or judgment entered by the court in your case, use the instructions and forms for **Transfer of Case**. These are:
 - *Petitioner’s/Respondent’s Motion and Order to Transfer Case*
 - *Petitioner’s/Respondent’s Certificate in Support of Motion to Transfer Case*

**DO NOT USE THESE FORMS IF YOUR ORIGINAL PAPERS
WERE FILED IN AN OUT-OF-STATE COURT**

Change of Venue: If it is no longer convenient for you to finish your case or go to trial in the county in which you originally filed, you may ask the court to move your case to another court. Typical reasons for moving your case before it is concluded is that you or your child/ren, or other important persons to the case, no longer reside in the county where you originally filed your case. Usually, you are allowed only one change of the place of trial. The court may ask you to pay for the cost of moving your case to another court. Fill out and file the forms for **Change of Venue** in the box above. **You must also serve the other party in your case** (see “*Serve the Other Party*” below).

Transfer of Case: If an order or judgment has already been entered in your case, and you want to modify or enforce it, you may request that the court transfer your case files and records to a court in the Oregon county where you now reside, where the other party resides, or where you own property. The court may ask you to pay for the cost of transferring your case to another court.

Once transferred, the files and records of your case in the new court will be called “auxiliary.” A certified copy of any order or decree entered in your auxiliary case must also be forwarded to the court you originally filed in, and you will have to submit an extra copy to the clerk of the auxiliary court for this purpose. Regardless of the file number assigned to your auxiliary case, the file number in your original case will remain the reference number for all purposes, including support payment records in the Department of Justice. Fill out and file the forms for **Transfer of Case** in the box above.

Serve the Other Party: Whether you file to transfer your case or to change venue, you are required to have the other party served (have papers delivered to) with certified copies of the documents you file with the court clerk (you may certify the copies by signing your name where it says “I certify this is a true copy”).

RESPONDING TO A MOTION TO TRANSFER CASE OR CHANGE VENUE

Complete the “Affidavit Responding to Motion to 9 Transfer Case or 9 Change Venue”, and mail copies to the party requesting the transfer or change of venue. File both the Affidavit and the “Certificate of Mailing (Response)” with the court where the motion has been filed.

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

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

Case No. _____

AFFIDAVIT OF SERVICE

- Personal Service (ORCP 7D(2)(a))
- Substitute Service (ORCP 7D(2)(b))
- Office Service (ORCP 7D(2)(c))
- Service by Mail, Return Receipt Requested (ORCP 7D(2)(d))

I, _____, declare I am a resident of the County of _____, State of _____. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action.

(Check one of the following):

1. **Personal Service.** On the _____ day of _____, 20____, at _____ a.m./p.m., I served true copies of the Motion for Order to Transfer Case Motion to Change Venue by delivering them to Petitioner Respondent _____ (name) in person at the following address _____ within the County of _____, State of _____.

2. **Substitute Service.** On the __ day of _____, 20____, at _____ a.m./p.m., I served true copies of the Motion for Order to Transfer Case Motion to Change Venue by delivering them to _____ (name), who is a person age 14 or older and a member of the household of the party to be served, at the following address _____ within the County of _____, State of _____. (Complete the section below only if the undersigned performed the followup mailing required by ORCP 7D(2)(b). If a party or other person other than the undersigned did the follow up mailing, s/he must use a separate Affidavit/Certificate of Mailing.)

On the _____ day of _____, 20____, I personally deposited a true copy of the Motion for Order to Transfer Case Motion to Change Venue with the United States Postal Service, via first class mail, in a sealed envelope, postage prepaid, 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).

3. **Office Service.** On the _____ day of _____, 20____, at _____ a.m./p.m., I served true copies of the Motion for Order to Transfer Case Motion to Change Venue by delivering them, in person, 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 and who has a business duty to provide the documents to the party to be served.

(Complete the section below only if the undersigned performed the followup mailing required by ORCP 7D(2)(c). If a party or other person other than the undersigned did the follow up mailing, s/he must use a separate Affidavit/Certificate of Mailing.)

On the _____ day of _____, 20____, I personally deposited a true copy of the Motion for Order to Transfer Case Motion to Change Venue with the United States Postal Service, via first class mail, in a sealed envelope, postage prepaid, addressed to the party to be served: Petitioner Respondent _____ (name), at the party's: home address located at: _____ (address), OR business address, listed above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

4. **Service by Mail, Return Receipt Requested.** On the _____ day of _____, 20____, I personally deposited **two true copies** of the Motion for Order to Transfer Case Motion to Change Venue with the United States Postal Service, one via first class mail, and the other by certified or registered, return receipt requested, or by express mail, with postage on both copies fully paid, addressed to the party to be served: Petitioner or Respondent _____ (name), at the party's: home address located at: _____ (address). *(NOTE: If mailed return receipt requested, the return receipt should be attached to this Affidavit of Service.)*

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated this _____ day of _____, 20____.

Signature of Server	Print Name	
<hr/>		
Address or Contact Address	City, State, Zip	Telephone or Contact Telephone

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

In the Matter of the Marriage of:

Case No. _____

PETITIONER'S RESPONDENT'S
MOTION FOR ORDER TO TRANSFER

Petitioner

and

Respondent

- Oral argument is requested.
 Estimated time: _____
 Court reporting services are requested (Requesting party pays)

Motion

Based on the attached Certificate, Petitioner Respondent, who is the moving party in a modification proceeding, or who submits this motion as a preliminary matter before initiating a modification proceeding, requests that this court grant an Order transferring certified copies of files, records and prepared transcripts of testimony, if any, in the above-referenced case to the Circuit court, _____ County, this being the county in which Petitioner Respondent now resides or in which property of Petitioner Respondent is now located. This motion is not made for the purpose of delay.

Statement of Points and Authorities

For cases in which the moving party seeks modification or enforcement of a child support order and brings a motion to transfer: ORS 25.100(1) provides that the court may, upon motion of a party, order that certified copies of the files, records and prepared transcripts of testimony in a proceeding where an order or decree has been entered pursuant to ORS 107.095, 107.105, 108.120, 109.155, 416.400 to 416.470, 419B.400, 419C.590, or ORS chapter 110, be transmitted to the clerk of the circuit court of any county in this state in which the obligee or obligor now resides, or in which property of the obligor is now located.

For cases involving a custody / parenting time modification, in which a party to the modification proceeding brings a motion to transfer: ORS 107.449 (1) provides that in a modification case under ORS 107.135 (1) that is not otherwise covered by ORS 25.100 (1), the Court which entered the original judgment may order the matter transferred to an auxiliary circuit court for the purpose of hearing the modification case, based upon convenience of the parties. This transfer may occur upon motion of a party to the modification proceeding, requesting transfer to the circuit court of a county in Oregon where either party resides.

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

DATED this _____ day of _____, 20_____.

Petitioner Respondent, Signature

Submitted by:

Signature

 Petitioner Respondent, Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

I certify that this is a true copy.: _____, Petitioner Respondent, Signature

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

In the Matter of the Marriage of:

Petitioner,

and

Respondent.

Case No. _____

ORDER RE TRANSFER OF CASE

Petitioner's Respondent's Motion to Transfer Case is:

Allowed.

Denied.

Fees and costs for transfer of files, records and transcripts to be paid by Petitioner Respondent .

Other: _____

DATED

Circuit Court Judge

Print Name

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

In the Matter of the Marriage of:

Petitioner,

and

Respondent.

Case No. _____

PETITIONER'S RESPONDENT'S
MOTION FOR ORDER TO CHANGE VENUE

UTCR 5.050 Information

Oral argument is requested.

Estimated time: _____

Court reporting services are requested (Requesting party pays)

Motion

Based on the attached Affidavit, Petitioner Respondent requests that this court grant an Order changing the place of trial from _____ County Circuit Court to _____ County Circuit Court. This motion is not made for the purpose of delay.

Statement of Points and Authorities

ORS 14.110(1)(c) provides that the court, in its discretion, may change the place of trial "when the convenience of witnesses and the parties would be promoted by such change." Praegitzer Industries v. Rollins Burdick Hunter, 129 Or App 628, 880 P2d 479 (1994).

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

DATED this _____ day of _____, 20_____.

 Petitioner Respondent, Signature

 Petitioner Respondent, Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

I certify that this is a true copy.

 Petitioner Respondent, Signature

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

In the Matter of the Marriage of:

Petitioner,
and

Respondent.

Case No. _____

ORDER RE CHANGE OF VENUE

Petitioner's Respondent's Motion to Change Venue is:

Allowed.

Denied.

Fees and costs for change of venue to be paid by Petitioner Respondent.

Other: _____.

DATED

Circuit Court Judge

Print Name

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

In the Matter of the Marriage of:)

_____,)

Petitioner,)

and)

_____,)

Respondent.)

Case No. _____

PETITIONER'S RESPONDENT'S
AFFIDAVIT RESPONDING TO MOTION TO:

TRANSFER CASE

CHANGE VENUE

STATE OF _____)

) ss.

County of _____)

I, Petitioner Respondent, being first duly sworn, say that the following is true: I make this affidavit to respond to the motion to transfer case change venue that has been filed.

1. I disagree with the following request(s) made by the other party to:

a. Transfer case because: *(Check one or more and provide facts in support of your response)*

Neither party resides in the county to which the case would be transferred.

I do not have property located in the county to which the case would be transferred.

It would not be convenient for me to have the case transferred because: _____

Other: _____

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

I selected this document for myself and I completed it without paid assistance.

I paid or will pay money to _____ for assistance in preparing this form.

 Petitioner Respondent, Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

SIGNED AND SWORN to before me this _____ day of _____, 20 _____.

Notary Public for _____/Court Clerk

My Commission Expires: _____

I certify that this is a true copy.

 Petitioner Respondent, Signature

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

In the Matter of the Marriage of:)
)
_____,) Case No. _____
) Petitioner,)
and) CERTIFICATE OF MAILING
) (RESPONSE)
_____,)
) Respondent.)

I certify that on _____, 20____, I placed a true copy of the PETITIONER'S
 RESPONDENT'S AFFIDAVIT RESPONDING TO MOTION TO TRANSFER CASE
 CHANGE VENUE in the above case in the United States mail addressed to Petitioner
 Respondent Petitioner's/Respondent's attorney at _____
_____ in a sealed envelope with postage paid.

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:
 I selected this document for myself and I completed it without paid assistance.
 I paid or will pay money to _____ for assistance in preparing this form.
DATED this ____ day of _____, 20_____.

Signature of Petitioner Respondent

Print Name

Address or Contact Address

City, State, Zip Code

Telephone or Contact Telephone