

## **CHANGING (“MODIFYING”) JUDGMENTS**



### **Important Contact Information**

Oregon Judicial Department – [www.courts.oregon.gov](http://www.courts.oregon.gov)

Oregon State Bar Lawyer 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](http://www.osbar.org/docs/ris/militaryflier.pdf)) for information about special rights and rules that may apply to you.

### **What these forms do:**

This set of forms will help you ask the court to change (‘modify’) support, custody, or parenting time if you already have a judgment from a court. If a change in custody or parenting time is ordered, the court may also change the amount of child support or end it.

- **Military Deployment:** If you need a modification because a parent is being deployed by the military. Special rules and rights apply in those cases. Go to [www.courts.oregon.gov/forms](http://www.courts.oregon.gov/forms) for forms. You may want to seek legal advice to assist you.
- **Adult Children:** If you have adult children 18, 19, or 20 years old, they are “**necessary parties**” to this case. They **MUST** be included as parties and properly served with all documents. Each child may later waive the right to be part of the case, but this must be done formally after you file. If you fail to properly serve an adult child, your case may be delayed until you do. Talk to a lawyer if you have any concerns.
- **Child Attending School:** If you have an adult child (*see above*), the court may order child support for that child as long as the child is attending school. The court may order child support and medical support to be paid by either or both parents. There is NO parenting plan or parenting time credit for a Child Attending School. See [ORS 107.108](http://www.legis.oregon.gov/ORS/107/108) for more information.

### **If Both Parties Already Agree TO CHANGE YOUR JUDGMENT:**

If you both agree on all of the issues, you may be able to file a stipulated supplemental judgment.

- ***Supplemental Judgment Modifying a Domestic Relations Judgment*** The supplemental judgment can be found on the following website: [www.courts.oregon.gov/iforms](http://www.courts.oregon.gov/iforms).

**NOTE: If you are agreeing to change parenting time,** this form needs to be **notarized**. DO NOT sign the judgment form until you are in front of a notary or court clerk. You must BOTH sign in front of the notary. Once the **Judgment** is signed and notarized, file it with the court clerk. If you are NOT changing parenting time, then you can both sign the judgment and file it with the clerk, it does not have to be witnessed or notarized



## Information about Modifications

This type of case starts with an **Ex Parte Notice of Civil Evidentiary and Motion re: Judgment Modification and Declaration in Support**. This *Motion* tells the court what you want. It ends with a **Supplemental Judgment**. The *Judgment* contains the changes that the court makes to your old judgment.

- **Before you File** – If your motion involves parenting time and/or custody of a child(ren) you will first need to attend mediation. To schedule a mediation session, contact the Court Mediation Program at 541-776-7171 ext. 35043
- **Where to File** – You normally should file in the circuit court that entered the judgment you are trying to modify.
  - Talk to a lawyer or court staff if you want your modification heard in a different county.
  - If you want to modify a judgment from another state, talk to a lawyer. Oregon courts may not be able to modify the judgment.
- **Case Number** – Your case number is the same as the one on your old judgment.
- **Parties** – The parties are the same as on the judgment you want to modify. If you were the “Respondent” in that case, then you are still the “Respondent” now, even if you are the one requesting the modification.
  - If any of the children in your old judgment are now 18, 19, or 20 years old, you will need to add those children to the case as “necessary parties.”
- **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.**



## STEP 1: FILLING OUT FORMS

### **Fill out the following forms:**

- *Ex Parte Notice of Civil Evidentiary and Motion re: Modification of Judgment and Declaration in Support*
- *Confidential Information Form (CIF)* and *Notice of Filing of CIF* (if either party’s employer has changed)
- *Uniform Support Declaration* (if you are requesting a change in child support or spousal/partner support)
- *Child Support Worksheets* (if you are requesting a change of child support)
- *Mediation Order or Waiver* (if addressing Custody or Parenting Time)(Mediation forms are available separately at <https://courts.oregon.gov/courts/jackson/help/Pages/Forms.aspx>)
- *Certificate of Mailing to DCS* (if either parent is receiving public assistance)

**It is important that you file with the court *before* you serve the other party!** If you serve *before* you file, you will have to re-serve and pay the service fees again. See Step 2 below for information about service.

### **Uniform Support Declaration**

If you are asking for a change in spousal/partner support or child support and you and the other party do not agree on an amount, you must complete a ***Uniform Support Declaration (USD)***

#### **Tips for filling out the USD:**

- If you are requesting a change of **spousal/partner support**, fill out the Declaration and Schedule 1 and attach the documents required by both.
- If you are providing attachments to the court be aware that these are public documents. You may wish to **remove** all confidential information prior to filing.
- If you are requesting **child support** for the amount that the Child Support Guidelines recommend, only fill out the Declaration and attach the documents it asks for.
  - If you are requesting a different amount of child support than the Guidelines recommend, 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 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 child entering or leaving school, 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.
- If your amounts are unusually high or low, include a brief explanation of why (if one of you is 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 is resolved.
- If one of your children has a medical problem, be sure to note it and include a reasonably accurate estimate of the treatment cost.

### **Parenting Plan**

A parenting plan is required if you want to change custody or parenting time. If you are *only* trying to change child support, you do not need to submit a parenting plan. The plan sets out the schedule and may include rules for each parent’s time with the child. You can describe your parenting plan in the *Motion* or attach it as a separate page.

Oregon has a ***Basic Parenting Plan Guide for Parents***. This guide has information about how to develop a plan, information about alternative schedules, and stages of your children’s growth that should be considered when creating a plan. A sample parenting plan is included in the guide. The guide can be downloaded at [www.courts.oregon.gov/parentingplans](http://www.courts.oregon.gov/parentingplans). There is also a *Safety Focused Parenting Plan Guide* on this website. This can help you develop a parenting plan if you have safety concerns for your children. Many local courts also have standard plans in their *Supplemental Local Rules*. Check your local court’s website. You can use these plans whole or as a guide to develop your own. You can also use OJD Guide & File to create a parenting plan interactively. Go to [www.courts.oregon.gov/iforms](http://www.courts.oregon.gov/iforms).

### **Co-Parenting Education**

Many courts require that parents of minor children go to a court-approved parenting class. Some courts will not allow you to change custody or parenting time until you have completed the class and filed a certificate of completion with the court. Contact the court to see if you have to sign up or if the court will send you information after you file.

### **Moving**

Neither parent may move more than 60 additional miles away from the other parent without giving him or her and the court notice of the move (unless your *Judgment* waived that requirement). You may ask the judge to waive this requirement by checking the appropriate box on the *Motion*.

### **Custody**

Refer to ORS 107.137 for factors a court will consider in awarding custody. The most important factor is *always* the best interest and welfare of the *child*.

### **Child Support:**

- Attach copies of any child support orders that are already in place regarding the children affected by your *Motion*.

### ***Calculating Child Support***

Child support can only be changed if there has been a significant change of circumstances or a change in custody or parenting time since the original order.

The amount of child support is determined by the Child Support Guidelines. The Guidelines have worksheets to help you estimate what support may be ordered. The Division of Child Support (DCS) also has an interactive calculator at [www.oregonchildsupport.gov](http://www.oregonchildsupport.gov) that can give you an idea of what child support may be ordered. You may also be able to ask a facilitator at your local court for help estimating child support. Submit the worksheet or calculator printout with your forms.

- **NOTE:** If you request a child support amount that is *different* from what the calculator or worksheet says, you *must* explain why and how you reached that amount. If not, your case may be delayed until you provide an explanation for the difference.

### ***Payment of Child Support***

Support is usually withheld from the payor's (the person who has to pay support) paycheck. The court may allow an exception to the income withholding requirement if you qualify under [ORS 25.396](#) and if you request an exception. If the court grants an exception to income withholding, payment can be deposited into the receiver's bank account. If you are *paying* child support directly to the other parent, you should keep proof of every payment, including a receipt if you pay cash.

### **Health Insurance**

The judgment *must* address health insurance for any minor child involved in your case if your existing order does not.

### **Adult Children (18-21)**

If you have any child with the respondent who is 18, 19, or 20 years old who is not married or emancipated, that child is a necessary party to this case. He or she *must* be added as a party in the case caption and has the right to participate.

If an adult child is attending school at least half-time according to the school's standards, that child is considered a "**child attending school**." A child attending school is entitled to child support until age 21. The child must sign the judgment if support is ordered.

You must properly serve each adult child with all the same papers as the other parent (see section below about serving the other party). After being served, a child **may** sign a ***Waiver of Further Appearance and Consent to Entry of Judgment*** form if the child chooses not to participate in the case.

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### **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 local court. Check the Court website for additional information.



### **Make copies**

Make one copy of **all** of the forms for your records, and one copy of the Notice and *Motion* to serve on the other party. If you need additional copies please note copy fees apply.

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



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

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File all of the ***original*** forms with the court clerk. You will have to pay the filing fee when you file your papers. Go to [www.courts.oregon.gov/Pages/fees.aspx](http://www.courts.oregon.gov/Pages/fees.aspx) for the filing fee. The court will set a hearing for you to appear when you file your Notice and *Motion for an Evidentiary Hearing*.

- If you are low income, you may apply to 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 now.



You must officially notify the other party that you have filed a Notice and Motion for Evidentiary Hearing. This is called “service.” Follow the same steps to serve any 18, 19, or 20 year old children.

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

**Formal Service**

If the other party does not sign the ***Acceptance of Service***, you must use another method. There are four ways you can serve. Service must be done ***after*** you file your motion with the court.

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

1. If you serve before you file, you will have to serve the papers again
2. You ***CANNOT*** serve the papers yourself
3. If the other party 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 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), **not** 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"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Received by (Please Print Clearly) _____</p> <p>B. Date of Delivery _____</p>	
1. Article Addressed to:		C. Signature _____ <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
2. Article Number (Copy from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
		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.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, July 1999		Domestic Return Receipt 102295-00-90-0952	

### **Certificate 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 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. The judge might allow you to publish or post the documents. Forms to make this request are available online at [www.courts.oregon.gov](http://www.courts.oregon.gov).

### **STEP 3: RESOLVING YOUR CASE**

After the evidentiary hearing the judge will determine who is responsible for completing the supplemental judgment, it will be completed by the court or the parties.

- ***Supplemental Judgment Modifying a Domestic Relations Judgment***

The supplemental judgment can be found on the following website:

[www.courts.oregon.gov/iforms](http://www.courts.oregon.gov/iforms).



#### **Have your documents reviewed**

You may want to have your supplemental judgment reviewed before you file. The Family Law Facilitator at the Jackson County Circuit Court is available to review your supplemental judgment. Check the Court website for additional information and hours. Make a copy for yourself and one for the other party.

File the original with the court. The terms in the judgment must be *exactly* the same as what you requested in your *Motion and Declaration* unless at the hearing the judge made a different order(s).

Your modification is effective the date the *Judgment* is entered into the court register. You will receive a notice when the judgment is entered.



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

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

and

☐

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

➤ I need an interpreter: ☐ Spanish ☐ Russian ☐ other: \_\_\_\_\_

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**NOTICE OF SCHEDULED EVIDENTIARY HEARING:**

**Scheduled Proceeding:** Evidentiary Hearing

**Date:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Room:** Courtroom \_\_\_\_\_

JACKSON COUNTY CIRCUIT COURT  
100 SOUTH OAKDALE  
MEDFORD, OR 97501

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**PLEASE READ:**

A Copy of the Motion and Declaration for Evidentiary Hearing is enclosed.

Failure to appear, unless good cause is established, may result in relief being granted in accord with the motion filed, if consistent with Oregon law.

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

Case No: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

and

☐

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

➤ I need an interpreter: ☐ Spanish ☐ Russian ☐ other: \_\_\_\_\_

**EX PARTE MOTION FOR  
EVIDENTIARY HEARING  
RE: JUDGMENT MODIFICATION  
and DECLARATION IN SUPPORT**

**Motion**

I am the ☐ Petitioner ☐ Respondent in this case. I ask the court to modify (change) the provisions of a prior judgment related to (*check all that apply*):

- ☐ Spousal/Partner Support
- ☐ Custody
- ☐ Parenting Time
- ☐ Child Support
- ☐ Other: \_\_\_\_\_

The judgment I want to modify is (*court or agency, case number, and date*) \_\_\_\_\_

**Court Costs and Fees** (whether paid or deferred) related to this motion

- ☐ Each party should be responsible for paying his or her own costs and fees
- ☐ Costs and fees should be paid by both parties equally
- ☐ Respondent ☐ Petitioner should reimburse the other party for costs and fees paid
- ☐ Other: \_\_\_\_\_

**Statement of Points and Authorities**

ORS 107.135(1)(a) allows the court to modify custody, parenting time, and support terms in a judgment of dissolution, annulment, or separation.

ORS 107.431 allows the court to set aside, alter, or modify parenting time and to terminate or modify child support if parenting time is being denied.

ORS 106.340(3) extends all legal rights and obligations of spouses pertaining to a child of either party to registered domestic partners.

ORS 109.103(1) extends all provisions of ORS 107.135 to unmarried parents.

### **Declaration**

☐ The other party is not in active military service of the United States and is not incapacitated, a minor, a protected person, or a respondent (as defined by ORS 125.005)

☐ Other (*explain*): \_\_\_\_\_  
\_\_\_\_\_

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☐ **Spousal/Partner Support:**

Spousal/Partner support should be ☐ terminated **or** ☐ changed to (*explain the changes you want*) \_\_\_\_\_  
\_\_\_\_\_

***Because*** (*specifically describe substantial change in circumstances*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Effective date** - The new support order should be effective as of ☐ the date this *Motion* is served on the other party (*or*) ☐ Other \_\_\_\_\_

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### **Children**

The following children are affected by this request (*names and ages of children*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ **Custody and Parenting Time**

**1. UCCJEA Information (Uniform Child Custody Jurisdiction and Enforcement Act)**

This court has jurisdiction to modify custody, or parenting time under the UCCJEA (ORS 109.741 – 109.751) because

☐ An Oregon court made the original order and the children (or at least one parent) still live in Oregon

☐ Other reason (*explain*) \_\_\_\_\_  
\_\_\_\_\_

**1A.** List the places where any of the named children 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; see section titled "Section 1A-UCCJEA"

**1B.** Other than the judgment I want to modify,

☐ I **have not** participated in any legal case about the custody or parenting time of the named children in any state **or**

☐ I **have** participated in the following litigation:

Name of Court	State	Case No.	Date of final decision	Result (include names of affected children)

☐ Additional page attached; see section titled "Section 1B-UCCJEA"

**1C.** I do not know of any other proceeding 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 pending in any state

☐ except for: \_\_\_\_\_  
(identify court, case number and the kind of proceeding)

**1D.** 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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.** A change in custody or parenting time is in the **best interest** of the children because (explain in detail) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Additional page attached; see section titled "Section 2-Best Interests"

**2A.** ☐ **Custody** should be changed as follows

☐ Petitioner ☐ Respondent should have sole custody of (names) \_\_\_\_\_  
\_\_\_\_\_

☐ Parties have agreed to joint custody of (names) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Modification of **custody** is appropriate because circumstances have changed significantly since the prior judgment (*explain in detail*) \_\_\_\_\_

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☐ Additional page attached; see section titled "Section 2a-Circumstances"

**2B. ☐ Parenting Time** should be changed as follows (*check all that apply*)

☐ according to the attached Parenting Plan labeled Exhibit \_\_\_\_\_ **or**

☐ as follows \_\_\_\_\_

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☐ Parenting time should be supervised by \_\_\_\_\_

Cost of supervision should be paid by:

☐ Petitioner ☐ Respondent ☐ Other \_\_\_\_\_

☐ Other terms \_\_\_\_\_

☐ Petitioner ☐ Respondent should not have parenting time because it would endanger the health or safety of the children (*state supporting facts*) \_\_\_\_\_

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☐ Additional page attached; see section titled "Section 2B-Endangerment"

**3. Relocation** - ☐ Petitioner ☐ Respondent should be allowed to move more than 60 miles further distant from the other party without advance written notice because good cause exists (*explain*) \_\_\_\_\_

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**4. Contact Information** - ☐ Petitioner ☐ Respondent **should not** be required to provide contact information to the other party *because* \_\_\_\_\_

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☐ **Child Support and Medical**

Pending Child Support Cases

☐ No other child support case is pending in any state

☐ Another child support case is pending in another court or agency

Name of court or agency: \_\_\_\_\_ Case #: \_\_\_\_\_

Existing Child Support Cases

☐ No other child support orders or judgments exist (besides the order I want to modify)

☐ Another child support order or judgment exists (besides the order I want to modify)

Name of court or agency: \_\_\_\_\_ Case #: \_\_\_\_\_

1. ☐ Child support should be **terminated** (stopped) based on the change of custody requested above. (*explain in detail*) \_\_\_\_\_

2. ☐ Child support should be changed as follows based on the requested change of custody or substantially changed circumstances (*explain in detail*) \_\_\_\_\_

2A. ☐ Child Support **is presumed to be unavailable** because the parent who would pay (*check all that apply*):

☐ receives cash payments from a **public assistance** program including TANF or SSI

☐ is (or is expected to be) **incarcerated** (in jail or prison for at least 6 months) and has income less than \$200 per month

☐ Support should be ordered despite the presumption because (*explain why and complete the section below*): \_\_\_\_\_

2B. Support should be ordered payable:

**by** ☐ Petitioner ☐ Respondent

**to** ☐ Petitioner ☐ Respondent ☐ Adult Child Attending School (*name*): \_\_\_\_\_

**on** the first day of each month

**beginning** ☐ the month following entry of this judgment *or* ☐ the date of service of this *Motion*

2C. The total monthly amount should be \$\_\_\_\_\_, which is (*check one*):

☐ the amount presumed correct under the Oregon child support guidelines, worksheets are included with this *Motion* (**or**)

☐ different from the amount presumed correct by the child support guidelines because the guideline amount would be unjust or inappropriate (*explain*) \_\_\_\_\_

(*The reasons must also be shown on the support worksheets you submit with this Motion*)

3. Payment – I understand that payments will be made by income withholding unless an exception applies

3A. ☐ I request an exception to the income withholding requirement of ORS 25.378 so that payment can be made another way because good cause exists

☐ Petitioner and Respondent have agreed in writing to the following alternative payment method (*explain*) \_\_\_\_\_

☐ Other exception under ORS 25.396 (*explain*) \_\_\_\_\_

**3B. Payment should be made to:**

☐ All support payments should be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309

**or**

☐ An exception to income withholding applies as noted above. All support payments should be made to the recipient's checking or savings account. The receiving parent should be ordered to provide the paying parent with current deposit slips or bank name, account name, and account number.

**or**

☐ Other (explain) \_\_\_\_\_

\_\_\_\_\_  
(only available if you request an exception to income withholding, above)

**3C. Adult Child Attending School**

☐ Support for an **adult child attending school** as defined by ORS 107.108 should be distributed by the Department of Justice directly to the child

**or**

☐ Good cause exists to pay support for an adult child attending school to the:

☐ Petitioner ☐ Respondent and NOT to the child (explain) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**4. Length of Child Support** - Child support should end when the last child (check one):

☐ reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21

☐ reaches age 18 or becomes self-supporting, emancipated, or married.

**5. Medical**

- ☐ The original judgment provided for medical costs **and**
- ☐ that order should NOT be changed (skip to section 6)
  - ☐ that order should be changed as follows (complete the sections below)
- ☐ The original judgment did NOT provide for medical costs (complete sections below)

**5A. Health Insurance Coverage:**

☐ Petitioner ☐ Respondent ☐ both parents should be ordered to provide health insurance coverage throughout the period of the child support obligation

**5B. Uninsured Medical Expenses**

☐ Uninsured medical expenses should be terminated (stopped)

**or**

☐ Petitioner should pay \_\_\_\_\_% and Respondent should pay \_\_\_\_\_% of the unreimbursed costs of the children's reasonable medical, dental, and vision care. This does not include ordinary expenses like nonprescription medication, bandages, vitamins, and copays for regular checkups, which the parents are presumed to provide for the children in proportion to their parenting time. This obligation is in addition to any child support **and** will be **offset** by any cash medical support ordered above.

**or**

☐ This obligation should be **in addition** to any child support and cash medical support ordered above



☐ **Life Insurance for the Children (remove boxes to match at the front)**

☐ The party paying support should carry life insurance for the benefit of the parties' children throughout the period of the support obligation. The coverage should be in the amount of \$ \_\_\_\_\_

**(or)**

☐ The life insurance provision should be terminated (stopped)

☐ **Tax Dependents**

☐ Petitioner ☐ Respondent may claim the following children as dependents for tax purposes beginning with the **tax** year this judgment is entered. The other parent should be ordered to complete any IRS waivers or forms necessary to accomplish this in each tax year and ordered not to file contradictory tax returns.

List names: \_\_\_\_\_

**(or)**

☐ Other (specify): \_\_\_\_\_

*\* Parties are advised that this judgment is not binding on the IRS and will not provide a defense if the parties fail to comply with IRS regulations in any given tax year. Parties are advised to speak to a tax specialist.*

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**Certificate of pending/existing child support proceedings**

➤ There ☐ is ☐ is not a PENDING child support proceeding.

➤ There ☐ is ☐ is not an EXISTING child support order or judgment.

Information about any pending or existing child support proceeding is included above.

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**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

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

Case No: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

(ORCP 7D(2))

- ☐ (a) Personal Service  
☐ (b) Substitute Service  
☐ (c) Office Service  
☐ (d) Service by Mail

\_\_\_\_\_  
and  
\_\_\_\_\_  
Petitioner  
Respondent

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*):

- ☐ Petition and Summons  
☐ Information about mediation  
☐ Notice of Confidential Information Form (CIF) Filing  
☐ Notice of Statutory Restraining Order Preventing Dissipation of Assets  
☐ Order to Show Cause re: Modification with Motion and Declaration  
☐ Information about continuing insurance coverage (COBRA)  
☐ Uniform Support Declaration  
☐ Notice of Hearing Evidentiary

Other information provided by the court clerk (*name all forms or documents served*) \_\_\_\_\_

☐ 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.)

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**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:*

\_\_\_\_\_  
\_\_\_\_\_

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

Case No: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Petitioner

v.

**ACCEPTANCE OF  
SERVICE**

\_\_\_\_\_  
Defendant/Respondent

I am the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent in this matter.

On (date) \_\_\_\_\_ I received a true copy of (check all that apply):

☐ Petition

☐ Summons

☐ Claim

☐ Information on mediation

☐ Complaint

☐ Other: \_\_\_\_\_

***And for Domestic Relations cases:***

☐ Notice of Statutory Restraining Order Preventing Dissipation of Assets

☐ Notice of CIF (*Confidential Information Form*) Filing

☐ Information on continuation of insurance coverage (COBRA)

☐ Order to Show Cause re: Modification with Motion and Declaration

☐ Statement of Assets and Liabilities

☐ Uniform Support Declaration

☐ Notice of Hearing Evidentiary

Other forms: \_\_\_\_\_

**I hereby declare that the above statements are true 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

\_\_\_\_\_  
Telephone