INSTRUCTIONS FOR PRE-JUDGMENT TEMPORARY ORDERS



You can ONLY use these forms if:

1) A *Petition* for separation, dissolution, annulment, or custody and parenting time has already been filed (or will be filed at the same time as this motion)
and
2) You have not received a general judgment in this case. If you *have* received a judgment already, go to *www.courts.oregon.gov/forms/jackson* for information and forms to request post-judgment temporary orders or modification of your judgment.

Important Contact Information
Oregon Judicial Department - *www.courts.oregon.gov*
Oregon State Bar Lawyer Referral Service - *www.oregonstatebar.org*
Phone: 503.684.3763 or toll-free in Oregon at 800.452.7636

TABLE OF FORMS

____ Motion and Declaration
____ Notice of Hearing
____ Child Support Worksheets *(if you are requesting child support)*
____ Parenting Plan *(if you are requesting a custody and parenting time order)*
____ Certificate of Service

Important Filing Information

If you are addressing *Custody* or *Parenting Time*, you must fill out the Mediation Order or Waiver forms to either schedule mediation or waive the mandatory mediation requirement.



Step 1: Filling out the Forms

- **PARTIES & CASE NUMBER** – the parties and the case number are the same on your *Motion* as they are in the *Petition* that you already have. If you filed the *Petition*, then you are the Petitioner on this motion. If the other party filed the *Petition*, then you are still the Respondent, even if you are the one filing this motion.
  - Make sure you put the case number on each form and on the bottom of each page
  - Refer to the instructions for your Petition or Response for requirements related to children age 18, 19, or 20 years old.

- **Children**
  - **If you have an existing child support order** and want to change it, do not use these forms to do that. You may need to speak to a lawyer, or to the agency or court that issued your order to make a change.
  - If you are requesting child support you must include *Child Support Worksheets* with your motion. Go to *https://justice.oregon.gov/guidelines/* and complete the child support guidelines calculator. Worksheets will be created at the end for you to print or save.
  - You also need to account for reasonable parenting time with the other parent if you want custody. The parenting plan can be as general or as detailed as you like, but should include reasonably specific times for the other parent to spend with the children considering the children's ages and individual needs.

- If you do not have children or are not requesting any orders related to children, you do not need to fill out the UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) information (sections 1-6). If ANY of your requests are related to children, fill out the UCCJEA information completely or the court may not be able to grant your motion.



Have your documents reviewed

You may have your documents reviewed by a lawyer or a court facilitator (if your court has one) 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 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. Facilitators may be available for free in your court, but you may have to make an appointment. Call your court for information.



Make a copy of all forms. You will also need copies of the *Motion and Declaration and Notice of hearing* to serve on the other party. See Step 2 for service information.



Check with your local court to find out how to file the original *Motion & Declaration and Notice of Hearing* with the court clerk. There is no filing fee for this motion.



STEP 2: NOTIFY THE OTHER PARTY

You must officially notify the other party. This is called "service." A copy of the *Motion and Declaration, Notice of Hearing* and any supporting documents that you file must be served on the other party.

1. Personal:

   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), nor 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 years 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.

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

Case No: _____

_____
Petitioner

and

_____
Respondent

MOTION FOR PRE-JUDGMENT TEMPORARY ORDERS & DECLARATION IN SUPPORT

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

A *Petition* has been filed in this court for dissolution, separation, annulment, or custody and parenting time but no *Judgment* has been issued. Date *Petition* filed:_____
(Note: do NOT use this form if you filed a request to modify (change) an existing judgment)

Motion

I am the ☐ petitioner ☐ respondent named above

I request the following temporary orders to be effective until a general judgment is issued in this case: *(check all that apply and complete all information)*

☐ ***CUSTODY, PARENTING TIME, and/or CHILD SUPPORT***

☐ I request custody of the following children: *(names)* _____
_____
_____

☐ The other parent should have parenting time with these children ☐ as detailed in the attached parenting plan ***(or)*** _____
_____
_____
_____

☐ Parenting time should be supervised by_____. Any cost of supervision should be paid by ☐ Petitioner ☐ Respondent.

☐ Child support determined under the Oregon Child Support Guidelines* *or* ☐ in the amount of $_____per month

☐ **due** on the **first** day of each month beginning the month after
☐ this *Motion* is served ***or***
☐ the *Limited Judgment* is entered
☐ **payable by** ☐ Petitioner ☐ Respondent

☐ **Cash Medical Support** - because no health insurance is available to either party
(Cannot be ordered if the parent who would pay is presumed unable to pay support or has income at or below Oregon's full-time minimum wage, or because the children's medical needs will be met by the Uninsured Medical provision below.)

☐ **Uninsured medical expenses** - Petitioner should pay_____% and Respondent should pay_____% of the unreimbursed costs of the children's reasonable medical, dental, and vision care. This obligation should be in addition to child support.

☐ ***PROPERTY***

☐ Possession and exclusive use of the family home (*address*)_____
_____
because:

☐ minor children live there and it is in the children's best interest to stay in the home and to have the other parent move out.

Explain: _____
_____
_____
_____
_____

☐ Additional page attached

☐ Temporary use, possession, and control of the following real or personal property.
*(Describe the property you want control of and who is responsible for payments and obligations related to the property)*_____
_____
_____
_____

☐ Additional page attached

☐ ***SPOUSAL/PARTNER SUPPORT*** in the amount of $_____per month.

☐ ***LAWSUIT MONEY*** in the amount of $_____to pay my case-related expenses

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Statement of Points and Authorities

ORS 107.095 authorizes the court to enter certain temporary orders after commencement of suit and before judgment

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Declaration

(Only complete if you are asking for orders related to minor children)

1. I am asking for a temporary custody order because: *(explain)*_____

_____

_____

_____

_____

2. UCCJEA Information

List the places where any of the children named above 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, beginning with the current location.

Dates From/To	County, State	Name of Parent/Caretaker	Contact Address of Parent/Caretaker	Which Children

☐ Additional page attached titled "Section 2"

3. ☐ The children named above have lived in Oregon continuously for the six months before the filing of this *Motion*, except for the children named below

☐ The following children have **not** lived in Oregon continuously for six months: *(names)*_____

☐ There is another legal basis for Oregon to address custody of these children

*Explain:*_____

_____

4. ☐ I have not participated in any case about the custody or parenting time of the children named above in any state ***or*** ☐ I have participated in the following case:

Name of Court	State	Case No.	Date of final decision	Result

☐ Additional page attached titled "Section 4"

5. ☐ I do not know of any other proceeding pending in any state that may affect the outcome of this case, including enforcement of domestic violence or protective orders, adoption, or termination of parental rights, or juvenile matters involving any of the children

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

_____

6. ☐ 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):* _____
   _____

7. ☐ The other party is a threat to the physical safety of myself and/or my children because: _____
   _____
   _____
   (Describe any actions taken by the other party that cause you to fear bodily injury): _____
   _____
   _____

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
	_____
	Print Name

_____	_____	_____
Contact Address	City, State, Zip	Contact Phone

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

Case No: _____

_____
Petitioner

and

_____
Respondent

NOTICE FOR PRE-JUDGMENT EVIDENTIARY HEARING

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

▶ *I need an interpreter: __ Spanish __ Russian other:* _____

NOTICE OF SCHEDULED EVIDENTIARY HEARING:

Scheduled Proceeding: Evidentiary Hearing

Date: _____

Time: _____

Room: Courtroom _____
JACKSON COUNTY CIRCUIT COURT
100 SOUTH OAKDALE
MEDFORD, OR 97501

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.