

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

Case No: _____

Petitioner

and

Respondent

and

**EX PARTE MOTION FOR
ORDER TO SHOW CAUSE
RE: JUDGMENT MODIFICATION
and DECLARATION IN SUPPORT**

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

➤ I need an interpreter: ☐ Spanish ☐ ASL ☐ other: _____

Motion

I am the ☐ Petitioner ☐ Respondent in this case. I ask the court to issue an *Order to Show Cause* requiring the other party to appear and show cause why this court should not 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*): _____

1. ☐ 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 _____

Children

☐ A No-Contact Order (criminal or other) prohibits ☐ me ☐ the other parent from exercising parenting time

Case # _____ County/State: _____

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

2. ☐ Custody and Parenting Time

2A. UCCJEA Information (Uniform Child Custody Jurisdiction and Enforcement Act)

This court has jurisdiction (the legal ability) 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*) _____

2A.1 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

Current:

Child's Name	Current Address	Lives with:
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____

Residences:

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

☐ Additional page attached titled "Section 6A-UCCJEA"

Additional Caregivers:

Dates From/To	Name of Parent/Caretaker	Where did they live with this caretaker?	Contact Address of Parent/Caretaker	Which Children

2A.2. Other than the judgment I want to modify,

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

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"

2A.3. I do not know of any other legal proceeding that may affect the outcome of this case, including enforcement of domestic violence or protective orders, adoption, termination of parental rights, or guardianship involving any of the children pending in any state

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

2A.4. 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): _____

2B. 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"

2B.1. ☐ **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) _____

☐ Additional page attached; see section titled "Section 2B.1-Circumstances"

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

☐ according to the attached *Parenting Plan* labeled Exhibit _____ **or**

☐ as follows _____

☐ 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) _____

☐ Additional page attached; see section titled "Section 2B.2-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*) _____

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

5. ☐ **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 #: _____

Date signed: _____ State: _____

☐ Child support should be **terminated** (stopped) based on the change of custody requested above (*skip to the end*)

OR

☐ Child support should be changed as requested in Sections 5.A below, based on substantially changed circumstances (*explain in detail*) _____

5A.1. ☐ 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

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

5A.2. Payor - Support should be ordered payable

by ☐ Petitioner ☐ Respondent

to ☐ Petitioner ☐ Respondent ☐ Adult Child Attending School (name):_____

5A.3. Amount - The total monthly amount should be

☐ determined under the Oregon child support guidelines prior to judgment **or**

☐ \$_____, 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)

5A.4. Payment Method

Payments will be made by income withholding unless an exception applies

☐ I ask for 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)_____

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)

5A.5. Adult Child Attending School

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

or

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

☐ Petitioner ☐ Respondent and NOT to the child (*explain*) _____

5A.6. Length of Child Support

Child support is payable on the first day of each month

The requested new or changed child support amount should:

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

and

END when the last child becomes self-supporting, emancipated, or married
or (*check one*):

☐ reaches age 18

☐ reaches age 21 if the child qualifies as a child attending school under ORS 107.108, or reaches age 18 if not attending school

5B. Medical Support

- ☐ An existing judgment provides for medical support ***and***
☐ should NOT change (*skip to 5C*)
☐ should change as follows (*complete sections below*)
- ☐ No existing judgment provides for medical support (*complete sections below*)

5B.1. Health Insurance Coverage:

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

(If health insurance is not available, then the parent who is ordered to pay child support will also be ordered to pay cash medical support according to the Child Support Guidelines unless the court finds reason not to)

5B.2. Cash Medical Support

☐ Cash Medical Support should **not** be ordered because: (*check all that apply*)

☐ The children's medical needs will be met by the *Uninsured Medical Expenses* provision below

☐ The parent paying child support has income at or below Oregon's minimum wage for full-time employment

☐ Support is presumed to be unavailable because the parent who would pay support (*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

☐ Other (*explain*): _____

5C. ☐ 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 over-the-counter medicine, 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 **but** will be **offset** by any cash medical support ordered above.

or

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

5D. ☐ Life Insurance for the Children

☐ 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)

5E. ☐ 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.*

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 proceedings is included above

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

Email

Name (printed)

Contact Address

City, State, ZIP

Contact Phone