FILING FOR CUSTODY, PARENTING TIME, & CHILD SUPPORT FOR UNMARRIED PARENTS

TABLE OF FORMS
1. Starting your Case *(See the last box of this table for additional forms you may need)*
___ Petition for Custody and Parenting Time, and Child Support ___ Summons ___ Notice of Statutory Restraining Order Preventing Dissipation of Assets ___ Confidential Information Form (CIF) *(one for each party, including adult children)* ___ Notice of CIF Filing *Optional:* ___ Fee Deferral or Waiver Application and Declaration
2. Notifying the Other Party (Respondent)
___ Acceptance of Service (if possible) ___ Certificate of Service ___ Certificate of Mailing to DCS *(if you or the respondent is receiving public assistance)*
3. Temporary Orders
4. Resolving Your Case
By Agreement ___ Declaration in Support of Judgment ___ General Judgment of Custody and Parenting Time, and Child Support ***Or*** ***By Default*** ___ Ex Parte Motion for Order of Default and Declaration in Support ___ Order on Motion for Default ___ Declaration in Support of Judgment ___ General Judgment of Custody and Parenting Time, and Child Support ***Or*** ***By Hearing*** ___ General Judgment of Custody and Parenting Time, and Child Support

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

___ Parenting Plan
___ Fee Deferral or Waiver Application and Declaration *(optional)*
___ Child Support Worksheets
___ Uniform Support Declaration
___ Parenting Class Certificate of Completion *(if required for your court)*
___ Waiver of Personal Service
___ Waiver of Further Appearance and Consent to Entry of Judgment *(for adult children)*
___ End-of-case Fee Waiver Application

What these forms do

This set of forms will help you get a court order for custody, parenting time, and child support if you are not married to the other parent and have children under 18, and support for a child who is 18, 19, or 20 years old and attending school.

Symbols used in this form:

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

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

If you are deployed or about to be deployed, contact the Oregon State Bar Military Assistance Panel (*www.osbar.org/_docs/ris/militaryflier.pdf*) for information about special rights and rules that may apply to you.

If Both Parties Already Agree

If you agree on all of the issues, you can file as Petitioner and the respondent can accept service of the *Petition* and sign a completed *Judgment* form. The respondent can also 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).

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Parentage Parentage (who the parents of the minor children are) must be legally established before you can use these forms if you want the court to order custody, parenting time, or child support for minor children.

- Parentage is established if both biological parents sign and file a birth certificate or Voluntary Acknowledgment of Paternity (a statement that says who the parents are) with the State Registrar of Vital Statistics. This is usually signed in the hospital when the child is born.
- Parentage can also be established through the Oregon Child Support Program or through the courts before you file these forms. Contact the Oregon Child Support Program (*www.oregonchildsupport.gov*) or a lawyer.
- Parentage is presumed if you and the other parent were married at the time of the child's birth or if the child was born within 300 days after the marriage ended. This presumption can be rebutted (challenged).

Notice about these instructions and forms

These instructions are not a complete statement of the law. They cover basic procedures for simple cases involving custody, parenting time, and child support. 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.

WHO IS A "CHILD"?

- A child must be born before you can file these forms
  - If you are pregnant with another child when you file this *Petition* and the child is also the child of the Respondent, you will need to file an amended *Petition* after the child is born. Talk to a lawyer if you need to do this.
- Children who have been emancipated are not "children" for purposes of these forms. A child is considered emancipated (independent) if the child:
  - Has been declared emancipated by a court order or
  - Is legally and validly married

- **Adult Children:** If you have a child age **18, 19, or 20 years old**, that child is a "necessary party" to any family law case until his or her 21st birthday. The child ***must*** be included in your filings and properly served with all documents. The 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.

- **Child Attending School,** ORS 107.108**:** If you have an adult child, child support may be ordered for that child **as long as** the child is attending school. More information is included below.

➢ **NOTE FOR PREVIOUSLY MARRIED COUPLES**

If you and the respondent were married before and already divorced, you *may* be able to use these forms.

- If the child was born **more than 300 days** after your dissolution judgment was signed, then you can use these forms.
- If the child was born **less than 300 days** after your dissolution judgment was signed, talk to a lawyer. You may need to amend your prior filings and modify your existing dissolution judgment.

CO-PARENTING EDUCATION

Many courts require that parents of minor children go to a court-approved co-parenting class. Some courts will not allow you to finalize your case 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.

General Information

❖ This type of case starts with a "petition," which tells the court what you want. That's why you are called the "**petitioner.**" The other parent 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.

❖ Keep the court and all other parties informed of your current address. **You don't have to use your home address.** 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 and documents 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: STARTING YOUR CASE

General Questions

- **Where to File** - You can file in the circuit court of the county where any child lives, or in a county where either parent lives.

- **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 Between Unmarried Parents***") to the *Summons* and serve it on the respondent. The form is included as Appendix D.
  - The statutory restraining order prevents *either party* from making changes to insurance policies without the agreement of the other party if those policies are for the benefit of the children.

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 the other parent is the "Respondent."**
  - Use full names (first, middle or middle initial, last) and print names the same way on all forms – *first, middle, last*.

- **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, including adult children.

- 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 parent 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 parenting plans. See below for more information.

Fill out the following forms

- *Petition for Custody and Parenting Time, and Child Support*
- *Summons*
- *Confidential Information Form (CIF) (one for each party)*
- *Notice of Filing of Confidential Information Form*
- *Certificate of Mailing or Delivery to Division of Child Support* (ONLY if you or Respondent receives certain types of public assistance – see "Make Copies" below)

You may need additional paperwork before the court can enter a judgment. See the Appendices for more information about when you need each form.
◇ *Parenting Plan* - See Appendix A
◇ *Uniform Support Declaration* – See Appendix B

UCCJEA

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) is a law that controls which state can decide issues of custody and parenting time. In most cases, if all of the children you are asking the court to address have lived in Oregon for the six months before you filed the *Petition*, Oregon courts can make a decision. You must provide certain information before an Oregon court can decide custody or parenting time.
Click *here* to read the UCCJEA (ORS 109.701-.834).

If you have any other orders or judgments about custody or parenting time from other states, or if any of your children have not lived in Oregon for six months before you file, you should see a lawyer.

Custody and Parenting Time (Visitation)

Read ORS 107.137 to see what a court will consider when awarding custody. The most important factor is *always* the best interest and welfare of the *child*.

Custody and Parenting Time
Joint and Sole Custody are legal terms that generally refer to the right to make certain decisions about the child. The parenting plan controls how much time each parent has with the child. See Appendix A for important information about custody and parenting plans. The court can only award joint custody if both parents agree to all of the terms. In most cases, both parents will have equal rights to information about the child regardless of the type of custody ordered. Both parents will have time with the child unless the court orders otherwise.

Parenting Plans
To avoid delay in your case, your *Petition* should include a parenting plan. A parenting plan sets out the schedule and may include rules for each parent's time with the child. Your plan must include the minimum amount of parenting time (formerly called "visitation") you want the non-custodial parent to have. You can be as detailed as you like. You can describe the parenting plan in the *Petition* or you can attach a separate page.

At the end of your case, the *Judgment* **must** contain a parenting plan. The parenting plan can be a part of the judgment form, or it can be in an attached document. See Appendix A for more information about parenting plans.

Moving – The *Judgment* will prohibit either parent from moving more than 60 miles farther away from the other parent without giving written notice to the court and the other parent.

You can ask the judge to waive this rule by checking the appropriate box on the *Petition* and explaining why you should not have to give notice of a move.

Safety

If you have safety concerns, you can ask the judge to suspend certain rights that the non-custodial parent automatically has. Check the appropriate box on the *Petition*. These rights include your duty to provide contact information and to tell the other parent if there is a major health concern for the children. ORS 107.154 and 107.164 list the rights of a non-custodial parent. You MUST have a good reason for suspending these rights. Talk to a lawyer about these issues.

CHILD SUPPORT

Calculating Child Support
In most cases, the court will order child support if no child support order already exists. Go to *www.oregonchildsupport.gov/calculator* for worksheets and an interactive program to use when calculating support.
Click on this link:

Go to Guidelines Calculator

Worksheets must be submitted to the court before a judgment can be entered. You can submit them with your *Petition*. At the latest, you can submit them with your *Judgment*.

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 explain the difference.

You will need to complete a ***Uniform Support Declaration*** *(USD)* if you and Respondent do not agree on an amount for child support. See Appendix B for information about the USD.

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 in the *Petition*. 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.

See Appendix C for information about how payments are made to adult children attending school.

Child support is NOT taxable as income or deductible to either party.

Life Insurance

The court can order a party to carry life insurance if that party is ordered to pay child support. Life insurance in connection with a support obligation is for the benefit of the children receiving support.

Health Insurance

Your judgment *must* address health insurance for any minor child involved in your case. Health insurance coverage may be provided through an employer or directly from an insurance carrier, or from a public option such as the Oregon Health Plan, which you have to apply to the state for.

Cash Medical Support

In addition to child support, the court may order "Cash Medical Support." Cash Medical Support is to help pay for health insurance and out-of-pocket medical expenses.

If health insurance is not available, the court must order Cash Medical Support unless the judge finds reasons not to. The judge *cannot* order Cash Medical Support in some situations.

Go to *http://oregonlawhelp.org/resource/insurance-for-children* for additional information about insurance

* * *

Adult Children (under 21)

If you have **any** child 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. Adult children who are attending school at least half-time may seek child support from either or both parents. See Appendix C for more information about a Child Attending School.

You must properly serve each adult child with all the same papers as Respondent (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.

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* 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.

STEP 2: FILING AND SERVICE

File your forms

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* 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 now. 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).

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

- *Petition*
- *Summons*
- *Notice of Filing of Confidential Information Form*
- *Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions Between Unmarried Parents*
- *Parenting Plan* and *Uniform Support Declaration (if you are filing these documents with your* Petition*)* (see Appendices A & B for information)
- Any other forms your local court requires you to serve on Respondent

TANF
OHP
OYA
Foster

If either you or Respondent receives Temporary Assistance to Needy Families (TANF) or the Oregon Health Plan (OHP), or if your children are in foster care or in custody of the Oregon Youth Authority, then you must also send a copy of the filed Petition to the Department of Justice Division of Child Support (DCS). Your county branch office's address can be found at *www.oregonchildsupport.gov/offices*. After you mail the *Petition*, fill out the ***Certificate of Mailing or Delivery to Division of Child Support*** and file it with the court.

SERVICE

You must officially notify Respondent that you have filed a case. 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 respondent the papers yourself, you can use 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 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.

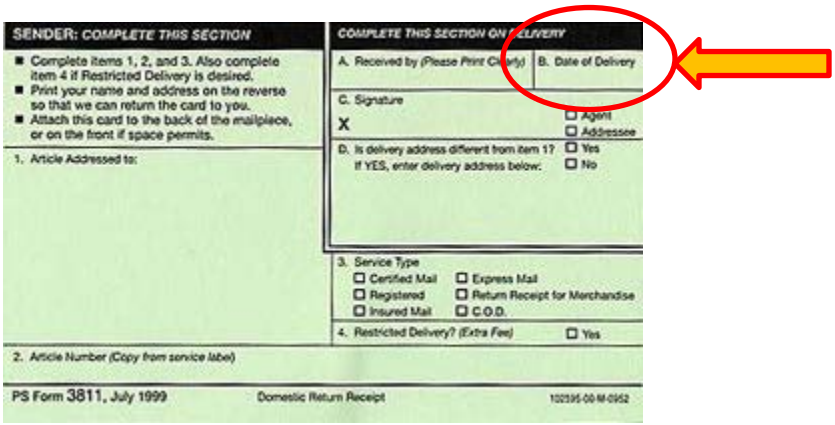
   A ***Certificate of Service*** must be filed with the court by whoever serves the respondent. The certificate must include the date of service and the name of the person served.

2. **Substituted Service:** The process server may leave the papers at the respondent's residence (where he or she normally lives) with someone 14 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 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. **<u>Office Service</u>:** 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. **<u>By Mail</u>:** <u>First</u>, the process server must send the papers to the respondent's home or business address by first class mail. <u>Second</u>, 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.


SENDER: COMPLETE THIS SECTION
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.
1. Article Addressed to:
COMPLETE THIS SECTION ON DELIVERY
A. Received by (Please Print Clearly)
B. Date of Delivery
C. Signature
X
Agent
Addressee
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No
3. Service Type
Certified Mail
Express Mail
Registered
Return Receipt for Merchandise
Insured Mail
C.O.D.
4. Restricted Delivery? (Extra Fee) Yes
2. Article Number (Copy from service label)
PS Form 3811, July 1999
Domestic Return Receipt
102595-00-M-0952

<u>Proof of Service</u>
The Certificates are your <u>proof of service</u>. 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 *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 the *General Judgment*, or dismisses the case. For example, either party may request an order for child 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.

One type of temporary order is called a *Status Quo Order*. This order prevents either parent from changing the children's normal schedules, interfering with parenting time by the other parent, or changing where the children live. This does *not* decide custody or who can make major decisions for the children. "Normal schedule" means the children's schedule for the three months before you file a request for a *Status Quo Order*.

Go to www.*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 *http://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*

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.

Even if you submitted Child Support Worksheets with your *Petition*, you MUST attach worksheets to your *Judgment*, regardless of how you resolve your case.

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 Custody, Parenting Time, and Child Support***

  Note: The *Judgment* must be signed by both parties and all adult children 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 with the court and mail it to the respondent.

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 *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, 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.

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[*] This is an outside site maintained by Cornell University. The Oregon Judicial Department is not responsible for any information on this site. Links may have moved.

➢ **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 Custody and Parenting Time and Child Support***

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 CAREFULLY and note any changes in the spaces provided in the Declaration in Support of Judgment. 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 **91st 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.

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* 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 Custody and Parenting Time and Child Support*** 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. **NOTE:** you must include Child Support Worksheets with your Judgment if child support is awarded.

The judgment finalizes your case and contains all of the issues decided in the mediation, 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 UTCR 5.100(1) for more information about notice and objections.[1]

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.

[1] http://courts.oregon.gov/utcr

Your case 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*.

NOTE: Every document you file must have a mailing address where you will receive documents related to this case. You do NOT need to use your home address. You can use any contact address in the same state as your home. You are responsible for checking your contact address. Notify the court and the other party in writing if your contact address changes.

Appendix A– Custody and Parenting Plans

Joint Custody and Sole Custody

What does "Custody" mean?

- Custody refers to decision-making about a child. Decisions may include the child's residence, health care, education, religion, and other big issues.
- Joint custody means that the parents have agreed to decide major decisions in the child's life together. Joint custody can also occur when parents agree about how to split up major decisions about a child. The court can order joint custody only if both parents agree to all of the terms, including the parenting plan.
- Sole custody means that one parent can make decisions alone. These are legal terms and don't impact how much time each parent has with the child.

Regardless of the custody order, both parents will usually have time with the child (parenting time) and the right to certain information. Both parents have the right to review school records and medical records, and to authorize emergency medical, dental, psychological, or other health care if the other parent is not available, unless the court orders otherwise.

Read ORS 107.137 to see what a court will consider when awarding custody. The most important factor is *always* the best interest and welfare of the *child*.

A **parenting plan** is where you provide a plan for when each parent will actually be with the child (parenting time). Parenting plans can also include specific times for contact. For example, "Mother can call on Fridays between 7pm and 10pm." Parenting time is separate from custody. For example, you can have joint custody with one parent having the child 75% of the time, and you can have sole custody with 50-50 parenting time. See below for more information.

Child support is separate from custody. Either parent can be ordered to pay child support regardless of who has custody or what kind of custody is ordered.

Sole Custody

If sole custody is ordered, the other parent will almost always have some parenting time with the child. The non-custodial parent has equal rights to the child's school records and medical records, and to authorize emergency medical, dental, psychological, or other health care if the other parent is not available, unless the court orders otherwise.

Joint Custody

Joint custody does not mean that every day-to-day activity has to be agreed to, but major decisions must be discussed by the parties.

A joint custody order can also specify certain decisions that can be made by one parent or the other. For example, Mother may be allowed to make decisions about religious training, or Father can made decisions about medical care.

A joint custody order might specify that one parent's home is the child's primary residence, but it's not required.

Parenting Time & Parenting Plans

Parenting time is what some people call 'visitation' – it is the time a child spends with each parent. Parenting time is detailed in a "parenting plan," which is usually focused on the parent who does not have sole or primary residential custody.

Once the court enters a judgment with parenting time included, that time is enforceable like any other court order. Parents can file for an expedited (faster) hearing if the other is not following the parenting time in the judgment.

A parenting plan is required for all cases involving a minor child. The plan sets out the schedule and rules for each parent's time with each child. A parenting plan should be written in the space provided in your *Petition* or attached to it as a separate form.

A parenting plan can be as general or as specific as you need it to be. The judge will expect to see some information about the days and times when children will be picked up and dropped off, and some plan for weekends, holidays, and school breaks. Consider whether you have children with different needs. Children at different ages may need different parenting plans. If you have a child with a medical issue, you may want to consider how the plan will impact care.

BE AWARE that if you do not include enough information in your plan and the other parent does not respond, you may have to serve the other parent with corrected paperwork before you can get a *Judgment*.

The parenting plan may include safety provisions for the child if problems like domestic violence, drug or alcohol abuse, or child abuse are involved in your case.

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/familylaw*. 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.

A mediator can help you create a parenting plan. Your local court may also have a mediation program for parents. A mediator is a neutral person trained to help you come to your own agreement and cannot make decisions for you. Information about mediation and parenting plans may be available through your court's parent education program, the court facilitator, or your local law library. Some courts require you to try mediation before your hearing.

Custody/Parenting Time Evaluation - If parents can't agree on a parenting plan, the court may order the parents to hire a custody or parenting time evaluator. Either or both parents may be ordered to pay for the evaluator.

If you and Respondent don't agree on a parenting plan before trial, the judge will order one.

Appendix B – Uniform Support Declaration

You may need to complete a ***Uniform Support Declaration*** *(USD)* if you and Respondent do not agree on an amount for child 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 child support, do not file the *USD*.

Tips for filling out the *USD*:

- If you are requesting child support for the amount that the Child Support Guidelines recommend, fill out only 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 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 (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 one of your children has a serious medical problem, note it and include a reasonably accurate estimate of the treatment cost.
- Household items are 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* 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 C – Support for a Child Attending School

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 may be entitled to child support until he or she turns 21. "Child Attending School" is defined at ORS 107.108 and does not include children who are married.

IMPORTANT! After an order is made for support of a child attending school, the child *must* remain enrolled at least half-time AND make sufficient academic progress according to the school to qualify as a child attending school and continue to receive support.

NOTE: you can ask the court to extend child support for minor children to cover them when they qualify as Children Attending School. If a child does not immediately enter higher education after high school or drops out of high school, child support will end.

If you have an order that says support continues *if* the child becomes a Child Attending School, the child must notify the payor *before* the child turns 18 that he or she will be attending school, which school, and when the child expects to graduate or stop taking classes. Support generally continues during summers if the child has properly notified the other parent that the child intends to return to school.

The child must also provide consent to the school to release certain information to any parent paying child support. The requirements are at ORS107.108.

Paying Support for a Child Attending School
Support for an adult child is normally paid directly to the child, whether by the payor directly or by DCS. If you have good cause why the child should *not* receive payment, you must explain that in your *Petition*.

There is NO parenting plan or parenting time credit for a Child Attending School who has graduated from high school.

For more information, go to:
http://oregonchildsupport.gov/services/pages/child_attending_school.aspx

Appendix D – Statutory Restraining Order

[Attach to Summons per ORS 109.103(5)]

NOTICE OF STATUTORY RESTRAINING ORDER
PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS BETWEEN UNMARRIED PARENTS

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 109.103(5) 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 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 that one party maintains to provide coverage for a minor child of the parties, or any life insurance policy.

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 8.080.3 in the UTCR Appendix of Forms.

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

Case No: _____

_____
Petitioner

and

_____
Respondent

PETITION FOR CUSTODY AND PARENTING TIME AND CHILD SUPPORT
Filing Fees at ORS 21.155

Claim is not subject to mandatory arbitration

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

- *I need an interpreter:* ☐ *Spanish* ☐ *Russian* ☐ *other:* _____

I, Petitioner, ask the court to grant custody, parenting time, and child support as specified below. I am not married to the respondent in this case.

1. Residency *(check all that apply)*
☐ At least one parent currently lives in the county where this petition is being filed
☐ All of the minor children named in Section 2 live or can be found in the county where this petition is being filed

2. Minor children of Petitioner and Respondent
(list only children born to BOTH parties, not children that one party has with someone else)

Name	**Age**

☐ Additional children listed on page attached titled "Section 2"

3. Parentage *(complete all that apply)*
Parentage (who the legal parents are) has been established for both parties by:

- ☐ petitioner ☐ respondent giving **birth** to *(names)*:_____
- ☐ filing a **Birth Certificate** or **Voluntary Acknowledgment of Paternity form** listing ☐ petitioner ☐ respondent as the parent of children *(names)*: _____
  _____
- ☐ **judicial** order *or* ☐ **administrative/agency** order
  (*court/agency name*): _____ case number _____
  located in *(county/state)* _____

re: ☐ petitioner ☐ respondent for children *(list names)*: _____

_____

➢ ☐ **other** method *(explain)*: _____
re: ☐ petitioner ☐ respondent for children *(list names)*:_____

4. By filing this petition, I acknowledge that I am bound by the terms of the **Statutory Restraining Order (SRO)** prohibiting either party from making certain changes to insurance policies that affect our minor children. I understand that this restraining order is effective as soon as this *Petition* and the *Summons* are served on Respondent.

5. Other Case Information

☐ A No-Contact Order (criminal or other) prohibits Respondent from exercising parenting time
Case # _____ County/State: _____

5A. Pending Cases

Has any other case been started but not yet finished in any state regarding any of the parties' minor children? *(including child support, dissolution (divorce), annulment, separation, custody, paternity, juvenile court, or modification cases)*

☐ No ☐ Yes – as follows

Name of Court or Agency	Case No.	Involves: *(check all that apply)*
		☐ Child Support ☐ Custody/Parenting Time ☐ Restraining Order ☐ Juvenile Dependency/Delinquency

5B. Existing Orders or Judgments

Is there an order or judgment in this or any other state between the parties? *(including child support (whether or not it is currently effective), dissolution (divorce), annulment, separation, custody, paternity, juvenile court, modification, or restraining/protective orders)*

☐No ☐ Yes – as follows *(attach a copy of the signed order or judgment)*

Name of Court or Agency	Case No.	Date Signed	Involves: *(check all that apply)*
			☐ Child Support ☐ Custody/Parenting Time* ☐ Restraining Order ☐ Juvenile Dependency/Delinquency
**Result (if custody/parenting time):*			

☐ Additional information attached

6. Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

You must advise the court if any of this information changes

6A. Other than any cases listed above, have you participated in any case about the CUSTODY or PARENTING TIME (visitation) of the minor children named in this case? *(include cases that were filed but dismissed or denied by the court, and any cases filed by or against someone other than the Petitioner and Respondent in this case.)*

☐ No ☐ Yes – as follows:

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

6B. Do you 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)*

☐ No ☐ Yes – as follows:

Name of Court	State	Case No.	Type of Case	Affected Children

6C. List the places where the **minor** children have 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:
		☐ Petitioner ☐ Respondent ☐ Other: _____
		☐ Petitioner ☐ Respondent ☐ Other: _____

Residences:

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

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

Additional Caregivers:

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

6D. ☐ The children listed in Section 2 have continuously lived in Oregon for the six months before the filing of this *Petition*, except for the children named below

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

There is another basis for Oregon to address these children. *Explain:*_____

_____

_____

6E. ☐ I do not know any person other than 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. Custody and Parenting Time

Custody of the children should be awarded as follows:

☐ Parties should have joint custody of the following children *(list names)*: _____

_____

☐ I should be awarded sole custody of the following children *(list names)*: _____

_____

☐ Respondent should be awarded sole custody of the following children *(list names)*:__

_____

Parenting time should be awarded ☐ as set forth in the attached **Parenting Plan**, labeled Exhibit _____ ***or*** ☐ as follows _____

_____

_____

_____

☐ Parenting time should be supervised by _____

☐ Any cost of the supervision should be paid by ☐Petitioner ☐Respondent ☐Other: _____

☐ Respondent should not be granted parenting time because this would endanger the health or safety of the children. **State supporting facts:** _____

_____

_____

Relocation

☐ I should be allowed to move more than 60 miles further distant from the respondent without advance written notice because good cause exists *(explain)*:_____

_____

_____

Contact Information

☐ I should not be required to provide contact information to Respondent or to contact Respondent in case of emergency circumstances or substantial change in the health of the children ***because***: _____

_____

Parental Authority under ORS 107.154

☐ Respondent should not have authority under ORS 107.154 *(explain)*:_____

_____

_____

8. Support

A. Child Support

☐There **IS** an existing child support order in the monthly amount of $_____
from *(county, state)* _____
The court case # is _____ and the Child Support Program (CSP)# is_____

☐ I *do not* want to change this amount *(skip to section 8D, below)*

☐ I *do* want to change this amount because circumstances have changed significantly since the order was issued. *Explain the change*_____

_____

_____

_____

(fill in the sections below with the new amount you are requesting)

(or)

☐ There **IS NOT** an existing child support order from any other court or agency

☐ I *am not* requesting child support *because*_____

_____

_____

(skip to section 8E, below)

☐ I *am* requesting child support *(fill in the sections below)*

i. ☐ **Support** *(including Cash Medical Support, see instructions)* **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 *(explain why and complete section ii, below)*:_____
_____
_____
_____

ii. 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 *Petition*

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 as reflected on the child support guideline worksheets attached to this petition ***(or)***
☐ different from the amount presumed correct by the child support guidelines because the guideline amount would be unjust or inappropriate *(explain)*_____
_____
_____
_____

B. Medical Support

☐ Medical support has already been ordered in another case as noted in Section 4 above
☐ The existing order should not be changed *(skip to Section ii. below)*
☐ The existing order should be changed *(fill out the sections below)*. I have also requested a change of child support above.

If medical support has not been ordered in another case, complete sections below

i. Health Insurance Coverage:

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

Cash Medical Support

(*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)*

Cash Medical Support should **not** be ordered because:
☐ Support is presumed to be unavailable for the reason marked in Section 8.A.i, above *(Note: if you asked that support be awarded anyway, do not mark this box)*
☐ the parent paying child support has income at or below Oregon's minimum wage for full-time employment, so cash medical support should not be ordered
☐ The children's medical needs will be met by the *Uninsured Medical Expenses* provision below
☐ Other *(explain)*: _____

ii. Uninsured Medical Expenses

☐ Uninsured medical expenses should not be awarded

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

C. Payment

How should payments be made?

I understand that payments will be made by income withholding unless an exception applies

☐ 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)*_____

_____

_____

Where should payments go?

☐ 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. Deposit receipts should be kept by the paying parent as proof of payment. 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)

Adult Child Attending School

The Division of Child Support (DCS) should pay support for an adult child attending school directly to the child unless good cause exists for payment to be made another way

☐ GOOD CAUSE exists for DCS not to pay support directly to a child attending school *(explain)*:_____

_____

_____

D. Length of child support

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

E. Tax Dependents

(Note that the 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. Speak to a lawyer or tax professional.)

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

List names:_____

_____

or

☐ Other *(specify)*: _____

_____

F. Life Insurance Coverage for 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 $_____

9. Additional Provisions _____

_____

_____

☐ Additional page attached titled "Section 9-Additional Provisions"

10. A *Confidential Information Form* (CIF) has been completed and filed with the court clerk containing all information required by ORS 107.085 that is identified as confidential by UTCR 2.130 for: ☐ Petitioner ☐ Respondent ☐ each adult child

11. Court Costs and Fees for this case (whether paid or deferred)

☐ 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 should reimburse Petitioner for court costs and service fees paid

☐ Other: _____

I request a judgment granting the relief asked for above, and other equitable relief that the court finds just.

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
	Print Name

Contact Address	City, State, Zip	Contact Phone

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

Case No: _____

_____
Petitioner

and

_____
Respondent

SUMMONS FOR FAMILY LAW CASE

☐ **Marriage**
☐ **Registered Domestic Partnership (RDP)**
☐ **Unmarried & Unregistered**

To *(name)*: _____

Home Address:

_____
_____
_____

Work Address:

_____
_____
_____

Your spouse, partner, or child's parent has filed a *Petition* asking for:

- ☐ Separation of your marriage or Registered Domestic Partnership (RDP)
- ☐ Divorce or dissolution of your marriage or Registered Domestic Partnership (RDP)
- ☐ Child Support, custody, or parenting time

NOTICE TO RESPONDENT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear," you must file a legal paper called a "*Response*" or a motion. *Response* forms are available through the court above or online at *www.courts.oregon.gov*. Talk to a lawyer for information about appearing by motion.

Your *Response* must be filed with the court clerk at the court named above **within 30 days of the day you received this *Summons*,** along with the required filing fee (go to *www.courts.oregon.gov* for fee information). It must be in proper form and you must show that the Petitioner's lawyer (or the Petitioner if he or she does not have a lawyer) was formally served with a copy of the *Response* according to the service rules. Service rules are included in *Instructions for Respondents*, available at *www.courts.oregon.gov*.

If you have questions, see a lawyer immediately. If you need help finding a lawyer, you can call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or toll free in Oregon at 800.452.7636, or go *to www.oregonstatebar.org*.

_____
Date

_____
Petitioner Signature

_____
Name (printed)

_____
Contact Address | City, State, ZIP | Contact Phone

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

_____
Petitioner

and

_____
Respondent

☐ _____
Unmarried children age 18, 19, or 20 years old (per ORS 107.108)

Case No: _____

CONFIDENTIAL INFORMATION FORM

☐ Amended CIF

UTCR 2.130

Submitted by: ☐ Petitioner ☐ Respondent ☐ other: _____

Information about *(name)*:_____
(first, middle, last) ☐ Petitioner ☐ Respondent ☐ other: _____

Date of Birth:	Social Security Number:
Driver License (Number and State):	
Former Legal Names:	
Employer's Name, Address, and Phone:	

Minor children of the parties:[1]

Name:	Date of Birth:	Social Security Number:

☐ Additional page attached

[1] The names of parties and children, and children's ages are not confidential. This form can only be viewed by the party who files it unless the court orders otherwise.

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

_____
Petitioner

and

_____
Respondent

☐ _____
Unmarried children age 18, 19, or 20 years old (per ORS 107.108)

Case No: _____

CONFIDENTIAL INFORMATION FORM

☐ Amended CIF

UTCR 2.130

Submitted by: ☐ Petitioner ☐ Respondent ☐ other: _____

Information about *(name)*:_____
(first, middle, last) ☐ Petitioner ☐ Respondent ☐ other: _____

Date of Birth:	Social Security Number:
Driver License (Number and State):	
Former Legal Names:	
Employer's Name, Address, and Phone:	

Minor children of the parties:[1]

Name:	Date of Birth:	Social Security Number:

☐ Additional page attached

[1] The names of parties and children, and children's ages are not confidential. This form can only be viewed by the party who files it unless the court orders otherwise.

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

_____ **Case No:** _____
Petitioner

and

NOTICE OF FILING OF CONFIDENTIAL INFORMATION FORM (CIF)

_____
Respondent

☐ Amended CIF

and

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

I filed Confidential Information Forms with the court about the following parties to this case as required by Uniform Trial Court Rule (UTCR) 2.130 *(Use first, middle, last names below)*:

1) My Name:_____
☐ Petitioner ☐ Respondent ☐ Other:_____

Containing (check all that apply):
☐ Social Security Number (SSN) ☐ Date of Birth (DOB) ☐ children's SSN ☐ children's DOB
☐ employer's name, address, and phone number ☐ driver license number
☐ former legal names

2) Name: _____
☐ Petitioner ☐ Respondent ☐ Other:_____

Containing (check all that apply):
☐ SSN ☐ DOB ☐ children's SSN ☐ children's DOB ☐ employer's name, address, and phone number ☐ driver license number ☐ former legal names

3) Name: _____
☐ Petitioner ☐ Respondent ☐ Other:_____

Containing (check all that apply):
☐ SSN ☐ DOB ☐ children's SSN ☐ children's DOB ☐ employer's name, address, and phone number ☐ driver license number ☐ former legal names

4) Name: _____
☐ Petitioner ☐ Respondent ☐ Other:_____

Containing (check all that apply):
☐ SSN ☐ DOB ☐ children's SSN ☐ children's DOB ☐ employer's name, address, and phone number ☐ driver license number ☐ former legal names

_____ _____
Date Signature

_____
Name (printed)

_____
Contact Address City, State, ZIP Contact Phone

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

_____ **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
☐ Claim
☐ Complaint
☐ Summons
☐ Information on mediation
☐ 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
☐ 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

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

_____
Petitioner

and

_____
Respondent

Case No. _____

CERTIFICATE OF MAILING OR DELIVERY TO DIVISION OF CHILD SUPPORT

I certify that on *(date)* _____, I ☐ hand-delivered ***or*** ☐ mailed by first-class mail a true copy of the *Petition* in the above domestic relations case to the local branch office of the Department of Justice, Division of Child Support at (*list address*): _____

_____

_____

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

_____
Date

_____
Signature {☐ Petitioner ☐ Respondent}

_____
Name (printed)

_____
Contact Address City / State / ZIP Contact Phone

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

Case No:
_____

_____
Petitioner
and
_____
Respondent

CERTIFICATE OF SERVICE
(ORCP 7D(2))
☐ (a) Personal Service
☐ (b) Substitute Service
☐ (c) Office Service
☐ (d) Service by Mail

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
☐ 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.)*

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 _____

_____
Petitioner

and

_____
Respondent

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

Case No: _____

DECLARATION SUPPORTING GENERAL JUDGMENT OF CUSTODY, PARENTING TIME, AND CHILD SUPPORT

The *Petition* was filed in the county where ☐ Petitioner ☐ Respondent ☐ Child resided at the time of filing

The statements made in the Petition remain true and accurate *except:*

Section Number	Explain

☐ Additional page attached

Minor Children

List all minor children of both parties (under age 18) (do not list children that one party has with another person)

Name of Child	Age	Currently lives with (Name, Address or Contact Address)	For how long

☐ Additional children listed on page attached titled "Additional Children"

☐ **Child support** has been requested. The information included in that worksheet is true and accurate to the best of my knowledge. *(Attach the worksheets to the General Judgment)*

☐ The parent who should pay child support ("payor") does **not** live in Oregon **but** *(check all that apply)*

- ☐ Was personally served with the *Petition* in Oregon
- ☐ Filed a response in this case
- ☐ Lived in Oregon with at least one of the children

☐ Lived in Oregon and paid for prenatal or other costs for at least one of the children
☐ At least one child lives in Oregon as a result of an act or instruction by the payor
☐ At least one child may have been conceived in Oregon
☐ Claimed parenthood on a Voluntary Acknowledgment of Paternity
☐ Both parties lived in Oregon for at least 6 months and the non-resident party moved out of Oregon less than one year before the *Petition* was filed in this case
☐ There is another basis for jurisdiction *(explain)*: _____

_____

I ask the court to enter judgment without a hearing under ORS 107.095(4) *because:*

☐ Respondent has not appeared and an *Order of Default* has been entered
☐ Respondent has stipulated (agreed) to the terms of the *Judgment*
☐ Respondent signed a *Waiver of Appearance and Consent to Entry of Judgment*

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 as evidence in court I am subject to penalty for perjury.

Submitted by ☐ Petitioner ☐ Respondent

Date	Signature
	Print Name

Contact Address	City, State, Zip	Contact Phone

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

_____ Petitioner

and

_____ Respondent

and

☐ _____
Unmarried Children 18, 19, or 20 years old *(full names)*

Case No: _____

GENERAL JUDGMENT OF CUSTODY AND PARENTING TIME AND CHILD SUPPORT

This document was presented to the court:

☐ On the motion and declaration of Petitioner, the default of Respondent having been found
☐ and Respondent being represented by a guardian ad litem or other person described in Oregon Rules of Civil Procedure, Rule 27

☐ On the stipulation of the parties, as shown by the signatures at the end of this *Judgment*

☐ After a hearing held _____(*date*), at which the following persons were present:
☐ Petitioner ☐ Petitioner's attorney _____
☐ Respondent ☐ Respondent's attorney _____
☐ Other _____

Children 18, 19, or 20 Years of Age

☐ Waived further appearance in these proceedings: *(names)* _____
☐ Fully participated in the proceedings and are bound by the terms of this judgment: *(names)*_____
☐ Signed and stipulated to the terms of this judgment as shown by the signature below

FINDINGS:

The court considered the: ☐ Declaration ☐ Stipulations ☐ Evidence presented and finds that:

A. The parties were not married to each other at the time the *Petition* was filed

B. Children of the Parties *(list only children legally recognized as children of both parties together; do not list children either party has with another person)*

Name	Year of Birth	Age

☐Additional page attached titled "Findings B – Children of the Parties"

C. Child Custody Jurisdiction

☐ Oregon has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to decide custody and parenting time matters because:

☐ Oregon is the children's home state (all of the children have lived here continuously for the six month period immediately before this case was filed)
☐ Other:_____
_____

☐ Oregon does not have jurisdiction under the UCCJEA because:
_____
_____

D. Paternity has been established for the children listed in Section B

The court grants judgment as follows:
The terms of this judgment are effective upon entry in the court register

NOTICE ABOUT PARENTING TIME AND CHILD SUPPORT

The terms of child support and parenting time (visitation) are designed for the child's benefit and not the parents' benefit. You must pay support even if you are not receiving parenting time. You must comply with parenting time and visitation orders even if you are not receiving child support.

Violation of child support orders and visitation or parenting time orders may result in fines, imprisonment, or other penalties.

Help may be available to establish, enforce, and modify child support orders. Paternity establishment services are also available. Contact your local district attorney, the domestic relations court clerk, or the Department of Justice at 1.800.850.0228 or 503.378.5567 for information.

Help may be available to establish, enforce, and modify parenting time or visitation orders. Forms are available to enforce parenting time or visitation orders. Contact your local court for information.

1. Custody and Parenting Time
Custody of the children is awarded as follows:
☐ Petitioner and Respondent have **joint** custody of the following children: _____
_____

☐ Petitioner is awarded **sole** custody of the following children *(names)*:_____
_____
☐ Respondent is awarded **sole** custody of the following children *(names)*: _____
_____

Parenting time is awarded
☐ as described in the attached **Parenting Plan**, labeled Exhibit _____ ***or***
☐ to ☐ Petitioner ☐ Respondent as follows _____
_____
_____

_____

_____

☐ Parenting time will be supervised by _____

☐ Any cost of supervision must be paid by ☐ Petitioner ☐ Respondent

☐ Other: _____

☐ Petitioner ☐ Respondent must not have parenting time because this would endanger the health and safety of the children

2. Relocation

☐ Neither parent may move more than 60 miles further distant from the other parent without giving the other parent reasonable notice of the change of residence and providing a copy of such notice to the court

or

☐ The requirement of ORS 107.159 regarding notice of relocation is suspended for good cause

3. Contact Information

☐ Parents must both provide contact addresses and contact telephone numbers to each other and notify each other of any emergencies or substantial changes in the children's health

☐ Good cause exists to suspend the obligation of the parties to provide contact information to each other

4. Parental Authority under ORS 107.154

☐ The non-custodial parent's authority under ORS 107.154 is suspended for good cause

5. Child and Medical Support and Life Insurance for Children

A. <u>Child Support</u>

<u>Existing Child Support Obligation</u>

(*list court/agency, case number, and date of prior child support orders and judgments:* _____

_____

☐ No action is taken by this judgment regarding any prior child support order or judgment

☐ This judgment **does not** replace any existing child support order or judgment. Payment amount and schedule remain as ordered on *(date of order or judgment)*:_____

☐ any arrears accumulated under the continued order or judgment remain due

☐ This judgment **replaces** the existing child support obligation because the existing orders and judgments were issued by an Oregon court or agency, one of the parents or children receiving support still resides in Oregon, and circumstances have changed since the orders were entered. Support is due as detailed in the "Support Order" section below.

☐ any arrears accumulated under the continued order or judgment remain due

☐ Other:

Presumed Inability To Pay Under ORS 25.245

☐ The parent who would pay support is presumed to be unable to pay because that parent:
☐ 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

☐ The presumption **has not been rebutted** and **no** child support (including cash medical support) is ordered

☐ The presumption **has been rebutted**, and support **is ordered** as detailed in the "Support Order" section below for the following reasons:_____
_____

Support Order

☐ **No support** is ordered for reasons other than the presumption of inability to pay or continuation of an existing order or judgment
(explain):_____

or

☐ **Support must be paid:**

By ☐ Petitioner ☐ Respondent

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

On the first day of each month

Starting ☐ the month following entry of this judgment *or*
☐ the date of service of this *Petition*

The total monthly amount due is: $_____ *(Child Support Worksheets are attached and incorporated, labeled Exhibit _____)*

This amount is:
☐ the amount presumed to be appropriate under the support guidelines
☐ different from the presumed appropriate amount of $_____ because the presumed amount is unjust or inappropriate *(explain)*: _____
_____

B. Medical Support

☐ Medical support has already been ordered in another case ☐ as listed in Section 5A, above *or* ☐ from _____county. The court case # is _____ _____ and the Child Support Program CSP# is _____
☐ The existing order is not changed
☐ The existing order is terminated. Medical support is ordered as follows.

i. Health Insurance Coverage

☐ Petitioner ☐ Respondent is ordered to keep insurance throughout the period of the child support obligation

ii. Cash Medical Support

☐ Cash Medical Support is ordered in the amount of $_____ per month because health insurance coverage is not available. Cash Medical Support is payable by the parent ordered to pay child support on the same schedule.

☐ The paying parent is ordered to provide Cash Medical Support only when not providing private health insurance for the children

☐ Cash Medical Support is **not** ordered because:

☐ Support is presumed to be unavailable for the reason marked above and the presumption has not been sufficiently rebutted

☐ The parent paying child support has income at or below Oregon's minimum wage for full-time employment, so cash medical support should not be ordered

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

☐ Other *(explain)*: _____

CHANGES TO HEALTH INSURANCE AVAILABILITY

Both the payor and the recipient of child support **must** notify the Division of Child Support (DCS) in writing of any change in the availability of health insurance within **10 days** of the change if collection services are provided by DCS.

iii. Uninsured Medical Expenses

☐ Uninsured medical expenses are not awarded

Or

☐ Petitioner must pay _____% and Respondent must pay _____% of the unreimbursed costs of the children's reasonable medical, dental, and vision care. This does not include ordinary nonprescription expenses like bandages, vitamins, and copays for regular checkups, which the parents must 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 is **in addition** to any child support and cash medical support ordered above

C. Payment

NOTICE OF INCOME WITHHOLDING

This child support order is enforceable by income withholding under ORS 25.378 to 25.390, 25.414 to 25.372, and 25.375. Withholding shall occur immediately whenever there is an arrearage at least equal to the support payment for one month, whenever the obligated parent requests such withholding, or whenever the obligee requests withholding for good cause. The District Attorney or, as appropriate, the Division of Child Support of the Department of Justice, will assist in securing such withholding. Exceptions may apply in some circumstances.

☐ **Income withholding** is not ordered at this time because there is no support arrearage, the paying parent has not previously been granted an exemption from withholding ***and***

☐The parents (or the State, if support rights are assigned) have agreed in writing to an alternative arrangement which is approved by the court; ***or***
☐ Good cause not to require withholding is found because there is proof of timely payment of previously-ordered support and income withholding would not be in the best interests of the child

In all cases, select one of the following:

☐ All support payments must 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 must be deposited to the recipient's checking or savings account. The receiving parent is ordered to provide the paying parent with current deposit slips or bank name, account name, and account number.
Or
☐ Other *(explain)*_____
_____

Adult Child Attending School
The Division of Child Support will pay support for an adult child attending school directly to the child unless good cause exists for payment to be made another way
☐ GOOD CAUSE exists not to pay support directly to a child attending school
Payments must be made to ☐ Petitioner ☐ Respondent in the amount of $_____ per month

D. Length of child support

Support ends when the last child becomes self-supporting, emancipated, or married, ***or*** *(check one)*:
☐ reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21
☐ reaches age 18

E. Tax Dependents

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

As between the parties, ☐ Petitioner ☐ Respondent may claim the following children as dependents for tax purposes beginning with the **tax** year this judgment is entered. The other parent must complete any IRS waivers or forms necessary to accomplish this judgment in each tax year and must not file contradictory tax returns.
List names:_____
_____
or
☐ Other *(specify)*: _____
_____

F. Life Insurance Coverage for Children

☐ The party paying support must carry life insurance for the benefit of the parties' children throughout the period of the support obligation if he or she is insurable. The coverage must be at least $_____. The party paying support must provide to the party receiving support a true copy of the policy. The party paying

support must also provide to the party receiving support written notice of any action that will reduce the benefits or change the designation of the beneficiaries under the policy.

(or)

☐ Neither party is ordered to carry life insurance for the benefit of the parties' children

6. Additional Provisions _____

_____

_____

_____

☐ Additional page attached titled "Section 6"

NOTICE ABOUT PERIODIC REVIEWS

If you are receiving child support services through the Department of Justice, either parent may request that the Department of Justice/Division of Child Support review the amount of support ordered after 3 years from the date the order took effect or at any time upon a substantial change of circumstances.

7. Court Costs and Fees Whether Paid Or Deferred

☐ Each party is responsible for paying his or her own court costs and service fees

☐ Petitioner ☐ Respondent will reimburse the other party $_____for costs and fees

☐ Judgment is awarded to the State of Oregon for deferred costs or fees of $_____

☐ Other: _____

8. Information Required by ORS 25.020

As required by UTCR 2.130, a *Confidential Information Form (CIF)* has been completed for each party and filed with the court. The CIF contains all information required by ORS 25.020 that is identified as confidential by UTCR 2.130.

Both parties must inform the Court and the Department of Justice (P.O. Box 14506, Salem, Oregon 97309) in writing of any change in the information within ten (10) days of such change. The Department of Justice or the District Attorney may not disclose the information in the CIF to the other party.

Money Award Child Support Obligation ☐ included ☐ not included

	PETITIONER	RESPONDENT
Full Name		
Contact Address		
Year of Birth		

Social Security # (last 4 digits)		
Driver License # (last 4 digits) and State		
Lawyer Name, Address, Phone #		

NOTE: a party RECEIVING a money award is the JUDGMENT CREDITOR; a party PAYING a money award is the JUDGMENT DEBTOR.

- *If an adult child is awarded support to be paid directly to the child **AND** there is no support awarded for minor children of the parties, or if the judge tells you that the adult child is a Judgment Creditor, fill out this box:*

☐ The adult child named *(full name and contact address)*_____
_____
is a judgment creditor on this judgment
Adult child's lawyer's name, address, phone #:_____
_____

The following information must be provided by any party entitled to receive a money award as listed in this Judgment	
	The following person or public body is known to be entitled to a portion of a payment made on the judgment (other than payee's lawyer):
Petitioner	☐ None *or* ☐ Name: _____ _____
Respondent	☐ None *or* ☐ Name: _____ _____
Adult Child Name: _____	☐ None *or* ☐ Name: _____ _____

Type of Judgment		**Amount**	**Beginning / Ending**
Child Support	WHO PAYS ☐ Petitioner ☐ Respondent	$_____ per month for cash medical support ***and*** $_____ per month for child support	Beginning the first day of the month following entry of this judgment *or* ☐ the date of service of the *Petition (date)*_____ *or* ☐ Other _____ and due on the first day of each month thereafter

Type of Judgment		Amount	Beginning / Ending
	WHO RECEIVES ☐ Petitioner ☐ Respondent ☐ Adult Child		Ending when the last child turns ☐ 18 *or* ☐ 21 (if the child remains a Child Attending School)
☐ Prejudgment Interest	WHO RECEIVES ☐ Petitioner ☐ Respondent	$_____	
Post-judgment Interest	WHO RECEIVES ☐ Petitioner ☐ Respondent	9% per year simple interest on the unpaid balance of the total judgment amount of $_____	Interest accrues from the date the judgment is entered and continues until the judgment is fully paid
☐Court Costs and Service Fees paid	WHO PAYS ☐ Petitioner ☐ Respondent	Checked party reimburses the other party's costs and fees of: $_____ Directly to the awarded party	
☐ Deferred Court Costs and Service Fees	WHO PAYS ☐ Petitioner ☐ Respondent	Checked party must pay deferred costs and fees of: $_____ To the State of Oregon through this court	

Judge Signature:

_____ _____

Certificate of Readiness

This proposed judgment is ready for judicial signature because *(check all that apply)*:

☐ Service is not required under UTCR 5.100. ☐ The other party has been found in **default** or an order of default is being requested with this proposed judgment; ☐ this judgment is submitted **ex parte** as allowed by statute or rule; or ☐ this judgment is being submitted in **open court** with all parties present.

☐ Each party affected by this judgment has **stipulated** to or approved the judgment, as shown by the signatures on the judgment.

☐ I have **served** a copy of this judgment and written notice of the 7-day objection period set out in UTCR 5.100 on all parties entitled to service *(complete service information below)*. ***And:***

☐ No objection has been served on me within that time frame.

☐ I received objections that I could not resolve with the other party despite reasonable efforts

to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.
☐ After conferring about objections, the other party agreed to file any remaining objection with the court.

Certificate of Service under UTCR 5.100

I certify that on *(date)*: _____ I placed a true and complete copy of this proposed *Judgment* in the United States mail to *(name)* _____ at *(address)* _____

_____

Submitted by: ☐ Petitioner ☐ Respondent

_____ _____
Signature Print Name

I understand that I am subject to penalty for perjury for giving false information to the court. All factual information in this Judgment is true to the best of my knowledge and belief. I agree to the terms of this Judgment. I understand that this Judgment is enforceable by the court.

_____ _____
Petitioner, Signature Date

_____
Petitioner, Name (printed)

☐ Respondent stipulates (agrees) to the terms of this judgment

_____ _____
Respondent, Signature Date

_____
Respondent, Name (printed)

_____
Contact Address City, State, Zip Contact Phone

☐Child 18, 19, or 20 years of age stipulates (agrees) to the terms of this judgment

_____ _____
Child, Signature Date

_____
Child, Name (printed)

_____
Contact Address City, State, Zip Contact Phone

Optional: **APPLICATION FOR FULL CHILD SUPPORT PROGRAM SERVICES:** By signing below, I apply for child support services, including enforcement, from the Child Support Program (CSP). If you never received TANF, tribal TANF or AFDC in any state, an annual $35 fee will apply if over $550 is collected and distributed to the family each year.

☐Petitioner, Signature	Date
☐Respondent, Signature	Date
☐Adult Child, Signature	Date

NOTICE OF PROPOSED JUDGMENT OR ORDER

To be sent to all other parties before submitting proposed Judgment or Order to the court for signature. Send the Judgment or Order to the other party with this Notice at least 7 days before submitting it to the court. This does not apply to judgments submitted with a Motion for Order of Default or after an Order of Default has been granted.

This notice is to inform you that you can object to the attached proposed *Judgment* or *Order*.

Uniform Trial Court Rule (UTCR) 5.100[1] allows you to object to the proposed judgment or order. If you have no objections, you can sign the last page and return it to me.

If you do object to any of the terms of the judgment or order, you may:

1) Contact me within 7 days of the date of this notice. If you contact me and we are not able to resolve your objections after reasonable efforts, I will include your objections with the proposed judgment or order when I submit it to the court.

or

2) Submit your objections directly to the court. If you intend to submit your objections directly to the court, notify me within 7 days of the date of this notice so that I can inform the court of your intentions when I submit the proposed judgment or order. If you do object to the proposed order or judgment, you must contact me within 7 days of the date of this notice.

_____ _____

Date Signature

_____

Name (printed)

_____

Address City/State/Zip Phone

[1] http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx

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

_____
Petitioner

and

_____
Respondent

Case No: _____

EX PARTE MOTION FOR ORDER OF DEFAULT and DECLARATION IN SUPPORT

Motion

Based on the attached *Declaration*, Petitioner requests that this court grant an *Order* entering the default of Respondent and directing entry of judgment.

Statement of Points and Authorities

ORCP 69 requires the court or clerk to enter an order of default on a showing by affidavit or declaration that a party against whom a judgment is sought has been served with Summons or is otherwise subject to the jurisdiction of the Court and has failed to plead or otherwise defend within the time set by law.

Declaration

Respondent was served with the *Summons*, *Petition* and other documents required by law in _____ County, State of _____, on *(date)* _____ and has not made an appearance within the time required by law.

☐ Respondent has not provided me with written notice of intent to appear.
or
☐ Respondent provided me with written notice of intent to appear **and** I filed and served written notice of intent to apply for default at least 10 days before filing this motion, or fewer days as permitted by the court.

Respondent is not now, and was not at the time of the service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005,

and *(check one of the following):*

☐ The Respondent **is not** now, and was not at the time of service of the *Petition* and *Summons*, in active military service of the United States. *Provide facts supporting this statement*:_____
_____
_____

☐ The Respondent **is** now, or was at the time of service of the *Petition* and *Summons*, in active military service of the United States. Respondent has waived his or her rights under the Servicemembers' Civil Relief Act, as shown by the attached waiver, labeled Exhibit _____ .

☐ I am unable to determine whether or not Respondent is now, or was at the time of the service of the *Petition* and *Summons*, in active military service of the United States.
*Provide any facts you do know:*_____

I request the relief specified in the attached *Judgment*.

Costs and fees are allowable under ORS 107.105(1)(j) or 107.490(4).

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
	Name (printed)

Contact Address | City, State, ZIP | Contact Phone

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

_____
Petitioner

and

_____
Respondent

Case No: _____

ORDER ON MOTION FOR DEFAULT

Petitioner's *Motion for Order of Default and Entry of Judgment* is:

☐ granted

☐ denied

_____ _____

Certificate of Readiness under UTCR 5.100 This proposed judgment is ready for judicial signature because service is not required under UTCR 5.100 because this judgment is submitted ex parte as allowed by statute or rule