FILING FOR SEPARATION WITH CHILDREN

TABLE OF FORMS

1. Starting your Case *(See the last box of this table for additional forms you may need)*

___ Petition for Separation
___ Summons
___ Notice of Statutory Restraining Order Preventing Dissipation of Assets
___ Confidential Information Form (CIF) *(one for each party and each adult child)*
___ Notice of CIF Filing
Optional:
___ Fee Deferral or Waiver Application and Declaration

2. Notifying the Other Party

___ 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 Separation
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 Separation
Or
By Hearing:
___ General Judgment of Separation

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

___ Uniform Support Declaration
___ Child Support Worksheets *(if you are requesting child support)*
___ Parenting Plan
___ Statement of Assets and Liabilities
___ Waiver of Personal Service
___ Waiver of Further Appearance and Consent to Entry of Judgment *(for adult children)*
___ Parenting Class Completion Certificate *(if required by your court)*
___ End-of-case Fee Waiver Application & Declaration

What these forms do

This set of forms will help you to get a legal separation if you have children under 18. Separation is not the same as divorce. If you have *only* children over 18 and under 21 who are in school, use the *Separation with Adult Children Only* forms *(not yet available. Talk to a lawyer if you only have children 18, 19, or 20)*.

TALK TO A LAWYER BEFORE USING THESE FORMS IF:

- You are not sure whether separation or dissolution (divorce) is the right choice for you

- You are part of a **same-sex couple** AND:
  - You are married, have a civil union, or registered in another state
  - You are married, have a civil union, or registered in another state *in addition* to Oregon
  - You registered as domestic partners in Oregon ***before February 4, 2008***
  - You are unsure if your partnership is a Registered Domestic Partnership (RDP)
  - If either of you is not the biological or adoptive parent of one of your children, see a lawyer before using these forms, even if both of your names are on the birth certificate. You may need to complete an additional step to get a "Declaration of Parentage" for full legal recognition of your parenting rights. Click *here*[1] for more information.
  - If you want partner support and either party lives in (or may move to) another state

- You want to *divide* the **retirement benefits** of either party

- Either party is a debtor in a current **bankruptcy** case

[1] http://www.osbar.org/public/legalinfo/LGBTRights.html

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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.

Symbols used in this form:

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

Notice about these instructions and forms

These instructions are not a complete statement of the law. They cover basic procedures for simple separation 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.

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).

You can also file as Co-petitioners. Talk to a lawyer if you want to file as Co-petitioners.

Information about Separation

- **Duration** - Legal separation can be for a specific period of time (**limited**), or it can have no set end time (**unlimited**). A limited separation will end when the judgment says so, and your marriage or Registered Domestic Partnership (RDP) will be fully intact. Even in a separation of unlimited duration, you may still get divorced or get back together, but you will need to have the court legally change your relationship.

- **Petition and Judgment** - A separation 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. Your separation is effective once the judge signs the judgment. *(See "The Judgment" section for more details about the terms of your judgment)*
  - **NOTE:** the general judgment in this case will create rights and responsibilities that may become permanent. Custody, parenting time, and support orders often can be modified later, but property orders usually can't. Talk to a lawyer if you have questions about these issues.

- **Divorce** - When considering a separation, think about your long-term goals. You can convert a separation into a dissolution (divorce) within 2 years of the judgment of separation. After the judgment, conversion requires an additional legal procedure, filings, fees, and appearances. Talk to a lawyer if you have concerns or need advice about the best course to take.

- **Contact Information** - 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.**

WHO IS A "CHILD"?

- "Child" means any child who was born, conceived, or adopted during this marriage or Registered Domestic Partnership (RDP). It also includes any children of both Petitioner and Respondent who were born prior to the marriage or RDP.
- 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 and the respondent have any children together who are **18, 19, or 20 years old**, each child is a "necessary party" to this case until his or her 21st birthday. Each child ***must*** be included in your filings and properly served with all documents. A 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 *(see above)*, child support may be ordered for that child **as long as** the child is attending school. See Appendix E for more information.
    - If you have children **under** 18 **AND** at least one child 18, 19, or 20, use these forms
    - If you have **ONLY** children 18, 19, or 20, use the *Petition for Separation With Adult Children Only (coming soon, talk to a lawyer)*
    - If you only have children 21 or older, use the *Petition for Separation with No Children*

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.

STEP 1: STARTING YOUR CASE

Keep In Mind:

- Issues involving the debts of separated couples are complicated. Talk to a lawyer if either of you might declare bankruptcy, especially for Registered Domestic Partners (RDPs). Your judgment of separation affects you and the respondent, but does NOT bind your creditors. Either party may still be responsible for the debts, in spite of this judgment.
  - ✓ Talk to a lawyer if you or Respondent is already in bankruptcy. The court may not be able to proceed with your separation until the bankruptcy is resolved.

- **Registered Domestic Partners** should see a lawyer if partner support is requested and either party might move out of state. If the new state does not recognize RDPs, you may have trouble collecting partner support.
  - ✓ Note: Only same-sex couples can have Registered Domestic Partnerships

- You may be entitled to part of the respondent's retirement benefits. See the "Property and Debts" section for important information. You may lose this right if you do not include it in your *Petition*.

- If Respondent provides health or other insurance for you, check with each carrier to find out if coverage can be continued during your separation. If so, you must include this in your *Petition* and *Judgment*. Talk to a lawyer if you have any concerns about continuing coverage.

Legal Questions

➢ **Where to File**
- Marriage – you must file in a county where either you or your spouse lives at the time you file.
- RDP – you must file in a county where either you or your partner lives. If neither of you lives in Oregon but your RDP was registered here, you can file in the county where either of you last lived.

➢ **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***") to the *Summons* and serve it on the respondent.

- The statutory restraining order prevents *either party* from:
  - Dissipating (transferring, selling, destroying, removing, disposing of) real or personal property.
  - Making changes to insurance policies without the agreement of the other party.
  - Making extraordinary expenditures (unusual or high-dollar payments or purchases). Expenditures that are necessary for the safety or welfare of the parties, ordinary business activities, or related to this court case are allowed.

➢ **Name Change**

If you changed your last name when you got married or registered as domestic partners and want to change it back to a former legal name, you can request that on your *Petition*. **NOTE:** You *cannot* use this form to change your name to a name you have never used before.

- RDPs: If you changed your name through a separate name-change judgment and want to change it back, you should also file for another judgment to do that. Do not rely on the separation judgment to be effective for all purposes, especially federal records like Social Security, Medicare, and immigration. Talk to a lawyer if you have concerns.

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

➢ **Mandatory Arbitration** - If the ONLY disagreement between you and the respondent is about property, mark in the caption that the claim ***IS*** subject to mandatory arbitration. *(See "Step 3 – Resolving Your Case" for information about arbitration)*
- If you disagree about any issue other than property, mark that your claim ***IS NOT*** subject to mandatory arbitration.

Claim { ☐ is ☐ is not } subject to mandatory arbitration

➢ **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, property awards, and debt allocations. See the Appendices for specific information.

Fill out the following forms

- *Petition for Separation*
- *Summons*
- *Confidential Information Form (CIF)*
- *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.

◇ *Uniform Support Declaration* – See Appendix A
◇ *Statement of Assets & Liabilities* - See Appendix C
◇ *Parenting Plan* - See Appendix D

CHILDREN

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. How much time each parent has with each child ("parenting time") is controlled by the parenting plan. See Appendix D 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 D 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.

SUPPORT

Child Support

Calculating Child Support

In most cases, the court will order child support if you have a child and no child support order already exists. Go to *www.oregonchildsupport.gov/calculator* for worksheets and an interactive program to calculate 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.

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 E for information about how payments are made to adult children attending school.

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

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. In some situations, the judge *cannot* order Cash Medical Support.

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

* * *

Adult Children (18-21)

If you have **any** child with the respondent who is 18, 19, or 20 years old and 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 E 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.

Spousal/Partner Support

There are three different categories of spousal or partner support in Oregon:

- **Transitional** support is to help you get work-related education and training
- **Compensatory** support may be ordered if you significantly contributed to the education, training, job skills, career, or earning capacity of your spouse or partner
- **Maintenance** may be ordered for your general support

Either party may request and be awarded support. More than one type of support may be awarded. Any award may be ongoing or for a particular period of time (such as 3 years, while in school, up to a certain amount, etc.).

If you and Respondent do not agree on support, you need to submit a ***Uniform Support Declaration***. See Appendix A for more information.

For more information on factors the judge will consider when making the award, see ORS 107.105.

- **NOTE:** Support is also available to **Registered Domestic Partners**. If either partner might leave the state or declare bankruptcy, you should see a lawyer.

Talk to a tax professional about tax impact of spousal/partner support

Life Insurance

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

PROPERTY AND DEBTS

You need to tell the court how you want to divide your property and debts. You should be as specific as possible and include everything you and the respondent own or owe. If any property or debts are not included in your judgment, you cannot return to court to make changes later except in very limited circumstances.

If you don't know what to ask for in your *Petition*, you can request "equitable relief." This means that the judge will decide what is fair if your case goes to trial. You should talk to a lawyer if you intend to do this.

You will probably have to serve new documents on the respondent before you can get a final judgment if:

- you are not specific in your *Petition* about how you want the court to divide property and debts (including if you asked for equitable relief)

  or

- what you put in the *Judgment* is different from what you asked for in the *Petition*

You may be entitled to part of the respondent's retirement benefits (including pensions). If you do not address retirement benefits in your judgment, you will lose the right to claim your share except in very limited circumstances. These forms cannot be used to *divide* one party's retirement benefits. Talk to a lawyer first if you want to claim a portion of the respondent's retirement benefits.

For detailed information about property and debts, see Appendix B.

STATEMENT OF ASSETS AND LIABILITIES

If your case goes to trial you will need a *Statement of Assets and Liabilities*. See Appendix C for more information and formats that you can use.

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 4. 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). **NOTE:** You are not required to serve the *List of Documents Parties May Have to Give Each Other (ORS 107.089)* on Respondent, but if you do, then you both have to follow it.

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*
- *Uniform Support Declaration, Statement of Assets and Liabilities,* and *Parenting Plan (if you are filing any of these documents with your* Petition*)* (see Appendices A, C, and D 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 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 mail 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, Respondent, or a child 18, 19, or 20 years old), **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.

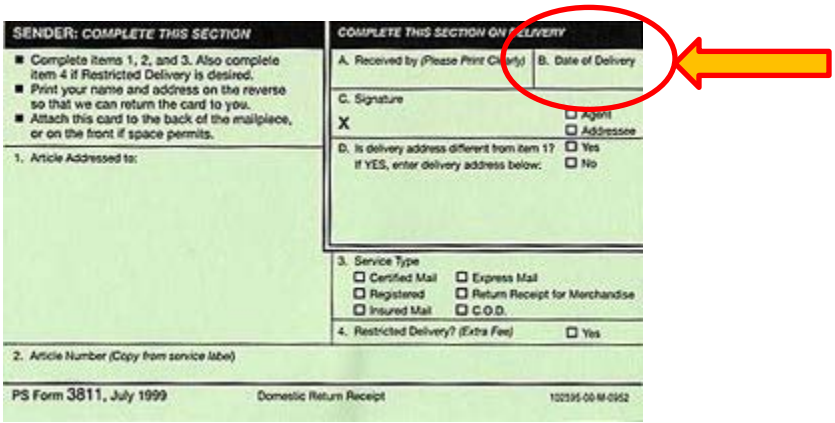
   A ***Certificate of Service*** must be filed with the court by whoever serves the respondent. The certificate must include the date and time of service and the name of the person served.

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. **Office Service:** 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. **By Mail:** First, the process server must send the papers to the respondent's home or business address by first class mail. Second, the server must send a copy by certified mail, return receipt requested. The process server **must** file proof of service with the court, including the signed green card, date of receipt, and item number along with a ***Certificate of Service***. If the green card is not returned or if someone other than the 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

Proof of Service

The Certificates are your proof of service. An original *Certificate of Service* or *Acceptance of Service* **must** be filed with the court for your case to proceed, regardless of the method of service.

If proof of service is not filed within **63 days** of filing your *Petition*, the court may send you a notice of dismissal. Your case may be dismissed if proof of service is not filed 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*.

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 spousal/partner or 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.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 *www.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 the Child Support Worksheet with your *Petition*, you MUST include a worksheet with 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 Separation***

  Note: The *Judgment* must be signed by both parties 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 must 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 requirements about the notice. 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 4).

* * * * *

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 Separation***

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 Separation*** 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 separation and sets out all of the issues decided in mediation, arbitration, 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.[2]

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 judgment, make a copy for yourself and one for Respondent (unless you got an *Order of Default*). File the original with the court.

Your separation is 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.

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

Appendix A – 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 or spousal/partner 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 or spousal/partner 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 spousal/partner support *or* 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.
- If you are requesting *only* child support for the amount that the Child Support Guidelines recommend, only fill out the *Declaration* and attach the documents it asks for.
    - If you are requesting spousal/partner support *or* 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 (birth of a new baby, a child entering or leaving school, a layoff, a car payment or mortgage being paid off), note these as well. Do NOT include fears or possibilities – only things you know or reasonably expect will happen.
- If 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 B - Property and Debts

- **Real Property** – Include property that you own together or separately *and* property owned before the marriage/RDP.
  - Include land, houses, mobile homes, and other structures *attached to or built on land*. Also include partial rights to land like the right to fish, farm, cut timber or mine minerals. This does not mean *personal* property like clothes, jewelry, furniture, cars, etc.
  - Identify the property by address, lot, map, or plat number, or any other method that is specific enough to identify the property.
  - When completing the *Judgment*, use the full legal description of the property that is on the deed or tax records. If you improperly describe the property, you may not be able to enforce your judgment.
  - **You should speak with a lawyer if:**
    - any party is a debtor in a current bankruptcy proceeding.
    - there is a joint line of credit, such as a <u>home equity line of credit</u>, on any real property. This judgment is *not* binding on the lender and may not prevent the other party from using the credit line, even after the judgment.
    - anyone other than you and Respondent has any interest in the real property either now or in the future. For example:
      - if your title is only for life or for a fixed period of time
      - if anyone has a right-of-first-refusal to buy the property
      - if anyone else's name is on the title
      - if anyone else's name is on a loan that the property is collateral for. These people *must* be joined to the case or the court may not have authority to award that property.
    - you are concerned about the other party selling real property located in Oregon. You can put a hold on the title of the property during the case (called "lis pendens").

If **ANY** property was used to secure a loan, debt, mortgage, or other encumbrance, it is important that you speak with a lawyer. Future bankruptcy filings by either party may create problems for the other party in spite of this judgment. This is especially important for same-sex couples, as bankruptcy and IRS laws are federal and may not recognize the debt award of this judgment.

- **Personal Property** is anything you own together or separately that *is not* real property. This includes property owned before the marriage.

- If you want certain things *plus* equitable distribution of the rest, mark both boxes in the appropriate section and list the specific property you want in the space provided. **BE AWARE** that if you do not include enough information and the other party does not respond, you may have to serve the other party with corrected paperwork before you can get a *Judgment*.

Debts - The court will divide your debts. Use this table to list all debts in either or both of your names. Include debts that existed before your marriage/partnership; debts that you each or both incurred during your marriage/partnership; and debts that you each incurred after separation. If any debt includes amounts incurred both during the marriage/ partnership *and* after separation, write in the "Who pays" column who should pay how much (see example). Talk to a lawyer if you have questions about who should pay which debts.

Example:

Name of Creditor (who money is owed to)	*What debt is for*	*Amount*	*Who pays*	
			Petitioner	*Respondent*
Chase Bank	*Credit Card*	*$10,000*		*X*
Wells Fargo	*Home Equity Credit Line (petitioner added $10,000 after separation)*	*$20,000*	*$15,000*	*$5,000*
Local Lender	*Petitioner's car loan*	*$4,500*	*X*	

Name of Creditor (who money is owed to)	What debt is for	Amount	Who pays	
			Petitioner	Respondent

Attach this page to the Petition if your list of debts is longer than the table in the Petition

Appendix C – Statement of Assets and Liabilities

You will need to file a *Statement of Assets and Liabilities* if the respondent files a *Response* **and** you have not reached an agreement as your trial date nears. Each party's *Statement* must be filed with the court and served on the other party at least 14 days before your trial. Check your local court's Supplementary Local Rules, Chapter 8 for other time limits and requirements.

Most courts prefer that you complete ONE joint form so that you don't have one form listing "house 1" and the other calling it "123 Main St." Your *Statement* should name the asset as specifically as possible. You and Respondent should do everything you can to agree on the value of your assets and liabilities. Then list who the court should give each asset or liability to. You can use one of the formats below.

In the examples below, the parties disagree about the value of the Ford Ranger but agree that it should be awarded to Petitioner. The parties agree about the value of the Kia Soul but disagree about who it should be awarded to. Leave the last 2 columns blank – the judge will make a final decision about the value of each asset and who it is awarded to.

DESCRIPTION OF ASSETS	**PETITIONER** Name:		**RESPONDENT** Name:		**COURT**	
	Claimed Value	Proposed Distribution (Pet or Resp)	Claimed Value	Proposed Distribution (Pet or Resp)	Value	Distribution (Pet or Resp)
2008 Ford Ranger	$12,000	Petitioner	$6,000	Petitioner		
2011 Kia Soul	$5,000	Petitioner	$5,000	Respondent		

Appendix D– 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. 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. Your local court may also have a mediation program for parents. 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 E – 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 F – Statutory Restraining Order

[Attach to Summons per ORS 107.093(5)]

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

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 107.093 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, homeowner or renter insurance, or automobile 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, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

Property
(3) Transfer, encumber, conceal, or dispose of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.

(A) Paragraph (3) does not apply to payment by either party of:

(i) Attorney fees in this action;
(ii) Real estate and income taxes;
(iii) Mental health therapy expenses for either party or a minor child of the parties; or
(iv) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

Expenses
(4) Make extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. This does not apply to payment of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

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 8.080.2 in the UTCR Appendix of Forms.

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

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

Case No: _____

_____
Petitioner

and

_____
Respondent

PETITION FOR SEPARATION OF ☐ MARRIAGE ☐ RDP

Filing fees at ORS 21.155 (marriage) & 21.135 (RDP)

Claim { ☐ is ☐ is not} subject to mandatory arbitration

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

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

Date of marriage or registration of RDP: _____

Place of marriage or registration of RDP: _____(*County, State*)

1. (*Check all that apply*)
☐ My spouse or partner and I have differences so great that our marriage/RDP cannot be repaired
☐ My spouse or partner and I have an agreement that will be filed with the court suspending all rights and obligations as husband and wife/domestic partners for a period of at least one year

2. Duration
The separation should be ☐ unlimited ***or*** ☐_____
(fill in amount of time or end date)

3. Residency
Marriage Only: ☐ At least one spouse currently lives in the county in which this *Petition* is being filed

Registered Domestic Partnership Only:
☐At least one partner currently lives in the county in which this *Petition* is being filed
or
☐ Neither partner currently lives in Oregon and this *Petition* is being filed in the county where {☐ Petitioner ☐ Respondent} last lived

4. Children of Petitioner and Respondent conceived, born, or adopted during or prior to the marriage/RDP and any children otherwise legally recognized as children of both parties:

Name	**Age**

☐ Additional children listed on page attached titled "Section 4 – Additional Children"

Name and age of any child conceived or born during this marriage/RDP who is NOT the child of both parties_____

☐Neither party is now pregnant
☐Petitioner ☐ Respondent is pregnant (and) the other party ☐ is ☐ is not the parent of this child. The expected date of the child's birth is _____

5. By filing this petition, I acknowledge that I am bound by the terms of the **Statutory Restraining Order (SRO)** prohibiting either party from disposing of marital/partnership assets. I understand that this restraining order is effective as soon as this *Petition* and the *Summons* are served on Respondent.

6. Other Case Information

6A. Pending Cases

List any other domestic relations case that has been started but not yet finished in any state between the parties *(including child or spousal/partner support, dissolution (divorce), annulment, separation, custody, paternity, juvenile court, or modifications)*

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

☐ Additional information attached

6B. Existing Orders or Judgments

List any existing order or judgment in this or any other state between the parties **and** attach a copy of the signed order or judgment *(including child support (whether or not it is currently effective), dissolution (divorce), annulment, separation, custody, paternity, juvenile court, modification, or restraining/protective orders)*

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

☐ Additional information attached

CHILDREN

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

Case # _____ County/State: _____

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

You must advise the court if any of this information changes

7A. Besides those listed above, list any case about the CUSTODY or PARENTING TIME (visitation) of the minor children named in this case that you participated in *(include any that were filed but dismissed or denied by the court, and any filed by or against someone other than the Petitioner and Respondent in this case.)*

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

7B. List 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)*

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

7C. List the places where any of the children in Section 4 has lived in the last five years, the names of the people they lived with at that time, and *current* contact addresses for those people

Current:

Child's Name	Current Address	Lives with:
		☐ 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; see section titled "Section 7A-UCCJEA"

Additional Caregivers:

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

7D. ☐ The children listed in Section 4 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** lived in Oregon continuously for six months: *(names)*_____

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

7E. I do not know any person besides the other parent who has physical custody of the children or who claims to have custody, visitation or parenting time rights

☐ except for *(list name and address and affected children):*_____

8. 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 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:** _____

<u>Relocation</u>

☐ I should be allowed to move more than 60 miles farther away 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 *(explain)*: _____

_____

Parental Authority under ORS 107.154

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

_____

_____

9. 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 9D, 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 9E, below)

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

9.A.1. ☐ **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 9.A.2, below)*: _____

_____

_____

_____

9.A.2. 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 5 above
☐ The existing order should not be changed *(skip to section C 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

9.B.1. 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 9.A.1, 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)*: _____

9.B.2. 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. 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 $_____

10. Additional Provisions _____

_____

_____

☐ Additional page attached titled "Section 10 - Additional Provisions"

SPOUSAL/PARTNER SUPPORT

11. Spousal/Partner Support and Life Insurance

A. Support

☐ No spousal/partner support is requested ***or***
☐ Spousal/partner support should be paid by ☐ Petitioner to Respondent *(or)*
☐ Respondent to Petitioner

Type of Support:	*Payment Terms:**	*Based on these factors:*
Transitional $_____	☐ monthly payments beginning the month following: ➢ ☐ entry of this judgment *or* ➢ ☐ the date of service of this *Petition* ➢ ☐ *or* _____ Ending*: *Or* ☐ *lump sum payable by (date):* _____	
Compensatory $_____	☐ monthly payments beginning the month following: ➢ ☐ entry of this judgment *or* ➢ ☐ the date of service of this *Petition* ➢ ☐ *or* _____	

	Ending*:	
	Or ☐ *lump sum payable by (date):* _____	
Maintenance $_____	☐ monthly payments beginning the month following: ➢ ☐ entry of this judgment *or* ➢ ☐ the date of service of this *Petition* ➢ ☐ *or* _____	
	Ending*:	
	Or ☐ *lump sum payable by (date):* _____	

**All monthly payments are due by the 1st of the month. All payments end on the death of either party (unless an earlier event is specified above)*

Choose ONE option:

☐ All support payments should be made directly into recipient's checking or savings account. The spouse or partner receiving support must provide the paying spouse or partner with either current deposit slips or their bank name, account name, and account number.

or

☐ To the Department of Justice, Child Support Accounting Unit, PO Box 14506, Salem, OR, 97309. The Department of Justice should provide all collection, accounting, disbursement, and enforcement services.

B. <u>Life Insurance</u>

☐ The party paying support should carry life insurance for the benefit of the other party throughout the period of the support obligation. The coverage should be in the amount of $_____

<u>PROPERTY AND DEBTS</u>

12. Real Property

☐ Neither party has any interest in any real property in Oregon or any other place

☐ Both parties have *or* {☐ Petitioner ☐ Respondent has} an interest in real property at:
*(address)*_____

☐ Additional page attached titled "Section 12 - Real Property"

☐ The legal description of the real property is attached as Exhibit _____ and incorporated in this petition

This property should be distributed ☐equitably ***or*** ☐as follows: _____

_____

_____

_____

_____

13. Personal Property

(Retirement benefits can be divided. See a lawyer if you want to do that.)

☐ The Petitioner and Respondent have divided between them all personal property that they own. This includes all personal effects, household goods, motor vehicles, pets, and other

items of property. Neither party should claim items now in the possession of the other.

or

☐ Petitioner and Respondent should be awarded an equitable distribution of the parties' personal property. This includes retirement benefits, pension plans, profit-sharing plans, deferred-compensation plans, and stock option plans held by the parties.

or

☐ The parties' personal property should be divided as follows, with equitable distribution of any property not listed:

☐ Petitioner should be awarded the following personal property: _____

_____

_____

☐ Additional page attached titled "Section 13 - Petitioner's Personal Property"

☐Petitioner should be awarded all of Petitioner's retirement benefits, pension plans, profit-sharing plans, deferred-compensation plans, and stock option plans held by Petitioner's employer, free of any interest by Respondent.

☐Respondent should be awarded the following personal property: _____

_____

_____

☐ Additional page attached titled "Section 13 – Respondent's Personal Property"

☐Respondent should be awarded all of Respondent's retirement benefits, pension plans, profit-sharing plans, deferred-compensation plans, and stock option plans held by Respondent's employer, free of any interest by Petitioner.

14. Distribution of Debts Debts should be paid as follows:

Name of Creditor (who debt is owed to)	What debt is for	Amount	Who should pay (Petitioner or Respondent)

☐ Additional page attached titled "Section 14, Distribution of Debts"

Each spouse or partner should be responsible for the payment of all debts incurred individually since the date of their separation, all debts distributed to him or her by the court, *and* all debts secured by property distributed to him or her

Debts should be divided as of *(date)*: _____

<u>Transfer of Debts and Property</u>

Each party should be ordered to complete all property transfers required by the judgment within 30 days of the date of judgment. Each should execute, acknowledge, and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. The judgment should operate to convey title if either party fails to comply with this requirement.

15. Former Name

☐ My former name of _____ should be restored *(write the FULL name – first, middle, and last)*

16. Information required by ORS 107.085

Age of Petitioner: _____ Age of Respondent: _____

Respondent's contact address: _____

_____

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

17. 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 costs and 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

Department of Consumer and Business Services
Division of Financial Regulation
P.O. Box 14480, Salem, OR 97309-0405
Phone: 503-947-7980, Fax: 503-378-4351
350 Winter St. NE, Salem, OR 97301-3883
Email: dfr.mail@oregon.gov
dfr.oregon.gov

Notice to parties in a suit for marriage dissolution or legal separation regarding continuation of health coverage

If you or your spouse have filed for divorce or legal separation and currently hold group health insurance coverage through your spouse, your coverage may end when the court grants your divorce or separation. Oregon law offers options that may enable you to continue your coverage. This notice outlines continued coverage options available under Oregon law. Federal law, commonly known as COBRA, may also enable you to continue coverage. *Note*: You must act promptly to continue coverage.

Applying for individual coverage may also be an option. Insurers can no longer deny enrollment to individuals because of health or pre-existing conditions. You may be eligible to enroll in a plan through healthcare.gov or directly from an insurer. If you apply for coverage through healthcare.gov, you may qualify for financial assistance.

For more information about Oregon and federal law, consult your health insurer, the plan administrator for your insurance coverage, the employer through whom your insurance is provided, or your attorney.

The following is a summary of options under Oregon law:

1. **Continuation of existing coverage for a divorced or legally separated spouse who is 55 years of age or older** (ORS 743B.343 to 743B.345). If you are a divorced or legally separated spouse and if you are 55 years of age or older when the dissolution or legal separation occurs, you may continue your existing group coverage until you obtain other group coverage or become eligible for Medicare. In order to continue coverage, you must do both of the following:

   A. You must notify the group health insurance plan administrator in writing of the dissolution or legal separation within 60 days of the entry of the decree of divorce or legal separation.

   B. You must elect to continue and pay for the group coverage. You must make the election on a form provided by the plan administrator.

Note: This provision applies only if your coverage is provided through an employer who employs 20 or more employees or if your coverage is provided by a group health insurance plan that covers 20 or more employees.

2. **Continuation of existing coverage for a divorced spouse when federal law does not provide for continued coverage** (ORS 743B.347). If you are not able to continue your group health coverage under federal law (COBRA), you may continue your existing group coverage upon dissolution of your marriage for a period not exceeding nine months. The following requirements apply:

   A. You must have been continuously covered by the group policy for at least three months prior to your divorce.

   B. You must ask the insurer or the group policyholder, in writing, to continue your coverage. You must also pay the required premiums.

   C. You must make your request by the latter of the following dates:

      (1) Ten days after the date that your coverage under the group policy as a qualified family member ends;

      or

      (2) Ten days after the date on which the employer or group policyholder gives notice of the right to continue coverage.

3. **Apply for individual coverage**. If you were covered by a group health plan and you lost that coverage because of a legal separation or divorce, you may qualify for a special enrollment and be eligible to purchase an individual plan through healthcare.gov or from an insurer. To qualify for this special enrollment:

   (1) Apply through healthcare.gov and pay your premium within 60 days of the date you lost your group coverage;

   or

   (2) Apply for individual coverage from an insurer within 60 days of the date you lost your group coverage.

Remember: The longer you wait to apply, the later your coverage will start. Financial help is available only if you apply for insurance through healthcare.gov. Your insurance agent can also help you apply through healthcare.gov.

Prepared by Oregon Division of Financial Regulation, Department of Consumer and Business Services, under ORS 107.092.
Revised Nov. 3, 2016. Distributed by the Office of the State Court Administrator.

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 _____

Case No:_____

CERTIFICATE OF SERVICE

_____
Petitioner

and

_____
Respondent

(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

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

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 _____

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

_____
Petitioner

and

_____
Respondent

and

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

Case No: _____

DECLARATION SUPPORTING GENERAL JUDGMENT OF SEPARATION OF ☐ MARRIAGE ☐ RDP

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

Section Number	Explain

☐ Additional page attached

Minor Children

Children of Petitioner and Respondent (under age 18) conceived, born, or adopted during or prior to the marriage/RDP and any children otherwise legally recognized as children of both parties:

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

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

☐Petitioner ☐ Respondent is pregnant (and) the other party ☐ is ☐ is not the parent of this child. The expected date of the child's birth is _____

☐ **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 and 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 _____

In the Matter of the Marriage or Registered Domestic Partnership (RDP) of:

Case No: _____

_____
Petitioner

and

_____
Respondent

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

GENERAL JUDGMENT OF SEPARATION OF
☐ MARRIAGE ☐ RDP

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 signatures below

FINDINGS:

A. The court considered the ☐ Declaration ☐ Stipulations ☐ Evidence presented and finds that: *(Check all that apply)*

I. ☐ Irreconcilable differences have caused the breakdown of this marriage or registered domestic partnership

☐ The parties have entered into an agreement (the terms of this judgment) suspending for at least one year their rights and obligations as spouses or domestic partners, as shown by their signatures on this judgment

II. At the time the *Petition* was filed:

Marriage Only: ☐ At least one spouse lived in the county in which the *Petition* was filed

Registered Domestic Partnership Only:

☐at least one partner lived in the county in which the *Petition* was filed

or

☐ neither partner lived in Oregon and the *Petition* was filed in the county where {☐ Petitioner ☐ Respondent} last resided

B. Party and Marriage/RDP Information:

Date of Marriage or registration of RDP: _____

Place of Marriage or registration of RDP: _____ *(County, State)*

Current age of parties: Petitioner _____ Respondent_____

C. Children of the Parties *(Children conceived, born, or adopted during or prior to the marriage/RDP and any children otherwise legally recognized as children of both parties)*

Name	Year of Birth	Age

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

☐ Petitioner ☐ Respondent is not the father of, or paternity has not been established for, the children: *(names)*_____

☐ Neither party is now pregnant *(or)*
☐ Petitioner ☐ Respondent is now pregnant
☐ The other party is not the parent of the child due (*date*)_____

D. 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 minor 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:_____

_____

The court grants judgment as follows:
The parties are legally separated as of the date this Judgment is signed, to continue for the period of time specified in Section 8B below. The terms of this judgment are effective upon entry in the court register.

CHILDREN

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 is not awarded parenting time because it would endanger the health and safety of the children

Relocation

☐ Neither parent may move more than 60 miles farther away 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

Contact Information
☐ Petitioner and Respondent must each provide contact addresses and contact telephone numbers to the 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

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

2. Child and Medical Support and Life Insurance for Children

A. Child Support

Existing Child Support Obligation
(*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 2A, 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 is not available to either parent. 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 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

3. Additional Provisions _____
_____
_____
_____

☐ Additional page attached titled "Section 3 – Additional Provisions"

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 three years from the date the order took effect or at any time upon a substantial change of circumstances.

SPOUSAL/PARTNER SUPPORT

☐ There is an existing Limited Judgment for temporary spousal/partner support. Temporary support under the limited judgment ends as of the date of entry of the General Judgment, but any arrears accrued under the Limited Judgment remain enforceable under the Limited Judgment.

4. Spousal or Partner Support and Life Insurance

A. Support

☐ No spousal/partner support or life insurance for the benefit of either party is ordered in this case ***or***

☐ Spousal support must be paid by ☐ Petitioner to Respondent *(or)* ☐ Respondent to Petitioner

Type:	*Terms:**	*Factors:*
Transitional $_____	☐ monthly payments beginning the month following: ➢ ☐ entry of this judgment *or* ➢ ☐ the date of service of this *Petition* ➢ ☐ *or* _____	
	Ending*:	
	Or ☐ *lump sum payable by (date):* _____	
Compensatory $_____	☐ monthly payments beginning the month following: ➢ ☐ entry of this judgment *or* ➢ ☐ the date of service of this *Petition* ➢ ☐ *or* _____	
	Ending*:	
	Or ☐ *lump sum payable by (date):* _____	
Maintenance $_____	☐ monthly payments beginning the month following: ➢ ☐ entry of this judgment *or* ➢ ☐ the date of service of this *Petition* ➢ ☐ *or* _____	
	Ending*:	
	Or ☐ *lump sum payable by (date):* _____	

**All monthly payments are due by the 1st of the month. All payments end on the death of either party (unless an earlier event is specified above)*

All payments of spousal/partner support must be made:

☐ To the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309. Petitioner requests that collection, accounting, disbursement, and enforcement services be provided through the Department of Justice.

or

☐ Directly into _____'s bank account. The paying spouse/partner should keep a receipt of deposit as proof of payment. The person receiving support must provide the person paying support with current deposit slips or bank name, account name, and account number.

B. Withholding

☐ If enforcement services are provided through the State of Oregon's Department of Justice, the support order is enforceable by income withholding under ORS 25.311

C. Life Insurance

☐ The party paying support must carry life insurance for the benefit of the other party 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 other party

---

PROPERTY AND DEBTS

5. Real Property

☐ Neither party has any interest in any real property in Oregon or any other place

☐ Both parties have *or* {☐ Petitioner ☐ Respondent has} an interest in real property at: *(address)* _____

☐ This property is awarded as follows:_____

_____

☐ Additional page attached titled "Section 5- Real Property"

☐ The legal description of the property is attached as Exhibit _____ and incorporated into this Judgment

☐ Petitioner ☐ Respondent is responsible for preparing, signing, and recording a deed transferring the real property as required by this judgment

Other: _____

6. Personal Property

The Petitioner and Respondent have divided between them all personal property that they own separately or together, and each is awarded those items now in their possession *except that:*

A. ☐ The Petitioner is awarded the following personal property:_____

_____

☐ Additional page attached titled "Section 6A-Petitioner's Personal Property"

☐ The Petitioner is awarded all retirement benefits, pension plans, profit-sharing plans, deferred compensation plans, and stock options held by Petitioner's current and past employers, free of any interest by the Respondent

B. ☐ The Respondent is awarded the following personal property:_____

_____

☐ Additional page attached labeled "Section 6B-Respondent's Personal Property"

☐ The Respondent is awarded all retirement benefits, pension plans, profit-sharing

plans, deferred compensation plans, and stock options held by Respondent's current and past employers, free of any interest by the Petitioner

7. <u>Distribution of Debts</u> The debts will be paid as follows:

Name of creditor (who money is owed to)	What the debt is for	Amount	Who pays (Petitioner or Respondent)

☐ Additional page attached titled "Section 7-Distribution of Debts"

Unless otherwise specified above, each party is responsible for the payment of all debts incurred by him or her individually since the date of separation, all debts distributed to him or her by the court, and all debts which are secured by property distributed to that party. If any creditor asks the party not responsible for a debt to pay any portion of it, and he or she does so, the party responsible for that debt must reimburse the paying party for any amount paid to the creditor after the date this judgment is entered.

Debts are divided between the parties as of *(date)*: _____

Transfer of Property and Debts
Within thirty (30) days of the date of this judgment, each party must execute, acknowledge and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. This judgment operates to convey title to the party awarded the property if the other party fails to comply with this requirement.

8. <u>Other Provisions</u>

A. Former Name

☐ Petitioner's ☐ Respondent's former name of _____
_____ is restored *(use FULL name – first, middle, last)*

B. Duration

The length of the separation is ☐ unlimited ☐ for a period of _____

C. Additional Provisions: _____
_____
_____
_____

☐ Additional page attached titled "Section 8C - Additional Provisions"

D. 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: _____

9. Information Required by ORS 25.020 and 107.085
As required by UTCR 2.130, a *Confidential Information Form* has been completed for each party and filed with the court. The CIF contains all information required by ORS 25.020 and 107.085 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 shall not disclose the information in the CIF to the other party.

Money Award 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
	WHO RECEIVES ☐ Petitioner ☐ Respondent ☐ Adult Child		Ending when the last child turns ☐ 18 *or* ☐ 21 (if the child remains a Child Attending School)
☐ Spousal/ Partner Support	WHO RECEIVES ☐ Petitioner ☐ Respondent	*Transitional* $_____ ☐ per month *or* ☐ total	*Payable on the first of every month beginning the month following:* ☐ entry of this judgment *or* ☐ the date of service of this *Petition* ☐ *or:* _____
			Ending:
			or due in full by: *(date):* _____
			Other:

Type of Judgment		Amount	Beginning / Ending
		Compensatory $_____ ☐ per month *or* ☐ total	*Payable on the first of every month beginning the month following:* ☐ entry of this judgment *or* ☐ the date of service of this *Petition* ☐ *or:* _____
			Ending:
			or due in full by: *(date):* _____
			Other:
		Maintenance $_____ ☐ per month *or* ☐ total	*Payable on the first of every month beginning the month following:* ☐ entry of this judgment *or* ☐ the date of service of this *Petition* ☐ *or:* _____
			Ending:
			or due in full by: *(date):* _____
			Other:
	All payments end on the death of either party unless an earlier event is specified		
☐ Property Division	WHO RECEIVES ☐ Petitioner ☐ Respondent	$_____ per month until a total of $_____ is paid	Beginning the *(day)* _____ of the month following entry of judgment
		or	
		A lump sum of $_____	Paid by *(date)*: _____

☐ Prejudgment Interest	WHO RECEIVES ☐ Petitioner ☐ Respondent	$_____	
☐ Postjudgment 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 already 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 _____

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