

# REQUEST FOR TEMPORARY STATUS QUO ORDER

(post-judgment)

A *Status Quo Order* will keep the children's schedule the same as it has been for the past **3 months**. If the children's address, residential parent, or regular schedule (other than parenting time and normal changes like the end of sports or the school year) has changed within the past 3 months, talk to a lawyer before trying to get a *Status Quo Order*.

You can use these forms only if you have already filed a request to modify (change) your judgment (or if you will file the request along with this motion).

**If you do not have a judgment that awards custody or parenting time, do not use these forms.** Go to [www.courts.oregon.gov](http://www.courts.oregon.gov) for the appropriate forms or talk to a lawyer.

## **Important Contact Information**

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

Oregon State Bar Lawyer Referral Service - [www.oregonstatebar.org](http://www.oregonstatebar.org)

**Phone:** 503.684.3763 or toll-free in Oregon at 800.452.7636



## **Step 1: Filling out the Forms**

- MAKE SURE YOU COMPLETE THE **COUNTY NAME** AT THE TOP OF THE FIRST PAGE OF EACH FORM!

Fill out the following forms:

- ***Motion for Status Quo Order & Declaration in Support***
- ***Order on Motion to Maintain Status Quo***
- **Parties & Case Number** – the parties and the case number are the same as they are on your modification papers
  - Make sure you put the case number on each form and on the bottom of each page
  - If you have any children with the other party who are 18, 19, or 20 years old, they are necessary parties. You must add their names to the form and serve all documents the same as you serve the other party. See below for service information.



## **Have your documents reviewed**

You may have your documents reviewed by a lawyer or a court facilitator (if your court has one) before you file. For information about how to find a lawyer, call the Oregon State Bar at the number on Page 1. If you are low-income, you may get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program, or call your local Legal Aid office. Facilitators may be available for free in your court, but you may have to make an appointment. Call your court for information.



**Make a copy** of all forms for your records. You will also need copies for service. See Step 2 for information about service.

- *Note: if you have adult children (18, 19, or 20) make an additional copy to serve each child*



**File** the original *Motion & Declaration* and *Status Quo Order* with the court clerk. Courts handle these matters differently. You may be scheduled for an appearance. Ask the clerk at your court how to proceed. There is no filing fee for this motion.



## **STEP 2: NOTIFY THE OTHER PARTY**

You must officially notify all other parties of your request. This is called “service.” **NOTE:** If the other party has a lawyer, you **MUST** serve the lawyer – NOT the party!

### 1. **Personal Service:**

- a. **By Process Server:** Take a copy of your papers to the sheriff’s office in the county where the other party is located and have a sheriff’s officer serve the papers. The sheriff’s office charges a fee for service. You can also hire a private process server of your choice.
- b. **By a Non-Party:** Have a competent\* person 18 years or older who is a resident of Oregon **and who is not a party** to the case (Petitioner or Respondent), **nor** the lawyer of a party, serve the papers. The server cannot be an employee of any party. If the other party is outside of Oregon, the server can be a resident of the state where the other party is. If you have safety concerns, have the sheriff perform service.  
\*competent means a person who can understand, remember, and tell others about an event.

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

2. **Substituted Service:** The process server may leave the papers at the other party’s residence (where he or she normally lives) with someone 14 or older who lives there. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the other party by first class mail. Make sure the process server completes a ***Certificate of Service***. The date of service is the day the first class mailing is put in the mail.
3. **Office Service:** The process server may leave the papers with someone *in charge* of the other party’s office or normal workplace. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the other party by first class mail. Make sure the process server completes a ***Certificate of Service***. The date of service is the day the first class mailing is put in the mail.

4. **By Mail:** First, the process server must send the papers to the other party's home or business address by first class mail. Second, the server must send a copy by certified mail, return receipt requested. The process server **must** file proof of service with the court, including the signed green card, date of receipt, and item number along with a **Certificate of Service**. If the green card is not returned or if someone other than the other party signed for it, then service by mail was not effective and you must try another type of service. The date of service is the day the other party signs the returned green card.

The image shows a green Domestic Return Receipt form. The form is divided into two main sections: 'SENDER: COMPLETE THIS SECTION' and 'COMPLETE THIS SECTION ON DELIVERY'. The 'SENDER' section includes instructions to complete items 1, 2, and 3, and to attach the card to the back of the mailpiece. The 'DELIVERY' section includes fields for 'Received by (Please Print Clearly)', 'Date of Delivery', 'Signature', and 'Addressed to'. A red circle highlights the 'Date of Delivery' field, and a yellow arrow points to it from the right. Below the signature field, there are checkboxes for 'Certified Mail', 'Express Mail', 'Registered', 'Return Receipt for Merchandise', 'Insured Mail', and 'C.O.D.'. At the bottom, there is a field for 'Restricted Delivery? (Extra Fee)' with a 'Yes' checkbox. The form number 'PS Form 3811, July 1999' and 'Domestic Return Receipt' are printed at the bottom.

### **Proof of Service**

The Certificates are your proof of service. An original *Certificate of Service* must be filed with the court.

If you are not able to have the other party served by any of the methods listed above, you may ask a judge to allow you to use another service method. The judge might allow you to publish or post the documents. Check with your local court about how to make this request.



### **STEP 3: THE HEARING**

If your court schedules a hearing, you **must** appear or your motion will not be granted.

If the judge grants your motion, you must formally serve a copy of the signed *Status Quo Order* on the other party (*see Step 2*). If the other party appeared in court at the hearing, you do not need to serve a copy on them.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

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

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

**MOTION FOR STATUS QUO  
ORDER  
& DECLARATION IN SUPPORT**

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

(Post-judgment per ORS 107.138)

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

A motion to modify the judgment in this case has been filed or is being filed along with this motion. Date of judgment being modified: \_\_\_\_\_

I am the  petitioner  respondent

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**Motion**

I request a temporary ***STATUS QUO ORDER*** prohibiting either parent from:

- changing** the children's usual place of residence,
- interfering** with the children's **daily schedule**,
- hiding** the children from the other parent,
- interfering** with the other parent's **usual contact** and parenting time with the children,
- leaving the state** with the children without the written permission of the other parent or the permission of the court, **or**
- disturbing** the current schedule and daily routine of the children until a judgment is entered on the modification request

Name of Child (list each minor child)	Year of Birth

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**Statement of Points and Authorities**

ORS 107.138 authorizes the court to enter a temporary status quo order to either party in a proceeding to modify a judgment that awards custody of a child.

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

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

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

Additional page attached titled "Section 5"

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

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

7. 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)*: \_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

and

**ORDER ON MOTION  
TO MAINTAIN STATUS QUO**

*pre-judgment*       *post-judgment*

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

Based on the *Motion* and *Declaration* submitted  and testimony by  
 Petitioner  Respondent, a temporary *Status Quo Order* is:

Denied

**GRANTED** as to the children named below. The children's usual place of residence (below), detailed parenting schedule, and daily routine are described in the *Declaration*.

Until further order of the court, **both parties are prohibited from:**

- changing** the children's usual place of residence
- interfering** with the children's **daily schedule**
- hiding** the children from the other parent
- interfering** with the other parent's **usual contact** and parenting time with the children
- leaving the state** with the children without the written permission of the other parent or the permission of the court
- disturbing** the current schedule and daily routine of the children until custody and parenting time have been decided

List the name and year of birth of all minor children to be protected by this order \_\_\_\_\_

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

Children's usual place of residence: \_\_\_\_\_

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

**Notice for pre-judgment orders:** If you disagree with this order, you may request a hearing on this order as long as it remains in effect by filing with the court a request for a hearing. In the request you must tell the court and the other party that you object to the order

and specifically why you disagree with the representation of the status quo described in the order. In the request you must also inform the court of your telephone number or contact number and your current residence, mailing or contact address. Go to [www.courts.oregon.gov](http://www.courts.oregon.gov) for forms to request a hearing.

Judge Signature:

\_\_\_\_\_

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**Certificate of Readiness**

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

- Pre-judgment only:** Service is not required under UTCR 5.100 because this order is submitted **ex parte** as allowed by statute or rule;
- Service is not required under UTCR 5.100 because this order is being submitted in **open court** with all parties present
- I have **served** a copy of this order 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 *Order* in the United States mail to (*name*) \_\_\_\_\_ at (*address*) \_\_\_\_\_

Submitted by:  Petitioner  Respondent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

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**Certificate of Service**

I (*name*) \_\_\_\_\_ certify that on (*date*) \_\_\_\_\_  
I  mailed  delivered this Order to the  petitioner  respondent ( lawyer for the party)  
at the following address: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature