

REQUEST FOR TEMPORARY STATUS QUO ORDER (*pre-judgment* Temporary Protective Order of Restraint)

You can use these forms to ask for a court order requiring **both** parents to keep the children's residence and schedule the same throughout your case. You can ask for a *Status Quo Order* at any time after filing a *Petition* for dissolution, separation, or custody and parenting time. A *Status Quo Order* does NOT award custody or parenting time to either parent and does not award support.

If you want temporary custody or support, file a *Motion for Temporary Orders*. If the children are in immediate danger, you can file a motion for an *Order of Immediate Danger and Temporary Custody and Parenting Time*. Go to www.courts.oregon.gov for those forms. A *Status Quo Order* will keep the children's schedules the same as they have been for the **3 months** before you file the *Motion*.

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



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:**
 - *Ex Parte Motion for Temporary Protective Order of Restraint & Declaration in Support*
 - *Status Quo Order*
- **Parties & Case Number** – the parties and the case number are the same on your *Motion* as they are on your *Petition*. If you filed the *Petition*, then you are the Petitioner on this motion. If the other party filed the *Petition*, then you are still the Respondent, even if you are the one filing this motion.
 - Make sure you put the case number on each form and on the bottom of each page
 - 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.
- A *Status Quo Order* will keep the children's schedule the same as it has been for the past **3 months**. In the *Declaration* section, you must list the address where the children have lived for 3 months before this motion. If the children have moved or changed schedules in the past 3 months, talk to a lawyer.



Have your documents reviewed

You may have your documents reviewed by a lawyer or a court facilitator before you file. Go to www.courts.oregon.gov/familylaw to see if your court has a facilitator available. 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.



Make a copy of all forms for your records. You will also need a copy of the *Motion and Declaration* for service. See Step 3 for service information.

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



File the original *Motion & Declaration* and unsigned *Order* with the court clerk. There is no filing fee.



STEP 2: THE HEARING AND ORDER

Check with your local court to see how they handle *ex parte* matters. Some courts will hear your request the day you file. Others may have certain days and times to present *ex parte* motions.

If the judge grants your *Motion*, you must formally serve a copy of the *Motion and Declaration* and signed *Order* on the other party (*see Step 3*).



STEP 3: NOTIFY THE OTHER PARTY

You must officially notify all other parties of the *Order*. This is called “service.” You must serve BOTH the signed *Order* **and** a copy of the *Motion & Declaration*. The *Order* is effective once the judge signs it, but you cannot enforce it until you serve the other party and notify the court that service has been completed. If the other party has a lawyer, you should also send the lawyer a copy.

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.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY										
<ul style="list-style-type: none"> ■ 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. 	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">A. Received by (Please Print Clearly)</td> <td style="width: 50%;">B. Date of Delivery</td> </tr> <tr> <td colspan="2">C. Signature</td> </tr> <tr> <td colspan="2" style="text-align: center;">X</td> </tr> <tr> <td colspan="2" style="text-align: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </td> </tr> <tr> <td colspan="2">D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</td> </tr> </table>	A. Received by (Please Print Clearly)	B. Date of Delivery	C. Signature		X		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
A. Received by (Please Print Clearly)	B. Date of Delivery										
C. Signature											
X											
<input type="checkbox"/> Agent <input type="checkbox"/> Addressee											
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No											
1. Article Addressed to:	3. Service Type										
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.										
2. Article Number (Copy from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes										
PS Form 3811, July 1999	Domestic Return Receipt										

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.



The other party can request a hearing to challenge the order at any time while the order is in effect. The court will notify you of the time of the hearing if this happens. If you do not go to the hearing, the court may “vacate” your order, meaning that your order will be cancelled. You will not be able to enforce any of the terms of the order against the other party.

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

Case No: _____

Petitioner

and

Respondent

and

**EX PARTE MOTION FOR
TEMPORARY PROTECTIVE
ORDER OF RESTRAINT
& DECLARATION IN SUPPORT**
(Pre-judgment per ORS 107.097(2))

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

A *Petition* has been filed (or is being filed along with this motion) for custody and parenting time of the children named below, but no *General Judgment* has been issued

I am the petitioner respondent

Motion

I request a ***STATUS QUO*** temporary order of restraint 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
- disturbing** the current schedule and daily routine of the children until custody and parenting time have been decided

Name of Child <i>(list each minor child)</i>	Year of Birth

Statement of Points and Authorities

ORS 107.097(2) authorizes the court to enter a temporary order of restraint until custody or parenting time has been determined.

Declaration

1. The children named above have lived at the following address for the past 3 months: _____
 (excluding any time the noncustodial parent exercised parenting time)

2. The children’s current schedule and routine is: (detail each child’s regular schedule, including parenting time with each parent over the past 3 months) _____

Additional page attached titled “Section 2”

3. UCCJEA Information

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

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

Additional page attached titled “Section 3”

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

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

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

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 legal 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)*: _____

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

 Date

 Signature

 Print Name

 Contact Address

 City, State, Zip

 Contact Phone

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

Case No: _____

Petitioner

and

Respondent

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 for forms to request a hearing.

Judge Signature:

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

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