

INSTRUCTIONS FOR PRE-JUDGMENT TEMPORARY ORDERS



You can *ONLY* use these forms if:

- 1) A *Petition* for separation, dissolution, annulment, or custody and parenting time has already been filed (or will be filed at the same time as this motion) **and**
- 2) You have not received a general judgment in this case. If you *have* received a judgment already, go to www.courts.oregon.gov/forms for information and forms to request post-judgment temporary orders or modification of your judgment.

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

TABLE OF FORMS

- ___ Motion and Declaration
- ___ Order (*if you are requesting anything other than temporary support*)
- ___ Limited Judgment (*if you are requesting temporary support*)
- ___ Uniform Support Declaration (*if you are requesting support and have not filed a USD in the past 30 days*)
- ___ Child Support Worksheets (*if you are requesting child support*)
- ___ Parenting Plan (*if you are requesting a custody and parenting time order*)
- ___ Certificate of Service



Step 1: Filling out the Forms

- MAKE SURE YOU COMPLETE THE **COUNTY NAME** AT THE TOP OF THE FIRST PAGE OF EACH FORM!
- **PARTIES & CASE NUMBER** – the parties and the case number are the same on your *Motion* as they are in the *Petition* that you already have. 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
 - Refer to the instructions for your *Petition* or *Response* for requirements related to children age 18, 19, or 20 years old

- **Support** (*spousal/partner or child*)
 - If you are requesting either spousal/partner support or child support, you must file a *Uniform Support Declaration (USD)*. Go to www.courts.oregon.gov/forms and select "Miscellaneous" under Family Law.
 - NOTE: If you are filing this *Motion* at the same time as (or within 30 days of) your *Petition* or *Response* AND you filed a USD with the *Petition* or *Response*, you do not need to file another USD unless the information has changed

- **Children**
 - **If you have an existing child support order** and want to change it, do not use these forms to do that. You may need to speak to a lawyer, or to the agency or court that issued your order to make a change.
 - If you are requesting child support you must include *Child Support Worksheets* with your motion. Go to <https://justice.oregon.gov/guidelines/> and complete the child support guidelines calculator. Worksheets will be created at the end for you to print or save.
 - You also need to account for reasonable parenting time with the other parent if you want custody. The parenting plan can be as general or as detailed as you like, but should include reasonably specific times for the other parent to spend with the children considering the children's ages and individual needs.
 - Most counties have a standard parenting plan in their Supplementary Local Rules (SLR). These can be found on your court's website.

- If you do not have children or are not requesting any orders related to children, you do not need to fill out the UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) information (sections 1-6). If ANY of your requests are related to children, fill out the UCCJEA information completely or the court may not be able to grant your motion.

- **Order or Limited Judgment** - If you are requesting support or lawsuit money, complete a *Limited Judgment*. If you are requesting non-monetary relief either alone **or in addition** to money, complete the *Order for Temporary Relief*.

- **Firearms Prohibition** – If the Order prohibits the other party from molesting (harassing, menacing) or interfering with you or your children, federal and state firearms laws may apply. Other requirements must be met for the prohibitions to apply. The judge will review your *Motion*. Refer to the box on page 3 of the Order for more 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. You will also need copies of the *Motion and Declaration* to serve on the other party. See Step 2 for service information.



Check with your local court to find out how to file the original *Motion & Declaration* with the court clerk. There is no filing fee for this motion.



STEP 2: NOTIFY THE OTHER PARTY

You must officially notify the other party. This is called “service.” Serve a copy of the *Motion and Declaration* and any supporting documents that you file. **NOTE:** If the other party has a lawyer, you **MUST** serve the lawyer – NOT the party!

**If you are filing your *Motion* at the same time you file your *Petition*, serve both the *Motion* and the *Petition* together following the service rules for the *Petition*. If you are filing this *Motion* separately, follow the service rules below. **

1. **By Mail:** Mail the papers to the other party’s lawyer or to the party’s home address by first class mail. The date of service is the date you mail the papers.
2. **By Delivery:** Hand the papers to the other party’s lawyer or to the party, leave the papers at the lawyer’s or party’s office with a clerk or someone in charge, or leave the papers at the party’s residence with someone 14 or over who lives there.

Proof of Service

Fill out the “Certificate of Service” section on a copy of the *Motion and Declaration* and file it with the court



STEP 3: THE HEARING AND ORDER

Courts handle these requests differently. Ask the clerk what will happen. The clerk can tell you what additional steps you may need to take.

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



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 will “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 _____

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

Case No: _____

Petitioner
and

Respondent

**MOTION FOR PRE-JUDGMENT
TEMPORARY ORDERS &
DECLARATION IN SUPPORT**

and

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

A *Petition* has been filed in this court for dissolution, separation, annulment, or custody and parenting time but no *Judgment* has been issued. Date *Petition* filed: _____
(Note: do NOT use this form if you filed a request to modify (change) an existing judgment)

Motion

I am the petitioner respondent named above

I request the following temporary orders to be effective until a general judgment is issued in this case: (check all that apply and complete all information)

CUSTODY, PARENTING TIME, and/or CHILD SUPPORT

I request custody of the following children: (names) _____

The other parent should have parenting time with these children as detailed in the attached parenting plan (**or**) _____

Parenting time should be supervised by _____. Any cost of supervision should be paid by Petitioner Respondent.

Child support determined under the Oregon Child Support Guidelines* or in the amount of \$ _____ per month

I have included a *Uniform Support Declaration* (USD) and *Child Support Worksheets* with this motion

This *Motion* is being filed at the same time as, or within 30 days of, my *Petition* or *Response* and I already filed a USD

➤ **due** on the **first** day of each month beginning the month after

this *Motion* is served **or**

the *Limited Judgment* is entered

➤ **payable by** Petitioner Respondent

Cash Medical Support - because no health insurance is available to either party
(Cannot be ordered if the parent who would pay is presumed unable to pay support or has income at or below Oregon's full-time minimum wage, or because the children's medical needs will be met by the Uninsured Medical provision below.)

Uninsured medical expenses - Petitioner should pay _____% and Respondent should pay _____% of the unreimbursed costs of the children's reasonable medical, dental, and vision care. This obligation should be in addition to child support.

RESTRAINT of the other party from molesting (harassing, menacing) or interfering in any manner with me or our minor children

PROPERTY

Possession and exclusive use of the family home (*address*) _____

because:

minor children live there and it is in the children's best interest to stay in the home and to have the other parent move out.

the other party assaulted or threatened to assault me

Explain: _____

Additional page attached

Temporary use, possession, and control of the following real or personal property.
(Describe the property you want control of and who is responsible for payments and obligations related to the property) _____

Additional page attached

SPOUSAL/PARTNER SUPPORT in the amount of \$ _____ per month. A *Uniform Support Declaration* is included with this *Motion*.

LAWSUIT MONEY in the amount of \$ _____ to pay my case-related expenses

Statement of Points and Authorities

ORS 107.095 authorizes the court to enter certain temporary orders after commencement of suit and before judgment

Declaration

(Only complete if you are asking for orders related to minor children)

1. I am asking for a temporary custody order because: (explain) _____

2. 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, beginning with the current location.

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

Additional page attached titled "Section 2"

3. 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: _____

4. 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 4"

5. 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, or juvenile matters involving any of the children

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

6. 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)*: _____

7. The other party is a threat to the physical safety of myself and/or my children because: _____

(Describe any actions taken by the other party that cause you to fear bodily injury): _____

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

Certificate of Mailing

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

Date

Signature

Name

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

**ORDER OF TEMPORARY
RELIEF**

and

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

This document was presented to the court:

- On the stipulation of the parties, as shown by the signatures at the end of this *Order*
- After a hearing held _____ (date), at which the following persons were present:
- Petitioner Petitioner's attorney _____
 - Respondent Respondent's attorney _____
 - Other _____

The court grants the following temporary relief. The terms of this order are effective until further order of the court.

CHILDREN:

Parties have agreed to joint custody of the following children: _____

Petitioner Respondent is granted **custody** of the following children: _____

The parties will have **parenting time** according to the attached parenting plan
or other _____

Petitioner Respondent will not have parenting time because it would endanger the health and safety of the children

Parenting time must be supervised by _____
Cost of supervision must be paid by Petitioner Respondent

Other: _____

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 orders even if you are not receiving child support.

Violation of child support orders and parenting time orders is punishable by fine, imprisonment or other penalties.

Publicly funded help is available to establish, enforce, and modify child support orders. Paternity establishment services are also available. Contact your local district attorney or the Department of Justice at 503.373.7300 for information.

Publicly funded help may be available to establish, enforce, and modify parenting time orders. Forms are available to enforce parenting time orders. Contact the domestic relations court clerk or civil court clerk for information.

Petitioner Respondent is **restrained** from molesting or interfering in any manner with the other party or the parties' minor children*(see "Firearms" below)

Temporary Child Support is ordered in a separate *Limited Judgment for Temporary Support*

PROPERTY

Family Home:

Petitioner Respondent is granted exclusive possession of the **family home** located at: (address) _____

because it is in the best interests of the children living there

Other: _____

Other Real Property:

Petitioner Respondent is granted exclusive possession of the following real property (not the family home) located at: (address) _____

Personal Property:

Exclusive use of the following personal property as follows:

Other:

Temporary Spousal/Partner support is ordered in a separate *Limited Judgment for Temporary Support*

*** FIREARMS**

If the provision above with an asterisk (*) is checked, then firearms restrictions apply if the judge completes the box below

FIREARMS (OPTIONAL - FOR COURT USE ONLY)

FIREARMS PROHIBITION FINDINGS:

(Only applies if restraint from molesting/interfering with the other party or minor children is ordered)

Petitioner Respondent (“prohibited party”) is subject to a firearms prohibition and surrender order as below *(Event: FQOR)*

Prohibited party is a credible threat to the physical safety of Petitioner

Respondent Minor Children in _____’s care **and** is the spouse/Registered Domestic Partner of, or shares a child in common with, the other party

- This order was issued after a hearing of which the restrained party received actual notice and at which the restrained party had the opportunity to participate
- Prohibited party is **immediately prohibited** from purchasing or possessing any firearms or ammunition subject to criminal penalties and contempt of court
- Prohibited party is ordered to **surrender all firearms and ammunition** according to the attached *Firearms Surrender and Return Terms*, which are incorporated and made part of this *Order*
- Prohibited party is ordered to **file** a *Declaration of Firearms Surrender* with any required attachments according to the *Firearms Surrender and Return Terms*

LEDS/NCIC

An expiration date must be provided in order for this restriction to be entered into LEDS/NCIC

- This restriction expires: _____ or by further order of the court

Security amount for violation of any provision of this Order is \$5,000 unless otherwise specified here \$ _____

FIREARMS NOTIFICATION

If the firearms prohibition above is marked by the judge, it is immediately unlawful for you to possess or purchase a FIREARM, including a rifle, pistol, or revolver, and AMMUNITION (ORS 107.095(5) & 166.255)

You are required to surrender any firearms and ammunition you have in your possession within **24 hours** of receiving this *Order*. You must file a *Declaration of Firearms Surrender* with this court within **2 days** of receiving this *Order*.

You may be subject to criminal penalties and held in contempt of court for violation of this prohibition. Talk to a lawyer if you have questions about this

Judge Signature:

Certificate of Readiness

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

Service is not required under UTCR 5.100 because the other party has been found in **default** or an order of default is being requested with this proposed order ; or this order is being submitted in **open court** with all parties present.

Each party affected by this order has **stipulated** to or approved the order, as shown by the

signatures on the order.

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

Petitioner stipulates (agrees) to the terms of this order

Petitioner, Signature

Date

Petitioner, Name (printed)

Respondent stipulates (agrees) to the terms of this order

Respondent, Signature

Date

Respondent, Name (printed)

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

Case No: _____

Petitioner

and

Respondent

**LIMITED JUDGMENT
FOR TEMPORARY SUPPORT**

and

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

This document was presented to the court:

- 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 _____

Findings: _____

The court grants the following temporary relief. The terms of this judgment are effective until further order of the court.

CHILD SUPPORT: (Child Support Worksheets are attached and are incorporated by reference)

Child support in the amount of \$_____ per month paid by
 Petitioner Respondent to the other party on the first day of the month beginning (date):_____. Payment will be made through the Department of Justice Child Support Program.

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 visitation orders even if you are not receiving child support.

Violation of child support orders and parenting time orders is punishable by fine, imprisonment or other penalties.

Publicly funded help is available to establish, enforce, and modify child support orders. Paternity establishment services are also available. Contact your local district attorney or the Department of Justice at 503.373.7300 for information.

Publicly funded help may be available to establish, enforce, and modify parenting time orders. Forms are available to enforce parenting time orders. Contact the domestic relations court clerk or civil court clerk for information.

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.

Both parties must maintain current **medical insurance** coverage for the children

Cash Medical Support in the amount of \$_____ in addition to cash child support ordered above

Uninsured Medical Expenses

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.

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 private health insurance within **10 days** of the change if collection services are provided by DCS.

SPOUSAL/PARTNER SUPPORT:

Spousal/partner support in the amount of \$_____ per month paid by Petitioner Respondent to the other party. Payments are due on the first day of the month beginning the date the *Motion* was served (date: _____) **or** other date: _____. Payments end on the death of either party or by further order of the court, whichever is sooner.

All payments of spousal/partner support must be made:

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.

or

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. *(NOTE: spousal support services are only available through DOJ if the receiving party is on public assistance, if child support services are provided in the same case, or if your county provides services locally. DOJ will notify you if your case does not qualify for services. Talk to a lawyer for more information.)*

LAWSUIT MONEY to pay case-related expenses

\$_____ payable by { Petitioner Respondent} to the other party by

(date): _____

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

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	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____ _____
Respondent	<input type="checkbox"/> None or <input type="checkbox"/> Name: _____ _____

Type of Judgment		Amount	Beginning / Ending
<input type="checkbox"/> Child Support	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ per month for cash medical support and \$ _____ per month for child support	Beginning the first day of the month following <input type="checkbox"/> entry of this judgment <i>or</i> <input type="checkbox"/> the date of service of the <i>Motion (date)</i> _____ <i>or</i> <input type="checkbox"/> Other _____ and due on the first day of each month thereafter Ending when the last child turns <input type="checkbox"/> 18 or <input type="checkbox"/> 21 (if the child remains a Child Attending School)

Type of Judgment		Amount	Beginning / Ending
<input type="checkbox"/> Spousal/ Partner Support	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	\$ _____ per month	Beginning the first day of the month following <input type="checkbox"/> entry of this judgment <i>or</i> <input type="checkbox"/> the date of service of the <i>Motion (date)</i> _____ <i>or</i> <input type="checkbox"/> Other _____ and due on the first day of each month thereafter
<input type="checkbox"/> Lawsuit Money	WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	A lump sum of \$ _____	Ending the earlier of: <i>(date)</i> _____ or the death of either party Paid by <i>(date)</i> : _____

Judge Signature:

Certificate of Readiness under UTCR 5.100

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

- Service is not required under UTCR 5.100 because 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 the *Notice of Proposed Judgment or Order* on all parties entitled to service. **And:**
 - No objection has been served on me within the 7-day 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 (*name*) _____ 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

Date

Signature

Print Name

Contact Address

City, State, Zip

Contact Phone

Petitioner stipulates (agrees) to the terms of this order

Petitioner, Signature

Date

Petitioner, Name (printed)

Respondent stipulates (agrees) to the terms of this order

Respondent, Signature

Date

Respondent, Name (printed)

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.

Signature

Date