Registering Foreign Judgments in Oregon

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Uniform Enforcement of Foreign Judgments Act

- In Oregon, judgments, decrees, and orders issued by a tribal court or federally recognized Indian tribe may be registered as foreign judgments

- Once it is properly filed, the tribal judgment generally has the same effect and is enforceable in the same manner as an Oregon Circuit court judgment

ORS Chapter 24

Foreign Judgment Definition

- Any judgment, decree or order of a court of the United States or of any other court which is entitled to full faith and credit in this state; and

- Any judgment, decree or order of a tribal court of a federally recognized Indian tribe, except when another Oregon statute provides a different process to enforce a tribal judgment, decree or order, or as provided in ORS 426.180.

ORS 24.105

2 Pathways for Foreign Judgments

- Standard Civil Judgments
  - Chapter 24
- Specialized Statutory Procedures
  - Depending on the type of order
  - Specialized statutory process

Chapter 24 Process

- A certified or exemplified copy of the foreign judgment
- An affidavit or declaration with the names and last-known addresses of the creditor and debtor,
- Statement listing all information required of the judgment as required in ORS 18.042, and
- Certification that the judgment is only filed in one court in Oregon.
- Certificate of mailing/notice
- Filing/application fees or fee deferral

Specialized Processes

- Protective Proceedings
- Child Custody and Parenting Time Orders
- Protective/Restraining Orders
- Tribal Customary Adoption
- Civil Commitment
- Child Support

Protective Proceedings

Guardianship

Conservatorship

- Request to register the foreign judgment (usually a motion or petition)
- Proof of notice to the out-of-state court of the filer's intention to register the judgment in Oregon
- Certified copies of the order of appointment of the fiduciary AND their letters of appointment.
- Filing fee for registration of a foreign judgment
- ORS 125.842, ORS 125.845

Child Custody/Parenting Time Orders

- The party registering the judgment must serve notice to other parties
- 21 day objection period
- Hearing, if requested
- If no objection filed, registration confirmed
- Statewide forms available
  - https://www.courts.oregon.gov/programs/family/forms/Pages/enforcement.aspx

Protective Orders

- A protected party does not need to register the order for it to be enforceable
  - Enforceable immediately upon arrival unless exception applies
- A person protected *may* register a foreign restraining order
- The court may **not** collect a filing fee for a filing under this subsection.

- ORS 24.190

Tribal Customary Adoption

- Specific process unique to dependency matters with an Indian child as a ward of the court.
- The tribe files its customary adoption judgment with the juvenile court.
- If the statutory conditions are satisfied, the court gives the tribal order full faith and credit and enters an Oregon judgment of adoption.
- The tribal customary adoptive parent does not need to file a petition and the case is opened based upon the tribal customary adoption judgment or order.
- No fees are required.
- ORS 419B.656

Civil Commitment

- ORS 426.180 is an emergency recognition and transfer process and is not a standard tribal order registration.
- The certified tribal order initiates an emergency transport and admission process.
- If the person is admitted to a facility, an Oregon civil commitment case will be initiated in the county where the facility is located.

Civil Commitment

- ORS 426.180 Process
  - Tribal Order
  - Order and Affidavit to Law Enforcement
  - Transport
  - Independent Facility Admission Decision
  - Notice to CMHP and Circuit Court
  - Initiate Oregon Investigation and Commitment Proceeding

Considerations

- Benefits/risks re registering judgments
- Data collection/case information/
- UCCJEA Processes
- Aid and Assist model
- Regional tribes and tribe designation

Thank you!