

CHAPTER 8—Domestic Relations Proceedings

8.010 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT

- (1) Petitioners, when serving respondents, must attach to the petition a copy of the Notice to Parties of a Marriage Dissolution as required by ORS 107.092. Copies of the notice may be obtained from the trial court administrator's office or from the Oregon Judicial Department website.
- (2) Unless otherwise ordered by the court, general judgments in all uncontested actions for annulment or dissolution of marriage or for separation shall be entered on the basis of the affidavit set forth in ORS 107.095(4) in lieu of a hearing on the merits.
- (3) In all contested dissolution of marriage, separate maintenance or annulment actions, each party must file and serve on the other party a statement listing all marital and other assets and liabilities, the claimed value for each asset and liability and the proposed distribution of the assets and liabilities. In the alternative, the parties may elect to file a joint statement containing this information.
- (4) Except as provided in paragraph (c) of this subsection, in all proceedings under ORS chapter 107, 108, or 109 wherein child support or spousal support is requested by either party, each party must file a Uniform Support Declaration (USD) in the form specified at www.courts.oregon.gov/forms and serve it on the other party. A USD required by this subsection must be completed as follows:
 - (a) In all such cases, the parties must complete the USD and Required Attachments.
 - (b) The parties must also complete the USD Supplement if:
 - (i) Spousal support is requested by either party; or
 - (ii) Child support is requested by either party in an amount that deviates from the uniform support guidelines.
 - (c) A USD is not required if the parties have stipulated to all judgment terms.
- (5) If the Division of Child Support (DCS) of the Department of Justice or a district attorney child support office (DA) either initiates or responds to a proceeding under section (4) of this rule, the DCS or DA must be allowed to file and serve, in lieu of the USD, an affidavit or a declaration under penalty of perjury that sets out the following information:
 - (a) The name of the legal or physical custodian of the child(ren).

- (b) The name and date of birth of each child for whom support services is being sought.
 - (c) A statement of the amount of public assistance being provided.
 - (d) A statement of the value of food stamp benefits being provided.
 - (e) A statement of whether medical insurance (Medicaid) is being provided.
 - (f) A statement of any other known income of the physical custodian.
 - (g) A statement concerning any special circumstances that might affect the determination of support.
- (6) (a) Unless a Supplementary Local Rule (SLR) provides to the contrary, the documents required to be filed under subsection (3) must be filed and served not less than 14 days before the trial on the merits unless both parties stipulate otherwise, but in any event before the beginning of trial.
- (b) Subject to the requirements of UTCR 8.040 or UTCR 8.050, when applicable, and unless an SLR provides to the contrary, the documents required to be filed under subsections (4) and (5) must be filed and served within 30 days of service of a petition or other pleading that seeks child support or spousal support on other than a temporary basis.
- (7) No judgment under this chapter shall be signed, filed, or entered unless all relevant documents have been filed, including all of the following:
- (a) An affidavit or a declaration under penalty of perjury of completed service.
 - (b) An affidavit or a declaration under penalty of perjury of nonmilitary service and the proposed order of default if the respondent is in default.
 - (c) The affidavit or declaration under penalty of perjury described in ORS 107.095(4), if the matter is uncontested.
 - (d) A completed Oregon State Health Division Record of Dissolution of Marriage form.
 - (e) A USD as provided under subsection (4) of this rule.
 - (f) If child support is requested by either party, the Division of Child Support (DCS) worksheets described in UTCR 8.060.
 - (g) A proposed judgment.

- (8) Parties to proceedings under ORS 107.085 or 107.485 must follow UTCR 2.130 to segregate all Social Security numbers from documents the parties submit in the proceedings so the numbers will be protected as required by ORS 107.840.

8.020 SUPPORT ORDERS

- (1) Every proposed order or judgment providing for the support of any person under ORS chapters 25, 107, 108, 109, 110, or 419A, 419B, or 419C, or modifying any order or judgment for support of any person under those chapters, must set forth the due date of the first support payment to be made thereunder, the means of payment and the person to whom payment must be made.
- (2) Every proposed order or judgment that includes a provision concerning child support must include notice that, if services are provided by the Division of Child Support, the obligor and obligee must inform the administrator, as defined in ORS 25.010(1), in writing of any change in private health insurance enrollment status within 10 days of the change.

8.030 JOINT PETITIONS AND STIPULATED JUDGMENTS FOR DISSOLUTION OF MARRIAGE, SEPARATION, OR PROCEEDINGS UNDER ORS 109.103

- (1) In an action for dissolution of marriage or Registered Domestic Partnership, separation, or as set out under ORS 109.103, the parties may file a joint petition for relief and, regardless of whether a joint petition was filed, may submit a stipulated general judgment.
- (2) A joint petition filed under this rule requires payment of only one filing fee under ORS 21.155, payable by one initiating party.
 - (a) If parties jointly file under this rule but do not submit a stipulated judgment, a second filing fee under ORS 21.155 will be due from the other party before any hearing or trial will be scheduled.
 - (b) If a stipulated judgment entered under this rule becomes the subject of a contested modification action, the moving party must pay the filing fee due from a responding party under ORS 21.155.
- (3) Parties with joint children under the age of 21 who both file a joint petition and submit a stipulated judgment must also send a copy of the joint petition and proposed stipulated judgment to the Department of Justice, Division of Child Support.
- (4) Parties seeking a stipulated general judgment under this rule must submit the appropriate completed stipulated general judgment and are not required to file a motion requesting entry of judgment.

- (5) A stipulated general judgment submitted under this rule must be accompanied by the following documents if not previously filed:
 - (a) The affidavit or declaration required under ORS 107.095(4), which may be included in the petition.
 - (b) If the judgment is for dissolution of either a marriage or a Registered Domestic Partnership, a completed Oregon State Health Division Record of Dissolution of Marriage, Annulment, or Registered Domestic Partnership form.
 - (c) If the parties have joint children under the age of 21, the Division of Child Support (DCS) worksheets described in UTCR 8.060.
- (6) If the parties submitting a stipulated general judgment under this rule have any joint children ages 18, 19, or 20, the parties must file a waiver of further appearance and consent to entry of judgment for each adult child. In the absence of such a waiver for any adult child, the submitted judgment must include the signature of that child. If any adult child chooses not to sign or execute a waiver, the parties may not submit a stipulated judgment under this rule.
- (7) This rule does not apply to supplemental or limited judgments.

8.040 PREJUDGMENT RELIEF UNDER ORS 107.095(1)

- (1) An order for relief authorized by ORS 107.095(1) may be granted on motion supported by an affidavit or a declaration under penalty of perjury setting forth sufficient facts to establish a right to the requested relief.
- (2) Any motion regarding temporary custody of a minor child must be supported by an affidavit or declaration under penalty of perjury, which must state the present location of the minor child, the person with whom the child presently resides, the persons with whom and the places where the child has resided for the last six months, including the length of time with each person and at each residence, and the reasons why a temporary custody order is sought.
- (3) Except as provided in subsection (4), when a party seeks temporary support under ORS 107.095(1), each party must file a Uniform Support Declaration (USD), as follows:
 - (a) The party seeking temporary support must include a USD as a documentary exhibit to the motion.
 - (b) The opposing party must file a USD and serve it on the party seeking temporary support. Unless an SLR provides to the contrary, the opposing

party must file and serve the USD within 14 days of service of the motion seeking temporary support.

- (c) Any USD must be completed as provided under UTCR 8.010(4), in the form specified at www.courts.oregon.gov/forms.

(4) Exceptions to USD requirement:

- (a) A party seeking temporary support, or the opposing party, need not file a USD under subsection (3) if:
 - (i) The party is simultaneously filing a pleading under UTCR 8.010(4) that incorporates a USD; or
 - (ii) Within the prior 30 days, the party already filed a pleading under UTCR 8.010(4) that incorporated a USD and the information therein has not changed.
- (b) If an exception applies, the motion for temporary support must:
 - (i) Under subsection (4)(a)(i), identify the accompanying pleading and state that it includes a USD; or
 - (ii) Under subsection (4)(a)(ii), identify the earlier pleading and state that it included a USD, that it was filed within the prior 30 days, and that the information therein has not changed.

8.050 JUDGMENT MODIFICATION PROCEEDINGS

- (1) Modification proceedings must be initiated by an order to show cause based on a motion supported by an affidavit or a declaration under penalty of perjury setting forth the factual basis for the motion or by other procedure established by SLR. The initiating documents must contain a notice substantially in the form set out at ORCP 7. This notice may be a separate document or included in an Order to Show Cause or Motion.
- (2) Except as provided in paragraph (d) of this subsection, when support is requested by either party, each party must complete and file a Uniform Support Declaration (USD), as set out below.
 - (a) The party seeking modification to support must file a USD with the motion and serve it under subsection (3) of this rule.
 - (b) If an order to show cause issues, the opposing party must file a USD and serve it on the party seeking modification of support. Unless an SLR provides

- to the contrary, the USD must be filed and served within 30 days of service of the order to show cause.
- (c) Any USD must be completed as provided under UTCR 8.010(4), in the form specified at www.courts.oregon.gov/forms.
 - (d) A USD is not required from either party when the motion seeks to terminate child support solely because the child is no longer legally entitled to support.
- (3) Initiating documents must be served by delivering a certified copy of each document and USD, if applicable, in the manner necessary to obtain jurisdiction.
- (4) If the Division of Child Support (DCS) of the Department of Justice or a district attorney child support office (DA) either initiates or responds to a support modification proceeding, the DCS or DA must be allowed to file and serve, in lieu of the USD, an affidavit which sets out the following information:
- (a) The name of the legal or physical custodian of the child(ren).
 - (b) The name and date of birth of each child for whom support modification is being sought.
 - (c) A statement of the amount of public assistance being provided.
 - (d) A statement of the value of food stamp benefits being provided.
 - (e) A statement of whether medical insurance (Medicaid) is being provided.
 - (f) A statement of any other known income of the physical custodian.
 - (g) A statement concerning any special circumstances which might affect the determination of support.
- (5) A party who files an *ex parte* temporary custody or parenting time order pursuant to ORS 107.139 must file a motion for permanent modification of custody or have one pending at the time this application is made.

8.060 FILING DCS WORKSHEETS REQUIRED IN CHILD SUPPORT CASES

Parties must submit the completed Division of Child Support (DCS) child support calculation worksheets that are available at www.doj.state.or.us/child-support/resources/forms as required by the following:

- (1) If child support is requested by either party at the time of trial, the UTCR 8.010(3) statement of each party must include the worksheets. If child support is awarded,

the judgment must incorporate the worksheets as an exhibit evidencing the basis for the court's award.

- (2) In cases involving temporary child support, the party seeking temporary support must serve the opposing party with the worksheets. If child support is requested by either party at the time of hearing, each party must submit the worksheets to the court.
- (3) In cases involving modification of a judgment, if modification of child support is requested at the time of hearing, each party must submit the worksheets to the court. If an award of child support is modified, the amending judgment must incorporate the worksheets as an exhibit evidencing the basis for the court's award.

8.070 STANDARDIZED PARENTING PLANS

- (1) SLR 8.075 is reserved for judicial districts to announce that they have adopted a standardized parenting plan.
- (2) The standardized parenting plan shall be placed in an appendix to the SLR or on the court's website or both.

8.080 STATUTORY RESTRAINING ORDER TO PREVENT DISSIPATION OF ASSETS IN CERTAIN DOMESTIC RELATIONS ACTIONS

- (1) The form of notice provided at www.courts.oregon.gov/forms must be used for the statutory restraining order established by ORS 107.093. The petitioner must ensure that a copy of the notice is attached to the summons as required by ORS 107.093(5). The notice need not be signed by a judge.
- (2) The form of notice provided at www.courts.oregon.gov/forms must be used for the statutory restraining order established by ORS 109.103(5). The petitioner must ensure that a copy of the notice is attached to the summons as required by ORS 109.103(5)(d). The notice need not be signed by a judge.
- (3) The request for hearing required by ORS 107.093(3) or 109.103(5)(b) shall be in substantially the same form as provided at www.courts.oregon.gov/forms.

8.090 CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS

- (1) This rule applies to information about other pending child support orders, judgments, or proceedings, as required by ORS 107.085(3), 107.135(2)(b), 107.431(2)(b), 108.110(4), 109.100(3), 109.103(3), 109.165(3), and 125.025(4)(b),

in any motion or petition filed pursuant to ORS 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, and 125.025.

- (2) In any motion or petition described in subsection (1), a filer must include a certificate stating whether any pending child support proceeding, or child support order or judgment, exists between the parties. The certificate must be placed at the end of the motion or petition, immediately above the declaration line.
- (3) The motion or petition also must include the name of the court or agency handling a pending proceeding, the case number, and date of any existing order or judgment. That information may be included in the certificate described in subsection (2) or may be set out elsewhere in the motion or petition. If set out elsewhere, the filer must specifically identify the information provided as involving a pending child support proceeding, or an existing order or judgment.
- (4) The information required by subsections (2) and (3) of this rule must be completed in substantially the form provided at www.courts.oregon.gov/forms.

8.100 PROCEDURE FOR WAIVER OF MARRIAGE FEE UNDER ORS 106.120

- (1) To obtain a waiver of the fee required to be paid under ORS 106.120 before a circuit, appellate, or tax court judge can perform weddings in certain circumstances, both persons wishing to be married must do all the following:
 - (a) Complete a request in substantially the form provided at www.courts.oregon.gov/forms.
 - (b) Submit the completed form to a circuit court judge serving the county where the wedding will be performed for review and appropriate action.
 - (c) If the request is granted by the judge under (b) of this subsection, give the copy of the signed waiver to the judge who will solemnize the ceremony.
- (2) If the request is denied by the judge, there is no waiver. Those persons who made application must either reapply under this rule or pay the fee. However, neither person may again make a request of any judge to waive the fee for 30 days from the date a judge signs an order denying a waiver under this rule.
- (3) If a person is requested to pay the fee under ORS 106.120 while applying for a marriage license or by a court clerk, the person may show a valid waiver of fee granted to that person under this rule and will not have to pay the fee. A waiver granted under this rule is valid for only 30 days from the date the judge signs the order allowing the waiver and does not waive any other fees which may legally be charged related to the marriage or wedding.

- (4) Upon receipt of a request for waiver under this rule, a judge will do all the following:
 - (a) Review the request to determine whether the judge can make a determination on the request. Only circuit court judges serving in the county where the wedding will be performed can grant a waiver under this rule. A judge will deny a request for a waiver under this rule if the request has been made to any other judge within 30 days.
 - (b) Determine whether exigent circumstances exist allowing the judge to waive the fee. The determination of exigent circumstances is at the sole discretion of the judge, but can, by statute, specifically include indigency of the parties to the marriage.
 - (c) Sign the waiver form indicating the judge's decision; give a copy of the completed, signed form to the parties to the impending marriage; and file a copy with the trial court administrator for that circuit court.
- (5) When solemnizing a marriage, a judge, under ORS 106.120(9), will accept a copy of a valid waiver granted under this rule in lieu of proof of payment of the fee required under ORS 106.120(9). The judge will maintain the copy of the waiver with other records of the marriage for as long as the judge is required to maintain the other records.

8.110 LIMITED SCOPE REPRESENTATION (Repealed)

REPORTER'S NOTE: UTCR 8.110 was repealed effective August 1, 2017. UTCR 5.170 (Limited Scope Representation) became effective that date and applies to domestic relations proceedings, so UTCR 8.110 was no longer needed.

8.120 INFORMAL DOMESTIC RELATIONS TRIAL

- (1) Upon the consent of both parties, Informal Domestic Relations Trials may be held to resolve any or all issues in original actions or modifications for dissolution of marriage, separate maintenance, annulment, child support, and child custody filed under ORS chapter 107, ORS chapter 108, ORS 109.103, and ORS 109.701 through 109.834.
- (2) The parties may select an Informal Domestic Relations Trial at any time before trial commences by filing either a Domestic Relations Trial Process Selection form (traditional or informal trial) in substantially the form provided at www.courts.oregon.gov/forms or making such selection orally on the record. If the selection is made orally, the judicial officer accepting the parties' selection must ensure the parties agree to the items identified on the form provided at www.courts.oregon.gov/forms. This form must be accepted by all judicial districts. SLR 8.121 is reserved for the purpose of making such format mandatory in the

judicial district and for establishing a different time for filing the form that is more consistent with the case management and calendaring practices of the judicial district.

- (3) The Informal Domestic Relations Trial will be conducted as follows:
- (a) At the beginning of an Informal Domestic Relations Trial the parties will be asked to affirm that they understand the rules and procedures of the Informal Domestic Relations Trial process, they are consenting to this process freely and voluntarily, and they have not been threatened or promised anything for agreeing to the Informal Domestic Relations Trial process.
 - (b) The court may ask the parties or their attorneys for a brief summary of the issues to be decided.
 - (c) The moving party will be allowed to speak to the court under oath concerning all issues in dispute. The party may not be questioned by an attorney, but may be questioned by the court to develop evidence required by any statute or rule, for example, the applicable requirements of the Oregon Child Support Guidelines if child support is at issue.
 - (d) The parties will not be subject to cross-examination. However, the court will ask the nonmoving party or their attorney whether there are any other areas the party wishes the court to inquire about. The court will inquire into these areas if requested and if relevant to an issue to be decided by the court.
 - (e) The process in subsections (3)(c) and (3)(d) is then repeated for the other party.
 - (f) Expert reports will be received as exhibits. Upon the request of either party, the expert will be sworn and subjected to questioning by the parties, their attorneys, or the court.
 - (g) The court will receive any exhibits offered by the parties. The court will determine what weight, if any, to give each exhibit. The court may order the record to be supplemented.
 - (h) The parties or their attorneys will then be offered the opportunity to respond briefly to the statements of the other party.
 - (i) The parties or their attorneys will be offered the opportunity to make a brief legal argument.
 - (j) At the conclusion of the case, the court shall render judgment. The court may take the matter under advisement, but best efforts will be made to issue prompt judgments.

- (k) The court may modify these procedures as justice and fundamental fairness requires.
- (4) The court may refuse to allow the parties to utilize the Informal Domestic Relations Trial procedure at any time and may also direct that a case proceed in the traditional manner of trial even after an Informal Domestic Relations Trial has been commenced but before judgment has been entered.
- (5) To opt out, a party who has previously agreed to proceed with an Informal Domestic Relations Trial must notify the parties and the court at any time before trial commences. A change in the type of trial to be held may result in a change in the trial date.