

FILING FOR CUSTODY, PARENTING TIME, & CHILD SUPPORT FOR UNMARRIED PARENTS



What these forms do

This set of forms will help you get a court order for custody, parenting time, and child support if you are not married to the other parent and have children under 18, and support for a child who is 18, 19, or 20 years old and attending school.

Paternity (legally establishing who the father is) **must be done before you can use these forms.**

- Paternity is established if the father signs and files a **Voluntary Acknowledgment of Paternity** (a statement that says he is the father) with the State Registrar of Vital Statistics. This is usually signed in the hospital when the child is born.
- Paternity can also be established through the Oregon Child Support Program or through the courts **before** you file these forms. Contact the Oregon Child Support Program (www.oregonchildsupport.gov) or a lawyer.

If Both Parties Already Agree

If you agree on all of the issues, you can file as Petitioner and the respondent can accept service of the *Petition* and sign a completed *Judgment* form. The respondent can also choose not to file a *Response*. If no response is filed, judgment will be entered based on what is in the *Petition* after you file a *Motion for Order of Default* (see “By Default” section below).

Symbols used in this form:



Important Note



STOP! You may not be able to use this form



Caution! You may need a lawyer



Timing requirement

Important Contact Information

Oregon Judicial Department - <http://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



If you are deployed or about to be deployed, contact the Oregon State Bar Military Assistance Panel (www.osbar.org/docs/ris/militaryflier.pdf) for information about special rights and rules that may apply to you.



Notice about these instructions and forms

These instructions are not a complete statement of the law. They cover basic procedures for simple cases involving custody, parenting time, and child support. If you have complicated issues or questions about the law, talk to a lawyer.

All of the necessary forms should be online. If you cannot find a form, ask your local court.

Each court has local rules, programs, and procedures that may not be explained in these instructions. Refer to the Supplementary Local Rules for your county. These rules are available online or at your local court or law library. Forms and information about your local court are on the Oregon Judicial Department website.



WHO IS A “CHILD”?

- A child must be born before you can file these forms
 - If you are pregnant with another child when you file this *Petition* and the child is also the child of the Respondent, you will need to file an amended *Petition* after the child is born. Talk to a lawyer if you need to do this.
- Children who have been emancipated are not “children” for purposes of these forms. A child is considered emancipated (independent) if the child:
 - Has been declared emancipated by a court order or
 - Is legally and validly married
- **Adult Children:** If you have a child age **18, 19, or 20 years old**, that child is a “necessary party” to any family law case until his or her 21st birthday. The child ***must*** be included in your filings and properly served with all documents. The child may later waive the right to be part of the case, but this must be done formally after you file. If you fail to properly serve an adult child, your case may be delayed until you do.
 - **Child Attending School, [ORS 107.108](#):** If you have an adult child, child support may be ordered for that child **as long as** the child is attending school. More information is included below.
- **NOTE FOR PREVIOUSLY MARRIED COUPLES**

If you and the respondent were married before and already divorced, you *may* be able to use these forms.

 - If the child was born **more than 300 days** after your dissolution judgment was signed, then you can use these forms.
 - If the child was born **less than 300 days** after your dissolution judgment was signed, talk to a lawyer. You may need to amend your prior filings and modify your existing dissolution judgment.

CO-PARENTING EDUCATION



Many courts require that parents of minor children go to a court-approved co-parenting class. Some courts will not allow you to finalize your case until you have completed the class and filed a certificate of completion with the court. Contact the court to see if you have to sign up or if the court will send you information after you file.

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General Information

- ❖ This type of case starts with a “petition,” which tells the court what you want. That’s why you are called the “**petitioner.**” The other parent is the “**respondent.**” The case ends with a “judgment,” which is the court’s final decision. The judgment is the document that finalizes your case and contains your rights and responsibilities.
- ❖  Keep the court and all other parties informed of your current address. **You don’t have to use your home address.** You may use any contact address where you regularly check in, as long as it is in the same state as your home. The court will assume that you receive all notices and documents sent to that address. **It is YOUR responsibility to let the court and other parties know if you move or want to get mail at a different address.**

TABLE OF FORMS

1. Starting your Case *(See the last box of this table for additional forms you may need)*

- ___ Petition for Custody and Parenting Time, and Child Support
- ___ Certificate re: Pending Child Support Proceedings and Existing Child Support Orders or Judgments
- ___ Summons
- ___ Notice of Statutory Restraining Order Preventing Dissipation of Assets
- ___ Confidential Information Form (CIF) *(one for each party, including adult children)*
- ___ Notice of CIF Filing

Optional:

- ___ Fee Deferral or Waiver Application and Declaration

2. Notifying the Other Party (Respondent)

- ___ Acceptance of Service (if possible)
- ___ Certificate of Service
- ___ Certificate of Mailing to DCS *(if you or the respondent is receiving public assistance)*

3. Temporary Orders

4. Resolving Your Case

By Agreement

- ___ Declaration in Support of Judgment
- ___ General Judgment of Custody and Parenting Time, and Child Support

Or

By Default

- ___ Ex Parte Motion for Order of Default and Declaration in Support
- ___ Order on Motion for Default
- ___ Declaration in Support of Judgment
- ___ General Judgment of Custody and Parenting Time, and Child Support

Or

By Hearing

- ___ General Judgment of Custody and Parenting Time, and Child Support

Additional forms you may need: *(More information is in the Instructions below)*

- ___ Parenting Plan
- ___ Fee Deferral or Waiver Application and Declaration *(optional)*
- ___ Child Support Worksheets
- ___ Uniform Support Declaration
- ___ Parenting Class Certificate of Completion *(if required for your court)*
- ___ Waiver of Personal Service
- ___ Waiver of Further Appearance and Consent to Entry of Judgment *(for adult children)*
- ___ End-of-case Fee Waiver Application

STEP 1: STARTING YOUR CASE



General Questions

- **Where to File** - You can file in the circuit court of the county where any child lives, or in a county where either parent lives.
- **Statutory Restraining Order** – By filing your *Petition*, you agree to follow the terms of an automatic restraining order. The order is effective once the papers have been served on the respondent (*see below for service information*). If you don't follow the order, you can be held in contempt of court and subject to penalties.
 - You must attach a copy of the restraining order (called “***Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions Between Unmarried Parents***”) to the *Summons* and serve it on the respondent. The form is included as [Appendix D](#).
 - The statutory restraining order prevents *either party* from making changes to insurance policies without the agreement of the other party if those policies are for the benefit of the children.



Filling Out The Forms

- **You are the “Petitioner” on ALL forms throughout this case, and the other parent is the “Respondent.”**
 - Use full names (first, middle or middle initial, last) and print names the same way on all forms – *first, middle, last*.
- **Do not put Social Security numbers on your *Petition*.** Social Security numbers must be given to the court but kept confidential from the public and the other party. Use the “*Confidential Information Form*” (CIF) to protect your identifying information.
 - Fill out one CIF for each party, including adult children.
 - The *Notice of Filing of Confidential Information Form* must be served on the respondent with your other documents. See below for information about service.





- **If the other parent does not respond**, you may be able to get a judgment by default (*see “Resolving Your Case,” below, for more information*). As you fill out your *Petition*, you must include enough information that the respondent knows what you are asking for. If you do not include specific requests, the court will not be able to enter a judgment by default until after you serve amended (changed) paperwork on the respondent.
- **NOTE:** this often happens with parenting plans. See below for more information.

Fill out the following forms

- *Petition for Custody and Parenting Time, and Child Support*
- *Certificate re: Pending Child Support Proceedings or Existing Child Support Orders/Judgments*
- *Summons*
- *Confidential Information Form (CIF) (one for each party)*
- *Notice of Filing of Confidential Information Form*
- *Certificate of Mailing or Delivery to Division of Child Support (ONLY if you or Respondent receives certain types of public assistance – see “Make Copies” below)*

You may need additional paperwork before the court can enter a judgment. See the Appendices for more information about when you need each form.

◇ *Parenting Plan* - See [Appendix A](#)

◇ *Uniform Support Declaration* – See [Appendix B](#)

UCCJEA

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) is a law that controls which state can decide issues of custody and parenting time. In most cases, if all of the children you are asking the court to address have lived in Oregon for the six months before you filed the *Petition*, Oregon courts can make a decision. You must provide certain information before an Oregon court can decide custody or parenting time.

Click [here](#) to read the UCCJEA (ORS 109.701-.834).



If you have any other orders or judgments about custody or parenting time from other states, or if any of your children have not lived in Oregon for six months before you file, you should see a lawyer.



Custody and Parenting Time (Visitation)

Read ORS [107.137](#) to see what a court will consider when awarding custody. The most important factor is *always* the best interest and welfare of the *child*.

Custody and Parenting Time

Joint and Sole Custody are legal terms that generally refer to the right to make certain decisions about the child. The parenting plan controls how much time each parent has with the child. See [Appendix A](#) for important information about custody and parenting plans. The court can only award joint custody if both parents agree to all of the terms. In most cases, both parents will have equal rights to information about the child regardless of the type of custody ordered. Both parents will have time with the child unless the court orders otherwise.

Parenting Plans

To avoid delay in your case, your *Petition* should include a parenting plan. A parenting plan sets out the schedule and may include rules for each parent's time with the child. Your plan must include the minimum amount of parenting time (formerly called "visitation") you want the non-custodial parent to have. You can be as detailed as you like. You can describe the parenting plan in the *Petition* or you can attach a separate page.

At the end of your case, the *Judgment* **must** contain a parenting plan. The parenting plan can be a part of the judgment form, or it can be in an attached document. See [Appendix A](#) for more information about parenting plans.



Moving – The *Judgment* will prohibit either parent from moving more than 60 miles farther away from the other parent without giving written notice to the court and the other parent.

You can ask the judge to waive this rule by checking the appropriate box on the *Petition* and explaining why you should not have to give notice of a move.



Safety

If you have safety concerns, you can ask the judge to suspend certain rights that the non-custodial parent automatically has. Check the appropriate box on the *Petition*. These rights include your duty to provide contact information and to tell the other parent if there is a major health concern for the children. [ORS 107.154](#) and [107.164](#) list the rights of a non-custodial parent. You **MUST** have a good reason for suspending these rights. Talk to a lawyer about these issues.

CHILD SUPPORT



- **IMPORTANT!** You *must* submit a “Certificate Re: Pending Child Support Proceedings and/or Existing Child Support Orders or Judgments.” Attach copies of any orders that are already in place for the children in this *Petition*.

Calculating Child Support

In most cases, the court will order child support if no child support order already exists. Go to www.oregonchildsupport.gov/calculator for worksheets and an interactive program to use when calculating support.

Click on this link:

[Go to Guidelines Calculator](#)

Worksheets must be submitted to the court before a judgment can be entered. You can submit them with your *Petition*. At the latest, you can submit them with your *Judgment*.



NOTE: If you request a child support amount that is *different* from what the calculator or worksheet says, you *must* explain why and how you reached that amount. If not, your case may be delayed until you explain the difference.

You will need to complete a ***Uniform Support Declaration (USD)*** if you and Respondent do not agree on an amount for child support. See [Appendix B](#) for information about the USD.

Payment of Child Support

Support is usually withheld from the payor's (the person who has to pay support) paycheck. The court may allow an exception to the income withholding requirement if you qualify under [ORS 25.396](#) and if you request an exception in the *Petition*. If the court grants an exception to income withholding, payment can be deposited into the receiver's bank account. If you are *paying* child support directly to the other parent, you should keep proof of every payment, including a receipt if you pay cash.

See [Appendix C](#) for information about how payments are made to adult children attending school.

Child support is NOT taxable as income or deductible to either party.

Life Insurance

The court can order a party to carry life insurance if that party is ordered to pay child support. Life insurance in connection with a support obligation is for the benefit of the children receiving support.



Health Insurance

Your judgment *must* address health insurance for any minor child involved in your case. There are two main categories of health insurance: "private," which is available through an employer or directly from an insurance carrier, and "public," such as the Oregon Health Plan, which you have to apply to the state for.

Cash Medical Support

In addition to child support, the court may order "Cash Medical Support." Cash Medical Support is to help pay for health insurance and out-of-pocket medical expenses.

If neither parent has private health insurance available, the court must order Cash Medical Support unless the judge finds reasons not to. The judge *cannot* order Cash Medical Support in some situations.

* * *

Adult Children (under 21)

If you have **any** child 18, 19, or 20 years old who is not married or emancipated, that child is a necessary party to this case. He or she *must* be added as a party in the case caption and has the right to participate. Adult children who are attending school at least half-time may seek child support from either or both parents. See [Appendix C](#) for more information about a Child Attending School.

You must properly serve each adult child with all the same papers as Respondent (see section below about serving the other party). After being served, a child **may** sign a ***Waiver of Further Appearance and Consent to Entry of Judgment*** form if the child chooses not to participate in the case.



Have your documents reviewed

You may want to have your documents reviewed before you file. For information about how to find a lawyer, call the Oregon State Bar at the numbers on [Page 2](#). If you are low-income, you might be able to get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program. Your local Legal Aid office might review documents for free if you qualify. Facilitators might also be available for free in your court but you may have to make an appointment. Call your court for information.



Make copies

Make one copy of **all** of the completed forms for your records. See Step 2 for additional copies you will need.

STEP 2: FILING AND SERVICE



File your forms

File all of the **original** forms except the *Summons* and *Notice of Statutory Restraining Order* with the court clerk. The clerk will give you a **case number** when you file. Put the case number on all copies and originals. See below for a list of the forms you will need to copy to serve on the respondent.



You have to pay the filing fees when you file your papers. Go to www.courts.oregon.gov for the filing fee.

- If you are low income, you may ask the court to defer (postpone) or waive your filing fee. You must complete an ***Application and Declaration for Deferral or Waiver of Fees*** and an ***Order Regarding Deferral or Waiver of Fees*** and file them with your papers. If the fee is deferred, you will have to pay the fee later. If the fee is waived, you don't have to pay it now. However, the judge may reconsider waived and deferred fees at the end of the case.

The clerk may give you some papers. A copy of these papers must be included with the *Petition* that you serve on Respondent (see below regarding service).

Make a copy of the following forms to serve on the respondent:

- *Petition*
- *Summons*
- *Notice of Filing of Confidential Information Form*
- *Certificate re: Pending Child Support Proceedings and/or Existing Support Orders/Judgments*
- *Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions Between Unmarried Parents*
- *Parenting Plan and Uniform Support Declaration* (if you are filing these documents with your *Petition*) (see [Appendices A & B](#) for information)
- Any other forms your local court requires you to serve on Respondent



TANF
OHP
OYA
Foster

You must also send a copy of the filed *Petition* to the Department of Justice Division of Child Support (DCS) if either you or Respondent receives Temporary Assistance to Needy Families (TANF) or the Oregon Health Plan (OHP), or if your children are in foster care or in custody of the Oregon Youth Authority. Your county branch office's address can be found at www.oregonchildsupport.gov/offices. After you mail the *Petition*, fill out the ***Certificate of Mailing or Delivery to Division of Child Support*** and file it with the court.



SERVICE

You must officially notify Respondent that you have filed a case. This is called "service." Follow the same steps to serve any 18, 19, or 20 year old children.

Acceptance of Service – If it is safe for you to give the respondent the papers yourself, you can use an ***Acceptance of Service*** form. If the respondent signs an *Acceptance of Service*, no other kind of service is required. Signing the *Acceptance of Service* does *not* mean the respondent agrees with anything in your *Petition*, only that he or she received the papers. **You must file the papers with the court before you give the copies to the respondent.**



Formal Service

If the respondent does not want to sign the **Acceptance of Service**, you must use another method. There are four ways you can serve. Service must be done **after** your *Petition* is filed.

****3 CRITICAL POINTS****

1. If you serve before you file, you will have to serve the papers again
2. You **CANNOT** serve the papers yourself
3. If Respondent has a lawyer, you should also send a courtesy copy of the papers to the lawyer

1. **Personal Service:**

- a. **By Process Server:** Take a copy of your papers to the sheriff's office in the county where Respondent 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 respondent is outside of Oregon, the server can be a resident of the state where the respondent 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 respondent. 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 respondent's residence (where he or she normally lives) with someone 14 years 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 respondent 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 respondent'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 respondent 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 respondent'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 respondent 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 respondent signs the returned green card.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ 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.	A. Received by (Please Print Clearly) B. Date of Delivery
1. Article Addressed to:	C. Signature X ☐ Agent ☐ Addressee
	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
2. Article Number (Copy from service label)	3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.
	4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

Proof of Service

The Certificates are your proof of service. An original *Certificate of Service* or *Acceptance of Service* must be filed with the court for your case to proceed, regardless of the method of service.



If proof of service is not received within **63 days** of filing your *Petition*, the court may send you a notice of dismissal. Your case may be dismissed if you do not provide proof of service within 28 days of the notice.

If you are not able to have Respondent 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. Forms to make this request are available online at <http://courts.oregon.gov>.

STEP 3: TEMPORARY ORDERS



You can ask the court to make temporary orders after you file the *Petition*. Temporary orders are effective as soon as a judge signs the order. They last until a judge changes the terms, signs the *General Judgment*, or dismisses the case. For example, either party may request an order for child support or an order about temporary use of property. To make any of these requests, you must file a “motion” (request) asking the court to do what you want. You may need a lawyer to file these requests.

- **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

One type of temporary order is called a *Status Quo Order*. This order prevents either parent from changing the children’s normal schedules, interfering with parenting time by the other parent, or changing where the children live. This does *not* decide custody or who can make major decisions for the children. “Normal schedule” means the children’s schedule for the three months before you file a request for a *Status Quo Order*.

Go to <http://courts.oregon.gov> for the forms to request temporary orders. The forms may not cover all temporary orders you need. Talk to a lawyer for more information.

Domestic Violence

All courts have restraining order forms for cases involving domestic violence. A judge will usually hear your request within a day or two of filing. Check with your local court for filing times and procedures.

Refer to <http://courts.oregon.gov/fapa> for Family Abuse Prevention Act (FAPA) forms and information.

Forms for other types of protective order are available at <http://courts.oregon.gov>

STEP 4: RESOLVING YOUR CASE

There are three ways your case can be resolved: by agreement between the parties, by default if the respondent doesn't respond, or by a judge in a hearing.

Even if you submitted Child Support Worksheets with your *Petition*, you MUST attach worksheets to your *Judgment*, regardless of how you resolve your case.



By Agreement

It is always better to resolve issues yourselves, since you know what's important to you. Once the case goes to a judge, it is out of your control. If you can't resolve the issues on your own, or if it is not safe for you to talk to Respondent, the court may provide options to help you, including mediation and arbitration. Some courts may require that you mediate before you have a hearing. Check your court's Supplementary Local Rules for more information.

Mediation: A mediator is a person trained to help people resolve disagreements. Mediation is confidential. You may ask to meet with the mediator alone if you are uncomfortable meeting with the other party for any reason. Check with your local court clerk to see if there is a fee for this service. Mediators are *not* judges – they cannot impose their decisions on you. Their job is to help *you* reach an agreement. This is your opportunity to retain control over the outcome of the case. Agreements incorporated into a *Judgment* are fully enforceable (*see below*).

If mediation has not yet been ordered in your case and you would like to request it, you may file a ***Request for Mediation*** form. You may also request that the court waive mediation requirements if you have a good reason by filing a ***Motion and Declaration for Waiver of Mediation***. Talk to your court if you have safety concerns.

If you and Respondent have agreed to all of the issues, fill out and file:

- ***Declaration in Support of Judgment***
- ***General Judgment of Custody, Parenting Time, and Child Support***

Note: The *Judgment* must be signed by both parties and all adult children before being submitted to the court



By Default

Respondent has 30 days to respond to your *Petition*. The time starts running from the day *after* the date of service. The response must be in writing and must be filed with the court and mailed to you. If the respondent does not file a response within 30 days, you may request an *Order of Default*.



Default means that you are asking the judge to award you what you asked for in your *Petition* because the respondent did not file a response. Look at [Oregon Rules of Civil Procedure](#) (ORCP) rule 69 for more detailed information.

- NOTE: If the respondent has given you written notice that he or she intends to appear, you have to give written notice that you intend to apply for a default order at least 10 days before you file your motion. See [Uniform Trial Court Rule 2.010](#) for the form your notice must be in. File your notice with the court and mail it to the respondent.

The judge may not grant a default if the respondent is incapacitated, a minor, a financially incapable person, a protected person, or a respondent in a fiduciary protective proceeding, as defined by [ORS 125.005](#).



You must also show that the respondent is not in active military service before the court can enter an order of default. This is part of the ***Ex Parte Motion for Order of Default & Declaration in Support***. If the respondent is in active military service, you cannot get an order of default unless the servicemember waives protection under the Servicemembers Civil Relief Act (SCRA). This federal law starts at 50 U.S.C. App 501. Your local law librarian can help you find it, or go to www.law.cornell.edu* (under *Get the Law* click *U.S.Code*, then click *Appendix to Title 50*). This law has strict rules about what “active military service” means. This protection does not apply to all servicemembers at all times.



If the respondent is in the military, you should see a lawyer before trying to get an order of default. If a default is not done properly, the respondent can re-open the case after returning from service. **Be aware** that if you knowingly make false statements about the respondent’s status, you may face both federal and state penalties.

If you know the respondent is *not* in the military, you must state *facts* that explain how you know.

If you have the respondent’s Social Security Number or date of birth, go to the Department of Defense website (www.dmdc.osd.mil/appj/scra/scraHome.do) to find out if the respondent is in active service. This site can give you a free statement of service status that you can print out (called a “certificate of service” on the website). Attach this statement, or a printout of the screen, to your motion. You can also call 571.372.1100 for military verification. Put the date and the name of the person you spoke with on your motion. If you don’t have the Social Security Number or date of birth, commercial sites may be able to provide information.

If you don’t know whether the respondent is in the military and have checked the website, or don’t have the necessary information, mark “I am unable to

* This is an outside site maintained by Cornell University. The Oregon Judicial Department is not responsible for any information on this site. Links may have moved.

determine whether this person is in military service” and add any facts that you *do* know. The judge will decide whether to grant the default.



➤ **If Respondent is in the military**

If Respondent is in active military service of the United States and has not responded to the *Petition*, the court won’t go ahead with your case until one of the following things happens:

- (1) Respondent is no longer in active military service,
- (2) Respondent waives, in writing, the right to avoid default, or
- (3) the judge holds a special hearing in your case

Talk to a lawyer if Respondent will not sign the waiver and you do not want to wait for military service to end. The SCRA rules are technical and complex. Contact the Oregon State Bar for help (contact information is on [Page 2](#)).

* * * * *

Requesting a Default - fill out the following forms:

- ***Ex Parte Motion for Order of Default and Declaration in Support***
- ***Order on Motion for Default***
- ***Declaration in Support of Judgment***
- ***General Judgment of Custody and Parenting Time and Child Support***

Read your *Petition* CAREFULLY! The ***Declaration in Support of Judgment*** allows you to note any information that has changed since you filed the *Petition*. Read **each** section of the *Petition* you filed and note any changes in the spaces provided. You must complete the rest of the *Declaration* in all cases.



After you make yourself a copy of the completed forms, file the originals with the court any time *after* 30 days from the date of service. You must file the *Motion for Order of Default* by the **91st day** after you filed the *Petition* (NOT the proof of service!). If not, your case may be dismissed.

The court will send you notice when your judgment has been entered.



By Trial

Conferences with the Judge

Many courts will schedule a “status,” “pretrial,” or “settlement” conference if a response has been filed. These meetings usually take place with a judge with both parties present, along with their lawyers (if any). You must attend any conferences that are scheduled unless you have received permission from the judge not to attend. At the conference, the judge may talk to you about how your case is going to be handled, consider requests for temporary orders, or set future court dates.

- Many courts require that you mediate before you can get a hearing. See the **Mediation** section above in the **BY AGREEMENT** section.



NOTE: You must give the other party an opportunity to review the judgment before you submit it to the court. See [UTCR 5.100](#) for information.

Trial Guide: The State Family Law Advisory Committee has written a guide that may help you prepare for trial. This guide is NOT a substitute for legal advice! The rules of court can be technical and complex, and you may damage your case if you are not properly informed. If your case goes to trial, you are strongly advised to talk to a lawyer. To read the guide, go to: http://courts.oregon.gov/OJD/docs/OSCA/cpsd/courtimprovement/familylaw/TrialBrochureFINAL1-12-06_000.pdf

THE JUDGMENT



Regardless of how you resolve your case, a ***General Judgment of Custody and Parenting Time and Child Support*** must be signed by a judge. One of you may be ordered to fill out the judgment form and give it to the court to be signed. **NOTE:** you must include Child Support Worksheets with your Judgment if child support is awarded.

The judgment finalizes your case and contains all of the issues decided in the mediation, trial, or by agreement.

- **NOTE:** The *General Judgment* may affect earlier temporary orders done by Limited Judgment. Talk to a lawyer if you have questions.

If the respondent DID NOT file a response, the information you fill out in the judgment should be *exactly* the same as what you requested in the *Petition*.

If the respondent DID file a response, the information should be the *exactly* the same as what was decided in mediation, arbitration, hearing, trial, or through your agreement. All parties must review the *Judgment* before you submit it to the court. You must send the *Judgment* document along with the *Notice of Proposed Judgment or Order* to the respondent and any adult children who have not filed a *Waiver of Further Appearance* in the case.

Other parties can object to the *Judgment*. If that happens, you have to discuss the objections and attempt to resolve them before you submit the *Judgment* to the court. If you are not able to resolve the objections, the objecting parties can either send you a written statement explaining their objections, or they can submit their objections directly to the court. You must complete the *Certificate of Readiness* section of the *Judgment* to tell the judge whether there are outstanding objections. See [UTCR 5.100\(1\)](http://courts.oregon.gov/utcr/pages/utcrrules.aspx) for more information about notice and objections.¹

If the respondent is responsible for preparing the judgment, the respondent must send the proposed judgment to you before submitting it to the court. Then you can review it and object to it within 7 days of the date it was sent to you. If you and the respondent are not able to resolve your objections after reasonable efforts, you can either send a written explanation of your objections to the respondent or directly to the court. You must notify the respondent of your intentions so that they can advise the judge that there are outstanding issues. The judge may make a decision after reviewing the documents, or the court may contact you with further information.

If you are responsible for preparing the final judgment, make a copy for yourself and one for Respondent (unless you got an *Order of Default*). File the original with the court. **If your case involves child support, file an extra copy of the judgment with the court.**

¹ <http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>

Your case is finished and effective the date the *Judgment* is signed by the judge. NOTE: the terms of your judgment are not enforceable until the court enters the judgment. You will receive a *Notice of Entry of Judgment*.

NOTE: Every document you file must have a mailing address where you will receive documents related to this case. You do NOT need to use your home address. You can use any contact address in the same state as your home. You are responsible for checking your contact address. Notify the court and the other party in writing if your contact address changes.

Appendix A– Custody and Parenting Plans

Joint Custody and Sole Custody

What does “Custody” mean?

Custody does not only refer to where the child lives, it refers to who makes major decisions about the child’s residence, health care, education, religion, and other big issues. Joint custody means that the parents have to agree about major decisions in the child’s life. Sole custody means that one parent can make decisions alone. These are legal terms and don’t impact how much time each parent has with the child.

The court can order joint custody only if both parents agree to all of the terms, including the parenting plan.

Regardless of the custody order, both parents will usually have time with the child (parenting time) and the right to certain information. Both parents have the right to review school records and medical records, and to authorize emergency medical, dental, psychological, or other health care if the other parent is not available, unless the court orders otherwise.

Read ORS [107.137](#) to see what a court will consider when awarding custody. The most important factor is *always* the best interest and welfare of the *child*.

A **parenting plan** is where you provide a plan for when each parent will actually be with the child (parenting time). Parenting plans can also include specific times for contact. For example, “Mother can call on Fridays between 7pm and 10pm.” Parenting time is separate from custody. For example, you can have joint custody with one parent having the child 75% of the time, and you can have sole custody with 50-50 parenting time. See below for more information.

Child support is separate from custody. Either parent can be ordered to pay child support regardless of who has custody or what kind of custody is ordered.

Sole Custody

If sole custody is ordered, the other parent will almost always have some parenting time with the child. The non-custodial parent has equal rights to the child’s school records and medical records, and to authorize emergency medical, dental, psychological, or other health care if the other parent is not available, unless the court orders otherwise.

Joint Custody

Joint custody does not mean that every day-to-day activity has to be agreed to, but major decisions must be discussed by the parties.

A joint custody order can also specify certain decisions that can be made by one parent or the other. For example, Mother may be allowed to make decisions about religious training, or Father can make decisions about medical care.

A joint custody order might specify that one parent’s home is the child’s primary residence, but it’s not required.

Parenting Time & Parenting Plans

Parenting time is what some people call ‘visitation’ – it is the time a child spends with each parent. Parenting time is detailed in a “parenting plan,” which is usually focused on the parent who does not have sole or primary residential custody.

Once the court enters a judgment with parenting time included, that time is enforceable like any other court order. Parents can file for an expedited (faster) hearing if the other is not following the parenting time in the judgment.

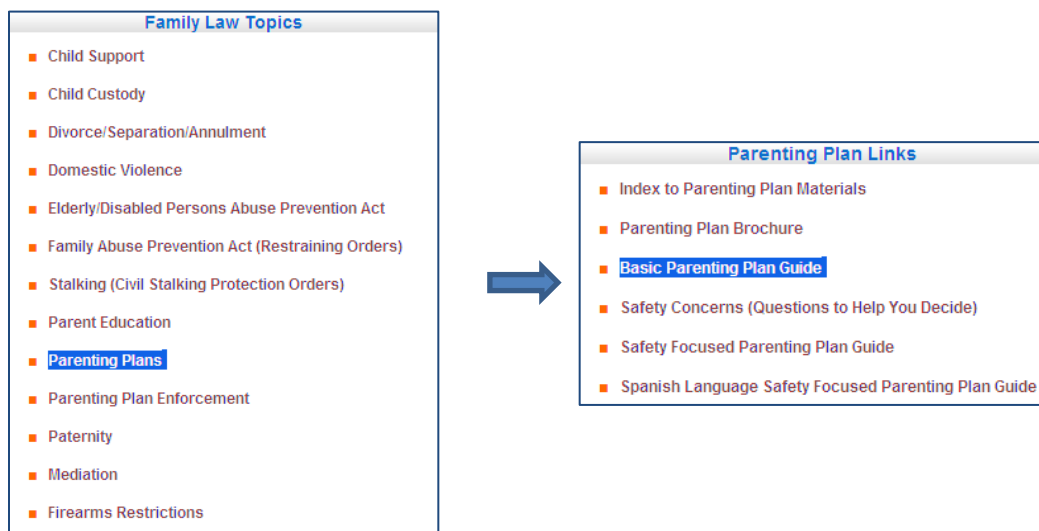
A parenting plan is required for all cases involving a minor child. The plan sets out the schedule and rules for each parent’s time with each child. A parenting plan should be written in the space provided in your *Petition* or attached to it as a separate form.

A parenting plan can be as general or as specific as you need it to be. The judge will expect to see some information about the days and times when children will be picked up and dropped off, and some plan for weekends, holidays, and school breaks. Consider whether you have children with different needs. Children at different ages may need different parenting plans. If you have a child with a medical issue, you may want to consider how the plan will impact care.

BE AWARE that if you do not include enough information in your plan and the other parent does not respond, you may have to serve the other parent with corrected paperwork before you can get a *Judgment*.

The parenting plan may include safety provisions for the child if problems like domestic violence, drug or alcohol abuse, or child abuse are involved in your case.

Oregon has a ***Basic Parenting Plan Guide for Parents***. This guide has information about how to develop a plan, information about alternative schedules, and stages of your children’s growth that should be considered when creating a plan. A sample parenting plan is included in the guide. The guide can be downloaded at www.courts.oregon.gov/familylaw. There is also a *Safety Focused Parenting Plan Guide* on this website. This can help you develop a parenting plan if you have safety concerns for your children. Many local courts also have standard plans in their *Supplemental Local Rules*. Check your local court’s website. You can use these plans whole or as a guide to develop your own.



A mediator can help you create a parenting plan. Your local court may also have a mediation program for parents. A mediator is a neutral person trained to help you come to your own agreement and cannot make decisions for you. Information about mediation and parenting plans may be available through your court's parent education program, the court facilitator, or your local law library. Some courts require you to try mediation before your hearing.

Custody/Parenting Time Evaluation - If parents can't agree on a parenting plan, the court may order the parents to hire a custody or parenting time evaluator. Either or both parents may be ordered to pay for the evaluator.

If you and Respondent don't agree on a parenting plan before trial, the judge will order one.

Appendix B – Uniform Support Declaration

You may need to complete a **Uniform Support Declaration (USD)** if you and Respondent do not agree on an amount for child support.

You can file yours with the *Petition*. If you don't file it with your *Petition* and you need one, you must provide it to the court and serve a copy on the respondent at least 14 days before the hearing.

If you are NOT requesting child support, do not file the *USD*. If Respondent requests support, then you must file a *USD* at least 14 days before the hearing, and serve a copy on the respondent.

Tips for filling out the USD:

- If you are requesting child support for the amount that the Child Support Guidelines recommend, fill out only the *Declaration* and attach the documents it asks for.
 - If you are requesting a different amount of child support than the Guidelines recommend, fill out *both* the *Declaration* and *Schedule 1*. Attach all of the documents that the *Declaration* and *Schedule* ask for.
- Use your *actual, present* expenses. Estimates are fine as long as they are realistic and you have no way of confirming the amount.
 - Some items may not apply to you – mark those spaces “N/A” (Not Applicable), but complete *every* item that does apply.
 - If your amounts are unusual or likely to change soon, include a brief explanation of why (if you are temporarily living with a relative, or if one party moved out and is no longer contributing to shared expenses). Include an estimate of what you believe your expenses will be after the situation changes.
- If you have an expense that is not listed, add it, along with a brief explanation.
- If you anticipate any major changes (a child entering or leaving school, a layoff, a car payment or mortgage being paid off), note these as well. Do NOT include fears or possibilities – only things you know or reasonably expect will happen.
- If one of your children has a serious medical problem, note it and include a reasonably accurate estimate of the treatment cost.
- Household items are things like paper towels, cleaning supplies, light bulbs, storage containers.
- If you are attending school, include your tuition payments, supplies and books, and any other necessary school-related costs.

The *Uniform Support Declaration* is Form 8.010.5 and can be found here:
<http://courts.oregon.gov/OJD/programs/utcr> in the *Appendix of Forms*

Certificate of Mailing – the *Uniform Support Declaration* includes a Certificate of Mailing at the bottom of the form. Once the *USD* is completed, copy the entire form and all attachments and mail them to the respondent. THEN fill out the Certificate of Mailing and file the original with the court. Keep a copy of all documents for your own records.

Appendix C – Support for a Child Attending School

If an adult child is attending school at least half-time according to the school's standards, that child is considered a "Child Attending School." A Child Attending School may be entitled to child support until he or she turns 21. "Child Attending School" is defined at ORS 107.108 and does not include children who are married.



IMPORTANT! After an order is made for support of a child attending school, the child *must* remain enrolled at least half-time AND make sufficient academic progress according to the school to qualify as a child attending school and continue to receive support.

NOTE: you can ask the court to extend child support for minor children to cover them when they qualify as Children Attending School. If a child does not immediately enter higher education after high school or drops out of high school, child support will end.

If you have an order that says support continues *if* the child becomes a Child Attending School, the child must notify the payor *before* the child turns 18 that he or she will be attending school, which school, and when the child expects to graduate or stop taking classes. Support generally continues during summers if the child has properly notified the other parent that the child intends to return to school.

The child must also provide consent to the school to release certain information to any parent paying child support. The requirements are at ORS107.108.

Paying Support for a Child Attending School

Support for an adult child is normally paid directly to the child, whether by the payor directly or by DCS. If you have good cause why the child should *not* receive payment, you must explain that in your *Petition*.

There is NO parenting plan or parenting time credit for a Child Attending School who has graduated from high school.

For more information, go

to: http://oregonchildsupport.gov/services/pages/child_attending_school.aspx

Appendix D – Statutory Restraining Order

[Attach to Summons per ORS 109.103(5)]

**NOTICE OF STATUTORY RESTRAINING ORDER
PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS BETWEEN UNMARRIED PARENTS**

REVIEW THIS NOTICE CAREFULLY.
**BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER
TO AVOID VIOLATING THE LAW.**
SEE INFORMATION ON YOUR RIGHT TO A HEARING BELOW

TO THE PETITIONER AND RESPONDENT:

Under ORS 109.103(5) and UTCR 8.080, neither Petitioner nor Respondent may:

Insurance Policies

(1) Cancel, modify, terminate, or allow to lapse for nonpayment of premiums, any policy of health insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

Insurance Beneficiaries

(2) Change beneficiaries or covered parties under any policy of health insurance that one party maintains to provide coverage for a minor child of the parties, or any life insurance policy.

EFFECTIVE DATE:

The above provisions are in effect immediately upon service of the *Petition* and *Summons* on the respondent. They remain in effect until a final judgment is issued, until the petition is dismissed, or until further order of the court.

RIGHT TO REQUEST A HEARING

Either Petitioner or Respondent may request a hearing to modify or revoke one or more terms of this restraining order by filing with the court the *Request for Hearing re: Statutory Restraining Order* form specified in Form 8.080.3 in the UTCR Appendix of Forms.

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

Case No: _____

Petitioner
and

Respondent

**PETITION FOR CUSTODY
AND PARENTING TIME
AND CHILD SUPPORT**

Filing Fees at ORS 21.155

Claim is not subject to mandatory arbitration

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

➤ I need an interpreter: ☐ Spanish ☐ Russian ☐ other: _____

I, Petitioner, ask the court to grant custody, parenting time, and child support as specified below. I am not married to the respondent in this case.

1. Residency

- ☐ At least one parent currently lives in the county where this petition is being filed *OR*
☐ All of the minor children named in Section 2 live or can be found in the county where this petition is being filed

2. Minor children of Petitioner and Respondent (*list only children born to BOTH parties, not children that one party has with someone else*)

Name	Age

☐ Additional children listed on page attached titled "Section 2"

3. Paternity has been established by:

☐ filing a voluntary acknowledgment of paternity (*e.g., birth certificate*) with the State Registrar of the Center for Health Statistics for children (*list names*): _____

☐ administrative/agency order docketed with (*court*): _____, as case number _____, located in _____ county, for children (*list names*): _____

☐ judicial order entered in (*court*): _____, as case number _____, located in _____ county, for children (*list names*): _____

☐ another method (*explain*): _____
for children (*list names*): _____

4. Pending/Existing Child Support

A Certificate Re: Pending Child Support Proceedings and/or Existing Child Support Orders/Judgments must be included with this *Petition* in all cases

Has any other child support case been started or finished in any state regarding any of the children in Section 2? ☐ No ☐ Yes

5. By filing this petition, I acknowledge that I am bound by the terms of the Statutory Restraining Order (SRO) prohibiting either party from making certain changes to insurance policies that affect our minor children. I understand that this restraining order is effective as soon as this *Petition* and the *Summons* are served on Respondent.

6. Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Information

6A. List the places where the **minor** children have 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 6A-UCCJEA"

6B. ☐ The children listed in Section 2 have continuously lived in Oregon for the six months before the filing of this *Petition*, except for the children named below

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

There is another basis for Oregon to address these children. *Explain:* _____

6C. ☐ I have not participated in any legal case about the custody or parenting time of the children in Section 2 in any state **or** ☐ I have participated in the following litigation:

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

☐ Additional page attached titled "Section 6C-UCCJEA"

6D. I do not know of any other proceeding 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 that is pending in any state

☐ except for: _____
(identify affected children, court, case number and the kind of proceeding)

6E. ☐ I do not know any person other than 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. Custody and Parenting Time

Custody of the children should be awarded as follows

☐ Parties should have joint custody of the following children (list names): _____

☐ I should be awarded sole custody of the following children (list names): _____

☐ Respondent should be awarded sole custody of the following children (list names): _____

Parenting time should be awarded ☐ as set forth in the attached **Parenting Plan**, labeled Exhibit _____ **or** ☐ as follows _____

☐ Parenting time should be supervised by _____

☐ Any cost of the supervision should be paid by ☐ Petitioner ☐ Respondent ☐ Other: _____

☐ Respondent should not be granted parenting time because this would endanger the health or safety of the children. **State supporting facts:** _____

Relocation

☐ I should be allowed to move more than 60 miles further distant from the respondent without advance written notice because good cause exists (explain): _____

Contact Information

☐ I should not be required to provide contact information to Respondent or to contact Respondent in case of emergency circumstances or substantial change in the health of the children **because:** _____

Parental Authority under ORS 107.154

☐ Respondent should not have authority under ORS 107.154 (*explain*): _____

8. Support

A. Child Support

☐ There IS an existing child support order in the monthly amount of \$_____ from _____ county, state of _____ The court case # is _____ and the Child Support Program (CSP)# is _____ ☐ I <u>do not</u> want to change this amount (<i>skip to section 8D, below</i>) ☐ I <u>do</u> want to change this amount because circumstances have changed significantly since the order was issued. <i>Explain the change</i> _____ _____ _____ <i>(fill in the sections below with the new amount you are requesting)</i>
--

(or)

☐ There IS NOT an existing child support order from any other court or agency ☐ I <u>am not</u> requesting child support <i>because</i> _____ _____ <i>(skip to section 8E, below)</i> ☐ I <u>am</u> requesting child support (<i>fill in the sections below</i>)

1. ☐ Support (including Cash Medical Support, see instructions) is presumed to be unavailable because the parent who would pay (*check all that apply*):

- ☐ receives cash payments from a **public assistance** program including TANF or SSI
- ☐ is (or is expected to be) **incarcerated** (in jail or prison for at least 6 months) and has income less than \$200 per month

☐ Support should be ordered despite the presumption (*explain why and complete section 2, below*): _____

2. Support should be ordered payable:

by ☐ Petitioner ☐ Respondent

to ☐ Petitioner ☐ Respondent ☐ Adult Child Attending School (name): _____

on the ☐ first or ☐ _____ day of each month

beginning ☐ the month following entry of this judgment or ☐ the date of service of this *Petition*

The total monthly amount should be:

☐ Determined under the Oregon child support guidelines prior to judgment **(or)**

☐ \$ _____, which is (check one)

☐ the amount presumed correct as reflected on the child support guideline worksheets attached to this petition **(or)**

☐ different from the amount presumed correct by the child support guidelines because the guideline amount would be unjust or inappropriate (*explain*) _____

B. Medical Support

☐ Medical support has already been ordered in another case as noted in Section 4 above

☐ The existing order should not be changed (*skip to Section C below*)

☐ The existing order should be changed (*fill out the sections below*). I have also requested a change of child support above.

If medical support has not been ordered in another case, complete sections below

1. Private Health Insurance:

☐ **is** appropriate and available to (*check one or both*) ☐ Petitioner ☐ Respondent **and**

☐ both parents have agreed to provide coverage **or**

☐ Petitioner ☐ Respondent should be ordered to keep insurance throughout the period of the child support obligation

☐ **is not** appropriate or available to either parent

The parent awarded custody should enroll the children in public health insurance until private health insurance becomes available. The first parent with access to appropriate private health insurance for the children should be ordered to provide it.

Cash Medical Support

(If no private health insurance is available to either parent, then the parent who is ordered to pay child support will also be ordered to pay cash medical support according to the Child Support Guidelines unless the court finds reason not to)

Cash Medical Support should **not** be ordered because:

☐ Support is presumed to be unavailable for the reason marked in Section 8(A)(1), above (*Note: if you asked that support be awarded anyway, do not mark this box*)

☐ the parent paying child support has income at or below Oregon's minimum wage for full-time employment, so cash medical support should not be ordered

☐ The children's medical needs will be met by the *Uninsured Medical Expenses* provision below

☐ Other (*explain*): _____

2. Uninsured Medical Expenses

☐ Uninsured medical expenses should not be awarded

or

☐ Petitioner should pay _____% and Respondent should pay _____% of the unreimbursed costs of the children's reasonable medical, dental, and vision care. This does not include ordinary expenses like nonprescription medication, bandages, vitamins, and copays for regular checkups, which the parents are presumed to 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.

or

☐ This obligation should be **in addition** to any child support and cash medical support ordered above

C. Payment

How should payments be made?

I understand that payments will be made by income withholding unless an exception applies

☐ I request an exception to the income withholding requirement of ORS 25.378 so that payment can be made another way because good cause exists

☐ Petitioner and Respondent have agreed in writing to the following alternative payment method (*explain*) _____

☐ Other exception under ORS 25.396 (*explain*) _____

Where should payments go?

☐ All support payments should be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309

or

☐ An exception to income withholding applies as noted above. All support payments should be made to the recipient's checking or savings account. Deposit receipts should be kept by the paying parent as proof of payment. The receiving parent should be ordered to provide the paying parent with current deposit slips or bank name, account name, and account number.

or

☐ Other (*explain*) _____

(only available if you request an exception to income withholding, above)

Adult Child Attending School

Support for an adult child attending school as defined by ORS 107.108 should be paid by the Division of Child Support (DCS) directly to the child unless good cause exists for payment to be made another way

☐ GOOD CAUSE exists for DCS not to pay support directly to a child attending school (*explain*): _____

D. Length of child support

Support should end when the last child (*check one*):

- ☐ reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21
☐ reaches age 18

or becomes self-supporting, emancipated, or married

E. Tax Dependents

(Note that the judgment is not binding on the IRS and will not provide a defense if the parties fail to comply with IRS regulations in any given tax year. Speak to a lawyer or tax professional.)

☐ Petitioner ☐ Respondent should be permitted to claim the following children as dependents for tax purposes beginning with the **tax** year this judgment is entered. The other parent must complete any IRS waivers or forms necessary to accomplish this order in each tax year and must not file contradictory tax returns.

List names: _____

or

☐ Other (*specify*): _____

F. Life Insurance Coverage for Children

☐ The party paying support should carry life insurance for the benefit of the parties' children throughout the period of the support obligation. The coverage should be in the amount of \$ _____

9. Additional Provisions _____

☐ Additional page attached titled "Section 9-Additional Provisions"

10. A Confidential Information Form (CIF) has been completed and filed with the court clerk containing all information required by ORS 107.085 that is identified as confidential by UTCR 2.130 for: ☐ Petitioner ☐ Respondent ☐ each adult child

11. Court Costs and Fees for this case (whether paid or deferred)

- ☐ Each party should be responsible for paying his or her own costs and fees
☐ Costs and fees should be paid by both parties equally
☐ Respondent should reimburse Petitioner for court costs and service fees paid
☐ Other: _____

I request a judgment granting the relief asked for above, and other equitable relief that the court finds just.

Certificate of Document Preparation. Check all that apply:

- ☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form
☐ Guide & File selected and completed this form and I did not pay anyone to review the completed form

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

Petitioner (signature)

Print Name

Contact Address

City, State, Zip

Contact Telephone

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

In the Matter of ☐ the Marriage of:)

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Case No. _____

CERTIFICATE RE: PENDING CHILD
SUPPORT PROCEEDINGS and/or EXISTING
CHILD SUPPORT ORDERS/JUDGMENTS

(UTCRC 8.090)

I hereby certify that:

1. PENDING CHILD SUPPORT PROCEEDINGS *(include any child support matter being heard by either a court or agency as part of a dissolution, separation, annulment, paternity, juvenile court, support, or modification case):*

☐ There is no pending child support proceeding in this or any other state involving the parties' child[ren].

☐ There is a pending child support proceeding G in Oregon G in another state which involves the parties' child[ren] as follows:

Name/County of Court or Agency where pending: _____

Agency Case Number: _____

Court Case Number: _____

2. EXISTING CHILD SUPPORT ORDERS OR JUDGMENTS *(include any order/judgment whether made by an agency or a court in this or any other state, and whether or not currently effective):*

☐ There are no other child support orders/judgments in this or any other state involving the parties' child[ren].

☐ There is/are other child support orders/judgments involving the parties' child[ren], as follows:

ORDER/JUDGMENT #1 (Attach a copy of the signed order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #2 (Attach a copy of the signed order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #3 (Attach a copy of the signed order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #4 (Attach a copy of the signed order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

Attach additional sheets if necessary, labeled "Attachment 1 to Certificate Re: Child Support Proceedings and Orders".

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- ☐ I selected this document for myself and I completed it without paid assistance.
☐ I paid or will pay money to _____ for assistance in preparing this form.

DATED this _____ day of _____, 20__.

☐ Petitioner ☐ Respondent, Signature

Print name

Address or Contact Address

City, State, Zip Code

Telephone or Contact Telephone

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

Case No: _____

Petitioner

and

Respondent

**SUMMONS FOR FAMILY LAW
CASE**

- ☐ **Marriage**
☐ **Registered Domestic
Partnership (RDP)**
☐ **Unmarried & Unregistered**

To (name): _____

Home Address:

Work Address:

Your spouse, partner, or child's parent has filed a *Petition* asking for:

- ☐ Separation of your marriage or registered domestic partnership (RDP)
☐ Divorce or dissolution of your registered domestic partnership (RDP)
☐ Child Support, custody, or parenting time

NOTICE TO RESPONDENT: READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear,” you must file a legal paper called a “*Response*” or a motion. *Response* forms are available through the court above or online at www.courts.oregon.gov. Talk to a lawyer for information about appearing by motion.

Your *Response* must be filed with the court clerk at the court named above **within 30 days of the day you received this *Summons***, along with the required filing fee (go to www.courts.oregon.gov for fee information). It must be in proper form and you must show that the Petitioner's lawyer (or the Petitioner if he or she does not have a lawyer) was formally served with a copy of the *Response* according to the service rules. Service rules are included in *Instructions for Respondents*, available at www.courts.oregon.gov.

If you have questions, see a lawyer immediately. If you need help finding a lawyer, you can call the Oregon State Bar's Lawyer Referral Service at 503.684.3763 or toll free in Oregon at 800.452.7636, or go to www.oregonstatebar.org.

Date

Petitioner Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

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

_____,)
)
 ☐ Petitioner ☐ Co-Petitioner,)
)
 and)
)
 _____,)
 ☐ Respondent ☐ Co-Petitioner.)
)
 _____,)
 ☐ Child At Least 18 But Under 21)
 ☐ Other _____)

Case No.: _____

**FAMILY LAW CONFIDENTIAL INFORMATION
FORM (CIF)**
☐ Amended CIF

**This document is not accessible to the public
or other parties. Exceptions may apply. See
UTCRC 2.130.**

**ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS
DOCUMENT.**

The information below is about: ☐ Petitioner ☐ Respondent ☐ Co-Petitioner _____

☐ Child at least 18 but under 21: _____

☐ Other: _____

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Former Legal Name(s) (if applicable):
Date of Birth:
Social Security Number:
Driver License (Number and State):
Employer's Name, Address, and Telephone Number:

Children's Names (Last, First, Middle)	Date of Birth	Social Security Number

Please attach an additional sheet if there are more than five children involved in the proceeding.

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

Date: _____ Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

☐ Petitioner ☐ Respondent ☐ Co-Petitioner _____

☐ Child who is at least 18 and under 21: _____

☐ Other: _____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state.

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

_____,)
)
 ☐ Petitioner ☐ Co-Petitioner,)
)
 and)
)
 _____,)
 ☐ Respondent ☐ Co-Petitioner.)
)
)
 _____,)
 ☐ Child At Least 18 But Under 21)
 ☐ Other _____)

Case No.: _____

**FAMILY LAW CONFIDENTIAL INFORMATION
FORM (CIF)**
☐ Amended CIF

**This document is not accessible to the public
or other parties. Exceptions may apply. See
UTCRC 2.130.**

**ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS
DOCUMENT.**

The information below is about: ☐ Petitioner ☐ Respondent ☐ Co-Petitioner _____

☐ Child at least 18 but under 21: _____

☐ Other: _____

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

Former Legal Name(s) (if applicable):
Date of Birth:
Social Security Number:
Driver License (Number and State):
Employer's Name, Address, and Telephone Number:

Children's Names (Last, First, Middle)	Date of Birth	Social Security Number

Please attach an additional sheet if there are more than five children involved in the proceeding.

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

Date: _____ Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

☐ Petitioner ☐ Respondent ☐ Co-Petitioner _____

☐ Child who is at least 18 and under 21: _____

☐ Other: _____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state.

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

☐ Petitioner ☐ Co-Petitioner,
and

☐ Respondent ☐ Co-Petitioner.

☐ Child At Least 18 But Under 21
☐ Other _____

Case No.: _____

NOTICE OF FILING OF

☐ **CONFIDENTIAL INFORMATION FORM (CIF)**
☐ **AMENDED CIF**

NOTICE: Confidential Information Form Has Been Filed

- Uniform Trial Court Rule (UTCRC) 2.130 requires that parties to domestic relations cases place certain information about themselves and other parties in a CIF when such information is required in a document filed with the court.
- The CIF is not available for public inspection except as authorized by law.
- Parties are allowed to see a CIF that contains information about them.
- A party who wants to see a CIF that contains information about another party must ask for permission from the court or the other party by following the procedures set out in UTCRC 2.130.

I am the (check one box):

☐ Petitioner ☐ Respondent ☐ Co-Petitioner _____
☐ Child at least 18 but under 21: _____
☐ Other: _____

I filed Confidential Information Forms with the court about the following parties to this case
(complete a section for each party for whom you have filled out a CIF):

1) Name (Last, First, Middle): _____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other: _____

Confidential Personal Information contained in CIF (check all that apply):

☐ party's social security number, ☐ party's date of birth, ☐ children's social security number,
☐ children's date of birth, ☐ employer's name, address, and telephone number, ☐ driver license number,
☐ former legal name(s).

2) Name (Last, First, Middle): _____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other: _____

Confidential Personal Information contained in CIF (check all that apply):

☐ party's social security number, ☐ party's date of birth, ☐ children's social security number,
☐ children's date of birth, ☐ employer's name, address, and telephone number, ☐ driver license number,
☐ former legal name(s).

3) Name (Last, First, Middle): _____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other: _____

Confidential Personal Information contained in CIF (check all that apply):

☐ party's social security number, ☐ party's date of birth, ☐ children's social security number,
☐ children's date of birth, ☐ employer's name, address, and telephone number, ☐ driver license number,
☐ former legal name(s).

4) Name (Last, First, Middle): _____
☐ Petitioner ☐ Respondent ☐ Co-Petitioner ☐ Adult Child ☐ Other: _____

Confidential Personal Information contained in CIF (check all that apply):

☐ party's social security number, ☐ party's date of birth, ☐ children's social security number,
☐ children's date of birth, ☐ employer's name, address, and telephone number, ☐ driver license number,
☐ former legal name(s).

Dated this _____ day of _____, 20____

Signature

Print Name

Contact Address

City, State, Zip

Contact Telephone

Information about the Confidential Information Form (CIF)

What is a CIF?

Most court files may be viewed by the public. Uniform Trial Court Rule (UTCRC) 2.130 requires certain confidential personal information to be protected from public disclosure. That is done by providing the information in a separate form. After you file your papers, the court keeps the form separate from the part of the court file that may be viewed by the public. The form is UTCRC Form 2.130.1, known as the Confidential Information Form, or CIF.

What information does a CIF make confidential?

The information protected by the CIF is social security numbers, birth dates, driver license numbers, and former legal names. Also protected are the name, address, and telephone number of a party's employer.

The CIF should only be used to protect the information described above. There may be other information in your court papers that you do not want the public to be able to see, such as bank account or credit card numbers. The separate process for protecting that information is described in UTCRC 2.100, which can be read at:

<http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>

How do I know when I need to put information in the CIF?

When a document filed with the court requires you to include information protected by a CIF, that information must **only** be provided to the court in a CIF and must not be listed in any other document to be filed. Where you would otherwise provide the information in the document to be filed you must make a note that the information has been provided in the CIF. For example, if a document requires a party's full social security number to be listed, you must not list the social security number, but must instead make a note on the document that the information has been filed under UTCRC 2.130. **The online court forms already have that note on the form.**

Do I need to file more than one CIF?

In most cases, yes. You must fill out a CIF for yourself, and if the documents you are filing with the court require confidential personal information about the other party, you must also fill out a separate CIF with the other party's information. If your case involves children, you should include their information in *your* CIF. You do not need a separate CIF for your children.

If there is CIF information you do not know when you file your papers, or if the information changes during your case, you must file an amended CIF that provides the new or updated information.

The CIF rule requires you to redact – black out or erase – confidential personal information from any attachments to documents you file with the court and to make a note on the attachment that the information has been provided in the CIF. The only exception is when you are required to attach a court-certified document. Documents that are required to be court certified should not be altered in any way.

Does the other party get copies of a CIF I file?

You are not required to serve the CIFs on the other party, though you may share a CIF with the other party if you chose to do so. You *are* required to serve the other party with UTCR Form 2.130.2, which is a notice that a CIF has been filed. You must also file a certificate with the court showing that you served the other party with the notice that a CIF was filed.

There are steps the other party and other people can go through to ask the court to allow them access to a CIF that you have filed. UTCR 2.130 explains that process in detail, and also describes the circumstances under which the court must deny a request by someone else to view a CIF you have filed.

The CIF rule (UTCR 2.130) can be read at:

<http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>

and you can find additional information about the rule and family law processes at:

<http://courts.oregon.gov/OJD/OSCA/JFCPD/Pages/FLP/Index.aspx>

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

Case No: _____

Plaintiff/Petitioner

v.

**ACCEPTANCE OF
SERVICE**

Defendant/Respondent

I am the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent in this matter.

On (date) _____ I received a true copy of (check all that apply):

☐ Petition

☐ Summons

☐ Claim

☐ Information on mediation

☐ Complaint

☐ Other: _____

And for Domestic Relations cases:

☐ Notice of Statutory Restraining Order Preventing Dissipation of Assets

☐ Notice of CIF (*Confidential Information Form*) Filing

☐ Information on continuation of insurance coverage (COBRA)

☐ Order to Show Cause re: Modification with Motion and Declaration

☐ Statement of Assets and Liabilities

☐ Uniform Support Declaration

☐ Other forms: _____

Certificate of Document Preparation. Check all that apply:

☐ I chose this form for myself and completed it without paid help

☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone

☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form

☐ Guide & File selected and completed this form and I did not pay anyone to review the completed form

I hereby declare that the above statements are true 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

Telephone

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

Case No: _____

CERTIFICATE OF SERVICE

(ORCP 7D(2))

- ☐ (a) Personal Service
☐ (b) Substitute Service
☐ (c) Office Service
☐ (d) Service by Mail

and

Petitioner
Respondent

I, (name) _____, declare that I am a resident of the state of _____
_____. I am a competent person 18 years of age or older. I am not a
party to or lawyer in this case, and not the employee of a party. I certify that the person served is
the person named below. I served true copies of the original (*check all that apply*):

- ☐ Petition and Summons
☐ Information about mediation
☐ Notice of Confidential Information Form (CIF) Filing
☐ Notice of Statutory Restraining Order Preventing Dissipation of Assets
☐ Order to Show Cause re: Modification with Motion and Declaration
☐ Information about continuing insurance coverage (COBRA)
☐ Uniform Support Declaration
☐ Other information provided by the court clerk (*name all forms or documents served*) _____
☐ Other (*name all forms or documents served*) _____

by (*check a, b, c, or d and complete all information*):

(a) ☐ **Personal Service** on (date) _____, at _____ a.m./p.m., to
{ ☐ Petitioner ☐ Respondent } (name) _____ in person at the
following address _____ in the
County of _____, State of _____.

(b) ☐ **Substitute Service** on (date) _____, at _____ a.m./p.m., by
delivering them to the following address _____
in the County of _____, State of _____. Delivered to (name) _____
_____, who is a person age 14 or older and who lives there.

(*Complete the section below only if the server also did the follow-up mailing required by ORCP
7D(2)(b). If a person other than the server did the follow-up mailing, that person must
complete a separate Certificate of Service Mailing.*)

☐ On (date) _____, I personally deposited a true copy of the same
documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage
paid, addressed to the party to be served: ☐ Petitioner ☐ Respondent (name) _____
_____, at the party's home address listed above, together with a statement of the date,

time and place that the documents were hand-delivered to the party's dwelling (residence).

(c) ☐ **Office Service** on (date) _____, at _____ a.m./p.m., by delivering them to the office of the party to be served, located at: (address) _____, during normal working hours for that office, where I left the documents with (name) _____, who is a person apparently in charge, to give the documents to the party to be served.
(Complete the section below only if the server also did the follow-up mailing required by ORCP 7D(2)(c). If a person other than the server did the follow-up mailing, that person must complete a separate Certificate of Service Mailing.)

☐ On (date) _____, I personally deposited a true copy of the same documents served with the U.S. Postal Service, via first class mail, in a sealed envelope, postage paid, addressed to the party to be served: ☐ Petitioner ☐ Respondent (name) _____, at the party's: ☐ home address at: _____, **OR** ☐ business address above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

(d) ☐ **Service by Mail, Return Receipt Requested** on (date) _____, I personally deposited **two** true copies with the U.S. Postal Service. **One** by first class mail, and the **other** by certified or registered mail, Return Receipt Requested, or by express mail, postage paid, addressed to the party to be served: ☐ Petitioner ☐ Respondent _____ (name), at the party's home address located at: _____ (address). (NOTE: If mailed Return Receipt Requested, the return receipt must be attached to this Certificate of Service.)

Certificate of Document Preparation. Check all that apply:

- ☐ I chose this form for myself and completed it without paid help.
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone.
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form.
☐ TurboCourt selected and completed this form and I did not pay anyone to review the completed form.

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

Date

Signature of Server

Print Name

If person serving is NOT a sheriff or sheriff's deputy, address and phone number of server:

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

Case No. _____

Petitioner
and

**CERTIFICATE OF MAILING OR
DELIVERY TO DIVISION OF
CHILD SUPPORT**

Respondent

I certify that on *(date)* _____, I ☐ hand-delivered **or** ☐ mailed by first-class mail a true copy of the *Petition* in the above domestic relations case to the local branch office of the Department of Justice, Division of Child Support at *(list address)*: _____

Certificate of Document Preparation. Check all that apply:

- ☐ I chose this form for myself and completed it without paid help.
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone.
☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form.
☐ TurboCourt selected and completed this form and I did not pay anyone to review the completed form.

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

Date

Signature { ☐ Petitioner ☐ Respondent }

Name (printed)

Contact Address

City / State / ZIP

Contact Phone

NOTICE OF PROPOSED JUDGMENT OR ORDER

To be sent to all other parties before submitting proposed Judgment or Order to the court for signature. Send the Judgment or Order to the other party with this Notice at least 7 days before submitting it to the court. This does not apply to judgments submitted with a Motion for Order of Default or after and Order of Default has been granted.

This notice is to inform you that you can object to the attached proposed *Judgment or Order*.

Uniform Trial Court Rule (UTCRC) 5.100¹ allows you to object to the proposed judgment or order. If you have no objections, you can sign the last page and return it to me.

If you do object to any of the terms of the judgment or order, you may:

1) Contact me within 7 days of the date of this notice. If you contact me and we are not able to resolve your objections after reasonable efforts, I will include your objections with the proposed judgment or order when I submit it to the court.

or

2) Submit your objections directly to the court. If you intend to submit your objections directly to the court, notify me within 7 days of the date of this notice so that I can inform the court of your intentions when I submit the proposed judgment or order. If you do object to the proposed order or judgment, you must contact me within 7 days of the date of this notice.

Date

Signature

Name (printed)

Address

City/State/Zip

Phone

¹ <http://courts.oregon.gov/OJD/programs/utcr/pages/utcrrules.aspx>

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

Case No: _____

Petitioner
and

**DECLARATION SUPPORTING
GENERAL JUDGMENT OF
CUSTODY, PARENTING TIME,
AND CHILD SUPPORT**

Respondent

and

☐

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

The *Petition* was filed in the county where ☐ Petitioner ☐ Respondent ☐ Child resided at the time of filing

☐ **The statements made in the Petition remain true and accurate except:**

Section Number	Explain

☐ Additional page attached

Minor Children

List all minor children of both parties (under age 18) (do not list children that one party has with another person)

Name of Child	Age	Currently lives with (Name, Address or Contact Address)	For how long

☐ Additional page attached

☐ **Child support** has been requested. I have attached to the proposed judgment a *Child Support Worksheet* labeled Exhibit _____. The information included in that worksheet is true and accurate to the best of my knowledge.

☐ The parent who should pay child support ("payor") does **not** live in Oregon **but** (*check all that apply*)

- ☐ Was personally served with the *Petition* in Oregon
- ☐ Filed a response in this case
- ☐ Lived in Oregon with at least one of the children

- ☐ Lived in Oregon and paid for prenatal or other costs for at least one of the children
☐ At least one child lives in Oregon as a result of an act or instruction by the payor
☐ At least one child may have been conceived in Oregon
☐ Claimed parenthood on a Voluntary Acknowledgment of Paternity
☐ Both parties lived in Oregon for at least 6 months and the non-resident party moved out of Oregon less than one year before the *Petition* was filed in this case
☐ There is another basis for jurisdiction (*explain*): _____

I ask the court to enter judgment without a hearing under ORS 107.095(4) *because*:

- ☐ Respondent has not appeared and an *Order of Default* has been entered
☐ Respondent has stipulated (agreed) to the terms of the *Judgment*

Certificate of Document Preparation. Check all that apply:

- ☐ I chose this form for myself and completed it without paid help
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
☐ I paid(or will pay) _____ for help choosing, completing, or reviewing this form
☐ Guide & File selected and completed this form and I did not pay anyone to review the completed form

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 as evidence in court I am subject to penalty for perjury.

Submitted by ☐ Petitioner ☐ Respondent

Date

Signature

Name (printed)

Contact Address

City, State, Zip

Contact Telephone

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

Case No: _____

and

Petitioner

**GENERAL JUDGMENT OF
CUSTODY AND PARENTING
TIME
AND CHILD SUPPORT**

Respondent
and
☐ _____
Unmarried Children 18, 19, or 20 years old (*full names*)

This document was presented to the court:

- ☐ On the motion and declaration of Petitioner, the default of Respondent having been found
☐ and Respondent being represented by a guardian ad litem or other person described in
Oregon Rules of Civil Procedure, Rule 27
- ☐ 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 _____

Children 18, 19, or 20 Years of Age

- ☐ Waived further appearance in these proceedings: (*names*) _____
- ☐ Fully participated in the proceedings and are bound by the terms of this judgment:
(*names*) _____
- ☐ Signed and stipulated to the terms of this judgment as shown by the signature below

FINDINGS:

The court considered the: ☐ Declaration ☐ Stipulations ☐ Evidence presented and finds that:

A. The parties were not married to each other at the time the *Petition* was filed

B. Children of the Parties (*list only children legally recognized as children of both parties together; do not list children either party has with another person*)

Name	Year of Birth	Age

☐ Additional page attached titled "Findings B – Children of the Parties"

C. Child Custody Jurisdiction

☐ Oregon has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to decide custody and parenting time matters because:

☐ Oregon is the children's home state (all of the children have lived here continuously for the six month period immediately before this case was filed)

☐ Other: _____

☐ Oregon does not have jurisdiction under the UCCJEA because:

D. Paternity has been established for the children listed in Section B

The court grants judgment as follows:

The terms of this judgment are effective upon entry in the court register

NOTICE ABOUT PARENTING TIME AND CHILD SUPPORT

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 and visitation orders even if you are not receiving child support.

Violation of child support orders and visitation or parenting time orders may result in fines, imprisonment, or other penalties.

Help may be available to establish, enforce, and modify child support orders. Paternity establishment services are also available. Contact your local district attorney, the domestic relations court clerk, or the Department of Justice at 1.800.850.0228 or 503.378.5567 for information.

Help may be available to establish, enforce, and modify parenting time or visitation orders. Forms are available to enforce parenting time or visitation orders. Contact your local court for information.

1. Custody and Parenting Time

Custody of the children is awarded as follows:

☐ Petitioner and Respondent have **joint** custody of the following children: _____

☐ Petitioner is awarded **sole** custody of the following children (*names*): _____

☐ Respondent is awarded **sole** custody of the following children (*names*): _____

Parenting time is awarded

☐ as described in the attached **Parenting Plan**, labeled Exhibit _____ **or**

☐ to ☐ Petitioner ☐ Respondent as follows _____

☐ Parenting time will be supervised by _____

☐ Any cost of supervision must be paid by ☐ Petitioner ☐ Respondent

☐ Other: _____

☐ Petitioner ☐ Respondent must not have parenting time because this would endanger the health and safety of the children

2. Relocation

☐ Neither parent may move more than 60 miles further distant from the other parent without giving the other parent reasonable notice of the change of residence and providing a copy of such notice to the court

or

☐ The requirement of ORS 107.159 regarding notice of relocation is suspended for good cause

3. Contact Information

☐ Parents must both provide contact addresses and contact telephone numbers to each other and notify each other of any emergencies or substantial changes in the children's health

☐ Good cause exists to suspend the obligation of the parties to provide contact information to each other

4. Parental Authority under ORS 107.154

☐ The non-custodial parent's authority under ORS 107.154 is suspended for good cause

5. Child and Medical Support and Life Insurance for Children

A. Child Support

Existing Child Support Obligation

(list court/agency, case number, and date of prior child support orders and judgments: _____)

☐ No action is taken by this judgment regarding any prior child support order or judgment

☐ This judgment **does not** replace any existing child support order or judgment. Payment amount and schedule remain as ordered on *(date of order or judgment)*: _____

☐ any arrears accumulated under the continued order or judgment remain due

☐ This judgment **replaces** the existing child support obligation because the existing orders and judgments were issued by an Oregon court or agency, one of the parents or children receiving support still resides in Oregon, and circumstances have changed since the orders were entered. Support is due as detailed in the "Support Order" section below.

☐ any arrears accumulated under the continued order or judgment remain due

☐ Other:

Presumed Inability To Pay Under ORS 25.245

- ☐ The parent who would pay support is presumed to be unable to pay because that parent:
- ☐ receives cash payments from a **public assistance** program including TANF or SSI
 - ☐ is (or is expected to be) **incarcerated** (in jail or prison for at least 6 months) and has income less than \$200 per month
- ☐ The presumption **has not been rebutted** and **no** child support (including cash medical support) is ordered
- ☐ The presumption **has been rebutted**, and support **is ordered** as detailed in the "Support Order" section below for the following reasons: _____

Support Order

- ☐ **No support** is ordered for reasons other than the presumption of inability to pay or continuation of an existing order or judgment (*explain*): _____
- or**
- ☐ **Support must be paid:**
- By** ☐ Petitioner ☐ Respondent
- To** ☐ Petitioner ☐ Respondent
- ☐ Adult Child Attending School (*name*): _____
- On** the ☐ first or ☐ _____ day of each month
- Starting** ☐ the month following entry of this judgment or
- ☐ the date of service of this *Petition*

The total monthly amount due is: \$ _____ (*Child Support Worksheets are attached and incorporated, labeled Exhibit _____*)

This amount is:

- ☐ the amount presumed to be appropriate under the support guidelines
- ☐ different from the presumed appropriate amount of \$ _____ because the presumed amount is unjust or inappropriate (*explain*): _____

B. Medical Support

- ☐ Medical support has already been ordered in another case ☐ as listed in Section 5A, above or ☐ from _____ county. The court case # is _____ and the Child Support Program CSP# is _____
- ☐ The existing order is not changed
- ☐ The existing order is terminated. Medical support is ordered as follows.

i. Private Health Insurance:

- ☐ **is** appropriate and available to (*check one or both*)
- ☐ Petitioner ☐ Respondent **and**
- ☐ both parents have agreed to provide coverage **or**
- ☐ Petitioner ☐ Respondent is ordered to keep insurance throughout the period of the child support obligation

- ☐ **is not** appropriate or available to either parent
The parent awarded custody must enroll the children in public health insurance until private health insurance becomes available **and**
The first parent with access to appropriate private health insurance for the children is ordered to provide it.

ii. Cash Medical Support

- ☐ Cash Medical Support is ordered in the amount of \$_____ per month because no private health insurance is available to either parent. Cash Medical Support is payable by the parent ordered to pay child support on the same schedule.
- ☐ The paying parent is ordered to provide Cash Medical Support only when not providing private health insurance for the children
- ☐ Cash Medical Support is **not** ordered because:
- ☐ Support is presumed to be unavailable for the reason marked above and the presumption has not been sufficiently rebutted
- ☐ The parent paying child support has income at or below Oregon's minimum wage for full-time employment, so cash medical support should not be ordered
- ☐ The children's medical needs will be met by the *Uninsured Medical Expenses* provision below
- ☐ Other (explain): _____

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.

iii. Uninsured Medical Expenses

- ☐ Uninsured medical expenses are not awarded
Or
- ☐ 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.
- or**
- ☐ This obligation is **in addition** to any child support and cash medical support ordered above

C. Payment

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.

☐ **Income withholding** is not ordered at this time because there is no support arrearage, the paying parent has not previously been granted an exemption from withholding **and**

☐ The parents (or the State, if support rights are assigned) have agreed in writing to an alternative arrangement which is approved by the court; **or**

☐ Good cause not to require withholding is found because there is proof of timely payment of previously-ordered support and income withholding would not be in the best interests of the child

In all cases, select one of the following:

☐ All support payments must be made to the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309

Or

☐ An exception to income withholding applies as noted above. All support payments must be deposited to the recipient's checking or savings account. The receiving parent is ordered to provide the paying parent with current deposit slips or bank name, account name, and account number.

Or

☐ Other (explain) _____

Adult Child Attending School

Support for an adult child attending school as defined by ORS 107.108 must be paid by the Division of Child Support directly to the child unless good cause exists for payment to be made another way

☐ GOOD CAUSE exists not to pay support directly to a child attending school
Payments must be made to ☐ Petitioner ☐ Respondent in the amount of
\$ _____ per month

D. Length of child support

Support ends when the last child becomes self-supporting, emancipated, or married,
or (check one):

- ☐ reaches age 18, or if the child qualifies as a child attending school under ORS 107.108, age 21
☐ reaches age 18

E. Tax Dependents

Parties are advised that this judgment is not binding on the IRS and will not provide a defense if the parties fail to comply with IRS regulations in any given tax year

As between the parties, ☐ Petitioner ☐ Respondent may claim the following children as dependents for tax purposes beginning with the **tax** year this judgment is entered. The other parent must complete any IRS waivers or forms necessary to accomplish this judgment in each tax year and must not file contradictory tax returns.

List names: _____

or

☐ Other (specify): _____

F. Life Insurance Coverage for Children

☐ The party paying support must carry life insurance for the benefit of the parties' children throughout the period of the support obligation if he or she is insurable. The coverage must be at least \$ _____. The party paying support must provide to the party receiving support a true copy of the policy. The party paying support must also provide to the party receiving support written notice of any action that will reduce the benefits or change the designation of the beneficiaries under the policy.

(or)

☐ Neither party is ordered to carry life insurance for the benefit of the parties' children

6. Additional Provisions _____

☐ Additional page attached titled "Section 6"

NOTICE ABOUT PERIODIC REVIEWS

If you are receiving child support services through the Department of Justice, either parent may request that the Department of Justice/Division of Child Support review the amount of support ordered after 3 years from the date the order took effect or at any time upon a substantial change of circumstances.

7. Court Costs and Fees Whether Paid Or Deferred

- ☐ Each party is responsible for paying his or her own court costs and service fees
☐ Petitioner ☐ Respondent will reimburse the other party \$ _____ for costs and fees
☐ Judgment is awarded to the State of Oregon for deferred costs or fees of \$ _____
☐ Other: _____

8. Information Required by ORS 25.020

As required by UTCR 2.130, a *Confidential Information Form (CIF)* has been completed for each party and filed with the court. The CIF contains all information required by ORS 25.020 that is identified as confidential by UTCR 2.130.

Both parties must inform the Court and the Department of Justice (P.O. Box 14506, Salem,

Oregon 97309) in writing of any change in the information within ten (10) days of such change. The Department of Justice or the District Attorney may not disclose the information in the CIF to the other party.

Money Award Child 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.

- If an adult child is awarded support to be paid directly to the child **AND** there is no support awarded for minor children of the parties, or if the judge tells you that the adult child is a Judgment Creditor, fill out this box:

☐ The adult child named (full name and contact address) _____ is a judgment creditor on this judgment Adult child's lawyer's name, address, phone #: _____ _____
--

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	☐ None or ☐ Name: _____ _____
Respondent	☐ None or ☐ Name: _____ _____
Adult Child Name: _____	☐ None or ☐ Name: _____ _____

Type of Judgment		Amount	Beginning / Ending
Child Support	WHO PAYS ☐ Petitioner ☐ Respondent	\$_____ per month for cash medical support and \$_____ per month for child support	Beginning: ☐ the first or ☐ _____ day of the month following entry of this judgment or ☐ the date of service of the <i>Petition</i> (date) _____ or ☐ Other _____ and due on the same day of each month thereafter
	WHO RECEIVES ☐ Petitioner ☐ Respondent ☐ Adult Child		Ending when the last child turns ☐ 18 or ☐ 21 (if the child remains a Child Attending School)
☐ Prejudgment Interest	WHO RECEIVES ☐ Petitioner ☐ Respondent	\$_____	
Post-judgment Interest	WHO RECEIVES ☐ Petitioner ☐ Respondent	9% per year simple interest on the unpaid balance of the total judgment amount of \$_____	Interest accrues from the date the judgment is entered and continues until the judgment is fully paid
☐ Court Costs and Service Fees paid	WHO PAYS ☐ Petitioner ☐ Respondent	Checked party reimburses the other party's costs and fees of: \$_____ Directly to the awarded party	
☐ Deferred Court Costs and Service Fees	WHO PAYS ☐ Petitioner ☐ Respondent	Checked party must pay deferred costs and fees of: \$_____ To the State of Oregon through this court	

Judge Signature:

Certificate of Readiness

This proposed judgment 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 judgment; 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 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 *Judgment* in the United States mail to (*name*) _____ at (*address*) _____

Submitted by: ☐ Petitioner ☐ Respondent

Signature

Print Name

Certificate of Document Preparation. Check all that apply:

- ☐ I chose this form for myself and completed it without paid help
- ☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone
- ☐ I paid (or will pay) _____ for help choosing, completing, or reviewing this form
- ☐ Guide & File selected and completed this form and I did not pay anyone to review the completed form

I understand that I am subject to penalty for perjury for giving false information to the court. All factual information in this Judgment is true to the best of my knowledge and belief. I agree to the terms of this Judgment. I understand that this Judgment is enforceable by the court.

Petitioner, Signature

Date

Petitioner, Name (printed)

☐ Respondent stipulates (agrees) to the terms of this judgment

Respondent, Signature

Date

Respondent, Name (printed)

☐ Child 18, 19, or 20 years of age stipulates (agrees) to the terms of this judgment

Child, Signature

Date

Child, 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).

Check here: ☐ if you are requesting only accounting and disbursement services and not enforcement services.

Note: If you never received TANF, tribal TANF or AFDC in any state, an annual \$25 fee will apply if over \$500 is collected and distributed to the family each year.

☐ Petitioner, Signature

Date

☐ Respondent, Signature

Date

☐ Adult Child, Signature

Date

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

Case No: _____

and

Petitioner
Respondent

**EX PARTE MOTION FOR
ORDER OF DEFAULT and
DECLARATION IN SUPPORT**

Motion

Based on the attached *Declaration*, Petitioner requests that this court grant an *Order* entering the default of Respondent and directing entry of judgment.

Statement of Points and Authorities

ORCP 69 requires the court or clerk to enter an order of default on a showing by affidavit or declaration that a party against whom a judgment is sought has been served with Summons or is otherwise subject to the jurisdiction of the Court and has failed to plead or otherwise defend within the time set by law.

Declaration

Respondent was served with the *Summons*, *Petition* and other documents required by law in _____ County, State of _____, on (date) _____ and has not made an appearance within the time required by law.

☐ Respondent has not provided me with written notice of intent to appear.

or

☐ Respondent provided me with written notice of intent to appear **and** I filed and served written notice of intent to apply for default at least 10 days before filing this motion, or fewer days as permitted by the court.

Respondent is not now, and was not at the time of the service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005,

and (check one of the following):

☐ The Respondent **is not** now, and was not at the time of service of the *Petition* and *Summons*, in active military service of the United States. *Provide facts supporting this statement:* _____

☐ The Respondent **is** now, or was at the time of service of the *Petition* and *Summons*, in active military service of the United States. Respondent has waived his or her rights under the Servicemembers' Civil Relief Act, as shown by the attached waiver, labeled Exhibit _____.

☐ I am unable to determine whether or not Respondent is now, or was at the time of the service of the *Petition* and *Summons*, in active military service of the United States.

Provide any facts you do know: _____

I request the relief specified in the attached *Judgment*.

Costs and fees are allowable under ORS 107.105(1)(j) or 107.490(4).

Certificate of Document Preparation. Check all that apply:

- ☐ I chose this form for myself and completed it without paid help.
☐ A legal help organization helped me choose or complete this form, but I did not pay money to anyone.
☐ I paid(or will pay) _____ for help choosing, completing, or reviewing this form.
☐ TurboCourt selected and completed this form and I did not pay anyone to review the completed form.

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

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

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

Case No: _____

Petitioner

and

**ORDER ON MOTION
FOR DEFAULT**

Respondent

Based on the motion and declaration of the Petitioner in this case,

- ☐ The court **DENIES** the *Ex Parte Motion for Order of Default* because:
- ☐ the respondent was not properly served with the *Petition* and *Summons* or other necessary documents, or no proof of service has been filed with the court.
 - ☐ the respondent has filed an appearance.
 - ☐ the respondent is now or was, at the time of service of the *Petition* and *Summons*, in active military service of the United States and has not waived protection under the Servicemembers Civil Relief Act.
 - ☐ the respondent is now, or was, at the time of service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005.
 - ☐ Other: _____

- ☐ The court **GRANTS** the *Ex Parte Motion for Order of Default* and directs entry of judgment because the court finds that:

- 1) The respondent was properly served with the *Petition* and other necessary documents and has not filed an appearance,
- 2) The respondent is not now and was not, at the time of service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005, **and**
- 3) The respondent:
 - ☐ is not now and was not, at the time of service of the *Petition* and *Summons*, in active military service of the United States, *or*
 - ☐ is in active military service of the United States and has waived protection against default judgments under the Servicemembers Civil Relief Act.

Certificate of Readiness under UTCR 5.100

This proposed judgment is ready for judicial signature because service is not required under UTCR 5.100 because this judgment is submitted ex parte as allowed by statute or rule

Judge Signature: