Post-Judgment Status Quo Order
During Pendency of Modification

Instructions for Packet 6B Application Packet

This process is authorized by ORS 107.138 for certain cases where:

- A final judgment for divorce, separation, custody or parenting time has already been signed by a judge, AND
- A proceeding to modify custody or parenting time has been filed or is filed simultaneously with these documents.

THE CHILD(REN) MUST HAVE LIVED AT THE CURRENT RESIDENCE CONTINUOUSLY FOR A PERIOD OF THREE CONSECUTIVE MONTHS, EXCLUDING PARENTING TIME, TO REQUEST A POST-JUDGMENT STATUS QUO ORDER.

A Post-Judgment Status Quo Order (signed at the judge's discretion) restrains **each** parent from changing the child's usual place of residence, interfering with the present placement and daily schedule of the child, hiding or secreting the child from the other parent, interfering with the other parent's usual contact and parenting time with the child, leaving the state with the child without the written permission of the other parent or the permission of the court, or in any manner disturbing the current schedule and daily routine of the child until the motion for modification of judgment has been granted or denied.

STEP 1

Fill out the following forms:

- Motion for Order to Show Cause re: Post-Judgment Status Quo Order (MOTION)
- Affidavit in Support of Motion for Post-Judgment Status Quo Order (AFFIDAVIT),
- Order to Show Cause re: Post-Judgment Status Quo Order (ORDER TO SHOW CAUSE)
- Post-Judgment Status Quo Order (ORDER), and
- AFFIDAVIT OF SERVICE

The case heading (names and case number) at the top of each form will be the same as it is on the petition that started the divorce, separation, or custody/parenting time case. Sign the lines that say "I certify this is a true copy" **only** on the copies that you make for the other party. You must sign the affidavit in front of a court clerk or notary, and you will be asked for picture identification.

Attach any existing custody orders involving the child/ren to the AFFIDAVIT.

STEP 2

You may wish to get your paperwork reviewed by the courthouse facilitator (if there is one at your court) or an attorney. Check with your local court to determine how they prefer you appear. Some courts may prefer that you file the MOTION and AFFIDAVIT with the court clerk and schedule a time to speak with a judge. Some courts may prefer that you appear during a time reserved specifically for ex parte matters such as this one.

STEP 3

Once the judge signs the ORDER TO SHOW CAUSE, obtain a court certified copy from the Court Clerk. Make two copies (one for service; one for your records) of the MOTION, AFFIDAVIT, and ORDER TO SHOW CAUSE. Sign each of the copies that will be served on the other party on the line below the words, "I certify this is a true copy."

Serve the other party with certified copies of the AFFIDAVIT, MOTION and ORDER TO SHOW CAUSE. Service may be done through the sheriff's office or through a private process server. *You cannot serve the documents yourself because you are a party.*

After the documents have been served, the person who serves them must complete and file the AFFIDAVIT OF SERVICE with the court.

The hearing must take place on a date later than the 21st day following service. The court will either fill in or provide you with a date to fill in on the ORDER TO SHOW CAUSE.

STEP 4

Attend the hearing at the time stated in the ORDER TO SHOW CAUSE. Bring the final order (POST-JUDGMENT STATUS QUO ORDER) to the hearing with you. If the court grants your request at the hearing, the Order will be signed by the judge.

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

In the Matter of ☐ the Marriage of:	)	
	)	Case No._____
_____,	)	
Petitioner,	)	☐ PETITIONER'S ☐ RESPONDENT'S
and	)	EX PARTE MOTION FOR ORDER TO SHOW
	)	CAUSE RE: POST-JUDGMENT TEMPORARY
_____,	)	STATUS QUO ORDER UNDER ORS 107.138
Respondent.	)	

I, ☐ Petitioner ☐ Respondent, request that the Court issue an Order to Show Cause requiring the other party to this case to appear in Circuit Court in the _____County Courthouse in _____, Oregon to show cause why the Court should not enter a temporary status quo order regarding child custody pursuant to ORS 107.138, restraining Petitioner and Respondent from changing the child/ren's usual place of residence (the place where the child/ren are currently living and have lived continuously for a period of three consecutive months, excluding parenting time), at, *(Print address of child/ren's usual place of residence)*:_____
_____, from interfering with the present placement and daily schedule of the child/ren; from hiding or secreting the child/ren from the other party; from interfering with the other parent's usual contact and parenting time with the child/ren; or from taking the child/ren out of the state without the written permission of the other parent or permission of the Court; or in any manner disturbing the current schedule and daily routine of the child/ren until custody or parenting time have been determined. This Motion is based on the attached Affidavit.

The name(s) and birthdate(s) of my minor child/ren that should be protected by this order are:

NAME	BIRTHDATE
_____	Do not list. Provide by UTCR 2.130 CIF
_____	Do not list. Provide by UTCR 2.130 CIF
_____	Do not list. Provide by UTCR 2.130 CIF
_____	Do not list. Provide by UTCR 2.130 CIF

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Points and Authorities

ORS 107.138 allows the Court, upon motion of a party, to enter a temporary status quo order in a proceeding to modify a judgment that awards custody of a child after notice and providing an opportunity to contest issuance of the order to the other party.

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.

_____

☐ Petitioner ☐ Respondent, Signature Print Name

_____

Address or Contact Address City, State, Zip Telephone or Contact Telephone

_____ DATED:_____, 20_____

Signature

I certify that this is a true copy:

_____

Signature

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

In the Matter of ☐ the Marriage of:	)	
	)	
_____,	)	Case No._____
Petitioner,	)	
and	)	AFFIDAVIT IN SUPPORT OF MOTION FOR
	)	POST-JUDGMENT TEMPORARY STATUS
_____,	)	QUO ORDER UNDER ORS 107.138
Respondent.	)	
STATE OF_____	)	
	) ss.	
County of_____	)	

1. I, *(print your name)* _____, being first duly sworn, say: I am the ☐ Petitioner ☐ Respondent in this proceeding.

2. The name(s) and birthdate(s) of the minor child/ren that should be protected by this order are:

NAME	BIRTHDATE
_____	Do not list. Provide by UTCR 2.130 CIF
_____	Do not list. Provide by UTCR 2.130 CIF
_____	Do not list. Provide by UTCR 2.130 CIF

3. My child/ren's present address is: _____ _____. My child/ren have lived continuously at this address for a period of three consecutive months, excluding any periods of parenting time to the non-custodial parent.

4. The child/ren have resided at least *(number)* _____nights per week at this address since, *(date)* _____.

5. The child/ren have had parenting time with _____ according to the following schedule:_____
_____
_____
_____
_____
_____
_____

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6. List the places where the minor child/ren of the parties have lived in the last five years and the names of the people they lived with at that time.

Dates	County, State	Parent(s)/Caretaker	Current Address/Contact Address of Parent/Caretaker	Which Children

☐ Additional page attached, labeled "paragraph 6 continued."

7. I ☐ have ☐ have not participated in any litigation concerning the custody, visitation, parenting time or placement of the child/ren in this or any other state. If "yes," I have participated in the following litigation:

Name of Court	State	Case No.	Date	Result

8. I do not know of any other domestic violence, custody, visitation, parenting time or placement proceeding involving the child/ren, or of any other court case which could affect this case, pending in this or any other state ☐ except for: _____

_____

(identify court, case number and the kind of proceeding)

9. I do not know any person other than the other parent who has physical custody of the child/ren or who claims to have custody, visitation or parenting time rights ☐ except for: _____

_____

(list name and address)

10. There ☐ are ☐ are not any other custody, parenting time, visitation or restraining orders affecting the child/ren. I have attached copies of any existing orders to this affidavit.

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 _____,20_____.

_____

☐ Petitioner ☐ Respondent, Signature Print Name

_____

Address or Contact Address City, State, Zip Telephone or Contact Telephone

SIGNED AND SWORN to before me this _____ day of_____, 20 ____.

_____

Notary Public for _____/Court Clerk

My Commission Expires:_____

I certify that this is a true copy:_____

☐ Petitioner ☐ Respondent, Signature

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

In the Matter of ☐ the Marriage of:	)	
	)	Case No._____
_____,	)	
Petitioner,	)	ORDER TO SHOW CAUSE REGARDING
and	)	POST-JUDGMENT STATUS QUO ORDER
	)	
_____,	)	
Respondent.	)	

Based upon the motion and affidavit of the ☐ Petitioner ☐ Respondent on file herein;

IT IS HEREBY ORDERED that ☐ Petitioner ☐ Respondent appear before the Court on _____ at _____ a.m./p.m. (date must provide other party at least 21 days advance notice from date of service) to show cause, if any there be, why a temporary post-judgment status quo order in conformity with the ☐ Petitioner's ☐ Respondent's motion and affidavit should not be entered restraining Petitioner and Respondent from changing the child/ren's usual place of residence at, *(address of children's usual place of residence)* _____ _____, from interfering with the present placement and daily schedule of the child/ren; from hiding or secreting the child/ren from the other party; from interfering with the other parent's usual contact and parenting time with the child/ren; or from taking the child/ren out of the state without the written permission of the other parent or permission of the Court; or in any manner disturbing the current schedule and daily routine of the child/ren until custody or parenting time have been modified.

DATED this ____ day of _____, 20_____.

_____
Circuit Court Judge

_____
Print Name

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.

Submitted by:

_____
☐ Petitioner ☐ Respondent, Signature Print Name

_____
Address or Contact Address City, State, Zip Telephone or Contact Telephone

I certify that this is a true copy: _____
☐ Petitioner ☐ Respondent, Signature

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

In the Matter of ☐ the Marriage of:	)	Case No. _____
	)	
_____,	)	AFFIDAVIT OF SERVICE
Petitioner,	)	☐ Personal Service (ORCP 7D(2)(a))
and	)	☐ Substitute Service (ORCP 7D(2)(b))
	)	☐ Office Service (ORCP 7D(2)(c))
_____,	)	☐ Service by Mail, Return Receipt Requested
Respondent.	)	(ORCP 7D(2)(d))

I, _____, declare I am a resident of the County of _____, State of _____. I am a competent person 18 years of age or older and not a party to or attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one named in this action.

(Check one of the following):

1. ☐ **Personal Service.** On the _____day of _____, 20___, at _____ a.m./p.m., I served true copies of the **Motion for Order to Show Cause re: Post-Judgment Status Quo Order, Affidavit in Support of Motion, and Order to Show Cause** by delivering them to ☐ Petitioner ☐ Respondent,_____ *(name)* in person at the following address _____ within the County of _____, State of _____.

2. ☐ **Substitute Service.** On the _ day of _____, 20____, at _____ a.m./p.m., I served true copies of the **Motion for Order to Show Cause re: Post-Judgment Status Quo Order, Affidavit in Support of Motion, and Order to Show Cause** by delivering them to *(name)* _____, who is a person age 14 or older and a member of the household of the party to be served, at the following address _____within the County of _____, State of _____.

(*Complete the section below only if the undersigned performed the follow-up mailing required by ORCP 7D(2)(b). If a party or other person other than the undersigned did the follow up mailing, s/he must use a separate Affidavit/Certificate of Mailing.)*

☐ On the _____ day of _____, 20___, I personally deposited a true copy of the **Motion for Order to Show Cause re: Post-Judgment Status Quo Order, Affidavit in Support of Motion, and Order to Show Cause** with the United States Postal Service, via first class mail, in a sealed envelope, postage prepaid, 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).

3. ☐ **Office Service.** On the _____ day of _____, 20____, at _____ a.m./p.m., I served true copies of the **Motion for Order to Show Cause re: Post-Judgment Status Quo Order, Affidavit in Support of Motion, and Order to Show Cause** by delivering them, in person, 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 and who has a business duty to provide the documents to the party to be served. *(Complete the section below only if the undersigned performed the follow-up mailing required by ORCP 7D(2)(c). If a party or other person other than the undersigned did the follow up mailing, s/he must use a separate Affidavit/Certificate of Mailing.)*

☐ On the _____ day of _____, 20___, I personally deposited a true copy of the **Motion for Order to Show Cause re: Post-Judgment Status Quo Order, Affidavit in Support of Motion, and Order to Show Cause** with the United States Postal Service, via first class mail, in a sealed envelope, postage prepaid, addressed to the party to be served: ☐ Petitioner ☐ Respondent (*name*) _____, at the party's: ☐ home address located at *(address)*: _____ _____ OR ☐ business address, listed above, together with a statement of the date, time and place that the documents were hand-delivered to the party's office.

4. ☐ **Service by Mail, Return Receipt Requested.** On the _____ day of _____, 20_____, I personally deposited **two true copies** of the **Motion for Order to Show Cause re: Post-Judgment Status Quo Order, Affidavit in Support of Motion, and Order to Show Cause** with the United States Postal Service, one via first class mail, and the other by certified or registered, return receipt requested, or by express mail, with postage on both copies fully paid, addressed to the party to be served: ☐ Petitioner or ☐ Respondent, (*name*) _____, at the party's: ☐ home address located at:_____ _____(*address*).
(NOTE: If mailed return receipt requested, the return receipt should be attached to this Affidavit of Service.)

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.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated this _____ day of _____, 20 _____.

_____
Signature of Server Print Name

_____
Address or Contact Address City, State, Zip Telephone or Contact Telephone

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

In the Matter of ☐ the Marriage of:	)	
	)	
_____,	)	Case No._____
Petitioner,	)	
and	)	ORDER FOR POST-JUDGMENT TEMPORARY
	)	STATUS QUO ORDER UNDER ORS 107.138
_____,	)	
Respondent.	)	

Based upon the Motion and Affidavit of the ☐ Petitioner ☐ Respondent on file herein, the request for a Post-Judgment Temporary Status Quo Order is hereby:

☐ allowed.

☐ denied.

☐ IT IS HEREBY ORDERED that until further order of the Court, Petitioner and Respondent are restrained from changing the child/ren's usual place of residence (the place where the child/ren is/are currently living and have lived for the past three months) at (list address):_____ _____; from interfering with the present placement and daily schedule of the child/ren; from hiding or secreting the child/ren from the other party; from interfering with the other parent's usual contact and parenting time with the child/ren; or from taking the child/ren out of the state without the written permission of the other parent or permission of the Court; or in any manner disturbing the current schedule and daily routine of the child/ren until custody or parenting time has been determined.

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The name/s and birthdate/s of the minor child/ren that should be protected by this order are:

NAME	BIRTHDATE
_____	Do not list. Provide by UTCR 2.130 CIF
_____	Do not list. Provide by UTCR 2.130 CIF
_____	Do not list. Provide by UTCR 2.130 CIF
_____	Do not list. Provide by UTCR 2.130 CIF

Dated this _____day of _____, 20_____.

_____
Circuit Court Judge

_____
Print Name

NOTICE

You may request a hearing on this order as long as it remains in effect by filing with the court a [*hearing request in the form described in ORS 107.097 (5)*] request for a hearing. In the request you must tell the court and the other party that you object to the order on the ground that the child was not in immediate danger at the time the order was issued. In the request, you must also inform the court of your telephone number or contact number and your current residence, mailing or contact address.

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.

_____
☐ Petitioner ☐ Respondent, Signature Print Name

_____
Address or Contact Address City, State, Zip Telephone or Contact Telephone

I certify that this is a true copy: _____
☐ Petitioner ☐ Respondent, Signature