

# **Custody Enforcement (Oregon and Out-of-State Orders/Judgments) Packet No. 5B**

This process may be used if you have been granted physical custody of your child[ren] by a court order, and the other party is violating that order by withholding the child. The court to which the application is being made must be in a county in which the parties' child/ren are located, or where a foreign custody order has been registered pursuant to ORS 109.787 (see Packet #5C).

## **Important Notice about Enforcement of Out-of-State Judgments**

To enforce an Out-of-State custody decree/judgment, you may also complete the forms in Packet #5C—Registration for Enforcement of Out-of-State Orders. These forms are available on the OJD Family Law Website at the “Family Law Forms” link: <http://courts.oregon.gov>.

**DO NOT USE THIS PACKET FOR VIOLATIONS OF PARENTING TIME OR VISITATION.** Instead, use the forms available on the OJD Family Law Website-Parenting Plan Enforcement link (<http://ojd.state.or.us/familylaw>) which includes forms specifically required by the county in which you are seeking enforcement, or if your county does not have these forms, use Packet 5A.

A *certified copy of the custody judgment* must be included with the documents you file with the court.

### **STEP 1**

Get a *certified* copy of the order or judgment you are asking the court to enforce (you will attach it to the motion or petition when you file your papers).

#### **If you are requesting assistance from the court that issued the original custody judgment OR**

**From a court where an OUT-OF-STATE custody judgment has been registered,** fill out the following MOTION forms:

- Declaration in Support of Motion/Petition for Order of Assistance
- Ex Parte MOTION for Order of Assistance
- Order of Assistance

#### **If you are requesting assistance from a court that did NOT issue the original judgment AND**

**From a court where an OUT-OF-STATE custody judgment has NOT been registered  
BUT**

**From a court in a county where the CHILD(REN) IS/ARE LOCATED,** fill out the following PETITION forms:

- Declaration in Support of Motion/Petition for Order of Assistance
- Ex Parte PETITION for Order of Assistance
- Order of Assistance

- 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 case if you are filing in the same court. If you are asking a different court to enforce the order, the case names and Petitioner/Respondent status will remain the same but the clerk will assign a case number when you file your papers.
- Do not sign the line where it says “I certify that this is a true copy.”
- Do not fill in the Judge’s portion of the order (the findings, the order and the judge’s date and signature lines).

### **STEP 2**

- Make a copy of the documents you just filled out for your records. Make a second copy of the Motion and Declaration and sign them where it says, “I certify that this is a true copy.”

### **STEP 3**

- You may file your documents along with the certified copy of the original order with the court clerk. There is no filing fee for this process.

### **STEP 4**

- Sign up for parent education class if required by your local court.

### **STEP 5**

- After the judge has signed the order, get a certified copy of the order from the court clerk (you may have to pay for copying costs) and attach it to the second copy of the Motion or Petition and Declaration you made in step 2. Deliver the papers to the sheriff’s office and make arrangements to have them served on the other parent. The sheriff’s office will attempt to serve the order on the other party and deliver the child/ren to you.

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

\_\_\_\_\_, )  
Petitioner, ) Case No. \_\_\_\_\_  
and )  
\_\_\_\_\_, ) EX PARTE MOTION  
Respondent. ) FOR ORDER OF ASSISTANCE

Motion

I,  Petitioner  Respondent, request that the court issue an Order of Assistance directing a peace officer of the county or city in which the child/ren are located to assist in recovering the custody of the child/ren listed in the attached declaration.

Points and Authorities

ORS 107.437 allows the court to issue an order of assistance upon the sworn affidavit of the applicant and a finding that the applicant is entitled to physical custody of the child/ren under a valid and current custody order, and that the child is being held by another person in substantial violation of the custody order.

**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

**I certify that this is a true copy:** \_\_\_\_\_  
 Petitioner  Respondent, Signature



**Points and Authorities**

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- 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 statements are true and complete 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

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Phone



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. I have participated in the following litigation:

Name of Court	State	Case No.	Date	Result

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 kind of proceeding)*

I do not know any person other than petitioner 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)*

6. The other party has not complied with the attached order in the following way(s): \_\_\_\_\_

**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 statements are true and complete 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

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Phone

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

\_\_\_\_\_, )  
Petitioner, ) Case No. \_\_\_\_\_  
and )  
\_\_\_\_\_, ) ORDER OF ASSISTANCE  
Respondent. )

This matter came before the Court on the  motion  petition and declaration of the  Petitioner  Respondent requesting that the Court direct the law enforcement agency having jurisdiction where the child/ren are located to assist the applicant in recovering the custody of \_\_\_\_\_

( List name(s) of child/ren. Dates of birth provided by UTCR 2.130 CIF.)

The court has considered the motion/petition and declaration on file and, being fully advised, makes the following findings and order.

The applicant  is  is not entitled to physical custody of the child/ren under a valid and current custody order.

The child/ren  are  are not being held by  Petitioner  Respondent in substantial violation of the custody order.

IT IS HEREBY ORDERED applicant's motion/petition is:

Allowed. Any law enforcement agency having jurisdiction where the child/ren are located shall use any reasonable means and force, including forcible entry into specified premises, to recover custody of the child/ren listed below and deliver the child/ren to applicant.

Denied.

Names and location(s) of child/ren: \_\_\_\_\_

Name and address/contact address of applicant: \_\_\_\_\_

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:

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Petitioner    Respondent

Address or Contact Address

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City, State, Zip

Telephone or 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/utcrrules.page?>

### 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/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?>

and you can find additional information about the rule at:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?>

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

In the Matter of: \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 Petitioner     Co-Petitioner, )  
 and )  
 \_\_\_\_\_ )  
 Respondent     Co-Petitioner. )  
 \_\_\_\_\_ )  
 Child At Least 18 But Under 21 )

Case No.: \_\_\_\_\_

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

Amended

This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 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):
Name, Address, and Telephone Number of Employer:

Children's Names (Last, First, Middle)


Date of Birth

Social Security No.


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.**



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(s) 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(s) 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(s) of birth,  employer's name, address, and telephone number,  driver  
license number,  former legal name(s).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Signature

Print Name

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Contact Address

City, State, Zip

Contact Telephone