

Request for Waiver of 90 Day Waiting Period

Instructions for Packet 1F

These instructions explain how to ask the court to waive the 90 day waiting period between service (delivery of petition to respondent) and final hearing or Final Decree and Judgment of Dissolution of Marriage in a divorce case. Either spouse may use this packet.

REQUIRED CIRCUMSTANCES

You should not apply for a waiver of the 90 day waiting period unless your situation meets one of the following two criteria:

- There is an emergency or situation of necessity. If these conditions exist, complete the forms described below. *You must provide facts that satisfy the court that immediate action is warranted to protect your or another person's rights or interests in your proceeding.*
- You and your spouse have signed a stipulated Final Decree and Judgment of Dissolution of Marriage agreeing on all terms of your dissolution (divorce). The stipulated Final Decree and Judgment of Dissolution of Marriage should be filed with the Motion and Affidavit described below. State in the Affidavit that you and your spouse have signed a stipulated Final Decree and Judgment of Dissolution of Marriage. No other grounds of emergency or necessity need be stated.

STEP 1

- Fill out the Affidavit in Support of Motion for Waiver of 90 Day Waiting Period (AFFIDAVIT) and Motion for Waiver of 90 Day Waiting Period (MOTION).
- Fill out the case heading on the Order Regarding Request for Waiver of 90 Day Waiting Period (ORDER) and the information about yourself at the bottom of the page.
- Make two copies of the AFFIDAVIT, MOTION AND ORDER. One is for your records and the other is to send to your spouse. Sign the copies for your spouse where it says "I certify this is a true copy."

STEP 2

- Send the copies of the AFFIDAVIT, MOTION and ORDER to your spouse. Fill out the Certificate of Mailing form.
- File the original AFFIDAVIT, MOTION, ORDER, and Certificate of Mailing with the court. If you and your spouse have signed a stipulated Final Decree and Judgment of Dissolution of Marriage, file the original of it as well.

STEP 3

- Check back in 10 days to 14 days to see if the ORDER was signed by a judge, and if so, whether the request was granted or denied. If the request was granted, the judge will grant Final Decree and Judgment of Dissolution of Marriage before expiration of the 90-day period. If the request was denied, you must wait until 90 days has passed from the date of service before the court will hold a final hearing or sign the Final Decree and Judgment of Dissolution of Marriage.

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

In the Matter of the Marriage of:)
)
_____,)
) Petitioner,)
) and)
)
_____,)
) Respondent.)

Case No. _____

**AFFIDAVIT IN SUPPORT
OF MOTION
FOR WAIVER OF 90 DAY
DAY WAITING PERIOD**

STATE OF _____)
) ss.
County of _____)

I, Petitioner Respondent, being first duly sworn, say that the following is true:

(Write the facts of emergency or necessity that support your request for the waiver)

Additional page attached, labeled "Affidavit, continued."

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

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 LINN

In the Matter of the Marriage of:)
)
_____,)
Petitioner,)
and)
_____,)
Respondent.)

Case No. _____

**ORDER REGARDING REQUEST
FOR WAIVER OF 90 DAY WAITING
PERIOD**

Based upon the motion and affidavit of the Petitioner Respondent on file herein, the request for waiver of the 90 day waiting period is hereby:

- Allowed.
 Denied.

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.

 Petitioner Respondent, Signature

Submitted By:

 Petitioner Respondent, Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

I certify that this is a true copy: _____
Signature

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

In the Matter of the Marriage of:)
)
_____,)
Petitioner,)
and)
_____,)
Respondent.)

Case No. _____

CERTIFICATE OF MAILING

I certify that on _____, 20____, I placed a true copy of the Motion, Affidavit and Order Regarding Waiver of the 90 Day Waiting Period in the above case in the United States mail addressed to Petitioner Respondent at (list address): _____
_____ in a sealed envelope with postage paid.

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 Telephone or Contact Telephone