

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

| | | |
|---|---|--------------------------------|
| |) | |
| |) | Case No. _____ |
| _____ |) | |
| Petitioner, |) | |
| |) | |
| and |) | |
| |) | |
| _____ |) | GENERAL JUDGMENT OF SEPARATION |
| Respondent |) | |
| |) | |
| and |) | |
| |) | |
| <input type="checkbox"/> _____ |) | |
| Child who is at least 18 and under 21 years |) | |
| of age, unmarried and unemancipated. |) | |
| (ORS 107.108) |) | |

1. This matter came before the Court:

- On the motion and affidavit of Petitioner, the default of Respondent having been found.
- On the motion of Petitioner, the default of Respondent having been found, and Respondent being represented by a guardian ad litem or another person described in Rule 27.
- On the motion and affidavit of Petitioner, Respondent having filed a Waiver of Further Appearance.
- On the stipulations of the parties, as shown by the signatures below.
- At a hearing held _____, at which the following persons were present:

(date)

 - Petitioner Petitioner's attorney _____
 - Respondent Respondent's attorney _____

2. Findings. The Court considered the: Affidavit Affidavit and stipulations Evidence presented and found that:

- A. Irreconcilable differences between the parties have caused a temporary or unlimited breakdown of their marriage/domestic partnership.
 - The parties have entered into an agreement (the terms of this judgment) suspending for a period of not less than one year their obligation to live together as husband and wife/domestic partners, as evidenced by the parties' signatures on pages 12 and 13 of this judgment.
 - Irreconcilable differences exist between the parties and the continuation of the marriage/domestic partnership preserves or protects their legal, financial, social or religious interests.
- B. Spouses Only: Petitioner Respondent currently live in the county in which this petition is being filed.
 - Domestic Partnership Only: One or both of the parties to this case currently live in the county where

this petition has been filed, or neither party currently resides in Oregon but the petition has been filed in the county where Petitioner or Respondent last resided.

C. **Children of the Marriage/Domestic Partnership.** The following children were born to/ adopted by the parties before or during this marriage/domestic partnership (*list name(s), date of birth(s) and age(s)*):

| Name | Date of Birth | Age |
|------|--|-----|
| | Do Not List - Provide on the Confidential Information Form- UTCR 2.130 | |
| | Do Not List - Provide on the Confidential Information Form- UTCR 2.130 | |
| | Do Not List - Provide on the Confidential Information Form- UTCR 2.130 | |
| | Do Not List - Provide on the Confidential Information Form- UTCR 2.130 | |

Petitioner Respondent is not the father, or paternity has not been established, of the children (list names): _____

born during the marriage/domestic partnership on the following date(s): _____

Neither party is now pregnant.

Petitioner Respondent is now pregnant. Petitioner Respondent is not the parent of the child/ren due _____ (date).

D. **Child Custody Jurisdiction.** (*Check appropriate boxes*)

I. Oregon has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act to hear the custody parenting time issue because:

Oregon is the child/ren's home state (i.e., the child/ren have lived here continuously for the six month period immediately before this case was filed).

Other reason: _____

II. Oregon does not have jurisdiction under the Uniform Child Custody Jurisdiction Act because:

E. **Child/ren Who Are At Least 18 and Under 21 Years of Age.**

_____ (child/ren's name) is at least 18 and under 21 years of age, is unmarried and unemancipated and has:

Waived further appearance in these proceedings.

Signed and stipulated to the terms of judgment evidenced by the signature below.

Fully participated in the proceedings and the judgment effectively binds him/her to the terms.

///

NOW, THEREFORE, IT IS HEREBY ORDERED:

The terms of this judgment are effective immediately. The parties are hereby legally separated as of the date this Judgment is signed, to continue for the period of time specified in Section 17 below.

1. Parenting Plan.

Custody of the child/ren is awarded as follows:

- Petitioner is awarded sole custody of the following child/ren: _____
- Respondent is awarded sole custody of the following child/ren: _____
- The parties have agreed to joint custody of the following child/ren: _____

as described in the attached parenting plan, labeled "Exhibit 1".

Petitioner Respondent shall have parenting time with the child/ren in accordance with the attached local court rule, or the attached parenting plan, labeled "Exhibit 1."

Petitioner Respondent shall have reasonable parenting time with the child/ren upon giving reasonable notice to the other parent. Minimum parenting time, in case of disagreement, shall be: _____

Additional page(s) attached, labeled "Exhibit 1 ."

Petitioner Respondent shall not have parenting time because this would endanger the health and safety of the child/ren.

Parenting time shall be supervised by _____. Any cost of the supervision shall be paid by Petitioner Respondent Other: _____

Petitioner and Respondent shall each provide contact addresses and contact telephone numbers to the other and notify each other of any emergency circumstances or substantial changes in the child/ren's health.

Neither parent shall move to a residence 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 move is suspended for good cause found.

2. Cash Child Support.

Complete either (a) or (b) below:

- (a) Cash child support must be paid by Petitioner to Respondent (or) Respondent to Petitioner beginning on the first or _____ of the month following the date of the judgment and continuing on the same day of each month thereafter. The total payment per month is \$ _____ for _____ children.

The cash child support:

Worksheet on which the support amount was calculated is labeled "Exhibit ____" and attached to and incorporated in this judgment; and

- Is the amount presumed to be appropriate under the support guidelines, or
 Is different from the presumed appropriate amount of \$_____ because (list reasons) _____

(b) No cash child support is ordered in this judgment because:

- An order, including medical support, for child support in the monthly amount of \$_____ has already been ordered in Circuit Court case number _____ in _____ County, Oregon.
 Other reason: _____

3. Medical Support. Complete section (a) or (b) below. Also complete section (c) or (d) below.

Complete (a) or (b):

(a) **Private Health Care Coverage is Appropriate and Available.**

Petitioner Respondent Both Petitioner and Respondent has/have appropriate private health care coverage available for the parties' child/ren through an employer, spouse, domestic partner or other source. Petitioner Respondent Both Petitioner and Respondent is/are ordered to obtain and/or maintain this coverage throughout the period of the support obligation for the benefit of the parties' child/ren.

Health care coverage is not ordered in this judgment because it has already been ordered in another case as described in section 2(b) above.

(b) **No Private Health Care Coverage is Appropriate or Available.**

Neither Petitioner nor Respondent has appropriate private health care coverage available for the parties' child/ren. Petitioner Respondent Both Petitioner and Respondent must provide appropriate private health care coverage for the child/ren when such coverage becomes available to them at a reasonable cost through any source.

The custodial parent shall enroll or maintain the child/ren in public health care coverage.

Complete (c) or (d):

(c) **Cash Medical Support Ordered.**

Because the parent receiving cash child support is ordered to maintain private health care coverage and the parent paying cash child support is not ordered to maintain private health insurance, in addition to cash child support Petitioner Respondent must pay \$_____ for cash medical support to Petitioner Respondent, or

Because neither parent has appropriate private health care coverage available for the parties' child/ren: Petitioner must pay cash medical support in the monthly amount of \$_____ to Respondent and/or Respondent must pay cash medical support in the monthly amount of \$_____ to Petitioner.

(d) **Cash Medical Support Not Ordered.**

- Cash medical support is not ordered for the following reasons:
 - The parent paying cash child support is also providing health care coverage.
 - Section (e) below requires the parties to share the cost of the child/ren's uninsured medical expenses.
 - Petitioner's Respondent's gross monthly income is at or below the Oregon minimum wage for full-time employment.
 - Other reason: _____
-

(e) **Responsibility for Uninsured Health Expenses.**

After the custodial parent pays the first \$250 per year per child, Petitioner must pay _____% and Respondent must pay _____% of the reasonably incurred uninsured health, accidental, dental, orthodontic, and optical costs incurred by the child/ren, including costs for prescriptions. This obligation is in addition to instead of any cash medical support ordered above in paragraph 2 as part of the child support award.

NOTICE ABOUT PERIODIC REVIEWS

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

4. Payment of Child Support.

Pursuant to ORS 25.378(1), an income withholding order shall be issued to enforce the child support obligation unless an exception is indicated below.

- Exceptions to withholding.** 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, and the State, if support rights are assigned, have agreed in writing to an alternative arrangement; 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.

All payments of child support shall be made (check either (a) or (b) below):

- (a) To the Oregon Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309 or by electronic payment withdrawal (EPW) or electronic funds transfer (EFT).
- (b) Pursuant to the above exception, directly to Petitioner's Respondent's checking or savings account. A receipt of deposit shall be kept by the parent paying support as proof of payment. A canceled check is also prima facie evidence that payment has been made. The person receiving support shall provide the paying parent with current deposit slips and/or bank name, account name and account number.

NOTICE OF INCOME WITHHOLDING

This 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.

5. Dependents for Tax Purposes.

Petitioner Respondent shall be entitled to claim the following child/ren as dependent(s) for tax purposes beginning the year this judgment is entered (*list names*): _____

_____, OR

Other (*specify*): _____

6. Life Insurance Coverage for Child/ren.

Petitioner Respondent shall obtain and maintain life insurance for the benefit of the parties' child/ren throughout the period of the support obligation if he/she is insurable. The coverage shall be in the amount of \$_____.

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 is punishable by fine, imprisonment or other penalties.

Publicly funded help is 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.

Publicly funded 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 the domestic relations, civil court clerk or courthouse facilitator for information.

7. Spousal Support and Life Insurance.

- No spousal support or spousal life insurance is ordered in this case.
- The terms indicated on the inserted Supplement to Judgment shall be in effect.

8. Real Property Distribution.

Neither Petitioner nor Respondent has any interest in any real property located in this or in any other state.

Petitioner Respondent has/have an interest in real property located at the address of _____

This property shall be distributed as follows: _____

- Additional page labeled "Paragraph 8 - Real Property Distribution continued" attached.
- The legal description of the property is attached as "Exhibit _____" and incorporated into this Judgment.
- Petitioner Respondent shall be responsible for the preparation, signing and recording of a deed, transferring the real property as required by this judgment.
- Distribution of this property is not within the jurisdiction of this court.

9. Personal Property Distribution (including motor vehicles).

The Petitioner and Respondent have divided between them all personal effects, household goods and other personal property they own separately or together, and each shall be awarded those items now in their possession.

The Petitioner is awarded the following personal property: _____

Additional page labeled "Paragraph 9 - Petitioner's Personal Property Distribution continued" attached.

The Petitioner is awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred compensation plan, and/or stock option plan held by Petitioner's current or past employer, free of any interest in the Respondent.

The Respondent is awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred compensation plan, and/or stock option plan held by Respondent's current or past employer, free of any interest in the Petitioner.

The Respondent is awarded the following personal property: _____

Additional page labeled "Paragraph 9- Respondent's Personal Property Distribution continued" attached.

10. Distribution of Debts.

The debts shall be paid as follows:

| Name of Creditor (who money is owed to) | What debt is for | Amount | Who shall pay (Petitioner or Respondent) |
|---|------------------|--------|--|
| | | | |
| | | | |
| | | | |
| | | | |

Additional page attached, labeled "Paragraph 10 continued".

Each party shall be responsible for the payment of all debts incurred by him or her individually since the date of the separation; all debts which are distributed to him or her by the court; and all debts which are secured by property distributed to that party. Also, if any creditor asks the spouse/domestic partner not responsible for a

debt to pay all or a portion of it, and he or she does so, the spouse/domestic partner responsible for that debt shall reimburse the other spouse/domestic partner for any monies he/she paid to the creditor after the date this judgment was entered.

The date of separation (*when you began living apart*) was: _____

11. Transfer of Property and Debts.

Within thirty (30) days of the date of this judgment, each party shall execute, acknowledge and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. The judgment shall operate to convey title to the party awarded the property if the other party fails to comply with this requirement.

12. Former Name.

Petitioner's Respondent's former name of _____ is restored.

13. Duration.

The length of the separation shall be unlimited for a period of _____
(length of time)

14. Additional Provisions: _____

Additional page attached labeled "Paragraph 14 - Additional Provisions continued".

15. Court Costs and Fees.

A. Deferred Costs and Fees

Any court costs and service fees (if service was completed by the Sheriff) that were deferred (required to be paid at a later date) by the court shall be paid by:

- Petitioner
- Respondent.
- Both parties equally
- Other: _____.

B. Costs and Fees Paid by the Parties

- Each party shall be responsible for paying his/her own court costs and service fees for this case.
- To be paid by both parties equally
- Petitioner Respondent shall reimburse the other spouse for his/her court costs and service fees for this case.

Other: _____.

Judgment shall be entered according to the cost and fee allocation listed above.

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16. Information Required by ORS 25.020 and ORS 107.085.

Based on a finding that the health, safety, or liberty of Petitioner Respondent or a child, _____, would unreasonably be put at risk by disclosure of the following information, Petitioner Respondent has been allowed not to disclose this information.

Otherwise:

| | Petitioner | Respondent |
|----------------------------------|---|---|
| Full Name | | |
| Former Legal Name(s) | Do Not List- Please provide information on Confidential Information Form – UTCR 2.130 | Do Not List- Please provide information on Confidential Information Form – UTCR 2.130 |
| Age | | |
| Contact Address | | |
| Telephone Number | | |
| Social Security Number | Do Not List- Please provide information on Confidential Information Form – UTCR 2.130 | Do Not List- Please provide information on Confidential Information Form – UTCR 2.130 |
| Drivers License Number | Do Not List- Please provide information on Confidential Information Form – UTCR 2.130 | Do Not List- Please provide information on Confidential Information Form – UTCR 2.130 |
| Employer Name Address/Phone # | Do Not List- Please provide information on Confidential Information Form – UTCR 2.130 | Do Not List- Please provide information on Confidential Information Form – UTCR 2.130 |

Additional page labeled “Paragraph 16 continued” attached.

Both parties shall inform the Court and the Department of Justice (P.O. Box 14506, Salem, Oregon 97309) in writing of any change in the above information required by ORS 25.020 within ten (10) days of such change, unless a finding of unreasonable risk has been made in this case. If the court has ordered that a party be allowed not to disclose information by means of this Judgment in Paragraph 20 above, the Department of Justice or the District Attorney shall not disclose the information in the preceding section to the other parent.

Date of marriage/domestic partnership: _____.

Place of marriage/domestic partnership: _____.

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17. Money Award. Child Support Obligation included not included.
 Spousal Support included not included.

| Additional information required by ORS 18.042 | PETITIONER | RESPONDENT |
|--|-------------------|-------------------|
| Full Name | | |
| Contact Address | | |
| Attorney's Name, Telephone Number and Address (if applicable) | | |
| Year of Birth | | |
| Last Four Digits of Driver License Number and State of Issuance | | |
| Last Four Digits of the Support Obligor's Social Security Number | | |

The following information is to be provided by any party entitled to receive a money award (a "judgment creditor") as listed in this Judgment.

| | |
|---|---|
| Others Entitled to Portions of Judgment Payable to PETITIONER | The following person(s) or public bod(ies) are known by Petitioner to be entitled to a portion of a payment made on the judgment (other than Petitioner's attorney): <input type="checkbox"/> None or <input type="checkbox"/> _____ _____ _____ |
| Others Entitled to Portions of Judgment Payable to RESPONDENT | The following person(s) or public bod(ies) are known by Respondent to be entitled to a portion of a payment made on the judgment (other than the Respondent's attorney): <input type="checkbox"/> None or <input type="checkbox"/> _____ _____ _____ _____ |

| Type of Judgment | Amount of Judgment | |
|--|---|--|
| Child Support Award | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | \$ _____ <input type="checkbox"/> per month or <input type="checkbox"/> Other: _____, starting on the <input type="checkbox"/> first day or <input type="checkbox"/> Other: _____ of the month following the date of the judgment <input type="checkbox"/> Of this Child Support Award, \$ _____ constitutes "cash medical support" |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |
| Spousal Support Award | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | 3. \$ _____ per month or Other: _____ , starting on the _____ first day or <input type="checkbox"/> Other: _____ of the month following the date of the judgment, lasting until _____ (date), or the death of either party, whichever comes first; or 4. A lump sum payment of \$ _____ to be paid by (date): _____ |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |
| SPOUSAL SUPPORT PAYMENTS ARE TAXABLE TO THE OBLIGEE SPOUSE AND DEDUCTIBLE TO THE OBLIGOR SPOUSE. ALL PAYMENTS TERMINATE UPON THE DEATH OF EITHER PARTY. | | |
| Property Division (if applicable) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | 1. \$ _____ per month, starting on the <input type="checkbox"/> first day or <input type="checkbox"/> Other: _____ of the month following the date of the judgment until the total amount of \$ _____ is paid in full; or 2. A lump sum payment of \$ _____ to be paid by: _____ (date). |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |
| <input type="checkbox"/> Prejudgment Interest (Note: ORS 21.607(1) disallows interest on fees that have been deferred.) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | \$ _____ |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |

| | | |
|--|--|---|
| Postjudgment Interest (Note: ORS 21.607(1) disallows interest on fees that have been deferred.) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | Nine percent (9 %) per annum simple interest on the unpaid balance of the total judgment amount(s) of \$_____. |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | Interest accrues from the date the judgment is entered and continues until fully paid. |
| Accrued Arrears (if any, on judgments to be paid on a periodic basis) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | 1. \$_____ per month, starting on the <input type="checkbox"/> first day or <input type="checkbox"/> Other: _____ of the month following the date of the judgment until the total amount of \$_____ is paid in full; or 2. A lump sum payment of \$_____ to be paid by: _____ (date). |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |
| Costs and Service Expenses (e.g., filing fees, hearing fees, trial fees, process fees) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | \$_____ |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |
| Attorneys Fees (if any) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | \$_____ |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |

DATED this _____ day of _____, 20_____

Circuit Court Judge

Print Name

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