

Filing For Dissolution (Divorce), Cases with Children

Instructions for Packet 2

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for uncomplicated divorce cases. Neither the Court nor Court Staff is permitted to give legal advice. For legal information, please talk to a lawyer, visit your local law library and/or refer to the "Additional Resources" section on the last page of these instructions.

*The instructions may refer to some forms not included in this packet.. You may get the forms by clicking on the form name if you are using the Internet at www.courts.oregon.gov/linn go into **FORMS**. Linn County Court also has the forms available in Room 107 for a small fee.*

Linn County Court has local rules, programs and procedures that may not be explained in these instructions. Please refer to the "Linn County Supplemental Local Court Rules."

If you have a question about a form you cannot locate, you should consult your local court which may have the form available.

This set of forms and instructions will allow you to file for and obtain a divorce. Please read the "Information on Dissolution (Divorce) Forms" sheet before you go any further to make sure this is the right sets of forms for you.

The instructions are broken down into four basic steps. The forms that go with each step are listed below.

Steps and Forms
1. Starting your Divorce
Acknowledgment about Dissolution (Divorce/Separation) Petition for Dissolution of Marriage (attached Notices to Parties ORS 107.089, Parent Education packet and Automatic Mutual Restraining Order Preventing Dissipation of Assets and Request for Hearing) Certificate of Residency Petitioners Certificate of Mailing to the Division of Child Support Certificate re: Pending Child Support Proceedings and/or Existing Child Support Orders Summons UTCR 2.130 Confidential Information Form (Complete one per party in the case) Notice of Filing of Confidential Information Form (CIF) Record of Dissolution of Marriage (<i>NCR Vital Statistics Form; Available from your local court</i>)
2. Serving your Spouse
Affidavit of Service Acceptance of Service
3. Waiting for a Response; Taking a Default
Petitioner's Ex Parte Motion for Order of Default; and Order Petitioner's Affidavit in Support of Motion for Order of Default
4. Finalizing Your Divorce
Petitioner's Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing; and Order Affidavit Supporting General Judgment of Dissolution of Marriage General Judgment of Dissolution of Marriage Attachment: Child Support Worksheet (Guidelines available from Linn County court or see website www.oregonchildsupport.gov), Uniform Support Affidavit, and Standard Linn County Parenting Plan.

When filling out the forms, follow these directions:

- Please make certain that all sections are complete. The document must be readable. Use black or dark blue print only. If the document is handwritten, please print. If the answer to a question is none, then write “none”. Do not use “N/A” for the word none.
- You are the named “petitioner” on all court forms and your spouse is the “respondent.” Use full names (first, middle or middle initial, last) and print the names the same on all forms.
- The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals.
- Some forms have to be notarized or signed in the presence of a court clerk. You will need your **picture ID** for this. Many banks provide notary services.
- Many forms say on the bottom, “I certify that this is a true copy,” and provide a place to sign. Don’t sign this line on the original form or on your own copy. You need to sign this line only on the copies that are served on your spouse.
- Make yourself a copy of any document you are filing with the court. File the original with the court clerk.
- Keep the court informed of your current address so you get notice of all court dates. **You are not required to use your residential address on any court form.** You may use a contact address where you regularly check in. **Your contact address will become public information.** Please make sure that you use an address that is ok for other people, including the respondent, to know. It must be an address where you can receive mail. If you use a contact address, the court will assume that you will receive all notices sent to that address. **Note: If you fear for your safety, you may be able to obtain a non-disclosure order.** You may check with the Family Court Specialist for instructions and appropriate forms.

STEP 1: STARTING YOUR CASE

Legal Issues to Consider

A divorce case starts with a “petition” which lists the items you are asking the court to order in the “General Judgment of Dissolution of Marriage”. The General Judgment of Dissolution of Marriage is the document that finalizes your divorce and contains your rights and responsibilities. Oregon law provides that a number of issues must be addressed in the General Judgment of Dissolution of Marriage. Before you fill out the petition, you should think about how you want to handle these issues.

You may not know what real or personal property to ask for in the beginning because you are not sure what property you own either alone or together with the other party. Or you may not know how much spousal support to ask for in the beginning because you do not know how much the other party earns. The Petition provides options for either indicating a specific amount or distribution of property or, where you do not know, you may ask that these be made “equitably” (i.e., fairly) or list a minimum amount which may be increased based upon more complete information or “prior to judgment” so that you have time after filing the petition to find out what property you own or how much the other party earns. **HOWEVER:** if you do NOT ask for a specific amount of spousal support or distribution in the Petition, or what you ask for in the General Judgment of Dissolution of Marriage is different from what you asked for in the Petition, **the court may require you to re-serve amended documents, which include the changes requested, on the other party** before it will enter a General Judgment of Dissolution of Marriage. This is so that the other parent knows what is being asked for in the General Judgment of Dissolution of Marriage if a default order is allowed.

Parenting Plan

A parenting plan is required for cases involving a minor child. The plan sets out the schedule and rules for each parent’s time with the child. The parenting plan may include safety provisions for the child if domestic violence, substance abuse, child abuse or other circumstances are involved in your case.

A general parenting plan must include enough detail in order for the court to understand your plan. Generally, the court will need the parenting plan to include, at a minimum, the time and place of the pick up/return, the specific days of the week or the number of days per week, holidays and a summer schedule.

A mediator can help parents create a parenting plan. Information about parenting plans are available through the court’s parent education program, the courthouse facilitator, or the local law library. **A copy of the Linn County Standard Parenting Plan 2004 Revision is available at www.courts.oregon.gov/linn/linn or at the Linn County Courthouse. The Oregon Judicial Department and the State Family Law Advisory Committee have created a “*Parenting Plan Guide for Parents*” with information about how to develop a plan, information about alternative schedules, and ages and stages of your child[ren] which should be considered in creating a plan. A sample parenting plan form is included in the *Guide*. The *Guide* may be downloaded from the OJD Family Law Website at www.courts.oregon.gov/familylaw.** If the parents don’t agree on a parenting plan, a judge will order

a parenting plan for you.

Oregon law (ORS 107.159) prevents either parent from moving more than 60 additional miles away from the other parent without giving him or her and the court notice of the move. You may ask the judge to waive this requirement by checking the last box in the parenting plan section of the petition and stating good cause for this request. For information about child custody or other family law matters, you may call Tel-Law toll free in Oregon 1-800-452-4776; or (503) 620-3000 tape 1133, or visit www.osbar.org.

Child Support

IMPORTANT! Oregon law requires the petitioning party to submit a CERTIFICATE stating whether there are any pending child support proceedings or existing child support orders involving the parties' child[ren]. To comply with this requirement, fill out and submit the form called "CERTIFICATE re: PENDING CHILD SUPPORT PROCEEDINGS and/or EXISTING CHILD SUPPORT ORDERS" in this packet. You will be required to attach copies of any pre-existing child support orders (copies may be obtained from the clerk of the issuing court or the Division of Child Support office, there may be a fee charged for these copies.)

In most cases, the court will order child support if the parties have a child and no child support order already exists. The amount of support, if ordered, will be determined by the Child Support Guidelines. The Guidelines have worksheets to help you figure out who should pay support and how much it should be. Support is typically withheld from wages unless an exception is allowed for direct deposit to the other parent's checking or savings account, or, if support enforcement services are being provided to either parent, as an "electronic funds transfer" to a Department of Justice account. Information about child support, including the Guidelines and Worksheets, is on the Internet at: www.oregonchildsupport.gov. **This website also has a Child Support Calculator** which may help you to calculate the amount of child support which should be paid: www.oregonchildsupport.gov/calculator. The legal aid office or child support program **may** also be able to help you calculate the amount of support.

Oregon law presumes the ability of a parent to work full time and to earn at least minimum wage. This would result in an income of not less than \$1,524.00 per month ($\$8.80 \times 40 \text{ hrs a wk} \times 4.33 \text{ wks a month}$). If a person is unable to earn a minimum of \$1,524.00 a month, an explanation is required in the General Judgment of Dissolution of Marriage. The General Judgment of Dissolution of Marriage must contain findings to support using an income amount that is less than minimum wage for the computation of child support. A properly completed child support work sheet must be attached to the General Judgment of Dissolution of Marriage.

A provision for income withholding for the support must be included in the General Judgment of Dissolution of Marriage unless a provision for an exception to income withholding, with findings that support the exception, is included in the judgment. The parties may agree to not use income withholding.

Cash Medical Support.

In addition to cash child support, Oregon law may require the payment of cash medical support. If neither party has private health insurance for the child(ren) or if the health insurance is to be provided only by the parent that receives cash child support, the court is required to order cash medical support unless the court finds there are reasons not to order it. The purpose of cash medical support is to help defray the cost of health insurance and the cost of uninsured medical expenses. The judge cannot order you or the other party to pay cash medical support if you or the other party has a dependent child in the household who is eligible to receive public medical assistance or if you or the other party is eligible for public medical assistance yourselves. A party who makes no more than Oregon minimum wage cannot be ordered to pay cash medical support

Oregon law requires the court to make sure that payment for the child(ren)'s uninsured medical expenses are addressed in the judgment. Although you may request that each party share the out-of-pocket medical expenses that exceed \$250.00 per child per year, it may not be appropriate to request both the payment of cash medical support and the sharing of uninsured medical expenses. That is because one of the purposes of cash medical support is to help pay for the cost of uninsured medical expenses.

Unmarried and Unemancipated Children at Least 18 and Under 21 Years of Age.

Under Oregon law unmarried unemancipated children who are at least 18 and under 21 years of age are necessary parties to all family law cases involving support. The Petition forms that deal with support will have a line to write in the child's name, including them in the heading. The Judgment forms will have a place indicating how the child has been involved in the case, and if applicable, a place to sign underneath Petitioner and Respondent signatures agreeing to the judgment. As a party to the case, these children must be legally served with all the

required documents. After they are served, children **may** sign a Waiver of Further Appearance and Consent to Entry of Judgment form found in Packet 6J if the child does not choose to participate further in the case. Also note that on both the Petition form and the Judgment form you must select whether support stops at age 18 or whether it continues until age 21 if the child continues to attend school

Insurance.

Oregon law requires that the judgment address the issue of health insurance for any minor child involved in your case, and for payment of uninsured medical expenses. It also must provide for security for the payment of support, such as life insurance. In the health care coverage section, you must mark any of the options that apply to your family's situation. There are two major categories involved in determining health care coverage for the children: private, such as insurance available through employment, and public, such as the Oregon Health Plan.

If either you, your spouse/partner, or both of you have private health care coverage available for the children, you must fill out the "PRIVATE HEALTH CARE COVERAGE IS APPROPRIATE AND AVAILABLE" section. If *neither* you nor your spouse/partner have private insurance available for the children, you will fill out the section called: "NO PRIVATE INSURANCE IS APPROPRIATE OR AVAILABLE." Regardless of insurance availability, everyone must complete the section called: "RESPONSIBILITY FOR UNINSURED HEALTH EXPENSES." It may be appropriate to equally divide the expenses if no cash medical support is ordered or for the custodial parent to pay most or all of the uninsured expenses if cash medical support is being paid to that parent.

Spousal Support

Oregon law provides for three different categories of spousal support: transitional, compensatory and spousal maintenance. Transitional support may be ordered for a spouse to get work related education and training. Compensatory spousal support may be ordered if one party has significantly contributed to the education, training, vocational skills, career or earning capacity of the other spouse. Spousal maintenance may be ordered for the support of one spouse. The judge will consider a number of factors when making the award, and may order more than one type of support. For more information on what the judge will consider, please refer to ORS 107.105 (to view, visit your local law library or www.leg.state.or.us/ors). **You may pick up a check list handout which includes information regarding spousal support at the Linn County Courthouse, Room 107.**

Property and Debts - Statutory Restraining Order

Oregon law requires both Petitioner and Respondent to obey a restraining order preventing *either party* from dissipating (destroying, removing, disposing of) real or personal property assets, making unilateral (without the agreement of the other party) changes to insurance policies, and making extraordinary expenditures. **By filing your petition, you agree to be bound by the terms of this automatic order.** If you violate the order, you may be subject to sanctions. You must serve a copy of the Notice of Statutory Restraining Order, included in this packet, on the Respondent with the Summons.

For information about property and debt issues, talk to a lawyer and/or go to the Oregon State Bar's web site (www.osbar.org), "Legal Links" and read under "Oregon's Laws" the sections on "Bankruptcy and Credit," "Real Estate," and "Taxes." If either spouse has a retirement plan, you should talk to an attorney before filling out the petition. The attorney can advise you if this packet will work for your situation. If the parties' own real estate which is located in Oregon, a "lis pendens" notice (notice of pending suit) may be filed with the county clerk as provided in ORS 93.740 (to view, visit your local law library or www.leg.state.or.us)

Confidential Personal Information.

Please read the Confidential Information Form (CIF) information sheet. There is certain personal information required by your paperwork that will be protected from public disclosure.

If Both Spouses Already Agree

There are two ways to handle your case if both spouses agree on all issues and the documents meet all the legal requirements: (1) one spouse can file as petitioner, the other spouse can accept service of the petition and not file a response (if there is no disagreement with what the petitioner requested in the petition) and judgment will be entered based on what was stated in the petition, or (2) the parties may choose to file as co-petitioners by marking the "Co-Petitioner" box on the forms. If you file as co-petitioners, both of you must sign all the documents in section 1 and

5 on page 1 of these instructions.

If your spouse (the respondent) does not agree with you at first and files a response, then later decides that what you requested in the petition is okay, he or she can file a Waiver of Further Appearance and Consent to Entry of Judgment form to avoid having to go through the court process further.

Starting your Case

To start your divorce case, fill out the first set of forms, file them with the clerk and have your spouse “served” (have the papers delivered to your spouse).

Fill out the following forms.

- *Acknowledgment about Dissolution*
- *Petition for Dissolution of Marriage*
- *Summons*
- *Certificate Re: Pending Child Support Proceedings and/or Existing Child Support Orders*
- *Petitioner’s Certificate of Mailing to the Division of Child Support*
(for use if you or your spouse is receiving public assistance)
- *Record of Dissolution of Marriage (Vital Statistics form)*
- *UTCR 2.130 Confidential Information Form*
- *Notice of Filing UTCR 2.130 Confidential Information Form*

Make copies

Make one copy of all of the forms for your records, and one copy of the *petition and summons* to serve on (deliver to) your spouse.

You are also required to send a copy of the petition to the Division of Child Support - Albany branch office. The branch office address may be found at www.oregonchildsupport.gov or on the *Petitioner’s Certificate of Mailing to the Division of Child Support* form. Fill out and file the *Petitioner’s Certificate of Mailing to the Division of Child Support* with the court after you have mailed the petition.

Have your documents reviewed

You may have your documents reviewed by a lawyer or the Linn County Family Court Specialist before you file. For information about how to find a lawyer, call the Oregon State Bar Lawyer Referral Service. If you are low income, you may get your documents reviewed for a smaller fee through the Oregon State Bar’s Modest Means program, or you may call your local Legal Aid office. Contact numbers are listed in the additional resources section at the end of these instructions.

File the forms

File all of the original forms that are listed above with the court clerk, except the summons. The court clerk will ask you for a filing fee when you file your papers. Filing fee lists are available by contacting the court clerk. If you feel you can’t afford to pay the fee, you may ask the clerk for a form to ask the court to waive or defer your filing fee called an Application for Waiver or Deferral of Fees. This form needs to be filled out and filed with the court. If the fee is waived, you don’t have to pay the fee. If the fee is deferred, you will be required to pay the fee pursuant to a payment plan set by the Court.

If you have purchased your packet of documents at the Linn County Courthouse, handouts are included in your packet. If you did not purchase your packet at the Linn County Courthouse, the clerk will give you a number of handouts when you file your papers. The handouts include a notice regarding continuation of health coverage, a copy of ORS 107.089 (documents parties may have to give each other), a notice regarding mediation, family law guidelines and services, family law resource list, and information about local parent education class. The clerk will give you two copies of each handout: one for you and one to be served on your spouse. You aren’t required to serve the copy of ORS 107.089 on your spouse, but if you do, both spouses must follow what it says.

Parenting Class and Mediation

If you and your spouse disagree about custody or parenting time of your minor child(ren) and your spouse files a response, you will be required to attend a mediation orientation, parenting class and mediation sessions unless waived by the Court. A certificate of completion of the parenting class will need to be filed for each party.

STEP 2: Serving Your Spouse

Have your spouse served

You are required to have your spouse served (have papers delivered) with (a) copies of the documents you filed. You may purchase the service copies from the court for a small fee or copy them yourself before you file with the court. You may certify the copies by signing your name where it says "I certify this is a true copy".

If your spouse is willing to accept service, s/he must fill out the Acceptance of Service form, sign it in front of a notary or court clerk, then file it with the court. It is not necessary that your spouse agree with what is in the papers, just that he/she is willing to acknowledge receipt of them.

If the other party will not complete the Acceptance of Service form, **YOU CANNOT SERVE THE PAPERS YOURSELF**. You may have service completed by the Sheriff in the county where your spouse lives, by a private process server, or by another individual who is a competent person 18 years or older, an Oregon resident (or of the state where service is made) and not a party nor an attorney for a party. Caution should be used before asking a friend or relative to serve the papers if your spouse might react angrily or violently. An Affidavit of Service along with the original summons must be filed with the court after service has been made. **Make certain that all of the documents given to your spouse are listed in the Affidavit of Service.** The best way to serve the other party is to have the person serving the papers hand them directly to the respondent (personal service). If personal service cannot be done, there are other ways to serve the papers including "substitute service," "office service," and "service by mail" — see the Table below. You may ask the Sheriff or a private process server about these other options or consult an attorney.

Standard Methods of Service	
Personal Service	Delivery of papers directly to the other party
Substitute Service	Delivery of papers to a person living at the other party's home who is at least 14 years old, AND mailing of the documents to the other party's home address by first class regular mail.
Office Service	Delivery of papers to a person who appears to be in charge at the other party's place of employment (who has a business duty to give the documents to the other party), done during working hours, AND mailing of the document to the home or business address of the other party by first class regular mail.
Service by Mail (Return Receipt Requested)	Deliver by mailing a true copy of the summons and the petition to the respondent by first class mail AND by mailing the documents certified or registered, return-receipt requested, or by Express mail, the <u>other party</u> is MUST to sign the "return receipt."

If you are not able to have your spouse served by any of the methods described above, you may ask a judge to allow you to use another service method. The judge might allow you to publish, post or mail the documents. In order to make this request, you may use the Alternative Form of Service packet. This packet is available for a small fee at the Linn County Courthouse, Room 107 or online for no cost at www.courts.oregon.gov/linn

Serving Children Who are Necessary Parties.

Because all unmarried, unemancipated children at least 18 and under 21 years of age are necessary parties to the case, they must also be served. Follow the same steps for serving your spouse/partner for serving children who are parties to the case.

Calculation of Time

Service by mail shall be complete on the day the respondent, or other person authorized by appointment or law, signs a receipt for the mailing, or three days after the mailing if mailed to an address within the state, or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

STEP 3: WAITING FOR A RESPONSE; TAKING A DEFAULT

Oregon law gives your spouse 30 days to respond to your petition. The time starts running from the date the other party was served. The response must be written and must be filed with the required filing fee. Your spouse may ask the court to waive or defer the fee.

If your Spouse is in the Military

If your spouse is in the active military service of the United States and has not responded to the petition, you may have to go through some extra steps. The court will not go any further with your case until one of the following things has happened: (1) your spouse is no longer in the active military, (2) your spouse has waived his or her rights using the Waiver of Right to Stay of Proceedings form, or (3) the judge holds a special hearing in your case. You may get a Waiver of Right to Stay of Proceedings form from the family court specialist or in the response packets. Response packets are available for a small fee at the Linn County Courthouse, Room 107 or online for no cost at www.courts.oregon.gov/linn. You may need to talk to an attorney if your spouse is not willing to sign the waiver.

Check for Response

Your spouse should mail or deliver a copy of his or her response to you when it is filed with the court. If you haven't received a copy of a response after 30 days from the date of service, you may check with the court clerk to see if one has been filed. If no response has been filed, you may request a "default order." A default means that you may ask the court to enter a judgment giving you the items you asked for in your petition, with no input from your spouse. If a response has been filed, you should not file a default order and you will skip the next two sections about requesting a default and go straight to step 4.

No Response Filed; Requesting a Default

To ask the court to enter a default, you must fill out the following forms:

- *Ex Parte Motion for Order of Default; and Order*
- *Affidavit in Support of Motion for Order of Default*

After you make yourself a copy of the completed forms, you may file the original with the court anytime after 30 days have expired from the date of service.

Check Back

Check back with the court clerk in a week to 10 days to see if your request was granted. If the request was not granted, check with the court clerk. Sometimes, the proof that service was made on your spouse isn't complete enough for the judge to be sure that your spouse received notice of the court proceeding.

Temporary Orders

You may ask the court to make temporary orders after the petition is filed. Temporary orders are in effect once signed by the judge and last until changed by the judge or until the General Judgment of Dissolution of Marriage is signed by a judge. For example, either spouse may request an order for spousal or child support, an order preventing one or both parties from getting rid of property owned by both spouses, an order requiring one spouse to move out of the family home or an order preventing either party from interfering with the child/ren's regular living arrangement and

schedule. To make any of these requests, you file a “motion” (request) asking the court to do what you want. You may need the assistance of an attorney to file these requests.

You may use Packet 6B, Status Quo Order Application Packet, to ask the court to order that neither parent change the child/ren’s usual place of residence, change the child/ren’s regular routine, or interfere with the other parent’s usual contact with the child. In addition, there are restraining order forms available for cases involving domestic violence. A restraining order can usually be obtained within a day or two of filing if there has been abuse in the last 180 days and if there is further danger of abuse. The Packet 6B, Status Quo Order Application Packet is available for a small fee at the Linn County Courthouse, Room 107 or online for no cost at www.courts.oregon.gov/linn

Conferences with the Judge

Linn County court will schedule an early resolution conference if a response has been filed. These meetings usually take place with a judge and with both spouses present, along with their attorneys if they are represented. **You must attend all conferences that are scheduled unless you have received permission from the judge not to attend. If you fail to appear at the conferences or court appearances, your pleadings may be stricken and a judgment entered against you.**

At the conference, the judge will probably talk to you about how the case is going to be resolved, may consider requests for temporary orders and will set future court dates.

Working Toward Agreement

The court wants to help you resolve the issues that you and your spouse disagree on. You may discuss these issues with your spouse directly if it is safe for you to do so and if no court order prohibits that contact. If you can’t resolve the issues on your own, the court may provide a number of options to help you, including mediation, arbitration or a custody/parenting time evaluation.

Mediation

A mediator is a person trained to help people resolve disagreements. You and your spouse may be required to meet with a mediator if you do not agree on a “parenting plan” (who has custody and parenting time (visitation) with the child/ren and how decisions about the child/ren will be made). You may ask to meet with the mediator alone if you are uncomfortable meeting with the other parent for any reason. There is usually no fee for this service. If mediation has not yet been ordered in your case and you would like to request it, you may file a Request to Initiate/Waive Mediation. You may request that the mediation requirement be waived if you have a good reason, by filing a Request to Initiate/Waive Mediation. If there has been domestic violence, you should let the mediator know and different arrangements may be made for you. If necessary, you may file a Request to Waive Mediation. This form is available for a small fee at the Linn County Courthouse, Room 107 or online for no cost at www.courts.oregon.gov/linn .

Arbitration

The court may refer spouses who disagree on how to divide their property to an arbitrator. The parties may also ask the arbitrator to resolve spousal support issues. An arbitrator is a lawyer appointed by the court who meets with both spouses and their lawyers, if they are represented, and makes a decision about how the property should be divided. Both spouses are required to pay for this service unless the court has specifically waived or deferred the arbitrator’s fee. If either spouse disagrees with the arbitrator’s decision, he or she can ask the court for a trial. If a trial is not requested, the arbitrator’s decision is final unless both spouses agree on another resolution.

Custody/Parenting Time Evaluation

If parents can’t agree on a parenting plan, sometimes the court refers the case to a custody or parenting time evaluator. After interviewing each parent and doing other research, the evaluator will make a recommendation to the judge about which parent should have custody and what the parenting plan should be. The evaluator will consider factors that might affect a child’s safety, such as domestic violence, substance abuse, child abuse or other circumstances. The court does not pay for the evaluation. One or both parties will be required to pay for the evaluation.

Trial Charges

If your case is not resolved and a trial is needed, **you must pay a trial fee before a trial will be scheduled**, unless waived. Contact Linn County Courts, Civil Records at (541) 967-3845 for the correct fee amount.

STEP 4: FINALIZING YOUR DIVORCE

A divorce is “final” on the date the General Judgment of Dissolution of Marriage (divorce) is signed by a judge. If there are still items that you don’t agree on, the court will probably set a date for a “final hearing” or trial. Some judges may want you to attend a “settlement conference” (a meeting between the parties to discuss settlement, usually led by a different judge than your trial judge) to help you come to an agreement.

Forms to Finalize Your Divorce

The following forms are required to finalize your divorce:

- *General Judgment of Dissolution of Marriage (Divorce)*
- *Affidavit Supporting General Judgment of Dissolution of Marriage (Divorce)*

If your spouse did not file a response and the court has entered an Order for Default, or if your spouse responded and then filed a Waiver of Further Appearance and Consent to Entry of Judgment form, or if your spouse has signed the General Judgment of Dissolution of Marriage, you will also need the following:

- *Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing; and Order*

You may also need to file the following additional forms, depending on your circumstances.

- **Parenting Class Certificate of Completion**

When the court requires parents of minor children to attend a parent education class, a certificate of completion must be filed with the court unless this requirement has been waived by order of the court.

- **Child Support Worksheets**

If child support is ordered in the divorce case, child support worksheets need to be filled out and attached to the General Judgment of Dissolution of Marriage.

- **Parenting Plan**

Your parenting plan may be completely included in the General Judgment of Dissolution of Marriage (see page two of the judgment). If there are additional pages, attach them.

- **Uniform Support Affidavit**

This form is only required if a response was filed and you and your spouse do not agree on spousal or child support. You aren’t required to complete the schedules on the form unless one spouse asks for spousal support or a “deviation” (different amount than what was calculated using the child support guidelines) from the child support guidelines. The Uniform Support Affidavit, Packet 6F, is available for a small fee at the Linn County Courthouse, Room 107 or online for no cost at www.courts.oregon.gov/linn

- **Waiver of Personal Service**

After the General Judgment of Dissolution of Marriage is signed, if one spouse doesn’t do what it says, the other spouse may ask the judge to enforce the judgment. The spouse asking for enforcement is required to personally serve (deliver) the other spouse with notice of this request. If you would like to keep your home address confidential, you may file this form listing another address for service. You are responsible for making sure you get all papers delivered to the address you list. A Waiver of Personal Service form is available from the court clerk at the cashier window.

The General Judgment of Dissolution of Marriage

The General Judgment of Dissolution of Marriage finalizes your divorce and contains all of the issues decided in mediation, arbitration, hearing, or through your agreement. This document is prepared by the petitioner (you) if your spouse didn’t file a response. If both spouses agree on all issues, it may be prepared by either spouse as long as it is reviewed and signed by both spouses. If the spouses do not agree on all issues, the judge may direct one spouse to fill out the General Judgment of Dissolution of Marriage.

If your spouse didn’t file a response, the information you fill out in the General Judgment of Dissolution of Marriage should be the same as what you requested in the petition. If your spouse filed a response, the information should be the same as was decided in mediation, arbitration, hearing or through your agreement.

If you are responsible for filling out and filing the General Judgment of Dissolution of Marriage, make a copy for yourself and one for your spouse (unless he or she didn’t file a response), and file the original with the court. If your case involves child or spousal support, file an extra copy of the proposed General Judgment of Dissolution of Marriage with the court.

WARNING: MANY TIME LIMITS APPLY IN LEGAL CASES!

PURSUANT TO UTCR 7.020:

Within 63 days after filing your Petition, you are required to file proof that the respondent was served with all of the documents. If you have failed to file the required Proof of Service, and the Respondent has not filed a response, unless the Court has allowed additional time, a notice that your case will be dismissed within 28 days may be sent to you.

ADDITIONAL RESOURCES

Oregon Judicial Department - Family Law Forms and Resources: www.courts.oregon.gov

Oregon State Bar www.osbar.org
Lawyer Referral 1-800-452-7636
Modest Means (low income)
Tel-law 1-800-452-4776

Child Support Program: 1-800-850-0228;
www.oregonchildsupport.gov

Division of Child Support: 503-986-6090
www.oregonchildsupport.gov or
www.oregonchildsupport.gov/calculator

Legal Aid Service of Oregon (must have low income)
Child Support Help Line 1-800-383-1222
Local offices: Look on the "Local Family Law Practices and Programs" form for your court, the telephone book, or in the "legal links" section of the Oregon State Bar's website: www.osbar.org

OSU Extension Service Publications:
1-541-737-2513; <http://eesc.orst.edu/>
Publications available on marriage, shared custody, financial planning and other topics.

Domestic Violence Help 1-800-799-SAFE