

Out-of-State Child Custody and Parenting Time Judgments — Information on Registration and Enforcement

Packet 5C

An Oregon court may enforce a judgment or order from another state if one parent is not following the provisions of the judgment or order and a party is located in Oregon. The preferred procedure for enforcement starts with registration of the out-of-state judgment in an Oregon Circuit Court. However, if your case involves emergency circumstances, you may file your enforcement papers immediately. In this case, it is recommended that you start the registration process at the same time you file your request for enforcement.

1. **Process for Registering an Out of State Judgment.**

A. File the following papers with the Circuit Court:

- A letter requesting registration and enforcement.
- Two copies (one must be certified) of the Out-of-State judgment or Order.
- A sworn statement (you may use the Affidavit in Packet 5C) that the order or judgment has not been modified and information regarding the custodial status of the child/ren .

B. Complete Service.

You must serve any parent or person acting as a parent who has been awarded custody, parenting time or visitation in the judgment that you are asking the court to register with the following documents:

- the attached Notice (informing them of the right to contest the registration),
- a true copy of the judgment or order you are registering, and
- a true copy of the affidavit you filled out above.

You may use the Sheriff's office or a process server to complete this step.

C. Confirmation of the Registered Order or Judgment.

Your registration is confirmed after 21 days have passed from the date of service if the party (or parties) served do not request a hearing. If no hearing was requested within the 21 day time period, fill out the Notice of Confirmation of Registration of Child Custody Determination and serve it to all parties that were served with the documents from part B above. If a hearing is requested, the court will hold a hearing to decide whether the registered order or judgment will be confirmed.

2. **Filing to Enforce the Judgment or Order.**

You may request that the Circuit Court enforce the registered order or judgment by using either the custody or parenting time enforcement packets (Packets 5A or 5B).

- For enforcement of PARENTING TIME (VISITATION), use the forms available on the OJD Family Law Website-Parenting Plan Enforcement link (<http://www.courts.oregon.gov/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-Parenting Time/Plan Enforcement (Oregon and Out-of-State Orders).
- For enforcement of CUSTODY, use Packet 5B-Custody Enforcement (Oregon and Out-of-State Orders/Judgments) and follow the directions for either Oregon or out-of-state custody judgments, whichever applies to your situation.

**Letter to Court Clerk Requesting Registration
of a Child Custody Determination Under UCCJEA**

Date: _____, 20_____

Name and address of registrant: _____

To the attention of: County Circuit Court Clerk, Family Law Dept.

Address of county courthouse: _____

Dear Court or Family Law Clerk:

I obtained a Judgment or Order from _____ State (a state other than Oregon) concerning child custody or parenting time. It is still valid and current. I would like to register it in Oregon so that I may seek enforcement of this judgment/order in Oregon.

I wish to register it for the following purpose:

- In case I need to seek enforcement of it in Oregon at a later time. I am not currently filing an enforcement action. *Note: The child(ren) have been in Oregon or are anticipated to be in Oregon in the future.*
- I am currently filing an expedited parenting time enforcement action in Oregon (Packet #5A).
- I am currently requesting an Order of Assistance in a custody enforcement case (Packet #5B).
- Other: _____

Enclosed are the following:

- (1) Two copies, including one certified copy, of the order or judgment from _____ State which I seek to register as a foreign judgment. The case name and number for this out-of-state order or judgment are:
Case Name (parties' names): _____
Case Number: _____
- (2) My Affidavit in Support of Registration of an Out of State Child Custody Determination.

Service of the notice of the right to contest registration will be handled as follows:

- a) The other parent (or person acting as parent) has already been served with the:

Notice of the right to contest registration;
True copy of the judgment or order I am registering;
True copy of Affidavit in Support of Registration.

A proof of service *is enclosed* for filing *has already been filed* with the court.

- b) I have arranged for immediate service of the above documents on the other parent.
A proof of service will be filed with the court when this is completed.

- c) (*Check only if seeking an Order of Assistance -Packet #5B*) After the law enforcement officer recovers the child(ren) based on the Order of Assistance in my custody enforcement case, or at the same time the officer does this, I will arrange to have these documents served on the other parent (or person acting as parent).

Thank you for your assistance.

Sincerely yours,

Signature of Requesting Party/Registrant

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

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

Case No. _____

AFFIDAVIT IN SUPPORT OF
REGISTRATION OF AN OUT OF
STATE CHILD CUSTODY
DETERMINATION

STATE OF _____)
) ss.
County of _____)

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

1. To the best of my knowledge and belief, the child custody determination that I am requesting the Court to register has not been modified.

2. My name and address or contact address is: _____

3. The name(s) and address(es) of any other person(s) that were awarded custody, parenting time or visitation in the child custody determination I am asking the Court to enforce is/are: _____

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

NOTICE

Please read carefully. Your legal rights may be affected.

A child custody determination (see attached copy) has been registered with the _____ County Circuit Court. A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of this state.

A hearing to contest the validity of the registered determination must be requested within 21 days after service of this notice. Failure to contest the registration will result in confirmation of the child custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

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

In the Matter of the Marriage of:) Case No. _____
)
_____,)
Petitioner,) AFFIDAVIT OF SERVICE
and) Personal Service (ORCP 7D(2)(a))
) 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 **Notice, Judgment, and Affidavit in Support of Registration of an Out of State Custody** 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 **Notice, Judgment, and Affidavit in Support of Registration of an Out of State Custody** 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 **Notice, Judgment, and Affidavit in Support of Registration of an Out of State Custody** 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 **Notice, Judgment, and Affidavit in Support of Registration of an Out of State Custody** 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 **Notice, Judgment, and Affidavit in Support of Registration of an Out of State Custody** 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 **Notice, Judgment, and Affidavit in Support of Registration of an Out of State Custody** 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 _____

In the matter of the marriage of

)	Case No. _____
Petitioner,)	
)	NOTICE OF CONFIRMATION OF
)	REGISTRATION OF CHILD CUSTODY
)	DETERMINATION PURSUANT TO
)	ORS 109.787(6))
and)	and CERTIFICATE OF MAILING
)	
)	
Respondent)	

NOTICE OF CONFIRMATION OF REGISTRATION OF CHILD CUSTODY DETERMINATION

This document serves as notice to all persons served that a hearing was not requested to contest the registration of the Child Custody Determination in this case. Pursuant to ORS 109.787(6), the Child Custody Determination is confirmed and no other contests to the registration or matters that could have been asserted at the time of the registration will be allowed.

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

Certificate of Mailing. I certify that I mailed a copy of this judgment and attachments thereto by U.S. Mail with postage paid to the other party at the following address: _____ on the following date: _____.

Petitioner Respondent, Signature Print Name

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