

Forms for Family Law Cases

Circuit Court, State of Oregon

ABOUT THE FORMS

The forms and instructions available on this website are specifically designed for UNCOMPLICATED CASES. The information below is provided to assist you in determining which Form Packet(s) may be best for your situation.

IMPORTANT: Check with your local court or your court’s family law facilitator to make sure you have followed the procedures and used the correct forms for your court. Many courts have their own forms and rules. Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.ojd.state.or.us/>.

• <u>PACKET 1:</u> Dissolution of Marriage (Divorce)	Page 2
• <u>PACKET 2:</u> Legal Separation (and how to change it to a divorce).....	Page 3
• <u>PACKET 3:</u> Unmarried Parents (establishing custody, parenting time, child support).....	Page 4
• <u>PACKET 4:</u> Modification of Judgments (changing custody, parenting time, and child support).....	Page 5
• <u>PACKET 5:</u> Enforcement of custody and parenting time orders	Page 5
• <u>PACKET 6:</u> MISCELLANEOUS FORMS	Page 6
• <u>PACKET 7:</u> <i>Pending</i>	Page 7
• <u>PACKET 8:</u> Non-Disclosure of Personal Information.....	Page 7
• <u>PACKET 9:</u> CO-PETITIONERS	Page 1, 7
• <u>PACKET 10:</u> Waiver/Deferral of Fees and/or Costs.....	Page 8
• <u>PACKET 11:</u> Motion to Transfer/Change of Venue.....	Page 8
• <u>PACKET 12:</u> Correcting Clerical Error in Judgment and Amending Money Judgment /Money Award.....	Page 8
• <u>PACKET 13:</u> <i>Pending</i>	Page 8
• <u>PACKET 14:</u> Governing Child Support Judgments.....	Page 8
• <u>PACKET 15:</u> <i>Pending</i>	Page 8
• <u>PACKET 16:</u> “Immediate Danger” Temporary Custody	Page 9
• <u>PACKET 17:</u> Annulment	Page 9
• <u>PACKET 18:</u> Dismissal of Case	Page 9
• <u>PACKET 19:</u> Contempt	Page 9
• Other:	

(to be completed by local court)

PACKET 1 - DISSOLUTION OF MARRIAGE (Divorce)

Use only *ONE* of the packets listed below.

Packet 1A—Summary Dissolution. “Summary” means without a hearing. This packet is for a dissolution case with limited issues. This packet may be used if all of the following statements are true for you:

- *Residency.* You or your spouse are residents of Oregon and have been continuously for the past six months before filing the petition for dissolution.
- *Length of Marriage.* You have been married to your present spouse no more than ten (10) years.
- *Children.* You and your spouse have no minor children (under 18) born to or adopted by you and your spouse during or before the marriage. You and your spouse do not have any children age 18 years or older attending school. **The wife is not pregnant.**
- *Real Property.* Neither you nor your spouse owns any interest in real property (land or buildings) in Oregon or elsewhere. (Mobile homes on rented land are not real property.)
- *Personal Property.* The personal property that you and your spouse own, individually or together, is worth less than \$30,000 after deducting any money you owe on that property (like a car loan).
- *Debts.* There are no unpaid debts greater than \$15,000 incurred by you or your spouse from the date of the marriage.
- *Spousal Support.* You, as the petitioner, give up all rights to spousal support (alimony).
- *Temporary Orders.* You, as the petitioner, give up all rights to any temporary orders (such as support payments or exclusive use of marital property) except restraining orders and orders that allow exclusive use of the residence under the Family Abuse Prevention Act (ORS 107.700 to 107.730) or under the Elder and Disabled Person Abuse Prevention Act (ORS 124.005 to 124.040).
- *Other Divorce Actions.* You are not aware of any other pending (not yet decided) divorce, annulment, or separation proceedings involving your marriage and filed in Oregon or in any other state.

Packets 1B and 1C — Dissolution for Petitioners.

1B—with Children

1C—without Children

These packets can be used for most divorces that do not meet the requirements of *Packet 1A-Summary Dissolution* above. The “Petitioner” is the person who starts the court case by filing documents with the court. Both packets are for uncomplicated divorce cases with few assets. You may use the forms even if you own real property in Oregon, have many debts or need to ask for spousal support. Packet 1B is for cases with children, and Packet 1C is for cases without children. Packet 1B and 1C have forms that are to be used with both Packet 1B and Packet 1C.

Caution — These packets may not work well for cases that involve:

- children who have not been living in Oregon for the last six months,
- the division of pensions,
- complicated tax issues,
- real estate located outside of Oregon or owned along with someone other than your spouse,
- bankruptcy issues, or
- if there is a pending personal injury case involving you or your spouse.

Packets 1D and 1E—Dissolution (Divorce) for Respondents.

1D—with Children

1E—without Children

A “Respondent” is the person who answers the other party’s court papers. If you were served with a petition and if you do not agree with ALL requests in the petition, you need to decide whether to file a “Response.” The Response is a document that allows you to list your objections and to make requests. If you agree with everything in the Petition, you may not have to file a response. Packet 1D is for a spouse answering a petition for divorce where children are involved; Packet 1E is for a spouse answering a petition for divorce where children are *not* involved.

Packet 9—Co-Petition for Dissolution of Marriage (Divorce)

If both spouses want to file for dissolution (divorce) together and reach complete agreement regarding terms they request in the decree, this packet may be appropriate. Filing together as co-petitioners eliminates certain formalities such as needing to arrange to have documents served on the other spouse. The packet can also be used if there is agreement on controversial issues, such as a decision that the parenting time of one party can occur only with supervision. This packet can also be used even if a spouse needs to bring a motion before the court requesting permission to not disclose personal information such as an address or phone number. *If you are in a domestic violence situation, seek professional counsel before using this packet to determine if it is appropriate for you.*

PACKET 2 - LEGAL SEPARATION

Use only ONE of the packets listed below.

Packets 2A and 2B —Separation for Petitioners.

2A—with Children

2B—without Children

The “Petitioner” is the person who starts the court case by filing documents with the court. Both packets are for uncomplicated cases with few assets. You may use the forms even if you own real property in Oregon, have many debts or need to ask for spousal support. A judgment of separation keeps intact a valid marriage but allows the parties to live apart, and may divide the parties’ property, determine who owes debts, establish a parenting plan if there are children, and determine spousal and child support. Packet 2A is for cases with children, and Packet 2B is for cases without children. Packet 2AB has forms that are to be used with both Packet 2A and Packet 2B.

Packets 2C and 2D—Separation for Respondents.

2C—with Children

2D—without Children

A “Respondent” is the person who answers the other party’s court papers. If you were served with a petition and if you do not agree with ALL requests in the petition, you need to decide whether to file a “Response.” The Response is a document that allows you to list your objections and to make requests. If you agree with everything in the Petition, you may not have to file a response. Packet 2C is for a spouse answering a petition for separation where children are involved; Packet 2D is for a spouse answering a petition for separation where children are *not* involved.

Packet 2E—Convert Case to Dissolution (Prejudgment)

Packet 2F—Convert Separation Judgment to Dissolution Judgment

Use *Packet 2E* if one of the spouses has already filed a Petition for Separation with the court but the Judge has not yet signed the final Judgment of Separation. **HOWEVER**, this packet can only be used where both parties agree to change the case from “separation” to “dissolution (divorce).”

Use *Packet 2F* where one or both parties want to change an already-entered Judgment of Separation to a Judgment of Dissolution (Divorce). **HOWEVER**, this packet can only be used if the Judgment of Separation was entered in the last two (2) years. If the Judgment of Separation was entered longer more than two years ago, the party desiring the divorce must obtain the appropriate Dissolution Packet (see pages 1 and 2 above) and file a new case.

Follow the Instructions in each packet.

PACKET 3 - UNMARRIED PARENTS

IMPORTANT: Before using the packets below, “paternity”, which means who the father of the child is (“fatherhood”), must be established. Paternity (“fatherhood”) may be established if the father signs and files a Voluntary Acknowledgment of Paternity (a statement that says he is the father) with the State Registrar of Vital Statistics. Paternity (“fatherhood”) may also be established through the Oregon Child Support Program or through the courts. You may request that the Oregon Child Support Program establish paternity by filling out an Application for Services (Form #CSF-0574), and sending it to the address stated on the form. You may download a copy of the form to fill out from the following website: <http://www.dcs.state.or.us/forms.htm>. You will be charged a \$1 fee for this service.

If “paternity” has already been legally established, select the appropriate packet below.

Packet 3A—Petition

After paternity (“fatherhood”) has been legally established, an unmarried parent may use this packet to ask the court to establish custody, parenting time and child support. Either parent may initiate a case. Unmarried parents have the same rights and responsibilities regarding custody and support of their children that married or divorced parents have. This packet is not appropriate for use by anyone other than the parents of the children.

Packet 3B—Response

A Respondent is the person who answers the other parent’s Petition to establish custody and parenting time under the statute for unmarried parents (ORS 109.103) and to establish child support. If you were served with such a Petition and if you do not agree with ALL requests in the Petition, you need to decide whether to file a “Response.” The Response is a document that allows you to list your objections and to make requests. If you agree with everything in the Petition, you may not have to file a response. Keep in mind that this court proceeding will determine who has sole or joint custody of, and to establish parenting time with, the child[ren].

PACKET 4 - MODIFICATION OF CUSTODY, PARENTING TIME and/or CHILD SUPPORT

Use only ONE of the packets listed below.

Packet 4A—Motion Requesting Modification

Use this packet to request a CHANGE of custody, parenting time and/or child support, and where there is NOT agreement between the parents on the change. If the parents agree on the change, use the forms in Packet 4C. Forms in Packet 4A may be used by parents with Judgments of Dissolution, Judgments of Separation, and unmarried parents who have obtained a Judgment regarding custody, parenting time and/or child support.

Packet 4B—Response to a Modification Request

If the other parent asks the court to change the custody, parenting time and/or child support provisions in a Judgment, and you do not agree with ALL the requested changes, you must “Respond” in WRITING within thirty (30) days of the date the “Order to Show Cause” served upon you (ORS 107.135(11)). A response allows you to object to the changes and state facts telling the court the reasons you disagree. Some courts may also require a personal appearance in court on a scheduled hearing date which will be listed on the “Order to Show Cause” that is served on you.

Packet 4C—Stipulation (Agreement) to Modify Parenting Time (ORS 107.174)

If both parents agree to specific changes in parenting time only and want their Judgment to be changed, they may use one of the forms in this packet. One form is for parents who have agreed to parenting time changes in their judgment (“Stipulation and Order - Parenting Time Only - ORS 107.174”) and the other form is for parents who have agreed to changes re: custody, parenting time and/or child support payments (“Stipulation and Order - Custody, Parenting Time and/or Child Support”). Parents should fill out the form which applies to their situation, have their signatures notarized, and submit it to the court. By statute, the court may either sign the order or may require parties to appear for a hearing. If the child is in another state, there are some circumstances in which this stipulation cannot be used.

PACKET 5 - ENFORCEMENT OF CUSTODY and PARENTING TIME ORDERS

Packet 5A—Enforcement of Parenting Time Orders (Oregon and Out-of-State Orders)

If a judge signed a court order establishing parenting time, and if the order is currently valid and is being violated by the other parent, you may request enforcement of this order. Most local courts have created their own enforcement forms which may be found on the OJD Family Law Website located at : <http://ojd.state.or.us/familylaw> [go to the “Parenting Plan Enforcement” link]. If your court does not have local forms, you may use the forms in Packet 5A. Check with your local court. The forms may be used whether you were the petitioner or the respondent in the original case (dissolution, separation or unmarried parent petition) provided you believe the parenting plan or order is being violated by the other parent. If you are seeking to enforce an Out-of-State parenting time plan or order **and you have not already registered and confirmed it within the State of Oregon**, you should also complete the forms in Packet 5C-Registration of Out-of-State Custody and Parenting Time Judgments.

Packet 5B—Enforcement of Custody (Oregon and Out-of-State Orders/Judgments)

If a judge previously signed a court order granting you custody, and if the order is still current and valid but the other parent is now withholding custody, you may use this packet. This packet allows you to request that the judge sign an Order of Assistance. If the Judge signs it, a law enforcement agency in the county where the child is located will be directed to pick up the child and deliver the child to you. If you are seeking to enforce an Out-of-State custody order/judgment, you may also need to complete the forms in Packet 5C-Registration of Out-of-State Custody and Parenting Time Judgments. Oregon law prevents this procedure for enforcement of a custody order or judgment from being used when parenting time is being violated but custody is not really being withheld. ORS 107.437 (5). If parenting time is being violated, use your local court's enforcement forms which may be found on the OJD Family Law Website located at : <http://ojd.state.or.us/familylaw> [go to the "Parenting Plan Enforcement" link], or the Instructions and Forms in Packet 5A. If you have any doubt about the right to custody, you may wish to seek legal advice.

Packet 5C— Registration of Out-of-State Custody and Parenting Time Judgments

This Packet applies when you want to enforce either a parenting time or custody order that was entered in another state. If the Out-of State order is still in effect (not changed or vacated), you may use this packet to have the order "registered" and "confirmed" in an Oregon court. Although it is desirable to complete the registration process before using other packets to request enforcement, you may be able to begin the registration process at the same time as you file your request for enforcement, particularly in the case of an emergency. Please check with your local court.

PACKET 6 - MISCELLANEOUS FORMS

These are forms that you MAY need to use with the other Packets. The Instructions in the other Packets may reference one or more of these forms to be used in particular situations. The forms include the following:

Form 6A — Alternative Form of Service. Use this packet if you cannot serve the other party by the "usual" methods of service. See the Instructions.

Form 6B — Status Quo Order Application Packet. Use this packet to keep the current schedule and daily routine of the child[ren] from changing until custody or parenting time has been determined. Packets are available for both pre-judgment and post-judgment situations

Form 6C — Status Quo Order; Request for Hearing. Use this packet to object to a pre-judgment status quo order that has been entered by the court. At any time while the order is in effect, a party against whom it has been entered may request a hearing. The hearing is typically held within 14 days, but no later than 21 days after submitting the Request for Hearing.

Form 6D — Waiver of Personal Service. Use this form when you want to maintain the confidentiality of your residential address, and you agree to waive your right to personal service if subsequently charged with contempt. You must provide a contact address for service of process when you use this form.

NEW! **Form 6E — Change of Address.** Most family law judgments contain a provision requiring a parent to give "reasonable notice" to the other parent of any change of residence more than 60 miles away. This packet has forms to provide this notice and file it with the court.

Form 6F — Uniform Support Affidavit. This form must be completed in any proceeding in which child support or spousal support is contested. Each party must complete it in such cases, file it with the court and serve it on the other party. It provides basic information about expenses and ability to pay.

Form 6G — Respondent’s Waiver of Right to Stay Proceedings. This form may be completed by a member of the U.S. Military Service. It provides that the person serving in the military waives his/her right under the Soldiers’ and Sailors’ Civil Relief Act to stay (stop) certain proceedings filed against him/her (a person serving in the military has a right to delay civil legal proceedings, including domestic relations cases, unless the court makes certain findings). This form also contains an agreement by the person in military service to accept service of all pleadings and documents in the case, by mail.

Form 6H — Request for Mediation. Use this form when the parties do not agree on custody or parenting time and one parent wants the court to order the parties to mediation.

Form 6I — Motion for Waiver of Mediation/Order. Use this form when mediation is required in your case but you have good reasons to not participate in it; e.g., safety concerns.

Form 6J — Waiver of Further Appearance and Consent to Entry of Judgment. Use this form when the Respondent has already filed a Response or appeared at a hearing, and agrees with entry of Judgment as requested by the other party.

NEW! — **Waiver of Further Appearance and Consent to Entry of Judgment by Child Who is a Party to the Action.** This form may be used by an adult child between 18 and 21 who has been made a party to his/her parents’ family law case, and who wishes to waive their right to appear in the action or to indicate their agreement to the parents’ stipulated judgment.

Form 6K — Local Family Law Practices and Programs. This form may be used by your local court to explain local procedures in family law cases.

Form 6L — Forms for Family Law Cases. Information about available forms and packets in family law proceedings.

Form 6M — Certificate of Document Preparation. It is required by Oregon law that information about whether a form has been prepared by a party him/herself or with paid assistance from another appear on every document or in an attachment to a document.

NEW! **Forms 6N — Statement of Assets and Liabilities.** Oregon law requires parties in contested family law cases to submit to the court and serve on the other party a statement listing all assets and liabilities. This packet provides instructions and a form to do this.

Forms 6O through Z — Reserved.

PACKET 7 - Pending

NOTE: The Child Support Work Sheets are not available on the OJD Family Law Website but may be found on the Division of Child Support’s (DCS’s) website: <http://www.dcs.state.or.us/guidelines.htm>.

PACKET 8 - NONDISCLOSURE OF PERSONAL INFORMATION

Information about keeping your personal identification information confidential for safety reasons, and forms, may be available from your local court. Contact your court clerk or facilitator.

PACKET 9A and 9B - COPETITION FOR DISSOLUTION OF MARRIAGE (DIVORCE)

If both spouses want to file for dissolution (divorce) together and reach complete agreement regarding

terms they request in the decree, this packet may be appropriate. Filing together as co-petitioners eliminates certain formalities such as needing to arrange to have documents served on the other spouse. The packet can be used even if there is agreement on controversial issues, such as a decision that the parenting time of one party can occur only with supervision. This packet can also be used even if a spouse needs to bring a motion before the court requesting permission to not disclose personal information such as an address or phone number. *If you are in a domestic violence situation, seek professional counsel before using this packet to determine if it is appropriate for you.* Packet 9A is for parties with children; Packet 9B is for parties without children.

PACKET 10 - WAIVER OR DEFERRAL OF COSTS/FEEES

Oregon law permits the court to waive or defer fees and costs related to court proceedings. If fees are “waived,” they do not ever have to be paid. If fees are “deferred,” they must be paid at some later date. Oregon courts follow different procedures and policies as to whether fees or costs can be deferred or waived. Check with your local court or facilitator before using this Packet.

PACKET 11 - MOTION TO TRANSFER/CHANGE OF VENUE

Use this packet if you have moved to another county in Oregon or if there is another reason that it is no longer convenient for you to have your case in the same Oregon court in which you or the other party originally filed. You cannot use these forms to transfer/move a case that was filed in a state other than Oregon.

PACKET 12 - CORRECTING CLERICAL ERROR IN JUDGMENT and AMENDING MONEY JUDGMENT/MONEY AWARD

This set of forms and instructions will allow you to ask the court to correct a clerical error in either the body of your final judgment or the “money judgment/money award” portion of your judgment. These forms may be used in dissolution, separation, modification, custody, parenting time, and/or child support proceedings. *However*, these forms should ONLY be used where, through oversight or omission, the terms of the court’s orders in the body of the judgment are DIFFERENT FROM those indicated in the “money judgment/money award” portion of the judgment. They cannot be used to introduce new evidence or request something other than what was ordered by the court. These forms may also be used if you are notified by the Division of Child Support that the child or spousal support provisions in the “money judgment” do not match what is ordered for child or spousal support in the body of the judgment.

PACKET 14 - GOVERNING CHILD SUPPORT JUDGMENTS

This set of forms and instructions may be used when there are two or more child support orders or judgments (issued by either the child support agency or a court) and there are conflicting terms for monetary support and/or health insurance which a party wishes to resolve or change. NOTE: The multiple orders or judgments must involve the same obligor (the obligor is the party that owes child support) and the same child[ren]. Forms are available to petition for a “governing child support judgment” and to respond to a petition.

PACKET 15 - Pending

PACKET 16 - “IMMEDIATE DANGER” TEMPORARY CUSTODY

Use this packet to ask the court to temporarily change custody or parenting time where a parent believes that their child is in “immediate danger” from the other parent. Pre-judgment and post-judgment request packets are included.

NEW!

PACKET 17 - ANNULMENT

This packet may be used to void your marriage and return you to an “unmarried” state as though you had never been married. There are specific reasons a marriage may be annulled. The instructions should be read carefully before proceeding with an annulment. Annulment packets for cases *with* and *without* children are included.

NEW!

PACKET 18 - DISMISSAL OF CASE (Before Judgment Has Been Entered)

This packet may be used if you have filed a family law case and no longer wish to proceed with it. It cannot be used if judgment has already been entered.

NEW!

PACKET 19 - CONTEMPT

This packet can be used when a party has failed to comply with (obey) an order or judgment of the court. The packet is for “remedial” sanctions only; they do not include a request to put the other party in jail for violating an order. They are also NOT to be used to enforce child support awards or custody or parenting time orders. If you have child support enforcement issues, contact the Oregon Division of Child Support. If you have custody or parenting time enforcement issues, see Packet 5.

If your case involves complicated legal issues, you may seriously harm your legal rights if you use these forms without consulting with a lawyer. You are strongly urged to talk to a lawyer. You may find a lawyer by calling the Oregon State Bar’s Lawyer Referral Service and Modest Means program at 1-800-452-7636. You may also contact your local legal aid office (court staff can help you find the number). For more information about legal services and information, visit the Oregon State Bar’s website at www.osbar.org.