

Family Law Motion Processing Guide

Motion Type	Must be Conventionally Filed	Required <i>Ex-Parte</i> Appearance	Requires Hearing Date When Filed	Process
Order of Assistance (custody enforcement) ORS 107.437	Yes	Yes	No	Must have certified copy of the custody order or judgment being enforced. If this is the court that issued the order, take Motion, Declaration , and Order (if you have one) to <i>Ex-Parte</i> for review. If this is not the court that issued the order, a Petition to Enforce must be filed in the Civil Case Unit first (no fee is due). Take the Order and copies of the Motion/Declaration to <i>Ex-Parte</i> for review. Certified copies will be made after court. Check with Sheriff for service fee. Non-Filing party may request hearing, which would be set within 14-21 days.
Pre-Judgment Temporary Protective Order of Restraint (Status Quo) ORS 107.097(2)	Yes* *Stipulated motions and orders may be eFiled	Yes* *Stipulated motions and orders may be eFiled	No	Must have a Petition pending with the court. Take Motion, Declaration, and Order to <i>Ex-Parte</i> for review. Certified copies will be made after court. Make arrangements with Sheriff or other process server for service.
Pre-Judgment Temporary Emergency Custody Order (Immediate Danger) ORS 107.097(3)	Yes	Yes	No* *A judge may require a hearing to be set.	Must have a Petition pending with the court. Take Motion, Declaration, and Order to <i>Ex-Parte</i> for review. Certified copies will be made after court. Make arrangements with Sheriff or other process server for service. Non-Filing party may request hearing, which would be set within 14-21 days.
Post-Judgment Temporary Emergency Custody Order (Immediate Danger) ORS 107.139	Yes	Yes	No* *A judge may require a hearing to be set.	Filing party must have their own Motion to Modify pending with the court or may file contemporaneously with this filing at <i>Ex-Parte</i> . Take Motion, Declaration, and Order to <i>Ex-Parte</i> for review. Certified copies will be made after court. Make arrangements with Sheriff or other process server for service. Non-Filing party may request hearing, which would be set within 14 days.

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Post-Judgment Temporary Protective Order of Restraint (Status Quo) ORS 107.138	No	No	Yes	Motion to Modify must be pending or be filed contemporaneously with this filing. Attorneys must eFile their Motion, Declaration and Order to Show Cause . Self-represented parties may file in paper or electronically. A hearing date will be scheduled approximately 30-45 days out to allow time for service. Make arrangements with Sheriff or other process server for service. Show up to the hearing. The actual Status Quo Order won't be decided until the hearing date.
Remedial Contempt ORS 33.055	Yes	No	Yes	Complaint and supporting declaration/affidavit and Order to Show Cause must be filed conventionally with the court. Party seeking remedial sanctions must be designated as Plaintiff. If sanction of confinement (jail) is requested, Order to Show Cause must be presented at <i>Ex Parte</i> Matters session at 1:00 PM for judicial review. Order to Show Cause will be issued with future court date. Copies will be made for service. Service required by personal service in the manner provided in ORCP 7 [ORS 33.050(5)(a)(b)] unless waiver has been signed or alternative service is ordered.
Enforcement of Parenting Time ORS 107.434	No	No	Yes	Must file a copy of the parenting time order/judgment being enforced with the Motion/Petition*. Attorneys must eFile their Motion/Petition, Declaration, and Order to Show Cause. Self-represented parties may file in paper or electronically. A hearing date will be scheduled approximately 40 days out. Make arrangements with Sheriff or other process server for service. Show up to the hearing. The actual Order to Enforce won't be decided until the hearing date. *If this is not the court that issued the order, a Petition to Enforce must be filed to establish a case number.
Modification of Judgment ORS 107.135 and *Effective 2/1/25 SLR 8.051(3)	No	NO	No	Attorneys must eFile their Motion, Declaration, and Order to Show Cause . Self-represented parties may file in paper or electronically. Order to Show Cause must include ORCP 7 Summons language and local Notice re How to File Written Response and should order responding party to file a written response within 30 days after service. Hearing will be set upon response being filed. If filed by an attorney , the Motion shall state in the caption the estimated length of time needed for the hearing. Parties are subject to mandatory mediation (SLR 8.017).

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Pre-Judgment Temporary Relief (<i>Pendente Lite</i>) ORS 107.095	No	No	Yes	Attorneys must eFile their Motion, Declaration, and Order to Show Cause . Self-represented parties may file in paper or electronically. A hearing date will be scheduled. Make arrangements with Sheriff or other process server for service. Show up to the hearing. An Order or Limited Judgment will be made after the hearing.
Conversion of Legal Separation to Dissolution ORS 107.465	No	No	Yes, unless stipulated.	Attorneys must eFile their Motion, Declaration, and Order to Show Cause and Vital Statistic form . Self-represented parties may file in paper or electronically. A hearing date will be scheduled. Make arrangements with Sheriff or other process server for service. Show up to the hearing. An Order granting a Supplemental Judgment of Dissolution will be made after the hearing. *Parties who agree can skip the Order to Show Cause and file a Consent and Stipulated Judgment.
Motion for Relief from Judgment ORCP 71 and *Effective 2/1/25 SLR 8.021	No	No	*Best practice is to file as an Order to Show Cause with future court date or as a Motion that requests oral argument. Judge will want a hearing unless stipulated.	Attorneys must eFile their documents Self-represented parties may file in paper or electronically. Motion to relieve a party from a judgment for reason of mistake, newly discovered evidence, or fraud shall be accompanied by a pleading or motion under rule 21, which contains an assertion of a claim or defense. A motion made for these reasons shall be made not more than one year after receipt of notice of entry of judgment. A copy of a motion filed within one year after the entry of the judgment shall be served on all parties as provided in ORCP 9 B, and all other motions filed under this rule shall be served as provided in ORCP 7. The proposed Order may be submitted with Motion if stipulated. If a hearing is held, the Order may be presented at or after the hearing.
Motion to Appoint Attorney for Child ORS 107.425(6)	No	No	No, unless filed as an Order to Show Cause or Motion requests oral argument	Attorneys must eFile their Motion and Declaration. Self-represented parties may file in paper or electronically. Motion or letter from child will be routed to designated judge for review. Parties stipulating to appointment should submit a proposed Order for review. If not stipulated, the judge's office will prepare the Order.

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Judicial Satisfaction ORS 18.235	No	No	Best practice is to file as an Order to Show Cause with future court date or as a Motion that requests oral argument. Judge will want a hearing unless stipulated.	Attorneys must eFile their Motion and Affidavit. Self-represented parties may file in paper or electronically. Responding party must file a response within 21 days after service is made. Court will schedule a hearing on the motion if a response is filed. Service is required as provided in ORCP 9 if motion is filed within one year after entry of judgment. If more than 1 year, or served upon assignee, personal service or service by certified mail and return receipt requested with signed receipt is required. Service required on DOJ/DCS at least 5 days prior to filing the motion with the court if the motion relates to a support award and rights have been assigned to the state. The proposed Order may be submitted with Motion if stipulated. If a hearing is held, the Order may be presented at or after the hearing.
Motion to Consolidate Case UTCR 2.090 and *Effective 2/1/25 SLR 2.095	No	No	No	Attorneys must eFile their Motion, Declaration and proposed Order. Self-represented parties may file in paper or electronically. Documents must be filed into each affected case for consideration. The proposed Order may be submitted with Motion if stipulated. Motion should include Certificate of Service. Proposed Order may be submitted after objection period expires.
Motion to Continue/Postpone UTCR 6.030 and SLR 6.031	No	No	No	Attorneys must eFile their Motion, Declaration and proposed Order. Self-represented parties may file in paper or electronically. Refer to the UTCR for information that must be set forth in the Motion. The proposed Order may be submitted with Motion if stipulated. Motion should include Certificate of Service. Proposed Order may be submitted after objection period expires.
Motion for Remote Appearance ORS 45.400	No	No	No	Attorneys must eFile their Motion, Declaration and proposed Order. Self-represented parties may file in paper or electronically. Written notice to all other parties to the proceeding must be given at least 30 days before the trial or hearing at which the remote location testimony will be offered. The court may allow written notice less than 30 days before the trial or hearing for good cause shown. The proposed Order may be submitted with Motion if stipulated. Motion should include Certificate of Service. Proposed Order may be submitted after objection period expires.

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Motion - Oral Argument Requested UTCRC 5.050 ¹¹	No	No	Yes.	Attorneys must eFile their Motion and Declaration. Self-represented parties may file in paper or electronically. Oral argument may be requested by the moving party in the caption of the motion or by a responding party in the caption of a response. The first paragraph of the motion or response must include an estimate of the time required for argument and a statement whether official court reporting services are requested. Court will schedule a hearing and send notice to parties.
Motion to Enforce Agreement ORS 107.104	No* *If the remedy of contempt is sought, refer to Remedial Contempt section above.	No	Best practice is to file as an Order to Show Cause with future court date or as a Motion that requests oral argument.	Attorneys must eFile their Motion, Declaration and proposed Order. Self-represented parties may file in paper or electronically. A party may seek to enforce an agreement and obtain remedies described in ORS 107.104(2) by filing a motion, serving notice on the other party in the manner provided by ORCP 7 and, if the remedy of contempt is sought, complying with the statutory requirements for that remedy (see above). All claims for relief arising out of the same acts or omissions must be joined in the same proceeding. If a hearing is held, the Order may be presented at or after the hearing.
Motion to Compel ORCP 46(A) and UTCRC 5.010(2)	No	No	Best practice is to file as an Order to Show Cause with future court date or as a Motion that requests oral argument.	Attorneys must eFile their Motion, Declaration and Order to Show Cause (if applicable). Self-represented parties may file in paper or electronically. The court will deny any motion made pursuant to ORCP 36 through 46, unless the moving party, before filing the motion, makes a good faith effort to confer with the other parties concerning the issues in dispute. The moving party must file a certificate of compliance with the ORCP 5.010 at the same time the motion is filed. The certificate will be sufficient if it states either that the parties conferred or contains facts showing good cause for not conferring. If a hearing is held, the Order may be presented at or after the hearing.

¹¹Oral argument should not be requested for modifications or other hearing types that require an Order to Show Cause to be served on the non-filing party.

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Motion for Sanctions ORCP 46(B) and UTCR 5.010(2)	No* *If the remedy of contempt is sought, refer to Remedial Contempt section above.	No	Best practice is to file as an Order to Show Cause with future court date or as a Motion that requests oral argument.	Attorneys must eFile their Motion, Declaration and proposed Order to Show Cause (if applicable). Self-represented parties may file in paper or electronically. If the remedy of contempt is sought, refer to Remedial Contempt section above. The moving party must file a certificate of compliance with the ORCP 5.010 at the same time the motion is filed. The certificate will be sufficient if it states either that the parties conferred or contains facts showing good cause for not conferring. If a hearing is held, the Order may be presented at or after the hearing.
Motion for Protective Order Re Documents ORCP 36(C) and UTCR 5.010(2)_	No	No	Best practice is to file as an Order to Show Cause with future court date or as a Motion that requests oral argument. Judge will want a hearing unless stipulated.	Attorneys must eFile their Motion, Declaration and proposed Order. Self-represented parties may file in paper or electronically. The proposed Order may be submitted with Motion if stipulated. If not stipulated, the moving party must file a certificate of compliance with the ORCP 5.010 at the same time the motion is filed. The certificate will be sufficient if it states either that the parties conferred or contains facts showing good cause for not conferring. If a hearing is held, the Order may be presented at or after the hearing. Additional documents are required to request to file protected documents under seal (see below).
Motion to File Under Seal UTCR 5.160	No	No	No	Attorneys must eFile their Motion, Declaration and proposed Order. Self-represented parties may file in paper or electronically. Motion should specify all of the following: (a) The statutory authority for sealing the documents or materials. (b) The reasons for protecting the documents or materials from public inspection. (c) A description of the documents or materials to be sealed. Motion should include Certificate of Service. Proposed Order may be submitted after objection period expires. If granted, submit sealed documents or materials in a sealed envelope marked "SEALED DOCUMENTS OR MATERIALS" with a copy of the Order to Seal affixed to the top of the envelope. In addition, all documents ordered to be filed under seal must have the words "FILED UNDER SEAL BY COURT ORDER" located directly below the document title.

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Motion to Amend ORCP 23, UTCR 5.010(1), and UTCR 5.070	No	No	No	Attorneys must eFile their Motion, Declaration and proposed Order. Self-represented parties may file in paper or electronically. The proposed Order may be submitted with Motion if stipulated. If not stipulated, the moving party must file a certificate of compliance with the ORCP 5.010 at the same time the motion is filed. The certificate will be sufficient if it states either that the parties conferred or contains facts showing good cause for not conferring. Motion should include Certificate of Service. Proposed Order may be submitted after objection period expires.
UCCJEA Conference Request ORS 109.731 and *Effective 2/12/25 SLR 8.011	No	No	Judge will schedule conference with court in another state. Parties may be allowed to participate.	A pleading or motion asserting that the court lacks or should decline jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act must include in the caption of that document the phrase "UCCJEA Issue." In addition, that document must set out: (a) the state or tribe that arguably has or should assert jurisdiction, (b) contact information for the appropriate court in the other state(s) or tribe(s), and (c) information regarding any prior or concurrent proceedings and orders regarding the matter before the court. The assigned judge will initiate communication regarding procedures under ORS 109.731 where required.
Motion to Dismiss ORCP 21 and UTCR 5.010(1)	No	No	Best practice is to file as an Order to Show Cause with future court date or as a Motion that requests oral argument. Judge will want a hearing unless stipulated.	Attorneys must eFile their Motion. Self-represented parties may file in paper or electronically. A motion to dismiss asserting any of the defenses enumerated in ORCP(A)(1)(a)-(i) must be filed before pleading if a further pleading is permitted. The defenses specifically enumerated in paragraph A(1)(a)-(i) whether made in a pleading or by motion, and the motion for judgment on the pleadings mentioned in section B of the rule must be heard and determined before trial on the motion of any party, unless the court orders that the hearing and determination thereof be deferred until the trial. If not stipulated, the moving party must file a certificate of compliance with the ORCP 5.010 at the same time the motion is filed. The certificate will be sufficient if it states either that the parties conferred or contains facts showing good cause for not conferring. If a hearing is held, the Order may be presented at or after the hearing.

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Petition for Hearing de Novo ORS 25.513(6)	No	No	Yes	Attorneys must eFile their Petition for Hearing de Novo . Self-represented parties may file in paper or electronically. A copy of the Petition must be mailed to all parties and the administrative child support office who filed the Order that is being appealed, and a Certificate of Service should be filed included with the Petition. The court will schedule a hearing and mail notices. An Order will be made after the hearing.
Motion to Appoint Custody/Parenting Time Evaluator ORS 107.425	No	No	Yes, unless stipulated	Attorneys must eFile their Motion, Declaration and Order to Show Cause. Self-represented parties may file in paper or electronically. A hearing date will be scheduled. Make arrangements with Sheriff or other process server for service. Show up to the hearing. An Order will be made following the hearing.