

# Family Law Motion Processing Guide

Motion Type	Must be Conventionally Filed	Required <i>Ex-Parte</i> Appearance	Requires Hearing Date When Filed	Process
<b>Order of Assistance</b> (custody enforcement) ORS 107.437	Yes	Yes	No	Must have certified copy of the custody order being enforced. If this is the court that issued the order, take <a href="#">Motion, Declaration</a> , 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. 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.
<b>Pre-Judgment Temporary Protective Order of Restraint (Status Quo)</b> ORS 107.097(2)	Yes	Yes	No	Must have a Petition pending with the court. Take <a href="#">Motion, Declaration, and Order</a> to 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.
<b>Pre-Judgment Temporary Emergency Custody Order (Immediate Danger)</b> ORS 107.097(3)	Yes	Yes	No*  <i>*A judge may require a hearing to be set.</i>	Must have a Petition pending with the court. Take <a href="#">Motion, Declaration, and Order</a> to 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.
<b>Post-Judgment Temporary Emergency Custody Order (Immediate Danger)</b> ORS 107.139	Yes	Yes	No*  <i>*A judge may require a hearing to be set.</i>	Must have a Motion to Modify pending with the court or may file contemporaneously with this filing at <i>Ex-Parte</i> . Take <a href="#">Motion, Declaration, and Order</a> to 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.
<b>Post-Judgment Temporary Protective Order of Restraint (Status Quo)</b> ORS 107.138	No	No	Yes	Motion to Modify must be pending or be filed contemporaneously with this filing. <b>Attorneys must eFile</b> their <a href="#">Motion, Declaration and Order to Show Cause</a> . Self-represented parties may file in paper or electronically. A hearing date will be scheduled approximately 30 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. *Stipulated Status Quo Orders may be eFiled.*

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<b>Remedial Contempt</b> ORS 33.055 and UTCR 19 *Rules revised Oct 1 2023	Yes	No	Yes	Initiated by filing a Complaint filed in the Civil Case Unit. Party seeking remedy must be designated as Plaintiff. Order to Show Cause will be issued with future court date. Copies will be made for service. Service required per ORCP 7.
<b>Enforcement of Parenting Time</b> ORS 107.434	No	No	Yes	Must have a copy of the parenting time order/judgment being enforced. <b>Attorneys must eFile</b> 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 45 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.
<b>Modification of Judgment</b> ORS 107.135	No	NO	No	<b>Attorneys must eFile</b> their <a href="#">Motion, Declaration, and Order to Show Cause</a> . Self-represented parties may file in paper or electronically. Order to Show Cause must include ORCP 7 Summons language and local <a href="#">Notice re How to File Written Response</a> and should order responding party to file a written response within 30 days after service. Hearing will be set upon response being filed. Parties subject to mandatory mediation.
<b>Pre-Judgment Temporary Relief (Pendente Lite)</b> ORS 107.095	No	No	Yes	<b>Attorneys must eFile</b> their <a href="#">Motion, Declaration, and Order to Show Cause</a> . 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.

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<b>Conversion of Legal Separation to Dissolution</b>	No	No	Yes*	<b>Attorneys must eFile</b> their <a href="#">Motion, Declaration, and Order to Show Cause</a> . 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. <i>*Parties who agree can skip the Order to Show Cause and file a Consent or Stipulated Judgment.</i>
<b>Motion for Relief from Judgment</b> ORCP 71	No	No	No* <i>*A judge may require a hearing to be set.</i>	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 Rule 9 B, and all other motions filed under this rule shall be served as provided in Rule 7. Unless a judge requires a hearing, a proposed Judgment with Certificate of Readiness may be filed after all applicable objection periods have expired.
<b>Judicial Satisfaction</b> ORS 18.235	No	No	Yes	<b>Attorneys must eFile</b> 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.
<b>Motion to Appoint Attorney for Child</b>	No	No	No, unless filed as an Order to Show Cause	<b>Attorneys must eFile</b> 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. The judge's office will prepare the Order.