

# REQUESTING AN AUXILIARY (DIFFERENT) COURT



## What these forms do

These forms will help you ask the court to name a different county's court as an "auxiliary court" for purposes of modifying or enforcing a family judgment (support, custody or parenting time, etc.). You can ask for an auxiliary court if the original court is no longer convenient. "Auxiliary" means the new county *shares* power with the original county. Only one county at a time will handle a matter.

You may want to ask for an auxiliary court if one or both parties has moved out of the county where your case was filed or if other important people like witnesses no longer live there. You can also request an auxiliary court in any county where the party paying support has property.

### Important Contact Information

Oregon Judicial Department - [www.courts.oregon.gov](http://www.courts.oregon.gov)

Oregon State Bar Lawyer Referral Service - [www.oregonstatebar.org](http://www.oregonstatebar.org)

**Phone:** 503.684.3763 or toll-free in Oregon at 800.452.7636



If you are deployed or about to be deployed, contact the Oregon State Bar Military Assistance Panel ([www.osbar.org/docs/ris/militaryflyer.pdf](http://www.osbar.org/docs/ris/militaryflyer.pdf)) for information about special rights and rules that may apply to you.

## STEP 1: FILLING OUT FORMS



### **Fill out the following forms:**

- *Motion to Establish Auxiliary Court and Declaration in Support*

- **MAKE SURE YOU COMPLETE THE COUNTY NAME AT THE TOP OF THE FIRST PAGE OF EACH FORM!** Use the county that currently has your case.



### **Have your documents reviewed**

You may want to have your documents reviewed before you file. For information about how to find a lawyer, call the Oregon State Bar at the number on [Page 1](#). If you are low-income, you might be able to get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program. Your local Legal Aid office might review documents for free if you qualify. Facilitators may be available for free in your court, but you may have to make an appointment. Call your court for information.



### **Make copies**

Make one copy of **all** the forms for your records, and one copy of the *Motion and Declaration* to serve on the other party (*see below*)

## **STEP 2: FILING AND SERVICE**



### ***File your forms***

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File all the **original** forms with the court clerk in the county where your case is currently handled. Ask the court how they handle motions for auxiliary court. When you file your *Motion*, some courts will set a later hearing for you and the other party to appear. Other courts have rules requiring an objecting party to file paperwork in response to your motion.

- There is no filing fee for this *Motion*



### ***SERVICE***

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You must officially notify the other party of your *Motion*. Mail a true copy of the *Motion and Declaration* by first class mail to the other party's lawyer. If the other party is not represented, you can mail the papers to the party directly. If the judge makes specific orders about service, follow what the judge says. Follow the same steps to serve any 18, 19, or 20 year old children who have not signed a *Waiver of Appearance*. Once you have mailed the copies, complete the *Certificate of Service* that is included on the forms and file it with the court.

NOTE: If you already included your *Motion and Declaration* in the packet of papers that was served on the other party to start a modification or enforcement action, you do not have to mail the *Motion and Declaration* again.

The other party can object to your request. The court will consider your *Motion* and any objections received. You can ask the court how they handle these matters.

## **STEP 3: THE ORDER**

If the judge grants your request, the current court will notify the new court. Contact your current court to find out how long it should take. The new court will notify you of future court dates. Until your modification or enforcement action is complete, all further questions should be directed to the court in the new county.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

Case No: \_\_\_\_\_

\_\_\_\_\_  
and Petitioner  
\_\_\_\_\_  
Respondent

**MOTION TO  
ESTABLISH AUXILIARY COURT  
and DECLARATION IN SUPPORT**

*No filing fee*

**Motion**

I am the  Petitioner  Respondent in this case

*Check all that apply*

- I filed (or plan to file) for enforcement or modification of an order or judgment about support or other payment of money  
 I filed a motion to modify a General or Supplemental Judgment about child custody or parenting time

I want this case to be handled in another county. I ask the court to establish auxiliary (additional) court in the following county:

*(county where you want future proceedings to be held):* \_\_\_\_\_

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**Statement of Points and Authorities**

Oregon Revised Statute (ORS) 25.100 permits designation of auxiliary venue in another court if a party to certain family judgments is seeking modification or enforcement of an order or judgment for the payment of money in certain family law cases. Auxiliary venue may lie in any court where the obligee or obligor resides or where property of the obligor is located.

ORS 107.449 permits designation of auxiliary venue in another court based on the convenience of the parties if a party to a modification of domestic relations judgment that is not otherwise covered by ORS 25.100(1) makes that request. Auxiliary venue may lie where either party resides.

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**Declaration/Certificate**

I want the proceedings to occur in the new county because: *(check all that apply)*

- for proceedings involving support or other payment of money*  
The county where auxiliary court is requested is appropriate because:  
 Petitioner  Respondent resides there  
 property of the paying party is located there

- for proceedings involving child custody or parenting time*  
The county where auxiliary court is requested is appropriate because:

Petitioner  Respondent resides there

The county where auxiliary court is requested is more convenient for the parties because (*explain*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**I hereby declare that the above statements are true and complete to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Phone

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**Certificate of Mailing**

Service mailing is not required because this motion was filed at the same time as other documents initiating a modification or enforcement action and served as required

I certify that on (*date*): \_\_\_\_\_ I placed a true and complete copy of this

*Motion and Declaration* in the United States mail to (*name*): \_\_\_\_\_

at (*address*): \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)