

Filing For Dissolution (Divorce), Cases with No Children Instructions for Packet 1C

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for uncomplicated divorce cases. For legal information, please talk to a lawyer and/or visit your local law library. Each court has local rules, programs and procedures that may not be explained in these instructions. The Jackson County Court Family Law Unit can be contacted at 541-776-7171 ext 582 and the Family Law Resource Center can be contacted at 541-776-7171 ext 129.

This set of forms and instructions will allow you to file for and obtain a divorce where the parties do not have minor children. **Please read them completely and carefully.** The instructions are broken down into four basic steps. The forms that go with each step are listed below.

| Steps | Page (Instructions) |
|--|---------------------|
| 1. Starting your Divorce | 2 |
| <input type="checkbox"/> Petition for Dissolution <i>with Continuation of Health Coverage and the Disclosure (ORS 107.089) handouts attached.</i> <input type="checkbox"/> Summons <input type="checkbox"/> Notice of Statutory Restraining Order Preventing Dissipation of Assets – ATTACH TO SUMMONS <input type="checkbox"/> CIF Information Sheet – Information only <input type="checkbox"/> 2 Confidential Information Forms (CIFs) – one for each party's information <input type="checkbox"/> Notice of CIF Filing <input type="checkbox"/> Acknowledgment about Dissolution (Divorce/Separation) <input type="checkbox"/> Record of Dissolution of Marriage/Domestic Partnership (Vital Statistics form) <input type="checkbox"/> Declaration of Service | |
| 2. Waiting for a Response; Taking a Default | 5 |
| <input type="checkbox"/> Ex Parte Motion and Declaration for Order for Default <input type="checkbox"/> Order for Default | |
| 3. Resolving Your Case | 5 |
| 4. Finalizing Your Divorce | 6 |
| <input type="checkbox"/> Declaration Supporting Judgment of Dissolution <input type="checkbox"/> General Judgment of Dissolution <input type="checkbox"/> Possible Attachment: Uniform Support Declaration | |

When filling out the forms, follow these directions:

- Complete **ALL** forms entirely. If a form is in this packet, it is required. Check off each form above as you complete it to determine if you are ready to meet with the facilitator or open your case.
- You are the named “petitioner” on all court forms and your spouse/partner is the “respondent”. Use full names (first, middle or middle initial, last) and print the names the same on all forms.
- Make an appointment with the Family Law Resource Center by calling 541-776-7171 ext. 129 for document review, OR follow the packet instructions for making copies and serving the other party.
- File the original with the court clerk.
- The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals.
- Keep the court informed of your current address so you get notice of all court dates. **You are not required to use your residential address on any court form.** You may use a contact address where you regularly check in. If you use a contact address, the court will assume that you will receive all notices sent to that address. **Note: If you fear for your safety, you may be able to obtain a non-disclosure order.** Consult with your local court for instructions as well as the appropriate forms.

Legal Issues to Consider before completing your documents.

A divorce case starts with a “petition” which lists the items you are asking the court to order in the “judgment”. The judgment is the document that finalizes your divorce, and contains your rights and responsibilities. Oregon law provides that a number of issues must be addressed in the judgment. Before you fill out the petition, you should think about how you want to handle these issues.

You may not know what real or personal property to ask for in the beginning because you are not sure what property you own either alone or together with the other party. Or you may not know how much spousal support to ask for in the beginning because you do not know how much the other party earns. The Petition provides options for either indicating a specific amount or distribution of property or, where you do not know, you may ask that these be made “equitably” (i.e., fairly) or “prior to judgment” so that you have time after filing the petition to find out what property you own or how much the other party earns. **HOWEVER:**

- if you do NOT ask for a specific amount or distribution in the Petition, or
- what you ask for in the Judgment is different from what you asked for in the Petition, **the court may require you to re-serve documents on the other party** before it will enter a final judgment.

This is so that the other parent knows what is being asked for in the Judgment is different from what was in the Petition.

Spousal Support. Oregon law provides for three different categories of spousal support: transitional, compensatory and spousal maintenance. Transitional support may be ordered for a spouse/partner to get work related education and training. Compensatory spousal support may be ordered if one party has significantly contributed to the education, training, vocational skills, career or earning capacity of the other spouse/partner. Spousal maintenance may be ordered for the support of one spouse/partner. The judge will consider a number of factors when making the award, and may order more than one type of support. For more information on what the judge will consider, please refer to ORS 107.105 (to view, visit your local law library or www.leg.state.or.us/ors).

Property and Debts. – Statutory Restraining Order. Oregon law requires both Petitioner and Respondent to obey a restraining order preventing *either party* from dissipating (selling, destroying, removing, disposing of) real or personal property, making unilateral (without the agreement of the other party) changes to insurance policies, and making extraordinary expenditures. Expenditures that are necessary for the safety or welfare of the parties are not prohibited. **By filing your petition, you agree to be bound by the terms of this order.** The order is effective on both the petitioner and the respondent once the notice has been served on the respondent. If you violate the order, you may be subject to sanctions. You must attach a copy of the “*Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relations Actions*” to the Summons and serve it on the Respondent.

For information about these issues, talk to a lawyer and/or go to the Oregon State Bar’s web site (www.osbar.org), “Public Info” and read under “Legal Information Topics” the sections on “Bankruptcy and Credit,” “Real Estate,” and “Taxes.” If either spouse/partner has a retirement plan, you should talk to an attorney before filling out the petition. The attorney can advise you if this packet will work for your situation. If the parties own real estate located in Oregon, a “lis pendens” notice (notice of pending suit) may be filed with the county clerk as provided in ORS 93.740 (to view, visit your local law library or www.leg.state.or.us/ors).

If Both Spouses/ partners Already Agree.

There are two ways to handle your case if both spouses/partners agree on all issues: (1) one spouse/partner can file as petitioner, the other spouse/partner can accept service of the petition and not file a response (if there is no disagreement with what the petitioner requested in the petition) and judgment will be entered based on what was stated in the petition, or (2) the parties can file as co-petitioners (see Packet # 9B). Forms to file as co-petitioners may also be available through your local court, courthouse facilitator and/or attorney.

If your spouse/partner (the respondent) does not agree with you at first and files a response, then later decides that what you requested in the petition is okay, he or she can file a Waiver of Further Appearance and Consent to Entry of Judgment form to avoid having to go through the court process further. Your local courthouse facilitator can help you with this process.

STEP 1 : STARTING YOUR CASE

Fill out the forms listed in Step 1: Starting your Divorce.

See the Confidential Information Form (CIF) information sheet about how the CIF protects certain information from being disclosed to the public.

Have your documents reviewed.

You may have your documents reviewed by a lawyer or a courthouse facilitator. The Jackson County Family Law Resource Center (facilitator) may be reached at 541-776-7171 ext. 129 or Jackson.facilitators@ojd.state.or.us. For information about how to find a lawyer, call the Oregon State Bar Lawyer Referral Service at 1-800-452-7636. If you are low income, you might get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program at 1-800-452-7636, or you may call your local Legal Aid office at 541-776-7292.

Make copies

Make at least two photocopies of all the documents you filled out, one for your records and another to serve on the other party. **You do not need to serve the other party with the Confidential Information Sheets (CIFs).** If you have an appointment with the Family Law Resource Center, copies will be made for you of the documents required for service.

File the forms with the court

File the original Step 1 forms with the court, EXCEPT the *Summons* and *Declaration or Acceptance of Service*. The court clerk will ask you for a filing fee when you go to file the papers. Please see Jackson County Court fee schedule at www.courts.oregon.gov/jackson for current fees. If you feel you cannot pay this fee, ask the court if you may apply for a fee waiver or fee deferral. You will need to fill out a fee waiver or deferral form and file this document with the court too. If the fee is waived, you do not have to pay it. If the fee is deferred, you will not have to pay the fee now, but you may be required to pay it later. There are several required handouts in this packet. You will need two copies of each handout. You need to keep one copy for yourself and have the other copy served on the other party. (See the section "Serving the Other Party" below.)

Serving the other party

You are required to have your spouse/partner served (have papers delivered to) with (a) copies of the documents given to you by the clerk, including the Statutory Restraining Order described above, and copies of the Petition, Summons, and Notice of Filing CIFs.

If the other party is willing to accept service, s/he must fill out and sign the *Acceptance of Service* form and file it with the court. It is not necessary that your spouse/partner agree with what is in the papers, just that he/she is willing to acknowledge receipt of them.

If the other party will not complete the Acceptance of Service form, **YOU CANNOT SERVE THE PAPERS YOURSELF.** You may have service completed by the Sheriff in the county where your spouse/partner lives, by a private process server, or by another individual who is a competent person 18 years or older, an Oregon resident (or of the state where service is made) and not a party nor an attorney for a party. Caution should be used before asking a friend or relative to serve the papers if your spouse/partner might react angrily or violently. **A Declaration of Service along with the original summons must be filed with the court after service has been made.**

The best way to serve the other party is to have the person serving the papers hand them directly to the respondent (personal service). If personal service cannot be done, there are other ways to serve the papers including "substitute service," "office service," and "service by mail" — see the Table below. You may ask the Sheriff or a private process server about these other options or consult an attorney.

| Standard Methods of Service | |
|---|--|
| Personal Service | Delivery of papers directly to the other party |
| Substitute Service | Delivery of papers to a person <u>living</u> at the other party's home who is at least 14 years old, PLUS mailing of the documents to the other party's home address by first class regular mail |
| Office Service | Delivery of papers to a person who appears to be in charge at the other party's place of employment (who has a business duty to give the documents to the other party), done during working hours, PLUS mailing of the document to the home or business address of the other party by first class regular mail |
| Service by Mail (Return Receipt Requested) | Delivery by mailing the documents certified or registered, return-receipt requested, or by Express mail, PLUS mailing of documents to home or business address of the other party by first class regular mail. |

If you are not able to have your spouse/partner served by any of the methods described above, you may ask a judge to allow you to use another service method. The judge might allow you to publish, post or mail the documents. In order to make this request, use Packet 6A-Alternative Form of Service.

STEP 2: WAITING FOR A RESPONSE; TAKING A DEFAULT

Oregon law gives your spouse/partner 30 days to respond to your petition. The time starts running from the date of service. The response must be written, and must be filed with the required filing fee. Your spouse/partner may ask the court to waive or defer the fee.

If your Spouse/ partner is in the Military.

If your spouse/partner is in the active military service of the United States and has not responded to the petition, you may have to go through some extra steps. The court won't go further with your case until one of the following things has happened: (1) your spouse/partner is no longer in the active military, (2) your spouse/partner has waived his or her rights using the Waiver of Right to Stay of Proceedings form, or (3) the judge holds a special hearing in your case. You may get a Waiver of Right to Stay of Proceedings form from the courthouse facilitator or use Form # 6G. You may need to talk to an attorney if your spouse/partner is not willing to sign the waiver.

Check for Response.

Your spouse/partner should mail or deliver a copy of his or her response to you when it is filed with the court. If you haven't received a copy of a response after 30 days (from the date of service), you may check with the court clerk to see if one has been filed. If no response has been filed, you may request a "default order." A default means that you may ask the court to enter a judgment giving you the items you asked for in your petition, with no input from your spouse/partner. If a response has been filed, you will not be allowed to take a default and you will go straight to step 3.

No Response Filed; Requesting a Default.

To ask the court to enter a default, you must fill out the forms listed in *Step 2: Waiting for Response; Taking Default* and file with the court anytime after 30 days have expired from the date of service.

STEP 3: RESOLVING YOUR CASE

Temporary Orders.

You may ask the court to make temporary orders after the petition is filed. Temporary orders are in effect once signed by the judge and last until changed by the judge, or until the final judgment is signed by a judge, or the case is dismissed. For example, either spouse/partner may request an order for spousal support, an order preventing one or both parties from getting rid of property owned by both spouses/partners, or an order requiring one spouse/partner to move out of the family home. To make any of these requests, you file a “motion” (request) asking the court to do what you want. You may need the assistance of an attorney to file these requests or you may use Packet 4 located at www.courts.oregon.gov/Jackson in the Family Law Forms section.

In addition, all courts have restraining order forms for cases involving domestic violence. A restraining order can usually be obtained within a day or two of filing if there has been abuse in the last 180 days, and if there is further danger of abuse. Check with your local court about forms and filing instructions.

Conferences with the Judge.

Many courts will schedule a “status”, “pretrial” or “settlement” conference if a response has been filed. These meetings usually take place with a judge with both spouses/partners present, along with their attorneys if they are represented. You must attend any conferences that are scheduled unless you have received permission from the judge not to attend.

At the conference, the judge will probably talk to you about how the case is going to be resolved, may consider requests for temporary orders and will probably set future court dates.

Working Toward Agreement.

The court wants to help you resolve the issues that you and your spouse/partner disagree on. You may discuss these issues with your spouse/partner directly if it is safe for you to do so and if no court order prohibits that contact. You may also discuss them with your spouse’s/partner’s attorney. If you can’t resolve the issues on your own, the court may provide a number of options to help you, including mediation and arbitration.

Mediation. A mediator is a person trained to help people resolve disagreements. You may meet with a mediator to resolve the financial issues in your case. You may ask to meet with the mediator alone if you are uncomfortable meeting with the other parent for any reason. Jackson County Court does not offer financial mediation. You may wish to refer to the yellow pages for private mediation services.

Arbitration. Some courts refer spouses/partners who disagree on how to divide their property to an arbitrator. The court may also ask the arbitrator to resolve spousal support issues. An arbitrator is a lawyer appointed by the court who meets with both spouses/partners and their lawyers, if they are represented, and makes a decision about how the property should be divided. Both spouses/partners are required to pay for this service unless the court has specifically waived or deferred the arbitrator’s fee. If either spouse/partner disagrees with the arbitrator’s decision, he or she can ask the court for a trial. If a trial is not requested, the arbitrator’s decision is final unless both spouses/partners agree on another resolution.

STEP 4: FINALIZING YOUR DIVORCE

A divorce is “final” the date the judgment of dissolution (divorce) is signed by a judge. If there are still items that you don’t agree on, the court will probably set a date for a “final hearing” or trial. Some judges may want you to attend a “settlement conference” (a meeting between the parties to discuss settlement, usually led by a different judge than your trial judge) to help you come to agreement.

Forms to Finalize Your Divorce.

Complete the forms listed in *Step 4: Finalizing your Divorce.*

You may also need to file the following additional form, depending on your circumstances.

- **Uniform Support Declaration.** This form is only required if a response was filed, and you and your spouse/partner do not agree on spousal support.

The Final Judgment.

The judgment finalizes your divorce and contains all of the issues decided in mediation, arbitration, hearing, or through your agreement. If both spouses/partners agree on all issues, it may be prepared by either spouse/partner as long as it is reviewed and signed by both spouses/partners. If the spouses/partners don't agree on all issues, the judge may direct one spouse/partner to fill out the judgment.

If your spouse/partner didn't file a response, the information you fill out in the final judgment **must be the same as what you requested in the petition.** If your spouse/partner filed a response, the information must be the same as was decided in mediation, arbitration, hearing or through your agreement.

If you are responsible for filling out and filing the final judgment, make a copy for yourself and one for your spouse/partner (unless he or she didn't file a response), and file the original with the court. **If your case involves spousal support, file an extra copy of the proposed judgment with the court along with a copy of both Confidential Information Forms (CIFs) that you filed when opening your case.**

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

| | | |
|--|---|---|
| In the Matter of <input type="checkbox"/> the Marriage of: |) | |
| |) | |
| _____ Petitioner, |) | Case No. _____ |
| and |) | PETITION FOR DISSOLUTION OF MARRIAGE/ REGISTERED DOMESTIC PARTNERSHIP (RDP) |
| |) | Filing Fees at ORS 21.155 (Marriage) and ORS 21.135 (RDP) |
| _____ Respondent. |) | CLAIM <input type="checkbox"/> SUBJECT <input type="checkbox"/> NOT SUBJECT TO MANDATORY ARBITRATION |
| |) | |

1. (Check one:)

- Date of marriage: _____ Place of marriage: _____
- Date of registration of domestic partnership: _____
- County of registration: _____

2. Irreconcilable differences between the parties have caused the irremediable breakdown of their marriage/domestic partnership.

3. **Statement of Residency.**

Spouses: One or both of the parties to this case currently live in the county in which this petition is being filed. Petitioner Respondent has/have been a resident of and domiciled in the state of Oregon continuously for six months immediately prior to the filing of the Petition for Dissolution of Marriage.

Domestic Partners: One or both of the parties to this case currently live in the county where this petition has been filed, or neither party currently resides in Oregon but the petition has been filed in the county where Petitioner or Respondent last resided.

4. No other domestic relations suit or support proceeding involving this marriage/domestic partnership is pending in this or any other state.

5. There are no children under the age of 18 to this marriage, OR no child of this marriage/partnership is age 18 to 21 and a "child attending school" as defined in ORS 107.108.

6. By filing this petition, I acknowledge that I am bound by the terms of the statutory restraining order prohibiting either party from disposing of marital assets, a copy of which I have received and read, and understand that this restraining order is effective immediately upon service of this petition and the summons upon the Respondent.

7. Spousal Support and Life Insurance.

No spousal support or life insurance claims are made in this case (skip the rest of paragraph 7).

A. Spousal Support.

Support should be paid by Petitioner to Respondent Respondent to Petitioner:

In the amount of \$_____ per month for the following period of time: _____, or

In the amount of \$_____ by _____(date), or

In an amount to be determined before trial or entry of judgment.

List reason(s) support should be paid: _____

The support shall be called (check one or more): transitional compensatory spousal maintenance based on consideration of the following factors (list): _____

B. Payments.

The judgment entered in this case should provide that Petitioner Respondent make spousal support payments on:

The first (or _____) day of the month following the date of the judgment and continuing on the same day of each month thereafter, **or**

The date Respondent was served with the petition and continuing on the same day of each month thereafter.

All payments of spousal support should be made directly into _____'s checking or savings account. A receipt of deposit should be kept by the paying spouse as proof of payment. The spouse receiving support should provide the paying spouse with current deposit slips and/or bank name, account name, and account number.

Spousal support payments are taxable to the obligee spouse and deductible to the obligor spouse. All payments terminate upon the death of either party.

8. Life Insurance.

Petitioner Respondent should buy and maintain life insurance for the benefit of Husband Wife throughout the period of the spousal support obligation, in the amount of \$_____

9. Real Property.

Neither Petitioner nor Respondent has any interest in any real property located in this or any other state.

Petitioner Respondent has/have an interest in real property located at the address of: _____

This property should be distributed: equitably, or as follows: _____

The legal description of the real property is attached as Exhibit _____ and incorporated in this petition.

Distribution of this property is not within the jurisdiction of this court.

10. Personal Property (including motor vehicles).

The Petitioner and Respondent have divided between them all personal effects, household goods, and other personal property they own separately or together, and neither should claim those items now in possession of the other.

The Petitioner should be awarded: an equitable distribution of the parties' personal property, **or**

the following personal property: _____

The Petitioner should be awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred-compensation plan, and /or stock option plan held by Petitioner's employer, free of any interest in the Respondent.

The Respondent should be awarded: an equitable distribution of the parties' personal property, **or**

the following personal property: _____

The Respondent should be awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred-compensation plan, and/or stock option plan held by Respondent's employer, free of any interest in the Petitioner.

Additional page attached; see section labeled "paragraph 10 continued."

11. Distribution of Debts.

There are no outstanding debts of this marriage/domestic partnership.

The debts should be paid as follows:

| Name of Creditor (who debt is owed to) | What debt is for | Amount | Who should pay (Petitioner or Respondent) |
|---|------------------|--------|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Additional page attached, labeled, "paragraph 11 continued".

Each spouse/partner should be responsible for the payment of all debts incurred by him/her individually since the date of their separation; all debts which are distributed to him/her by the court; and all debts which are secured by property distributed to that spouse/partner. Also, if any creditor asks the spouse/partner not responsible for a debt to pay all or a portion of it, and he or she does so, the spouse/partner responsible for that debt should reimburse the other spouse/partner for any monies he/she paid to the creditor after the date of the judgment.

12. Transfer of Debts and Property.

Within 30 days of the date of judgment, each party should execute, acknowledge, and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. The judgment should operate to convey title to the spouse awarded the property if the other spouse fails to comply with this requirement.

13. Former Name.

_____'s former name of _____ should be restored.

14. Information Required by ORS 25.020 and ORS 107.085.

Disclosure of the following information would unreasonably put to risk the health, safety, or liberty of Petitioner Respondent or child/ren _____ for the following reasons: _____

Otherwise: *(Fill out the information in the table below)*

| | Petitioner | Respondent |
|----------------------------|--|--|
| Full Name | | |
| Former Legal Name(s) | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Age | | |
| Address or Contact Address | | |
| Telephone Number | | |
| Social Security Number | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Driver License Number | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Employer Name | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Employer Address | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Employer Telephone | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |

Additional page labeled "Paragraph 14 continued" attached.

15. Court Costs and Fees.

A. Deferred Costs and Fees (required to be paid at a later date)

Any court costs and service fees (if service completed by the Sheriff) that are deferred by the court should be paid by: Petitioner Respondent Both parties equally Other: _____

B. Costs and Fees Paid by the Parties

Each party should be responsible for paying his or her own court costs and service fees for this case.

To be paid by both parties equally

Petitioner Respondent should reimburse the other spouse for his or her court costs and service fees for this case.

Other: _____

Judgment should be entered according to the cost and fee allocation listed above.

16. 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.

WHEREFORE, Petitioner requests a Judgment granting the relief asked for above, and other equitable relief that the Court thinks is just.

I hereby declare that the above statements are 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: _____, 20 ____.

Petitioner's Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone



**Department of Consumer and Business Services
Insurance Division**

P.O. Box 14480, Salem, OR 97309-0405
Phone: 503-947-7980, Fax: 503-378-4351
350 Winter St. NE, Salem, OR 97301-3883
E-mail: dcbs.inmail@state.or.us
www.insurance.oregon.gov

Notice to parties in a suit for marriage dissolution or legal separation regarding continuation of health coverage

If you or your spouse have filed for divorce or legal separation and currently hold group health insurance coverage through your spouse, you should know that your coverage may end when the court grants your divorce or separation. Oregon law offers options that may enable you to obtain continued coverage. This notice outlines continued coverages available under Oregon law. Federal laws commonly known as "COBRA" may also enable you to continue coverage. *Please note:* You must act promptly to continue coverage.

For more information about Oregon and federal law, you should consult your health insurer, the plan administrator for your insurance coverage, the employer through whom your insurance is provided, or your attorney.

The following is a summary of options under Oregon law:

- 1. Continuation of existing coverage for a divorced or legally separated spouse who is 55 years of age or older** (ORS 743.600 to 743.602). If you are a divorced or legally separated spouse and if you are 55 years of age or older when the dissolution or legal separation occurs, you may continue your existing group coverage until you obtain other group coverage or become eligible for Medicare. In order to continue coverage, you must do both of the following:
 - A. You must notify the group health insurance plan administrator in writing of the dissolution or legal separation within 60 days of the entry of the decree of divorce or legal separation.
 - B. You must elect to continue and pay for the group coverage. You must make the election on a form provided by the plan administrator.

Please note: This provision applies only if your coverage is provided through an employer who employs 20 or more employees or if your coverage is provided by a group health insurance plan that covers 20 or more employees.

- 2. Continuation of existing coverage for a divorced spouse when federal law does not provide for continued coverage** (ORS 743.610). If you are not able to continue your group health coverage under federal law ("COBRA"), you may continue your existing group coverage upon dissolution of your marriage for a period not exceeding nine months. The following requirements apply:
 - A. You must have been continuously covered by the group policy for at least three months prior to your divorce.
 - B. You must ask the insurer or the group policyholder, in writing, to continue your coverage. You must also pay the required premiums.
 - C. You must make your request by the later of the following dates:
 - (1) Ten days after the date that your coverage under the group policy as a qualified family member ends;
 - or
 - (2) Ten days after the date on which the employer or group policyholder gives notice of the right to continue coverage.

Important note: You must make your request and pay your premium by the 31st day after your coverage as a qualified family member ends.



3. Portability of health insurance coverage (ORS 743.760 to 743.763). If you were covered by a group health plan and you lost that coverage, you may be eligible to continue coverage by switching to a portability health plan rather than staying on your current plan. If you are eligible, you have two portability coverage choices. The covered services and premiums charged for the portability health plan that you choose must meet state standards. You are eligible for portability coverage if you are an Oregon resident, are not eligible to enroll in Medicare, and meet the following requirements:

A. You must have been covered by health plans as follows:

(1) By one or more Oregon group health plans for at least six consecutive months or, if your group plan was provided by a “self-insured” employer, you must also have exhausted your federal or state continuation coverage;

or

(2) By one or more group or individual health plans for a period of 18 months, but only if your most recent coverage was in a group plan and if you have exhausted your federal or state continuation coverage.

B. You must apply within 63 days of losing your group coverage. If an insurance company or HMO plan provided your group coverage, contact the company or plan for an application. If a self-insured employer provided your group coverage, call the Oregon Medical Insurance Pool toll-free at 800-542-3104 and ask for an application.

C. You must pay the required premiums for the coverage.

Note: Portability coverage takes effect on the day after your group coverage ends. Your premiums are payable from that date.

Remember: You have a limited time to apply for continuation or portability coverage. If you need help, consult your health insurer, the administrator of your health benefit plan, the employer through whom your insurance is provided, the Oregon Medical Insurance Pool, or your attorney.

*Prepared by Insurance Division, Department of Consumer and Business Services, pursuant to ORS 107.092.
Revised September 2005. Distributed by the Office of the State Court Administrator.*

COPY FOR PETITIONER/RESPONDENT

NOTE: Petitioner - a copy of ORS 107.089 may be served on the respondent. If you do serve the respondent, you must provide proof of service to the court.

107.089 Documents parties must furnish to each other; effect of failure to furnish. (1) If served with a copy of this section as provided in ORS 107.088, each party in a suit for legal separation or for dissolution shall provide to the other party copies of the following documents in their possession or control:

- (a) All federal and state income tax returns filed by either party for the last three calendar years;
- (b) If income tax returns for the last calendar year have not been filed, all W-2 statements, year-end payroll statements, interest and dividend statements and all other records of income earned or received by either party during the last calendar year;
- (c) All records showing any income earned or received by either party for the current calendar year;
- (d) All financial statements, statements of net worth and credit card and loan applications prepared by or for either party during the last two calendar years;
- (e) All documents such as deeds, real estate contracts, appraisals and most recent statements of assessed value relating to real property in which either party has any interest;
- (f) All documents showing debts of either party, including the most recent statement of any loan, credit line or charge card balance due;
- (g) Certificates of title or registrations of all automobiles, motor vehicles, boats or other personal property registered in either party's name or in which either party has any interest;
- (h) Documents showing stocks, bonds, secured notes, mutual funds and other investments in which either party has any interest;
- (i) The most recent statement describing any retirement plan, IRA pension plan, profit-sharing plan, stock option plan or deferred compensation plan in which either party has any interest; and
- (j) All financial institution or brokerage account records on any account in which either party has had any interest or signing privileges in the past year, whether or not the account is currently open or closed.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection, the party shall provide the information listed in subsection (1) of this section to the other party no later than 30 days after service of a copy of this section.

(b) If a support hearing is pending fewer than 30 days after service of a copy of this section on either party, the party upon whom a copy of this section is served shall provide the information listed in subsection (1)(a) to (d) of this section no later than three judicial days before the hearing.

(3)(a) If a party does not provide information as required by subsections (1) and (2) of this section, the other party may apply for a motion to compel as provided in ORCP 46.

(b) Notwithstanding ORCP 46 A(4), if the motion is granted and the court finds that there was willful noncompliance with the requirements of subsections (1) and (2) of this section, the court shall require the party whose conduct necessitated the motion or the party or attorney advising the action, or both, to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney fees.

(4) If a date for a support hearing has been set and the information listed in subsection (1)(a) to (d) of this section has not been provided as required by subsection (2) of this section:

- (a) By the obligor, the judge shall postpone the hearing, if requested to do so by the obligee, and provide in any future order for support that the support obligation is retroactive to the date of the original hearing; or
- (b) By the obligee, the judge shall postpone the hearing, if requested to do so by the obligor, and provide that any support ordered in a future hearing may be prospective only.

(5) The provisions of this section do not limit in any way the discovery provisions of the Oregon Rules of Civil Procedure or any other discovery provision of Oregon law. [1995 c.800 §5; 1997 c.631 §402; 1997 c.707 §33]

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

| | | |
|--|---|-------------------------|
| In the Matter of <input type="checkbox"/> the Marriage of: |) | |
| |) | |
| _____ |) | Case No. _____ |
| Petitioner, |) | |
| |) | |
| and |) | SUMMONS |
| |) | |
| _____ |) | DOMESTIC RELATIONS SUIT |
| Respondent. |) | |

TO: _____, Respondent.

| | |
|--------------|--------------|
| Home Address | Work Address |
| _____ | _____ |
| _____ | _____ |

Your spouse/partner has filed a Petition asking for dissolution of your marriage/domestic partnership (and possibly related relief). If you do not file the appropriate legal paper with the court in the time required (see below), your spouse/partner may ask the court for a judgment against you that orders the relief requested.

NOTICE TO RESPONDENT: READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear,” you must file with the Court a legal paper called a “Response” or “Motion.” Response forms may be available through the court located at: 100 S. OAKDALE AVE., MEDFORD, OR 97501. This Response must be filed with the court clerk or administrator within thirty (30) days along with the required filing fee. It must be in proper form and you must show that the Petitioner’s attorney (or the Petitioner if he/she does not have an attorney) was served with a copy of the “Response” or “Motion.” The location to file your response is at the court address indicated above.

If you have questions, you should see an attorney immediately. If you need help finding an attorney, you may call the Oregon State Bar’s Lawyer Referral Service at (503) 684-3763 or toll free in Oregon at (800) 452-7636.

If special accommodation under the Americans with Disabilities Act is needed, please contact your local court at the address above; telephone number: 541-776-7171.

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.

| | |
|------------------------|------------|
| Petitioner’s Signature | Print Name |
|------------------------|------------|

| | | |
|----------------------------|------------------|--------------------------------|
| Address or Contact Address | City, State, Zip | Telephone or Contact Telephone |
|----------------------------|------------------|--------------------------------|

[Attach to Summons per ORS 107.093(5)]

**NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE DISSIPATION OF ASSETS
IN DOMESTIC RELATIONS ACTIONS**

REVIEW THIS NOTICE CAREFULLY. **BOTH PARTIES MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATION OF THE LAW.** SEE INFORMATION ON YOUR RIGHTS TO A HEARING BELOW.

TO THE PETITIONER AND RESPONDENT:

PURSUANT TO ORS 107.093 and UTCR 8.080, Petitioner and Respondent are restrained from:

- 1) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.
- 2) Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.
- 3) Transferring, encumbering, concealing or disposing of property in which the other party has an interest, in any manner, without written consent of the other party or an order of the court, except in the usual course of business or for necessities of life.
 - (A) Paragraph (3) does not apply to payment by either party of:
 - (i) Attorney fees in this action;
 - (ii) Real estate and income taxes;
 - (iii) Mental health therapy expenses for either party or a minor child of the parties; or
 - (iv) Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.
- 4) Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party.
 - (A) Paragraph (4) does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

AFTER FILING OF THE PETITION, THE ABOVE PROVISIONS ARE IN EFFECT IMMEDIATELY UPON SERVICE OF THE SUMMONS AND PETITION UPON THE RESPONDENT. IT REMAINS IN EFFECT UNTIL A FINAL DECREE OR JUDGMENT IS ISSUED, UNTIL THE PETITION IS DISMISSED, OR UNTIL FURTHER ORDER OF THE COURT.

PETITIONER'S/RESPONDENT'S RIGHT TO REQUEST A HEARING

Either petitioner or respondent may request a hearing to apply for further temporary orders, or to modify or revoke one or more terms of the automatic mutual restraining order, by filing with the court the Request for Hearing form specified in Form 8.080.2 in the UTCR Appendix of Forms.

Information about the Confidential Information Form (CIF)

What is a CIF?

Most court files may be viewed by the public. Uniform Trial Court Rule (UTCRC) 2.130 requires certain confidential personal information to be protected from public disclosure. That is done by providing the information in a separate form. After you file your papers, the court keeps the form separate from the part of the court file that may be viewed by the public. The form is UTCRC Form 2.130.1, known as the Confidential Information Form, or CIF.

What information does a CIF make confidential?

The information protected by the CIF is social security numbers, birth dates, driver license numbers, and former legal names. Also protected are the name, address, and telephone number of a party's employer.

The CIF should only be used to protect the information described above. There may be other information in your court papers that you do not want the public to be able to see, such as bank account or credit card numbers. The separate process for protecting that information is described in UTCRC 2.100, which can be read at: <http://courts.oregon.gov/OJD/programs/utcr/utcrrules.page?>

How do I know when I need to put information in the CIF?

When a document filed with the court requires you to include information protected by a CIF, that information must **only** be provided to the court in a CIF and must not be listed in any other document to be filed. Where you would otherwise provide the information in the document to be filed you must make a note that the information has been provided in the CIF. For example, if a document requires a party's full social security number to be listed, you must not list the social security number, but must instead make a note on the document that the information has been filed under UTCRC 2.130. **The online court forms already have that note on the form.**

Do I need to file more than one CIF?

In most cases, yes. You must fill out a CIF for yourself, and if the documents you are filing with the court require confidential personal information about the other party, you must also fill out a separate CIF with the other party's information. If your case involves children, you should include their information in *your* CIF. You do not need a separate CIF for your children.

If there is CIF information you do not know when you file your papers, or if the information changes during your case, you must file an amended CIF that provides the new or updated information.

The CIF rule requires you to redact – black out or erase – confidential personal information from any attachments to documents you file with the court and to make a note on the attachment that the information has been provided in the CIF. The only exception is when you are required to attach a court-certified document. Documents that are required to be court certified should not be altered in any way.

Does the other party get copies of a CIF I file?

You are not required to serve the CIFs on the other party, though you may share a CIF with the other party if you chose to do so. You *are* required to serve the other party with UTCRC Form 2.130.2, which is a notice that a CIF has been filed. You must also file a certificate with the court showing that you served the other party with the notice that a CIF was filed.

There are steps the other party and other people can go through to ask the court to allow them access to a CIF that you have filed. UTCRC 2.130 explains that process in detail, and also describes the circumstances under which the court must deny a request by someone else to view a CIF you have filed.

The CIF rule (UTCRC 2.130) can be read at:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?>

and you can find additional information about the rule at:

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/familylawforms.page?>

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

_____)
)
)
 Petitioner Co-Petitioner,)
 and)
)
 _____)
 Respondent Co-Petitioner.)
)
)
 -----)
 Child At Least 18 But Under 21)
 Other _____)

Case No.: _____

**FAMILY LAW CONFIDENTIAL INFORMATION
FORM (CIF)**
 Amended CIF

This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.

ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS DOCUMENT.

The information below is about:

Petitioner Respondent Co-Petitioner _____

Child at least 18 but under 21: _____

Other: _____

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

| |
|---|
| Former Legal Name(s) (if applicable): |
| Date of Birth: |
| Social Security Number: |
| Driver License (Number and State): |
| Employer's Name, Address, and Telephone Number: |

Children's Names (Last, First, Middle)

| Date of Birth | Social Security Number |
|---------------|------------------------|
| | |
| | |
| | |
| | |
| | |

Please attach an additional sheet if there are more than five children involved in the proceeding.

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

Date: _____

Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

- Petitioner Respondent Co-Petitioner _____
- Child who is at least 18 and under 21: _____
- Other: _____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state.

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

_____)
)
) Petitioner Co-Petitioner,)
 and)
)
 _____)
) Respondent Co-Petitioner.)
)
)
 -----)
 Child At Least 18 But Under 21)
 Other _____)

Case No.: _____

**FAMILY LAW CONFIDENTIAL INFORMATION
FORM (CIF)**
 Amended CIF

This document is not accessible to the public or other parties. Exceptions may apply. See UTCR 2.130.

ATTENTION COURT STAFF: THIS IS A RESTRICTED-ACCESS DOCUMENT.

The information below is about:

Petitioner Respondent Co-Petitioner _____

Child at least 18 but under 21: _____

Other: _____

Name (Last, First, Middle): _____

The names of the parties and the children, as well as the children's ages, are NOT confidential.

| |
|---|
| Former Legal Name(s) (if applicable): |
| Date of Birth: |
| Social Security Number: |
| Driver License (Number and State): |
| Employer's Name, Address, and Telephone Number: |

Children's Names (Last, First, Middle)

| Date of Birth | Social Security Number |
|---------------|------------------------|
| | |
| | |
| | |
| | |
| | |

Please attach an additional sheet if there are more than five children involved in the proceeding.

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

Date: _____

Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

- Petitioner Respondent Co-Petitioner _____
- Child who is at least 18 and under 21: _____
- Other: _____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state.

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

_____)
)
) Petitioner Co-Petitioner,)
)
 and)
)
 _____)
) Respondent Co-Petitioner.)
)
)
 _____)
) Child At Least 18 But Under 21)
) Other _____)

Case No.: _____

NOTICE OF FILING OF
 CONFIDENTIAL INFORMATION FORM (CIF)
 AMENDED CIF

NOTICE: Confidential Information Form Has Been Filed

- Uniform Trial Court Rule (UTCRC) 2.130 requires that parties to domestic relations cases place certain information about themselves and other parties in a CIF when such information is required in a document filed with the court.
- The CIF is not available for public inspection except as authorized by law.
- Parties are allowed to see a CIF that contains information about them.
- A party who wants to see a CIF that contains information about another party must ask for permission from the court or the other party by following the procedures set out in UTCRC 2.130.

I am the (check one box):

Petitioner Respondent Co-Petitioner _____
 Child at least 18 but under 21: _____
 Other: _____

I filed Confidential Information Forms with the court about the following parties to this case

(complete a section for each party for whom you have filled out a CIF):

1) Name (Last, First, Middle): _____
 Petitioner Respondent Co-Petitioner Adult Child Other: _____

Confidential Personal Information contained in CIF (check all that apply):

party's social security number, party's date of birth, children's social security number,
 children's date of birth, employer's name, address, and telephone number, driver license number,
 former legal name(s).

2) Name (Last, First, Middle): _____
 Petitioner Respondent Co-Petitioner Adult Child Other: _____

Confidential Personal Information contained in CIF (check all that apply):

- party's social security number, party's date of birth, children's social security number,
 children's date of birth, employer's name, address, and telephone number, driver license number,
 former legal name(s).

3) Name (Last, First, Middle): _____
 Petitioner Respondent Co-Petitioner Adult Child Other: _____

Confidential Personal Information contained in CIF (check all that apply):

- party's social security number, party's date of birth, children's social security number,
 children's date of birth, employer's name, address, and telephone number, driver license number,
 former legal name(s).

4) Name (Last, First, Middle): _____
 Petitioner Respondent Co-Petitioner Adult Child Other: _____

Confidential Personal Information contained in CIF (check all that apply):

- party's social security number, party's date of birth, children's social security number,
 children's date of birth, employer's name, address, and telephone number, driver license number,
 former legal name(s).

Dated: _____, 20____

| | | |
|-----------------|------------------|-------------------|
| Signature | | Print Name |
| Contact Address | City, State, Zip | Contact Telephone |

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

| | | |
|--|---|------------------------|
| In the matter of <input type="checkbox"/> the Marriage of: |) | |
| |) | |
| _____ , |) | Case No. _____ |
| Petitioner |) | |
| |) | ACKNOWLEDGMENT ABOUT |
| and |) | DISSOLUTION/SEPARATION |
| |) | |
| _____ , |) | |
| Respondent. |) | |

I, _____, am filing for dissolution/separation without full representation of an attorney.

I understand that I must pay all filing, service or hearing fees which are not deferred or waived by the court.

I understand that I should seek an attorney's help if my case involves any of the following issues:

- Custody/parenting time of minor children who have not been living in Oregon for the last six months;
- Pensions, retirement benefits or profit-sharing plans;
- a pending personal injury case involving me or my spouse/partner;
- real estate that my spouse/partner or I own along with someone else, or real estate located outside of Oregon;
- a family business;
- a bankruptcy case filed by me or my spouse;
- complex tax issues; or
- domestic violence.

I understand that I am responsible for all information that I provide on these forms and any changes I make to the printed language.

I understand that if my spouse/partner contests the dissolution/separation (files court papers disagreeing with what I ask for), I should see an attorney immediately.

I understand that laws and legal procedures change and I should not use these forms unless they were recently approved by the court.

| | |
|-----------|------------|
| Signature | Print Name |
|-----------|------------|

| | | |
|----------------------------|------------------|--------------------------------|
| Address or Contact Address | City, State, Zip | Telephone or Contact Telephone |
|----------------------------|------------------|--------------------------------|

**RECORD OF DISSOLUTION
OF MARRIAGE, ANNULMENT OR
REGISTERED DOMESTIC PARTNERSHIP**

136-

State file number:

The petitioner or legal representative of the petitioner is responsible for completing the personal information on this form and shall present this form to the clerk of the court with the petition. In all cases the completed record shall be a prerequisite to the granting of the final judgment.

Case number: _____
 Judgment type: Dissolution of marriage Annulment Dissolution of registered domestic partnership(RDP)

Husband / Partner A

1. Husband/Partner A – Legal name: *(first, middle, last, suffix)* 2. Last name at birth: *(not required for RDP)*
 3. Residence or legal address: *(street and number)* *(city or town)* *(county)* *(state)*
 4. Other legal last names used:
 5. Date of birth: *(mm/dd/yyyy)* 6. Birthplace: *(state, territory or foreign country)*

Wife / Partner B

7. Wife/Partner B – Legal name: *(first, middle, last, suffix)* 8. Last name at birth: *(not required for RDP)*
 9. Residence or legal address: *(street and number)* *(city or town)* *(county)* *(state)*
 10. Other legal last names used:
 11. Date of birth: *(mm/dd/yyyy)* 12. Birthplace: *(state, territory or foreign country)*

Marriage / Declaration

13. Date of marriage / filing of RDP declaration: *(mm/dd/yyyy)* 14. Date couple last resided in same household: *(mm/dd/yyyy)*
 15a. Place of marriage/RDP: *(city, town or location)* 15b. County:
 15c. State or foreign country:
 16. Number of children under 18 in this household as of the date in item 14:
 Number: _____ None Husband/Partner A Wife/Partner B Both

Attorney

18a. Name of petitioner's attorney: *(print)* 18b. Address: *(street and number or rural route number, city or town, state, ZIP code)*
 19a. Name of respondent's attorney: *(print)* 19b. Address: *(street and number or rural route number, city or town, state, ZIP code)*

Judgment

20. Marriage/RDP declaration of the above named persons was dissolved on: *(mm/dd/yyyy)* 21. Date judgment becomes effective: *(mm/dd/yyyy)*
 22. Number of children under 18 whose physical custody was awarded to:
 ___ Husband/Partner A ___ Wife/Partner B ___ Joint (shared custody) ___ Other *(specify)* _____ No children
 23. County of decree: 24. Title of court: **Circuit**
 25. Signature of court official: 26. Title of court official: 27. Date signed: *(mm/dd/yyyy)*

Information below will not appear on the certified copies of the record.

Husband / Partner A

| | | | | | | | | | |
|---|------|---|---------------------------|--|------|--|------|---|-----------------------------|
| 28. Husband's Social Security number: <i>(not required for RDP)</i> | | | | 29. Wife's Social Security number: <i>(not required for RDP)</i> | | | | | |
| 30. Number of this marriage/RDP – first, second, etc.: | | 31. If previously married or in a RDP date last marriage/RDP ended: | | 32. Hispanic origin: Cuban, Mexican, Puerto Rican | | 33. Race(s): Black, White, etc. | | 34. Education – Specify only highest grade completed: | |
| Marriage | RDP | By death, divorce, dissolution or annulment <i>(specify below)</i> | Date: <i>(mm/dd/yyyy)</i> | List all that apply <i>(specify below)</i> | | List all that apply <i>(specify below)</i> | | Elementary/Secondary: <i>(grades 0-12)</i> | College: <i>(1-4 or 5+)</i> |
| 30a. | 30b. | 31a. | 31b. | 32a. | 33a. | 34a. | 34b. | | |
| 30c. | 30d. | 31c. | 31d. | 32b. | 33b. | 34c. | 34d. | | |

Wife / Partner B

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

| | |
|--|--|
| In the Matter <input type="checkbox"/> of the Marriage of: | |
| Petitioner | |
| and | |
| Respondent | |

Case No. _____

DECLARATION OF SERVICE

- Personal Service
- Substitute Service
- Office Service
- Service by Mail:
 - Following Substitute Service
 - Return Receipt Requested

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.

I served true copies of:

- Summons and Petition** with attached Notice of Statutory Restraining Order Preventing Dissipation of Assets in Domestic Relations Actions (dissolution only), Notice of CIF Filing, notices on mediation and other information provided by the court clerk.
- Motion, Declaration and Order for Status Quo**
- Motion, Declaration and Notice of Evidentiary Hearing**
- Request for Mediation and Order**
- Motion, Declaration and Order to Show Cause**
- Other:** _____

In the following manner: *(Check one)*:

1. **Personal Service.** On _____, 20____, at _____ a.m./p.m., by delivering them to the party to be served _____ (name) in person at the following address: _____ within the County of _____, State of _____.
2. **Substitute Service.** On _____, 20____, at _____ a.m./p.m., 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 4 below only if the you performed the follow up mailing required by ORCP 7D(2)(b). If a party or person other than you did the follow up mailing, s/he must use a separate Declaration of Service.)

3. **Office Service.** On _____, 20____, at _____ a.m./p.m., by delivering 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 section 4 below only if you performed the follow-up mailing required by ORCP 7D(2)(c). If a party or person other than you did the follow up mailing, s/he must use a separate Declaration of Service.)

4. **Mail following Substitute or Office Service:** On _____, 20____, I personally deposited a true copy of the documents indicated above with the United States Postal Service, via first class mail, in a sealed envelope, postage prepaid, addressed to the party to be served: _____ (name) at the party's: home address located at: _____, OR business address located at: _____, together with a statement of the date, time, and place that the documents were hand-delivered to the party's dwelling (residence) or business.

5. **Service by Mail, Return Receipt Requested.** On _____, 20____, I personally deposited **two true copies** of the documents indicated above 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: _____ (name), at the party's address located at: _____.

(NOTE: If mailed return receipt requested, the return receipt MUST be attached to this Declaration 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 _____, 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 JACKSON

Case No: _____

Petitioner
and

Respondent

**EX PARTE MOTION FOR
ORDER OF DEFAULT and
DECLARATION IN SUPPORT**

Motion

Based on the attached *Declaration*, Petitioner requests that this court grant an *Order* entering the default of Respondent and directing entry of judgment.

Statement of Points and Authorities

ORCP 69 requires the court or clerk to enter an order of default on a showing by affidavit or declaration that a party against whom a judgment is sought has been served with Summons or is otherwise subject to the jurisdiction of the Court and has failed to plead or otherwise defend within the time set by law.

Declaration

Respondent was served with the *Summons, Petition* and other documents required by law in _____ County, State of _____, on (date) _____ and has not made an appearance within the time required by law.

Respondent has not provided me with written notice of intent to appear.

or

Respondent provided me with written notice of intent to appear **and** I filed and served written notice of intent to apply for default at least 10 days before filing this motion, or fewer days as permitted by the court.

Respondent is not now, and was not at the time of the service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005,

and (check one of the following):

The Respondent **is not** now, and was not at the time of service of the *Petition* and *Summons*, in active military service of the United States. *Provide facts supporting this statement:* _____

The Respondent **is** now, or was at the time of service of the *Petition* and *Summons*, in active military service of the United States. Respondent has waived his or her rights under the Servicemembers' Civil Relief Act, as shown by the attached waiver, labeled Exhibit _____ .

I am unable to determine whether or not Respondent is now, or was at the time of the service of the *Petition* and *Summons*, in active military service of the United States.

Provide any facts you do know: _____

I request the relief specified in the attached *Judgment*.

Costs and fees are allowable under ORS 107.105(1)(j) or 107.490(4).

Certificate of Document Preparation. Check all that apply:

- I chose this form for myself and completed it without paid help.
 A legal help organization helped me choose or complete this form, but I did not pay money to anyone.
 I paid(or will pay) _____ for help choosing, completing, or reviewing this form.

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

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

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

Case No: _____

Petitioner

and

ORDER OF DEFAULT

Respondent

Based on the motion and declaration of the Petitioner in this case,

- The court **DENIES** the *Ex Parte Motion for Order of Default* because:
- the respondent was not properly served with the *Petition* and *Summons* or other necessary documents, or no proof of service has been filed with the court.
 - the respondent has filed an appearance.
 - the respondent is now or was, at the time of service of the *Petition* and *Summons*, in active military service of the United States and has not waived protection under the Servicemembers Civil Relief Act.
 - the respondent is now, or was, at the time of service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005.
 - Other: _____
- _____

- The court **GRANTS** the *Ex Parte Motion for Order of Default* and directs entry of judgment because the court finds that:
- 1) The respondent was properly served with the *Petition* and other necessary documents and has not filed an appearance,
 - 2) The respondent is not now and was not, at the time of service of the *Petition* and *Summons*, incapacitated, a minor, a financially incapable person, a protected person, or a Respondent in a fiduciary protective proceeding, as defined by ORS 125.005, **and**
 - 3) The respondent:
 - is not now and was not, at the time of service of the *Petition* and *Summons*, in active military service of the United States, *or*
 - is in active military service of the United States and has waived protection against default judgments under the Servicemembers Civil Relief Act.

Date

Circuit Court Judge (signature)

Print Name

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

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

Case No. _____

PETITIONER’S DECLARATION SUPPORTING
JUDGMENT OF DISSOLUTION

STATE OF OREGON)
) ss.
County of _____)

I am the petitioner in this proceeding. The parties were married/registered on *(date)*: _____, in the County of _____, State of _____. Irreconcilable differences between the spouses/partners has caused the irremediable breakdown of the marriage/domestic partnership.

- Petitioner Respondent was an Oregon resident continuously for at least six months immediately prior to commencement of this suit.
- No domestic relations suits involving this marriage/partnership of Petitioner and Respondent are pending in any other court.
- There are no unemancipated children under the age of 18 to this marriage/partnership, OR no child of this marriage/partnership is age 18 to 21 and a “child attending school” as defined in ORS 107.108.
- Neither party is now pregnant.
- Respondent has not appeared in this matter and an Order of Default and Entry of Judgment by Default has been entered.
- Respondent filed a response and later signed and filed a Waiver of Further Appearance and Consent to Entry of Judgment, (or) has waived further hearing by stipulating to the terms of the Judgment.

This case is now ready for a hearing on the merits. I make this affidavit in support of a Judgment of Dissolution of Marriage/Domestic Partnership without a hearing. The allegations in my Petition are true and it is just and reasonable the relief requested in the proposed judgment be granted.

///

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///

The request for spousal support is supported by the following facts:

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 form 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 statements are 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: _____, 20 ____.

Petitioner's Signature

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 JACKSON

| | | |
|--|---|----------------------------------|
| In the Matter of <input type="checkbox"/> the Marriage of: |) | |
| |) | Case No. _____ |
| _____ |) | |
| Petitioner, |) | GENERAL JUDGMENT OF DISSOLUTION |
| |) | OF MARRIAGE/DOMESTIC PARTNERSHIP |
| and |) | and MONEY AWARD |
| |) | |
| _____ |) | |
| Respondent |) | |

1. This matter came before the Court:

- On the motion and declaration of Petitioner, the default of Respondent having been found.
- On the motion of Petitioner, the default of Respondent having been found, and Respondent being represented by a guardian ad litem or another person described in Rule 27.
- On the motion and affidavit of Petitioner, Respondent having filed a Waiver of Further Appearance.
- On the stipulations of the parties, as shown by the signatures below.
- The court having noted that this matter was filed before January 1, 2012, has waived the 90 day waiting period based on the following: the parties have entered into a stipulated (agreed to) judgment, **or**
- other: _____
- At a hearing held _____, at which the following persons were present:

(Date)

| | |
|-------------------------------------|---|
| <input type="checkbox"/> Petitioner | <input type="checkbox"/> Petitioner's attorney _____ |
| <input type="checkbox"/> Respondent | <input type="checkbox"/> Respondent's attorney: _____ |

2. Findings. The Court considered the: Declaration Declaration and stipulations Evidence presented and found that:

- A. Irreconcilable differences have caused the irremediable breakdown of this marriage/domestic partnership.
- B. Spouses Only: Petitioner Respondent has/have been a resident of and domiciled in the state of Oregon continuously for six months immediately prior to the filing of the Petition for Dissolution of Marriage.
 Domestic Partnership Only: One or both of the parties to this case currently live in the county where this petition has been filed, or neither party currently resides in Oregon but the petition has been filed in the county where Petitioner or Respondent last resided.

///
///

NOW, THEREFORE, IT IS HEREBY ORDERED:

The terms of this judgment are effective immediately. The marital/domestic partner status of the parties shall terminate on the date this judgment is signed by the judge.

3. Spousal Support and Life Insurance.

No spousal support or spousal life insurance is ordered in this case.

Spousal Support.

Support shall be paid by: Petitioner to Respondent (or) Respondent to Petitioner

In the amount of: \$_____ per month, or \$_____ by _____ (date).

Period support payments shall last: _____, or the death of either party, whichever comes first.

The support shall be called (*check one or more*): transitional compensatory spousal maintenance, based on consideration of the following factors: _____

Spousal support payments are taxable to the obligee spouse and deductible to the obligor spouse. All payments terminate upon the death of either party. Judgment is entered accordingly.

Payments.

Petitioner Respondent shall pay spousal support beginning on:

The first (or _____) day of the month following the date of the judgment and continuing on the same day of each month thereafter, **or**

The date Respondent was served with the petition and continuing on the same day of each month thereafter (*check this option only if requested in the petition or agreed to by the parties*).

Payments shall be made on the first day of each month beginning the month following the date the judgment is signed by a judge.

All payments of spousal support shall be made: (*check (a) or (b)*)

(a) To the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem, Oregon, 97309. Petitioner requests that collection, accounting, disbursement, and enforcement services be provided through the Department of Justice.

(b) Directly into _____'s checking or savings account. A receipt of deposit shall be kept by the paying spouse/domestic partner as proof of payment. The spouse/domestic partner receiving support should provide the paying spouse/domestic partner with current deposit slips and/or bank name, account name, and account number.

Withholding.

If child support is also ordered in this case and if enforcement services are provided through the State of Oregon's Department of Justice, the spousal support order shall be enforceable by income withholding under ORS 25.311.

Life Insurance.

Petitioner Respondent shall buy and maintain life insurance for the benefit of Petitioner Respondent throughout the period of the spousal support obligation in the amount of \$_____

4. Real Property Distribution.

Neither Petitioner nor Respondent has any interest in any real property located in this or in any other state.

Petitioner Respondent has/have an interest in real property located at the address of _____

This property shall be distributed as follows: _____

Additional page labeled "Paragraph 4 - Real Property Distribution continued" attached.

The legal description of the property is attached as "Exhibit _____" and incorporated into this Judgment.

Petitioner Respondent shall be responsible for the preparation, signing and recording of a deed, transferring the real property as required by this judgment.

Distribution of this property is not within the jurisdiction of this court.

5. Personal Property Distribution (including motor vehicles).

The Petitioner and Respondent have divided between them all personal effects, household goods and other personal property they own separately or together, and each shall be awarded those items now in their possession.

The Petitioner is awarded the following personal property: _____

Additional page labeled "Paragraph 5 - Petitioner's Personal Property Distribution continued" attached.

The Petitioner is awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred compensation plan, and/or stock option plan held by Petitioner's current or past employer, free of any interest in the Respondent.

The Respondent is awarded his/her retirement benefits, pension plan, profit-sharing plan, deferred compensation plan, and/or stock option plan held by Respondent's current or past employer, free of any interest in the Petitioner.

The Respondent is awarded the following personal property: _____

Additional page labeled "Paragraph 5 - Respondent's Personal Property Distribution continued" attached.

6. Distribution of Debts.

The debts shall be paid as follows:

| Name of Creditor (who money is owed to) | What debt is for | Amount | Who shall pay (Petitioner or Respondent) |
|--|------------------|--------|---|
| | | | |
| | | | |
| | | | |

Additional page attached, labeled "Paragraph 6 - Distribution of Debts continued."

Each party shall be responsible for the payment of all debts incurred by him/her individually since the date of the separation; all debts which are distributed to him/her by the court; and all debts which are secured by property distributed to that party. Also, if any creditor asks the spouse/domestic partner not responsible for a debt to pay all or a portion of it, and s/he does so, the spouse/domestic partner responsible for that debt shall reimburse the other spouse/domestic partner for any monies s/he paid to the creditor after the date this judgment was entered.

The date of separation (when you began living apart) was: _____.

7. Transfer of Property and Debts.

Within thirty (30) days of the date of this judgment, each party shall execute, acknowledge and deliver whatever documents are necessary to accomplish the distribution of debts and property ordered by the court. The judgment shall operate to convey title to the party awarded the property if the other party fails to comply with this requirement.

8. Former Name.

Petitioner's Respondent's former name of _____ is restored.

9. Additional Provisions: _____

Additional page attached labeled "Paragraph 9 - Additional Provisions continued."

10. Court Costs and Fees.

A. Deferred Costs and Fees (required to be paid at a later date)

Any court costs and service fees (if service was completed by the Sheriff) that were deferred by the court shall be paid by: Petitioner Respondent. Both parties equally Other: _____.

B. Costs and Fees Paid by the Parties

Each party shall be responsible for paying his/her own court costs and service fees for this case.

To be paid by both parties equally

Petitioner Respondent shall reimburse the other spouse for his/her court costs and service fees for this case.

Other: _____.

Judgment shall be entered according to the cost and fee allocation listed above.

11. Information Required by ORS 107.085.

Based on a finding that the health, safety, or liberty of Petitioner Respondent or a child, _____, would unreasonably be put at risk by disclosure of the following information, Petitioner Respondent has been allowed not to disclose this information.

Both parties shall inform the Court and the Department of Justice (P.O. Box 14506, Salem, Oregon 97309) in writing of any change in the below information required by ORS 25.020 within ten (10) days of such change, unless a finding of unreasonable risk has been made in this case. If the court has ordered that a party be allowed not to disclose information, the Department of Justice or the District Attorney shall not disclose the information in the following section to the other parent.

Otherwise:

| | Petitioner | Respondent |
|----------------------------|--|--|
| Full Name | | |
| Former Legal Name(s) | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Age | | |
| Address or Contact Address | | |
| Telephone Number | | |
| Social Security Number | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Driver License Number | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Employer Name | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Employer Address | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |
| Employer Telephone | Not listed here. Listed in UTCR 2.130 CIF. | Not listed here. Listed in UTCR 2.130 CIF. |

Additional page labeled "Paragraph 11 - Required Information continued" attached.

Date of marriage/domestic partnership: _____.

Place of marriage/domestic partnership: _____.

12. Money Award. Spousal Support included not included.

| Additional information | PETITIONER | RESPONDENT |
|--|------------|------------|
| Full Name | | |
| Address or Contact Address | | |
| Attorney's Name, Telephone Number and Address (if applicable) | | |
| Year of Birth | | |
| Last Four Digits of Driver License Number and State of Issuance | | |
| Last Four Digits of the Support Obligor's Social Security Number | | |

The following information is to be provided by any party entitled to receive a money award (a "judgment creditor") as listed in this Judgment.

| | |
|---|---|
| Others Entitled to Portions of Judgment Payable to PETITIONER | The following person(s) or public bod(ies) are known by Petitioner to be entitled to a portion of a payment made on the judgment (other than Petitioner's attorney): <input type="checkbox"/> None or <input type="checkbox"/> _____ _____ |
| Others Entitled to Portions of Judgment Payable to RESPONDENT | The following person(s) or public bod(ies) are known by Respondent to be entitled to a portion of a payment made on the judgment (other than the Respondent's attorney): <input type="checkbox"/> None or <input type="checkbox"/> _____ _____ |

| Type of Judgment | | Amount of Judgment |
|-----------------------|---|--|
| Spousal Support Award | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | 1. \$_____ per month. Starting on: <input type="checkbox"/> the first (or _____) day of the month following the date of the judgment and continuing on the same day of each month thereafter <i>or</i> <input type="checkbox"/> _____, the date Respondent was served with the Petition, and continuing on the same day of each month thereafter. Support will last until _____ (date) or the death of either party, whichever comes first. 2. A lump sum payment of \$_____ to be paid by (date): _____ |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |

SPOUSAL SUPPORT PAYMENTS ARE TAXABLE TO THE OBLIGEE SPOUSE AND DEDUCTIBLE TO THE OBLIGOR SPOUSE. ALL PAYMENTS TERMINATE UPON THE DEATH OF EITHER PARTY.

| | | |
|-----------------------------------|---|---|
| Property Division (if applicable) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | 1. \$_____ per month, starting on the <input type="checkbox"/> first day or <input type="checkbox"/> Other: _____ of the month following the date of the judgment until the total amount of \$_____ is paid in full; or 2. A lump sum payment of \$_____ to be paid by: _____ (date). |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |

| | | |
|---|---|---------|
| Prejudgment Interest (Note: ORS 21.607(1) disallows interest on fees that have been deferred.) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | \$_____ |
| | WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | |

| | | |
|--|--|--|
| Postjudgment Interest (Note: ORS 21.607(1) disallows interest on fees that have been deferred.) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | Nine percent (9 %) per annum simple interest on the unpaid balance of the total judgment amount(s) of \$_____. Interest accrues from the date the judgment is entered and continues until fully paid. |
| Accrued Arrears (if any, on judgments to be paid on a periodic basis) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | 1. \$_____ per month, starting on the <input type="checkbox"/> first day or <input type="checkbox"/> Other:_____ of the month following the date of the judgment until the total amount of \$_____ is paid in full; or 2. A lump sum payment of \$_____ to be paid by: _____ (date). |
| Costs and Service Expenses (e.g., filing fees, hearing fees, trial fees, process fees) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | \$_____ |
| Attorneys Fees (if any) | WHO PAYS <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent WHO RECEIVES <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent | \$_____ |

DATED this _____ day of _____, 20_____.

Circuit Court Judge

Print Name

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.

All parties have agreed (stipulated) to the terms of this judgment.

I hereby declare that the above statements are 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: _____.

| | |
|---|---|
| <input type="checkbox"/> Petitioner Signature | <input type="checkbox"/> Respondent Signature |
| Printed Name | Printed Name |
| Address or Contact Address | Address or Contact Address |
| City, State, Zip | City, State, Zip |
| Telephone or Contact Telephone | 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: _____

| | |
|--|------------|
| <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent, Signature | Print Name |
|--|------------|