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STATE OF OREGON

DISSOLUTION OF MARRIAGE PACKAGE

MINOR CHILDREN

With or Without Property

Control Number OR-006-D

This packet contains the following:

1. Information about Dissolution of Marriage
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the dissolution to use this packet.
All forms must be printed on bond paper.

INFORMATION ABOUT DIVORCE

1. **WHO CAN USE THESE FORMS:** You may use this dissolution of marriage package only when all of the following facts are true;

- (a) There are minor children of the marriage.
- (b) You and your spouse agree on all terms of the dissolution.
- (c) You and/or your spouse are a resident of the State of Oregon.

2. **THE BASICS:** To use this dissolution of marriage package, there are two basic requirements that must be met. Those requirements are:

- (a) You must satisfy the *residency* requirements.
- (b) You must be seeking a decree of dissolution of marriage based upon the ground of irreconcilable differences.

3. **RESIDENCY REQUIREMENTS:** Oregon law requires that in an action for dissolution of marriage, a suit for its dissolution may be maintained if the marriage was solemnized in this state and either party is a resident of or domiciled in the state at the time the suit is commenced. If the marriage was not solemnized in this state, at least one party must be a resident of or be domiciled in the state at the time the suit is commenced and continuously for a period of six months prior thereto.

4. **GROUND FOR DIVORCE:** Under Oregon law, a decree of dissolution of marriage may be granted based upon the following grounds:

- (a) When either party to the marriage was incapable of making such contract or consenting thereto for want of legal age or sufficient understanding;
- (b) When the consent of either party was obtained by force or fraud, provided that the contract was not afterward ratified.
- (c) Irreconcilable differences.

This package is for use by parties seeking a decree of dissolution of marriage based upon the ground of irreconcilable differences.

5. **WAITING PERIOD:** Oregon law provides that no trial or hearing on the merits in a suit for the dissolution of a marriage shall be had until after the expiration of 90 days from the date of:

- (a) The service of the summons and petition upon the respondent; or

- (b) The first publication of summons.

Upon written motion, the court may in its discretion grant a judgment dissolving the marriage prior to the expiration of the waiting period. The written motion must be supported by an affidavit setting forth grounds of emergency or necessity and facts that satisfy the court that immediate action is warranted to protect the rights or interest of any party or person who might be affected by a final judgment in the proceedings.

An affidavit stating that a stipulated judgment has been signed by the parties is adequate grounds of necessity for immediate action. If the court grants a judgment before the expiration of the waiting period, the court shall find and recite in the judgment the grounds of emergency or necessity and the facts with respect thereto.

6. **ALIMONY/SUPPORT:** Since this is an agreed divorce, you and your spouse will decide issues of alimony. The forms included with this package assume that no alimony will be paid and is waived, but you may add provisions for alimony if you desire. In a contested case, the court may order spousal support in an amount of money for a period of time as may be just and equitable for one party to contribute to the other, in gross or in installments or both. In making the spousal support order, the court shall designate one or more categories of spousal support and shall make findings of the relevant factors in the decision. The court may order:

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 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. Spousal maintenance may be ordered for the support of one spouse. 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

- (a) Transitional spousal support as needed for a party to attain education and training necessary to allow the party to prepare for reentry into the job market or for advancement therein. The factors to be considered by the court in awarding transitional spousal support include but are not limited to:

- (i) The duration of the marriage;
- (ii) A party's training and employment skills;
- (iii) A party's work experience;
- (iv) The financial needs and resources of each party;
- (v) The tax consequences to each party;
- (vi) A party's custodial and child support responsibilities; and
- (vii) Any other factors the court deems just and equitable.

- (b) Compensatory spousal support when there has been a significant financial or other contribution by one party to the education, training, vocational skills, career or earning capacity of the other party and when an order for compensatory spousal support is otherwise just and equitable in all of the circumstances. The factors to be considered by the court in awarding compensatory spousal support include but are not limited to:
- (i) The amount, duration and nature of the contribution;
 - (ii) The duration of the marriage;
 - (iii) The relative earning capacity of the parties;
 - (iv) The extent to which the marital estate has already benefited from the contribution;
 - (v) The tax consequences to each party; and
 - (vi) Any other factors the court deems just and equitable.
- (c) Spousal maintenance as a contribution by one spouse to the support of the other for either a specified or an indefinite period. The factors to be considered by the court in awarding spousal maintenance include but are not limited to:
- (i) The duration of the marriage;
 - (ii) The age of the parties;
 - (iii) The health of the parties, including their physical, mental and emotional condition;
 - (iv) The standard of living established during the marriage;
 - (v) The relative income and earning capacity of the parties, recognizing that the wage earner's continuing income may be a basis for support distinct from the income that the supported spouse may receive from the distribution of marital property;
 - (vi) A party's training and employment skills;
 - (vii) A party's work experience;
 - (viii) The financial needs and resources of each party;
 - (ix) The tax consequences to each party;
 - (x) A party's custodial and child support responsibilities;
- and
- (xi) Any other factors the court deems just and equitable.
- (e) For the delivery to one party of such party's personal property in the possession or control of the other at the time of the giving of the decree.

7. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon divorce, the parties will agreed to property distributions. Oregon is an “equitable distribution” state. In a contested case, this means that the court will divide the marital property between the parties in such proportions as the court deems just and proper in all the circumstances. The court shall consider the contribution of a spouse as a homemaker

as a contribution to the acquisition of marital assets. There is a rebuttable presumption that both spouses have contributed equally to the acquisition of property during the marriage, whether such property is jointly or separately held.

The court shall require full disclosure of all assets by the parties in arriving at a just property division. In arriving at a just and proper division of property, the court shall consider reasonable costs of sale of assets, taxes and any other costs reasonably anticipated by the parties. If a spouse has been awarded spousal support in lieu of a share of property, the court shall so state on the record, and shall order the obligor to provide for and maintain life insurance in an amount commensurate with the obligation and designating the obligee as beneficiary for the duration of the obligation.

8. **CHILD CUSTODY:** In determining custody of a minor child, the court shall give primary consideration to the best interests and welfare of the child. In determining the best interests and welfare of the child, the court shall consider the following relevant factors:

- (a) The emotional ties between the child and other family members;
- (b) The interest of the parties in and attitude toward the child;
- (c) The desirability of continuing an existing relationship;
- (d) The abuse of one parent by the other;
- (e) The preference for the primary caregiver of the child, if the caregiver is deemed fit by the court; and
- (f) The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child. However, the court may not consider such willingness and ability if one parent shows that the other parent has sexually assaulted or engaged in a pattern of behavior of abuse against the parent or a child and that a continuing relationship with the other parent will endanger the health or safety of either parent or the child.

9. **PARENTING TIME/VISITATION:** When providing for parenting time (visitation) with a child, the State of Oregon requires that a Parenting Plan be developed and filed with the court to be included in the judgment. A parenting plan may be either general or detailed.

A general parenting plan may include a general outline of how parental responsibilities and parenting time will be shared and may allow the parents to develop a more detailed agreement on an informal basis. However, a general parenting plan must set forth the minimum amount of parenting time and access a noncustodial parent is entitled to have.

A detailed parenting plan may include, but need not be limited to, provisions relating to:

- (a) Residential schedule;

- (b) Holiday, birthday and vacation planning;
- (c) Weekends, including holidays, and school in-service days preceding or following weekends;
- (d) Decision-making and responsibility;
- (e) Information sharing and access;
- (f) Relocation of parents;
- (g) Telephone access;
- (h) Transportation; and
- (i) Methods for resolving disputes.

The court shall develop a detailed parenting plan when:

- (a) So requested by either parent; or
- (b) The parent or parents are unable to develop a parenting plan.

In developing a parenting plan, the court may consider only the best interests of the child and the safety of the parties, ensuring the noncustodial parent sufficient access to the child to provide for appropriate quality parenting time and assuring the safety of the parties, if implicated. The court may deny parenting time to the noncustodial parent under this subsection only if the court finds that parenting time would endanger the health or safety of the child. The court shall recognize the value of close contact with both parents and encourage, when practicable, joint responsibility for the welfare of such children and extensive contact between the minor children of the divided marriage and the parties.

10. **CHILD SUPPORT:** In ordering child support, the Court shall take into consideration the following criteria:

- (a) All earnings, income and resources of each parent, including real and personal property;
- (b) The earnings history and potential of each parent;
- (c) The reasonable necessities of each parent;
- (d) The ability of each parent to borrow;
- (e) The educational, physical and emotional needs of the child for whom the support is sought;
- (f) The amount of assistance which would be paid to the child under the full standard of need of the state's IV-A plan;
- (g) Preexisting support orders and current dependents;
- (h) Any Social Security or Veterans' benefits paid to the child, or to a representative payee administering the funds for the child's use and benefit, as a result of a parent's disability or retirement; and
- (i) Other reasonable criteria which the division may find to be appropriate.

The child is entitled to benefit from the income of both parents to the same extent that the child would have benefited had the family unit remained intact or if there had been an intact family unit consisting of both parents and the child. Both parents should share in

the costs of supporting the child in the same proportion as each parent's income bears to the combined income of both parents.

11. **INSURANCE.** Oregon law requires that the judgment address the issue of health insurance for any minor child involved in your case, and for payment of uninsured medical expenses. It also must provide for security for the payment of support, such as life insurance.
12. **NAME CHANGE:** The Court may, upon granting a decree of dissolution of marriage, change the name of either spouse to a name the spouse held before the marriage.
13. **LEGAL SEPARATION:** The State of Oregon permits judgments of legal separation to be granted upon the grounds of irreconcilable differences between the parties that has caused a temporary or unlimited breakdown of the marriage. 107.025

For more information, see the Oregon Divorce Law Summary.

FORMS LIST

The following forms are included in this package:

1. Instructions: Filing for Dissolution (Divorce) Cases With Children **(OR-1B-10-IN)**
2. Acknowledgement about Dissolution/Divorce/Separation **(OR-1BC-03)**
3. Petition for Dissolution of Marriage With Children **(OR-1B-08)**
4. Supplement to Petition for Dissolution of Marriage **(OR-1B-03-S)**
5. Certificate regarding pending Child Support Proceedings and/or Existing Child Support Orders/Judgments - UTCR 8.090 **(OR-1B-03)**
6. Petitioner's Certificate of Mailing to the Division of Child Support **(OR-1B-01-A)**
7. Summons – Domestic Relations Suit **(OR-1BC-04-S)**
8. Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relation Actions **(OR-1BC-01-A)**
9. Affidavit of Service **(OR-1BC-07)**
10. Acceptance of Service **(OR-IBC-02)**
11. Instructions for the UTCR2.100 Forms **(OR-UTCR2-100-IN)**
12. UTCR 2.100 Affidavit with Request to Segregate Social Security Numbers Only (Short Form) **(OR-UTCR2-100-S)**
13. UTCR2.100 Affidavit with Request to Segregate Protected Personal Information from Concurrently Filed Document (Long Form) **(OR-UTCR2-100-L)**
14. Petitioner's Ex Parte Motion for Order of Default and Order **(OR-1BC-01)**
15. Petitioner's Affidavit in Support of Motion for Order of Default **(OR-1BC-04)**

16. Request for Hearing re: Statutory Restraining Order (**OR-1BC-01-R**)
17. Instructions: Responding to Petition for Dissolution (Divorce) With Children (**OR-1D-07-IN**)
18. Response to Petition for Dissolution – With Children (**OR-1D-03**)
19. Respondent’s Certificate of Mailing (**OR-1D-01-A**)
20. Respondent’s Acknowledgment about Dissolution (Divorce) Separation with Children (**OR-1D-01**)
21. Affidavit in Support of Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing (**OR-1BC-03-A**)
22. Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing (**OR-1BC-03-B**)
23. Petitioner’s Affidavit Supporting Judgment of Dissolution (**OR-1B-01**)
24. General Judgment of Dissolution of Marriage and Money Award (**OR-1B-09**)
25. Supplement to Judgment of Dissolution (**OR-1B-02**)

A *Civil Cover* sheet may be required by some Counties and should be available from the Clerk.

The *Vital Statistics* form is available from your local court clerk.

FORM EXPLANATIONS

All forms included in this package are identified below.

1. **Instructions: Filing for Dissolution (Divorce) Cases With Children (OR-1B-10-IN)** This form includes the instructions for uncomplicated divorce cases where there are minor children involved. The instructions are broken down into four (4) basic steps.
2. **Acknowledgement about Dissolution/Divorce/Separation (OR-1BC-03)** This form states that you are filing for dissolution/divorce without full

representation
court fees and
with the

of an attorney. It also states that that you will be responsible for
will seek advice of an attorney if your spouse contests or disagrees
divorce or the terms of the divorce.

3. **Petition for Dissolution of Marriage with Children (OR-IB-08)** This is the document in which you are asking the court to grant your divorce along with any other relief requested. You must follow the instructions provided to complete the Petition for Dissolution.
4. **Supplement to Petition for Dissolution of Marriage with Children (OR-1B-03-S)** This page includes an additional page (5a) which must be included as part of the Petition for Dissolution of Marriage. It deals with spousal support, life insurance and medical coverage. This form must be filed when children are involved.
5. **Certificate regarding pending Child Support Proceedings and/or Existing Child Support Orders/Judgments - UTCR 8.090 (OR-1B-03)**
This form certifies whether there is a pending child support proceeding in this or any other state involving the parties' child[ren]. It also verifies whether there is an existing child support order or judgment in place involving the children.
6. **Petitioner's Certificate of Mailing to the Division of Child Support (OR-1B-01-A)** This form certifies that a true copy of the Petition for Dissolution of Marriage in the case has been mailed to the local branch office of the Department of Justice, Division of Child Support.
7. **Summons – Domestic Relations Suit (OR-1BC-04-S)** You are required to have your spouse served by having papers delivered to them. This document is used to inform the Respondent that a suit has been filed against him or her and orders the Respondent to appear before the court and file any pleadings necessary within 30 days after service of the summons.
8. **Notice of Statutory Restraining Order Preventing the Dissipation of Assets in Domestic Relation Actions (OR-1BC-01-A)** 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. 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.
9. **Affidavit of Service (OR-1BC-07)** An Affidavit of Service is a form used by the Petitioner. Is certifies that the Respondent was in fact served with process

of the dissolution papers by either personal service, certified mail, or substitute service.

10. **Acceptance of Service (OR-IBC-02)** This form is filed by the respondent and acknowledges receipt of the Summons, Petition for Dissolution of Marriage and Notice of Statutory Restraining Order.

11. **Instructions for the UTCR2.100 Forms (OR-UTCR2-100-IN)** These instructions contain basic information about UTCR 2.100 forms. Oregon law requires that Social Security numbers be given but kept confidential from the public in dissolution, separation and annulment proceedings filed after January 1, 2004. (ORS 107.840) A short form and long form are offered. **Do not place your or your children's Social Security numbers on your pleadings.** NOTE: You are REQUIRED to fill out and use one of the UTCR 2.100 Affidavits, either the short form or the long form.

12. **UTCR 2.100 Affidavit with Request to Segregate Social Security Numbers Only (Short Form) (OR-UTCR2-100-S)** Use UTCR 2.100 SHORT FORM to segregate only your Social Security number.

13. **UTCR2.100 Affidavit with Request to Segregate Protected Personal Information from Concurrently Filed Document (Long Form) (OR-UTCR2-100-L)** If you wish to segregate additional protected personal information, use UTCR 2.100 LONG FORM.

14. **Petitioner's Ex Parte Motion for Order of Default and Order (OR-1BC-01)**
Your spouse 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. If a response has been filed within the 30 day time limit, you will not be allowed to take a default.

15. **Petitioner's Affidavit in Support of Motion for Order of Default (OR-1BC-04)** This Affidavit certifies that the respondent is not now an active member of the military or a minor, incapacitated or financially incapable person. Make a copy of the filled out Petitioner's Ex Parte Motion for Order of Default and Affidavit and file the original with the court anytime after 30 days have expired from the date of service.

16. **Request for Hearing re: Statutory Restraining Order (OR-1BC-01-R)** This form may be used to request a hearing to modify the statutory restraining order or request or hearing to apply for further temporary order.

17. **Instructions: Responding to Petition for Dissolution (Divorce) with Children (OR-1D-07-IN)** This set of forms and instructions explain how to file a response to a petition for dissolution of marriage (divorce). When filling out the forms, follow the directions. File the original with the court clerk. 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, the contact address where you regularly check in. If you use a that address, the court will assume that you will receive all notices sent to that address.

18. **Response to Petition for Dissolution with Children (OR-1D-03)** You have 30 days following the date you were served with the petition to file a written response with the court clerk and pay the filing fee. In the response, space is provided for you to state that you disagree with certain items asked for in the petition. You may also write in items that you would like the court to order that were not included in the petition. These are called “counterclaims.” If you agree with everything asked for in the petition, you are not required to file a response. The court will enter judgment based on what was asked for in the petition. After you have filled out the Response, make two copies. One copy is for your records, and the second copy is for your spouse. If your spouse does not have an attorney, mail your spouse’s copy to your spouse’s address and fill out the Certificate of Mailing form, and file it with the court.

19. **Respondent’s Certificate of Mailing (OR-1D-01-A)** If your spouse does not have an attorney, mail your spouse’s copy to your spouse’s address and fill out the Certificate of Mailing form, and file it with the court

20. **Respondent’s Acknowledgment about Dissolution (Divorce) Separation (OR-1D-01)** This form states that you are filing for dissolution/divorce without full representation of an attorney. It also states that that you will be responsible for court fees and will seek advice of an attorney if your spouse contests or disagrees with the divorce or the terms of the divorce.

21. **Affidavit in Support of Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing (OR-1BC-03-A)** The Affidavit certifies that the information in the Motion for Order of Default and requests the Court grant an order allowing Entry of Judgment of Default.

22. **Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing (OR-1BC-03-B)** This form is used in a suit for dissolution of marriage where the parties are co-petitioners, or respondent is found by the Court to be in default, or the respondent appeared but waived further appearance, or the parties stipulate to the entry of a decree, ORS

107.095(4) authorizes the Court to enter a
affidavit without a hearing.

judgment of dissolution upon

23. **Petitioner's Affidavit Supporting Judgment of Dissolution (OR-1B-01)**
This form is used to certify to the Court that certain facts of the Petition for
Dissolution. Complete and file this Affidavit with your Petition for
Dissolution of Marriage. It must be signed by the Petitioner before a notary public. 29.
Basic
24. **General Judgment of Dissolution of Marriage and Money Award
(OR-1B-09)** This is a General Judgment of Dissolution of Marriage and
Money Award, to be used in the State of Oregon when children are
involved. The form is used to grant the dissolution, along with any other
relief requested.
25. **Supplement to Judgment of Dissolution (OR-1B-02)** This form is a
supplemental page to the Judgment of Dissolution. It deals with spousal
support, life insurance, medical coverage and payments of child
support.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

You are the named “petitioner” on all court forms and your spouse is the “respondent”. Use full names (first, middle or middle initial, last) and print the names the same on all forms. The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals. Some forms have to be notarized or signed in the presence of a court clerk. You will need your picture ID for this. Many banks provide notary services. Many forms say on the bottom, “I certify that this is a true copy,” and provide a place to sign. Don’t sign this line on the original form or on your own copy. You need to sign this line only on the copies that are served on your spouse. Make yourself a copy of any document you are filing with the court. File the original with the court clerk.

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.

- STEP 1:** Starting Your Case: Fill out the following documents:
- *Acknowledgment about Dissolution (Divorce/Separation)*
 - *Petition for Dissolution of Marriage*
 - *Summons*
 - *Certificate of Mailing*
 - *Certificate re: Pending Child Support Proceedings and/or Existing Child Support Order/Judgments*
 - *Automatic Statutory Restraining Order Preventing Dissipation of Assets*
 - *UTCR 2.100 Affidavit, either SHORT FORM or LONG FORM (REQUIRED)*
 - *Affidavit of Service/Acceptance of Service*
 - *Record of Dissolution of Marriage (Vital Statistics Form; Available from your local court)*

Make one copy of all the forms for your records, and one copy of the Petition and Summons to serve on your spouse.

- STEP 2:** File all of the original forms that are listed above with the court clerk except the summons. The court clerk will ask you for a filing fee when you file your

papers.
you feel you
your filing fee

Check with your local court to learn the amount of the filing fee. If
can't afford to pay the fee, you may ask the court to waive or defer

The clerk will give you a number of handouts when you file your papers. The
handouts usually include a notice regarding continuation of health
coverage, a copy of ORS 107.089 (documents parties may have to give each
other), notice regarding mediation, family law guidelines and services, and a
family law resource list. The clerk will give you two copies of each
handout: one for you and one to be served on your spouse. You aren't
required to serve the copy of ORS 107.089 on your spouse, but if you do, both
spouses must follow what it says.

STEP 3: Parenting Plan. A parenting plan is required for cases involving a minor child.
The plan sets out the schedule and rules for each parent's time with the child. The
parenting plan may include safety provisions for the child if domestic
violence, substance abuse, child abuse or other circumstances are involved in your
case.

A mediator can help parents create a parenting plan. Information about parenting
plans may also be available through your court's parent education
program, the courthouse facilitator, or your local law library. **The Oregon
Judicial Department and the State Family Law Advisory
Committee have**

created a "*Basic Parenting Plan Guide for Parents*" with information about how
to develop a plan, **information about alternative schedules, and ages and
stages of your child[ren] which should be considered in creating a plan. A
sample parenting plan form is included in the Guide. The Guide may be
downloaded from the OJD Family Law Website at :**
[http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/parenting
plan.htm](http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/parenting
plan.htm). There is also a "Safety Focused Parenting Plan Guide" on this
website to help you develop a parenting plan where there are safety concerns
for your children.

If the parents don't agree on a parenting plan, a judge will order a parenting plan
for you. Oregon law (ORS 107.159) prevents either parent from moving
more than 60 additional miles away from the other parent without giving him or
her and the court notice of the move. You may ask the judge to waive this
requirement by checking the last box in the parenting plan section of the
petition. For information about child custody, you may call Tel-Law (1-
800-452-4776) tape 902, or visit www.osbar.org.

Custody/Parenting Time Evaluation. If parents can't agree on a parenting plan,
sometimes the court refers the case to a custody or parenting time
evaluator. After interviewing each parent and doing other research, the evaluator
will make a recommendation to the judge about which parent should have
custody and what the parenting plan should be. The evaluator will consider
factors that might affect a child's safety, such as domestic violence,

substance abuse, child abuse or other that the parties pay for all or part of the

circumstances. Many courts require evaluation.

STEP 4: Child Support. IMPORTANT! Oregon law requires that the petitioning party submit a CERTIFICATE stating whether there are any pending child support proceedings or existing child support orders involving the parties' child[ren]. To comply with this requirement, fill out and submit the form called "*CERTIFICATE re: PENDING CHILD SUPPORT*

PROCEEDINGS

and/or *EXISTING CHILD SUPPORT ORDERS/JUDGMENTS*" in this packet. You will be required to attach certified copies of any pre-existing child support orders (certified copies may be obtained from the clerk of the issuing court).

clerk of the

In most cases, the court will order child support if the parties have a child and no child support order already exists. The amount of support, if ordered, will be determined by the Child Support Guidelines. The Guidelines have

be

worksheets to should be. **Support allowed for direct**

help you figure out who should pay support and how much it **is typically withheld from wages unless an exception is**

deposit to the other parent's checking or savings account, or, if support enforcement services are being provided to either parent, as an

"electronic (EFT)" to a

payment withdrawal (EPW) or electronic funds transfer

procedures whereby funds checking/savings account as authorized by

Department of Justice account. (EPW and EFT are

are automatically withdrawn from a

the account holder.)

Information about child support, including the Guidelines and Worksheets, is on the Internet at:

http://www.dcs.state.or.us/oregon_admin_rules/guidelines.htm.

This website also has a Child Support

Calculator which may help you to calculate the amount of child support which should be paid:

<http://www.dcs.state.or.us/calculator>.

Your local court facilitator, legal aid office or child support

program **may** also be able to help you calculate the amount of support.

STEP 5: Once the above documents have been filed and copies provided to the non-filing party, the documents should be served on your spouse by the one of the following methods of Service:

Standard Methods of Service

Personal Service Delivery of papers directly to the other party

Substitute Service Delivery of papers to a person living 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.

The
make
If you are not able to have your spouse 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 this request, check with your local court for the appropriate form.

STEP 6: Oregon law gives your spouse 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 may ask the court to waive or defer the fee. Your spouse 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. If a response has been filed, you will not be allowed to take a default and you will skip the sections about requesting a default

STEP 7: To ask the court to enter a default, you must fill out the following forms:
• *Ex Parte Motion for Order of Default; and Order*
• *Affidavit in Support of Motion for Order of Default*
After you make yourself a copy of the filled out form, you may file the original with the court anytime after 30 days have expired from the date of service.

STEP 8: Oregon law requires a 90 day waiting period between the time your spouse was served and the time the court can hold a final hearing on your case or sign the final judgment. You may ask the court to waive this period if your situation involves an emergency or necessity. The court must find that immediate action is needed to protect your rights or interests or those of your spouse or of a person who might be affected by the terms of the judgment. The court can also waive the period if you and your spouse have agreed to the terms of your divorce and have filled out and signed a "stipulated" (agreed to) judgment completely.

Day
To ask the court to waive the 90 day period, you will need the Request for Waiver of 90 Day Waiting Period and all documents concerning the 90 Day Waiting Period.

STEP 9: 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.

The following forms are required to finalize your divorce:

- *Judgment of Dissolution (Divorce)*
- *Affidavit Supporting Judgment of Dissolution (Divorce)*

If your spouse did not file a response and the court has entered an Order for Default, or if your spouse responded and then filed a Waiver of Further Appearance and Consent to Entry of Judgment form, or if your spouse has signed **the Judgment**, you will also need the following:

- *Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing; and Order*
- *Affidavit in Support of Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing*

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

order of

- **Parenting Class Certificate of Completion.** If your local court requires parents of minor children to attend a parent education class, a certificate of completion must be filed with the court unless this requirement has been waived by the court.

judgment.

- **Child Support Worksheets.** If child support is ordered in the divorce case, child support worksheets need to be filled out and attached to the final

These forms are no longer available on the OJD Family Law Website but may be found on the Division of Child Support’s (DCS’s) website:

<http://www.dcs.state.or.us/forms/>.

attach

- **Parenting Plan.** Your parenting plan may be completely included in the final judgment (see page two of the judgment). If there are additional pages, them.

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spousal
the

- **Uniform Support Affidavit.** This form is only required if a response was filed and you and your spouse do not agree on spousal or child support. You are required to complete the schedules on the form unless one spouse asks for support or a “deviation” (different amount than what was calculated using child support guidelines) from the child support guidelines.

personally serve
would like to

- **Waiver of Personal Service.** After the judgment is signed, if one spouse doesn’t do what it says, the other spouse may ask the judge to enforce the judgment. The spouse asking for enforcement is required to (deliver) the other spouse with notice of this request. If you

keep your home address confidential, you may file this form listing another address for service. You are responsible for making sure you get all papers delivered to the address you list.

The Final Judgment.

The judgment finalizes your divorce and contains all of the issues decided in mediation, arbitration, hearing, or through your agreement. Check with your local court to determine whether you should complete this form, or whether the judge will fill it out. If both spouses agree on all issues, it may be prepared by either spouse as long as it is reviewed and signed by both spouses. If the spouses don't agree on all issues, the judge may direct one spouse to fill out the judgment. If your spouse 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 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 (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.**

Once the Judge has signed the *Judgment*, the Court Clerk will send to you notice that the Judgment has been signed and entered into the Court records.

Notes: When presenting Pleadings to the Clerk make sure you have at least 4 copies for the Clerk. The Clerk will return the copies to you that the Court does not need. If a Certificate of Mailing is on any form, a copy of the form should be mailed to the person indicated.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

The forms are locked which means that the content of the forms cannot be changed. You can only fill in the information in the fields.

If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then select “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/OR/OR-006-D.htm>

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