

## **DISSOLUTION PACKET #3**

Appropriate packet if:

1. Intends to contest petition for dissolution; and
2. Has minor children from the marriage.

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

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

Case No.  
**ACKNOWLEDGMENT ABOUT  
DISSOLUTION**

I, \_\_\_\_\_, am filing this dissolution without the assistance of an attorney.

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

I understand that these forms should not be used and that I should seek an attorney's help if my case involves any of the following issues:

- custody or visitation involving 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;
- real estate that my spouse or I own along with someone else, or real estate located outside Oregon;
- a family business;
- a bankruptcy case filed by me or by my spouse; or

1 • tax issues (other than which parent may claim the child as a dependent on a tax return).

2 I understand that I am responsible for all information that I provide on these forms and any changes

3 I make to the printed language.

4 I understand that if my spouse contests the divorce (files court papers disagreeing with what I ask  
5 for), I should see an attorney immediately.

6 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
(signature)

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\_\_\_\_\_  
(print name)

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\_\_\_\_\_  
Address

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\_\_\_\_\_  
City, State, and Zip Code

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**DISSOLUTION RESPONSE FORMS & INSTRUCTIONS**  
**CASES WITH CHILDREN**  
**Packet No. 3**

***Notice about these instructions and forms.***

*These instructions are not a complete statement of the law. They cover the basic procedure for non-complex divorce cases. For more legal information, please talk to a lawyer or visit your local law library.*

**INSTRUCTIONS**

**I. GENERAL INFORMATION**

- A. Use black ink or type.
- B. Always file the original forms with the clerk. You should always make yourself an extra copy before you file any form with the clerk.
- C. You are the petitioner. Since you are starting this divorce case, you are the petitioner and your spouse is the respondent. Make sure you fill in the petitioner and respondent blanks at the top of the forms using your full names (first, middle or middle initial, last). Write the names the same way on all of the forms.
- D. Case number. The clerk will give you a case number when you file your papers. Don't worry about filling out this part of the case heading until that time. Make sure you put this number on all your copies and papers you file with the court, and the papers you serve on your spouse.
- E. Signing the forms. Some of the forms in this packet have to be notarized, or signed in the presence of a court clerk. Either way, you should wait to sign your papers in front of a notary or court clerk, and should bring picture ID with you. Many local banks provide notary services. Also, many of the forms say on the bottom, "I certify that this is a true copy", and provide a place for you to sign below. **Don't sign this line on the original form or on your own copy.** You only need to sign this line on the copies that are mailed to your spouse.
- F. 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.

- G. Custody issues. As part of your Dissolution of Marriage, you will need to indicate the type of custody arrangement for your child(ren). Sole custody generally means that one party will have the primary responsibility for making the day to day decisions about your child(ren), including major decisions such as education, religion and health care. Joint custody means that both parties have agreed to work jointly to make the major decisions involving the child(ren). Joint custody must be agreed to by both parties. The judge cannot order joint custody if either party disagrees.

The amount of parenting time (formerly known as “visitation”) is not dependent upon whether custody is sole or joint. Parenting time is an entirely separate determination made either by agreement of the parties or order of the Court.

If you and your spouse disagree on child custody or parenting time issues, you may file a Request for Mediation. A mediator is a neutral party who will help you and your spouse talk about the issues, resolve the disagreement. There is no cost for mediation through Deschutes County Mental Health Mediation Service. There is only a resolution in mediation if you and your spouse agree. A copy of the signed Request for Mediation by One parent and Order must also be served on your spouse.

- H. Support issues. If you and your spouse can't agree on child or spousal support, a judge will determine, at trial, whether either spouse should pay support, and the amount of support that should be paid.
- I. Child support. 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 worksheets to help you figure out who should pay support and how much it should be. The Division of Child Support, 1001 SW EmKay Drive, Bend Oregon, is able to help you calculate the amount of support.
- J. 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.
- K. Parenting Plan. A parenting plan is required for all cases involving a minor child. The plan sets out the schedule and rules for each parent's time with the child. It may be very detailed, or it may just cover a few issues. It must specify a minimum amount of parenting time (visitation) for the parent who does not have custody of the child. The parenting plan

may also include safety provisions for the child if domestic violence, substance abuse, child abuse or other circumstance are involved in your case.

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 the notice of the move.

- L. 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 skill, career or earning capacity of the other spouse. Spousal maintenance may be ordered for the long term support of one spouse. The judge will consider a number of factors when making the award. For more information on what the judge will consider, please refer to ORS 107.105 (to view, visit your local law library.)
- M. Property issues. If you and your spouse disagree on how your property will be divided, a judge will determine the distribution at trial.
- N. Pre-trial conferences. You and your spouse may be required to meet with the judge assigned to your case periodically. The reason the judge has the conferences is to make sure the case is proceeding through the system smoothly, and to set necessary hearing and trial dates. The judge will not take any testimony or decide any legal issues at the pretrial conference. **Do not bring your child(ren) to the pre-trial conference.**
- O. Judgment and Decree of Dissolution. A final decree is a document that finalizes your divorce and contains all of the issues decided in mediation, arbitration or at trial. This document is prepared by one or both of the parties for the judge to sign.

## II. STEP 1.

You have 30 days following the date you were served (unless the documents served contain special orders that give a shorter response time) with the petition to file a written response with the court clerk and pay the filing fee. If you feel you can't afford to pay the fee, you may ask the clerk for a Motion and Affidavit for Waiver or Deferral of Filing Fee. You must fill it out and file it with the court requesting that your filing fee be waived or deferred prior to filing your response. Your response can not be filed until a decision has been made regarding the filing fee. If the fee is waived, you don't have to pay the fee. If the fee is deferred, the court will require that you pay the fee at a later date.

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.

To complete step one, you must:

- (1) fill out the “Response” form, file the original form with the court and pay the filing fee of \$191.00,
- (2) send a true copy of your response to your spouse (keep a copy for your records),
- (3) fill out “Respondent’s Certificate of Mailing” and file the original with the court, and
- (4) sign up for the seminar for divorcing parents. If you are getting a divorce and you have minor children (under age 18), you must attend a seminar for divorcing parents before the judge will sign your divorce decree. If you cannot afford to pay the \$40.00 registration fee, you may ask the court for a waiver. You may pick up an application for a waiver of the fee for seminar for divorcing parents at the courthouse. Fill out the form and submit it to the court for signature. If the judge grants your request, take a copy of the signed order to the seminar for divorcing parents and you will not have to pay. You must pre-register for the seminar for divorcing parents. You must complete the seminar before the judge will give you your divorce.

### III. STEP 2.

The general court process you will go through is described below. Keep in mind that the court usually won’t hold a trial or hearing on the merits of your case until 90 days has passed from the date you were served (except for temporary orders).

Custody issues. If you and your spouse disagree on child custody or parenting time issues, you might file a Request for Mediation. A mediator is a neutral party who will help you and your spouse talk about the issues, resolve the disagreement. You usually don’t have to pay for the mediator’s services. There is only a resolution in mediation if you and your spouse agree.

Pre-trial conferences. You and your spouse may be required to meet with the judge assigned to your case periodically. The reason the judge has the conferences is to make sure the case is proceeding through the system smoothly, and to set necessary hearing and trial dates. The judge will not take any testimony or decide any legal issues at the pretrial conference. **Do not bring your child(ren) to the pretrial conference.**

#### **IV. STEP 3.**

Working toward Agreement.

The court wants to help you resolve the issues that you and your spouse disagree on. You may discuss these issues with your spouse directly if it is safe for you to do so and if no court order prohibits this contact. If a response was filed and at a later date an agreement was made, use the form entitled Waiver of Further Appearance and Consent to Entry of Judgment. If you and your spouse have settled your case without a trial, you file a stipulated judgment. The court will then enter judgment based on your agreement. Ask your court facilitator for help with this step. If you **can't resolve** the issues on your own, the court may provide options to help you.

After you have gone through the processes described in Step two and or Step 3, either you or your spouse will need to prepare a final Judgment and Decree or Dissolution of Marriage for the judge to sign. A final decree is a document that finalizes your divorce and contains all of the issues decided in mediation, settlement or trial.

#### **V. STEP 4.**

The decree can be signed 90 days after the date of service has expired. The provisions of the decree are effective immediately upon the date the judge signs the decree.



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

In the Matter of the Marriage of: \_\_\_\_\_ )  
 ) Case No. \_\_\_\_\_  
 )  
 ) RESPONSE (CHILD CUSTODY)  
 )  AND COUNTERCLAIMS  
 )  
 ) DOMESTIC RELATIONS CASE  
 ) SUBJECT TO FEE (ORS 21.111)  
 )  
 ) NOT SUBJECT TO MANDATORY  
 ) ARBITRATION

Petitioner,  
and  
Respondent.

RESPONSE

Respondent appears and objects to Paragraph(s) \_\_\_\_\_

\_\_\_\_\_ of the Petition for Dissolution of Marriage.

Uniform Child Custody Jurisdiction Information Required by ORS 109.790

(Fill out only if custody, parenting time, or visitation regarding minor children is involved in the case)

- a. The parties' minor child/ren are: \_\_\_\_\_
- b. The child/ren's present address is: \_\_\_\_\_

1 c. The places where the minor child/ren of the parties have lived in the last five years and  
2 the names of the persons with whom the child/ren have resided are:

3

<u>Dates</u>		<u>County/State</u>	<u>With Whom</u>
4 From: _____	to _____	_____	_____
5 From: _____	to _____	_____	_____
6 From: _____	to _____	_____	_____
7 From: _____	to _____	_____	_____

8  Additional page attached; see section labeled “paragraph C continued.”

9 d. The current addresses of the persons listed above with whom the minor child/ren have  
10 lived are:

11

<u>Name:</u>	<u>Address:</u>
12 _____	_____
13 _____	_____
14 _____	_____

15 e.  I have not participated in any litigation concerning the custody, visitation,  
16 parenting time, or placement of the child/ren in this or any other state.

17  I have participated in the following litigation regarding the child/ren’s custody,  
18 visitation, parenting time, or placement:

19

<u>Name of Court</u>	<u>State</u>	<u>Date</u>	<u>Result</u>
20 _____	_____	_____	_____
21 _____	_____	_____	_____

22 f. I do not have any knowledge of any other custody, visitation, or placement proceeding  
23 involving the child/ren of this marriage pending in this or any other state  except for

24 \_\_\_\_\_ .

25

1 g. I do not know any person other than my spouse who has physical custody of the  
2 child/ren or who claims to have custody or visitation rights  except for \_\_\_\_\_

3 \_\_\_\_\_ .

4  Respondent makes the following counterclaims:

5 a. \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 b. \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 If additional pages are needed, label and attach them "Counterclaims Continued".

12 STATE OF OREGON )

13 ) ss.

14 County of \_\_\_\_\_ )

15 I, \_\_\_\_\_, being duly sworn, say that I am the respondent in this  
16 matter, and that the statements in this Response are true and correct to the best of my knowledge.

17 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

18 \_\_\_\_\_  
(signature)

19 \_\_\_\_\_  
(print name)

20 \_\_\_\_\_  
Address

21 \_\_\_\_\_  
City, State, Zip Code

22 \_\_\_\_\_  
Telephone or Contact Telephone

23 \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

1 SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2 20\_\_\_\_, by \_\_\_\_\_.

3

4

\_\_\_\_\_  
Notary Public for \_\_\_\_\_ /Court Clerk  
My Commission Expires: \_\_\_\_\_

5

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CERTIFICATE OF DOCUMENT PREPARATION

9

I hereby certify that the following is true:

**G** I selected the document(s) for myself.

10 **G** I was provided the document(s) by an attorney.

**G** I completed the document(s) without paid assistance.

11 **G** I paid or will pay money to \_\_\_\_\_ for assistance in preparing the  
document(s)/forms(s).

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DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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\_\_\_\_\_  
Signature

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

In the Matter of the Marriage of: )  
 )  
\_\_\_\_\_, ) Case No.  
 )  
Petitioner, )  
 )  
and )  
 )  
\_\_\_\_\_, )  
 )  
Respondent. )

RESPONDENT'S CERTIFICATE  
OF MAILING

I certify that on \_\_\_\_\_, 20\_\_\_\_, I mailed a true copy of the Response in  
the above case to the Petitioner at the following address:

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(print name)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, and Zip Code  
\_\_\_\_\_  
Telephone

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CERTIFICATE OF DOCUMENT PREPARATION

I hereby certify that the following is true:  
G I selected the document(s) for myself.  
G I was provided the document(s) by an attorney.  
G I completed the document(s) without paid assistance.  
G I paid or will pay money to \_\_\_\_\_ for assistance in preparing the document(s)/forms(s).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Signature

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

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

Case No.  
REQUEST FOR MEDIATION BY  
ONE PARENT AND ORDER

I, \_\_\_\_\_, am the mother/father of the child/ren of this marriage. We cannot agree upon custody and/or visitation, and I am requesting that the court send us to a mediator. I am, therefore, filing this REQUEST FOR MEDIATION BY ONE PARENT. I have kept a copy of this form and I have taken the responsibility to see that my spouse/former spouse receives a copy of this request.

\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(print name)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, and Zip Code  
\_\_\_\_\_  
Telephone

1 State of Oregon )  
2 County of \_\_\_\_\_ )

3 I \_\_\_\_\_ certify that on \_\_\_\_\_, 20 \_\_\_\_, I mailed  
4 a true copy of the REQUEST FOR MEDIATION BY ONE PARENT in the above case to:

5 \_\_\_\_\_  
6 (print spouse's name)

7 \_\_\_\_\_  
8 Address

9 \_\_\_\_\_  
10 City, State, Zip Code

11 \_\_\_\_\_  
12 Telephone

13 \_\_\_\_\_  
14 Print Name of parent requesting mediation

15 \_\_\_\_\_  
16 Signature

17 SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_,  
18 20\_\_\_\_, by \_\_\_\_\_.

19 \_\_\_\_\_  
20 Notary Public for \_\_\_\_\_ /Court Clerk  
21 My Commission Expires: \_\_\_\_\_

22 CERTIFICATE OF DOCUMENT PREPARATION

23 I hereby certify that the following is true:

- 24 **G** I selected the document(s) for myself.
- 25 **G** I was provided the document(s) by an attorney.
- 26 **G** I completed the document(s) without paid assistance.
- G** I paid or will pay money to \_\_\_\_\_ for assistance in preparing the document(s)/forms(s).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Signature



1 \_\_\_\_\_  
ORDER

2 **TO BOTH PARENTS: You must report for a mediation orientation session at the Rosie**  
3 **Bareis Community Center, 1010 NW 14<sup>th</sup> Street, Bend, Oregon. Phone 541-385-1719. A**  
4 **session is held at 9:00 am on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month. You and your**  
5 **spouse/former spouse must report to the next session following service of this order. If you**  
6 **are concerned about personal safety, Family Abuse Restraining Orders, or would like to**  
7 **request a separate orientation session call 385-1719 for more information. Please do not**  
8 **bring children to the orientation session.**

9 IT IS HEREBY ORDERED that the parents are referred to the Family Team of Deschutes  
10 Mental Health Services for mediation.

11 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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14 \_\_\_\_\_  
CIRCUIT JUDGE

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

In the Matter of the Marriage of: )  
 )  
\_\_\_\_\_, ) Case No.  
 )  
Petitioner, )  
 )  
and ) WAIVER OF FURTHER  
 ) APPEARANCE AND  
\_\_\_\_\_, ) CONSENT TO DEFAULT  
 ) DECREE  
Respondent. )

Respondent, hereby waives his/her right to appear in the above-entitled proceeding and consents that Petitioner may take a Default Decree without further notice to Respondent.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(print name)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, and Zip Code  
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Telephone

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G I was provided the document(s) by an attorney.  
G I completed the document(s) without paid assistance.  
G I paid or will pay money to \_\_\_\_\_ for assistance in preparing the document(s)/forms(s).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Signature