

DISSOLUTION PACKET # 4

Appropriate packet if:

1. Intends to contest petition for dissolution; and
2. Has no 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:)
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_____,)
)
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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8

(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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Telephone

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DISSOLUTION RESPONSE FORMS & INSTRUCTIONS
CASES WITH NO CHILDREN
Packet No. 4

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. 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.)
- H. Property issues. If you and your spouse disagree on how your property will be divided, a judge will determine the distribution at trial.
- I. 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

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).

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 these 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.

Property issues. If there are no spousal support issues and you and your spouse disagree on how your property will be divided, the court will refer your case to arbitration. A court arbitrator is an experienced lawyer who will listen to evidence present by both sides, and make a decision. Each side is required to pay the arbitrator \$250 to \$500 total within 14 days of the arbitrator’s appointment. If you aren’t happy with the decision the arbitrator makes, you may request a trial (you must also deposit \$150 at the time you file your appeal). Otherwise, the arbitrator’s decision is final.

III. 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.

1
2 IN THE CIRCUIT COURT OF THE STATE OF OREGON
3 FOR THE COUNTY OF DESCHUTES
4

5
6 In the Matter of the Marriage of:)

) Case No. _____

7 _____,)

8 Petitioner,)

) RESPONSE
) AND COUNTERCLAIMS

9 and)

) DOMESTIC RELATIONS CASE
) SUBJECT TO FEE (ORS 21.111)

10 _____,)

11 Respondent.)

) SUBJECT TO MANDATORY
) ARBITRATION

12 Respondent appears and objects to Paragraph(s) _____ of the
13 Petition for Dissolution of Marriage.

14 Respondent makes the following counterclaims:

15 a. _____

16 _____
17 b. _____

18 _____
19 If additional pages are needed, label and attach them "Counterclaims Continued."

20 DATED this _____ day of _____, 20____.

21
22 _____
(signature)

23 _____
(print name)

24 _____
Address or Contact Address

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City, State, and Zip Code

Telephone or Contact Telephone

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 _____, 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.
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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I completed the document(s) without paid assistance.
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.
WAIVER OF FURTHER
APPEARANCE AND
CONSENT TO DEFAULT
DECREE

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

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