

UNMARRIED PARENTS - PACKET 5

CUSTODY, PARENTING TIME, CHILD SUPPORT PROCESS FOR PETITIONER

**Paternity (who the father of the child is)
must be established before these forms can be used.**

Since a child is involved

you will also need the packet Standard Parenting Plan, (Local Court Rule 8.075), available at the same location you picked up this packet. You will also need to acquire a copy of the Child Support Guidelines or a child support worksheet. They are available at the Division of Child Support, 1001 SW Emkay Drive, Suite A, Bend, Or 97701 (if requested they will calculate a child support worksheet for you). That information may be acquired by accessing the Department of Justice website www.dcs.state.or.us (You can also go directly to the calculator page at www.dcs.state.or.us/calculator/.) These resources will assist you in completing portions of the documents in this packet.

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

In the Matter of:

_____,

Petitioner,

and

Respondent.

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Case No.

ACKNOWLEDGMENT ABOUT
PETITION FOR CUSTODY,
PARENTING TIME AND
CHILD SUPPORT

I, _____, am filing this Petition for Custody, Parenting time and Child Support 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 for which paternity has not been established;**
- custody or visitation involving minor children who have not been living in Oregon for the last six months;

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

1 I understand that if the Respondent contests the Petition for Custody, Parenting Time and Child
2 Support (files court papers disagreeing with what I ask for), I should see an attorney immediately.

3 DATED this _____ day of _____, 20____.

4
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6 _____
(signature)

7 _____
(print name)

8
9 _____
Address

10 _____
City, State, and Zip Code

11 _____
Telephone

Unmarried Parents: Custody, Parenting Time, Child Support Process for Petitioners Instructions

Notice about these instructions and forms.

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

This packet will allow you to ask the court for custody, parenting time or child support. **Paternity (who the father of the child is) must be established before you can use these forms.** Paternity may be established if the father signs and files a Voluntary Acknowledgment of Paternity (a statement that says he is the father) with the State Registrar of Vital Statistics. Paternity may also be established through the Oregon Child Support Program or through the courts. You may request that the Oregon Child Support Program establish paternity by filling out an Application for Support Enforcement Services, and sending it to the address stated on the form. You will be charged a \$1 fee for this service.

When filling out the forms, follow these directions:

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 on all court forms and the other parent is the respondent. Use full names (first, middle or middle initial, last) and print the names the same on all forms.
- D. Keep the court informed of your current address. It is your responsibility to keep the court informed of your current address. **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
- E. Case number. The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals.
- F. Singing the forms. 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 also 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 the respondent

G. Custody issues. As part of your Petition for Custody, you will need to indicate the type of custody arrangement for your child(ren). Sole custody generally means that party will have the primary responsibility for making 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 the other parent disagree on child custody or parenting time issues, you must immediately file a Request for Mediation. A mediator is a neutral party who will help you and the other parent 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 the other parent agree. Mediation must be completed before the judge can consider your case. A copy of the signed Request for Mediation by One parent and Order must also be served on the other parent.

H. 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. 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 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.

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. This type of 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 case, 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.

II. Step 1.

A. **Fill out the following forms.**

1. Acknowledgment About Petition for Custody, Parenting Time and Support
2. Petition for Custody, Parenting Time and Support
3. Summons
4. Certificate of Mailing (Use this form only if you or the respondent is receiving public assistance)

B. **File the forms with the court.**

When you have finished filling out your forms, file the following forms with the clerk:

1. Acknowledgment About Petition for Custody, Parenting Time and Support
2. Petition for Custody, Parenting Time and Support
3. Certificate of Mailing,

Remember you need to keep a copy of all of the documents you file for your own records. You also will need to make a copy of the forms you will serve on the respondent, and sign each copy if the form says “I certify that this is a true copy”.

Payment of fees. When you file your petition for custody, you must pay a fee of \$249.00. 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 petition. Your petition 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. You will not be allowed to file your custody judgment until you either pay the fee, or get the judge's decision on the waiver/deferral request.

The clerk will give you a number of handouts when you file your papers. The handouts will include information about local parent education classes. The court requires that parents of minor children go to a parent education class. Sign up for the class right away. The court will not allow you to finalize your case until you have completed the class and filed a certificate of completion with the court.

The clerk will give you two copies of each handout, one for you and one to be served on the respondent.

C. Serve the Respondent.

The respondent must be served with certified true copies of:

- (1) Petition for Custody, Parenting Time and Support
- (2) Summons
- (3) One of each of the notices in groups of two given to you by the clerk when you filed your papers (Seminar for Divorcing Parents information)

How to serve the respondent. You may not serve the respondent yourself. The three different ways to serve your respondent are listed below:

a. Service by sheriff. The Deschutes County Sheriff's office is located at 6333 Highway 20 W, Bend, Oregon. They usually charge \$25 to serve the respondent, unless the court has waived your fees and you bring them a court-certified copy of the order waiving your fees. You should deliver the documents to the Deschutes County Sheriff's office. If the respondent lives outside of Deschutes County, you need to contact the sheriff's office in the county in which the respondent lives.

b. Service by process server or disinterested party. You may also pay a process server to serve the papers for you. Names of process servers can be found in the yellow pages of the phone book. If you don't want to pay someone to serve the papers, a competent person 18 years of age or older who is not a party or attorney in your case, may complete service. If you don't have the sheriff or a professional process server serve the papers for you, make sure the person who serves the respondent fills out the original "Affidavit of Service" form, and signs it in front of a notary or court clerk. You also need to make sure the original affidavit of service form gets filed with the court.

c. Acceptance of service. You can avoid the service requirements if the respondent is willing to sign this form, saying that he or she has received the custody forms that you are required to serve. The respondent must sign this form in front of a notary or court clerk, and you must make sure the original is filed with the court.

After service

As soon as service is completed you should file the original summons and proof of service or acceptance of service with the court.

If you aren't able to serve the respondent through the methods listed above, you will need to get permission by filing a motion before you are allowed to use another service method. Ask the court facilitator for help with this step.

D. Serving the Department of Justice

If you or the respondent is receiving public assistance (in relation to a child; see ORS 418.035(2)), you also need to serve by mail or personally deliver a true copy of the petition for dissolution of marriage to the Oregon Department of Justice, Division of Child Support, 1495 Edgewater NW, Salem, OR 97304 or Division of Child Support, 1001 SW Emkay Drive, Bend OR 97702.

After service

As soon as service is complete you should file the Petitioner's Certificate of Mailing indicating the date the Division of Child Support was served.

E. Sign up for the seminar for divorcing parents

If you are seeking a petition for custody of a minor child (under age 18), you must attend a seminar for divorcing parents before the judge will sign your custody 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. All parties must complete the seminar and file the Certificate of Completion before the pretrial conference.

The parenting class is a requirement in all cases involving a minor child.

STEP 2. Waiting for a Response; Taking a Default.

Oregon law gives the respondent 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. The respondent may ask the court to waive or defer the fee.

If the respondent is in the active military service of the United States and has not responded to the petition, the court can't proceed further with your case until one of the following things has happened: (1) the respondent is no longer in the active military, (2) the respondent has waived his or her rights using the Waiver of Right to Stay of Proceedings form.

The respondent 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 the respondent. If a response has been filed, you will not be allowed to take a default.

STEP 3. If a response is filed by the respondent, you should contact an attorney immediately. Many important decisions are made for you during a custody case, and people are usually better off if they are represented by an attorney. If you aren't able to hire an attorney, an explanation of the process you will go through is described below.

STEP 4. Forms to Finalize Your Case.

If the respondent didn't file a response, within 30 days of service or acceptance of service, file the following documents:

Ex Parte Motion for Order of Default; and Order
Affidavit in Support of Motion for Order of Default
Petitioner's Motion for Order Allowing Entry of Judgment on Affidavit in Lieu of Hearing; and Order
Judgment of Custody, Parenting Time and Support (which will include a Child Support Worksheet and
Parenting Plan.)
Parenting Class Certificate of Completion
Support Order Abstract.

STEP 5. Working Toward Agreement.

The court wants to help you resolve the issues that you and the respondent disagree on. You may discuss these issues with the respondent directly if it is safe for you to do so and if no court order prohibits that contact. If you can't resolve the issues on your own, the court may provide a number of options to help you, including mediation and custody/parenting time evaluation.

Mediation. A mediator is a person trained to help people resolve disagreements. The parents may be required to meet with a mediator if you don't agree on a "parenting plan" (who has custody and parenting time (visitation) with the child/ren and how decisions about the child/ren will be made). You may ask to meet with the mediator alone if you are uncomfortable meeting with the respondent for any reason. There is usually no fee for this service. If mediation has not yet been ordered in your case and you would like to request it, you may file a [Request for Mediation](#).

Final Judgment. The judgment finalizes your case and contains all of the issues decided in mediation, hearing, or through your agreement. This document is prepared by the petitioner (you) if the respondent didn't file a response. If the parents agree on all issues, it may be prepared by either parent as long as it is reviewed and signed by both parents. If the parents don't agree on all issues, the judge may direct one parent to fill out the judgment.

Petition for Custody, Parenting Time and Child Support Process for Petitioner (Packet No. 5)

Step 1.	Step 2.	Step 3.	Step 4.
<p>A. Fill out the following forms:</p> <ul style="list-style-type: none"> • Acknowledgment about Petition for Custody, Parenting Time and Child Support. • Petition for Custody, Parenting Time and Child Support • Summons <p>B. File the forms listed above (except the Summons) with the clerk and pay your filing fee.</p> <p>C. Serve the certified true copies of the following on the Respondent:</p> <ul style="list-style-type: none"> • Summons • Petition for Custody, Parenting Time and Child Support • One of each of the handouts given to you in groups of two by the clerk at the time you filed your petition. <p>D. Since your petition involves a minor child, sign up for the seminar for divorcing parents within 15 days of filing your petition.</p> <p>E. File the original Summons and Proof of Service with the court after the service is completed</p>	<p>A. Wait 31 days form the day your spouse was serviced or accepted service.</p> <p>B. If a <u>response has been filed</u>, go to Step 3.</p> <p>C. If <u>no response has been filed</u> go to Step 4.</p>	<p>A. Contact an attorney for assistance.</p> <p>B. Participate in mediation if you and Respondent don't agree on child custody or parenting time.</p> <p>C. Attend the pre-trial conference. A pre-trial conference is a conference with the judge and your spouse. The judge will talk to you about how your case will be processed.</p> <p>D. Go to all court appearances.</p> <p>E. Prepare a final decree outlining the issues that were decided or agreed upon during the mediation, arbitration or trial.</p>	<p>If you Respondent didn't file a response, fill out and file the following forms:</p> <ul style="list-style-type: none"> • Petitioner's Ex Parte Motion for Order of Default and Order • Petitioner's Affidavit in Support of Motion for Order of Default. • Petitioner's Ex Parte Motion Allowing Entry of Judgment on Affidavit in Lieu of Hearing. • Petitioner's Affidavit Supporting Judgment of Custody, Parenting Time and Child Support • Judgment of Custody, Parenting Time and Child Support • Support Order Abstract (if support is an issue in your case) • Certificate of Completion of the Parenting Seminar. <p>The court facilitator will be available to review your documents with you. File the forms. The facilitator will send your completed documents to judge for final consideration.</p>

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

In the Matter of the:)	
_____)	Case No.
)	
Petitioner,)	PETITION FOR CUSTODY
)	AND PARENTING TIME
and)	under ORS 109.103
)	<input type="checkbox"/> and CHILD SUPPORT
_____)	
Respondent.)	DOMESTIC RELATIONS CASE
)	SUBJECT TO FEE UNDER
)	UNDER ORS 21.111

1.

_____ is the mother and _____
is the father of (names of children): _____
in _____ County, State of _____.

2.

Paternity has been established:

By filing with the State Registrar of Vital Statistics of voluntary acknowledgment of paternity,
concerning the following child(ren): _____
(list name(s) of child/ren involved)

By administrative order docketed with the following court: _____
_____, concerning the following child/ren:

(list name(s) of child/ren involved)

1 By judicial order entered in the following court:_____

2 concerning the following child/ren:_____.

(list name(s) of child/ren involved)

3 By another method:_____

4 concerning the following child/ren:_____

5 _____

6 (list name(s) of child/ren involved)

7 3.

8 The minor child/ren reside(s) in _____ County, State of _____.

9 The petitioner resides in _____ County, State of _____.

10 The respondent resides in _____ County, State of _____.

11 4.

12 No other domestic relations suit or support proceeding involving this marriage, or the dependents
 13 of this marriage, is pending in any other state except for a child support proceeding initiated by the
 14 State of Oregon through the Support Enforcement Division or the District Attorney.

15 5.

16 The parties have _____ child/ren born to them. The name(s), date(s) of birth, social security
 17 number(s), and address(es) of the child/ren are:

<u>Name</u>	<u>Date of Birth</u>	<u>Soc. Sec. No.</u>	<u>Address</u>
_____	_____	_____	_____
_____	_____	_____	_____
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6.

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

Dates County/State With Whom

From: _____ to _____

From: _____ to _____

From: _____ to _____

From: _____ to _____

Additional page attached; see section labeled "paragraph 6 continued."

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

Name Address

7.

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

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

Name of Court State Date Result

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8.

I do not know of any other custody, visitation, parenting time, or placement proceeding involving the child/ren of this marriage pending in this or any other state

except for _____.

9.

I do not know any person other than my spouse who has physical custody of the child/ren or who claims to have custody, visitation, or parenting rights except for _____

_____.

CHILD CUSTODY

Mother should be awarded _____ custody of the following child/ren:

Father should be awarded _____ custody of the following child/ren:

Mother and father should be awarded joint legal custody of the following child/ren:
_____ shall be awarded physical custody of the child/ren.

_____.

PARENTING TIME

11.

_____ should be awarded the following parenting time:

Local Rule 8.075 Standard Parenting Plan (copy must be attached)

Other as follows:

1 Additional page attached; see section labeled "paragraph 12 continued."
 2 _____ should have the right to additional reasonable parenting
 3 time with the child/ren upon giving reasonable notice to the other parent. Minimum parenting time should
 4 be: _____
 5 _____
 6 _____

7 _____ should not be granted parenting time because such would
 8 endanger the health and safety of the child/ren as described below:
 9 _____
 10 _____

11 Mother and Father should each provide contact addresses and contact telephone numbers
 12 to the other, if possible, and notify the other of any emergency circumstances or substantial changes in the
 13 child/ren's health.

14 The requirement of ORS 107.159 regarding notice of moving should not be required
 15 because of the following reason: _____
 16 _____

CHILD SUPPORT

12.

19 (a) No child support should be ordered at this time because:
 20 Child support in the amount of \$ _____ monthly has already been ordered and
 21 docketed with the _____ County Circuit Court.
 22 _____
 23 _____
 24 _____

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1 (b) Child support should be paid by _____ to
2 _____ beginning on the first day of the month following the date
3 of the decree and continuing on the first (1st) day of each month thereafter. The support for each child
4 should be paid until that child reaches eighteen (18) years of age, or is otherwise emancipated. The support
5 should continue until the child reaches the age of twenty-one (21) so long as the child is a student attending
6 school as defined by Oregon law. The total payment of child support per month should be \$ _____
7 for _____ children.

8 The support amount was calculated pursuant to the support guidelines set out in Oregon's
9 Administrative Rules. The support amount:

- 10 does not deviate from the amount presumed correct under the guidelines
- 11 does deviate from the amount presumed correct under these guidelines because:
12 _____
13 _____

14 14.

15 All payments of child support should be made:

16 To the Oregon Department of Human Resources, P.O. Box 14506, Salem, Oregon,
17 97309. **Petitioner requests that collection, accounting, disbursement, and enforcement services**
18 **be provided by the State of Oregon's Department of Human Resources.**

19 Directly to _____ 's checking or savings account. A receipt of deposit
20 should be kept by the parent paying support as proof of payment. The parent receiving support should
21 provide the paying parent with current deposit slips and/or bank name, account name, and account number.

Oregon law requires that child support on all new or modified orders be collected by income withholding. Exceptions may be granted under the provisions of ORS 25.317.

LIFE INSURANCE COVERAGE FOR CHILD/REN

15.

_____ should obtain and maintain life insurance in the amount of \$_____ for the benefit of the parties' child/ren throughout the period of the support obligation. That parent should maintain coverage for the duration of the support obligation.

Respondent should not be required to obtain and maintain life insurance because he/she cannot afford to maintain life insurance, and/or social security survivor benefits payable to the child/ren in the event of _____'s death will be sufficient to replace the obligor's child support obligation.

MEDICAL INSURANCE COVERAGE FOR CHILD/REN

16.

_____ should name the child/ren as beneficiaries of any health, accident, dental, orthodontic, and optical insurance plan throughout the period of the support obligation, whenever such insurance is available through that parent's employment, group, or union, at a cost not to exceed the amount of child support calculated pursuant to the support guidelines. If that parent fails to maintain insurance under these circumstances for the child/ren, that parent should be liable for any of those expenses incurred after the date of the court order requiring the coverage. If that parent maintains this insurance but the insurance does not provide complete coverage, that parent should pay one-half all of the uninsured costs. If the insurance coverage for the child/ren is provided through the parent's employment, group, or union, and if this employment, or group or union membership is then terminated, this parent shall notify the other parent of this fact prior to or immediately upon termination.

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(signature)

(print name)

Address

City, State, and Zip Code

Telephone

SIGNED AND SWORN TO before me this _____ day of _____,
20 ____, by _____.

Notary Public for _____ /Court Clerk
My Commission Expires: _____

I certify that this is a true copy.

Petitioner, Pro Se (signature)

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)/form(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:)
) Case No.
_____,)
) SUMMONS
Petitioner,)
)
and) DOMESTIC RELATIONS SUIT
)
_____,)
)
Respondent.)

TO: _____, Respondent.

Home Address:

Work Address:

A Petition involving your child/ren has been filed with the court. If you do not file the appropriate legal paper with the court in the time require (see below), the Peitioner 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.” This paper must be given to the Court 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 or she does not have an attorney) was served with a copy of the “Response” or “Motion.”

If you have questions, you should see an attorney immediately. If you need help in finding an

1 attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free
2 in Oregon at (800) 452-7636.

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5 _____
Petitioner, Pro Se (signature)

6 _____
7 (Print name)

8 _____
Address

9 _____
City, State, Zip Code

10 _____
11 Telephone

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22 I certify that this is a true copy.

23
24 _____
Petitioner, Pro Se (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.
PETITIONER'S CERTIFICATE
OF MAILING

I certify that on _____, 20____, I mailed a true copy of the Petition for
Custody, Parenting Time and Child Support in the above case to the Division of Child Support of the
Department of Justice at the following address: _____

DATED this _____ day of _____, 20____.

(signature)

(print name)

Address

City, State, 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.
AFFIDAVIT OF SERVICE

STATE OF _____)
County of _____)ss.
_____)

I, _____, being first duly sworn, say: 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. On the ____ day of _____, 20____, at ____m, I served the Summons, Petition for Custody, Parenting Time and Child Support in the above entitled case, within the County of _____, State of _____, by delivering to the respondent in person true copies of the originals.

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(signature)

(print name)

Address

City, State, Zip Code

Telephone

SIGNED AND SWORN TO before me this ____ day of _____, 20_____, by

_____.

Notary Public for _____ /Court Clerk

My Commission Expires: _____

CERTIFICATE OF DOCUMENT PREPARATION

I hereby certify that the following is true:

- I selected the document(s) for myself.
- I was provided the document(s) by an attorney.
- I completed the document(s) without paid assistance.
- I paid or will pay money to _____ for assistance in preparing the document(s)/form(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.
ACCEPTANCE OF SERVICE

STATE OF _____)
County of _____) ss.

I, _____, being first duly sworn, say: that I am the respondent; that
on _____, 20____, I received true copies of the Summons, Petition for Custody,
Parenting Time And Child Support, in _____ County, State of
_____ in _____.

(signature) Respondent

(print name)

Address

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City, State, and Zip Code

Telephone

SIGNED AND SWORN TO before me this ____ day of _____, 20____, by

_____ .

Notary Public for _____/Court Clerk
My Commission Expires: _____

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)/form(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:)
)
_____,)
Petitioner,)
and)
_____,)
Respondent.)

Case No.
PETITIONER’S EX PARTE
MOTION FOR ORDER OF
DEFAULT; and ORDER

Motion

Based on the attached Affidavit, petitioner requests that this Court grant an Order entering the default of respondent for the reason that respondent was served with the Summons and Petition in _____ County, State of _____, on _____, 20____, and has not made an appearance within the time prescribed by law.

Statement of Points and Authorities

ORCP 69 requires the Court or Clerk to enter an order of default on a showing by affidavit or otherwise 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

///

///

1 the time set by law.

2 DATED this _____ day of _____, 20____.

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Petitioner, Pro Se (signature)

6

(print name)

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Address

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City, State, Zip Code

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Telephone

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CERTIFICATE OF DOCUMENT PREPARATION

12

I hereby certify that the following is true:

13

G I selected the document(s) for myself.

14

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

15

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

16

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

17

DATED this _____ day of _____, 20____.

18

Signature

19

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ORDER

21

Allowed.

22

Denied.

23

DATED this _____ day of _____, 20____.

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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)
)
_____))
Petitioner,)
)
and)
)
_____))
Respondent.)

Case No.
PETITIONER'S AFFIDAVIT
IN SUPPORT OF MOTION FOR
ORDER OF DEFAULT

STATE OF _____)
) ss.
County of _____)

I, _____, being first duly sworn, say: I am the petitioner in this proceeding.

The respondent is not now, and was not at the time of the service of the Summons and Petition, in the active military service of the United States, an unemancipated minor, or incapacitated.

The respondent is now, or was at the time of the service of the Summons and Petition, in the active military service of the United States, but the respondent has waived his or her rights under the Soldiers and Sailors Civil Relief Act, as shown by the attached waiver, labeled as Exhibit 1. The respondent is not now and was not at the time of the service of the Summons and Petition, an unemancipated minor or incapacitated.

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(signature)

(print name)

Address

City, State, and Zip Code

Telephone

SIGNED AND SWORN TO before me this ____ day of _____, 20____,
by _____.

Notary Public for _____/Court Clerk
My Commission Expires: _____

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)/form(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.

PETITIONER'S EX PARTE
MOTION ALLOWING ENTRY
OF DECREE ON AFFIDAVIT
IN LIEU OF HEARING

Motion

Based on ORS 107.095(4) and the Order of Default on record in this matter, petitioner requests that this Court grant an Order allowing entry of judgment based on the attached Affidavit of petitioner, in lieu of a hearing.

Statement of Points and Authorities

In a suit for dissolution of marriage where the respondent is found by the Court to be in default, ORS 107.095(4) authorizes the Court to enter a decree of dissolution upon the affidavit of petitioner without a hearing.

DATED this ____ day of _____, 20__.

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(signature)

(print name)

Address

City, State, and Zip Code

Telephone

CERTIFICATE OF DOCUMENT PREPARATION

I hereby certify that the following is true:

G
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I selected the document(s) for myself.

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

I completed the document(s) without paid assistance.

I paid or will pay money to _____ for assistance in preparing the document(s)/form(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: _____)
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)
Petitioner,)
)
and)
)
_____)
Respondent.)

Case No.
PETITIONER'S AFFIDAVIT
SUPPORTING JUDGMENT OF
CUSTODY, PARENTING
TIME AND CHILD SUPPORT

STATE OF _____)
)ss.
County of _____)

I, _____ being first duly sworn, say: I am the petitioner in this suit. Respondent and
I are the parents of the following minor child/ren: _____

Petitioner was an Oregon resident continuously for more than six months immediately prior
to commencement of this suit.

Respondent was an Oregon resident continuously for more than six months immediately
prior to commencement of this suit.

1 Respondent has not appeared in this matter and an Order of Default has been entered. This
2 case is now ready for a hearing on the merits. I make this affidavit in support of a Judgment of
3 Custody, Parenting Time and Child Support without a hearing. The allegations in my Petition are
4 true and it is just and reasonable that I be granted the relief I request.

5 Child custody or child support is involved: the child/ren had been living in Oregon for at least
6 six months when this suit was commenced. The current residence of the minor child/ren is:

7 <u>Name of Child</u>	<u>Resides with</u>	<u>For how long</u>
8 _____		
9 _____		
10 _____		

11 Child support is involved: I believe that respondent's gross monthly income is approximately
12 \$_____. My gross monthly income is approximately \$_____. The child
13 support amount I have requested does not deviate from the amount presumed correct under Oregon
14 Administrative Rules, or does deviate from the
15 presumed amount of \$_____ because: _____

16 _____
17 My health, safety, or liberty, or that of my child _____ would
18 unreasonably be put at risk by disclosure of personal identification information in the Judgment because
19 _____
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(signature)

(print name)

Address

City, State, and Zip Code

Telephone

SIGNED AND SWORN TO before me this ____ day of _____, 20____, by
_____.

Notary Public for _____ /Court Clerk
My Commission Expires: _____

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.
JUDGMENT OF CUSTODY,
PARENTING TIME and
CHILD SUPPORT

This matter came before the Court:

- On the motion and affidavit of Petitioner, the default of Respondent having been found.
- On the stipulations of the parties, as shown by the signatures below.
- At a hearing held _____, 20____, at which the following persons were present:
 - Petitioner
 - Petitioner's attorney _____
 - Respondent
 - Respondent's attorney _____

///
///
///

1 The Court considered the:

- 2 Affidavit
- 3 Affidavit and stipulations
- 4 Evidence presented

5 and found that:

6 Oregon has jurisdiction under the Uniform Child Custody Jurisdiction Act to hear the custody
7 and parenting time issue because:

- 8 Oregon is the children's home state.
- 9 The child/ren and _____
10 (name of parent or caretaker)
11 have had significant connections to Oregon and substantial evidence about them
12 is available here.

- 12 The child/ren are physically present in Oregon and:
- 13 The child/ren have been abandoned, or
- 14 An emergency exists requiring the child/ren's protection.

15 Oregon does not have jurisdiction under the Uniform Child Custody Jurisdiction Act because
16 _____

17 NOW THEREFORE IT IS HEREBY ORDERED:

18 **JUDGMENT OF CUSTODY, PARENTING TIME AND CHILD SUPPORT**

19 The terms of this judgment of Custody, Parenting Time and Child Support are effective
20 immediately.

21 The following children were born to or adopted by the parties:

22 _____

23 _____

24 _____

25 ///

26 ///

CHILD CUSTODY

Custody of the child/ren is awarded as follows:

Mother is awarded _____ custody of the following child/ren:

Father is awarded _____ custody of the following child/ren:

Mother and Father should be awarded joint legal custody of the following child/ren:
_____ is awarded physical custody of the child/ren.

PARENTING TIME

_____ should be awarded the following parenting time:

Local Rule 8.075 Standard Parenting Plan (copy must be attached)

Other as follows: _____

Additional page attached; see section labeled "Parenting Time continued."

_____ should have the right to additional reasonable parenting time with the
child/ren upon giving reasonable notice to the other parent. Minimum parenting time should be:

///

///

///

1 _____ should not be granted parenting time because such would endanger the
2 health and safety of the child/ren as described below:

3 _____
4 _____

5 Mother and Father should each provide contact addresses and contact telephone numbers
6 to the other, if possible, and notify the other of any emergency circumstances or substantial changes in the
7 child/ren's health.

8 The requirement of ORS 107.159 regarding notice of move is suspended for good cause
9 found.

10 **CHILD SUPPORT**

11 No child support is ordered at this time because: _____
12 _____

13 Child support in the amount of \$_____ monthly has already been ordered and
14 docketed with the _____ County Circuit Court. (attach copy of child support
15 judgement)

16 Child support shall be paid by _____ to
17 _____ beginning on the first day of the month following the date
18 of the decree and continuing on the 1st day of each month thereafter. The support for each child shall
19 continue until the child reaches eighteen (18) years of age, or is otherwise emancipated. The support shall
20 continue until the child reaches the age of twenty-one (21) so long as the child is a student attending school
21 as defined by Oregon law. Until further order, the total payment per month shall be \$ _____ for
22 _____ children.

23 ///

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1 **CALCULATION**

2 The child support worksheet on which the support amount was calculated is labeled
3 "Exhibit 1" and attached to and incorporated in this judgment.

4 The support award does not deviate from the amount presumed correct under the
5 guidelines set out in Oregon Administrative Rules.

6 The support amount presumed correct under the guidelines set out in Oregon
7 Administrative Rules is \$ _____. The support award deviates from this amount because this Court finds
8 that application of the formula would be unjust or inappropriate in this case because _____

9 _____
10 _____

11 **PAYMENT**

12 All payments of child support shall be made:

13 To the Department of Justice, Child Support Accounting Unit, P.O. Box 14506, Salem,
14 Oregon, 97309. **By petitioner's request, collection, accounting, disbursement, and enforcement**
15 **services of this obligation shall be through the State of Oregon's Department of Justice.**
16 **Pursuant to ORS 25.311(1), an income withholding order shall be issued to enforce this obligation**
17 **unless an exception is indicated below.**

18 Exceptions to withholding. Income withholding is not ordered at this time because all
19 support arrearages have been paid in full, the paying parent has not previously been granted an exemption
20 from withholding, and:

21 The parents, and the State, if support rights are assigned, have agreed in writing to an
22 alternative arrangement; or

23 Good cause not to require withholding is found because _____
24 _____.

25 ///

26 ///

1 Pursuant to the above exception, support shall be paid directly to _____
 2 _____'s checking or savings account at _____ Bank, _____
 3 branch, A receipt of deposit shall be kept by the parent paying support as proof of payment. The parent
 4 receiving support shall provide the paying parent with current deposit slips and/or bank name, account
 5 name, and account number.

6 **NOTICE OF INCOME WITHHOLDING**

7 Oregon law requires that child support on all new or modified orders be collected by income withholding.
 8 Exceptions may be granted under the provisions of ORS 25.317.

9 The Support Order is enforceable by income withholding under ORS 25.311 to 25.318, 25.351 to 25.367 and 25.722.
 10 Withholding shall occur immediately, whenever there are arrearages at least equal to the support payment for one
 11 month, whenever the obligated parent requests such withholding or whenever the obligee requests withholding
 12 for good cause. The District Attorney, or as appropriate, the Support Enforcement Division of the Department of
 13 Justice will assist in securing such withholding. Exceptions may apply in some circumstances.

12 Oregon Law recognizes that child support and visitation terms are designed for the child's benefit. A parent ordered
 13 to pay support must comply with those child support orders even if the parent is not receiving the parenting time
 14 with the child that the court allowed. Similarly, a parent with whom a child lives must comply with visitation
 15 orders even if the parent is not receiving the ordered child support.

14 Violation of child support orders and visitation orders is punishable as contempt of court.

15 Publicly funded help is available to establish, enforce and modify child support orders.

16 Paternity establishment services are also available. Contact your local District Attorney or the Department of
 17 Human Resources at Salem, Oregon for information.

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**NOTICE ABOUT PERIODIC REVIEW
AND MODIFICATION OF CHILD SUPPORT ORDERS**

3 A. If your child support case is handled by the District Attorney or the Support Enforcement Division (SED),
4 this agency will review your child support order if at least two years have passed since the order was entered,
5 modified, or last reviewed. *This review will take place only if a parent requests.*

6 The purpose of the review is to see if the amount ordered is still within the guidelines for child support
7 set out in Oregon law. The review could result in an increase or decrease in the support amount, depending on the
8 parents' financial circumstances and the needs of the child.

9 This "periodic review" service is provided at no cost to parents, but is available only for cases handled by
10 the District Attorney or SED.

11 B. The support agency handling your case will also review your support order for compliance with the
12 guidelines whenever a substantial change in circumstance has occurred. You can request this "change in
13 circumstance" modification from the support agency. But *any* support order (not just orders handled by the
14 District Attorney or SED) can be modified because of a change in circumstance, so a private attorney is able to
15 assist you with this, too. You may also represent yourself.

16

LIFE INSURANCE COVERAGE FOR CHILD(REN)

17 _____ shall obtain and maintain life insurance in the amount
18 of \$_____ for the benefit of the parties' child/ren throughout the period of the support obligation.

19 This parent shall maintain coverage for the duration of the support obligation.

20 Respondent should not be required to obtain and maintain life insurance because he/she
21 cannot afford to maintain life insurance, and/or social security survivor benefits payable to the child/ren in
22 the event of _____'s death will be sufficient to replace the obligor's child support
23 obligation.

24

MEDICAL INSURANCE COVERAGE FOR CHILD(REN)

25 _____ shall name the child/ren as beneficiaries of any
26 health, accident, dental, orthodontic, and optical insurance plan, throughout the period of the support
obligation, whenever such insurance is available through this parent's employment, group, or union, at a cost
not to exceed the amount of the child support award on Line 22 of page 4. If this parent fails to maintain
insurance under these circumstances for the child/ren, this parent shall be liable for any of those expenses
incurred after the date of the court order requiring the coverage.

1 If this parent maintains the required insurance but the insurance does not provide complete coverage, this
2 parent shall pay one half all of the uninsured costs. if this parent provides insurance that is
3 available through his or her employment, group, or union membership, and this employment or membership
4 then terminates, this parent shall notify the other parent of this fact prior to or immediately upon termination.
5 Whenever _____ does not have health, accident, dental, orthodontic,
6 or optical insurance available through employment, group, or union membership, this parent shall pay:
7 one-half all of the uninsured medical, dental, orthodontic, optical and prescription medicine costs
8 incurred for the child/ren throughout that period.

9 COURT COSTS AND FEES

10 (a) Costs and Fees Deferred

11 Mother Father shall be liable for all the court costs and service fees that were
12 deferred.

13 Mother and Father shall each be liable for one half the court costs and service fees that
14 were deferred.

15 The State of Oregon shall have judgment against Mother Father for one-half
16 all the court costs.

17 The County of _____ shall have a judgment against
18 Mother Father for one-half all the service fees.

19 (b) Costs and Fees Paid

20 Mother Father shall be liable for one-half all the court costs and service fees that
21 have been paid in this suit. Mother Father shall have a judgment against Mother
22 Father for one-half all of these costs.

23 ///

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1 **REQUIRED INFORMATION ABOUT THE PARTIES**

2 MOTHER

FATHER

3 Full name _____

Full name _____

4 Soc. Sec. # _____

Soc. Sec. # _____

5 Driver's License # _____

Driver's License # _____

6 Residence, Mailing or Contact

Residence, Mailing or Contact

7 Address _____

Address _____

8 _____

9 Telephone _____

Telephone _____

10 Employer Name _____

Employer Name _____

11 Employer Address _____

Employer Address _____

12 _____

13 Employer Telephone _____

Employer Telephone _____

14 _____

15 Based on a finding that the health, safety, or liberty of _____
16 or a child _____ would unreasonably be put at risk by disclosure of the
17 preceding information in this section, _____ is allowed not to disclose this information.
18 (name of parent at risk) (name of child at risk)

19 Both parties shall inform the Department of Human Resources (P.O. Box 14506, Salem,
20 Oregon 97309) in writing of any change in the information required by this section within
21 ten (10) days of such change. **If the court has ordered that a party be allowed not to
22 disclose information by means of this Judgment, the Department of Human
23 Resources shall not disclose this information to the other parent.**

24 Date of birth: _____ Age _____ Date of birth: _____ Age _____

25 All former legal names of the mother are: _____

26 All former legal names of the father are: _____

///

///

1 There are _____ children of the parties, whose names, ages, and dates of birth are:

2 Name Age Expected/Date of Birth

3 _____
4 _____
5 _____

6 **MONEY JUDGMENT SUMMARY**

7 (Child Support Obligation included not included)

8 A. CHILD SUPPORT

9 1. Judgment Creditor _____

10 2. Attorney for Judgment Creditor _____

11 3. Judgment Debtor _____

12 4. Amount of Judgment: _____ per month, commencing the first day of the
13 month following the date of the decree.

14 5. Interest

15 a.. Interest accrues at 9% per annum, simple interest.

16 b. Interest accrues on the judgment on each unpaid installment as it becomes due on
17 the first day of each month.

18

19 B. COURT COSTS

20 1. Judgment Creditor _____

21 2. Attorney for Judgment Creditor _____

22 3. Judgment Debtor _____

23 4. Amount of Judgment: _____

24 5. Interest

25 a.. Interest accrues at 9% per annum, simple interest.

26 b. Date from which interest runs: date entered as judgment.

1 C. SERVICE FEES

2 1. Judgment Creditor _____

3 2. Attorney for Judgment Creditor _____

4 3. Judgment Debtor _____

5 4. Amount of Judgment: _____

6 5. Interest

7 a.. Interest accrues at 9% per annum, simple interest.

8 b. Date from which interest runs: date entered as judgment.

9

10 DATED this _____ day of _____, 20 ____ .

11

12

Circuit Judge

13

14 **Submitted by:**

14

15 _____ on _____
Petitioner, Pro Se (signature) (date)

16

(print name)

17

18 _____
Address or Contact Address

19 _____
City, State, Zip Code

20

21 _____
Telephone or Contact Telephone

22

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1 **So Stipulated by:**

2

3 _____
Respondent, Pro Se

4

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CERTIFICATE OF DOCUMENT PREPARATION

11

I hereby certify that the following is true:

12

G I selected the document(s) for myself.

13

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

14

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

15

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

16

17

DATED this _____ day of _____, 20 _____.

18

Signature

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

Support Order Abstract

PETITIONER _____)

Address or Contact _____)

_____ Zip Code _____)

SS# _____)

Birthdate _____ Sex _____)

RESPONDENT _____)

Address or Contact _____)

_____ Zip Code _____)

SS# _____)

Birthdate _____ Sex _____)

This is a

New order (enter A through C)

Modification (enter A through E)

THIS ORDER

Case No. _____

Date of Order _____

Type of Proceedings

ORIGINAL ORDER

County _____

Case No. _____

OBLIGOR (Person to make payments) _____

OBLIGOR'S EMPLOYER'S NAME / ADDRESS _____

Payment \$ _____ Frequency _____ First due date _____ Arrearage Amount \$ _____

Beneficiary(ies) (First names only)	Birth Date	Relation- ship	Social Security No.	Amount	Obligation Expir. Date
--	---------------	-------------------	------------------------	--------	---------------------------

SPECIAL DISTRIBUTION REQUIRED:

PROCEEDINGS DISPOSITION: