

**UNMARRIED PARENTS - PACKET 6**  
**CUSTODY, PARENTING TIME, CHILD SUPPORT**  
**RESPONSE**



1 Support (files court papers disagreeing with what I ask for), I should see an attorney immediately.

2 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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# Unmarried Parents: Responding to Petition for Custody, Parenting Time and Support 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 set of forms and instructions explain how to file a response to a petition for custody, parenting time and support. When filling out the forms, follow these directions:

### **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. Support issues. If you and the other parent spouse can't agree on child support, a judge will determine, at trial, whether either parent 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. Your local legal aid office or child support division 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

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.

### **III. Fill out the following forms:**

- A. Acknowledgment about Petition for Custody, Parenting Time and Support
- B. Response
- C. Request for Mediation
- D. Certificate of Mailing

### **IV. Filing the Response.**

After you have filled out the Response, make two copies. One copy is for your records, and the second copy is for the other parent. Mail the other parent’s copy and fill out the Certificate of Mailing form.

File the original Response and Certificate of Mailing form with the court clerk along with the required filing fee (unless your fee has been waived or deferred by a judge).

**If you and the petitioner 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 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 the petitioner 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 petitioner.

### **V. Parenting Classes.**

The courts require that parents of minor children go to a parent education class. In Deschutes County it is the Seminar for Divorcing Parents. You will need to 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. If you cannot afford to pay the \$40 registration fee, you may ask the court for a waiver. You may pick up an application for waiver of the fee for the seminar 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. You must pre-register for the seminar.

### **VI. RESOLVING YOUR CASE**

#### **Conferences with the Judge.**

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

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

#### **Working Toward Agreement.**

The court wants to assist you in resolving the issues that the parents disagree on. You may discuss these

issues with the other parent directly if it is safe for you to do so and if no court order prohibits this contact. If you filed a response, and later decide that what the other parent asked for in the petition is okay with you, you may fill out and file a Waiver of Further Appearance and Consent to Entry of Judgment form. The court will then enter judgment based on what was requested in the petition. Ask your local courthouse facilitator for help with this step. 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 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). There is usually no fee for mediation. If mediation has not yet been ordered in your case and you would like to request it, you may file a Request for Mediation form.

Your case is finished the date the judgment is signed by a judge. The judgment contains all of the issues decided in mediation, hearing or through your agreement. If both parents agree on all issues, it may be prepared by either parent as long as it is reviewed and signed by both parents. If there are still items that you don't agree on, the court will set a trial. The judge may direct one parent to prepare the judgment after the hearing. Some judges may also want to meet with you for a "settlement conference" (a private meeting with a judge) to help you come to agreement.

If you are responsible for filling out the judgment, make a copy for yourself and one for the other parent, and file the original with the court **If your case involves child support, file an extra copy of the proposed judgment with the court.**

You may also have to file the forms listed below, depending on your circumstances.

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

**Parenting Plan.** Your parenting plan will be part of the final judgment.

**Support Order Abstract.** This form is required if this is the first time a child support order has been made, or if there has been a change of address of one of the parties, the number of dependents or the amount of support since the first order.

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

In the Matter of:	)	
	)	Case No.
	)	
_____ ,	)	RESPONSE (CHILD CUSTODY)
Petitioner,	)	<input type="checkbox"/> AND COUNTERCLAIMS
	)	
and	)	DOMESTIC RELATIONS CASE
	)	SUBJECT TO FEE (ORS 21.111)
	)	
_____ ,	)	NOT SUBJECT TO MANDATORY
Respondent.	)	ARBITRATION

RESPONSE

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

\_\_\_\_\_ of the Petition for Custody, Parenting Time  and Child Support.

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 the  
2 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 lived  
10 are:

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

15 e.  I have not participated in any litigation concerning the custody, visitation, parenting  
16 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

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1 g. I do not know any person other than petitioner who has physical custody of the child/ren  
2 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 \_\_\_\_\_ )  
13 County of \_\_\_\_\_ ) ss.

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

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

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

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

21 \_\_\_\_\_  
22 Address

23 \_\_\_\_\_  
24 City, State, Zip Code

25 \_\_\_\_\_  
26 Telephone

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

3

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

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CERTIFICATE OF DOCUMENT PREPARATION

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I hereby certify that the following is true:

G

I selected the document(s) for myself.

11

G

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

G

I completed the document(s) without paid assistance.

12

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

In the Matter of the of: )  
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\_\_\_\_\_, )  
 )  
                  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)  
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Address  
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City, State, Zip Code  
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- 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:

\_\_\_\_\_,

Petitioner,

and

\_\_\_\_\_,

Respondent.

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Case No.

REQUEST FOR MEDIATION BY  
ONE PARENT and ORDER

I, \_\_\_\_\_, am the mother/father of the child/ren. 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 mother/father receives a copy of this request.

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

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

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Telephone

1 STATE OF \_\_\_\_\_ )  
2 County of \_\_\_\_\_ )

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

6 \_\_\_\_\_  
(print name of parent being served)

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

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

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

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

14 \_\_\_\_\_  
Signature or parent requesting mediation

15 SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_,  
16 20\_\_\_\_, by \_\_\_\_\_.

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

19 CERTIFICATE OF DOCUMENT PREPARATION

- 20 I hereby certify that the following is true:  
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23 G I completed the document(s) without paid assistance.  
24 G I paid or will pay money to \_\_\_\_\_ for assistance in preparing the  
25 document(s)/forms(s).

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

\_\_\_\_\_  
Signature

1 \_\_\_\_\_  
2 **ORDER**

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

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

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

13 \_\_\_\_\_  
14 **CIRCUIT JUDGE**



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.

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, Zip Code

\_\_\_\_\_  
Telephone

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- 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