

Request for Waiver of 90 Day Waiting Period

Instructions

These instructions explain how to ask the court to waive the 90 day waiting period between service (delivery of petition to respondent) and final judgment in a Summary Dissolution case. Either party may use this packet.

REQUIRED CIRCUMSTANCES

You should not apply for a waiver of the 90 day waiting period unless your situation meets one of the following criteria:

- **There is an emergency or situation of necessity.** If these conditions exist, complete the forms described below. *You must provide facts that satisfy the court that immediate action is warranted to protect your or another person's rights or interests in your proceeding.*
- You and the other party have signed a **stipulated judgment** agreeing on all terms of your dissolution (divorce). The stipulated judgment should be filed with the Motion and Affidavit described below. State in the Affidavit that you and the other party have signed a stipulated judgment. No other grounds of emergency or necessity need be stated.

IMPORTANT: The fact that the respondent has “defaulted” *alone* does NOT qualify as an “emergency” or “situation of necessity.”

STEP 1

- Fill out the Affidavit in Support of Motion for Waiver of 90 Day Waiting Period (AFFIDAVIT) and Motion for Waiver of 90 Day Waiting Period (MOTION).
- Fill out the case heading on the Order Regarding Request for Waiver of 90 Day Waiting Period (ORDER) and the information about yourself at the bottom of the page.
- Make two copies of the AFFIDAVIT, MOTION AND ORDER. One is for your records and the other is to send to the other party (unless the other party has defaulted). Sign the copies for the other party where it says “*I certify this is a true copy.*”

STEP 2

- Send the copies of the AFFIDAVIT, MOTION and ORDER to the other party by mail (unless the other party has defaulted) . Fill out the Certificate of Mailing form.
- File the original AFFIDAVIT, MOTION, ORDER, and Certificate of Mailing with the court. If you and the other party have signed a stipulated judgment, file the original of it as well.

STEP 3

- Check back in a week to 10 days to see if the ORDER was signed by a judge, and if so, whether the request was granted or denied. If the request was granted, the judge will grant judgment before expiration of the 90-day period. If the request was denied, you must wait until 90 days has passed from the date of service before the court will hold a final hearing or sign the final judgment of dissolution (divorce).

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

In the Matter <input type="checkbox"/> of the Marriage of:)	
)	
_____ ,)	Case No. _____
Petitioner,)	
)	
and)	MOTION FOR WAIVER OF
)	90 DAY WAITING PERIOD
_____ ,)	
Respondent.)	

Motion

I, Petitioner Respondent, request that the court issue an Order waiving the requirement that the parties wait 90 days from the date of service before proceeding to a trial or hearing on this matter. This motion is supported by the grounds stated in the attached affidavit.

Points and Authorities

ORS 107.065(2) allows the court to waive the 90 day waiting period if the request is supported by an affidavit setting forth grounds of emergency or necessity and facts that satisfy the court that immediate action is warranted to protect the rights or interest of any party or person who might be affected by a final judgment in the proceedings. An affidavit stating that a stipulated judgment has been signed by the parties is adequate grounds of necessity for immediate action under this statute.

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

DATED: _____, 20 ____.

Petitioner Respondent, Signature Print Name

Address or Contact Address City, State, Zip Telephone or Contact Telephone

I certify that this is a true copy: _____
Signature

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

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

Case No. _____

AFFIDAVIT IN SUPPORT OF MOTION
FOR WAIVER OF 90 DAY WAITING
PERIOD

STATE OF _____)
) ss.
County of _____)

I, Petitioner Respondent, being first duly sworn, say that the following is true (indicate the happening of at least one of the following):

An emergency or necessity exists in that (describe): _____

_____, **or**

A stipulated judgment of dissolution (divorce) has been signed by both parties to this action.

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- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

 Petitioner Respondent, Signature Print Name

Address or Contact Address City, State, Zip
Telephone or Contact Telephone

SIGNED AND SWORN to before me this _____ day of _____, 20 _____.

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

I certify that this is a true copy: _____
 Petitioner Respondent, Signature

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

In the Matter of the Marriage of: _____)
)
) Case No. _____
)
) Petitioner,)
)
) and)
) ORDER REGARDING REQUEST
) FOR WAIVER OF 90 DAY WAITING
) PERIOD
)
)
) Respondent.)

Based upon the motion and affidavit of the Petitioner Respondent on file herein, the request for waiver of the 90 day waiting period is hereby:

- Allowed.
- Denied.

DATED this ____ day of _____, 20_____.

Circuit Court Judge

Print Name

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- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

 Petitioner Respondent, Signature

Submitted By:

 Petitioner Respondent, Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

I certify that this is a true copy: _____
Signature

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

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

CERTIFICATE OF MAILING

I certify that on _____, 20____, I placed a true copy of the Motion, Affidavit and Order Regarding Waiver of the 90 Day Waiting Period in the above case in the United States mail addressed to
 Petitioner Respondent at (list address): _____

in a sealed envelope with postage paid.

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:
 I selected this document for myself and I completed it without paid assistance.
 I paid or will pay money to _____ for assistance in preparing this form.

DATED this _____ day of _____, 20_____.

 Petitioner Respondent, Signature Print Name

Address or Contact Address City, State, Zip

Telephone or Contact Telephone

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