

Summary Dissolution Of Marriage/Domestic Partnership
ORS 107.485 – ORS 107.500
INSTRUCTIONS

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for an uncomplicated divorce case. For legal information, please talk to a lawyer or visit your local law library. Each court has local rules, programs and procedures that may not be explained in these instructions. Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.courts.oregon.gov>.

This packet contains forms and instructions to help you obtain a divorce through a procedure called **Summary Dissolution of Marriage/Domestic Partnership**. "Summary" means "*without a hearing*" and "dissolution of marriage" means "*divorce*." **Not everyone is eligible for a divorce through this procedure.** Check carefully the eligibility list in the next section to determine whether you may use the summary dissolution procedure to get a divorce. **The instructions are broken down into four basic steps listed below.**

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When filling out the forms, follow these directions:

- You are the named "petitioner" on all court forms and the other party is the "respondent." Use full names (first, middle or middle initial, last) and print the names the same on all forms.
- The clerk will give you a case number when you file your papers. Make sure to put this on all copies and originals.

- 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 provide notary services.
- Many forms say on the bottom, “I certify that this is a true copy,” and provide a place to sign. DO NOT sign this line on the original form. You need to sign this line only on the copies that are served on the other party.
- Make yourself a copy of any document you are filing with the court. File the original with the court clerk.
- Keep the court informed of your current address so you get notice of any 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.

ELIGIBILITY TO USE THE SUMMARY DISSOLUTION PROCEDURE

You are eligible to use this packet of forms if all the following statements are true for you:

A. Residency

Spouses: You **OR** the other party are a resident of Oregon and have been continuously for the past six months before filing the petition for dissolution.

Domestic Partners: You and the other party were Oregon residents at the time of the registration of your domestic partnership. The petition for dissolution may be filed in the county where **either** party currently resides or last resided.

B. Length of Marriage/Partnership

You have been married or in a registered domestic partnership with the other party for no more than **ten (10) years**.

C. Children

You and the other party have **no minor children** born to or adopted by you and the other party during or before the marriage/partnership. You and the other party do not have any child between the ages of 18 to 21 years attending school as defined in ORS 107.108.

Neither party is pregnant.

D. Real Property

Neither you nor the other party owns any interest in real property (land or buildings) in Oregon or elsewhere. (Mobile homes on rented land are not real property.)

E. Personal Property

The personal property that you and the other party own, individually or together, is worth **less than \$30,000** after deducting any money you owe on that property (like a car loan).

F. Debts

The unpaid debts that you and the other party, individually or together, incurred during the marriage/partnership **do not exceed \$15,000**.

G. Spousal Support

You, as the petitioner, give up all rights to spousal support (alimony).

H. Temporary Orders

You, as the petitioner, give up all rights to any temporary orders as part of this dissolution proceeding (such as support payments or exclusive use of marital property) except restraining orders and orders that allow exclusive use of the residence under the Family Abuse Prevention Act (ORS 107.700 to 107.730) or under the Elderly Persons and Persons With Disabilities Abuse Prevention Act (ORS 124.005 to 124.040).

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STEP 1: STARTING YOUR CASE

Fill out the forms

Fill out the forms listed under *Step 1: Starting Your Summary Dissolution Case* on page 1 of these Instructions. Read the Confidential Information Form (CIF) instructions before filling out the other forms.

Have your documents reviewed.

You may have your documents reviewed by a lawyer or a courthouse facilitator. Contact your local court for local resource and facilitator information. For information about how to find a lawyer, call the Oregon State Bar Lawyer Referral Service. If you are low income, you might get your documents reviewed for a smaller fee through the Oregon State Bar's Modest Means program, or you may call your local Legal Aid office.

Make copies

Make at least two photocopies of all the documents you filled out, one for your records and another to serve on the other party.

File the forms with the court

File the original Step 1 forms with the court, EXCEPT the *Summons* and *Declaration/Acceptance of Service*. The court clerk will ask you for a filing fee when you go to file the papers. Call the court to find out how much the fee will be. If you feel you cannot pay this fee, ask the court if you may apply for a fee waiver or fee deferral. You will need to fill out a fee waiver or deferral form and file this document with the court too. If the fee is waived, you do not have to pay it. If the fee is deferred, you will not have to pay the fee now, but you may be required to pay it later. (Use forms from Packet 10.)

The clerk will give you a number of forms when you file your papers. You will need two copies of each form. You need to keep one copy for yourself and have the other copy served on the other party. (See the section "Serving the Other Party" below.)

Serving the other party

The other party has to be served (have papers delivered or given to) with the papers given to you by the court clerk AND with true copies of the Petition and the Summons. To certify the Petition and Summons as true copies, you will need to sign your name at the bottom of the forms on the line that says "I certify that this is a true copy."

If the other party is willing to accept service (they don't have to agree with the papers, just be willing to accept them), have the other party sign the *Acceptance of Service* form in front of a notary or court clerk, then file the *Acceptance of Service* with the court. If the other party signs this form, you don't have to have someone else serve the papers on the other party.

If the other party is not willing to accept service, you will have to use a process server, the Sheriff's office, or someone who is over the age of 18, and Oregon resident, and not a party to the proceedings, to serve the other party. **You cannot serve the other party yourself since you are a party.** After service is complete, have the person who served the other party complete the *Declaration of Service* and promptly file it with the court.

STEP 2A: (FOR PARTIES WHO HAVE STIPULATED (AGREED) — APPLYING FOR WAIVER OF THE 90 DAY WAITING PERIOD

Fill out the forms listed under *Step 3: Where Parties Stipulate ("Agree") — Applying for Waiver of 90 Day Waiting Period* on page 1 of these Instructions, and file them with the court. Both you and the other party must have agreed to all terms in the judgment and signed and had notarized the *General Judgment of Summary Dissolution*.

**STEP 2B: (FOR PARTIES WHO HAVE NOT STIPULATED (AGREED) —
WAITING FOR A RESPONSE; TAKING A DEFAULT; WAITING 90 DAYS)**

Check to see if a response has been filed

Oregon law gives the other party 30 days from when they were served to respond to your petition. If you have not received a response after 30 days, check with the court to see if a response has been filed. If no response has been filed, then you can ask the court for a default order. **The information you fill out in the final judgment must be the same as what you requested in the Petition.** Generally, once the Order of Default is signed, it's too late for the other party to contest what you requested in your Petition. To ask the court for a default order, fill out the *Affidavit, Motion and Order for Default Judgment of Dissolution* form. Submit this form to the Court (do not fill out the Order form yet). You may do this anytime after the 30 days have passed as long as no response has been filed. Check back with the court after 10 days to see if the court granted the default judgment.

Waiting 90 Days

Unless both parties stipulate to the judgment or there are grounds for a waiver based on emergency or necessity, Oregon law requires a 90 day waiting period between the time the other party was served and the time the court can hold a final hearing on your case or sign the final judgment. You may ask the court to waive this period if your situation involves an emergency or necessity. The court must find that immediate action is needed to protect your rights or interests or those of the other party or of a person who might be affected by the terms of the judgment. To ask the court to waive the 90 day period, fill out the forms listed under *Step 2A: Where Parties Stipulate ("Agree") — Applying for Waiver of 90 Day Waiting Period* on page 1 of these Instructions.

STEP 3: FINALIZING YOUR SUMMARY DISSOLUTION

To finalize your divorce, the judge must sign the *General Judgment of Summary Dissolution*.

If both parties agree and have signed the judgment: In most cases, you can submit both the 90 Day Waiver forms together with the General Judgment of Summary Dissolution. Check with the court clerk. The judge will sign both forms at the same time.

If both parties have NOT agreed: You can submit the *Judgment* form to the court after 90 days have passed and if a default has been taken (unless you have applied for an emergency waiver of the 90 day waiting period).

In some cases, the court may have questions about your case and may require additional written information or schedule a hearing at which you and the other party must appear. Normally, however, a hearing is not held and the judge will sign the papers without requiring you or the other party to appear in court.

Once the judge has signed the *General Judgment of Summary Dissolution*, the court clerk will send you and the other party a notice that the Judgment has been signed and entered into the court records. When the Judgment is signed, you are legally divorced. Once you have received the notice, you may contact the court to obtain a copy of the Judgment. A fee may be charged. Keep the notice from the court that the Judgment has been signed for your records.