

A brief guide to enforcing custody or divorce orders or judgments

What if the other party does not follow a court order or judgment?

If the other party is not following the court orders or judgments that are in place through your custody or divorce case, it is up to you to **enforce** those orders. “Enforce” means taking additional legal steps through the court to get the other party to follow your court order or judgment.

The court will not automatically enforce court orders for you. You must formally request help from the court.

Law enforcement also will not help you enforce courts orders in divorce or custody cases, **unless** you get a special court order that clearly directs the police to take a specific action to help you.

The next sections discuss the different methods of enforcing court orders.

Custody enforcement

If you are the custodial parent, and the other parent takes your children and refuses to return them, you can request that the court grant you an **Order of Assistance**. This court order tells law enforcement to go and get your children immediately and return them to you. This is one exception to the rule that law enforcement does not help enforce orders or judgments in custody and divorce cases.

It is a fairly quick process to get an Order of Assistance. You can usually get one within a few days. You will fill out court forms, attach a copy of your custody order or judgment to your forms, file your forms with the court, and then you will have a brief hearing with the judge who will decide whether to grant your request.

It is not appropriate to request an Order of Assistance for minor violations of a parenting plan. For example, if the other parent is a few hours late to an exchange. This type of order is intended for serious situations where the other parent has refused to return your children in violation of your custody order or judgment.

You can find custody enforcement forms here: [https://www.courts.oregon.gov/forms/Documents/Enforcement%20of%20Custody%20\(Packet\).pdf](https://www.courts.oregon.gov/forms/Documents/Enforcement%20of%20Custody%20(Packet).pdf) or at your local courthouse.

In addition to obtaining an Order of Assistance, you can also report the violation of your custody order or judgment to police because this action may also be considered a crime under Oregon laws. If the other parent takes your children to a different state, this is an even more serious crime.

Parenting time enforcement

If the other parent has denied you court-ordered parenting time or is not following other rules in a parenting plan, you can file a request for **Parenting Time Enforcement**. This is a request for the court to make additional court orders to try force the other parent to follow the plan.

You can find parenting time enforcement forms here: [https://www.courts.oregon.gov/forms/Documents/Parenting%20Plan%20Enforcement%20\(Packet\).pdf](https://www.courts.oregon.gov/forms/Documents/Parenting%20Plan%20Enforcement%20(Packet).pdf) or at your local courthouse.

In a parenting time enforcement action, the court can do a number of things to try to get the other parent to follow the parenting plan and to remedy the violations of the plan:

- Order makeup parenting time to the parent who filed the motion
- Change the parenting time schedule
- Create additional rules or conditions for parenting time
- Require the violating parent to attend counseling or education classes
- And more...

- Failure to purchase life or health insurance when required to do so by a court order

To file for contempt, you will need to file a set of forms with the courthouse. You will need to wait for a judge to sign an **Order to Show Cause** requiring the other party appear in court for a contempt hearing. Then you will need to have your forms personally served on the other party.

You can find contempt forms here: <https://www.courts.oregon.gov/forms/Documents/EntirePacket19.pdf> or at your local courthouse.

At a contempt hearing, if the judge finds the other party violated a court order, the judge can make additional orders to ensure that party will comply with the court order or judgment going forward. The judge can also impose a fine for each day that the party continues to violate the order after the contempt hearing. The fine will continue to grow until the other party complies with the order.

Is there only one correct way to enforce a court order or judgment?

No. Often, when a parent doesn't follow a court order or judgment, there may be multiple legal options available. Sometimes you can pursue two enforcement options at the same time. Before choosing an enforcement option, think about what you want the court to do to address the violation. Then, think about whether that is something the court can do with the option you're considering.

For example, if a parent takes your children and refuses to return them, you could file for an Order of Assistance AND you could also file for Parenting Time Enforcement. The Order of Assistance will help you get your children back quickly. However, the Parenting Time Enforcement action will help you correct the violation because the court can order makeup parenting time and can require the other parent to attend counseling to understand the effect of their actions on the children.

Child support enforcement

If you have a child support order and the other parent is refusing to voluntarily pay you child support, the Oregon Child Support Program (CSP) can help you force that parent to pay. CSP services are free to all Oregon parents.

Before the CSP can help you collect child support, you need to have an open case with the program. To request help and to open a case, visit: <https://www.doj.state.or.us/child-support/services/enroll-for-child-support-services/>

The child support program has a variety of tools available to them to force parents to pay child support, including garnishing the non-paying parent's wages, bank accounts, or tax returns or revoking their licenses—including their driver's license or business or professional licenses. For more information on how the Child Support Program can help enforce child support orders visit: <https://www.doj.state.or.us/child-support/services/compliance/>.

Violations of other provisions in a custody or divorce order or judgment

Contempt is a broad remedy that can be used to enforce a wide variety of violations including:

- Failure to sell property or return property as required by a divorce judgment
- Violating a status quo order
- Violating the automatic restraining order preventing dissipation of assets