

A one-page guide to getting a default judgment

What is a default judgment?

If the respondent does not file a response within 30 days of being served with your divorce or custody petition, you can file paperwork requesting that the Court enter a judgment granting you everything you requested in your petition.

A **judgment** is the document that finalizes your divorce or custody case and lays out the terms of your divorce or custody arrangement. When you obtain a judgment because the respondent fails to respond to your petition, this judgment is commonly referred to as a **default judgment**.

A default judgment must contain the same terms that you requested in your initial petition. It cannot include new or different terms or terms that are more specific than what you initially requested in your petition.

This is why if you believe the other party will not respond to your petition it is very important to be detailed about what you want the court to do in your case.

How do you get a default judgment?

If the respondent does not file a Response, the court will **NOT** automatically grant you a default judgment. Instead, you must file an additional set of court forms to request that the court grant you a default judgment.

Where can you find court forms to request a default judgment?

You can obtain a copy of these forms at your local courthouse or online:

- **Divorce cases:** <https://www.courts.oregon.gov/programs/family/forms/Pages/divorce.aspx>
- **Custody cases:** <https://www.courts.oregon.gov/programs/family/forms/Pages/unmarried-parents.aspx>

You will need to complete and file the following forms to request a default judgment:

- Ex Parte Motion for order of Default and Declaration in Support
- Order on Motion for Default
- Declaration in Support of judgment
- General Judgment of Dissolution of Marriage (divorce cases) **OR** General Judgment of Custody, Parenting Time, and Child Support (custody cases)

What if you need to make changes to your petition before requesting a default?

If you need to make changes to your initial custody or divorce petition, you must file an **Amended Petition** with the court. An amended petition can be a copy of your original petition, with the word "Amended" added to the title of the document and your changes handwritten in.

If you file an amended petition, you must re-serve the other party and file a second proof of service with the court.

You then need to allow the respondent additional time to respond. The respondent has either 10 additional days, or the remainder of the initial 30-day period after service of your initial petition, whichever is longer, to respond.