

## A brief guide to starting a divorce or custody case

### How do you start a family law case?

To file for divorce or custody, you will need to file a set of forms with the court. The most important form is called a **Petition**. A petition provides the court and the other party with information about what you want to happen in the case. It's essentially your wish list of what you want to happen in the case.

You will also need to complete some other forms that provide the court with information about yourself and the other party.

The person who starts a divorce or custody case is called the **petitioner**. The other party is called the **respondent**.

### Finding court forms

The Oregon Judicial Department has created a variety of family law forms that are available online for free. You can also obtain these forms from your local county courthouse.

You can generate your court forms by using iForms (easiest option) or you can print out the PDF forms and fill them in by hand. If you do not have access to a computer, internet, or printer, you can obtain forms from the courthouse for a small fee.

### Forms needed for custody cases

Custody forms are available here: <https://www.courts.oregon.gov/programs/family/forms/Pages/unmarried-parents.aspx>. You will need to complete the following forms:

- Petition for Custody and Parenting Time and Child Support

- Summons Family Law Case
- Two confidential information forms (one for you and one for the other party)
- Notice of Confidential Information Form
- Certificate of Mailing to Division of Child Support

### Forms needed for divorce cases without children

Divorce forms are available here: <https://www.courts.oregon.gov/programs/family/forms/Pages/divorce.aspx> (click the link for Dissolution (Divorce) for Petitioners without Children). You will need to complete the following forms

- Petition for Dissolution of Marriage
- Summons Family Law Cases
- Record of Dissolution of Marriage, Annulment, or Registered Domestic Partnership
- Two confidential information forms (one for you and one for the other party)
- Notice of Confidential Information Form

### Forms needed for divorce cases with children

Divorce forms are available here: <https://www.courts.oregon.gov/programs/family/forms/Pages/divorce.aspx> (click the link for Dissolution (Divorce) for Petitioners with Children). You will need to complete the following forms

- Petition for Dissolution of Marriage
- Summons Family Law Cases

- Record of Dissolution of Marriage, Annulment, or Registered Domestic Partnership
- Two confidential information forms (one for you and one for the other party)
- Notice of Confidential Information Form
- Certificate of Mailing to Division of Child Support

## How detailed should you be when you fill out your petition?

There are two ways of filling out a divorce or custody petition.

### ***Option 1: If you think the other party will contest your petition...***

It is ok to be less detailed when you complete your petition. You do not have to calculate child support or attach a parenting plan. Instead, you can request "guideline child support" or "reasonable parenting time" or "reasonable parenting time." You just need to give notice of the basic things you will be requesting in the case.

### ***Option 2: If you think the other party might NOT contest your petition...***

Be very detailed when you fill out your petition. If the other party does not respond and contest your case, you can request that the court grant you a default judgment giving you everything you requested in your petition (See "Getting a Default Judgment" section). However, you must be sufficiently detailed in the petition in order for your judgment to be clear and legally enforceable.

For divorce and custody cases involving children:

- Attach child support worksheets to your petition. You can calculate child support and generate worksheets here: <https://justice.oregon.gov/guidelines/>
- Attach a detailed parenting plan to your petition. You can make up your own plan or you can find sample parenting plans here: <https://www.courts.oregon.gov/programs/family/children/Pages/parenting-plans.aspx>

For divorce cases involving the division of debts and assets:

- List all debts that need to be divided and be specific about how to divide those debts. Attach an additional sheet to your petition if you do not have enough room on the petition to list out all of your debts.
- List all assets, including real property, household items, vehicles, bank accounts, investment accounts, etc. that need to be divided. The best way to do this is by using this form and attaching it to your petition: <https://www.courts.oregon.gov/forms/Documents/Assets-Liab-wlnstr-2019-04-01.pdf>.

## Make copies of your paperwork

After you complete your custody or divorce forms, you need to make copies of all of your paperwork.

- Make 1 copy of all the paperwork you completed for your records.
- Make 1 copy of all the paperwork to serve on the other party, EXCEPT the confidential information forms—these will not be served.
- If child support is an issue in your case, make 1 copy of your petition to mail to the child support program.

## Filing your paperwork

When you are ready to file, bring the original copies of your court papers to the courthouse and file the paperwork with the court clerks. If you cannot file in person, call the court to find out how they prefer you to file from a remote location.

There is a filing fee associated with filing a divorce or custody case. Low-income individuals can request that the court waive the filing fee. The fee waiver application is available online: <https://www.courts.oregon.gov/forms/Documents/EntirePacket10.pdf> or you can request a copy of the fee waiver form from the court clerks.