Comprehensive Guide to your Family Law Case – How to Navigate the Family Court system in Oregon.

Guide to Parenting Plans, Co-parenting, Court Gender Biases, Dealing with a difficult to truly mentally ill co-parent, "How to" do court, with Resources for Single Parents.

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IMPORTANT! This book is for general educational use only. It is not a substitute for the advice of an attorney. If you have a legal question, you should contact an attorney – if you cannot afford an attorney, please see the portions of this book with suggestions for how to get qualified legal help for less money. We strongly encourage you to consult with a competent family law lawyer to address the specifics of your case prior to making any decisions or taking any legal action. Please remember that the law is always changing through the actions of the courts, the legislature, and agencies and this book may not be up-to-date with the latest events.

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Custody/Parenting Time/Parenting Plans
Things you need to know!

"What lies behind us and what lies before us are tiny matters compared to what lies within us". -Ralph Waldo Emerson

I'm not an attorney and nothing here should be considered legal advice! My co-author/editor is an attorney and still, nothing here should be considered legal advice…this is a layperson's guide to help you figure out what to have in your parenting plan, what going to family law court is like, and provide all sorts of resources to help you as a single parent.

Going through a family law case is agonizing emotionally, taxing financially, complicated, confusing, and expensive, regardless of whether you and your co-parent are getting along or at each other's throats, whether you have an attorney (or attorneys) or not, how much education you have, or how much money or how many children you have. It also can be difficult to get accurate and clear information. We try to sift through that for you, this is our humble attempt.

Although we specify Oregon most of what goes into a good parenting plan is the same in any state. We have stolen many things from other (public domain) sources especially the Oregon Department of Justice and modified it for this purpose. We use the term "child" and realize that you may have more than one child with your co-parent, but unless they are twins or adopted they are of different ages and will each have different considerations in a parenting plan, so "child' it is. It is also possible that you have multiple co-parents, presumably one per child, but we suppose anything is possible, however, a parenting plan is a legal contract between two co-parents. We mostly keep the language gender-neutral; there may be a couple of exceptions when we are referring to something historical or a specific person. We almost exclusively use the term "Co-parent" to refer to both you and, well, your co-parent, not only is this language gender-neutral, but it also frames the relationship correctly, you are supposed to be working together in the best interests of the child. Sometimes the best interests of the child may require you to do things that you might not otherwise do, like communicate, or even be civil to someone with whom you would rather not, a parenting plan is a legal outline of how those things should happen. We are aware that some co-parents do not seem very interested in co-parenting, some fail to see their child even when granted parenting time, some fail to pay child support, we are sorry if your co-parent is not involved in ways that might be more productive. But at some point, the two of you produced a child and are now "together" in raising the child, better to have a good parenting plan, in fact, even more, important when you are dealing with a problematic co-parent. We touch on the specialized situations where there has been domestic abuse and provide you with some resources, but we are not experts and neither of us has any personal experience with physical abuse. In a couple of instances, we share our personal experience or observations of key conflict points, but mostly we stick to more factual matters. For the most part, I, as the primary writer, have tried to translate what my more learned co-writer wanted to say into something that the laypersons this is intended for can understand and use. She is an attorney who practiced family law for many years (she is no longer practicing in this area), she has one child who is now over 18 and a thriving, well-adjusted adultish person, she was married for 14 years to a man she considered her best friend for life until he cheated. He is also an attorney. Her high-conflict co-parenting relationship began immediately and their first parenting plan was a complete disaster, they litigated over everything. She had sole custody and even though she knew intellectually what that meant (and more

importantly, didn't mean), she now knows that she didn't focus on the parenting plan because she "knew" that she had "custody", They never really got to a parenting plan that felt right to her, and that still feels like a personal and professional failure to her. My personal story is that I dated/married a woman who was already involved in an extremely high-conflict co-parenting relationship, she claimed to anyone who would listen, and that included me, that her co-parent was 100% responsible for the high-conflict relationship and she had to take him to court once every year or two to enforce all his violations of the parenting plan, she won some and lost some, whenever she lost it was because of a bad judge or a bad lawyer and she had three or four attorneys during her battles with co-parent #1, we were married for 13 years and had one child, who is now over 18, and a thriving, well-adjusted adultish person. When we divorced it was initially relatively amicable and we had joint custody and 50/50 parenting time, that didn't last long, she claimed to anyone who would listen, and that did not include me, that I was 100% responsible for the high-conflict relationship and she had to take me to court once every year or two to enforce all my violations of the parenting plan, she won some and lost some, whenever she lost it was because of a bad judge or a bad lawyer and she had three attorneys during her battles with me (when you've had six or seven family law attorneys you might consider if the attorneys are not the problem). I was accused of all sorts of things in court, hiding phones, withholding food from my child, refusing my child proper medical attention, not combing his hair, not dressing him properly, being emotionally abusive, violating parenting time, etc., etc. Several times she told attorneys and/or judges some version of "I have custody so what I say goes" and continued to repeat the assertion despite being told that she was wrong. Every. Single. Time. One judge told her that if she repeated the statement, he would find her in contempt of court. So, I'll admit that the whole "custody" thing is a sensitive area for me, I've heard and seen so many people misstate what custody means – so it's covered here, maybe too much, but I think it's an area where people misunderstand and try to control their co-parents, worse than that, like my co-writer, they subconsciously think having custody means that they don't have to worry about what is in the parenting plan because being the custodial parent trumps all that (hint: it doesn't!). My co-writer notes that although she is an attorney and had explained this to clients many times when it came to her co-parenting, she had this thought more than once. Look, I'm here to tell you, I am not blameless for the high-conflict co-parenting relationship, I'll take 50% of it, I fought over petty things and I did things that I knew would incite her, we had four, five, or six parenting plans (I don't remember) and with each one, the number of pages increased and the language got more-and-more specific, many thousands of dollars on attorneys later I wish I had known how to help my attorney draft a parenting plan that worked for me and my co-parent from the beginning, if I had it to do all over again I would be better able to present my case to a judge, I would understand that fostering a relationship between my child and my co-parent was a far better way to get what I want than my bitterness, I was lucky that my co-parent was at least equally as bad as I was at fostering a relationship between the child and the co-parent, otherwise I might be sitting here telling you how the system failed me and is biased against me and/or men, all I can say is that a good parenting plan has very specific language and details every little thing that is important to you, it is likely over 20 pages long and less than half of it is the boilerplate stuff that has to be included. If you are in the process of building your first parenting plan or considering reworking an existing one, the intent is to get you to consider all the things that are important to you and your child and to help build the best parenting plan to guide you through the co-parenting relationship. You may have a great co-parenting relationship right now and for years to come, BUT we have seen lots of situations quickly turn bad, often due to a co-parent beginning a new relationship. A great parenting plan helps you when things go wrong. If you are getting along and co-parenting well, what is in your parenting plan will hardly matter, but it's better to have a great one to fall back on if needed. If you are having a high conflict co-parenting relationship a great parenting plan can help minimize the conflict, or at least make it easier to enforce when your co-parent is violating it.

Have a great parenting plan! One thing to remember is that parenting plans work both ways, whatever applies to your co-parent likely also applies to you.

"Victorious warriors win first and then go to war, while defeated warriors go to war first and then seek to win" "The greatest victory is that which requires no battle." – Sun Tzu, The Art of War

Everybody, especially the child, wins by having a great parenting plan and then not battling!

Everything in family law is centered on the County; cases can be filed in the county you reside in, your co-parent resides in, or your child resides in. Once a case is started in a county it stays in that county (unless you move it by filing a motion, this is rare!) and that county is where all your paperwork, child support, mediation, parenting classes, hearings, etc. will be based. It is entirely possible to do everything by yourself, including going to court, and if you are having a good working relationship with your co-parent this can be a good and more affordable choice. But if you are not having a good co-parenting relationship and your co-parent has an attorney, we highly recommend you at least consult with an attorney – and yes, that can get expensive quickly. The Oregon State Bar offers a Lawyer Referral Service that consists of a referral to a local attorney and a 30-minute consultation with the attorney for a $35 fee. See appendix B for how to contact them and more resources for low and no-cost legal help. Unfortunately, most of these are in very low supply and very high demand, but worth a try. A good attorney is worth their weight in gold and if you have an adversarial case, you should do everything you can to retain a good attorney.

WHO'S A "CO-PARENT"?

Synonyms -Sperm donor, Baby Momma, other parent, parallel parent, absent parent, deadbeat dad, deadbeat mom, Limited Parentification, A person's father or mother, begetter, progenitor, procreator, biological parent, guardian, sire, adoptive father, adoptive mother, birth parent, genitor, pater, patriarch, progenitress, progenitrix, paterfamilias, biological father, birth father, biological mother, birth mother.

We admit that if your "co-parent" experiences a Cluster B Personality Disorder they will not collaborate or cooperate with others – nor do they really parent. They are about placing themselves above others and placing others below them. Please see several other sections about dealing with Cluster B's, and book recommendations in Appendix F that can help both you and your child. However, one of the best coping mechanisms you can learn to find the grace to think of and refer to them as your Co-parent.

Some people think the term "Co-parent" only applies to an active, at least semi-involved parent. And any parent who is less than as involved as possible, financially pulling their weight, communicating (well or less well) with their co-parent, has not abused any of the other parties, etc. is not worthy of the "title" co-parent.

At one end of the spectrum is a male who conceives a child and does not see the mother again, he may or may not know that he has a child, he may or may not be listed on the birth certificate. At some later time, he may become involved – he has some legal rights if and when paternity is proven he then may be granted parenting time, he may be ordered to pay (or receive) child support, etc. – Even the totally unknowing, completely uninvolved, dad has legal rights if he chooses to exercise them. We all agree that parents on the opposite end of the spectrum, who may even be married or together, deserve the title, they work together for the benefit of the child, pay the bills, communicate well, etc. High-conflict co-parents are often working at cross purposes, but we consider them co-parents, ineffective perhaps, but co-parents.

A co-parent may have abused their co-parent, but they retain some legal rights relating to the child – the only way we consider a biological or adoptive parent to not be a co-parent are those rare instances where parental rights have been removed by an order from the court (adoption, termination of rights, etc.) or where a parent is deceased.

Therefore, our definition of a co-parent is fairly expansive and does not include any measurement of the quality of the parenting or the quality of the relationship with their co-parent or the child. We include as a co-parent any person who is or could be a party to a parenting plan. Therefore, so long as the other parent retains parental rights, even if they do not retain custodial rights, the law will allow them to petition for custodial rights.

So, if you have a parenting plan, or your child has another parent who might at some time in the future request/demand parenting time – you have a co-parent, you may not know if they are dead (granted, if they are no longer alive, you do not have a co-parent in that sense) or alive, you may not know where they are, but by our definition, they are a co-parent.

It certainly doesn't mean "Cooperative" Co-parent, or good co-parent, or good human being – some of the worst "co-parents" are in prison for the violence they have imposed upon their co-parent, these are sick, violent people who also retain some legal rights with regard to the child. For worse you are stuck with them until the child turns 18 (or beyond…)

If your co-parent is abusive, violent, drug and/or alcohol addicted, lying, cheating, non-support paying, scum, most of your "co-parenting" will be dedicated to protecting your family from your co-parent. Nonetheless, they have rights and you do or may have a contract (parenting plan) with them.

Think of it like a business partner who has filed false documents, including tax returns, has stolen from you and your business, they may have even burned the business to the ground, etc. You are still on the hook for some of their actions, they are still your business partner until the court ends it, and you may still be dealing with them for years to come. In no positive sense of the word are they a "partner" in anything, in retrospect they may never have been. But you are stuck with your co-parent, just like this hypothetical business partner.

Your attorney will likely advise you to use the term Co-parent when dealing with anything related to the court, court documents will likely use petitioner/respondent, Mother/Father, Co-parent(s), or (rarely these days) Husband/Wife. We understand that if you think of the term "co-parent" meaning someone who is positively working toward raising a well-adjusted child it's really hard to use the term for someone who has not lived up to their responsibilities or worse yet, abused you. As noted earlier we both have high-conflict co-parents and in private places, we may call them something else, in ANY public forum, especially in front of our children, or in front of anyone having anything to do with the court it is and always will be "Co-parent" we strongly encourage you to do the same. Find grace in this and you will be a better person.

Look, if you must use "other parent" or something similar, that's okay, but we strongly favor co-parent, not for the least of reasons of that being what the court favors. Even if it was a "pet" name you used when together, stop using terms like "baby momma" which can turn up as evidence in court of you disrespecting your co-parent (we have seen this!) We will note several times in this guide, one of the most difficult things for high-conflict (especially abused) co-parents to understand is that a (maybe THE) major factor in how your case will be viewed in court is how well you nurture the relationship between your child and your co-parent. This is more difficult if even your internal dialogue uses derogatory terms.

Another warning – social media posts, private messages, emails, texts, etc. are all subject to discovery in your court case – we STRONGLY encourage you to never use any type of derogatory term toward your co-parent or their family (parents, new significant other, siblings, etc.) on any social media site. You can tell your truth on social media, but be careful with the language used and always keep in mind that anything your post may be subject to the discovery process. Communication • what's your 30-year plan for a relationship with your child? • Make sure your social media is not anti-social! • What is said, and how it's said, matters. • Will what you send facilitate your co-parenting relationship, or destroy it? Is it brief? Business-like? Kid-focused? • Are you OK with a judge reading it in six months (or six years) from now? • Electronic evidence is prevalent and admissible in court- Nothing Is Private!

You may also have additional co-parents – could be you have other children with other co-parents, could be you have a new partner/spouse who is a far better co-parent than the one you have or could have a parenting plan with. We embrace these definitions, but for the purposes of this guide, we are only talking about someone who has some legal rights involving your child.

Our definition of the term "Co-parent" includes anyone who is or could be subject to the contract known as a parenting plan with you.

PRE-DIVORCE/UNMARRIED PERSONS

Married parents have equal rights to a child until a court order changes this. You cannot force your spouse to return your child after a visit, or enforce any other agreement unless you have a court order.

When parents are unmarried and paternity has not been established, the mother has legal custody and the father has no custody or parenting time rights. When parents are unmarried and paternity has been established by signatures on the birth certificate or in a lawsuit (often handled by the Division of Child Support or the District Attorney), custody might have been granted by law to the parent who is the child's physical caretaker, even though no court order says so. If paternity has been established and no law or court order is giving one of the co-parents' custody, each co-parent has equal custody rights. Again, you cannot force your co-parent to return the child after a visit.

Occasionally co-parents who are having an amicable relationship will set up a parenting plan and not go through getting it approved by the court (signed by a judge), except as evidence of "status quo" this is probably not a binding contract. Like everything else, it works great…until it doesn't.

If you are in these states of limbo, you have limited rights and might want to get a parenting plan done, or as an alternative file a status quo order (depending on your situation this may be called: temporary protective order of restraint) as soon as possible. Even if you are agreeing on parenting time but don't yet have a court order (Status quo or Parenting Plan) the other parent can always "change their mind" and withhold the child from you, more-or-less without repercussions. Even if you are getting along, it's not a good place to be. Some co-parents go years without filing the paperwork and it can work fine, but either parent can just decide to keep the child absent court-ordered parenting time. Courts can make temporary orders while the outcome of a divorce or separation case is pending. If your co-parent is keeping the child from you during your divorce or custody case, you can ask the court to put a temporary parenting plan in place until your case is finished.

A side note about abuse: If you are seeking a way out of a relationship and are in an abusive relationship here are some tips: #1 and by far the most important, do not ever make a false claim of abuse to "gain the upper hand" in your parenting case. Don't Threaten, or Actually Call Police or DHS - More often than not, calling DHS or the police on your co-parent backfires. The state does not thank you for doing your part to protect Oregon's youth, but instead, the judge views it as interference with parenting time.

If you have legitimate evidence your co-parent is truly abusing the child or committed any other crimes, talk to your attorney to see before making any threats. Similarly, if your co-parent is in the military, don't call the chain of command to get them in trouble, report them for adultery, etc. It will almost invariably backfire on you.

But if you have a real claim or real fear of domestic abuse here are some resources: Far too often, incidents of domestic violence go unreported, sometimes with tragic consequences. If you or your child is a victim of domestic violence, help is available through the Oregon Coalition Against Domestic and Sexual Violence, Need a domestic violence service provider or shelter immediately? Contact the Call to Safety Crisis Line at 1-888-235-5333 for referrals to local programs. Or find local service providers online on the Oregon Coalition Against Domestic and Sexual Violence (OCADVS) website which provides shelter information. Seeking a Restraining Order: Typically, abuse is not a one-time occurrence. If you have faced recent abuse or you fear future abuse, a restraining order might be necessary. In a restraining order, the court orders the abuser to stay away from you and your child; it can also create temporary custody arrangements, order the abuser to leave your home, and prevent the abuser from having guns, among other things. Learn more about restraining orders to prevent abuse and Oregon's Family Abuse Prevention Act through the Oregon State Courts Website. On the same day or the day after you file a petition for a restraining order, a judge will hold a hearing by telephone or in-person to determine whether the restraining order should be granted. If the judge decides that domestic violence has occurred and is likely to occur in the future, your restraining order will be granted. (See appendix C for additional resources).

End of the side note.

If you have a high-conflict Family Court Case READ THIS!

Most people will not read this guide cover-to-cover, we expect people will need one section or another, will look to find what they need at the time, and look again when they need something else. If you and your co-parent are going to family court for a contested trial in front of a judge, we think the three most important hints we can give are these.

1. Both of us have spent a lot of time in family court – one of us professionally, both of us too many times in our cases, and both of us as observers in other cases, sometimes involving people we know and sometimes with strangers. You will learn more from just observing family court cases than most anything else you can do. Especially if you know which judge will hear your case you should sit in on as many cases as you can in your local courthouse.
2. Many people believe that family courts are designed to "hold people accountable" or “seek truth & justice” and that their co-parent will behave ethically and honestly in front of the court. Maybe. That is, however, not the purpose of the courts, especially the family courts. Your co-parent may be caught in their lies, but that is not the job or even a major concern of the court. The job of courts is to interpret the laws as enacted by the legislature. The legislature determines what is wrong or right when writing and passing those laws. The family court is tasked with dissolving marriages and domestic partnerships, equitably distributing the property, and resolving disputes between co-parents regarding the child. They must do that in a way that complies with the statutes and rules enacted by the legislature. If the court rules in ways that are not consistent with the intent of the legislature, the legislature only has to enact new legislation to set the court back on the proper road. The courts, especially the family courts, must work with the flawed nature of people, including that some of them lie. In Oregon, the family court has no option for dealing with people who misrepresent the truth other than to find them to not be credible. In 2019 the Oregon legislature passed two new family court laws, one created a rebuttable assumption of 50/50 parenting time and one allowed parenting plans to include clauses that may include one or both of the following requirements: (a) That the custodial parent notify the noncustodial parent regarding specified matters concerning the child. (b) That the custodial parent provides the noncustodial parent with an opportunity to comment regarding specified matters concerning the child. They also passed a package of Child Support Enforcement measures. It is safe to say that the legislature wants the courts to lean toward 50/50 parenting unless there is a reason not to, they want co-parents to do a better job of communicating and allow the courts to insist that it be in parenting plans and they really, really, want ordered child support to be paid.
3. We firmly believe that in highly-contested cases (and yes, that includes ours) all of the parties often lose sight of something that judges look for and expect from co-parents, the magic factor that can unlock being on the good side of a judge is being able to show how you have the willingness and ability to facilitate and encourage a close and continuing relationship between the other parent and the child. Being a good co-parent and being able to show how well you are doing at ensuring the bond between your co-parent and child is the single best thing you can do to help your case. Throughout this guide, you will see suggestions about being flexible, communicating well, and generally treating your co-parent with more respect and cooperation than they deserve! We both admit to our failures in this –this is the “if we knew then what we know now” thing that both of us would change! Look great in the eyes of the court by being a good co-parent no matter how awful your co-parent is! We strongly encourage you to read the section “What is The Best Interest of the Child?” Before you go to court.

The terms “Custody” and “Parenting time” are often confused and/or conflated in conversations, and your friends may use them interchangeably, and in some states, they are more-or-less interchangeable, but in Oregon, Custody and Parenting Time mean different things and the distinction matters, for clarity please don’t use one when you mean the other…

Section 1 –Parenting Plans

PARENTING PLAN OUTLINE

A parenting plan (in some states “Custody Agreement” is used) is legally a contract between two people agreeing to behave in certain ways, just like any other contract, more detail is better than less. People often don’t think of the parenting plan as a contract, but that is what it is, family law is more emotional and more nuanced than contract law, but a parenting plan is a type of contract. The more specific and clear you are regarding the terms of the agreement, the less confusion and conflict there will likely be. More than most contracts, the parenting plan always involves two people with high emotions. These are things that should be considered for a parenting plan, not every parenting plan needs to have all, or even most, of these, but every parent should consider each of these and then decide if they want to suggest/propose them, what is important to you? There is no "typical" parenting plan. Each family will have its unique circumstances that make their parenting plan different.

A note here: The system is set up to try and figure out what is best for the child. The court (read: the judge) likely doesn’t care about your grievances with your co-parent, they don’t care that you think that they are “crazy” or “narcissistic”, or “emotionally abusive” even if they have been diagnosed by a mental health professional, the court doesn’t care. The court doesn’t care that they cheated, or any of the other transgressions and indignities that your co-parent has inflicted on you. The court will focus on how you and your co-parent will be able to nurture and care for the child going forward. If you or your co-parent has mental health issues that have been diagnosed by a licensed professional and affect the child the court may be interested (but also may not be). Listen to this: The court is not interested in how your co-parent has treated you, the court is more interested in how they have treated your child, the court is very interested in how the child will be treated going forward. The court is very interested in seeing which parent is best able to nurture a strong relationship between the child and the co-parent. Many people want to focus on the pain they are feeling, the court tends to focus on the child and how to best move forward (see “Best Interests of the child, both the section and the Appendix checklist). If you can frame your thinking this way you will be better able to communicate to the court effectively. One of the factors the judge will look at in determining contested custody is how well the parent being awarded custody will foster bonds between their co-parent and the child, if all you do in court is bad mouth your co-parent the judge is <u>less likely</u> to rule in your favor. We know! This is an emotional time and you want to be heard, listen to us, this is what your friends are for, not the court, the court is forward-looking, evidence, and child-focused! Evidence is often the most overlooked aspect of family court cases, and it has to be admissible in court. See Appendix G!

Many times, people will encourage people to find a “Pit-bull” attorney. Okay. Occasionally that’s the best course of action. You have taken the income(s) that have been supporting one household and using that same (at least in the short term) income to pay for and furnish a second household. On top of that you want the two of you to rack up large legal bills? The more you can do cheaply and cooperatively the more money you will have for things like child and/or spousal support – things that go to help your children have a better life, even if paying those things causes you some pain, and makes it feel “unfair”. Attorney fees go 100% to

the attorney and not a penny of it goes to make life better for your children. If you both get your pit-bull attorneys you can easily run up bills in the tens or even hundreds of thousands of dollars, only to reach the same settlement you might have reached through agreement/mediation/less aggressive attorneys. Some people just want to "win", some people are just angry, some people think they shouldn't have to pay child and/or spousal support. These people help attorneys rack up lots of billable hours. Again, every penny each of you pays to your attorneys is money out of your children's pockets! You should be more bitter about spending huge amounts on attorneys and less bitter about paying money that helps support your children. We know some great family law lawyers who are reasonable and are great pit-bulls when needed. Just flat out pit-bull is almost always not the best choice unless you want to drain the bank accounts to make sure your children suffer. Some less expensive choices.

DO-IT-YOURSELF
Most people (70-85%) of couples getting divorced in Oregon do not use lawyers. Many (most?) of these do not have children.

A kitchen table divorce (also known as pro-se or self-filing) is one where both spouses complete the paperwork themselves. You can have a drafter (usually an attorney or paralegal) assist you. Some individuals and couples choose to consult with financial or mental health professionals, on a one-time or as needed basis.

MEDIATION & CO-MEDIATION
Mediation is a voluntary, confidential process by which both parties are in charge of making agreements. The mediator (or mediators) is neutral, there to facilitate agreements between parties. Mediators do not give legal advice, or make decisions.

Main categories of mediators include attorney mediators and non-attorney mediators (such as financial mediators and mental health mediators).

Co-Mediation is a process by which two mediators (generally from different professions) are in the same room together with clients at the same time.

COLLABORATIVE
Collaborative Divorce is a structured, voluntary process in which spouses settle without resorting to litigation. In A Collaborative Divorce: The parties sign a collaborative participation agreement describing the nature and scope of their divorce process. The parties voluntarily disclose all information which is relevant and material to their divorce (i.e. assets and liabilities); The parties agree to use good faith efforts in their negotiations to reach a mutually acceptable settlement; Each party must be represented by a lawyer whose representation terminates upon the undertaking of any contested court proceeding; The parties may engage mental health and financial professionals whose engagement terminates upon the undertaking of any contested court proceeding; and The parties may jointly engage other experts as needed. Clients each have an attorney representing them, and the attorneys are assisting the clients by getting to agreements by sending proposals back and forth, attorney phone calls, and possibly scheduling settlement meetings or attorney-attended mediation. You can find collaborative professionals in your area here - https://www.collaborativepractice.com/members

For spouses who cannot come to agreements, the court system was created to make decisions for them. Yes, you can spend a lot of time and money to join the less than 5% of couples who think the best idea is for a total stranger (your judge) who is super busy and will only spend a very brief time reading/hearing and ruling on your case, what is best for your children and you in the long term. Usually because one or both parties are angry, bitter, etc. Okay.

CUSTODY

Sometimes called “Legal Custody” is the ability to make major life decisions – where the child goes to school, religion, non-emergency medical decisions, and sometimes judges rule on a few other things, generally as being medical decisions (tattoos, piercings, haircuts, and other things that change the appearance of the child in a major way). However, the custodial parent usually can't move the child more than 60 miles away from the non-custodial parent permanently without the prior permission of the other parent or the court (In Washington, the Custodial parent is usually allowed to move away). Other than the above, the custodial parent has no control over what happens when the co-parent is exercising their parenting time. Really whatever is important to the co-parents and the child should be spelled out clearly in the parenting plan rather than relying on “being the custodial parent” which doesn’t matter as much as many people seem to think it does, people get into major battles over haircuts, piercings, etc.

In reality, if the non-custodial parent takes the child for a haircut during their parenting time, the hair will grow back just as quickly whether you go to court or not, but if you go to court, you MAY be able to get the other parent to stop the behavior in the future. Courts tend to take a dim view of repeated, willful violations of court-approved parenting plans, especially things harmful to the child or that interfere with the co-parents' time. That said, courts also tend to not be interested in hearing about petty squabbles over vague language in your parenting plan. In Oregon, custody can only be joint if both parents agree, if no agreement then a judge will award sole custody to one parent and that parent will make the “major life decisions”, this has ZERO bearing on day-to-day stuff and people will often think that having sole custody means getting to control day-to-day stuff and this can be a great conflict point. Except as outlined in a parenting plan the custodial parent has <u>no say</u> in what happens during the non-custodial parents parenting time. Where they go, who they meet, where they sleep, what they eat, what time bedtime is, emergency medical care, whose care they are under (daycare, sitters, etc.) whether they go to school or go on vacation, attend a practice or game, or any other activity, those are all under the control of the parent exercising parenting time at the time and has nothing to do with who is the custodial parent – unless something is expressly written into the parenting plan you have no say in what goes on when the child is with your co-parent. Yes, there can be some exceptions for the “safety of the child” but again, as a general rule, anything that is legal for someone to do with a child of that age is okay for your co-parent to do with your child. If you are truly concerned about the co-parents' decision-making these concerns should be in the parenting plan. The non-custodial parent also has the right to access records regarding the child’s health, education, and government. The state of Oregon spells this out as: “The right to authorize emergency health care for the child. The right to apply to be the child’s conservator (to become the custodial parent in the event of the death or incapacity of the custodial parent). The right to consult with any person who may provide care and treatment for the child. The right to copies of any school and medical records that the custodial parent may have, upon reasonable request.”

Much conflict and angst are caused because one or both parents don’t like what the other parent does during their parenting time. Again, it does not matter if you are a custodial parent (sole or joint) or non-custodial parent, you get no say in any legal activity that goes on when the other parent is exercising their parenting time. If you think something illegal is happening? Better have admissible proof of it and that’s hard to get, your child telling you that something is happening isn’t going to cut it. The best thing to remember is that you cannot control what other people, specifically your co-parent, do; you can only control your reaction. You do have a few choices if you don’t like what is going on when your child is with your co-parent. You can try communicating with your co-parent about your concerns. It is likely that if you have a good co-parenting relationship you don’t have these kinds of concerns, in high-conflict situations if you try communicating your

concerns you are likely to be called controlling or worse. You can do something if your parenting plan is not being followed, file a motion to enforce, or a contempt motion (it depends on the exact circumstances which you should file) – let's face it, many parenting plans have clauses that are very difficult to enforce, even for a judge, but well-written parenting plans can be enforced. However, it can take days, weeks, months, or even years and can involve lots of money if attorneys are involved. Also, many things are difficult, at best, to prove in court. So, most times it is not worth it, and better to just let it go. This is very difficult for many parents but can be the best choice for all concerned, especially your child. The other choice in certain circumstances is to file a motion to amend the parenting plan, if you have a poorly written parenting plan this can be a better path but has the same (time, money) drawbacks mentioned above. Understand that things WILL go wrong. Someone will be late, children will get hurt or in trouble, and the routine in your co-parent's household will be different than yours. None of these things make your co-parent a bad parent. Chronic or repeated direct violations of a court order, however, are serious and should be handled. When you are concerned about things that are happening with your child during your co-parents time with them you should make sure you document your concerns, write down everything, dates, times, potential witnesses, this is called a Parenting Plan journal (sometimes called a Custody Journal, see appendix G for an extensive discussion of evidence) and can be as simple as a notebook, or whatever works for you but be organized about documenting everything you can, as this may end up as evidence in court. Stick to facts! Who? What? When? Where? How? And not so much on the speculative, why? The "why" often makes co-parents think their co-parent is spending all their time and energy thinking of things to make them angry, or trying to "get back" at them – I have two comments: 1. In my experience, people tend to behave in what they perceive to be their own best interest, even when you can't see or understand how what they are doing could be in anyone's best interest, and 2. As Eleanor Roosevelt so eloquently put it – "*You wouldn't worry so much about what others think of you if you realized how seldom they do."* Even in all but the worst high conflict situations, your co-parent probably isn't spending their days plotting your demise…

For whatever reason, many people equate having custody with "winning" the court case and being considered the better parent. As I have pointed out, my co-parent was very proud of being able to say she had custody. I let a lot of things get to me. This wasn't one of them, my attorney sat me down and gave me what in retrospect was some of the best advice I've ever been given, #1 was that no matter how bad things got I should not move out of the family home until we had reached an agreement on parenting time and when I did move out to make it as close to my child's school as possible. #2 Was that I could fight over custody if I wanted and he felt that I had a fairly good case, but it would cost me at least $20,000 more than I was already paying and he asked me if I thought my co-parent would make any "crazy" decisions regarding school, religion, or medical treatments. When I said "no," he told me that in his opinion it wasn't worth the fight and I should concentrate more on getting equal parenting time and other clauses into the parenting plan that were important to me. My Co-parent got to "win" and it turned out fine. I never considered it a "loss" and if my co-parent had been doing "crazy" things I would have gone back to fight over custody.

To summarize – Having legal custody means you get to decide where the child goes to school- and school generally means only school (the normal K-12 academic meaning of school – can be public, private, charter, online, home, etc.), it does not mean daycare (in Oregon all of the case law we know of or can find has judge's ruling that daycare is not school, other states are a mixed bag, but a judge has wide discretion in how they rule), it does not cover a class or summer camp, it does not cover sports or activities – all of the things other than the regular school are under the control of the parent having parenting time at the time. In Oregon, School, religion, and non-emergency medical decisions. Under Federal law, the custodial parent (Federal law uses the word "custody" differently than Oregon – under Federal law it means the parent who has a majority of parenting time) also gets some consideration regarding taxes, passports, and international travel.

THOSE ARE THE ONLY THINGS THAT "CUSTODY" COVERS. Everything else should be in the parenting plan and then you at least have a legal agreement (A court order!) in place.

The non-custodial parent is not able to register the child for school, change or declare their religion, or make medical decisions in non-emergent situations (This is why haircuts, tattoos, and piercings sometimes get called "medical" decisions and this is an area where judges may disagree) That's it – otherwise the non-custodial parent has all the same rights as any parent, the same as if the parents were still together. They can probably take them to a different church during their parenting time, but they can't have them convert to that religion, they can keep them home "sick" from school, they can sign them up for summer camp (during their parenting time), they can take them to the emergency room. Keep in mind, even if you have joint custody, in Oregon if either parent suddenly decides that they want sole custody, can prove a substantial change in circumstances that were unforeseen or unanticipated at the time the original order was entered with the court, and files for a change, then the judge MUST award sole custody to one of you, which does not have to be the parent who files the motion. Thus, Joint custody can be fairly quickly changed to the other parent (or you) having sole custody – so if you have any disagreements about where the child goes to school, religion, and non-emergency medical decisions, you should consider how that looks going forward – and if joint or sole custody makes a big difference to you. For example, what if your co-parent becomes involved with and marries someone from a different religion and they convert? How would that play out with your child under either of you having sole custody? And if you have joint custody, this might cause one parent to file for sole custody if you are not able to agree on the religion of the child. Another common problem is one parent wanting the child to go to a different school, perhaps they are moving to a different district, or they are wanting to enroll the child in a private school, these things can have implications on finances, transportation, etc. – only the choice to enroll in the school is covered by custody, but you should consider the other implications in your parenting plan.

In some states, the word "Custody" is used more like Oregon uses "parenting time". In those states, someone who has "Full custody" likely has the bulk of the parenting time, and the "non-custodial" parent usually has every other weekend. In those states, judges often have the option to award "joint custody" which in those states generally means (at least close to) 50/50 parenting time. Those states usually are talking about "physical custody" and in Oregon being awarded full "physical custody" (The term is still on the books) means absolutely nothing, and the term we use for full (as opposed to joint) legal custody is simply "custody" – some states do give judges the ability to award joint legal custody but it is fairly rare. When you see or hear that a judge in another state has "awarded" joint custody, that is almost always what Oregon would call shared parenting time, rather than shared decision making.

Some people believe that one of the problems with Oregon's family law system is that judges are not allowed to award "joint custody", but again, in the sense that it is awarded in many states, they can – it's just called "Parenting time" and since 2019 judges in Oregon are pointed toward 50/50 parenting time (assuming both parents are fit and want 50/50) although they can deviate from it. In Oregon, 96% of cases have legal "custody" settled (agreement, mediation, etc.) before court. So, we are not convinced that in the most contentious 4% of high-conflict cases that any good can come from the judge being able to award joint decision making rather than choosing one over the other – again, the way Oregon uses the word "Custody" doesn't matter day-to-day and has nothing to do with how often you see your child. Anyway, that's why the Oregon family court system doesn't allow judges to award joint custody and some other states do – it's mostly a semantic thing involving how the various states use the word "Custody".

Bottom line: The way Oregon uses the term "custody" means that having custody matters far less than in states where it means you have legal decision making AND the bulk of the parenting time, if you "win" custody in Oregon it means very little. It makes no difference if you have sole custody, joint custody, or are a non-custodial parent – you have no control over the normal, day-to-day care of your child during the Co-Parent's parenting time. Let it go unless you truly think it is dangerous (generally speaking, illegal) for the child and are prepared to litigate over it and have admissible evidence of the actions or omissions.

Pandemic note: Many disputes around safety and parenting time arose during Covid-19, the general order from Oregon courts was that all parenting plans and parenting time should remain as ordered; that one Co-Parent thinking the other Co-Parent was not being safe was not a reason for a change. All exchanges were expected to occur as scheduled unless and until the Co-Parent's agreed to something different or a court-ordered it. Oregon Statewide Family Law Advisory Committee (SFLAC) Recommendations for Oregon Courts: Information for Parents sharing Custody or Parenting Time of Children During the COVID-19 Pandemic said this: "Denial of Parenting Time: COVID-19 is not a reason to deny parenting time. Unless otherwise ordered by the court, parents are considered fit to care for their children and make decisions regarding the day-to-day aspects of parenting while the children are in their care." So, to reiterate: It makes no difference if you have sole custody, joint custody, or are a non-custodial parent – you have no control over the normal (even pandemic), day-to-day care of your child during the Co-Parent's parenting time.

This is the first big point of a parenting plan. In Oregon, if either co-parent objects, then custody cannot be joint, a judge can only award custody to one co-parent or the other. So, if you can agree, you can have joint custody. If your co-parent is unwilling to agree to joint custody you must decide if you having sole custody is worth fighting for. If your co-parent has custody, are you likely to have significant disagreements about where they go to school? Their Religion? Non-emergency medical decisions? If you can answer "no" to those questions it may not be worth fighting over custody, but if you think these may cause problems it may be worth the fight to you.

Washington State Terminology Relating to "Custody"

Oregon and Washington are about 90% similar when it comes to Family Law cases, but the terminology is confusingly dissimilar and often completely at odds, so we leave you with this information about Washington state.

Instead of "custodial parent" the court refers to the parent with the most residential time as the "Primary Residential Parent." The parent with less time, and who usually pays child support, is called the "Non-Primary Residential Parent." In the past, the time the non-custodial parent spent with the child was called "visitation", now it is referred to as "Parenting Time." full custody is referred to as "residential placement" by the court

Joint and Legal Child Custody in Washington State - In Washington State, one or both parents may be granted either legal or physical custody of a child. Legal custody will determine which parent may make major life decisions for a child, such as health and medical decisions, as well as educational decisions. However, either parent may make emergency decisions for a child while the child is in his/her custody, regardless of the legal custody arrangement.

When someone says “Joint Custody” in Washington it usually means 50/50 parenting time
A court in Washington State will consider awarding both parents joint physical custody under the following circumstances:
Each parent's participation in the decision-making of the child's life.
Each parent's proximity to one another and how that proximity will affect decision-making for the child.
Whether the parents can and will work with each other to make decisions for the child.

Here’s what they say about “Legal custody” in a Washington Parenting Plan
A plan could include joint decision-making, alternate decision-making for various topics, or leaving the responsibility up to just one of the parents.
In approving a plan – or deciding one for a divorcing couple who can’t come up with one on their own – a judge may consider (See Best Interests of the Child Checklist Appendix H):
Which parent has made most of the decisions in the past?
How cooperative the parents can be in the future?
How far away the parents will be living from each other
Even if only one parent is granted the authority to decide how to raise the children when the children are staying with the other parent, that parent will have the ability to make the day-to-day decisions for the children. Both parents would have the ability to make decisions in an emergency involving the children.

End of Washington Terminology

Things That Should be in Every Parenting Plan

Parenting plans should be designed to cover pretty much every day of the year, sometimes every hour, and in really high-conflict situations, more or less every minute. Parenting plans matter when you are not getting along and communicating well with your co-parent. If everything is working well in the co-parenting relationship the parenting plan will hardly matter. If the relationship is strained some people will argue (or litigate) over every little thing. The co-parenting relationship often changes or evolves, and in unpredictable ways. If everything is nailed down in the parenting plan that it will be much easier, even if that just means that it is easier for the judge to rule on enforcement and contempt motions. Also, be aware that depending on the age of the child the parenting plan may need to change.

PARENTING SCHEDULE

For most people, this is the most important thing, it determines how much and for how long you will see your child. Often this is the sole focus of a parenting plan, our advice is to focus on the parenting time schedule, but everything will be important if you are in a high-conflict situation, so nail it all and then you have it. One of the most important parts of a strong parenting plan in a high-conflict situation is to have very specific language describing parenting access. Any language such as "as the parties shall agree" or something as vague as "the first and third weekends" will not work with a high-conflict co-parent. A high-conflict co-parent will never agree to or follow, anything reasonable or they would not be considered a high-conflict co-parent. A very specific parenting schedule also gives the child involved more structure in their schedule, so that they will know what to expect when it comes to time with their parents. When you are determining how much time you can spend with your child, be realistic. This is not the time to be thinking about child support and how much or little you will pay or receive based on the number of overnights. Think honestly about the time you have available and balance that with your work, other activities, the co-parent's schedule, and the child's schedule.

PARENTING TIME

Confusingly sometimes called “Physical custody” (but under Oregon law the term physical custody has little meaning) can be divided up any way, in theory, one parent could have sole legal custody and zero parenting time, historically speaking, parenting time was often with dad every other weekend. SB 318 amended ORS 107.095, 107.101, 107.102, 107.105 and 107.149. So as of January 1, 2020, the presumption is that if the parents can’t agree on a parenting time schedule that the judge will award some form of 50/50 parenting time. 50/50 parenting time can take many different forms, perhaps the most common being one week on, one week off, but even that can start/end on any day of the week, and holidays, special occasions, vacations, etc. may factor in. Other popular 50/50 schedules are Two weeks on, two weeks off, 3-4-4-3, 2-2-5-5, 2-2-3-3, or alternating every two days. Remember, if you and your co-parent can agree, the schedule can be anything that works for you and the child. Children often struggle with transition days and for this reason, we tend to favor schedules with as few transitions as possible given the age of the child. Also remember that what works best today may not be the best long-term plan as the child gets older, goes to school, has activities, etc. However, if you and your co-parent can’t agree on a parenting time arrangement, and both parents are interested in parenting (at least) 50% of the time, it goes to the judge and the judge is supposed to start at 50/50 and then listen to any rebuttable factors from the parties. If the judge decides to do something other than 50/50, they have to write what the reasons for that are (This language did not make it into the final bill, but it gives you some ideas as to what the court might consider when moving to something

different than 50/50 parenting time.) “The court shall consider all relevant factors, including, but not limited to, the factors listed in ORS 107.137” [Note ORS 107.137 covers custody which as we have noted is completely independent of parenting time, but until we have more case law surrounding the 50/50 rebuttable presumption, we must assume that these are the important factors, if you want the judge to deviate from 50/50 you would do well to focus on these]: The emotional bonds and established relationships between the child and each parent, any siblings, and other family members. The wishes and interests of the parents and their attitude toward the child. Whether or not continuing an existing relationship would be beneficial or detrimental to the child. Whether or not any spousal abuse has occurred. If a primary caregiver has been deemed fit by the court, the preference of that caregiver. **The willingness of each parent to encourage and facilitate a close, nurturing relationship between the child and the other parent**, as long as no evidence indicates doing so would endanger the child. A parent's reluctance to foster a relationship between the child and an abusive parent is considered protective and would not be counted against that parent. It is assumed that it is not in the child's best interest to be subjected to time with an abusive parent. Preference is not granted to one parent over another based on gender. Mothers and fathers in the State of Oregon are considered to be equally entitled to parental rights.

The main thing is to get co-parents thinking that figuring out a plan of parenting time that works for both of them might be in the best interests of everybody rather than letting a judge determine the best parenting time plan.

SB 318 has nothing to do with legal custody but only changes the presumptive starting place of parenting time.

Never Interfere with Other Parent’s Time -Follow the parenting schedule. If you want to take a trip, unless your co-parent consents, it must be solely during your parenting time. If your co-parent doesn’t pay support, deal with that through contempt of court, not by denying them parenting time. If your co-parent is late for an exchange, the parenting time is not forfeit (except if there is a specific forfeit clause in your parenting plan,) instead, your co-parent has to make other arrangements to pick up the child. Don’t schedule activities during your co-parent's time without running it by them – and don’t expect them to take them if you do.

If your co-parent doesn’t give proper notice for vacation dates, or an out-of-state parent doesn’t give a required notice for a weekend, don’t deny the time unless you truly have unalterable plans. and even then, you might confer with an attorney first. A judge will take a dim view of putting the child in the middle of a battle with your co-parent.

If you think your co-parent is endangering the child, or the kids refuse to go, talk to your lawyer. The advice will rarely be to unilaterally withhold the kids – instead, it may be to file a motion, or in more serious cases, contact DHS or the police (don’t do this absent talking to an attorney first). But unless the court signs an order modifying the parenting schedule, disobeying that schedule is not just bad co-parenting, it’s violating the court order.

Don’t Be Inflexible - Judges hate clock-watchers! Unnecessary rigidity about any parenting plan clause for the sake of it is the hallmark of a bad co-parent. If your co-parent needs to exchange the kids late, let them, even if they have been inflexible in the past. (Remember, you’re doing this for your benefit, and to help the kids, not because your co-parent deserves your flexibility). And don’t ruin the moment by insisting that you get an extra couple of hours of parenting tacked onto your week to make up for it.

A parent with equal time has approximately 4386 hours with the child every year – does a missed 2, 10, or even 100 hours, really matter in the scheme of 18 years' worth of things?

If your co-parent proposes swapping a weekend or holiday if it works with your plans, it's a good idea to agree, and be seen as flexible, even if your co-parent always refuses your change requests. We know of a case with a poorly-drafted parenting plan which omitted Father's Day, and the mother withheld the child from the father because it was "her weekend". At a hearing a few months later, the judge did not congratulate the mother for sticking to the terms of the parenting plan but completely blew up at her for maliciously depriving the child of seeing their father on "his" special day.

And no matter how bad the other parent, try to never refuse them permission to bring the children to a special event (wedding, family reunion, even a funeral), even if it's during your parenting time. Not only are these important for the child's memories, but you will come across to a judge as unreasonable.

Finally, unless a parenting plan prohibits a specific person from having contact with the children, never refuse the other parent "permission" to use a friend or family member to pick up the kids for their parenting time. And you have no right to demand a background check on someone – it's up to each parent to determine who they trust during their own parenting time.

Another term sometimes used is "Visitation" usually used in the framing of one parent having "custody" and the other getting "visitation" generally this term is seen as pejorative and antiquated as a parent getting to "visit" with their child is not framing the time as Parenting Time. Don't use the term visitation unless you are trying to provoke a reaction (don't use the term visitation!).

Parenting Time/Parenting Schedule is the 2nd big thing you need in your parenting plan.

PARENTING PLAN TEMPLATES

A parenting plan agreement needs to be a negotiation filled with compromise by both parties, you are already dealing with a sensitive and emotional situation, and any negative, degrading, immature, or belligerent conduct will only make completing a parenting plan template more complex, time-consuming, and stressful for both parents and the child. Motivate yourself to separate your emotional feelings from your logical decision-making mentality by elevating the needs of the child and consenting to an agreement where your child's "Best Interests" are the top priority. Ways to complete a parenting plan from the generally least expensive and less stressful to the most –

1. Agreement between the parties,
2. Mediation between the parties,
3. Lawyers involved in (settlement conference) between the parties,
4. Parenting time evaluation (psychologist/psychiatrist "recommends"),
5. Court (judge decides).

For each issue you can solve at a lower level you will save time, money, and aggravation versus a higher level. Only about 5% of dissolution (divorce) cases make it to a disputed court hearing, but of those that do, a high percentage of them can be classified as "high-conflict" and some will be back for modification(s), contempt, or other court proceedings, 92% of cases had at least one unrepresented party. If only one party is represented, they are significantly more likely to prevail at trial – if you are pro se and your co-parent is represented – you should make every reasonable attempt to settle. If you are in a contested case, you NEED a well-written, thoughtful parenting plan. You must work to ensure everything has as much detail as possible, you need to make sure to review the parenting plan before it is finalized, your lawyer, your family, your friends, the writers of this guide, no matter how well-intentioned, none of us is your best advocate, you are!

IS THE COURT BIASED FOR/AGAINST A GENDER? What Biases Does the Court Have?

Parenting Time schedules – can be anything that the parties agree to, but keep in mind, there is overwhelming research within the mental health field in support of the fact that children, in general, do best in their development if they have a robust relationship (which does not mean 50/50 parenting time, just "robust") with both of their parents. Historically Oregon fathers have averaged 28% of the parenting time and mothers 72%. This is changing, the 2020 law change seems to be moving more and more parents toward 50/50 parenting time when neither parent has a disqualifying history and they both want at least 50% of the parenting time. Nationally mothers are much more likely to be granted legal custody (82.5% to 17.5%), as far as we know no Oregon-specific statistics exist, but they are likely similar. There can be many reasons for this, and we reject the notion that blatant sexism is at work. It was not until the 1990's that the language in Oregon law changed to say that neither gender is favored when granting legal custody, there is some evidence that men are less likely to fight for legal custody AND also slightly more likely to be granted sole legal custody when they do fight for it. One mistake that many people make is moving out of the family home before a parenting time schedule being established (also see Family Court FAQ's), this is viewed by the court as somewhere between abandoning and not caring about the child – and, 80% of the time the person moving out is the father – Over time, absent from the home and thoroughly discouraged at what his parenting time has become under the circumstances, the father may seek relief from the court. It is important to understand that at this point a lot of time has passed, so it may be months before the father can get a hearing date set to establish more parenting time and/or custody. By then, the status quo has become established. In this case, if the father has left the residence for some time and his co-parent is seeking custody, she now has several months of experience as a single parent to prove how well she can function without the father. The Child is living with the mother in the same home and one of the factors in the "Best Interests of the Child" is "The need for continuation of a stable home environment", that box is checked in favor of the parent staying in the home…which 80% of the time is the mother. School-aged child? That home is also in the school district, if your new home is further away from the school check another box against you. The child's doctor, dentist, church, friends, etc. are also likely focused on the old neighborhood – check more boxes against the parent moving away. During the case, the same amount of money that has been supporting the household now has to support two households, guess what? The moving parent often has to find something quickly and cheaply and the "staying" parent is providing the child with a stable environment and "lifestyle".

In this scenario, eight out of ten times the court is more likely to say, "The mother is the one doing all the parental work here" and that "bias" goes against the father. It started with the decision to leave the family residence and grew from there. When the father finally goes to court It will not matter what kind of involvement the father had months ago because the court will be focused on his absence instead. Another mistake many fathers make is waiting to file with the court. Again, the courts are in favor of keeping the status quo which in Oregon means the last three months. If you let too much time pass, it will be more difficult to change the parenting schedule. As soon as your relationship with the co-parent is over, you need to immediately establish your parenting time. Conversely, if you have not been very involved in your child's life you need to establish as much involvement as possible. Now!

This is not a bias against males, this is a bias against people who leave the child before having a parenting time agreement in place, people who are not actively involved in the raising of the child, and people who wait to file with the court. Regardless of gender!

"Be involved, stay active, and spend time with them. Keep a diary of what you did. Get off Facebook and social media. Don't have arguments in front of them and don't talk badly about mom to anyone." Says Scott Trout, CEO of Cordell & Cordell, a law firm with offices in 34 states that specializes in representing fathers.

"If a judge sniffs a hint that you think that the process isn't fair, or if a judge discerns that you care more about what you want than what is best for your child and fair for your co-parent, almost every judge in every jurisdiction in the country will burn you. If a judge gets any sense that you have that kind of attitude, you are almost certain to have a worse result in all matters in which the judge has any discretion, which is almost all of them." A New York Family Law Attorney Specializing in Men's Right's

This is from one of the leaders of the "father's rights" movement speaking to a group of fathers who had "lost" cases: "Yes there is bias, prejudice, and discrimination in family court towards men. Yes, the family court system is broken and needs reform. However, despite these problems, most of you have failed because you didn't take the time to learn how the system works. Men lose in family court because they simply don't do their homework and women do! I want each of you to make a commitment. A commitment to your friends, family, to your children, and to yourself! I want you to commit to learning how the family law system works. I want you to commit to changing the outcome of your case! This week I want each of you to go to a law library or bookstore in your area and read anything and everything you can on family law. Once you have acquired the needed knowledge, set a goal, form a plan, and don't give up until you get what you want and need!"

We dispute the notion that the court is biased against men, and would stipulate that there is "bias, prejudice and discrimination" in every human endeavor and "broken and in need of reform" also gets no argument from us, but the fact is that if you made those statements gender-neutral and added "go to your local court and observe some family law cases" we would consider it excellent advice for anyone with a family law case.

Be Involved in Your Child's Life – When questioned at deposition or court, mothers tend to do much better than fathers when it comes to these types of questions and these things matter a lot! In addition to making sure you can take care of a child's basic and practical needs; the court will look for evidence of a meaningful relationship. While you may feel a strong connection with your child, the judge is looking for objective expressions of that as well. Nothing is better than a non-related character reference. For example: Do staff members at your child's school know you? Have you met with them about academic progress? Do you know doctor(s)? Dentists? Do you sit and do homework with your child or coach their sports team? Do you attend your children's social, educational, religious, and other important events? (E.g., school plays, birthday parties, and awards ceremonies). Do you know who your child's best friends are? What they want to be when they grow up? This is not the court favoring the mother, this is the court not favoring the person who leaves the child without a plan to see the child, uninvolved in their life, and frequently that is the father. Many people assume that the courts are making the final decision when it comes to child custody; however, statistics show that in 51% of cases, both parents agree that the mother should take custody. In another 29% of child custody cases, the custody decision was made without any involvement from a third party. Mediation was used in only 11% of cases with less than 5% being decided after court-ordered custody evaluations. When looking at child custody cases, statistics also reveal that without the court or mediator getting involved, the mother ended up with custody of the child 83% of the time because the father chose to give her custody voluntarily. Chesler, P. (1991, 1986). Mothers on Trial: The Battle for Children and Custody. NY: Harcourt Brace Jovanovich, Publishers. Phyllis Chesler interviewed 60 mothers involved in a custody dispute and found that fathers who contest custody are more likely than their wives to win (p. 65). In 82% of the disputed custody cases fathers achieved sole custody despite the fact that only 13% had been involved in child care activities prior to divorce (p. 79 table. 5). Moreover, 59% of fathers who won custody litigation

had abused their wives, and 50% of fathers who obtained custody through private negotiations had abused their wives (p. 80 table. 6). The Committee for Justice for Women and the Orange County, North Carolina, Women's Coalition. (1991). Contested Custody Cases in Orange County, North Carolina, Trial Courts, 1983-1987: Gender Bias, The Family and The Law. Author. The Committee for Justice for Women studied custody awards in Orange County, North Carolina over five years between 1983 and 1987. They reported that:"...in all contested custody cases, 84% of the fathers in the study were granted sole or mandated joint custody. In all cases where sole custody was awarded, fathers were awarded custody in 79% of the cases. In 26% of the cases, fathers were either proven or alleged to have physically and sexually abused their children." Depner et al. (1992). Building a uniform statistical reporting system: A snapshot of California Family Court Services. Family and Conciliation Courts Review, 30. 185-206.Among custody litigants referred to mediation, "Physical aggression had occurred between 75% and 70% of the parents . . . even though the couples had been separated. . . [for an average of 30-42 months]". Furthermore, in 35% of the first sample and 48% of the second, [the violence] was denoted as severe and involved battering and threatening to use or using a weapon." Dragiewicz, M. (2010). Gender bias in the courts: Implications for battered mothers and their children. In M. Hannah & B. Goldstein (Eds.), Domestic violence, abuse, and child custody: Legal strategies and policy issues (§ 5.1–5.18). Kingston, NJ: Civic Research Institute. Dragiewicz provides a comprehensive summary of gender bias reports pertaining to custody decisions. In addition to the tendency to disbelieve or minimize women's reports of abuse, or to disregard evidence for it, Dragiewicz also describes other problems uncovered during investigations. These include mothers being punished for reporting abuse, unfair financial settlements, and mothers being held to higher standards than fathers. Abrams, R., & Greaney, J. (1989). Report of the gender bias study of the Supreme Judicial Court of the Commonwealth of Massachusetts. A 1989 study by the Massachusetts Supreme Judicial Court found that in cases involving custody and visitation litigation, "The interests of fathers are given more weight than the interests of mothers and children." (pp. 62-63).

A review of published court decisions found that they promote as much contact as possible with fathers, even in cases of proven domestic violence. "How do County Courts share the care of children between parents" Nuffield Foundation 2011 by Dr. Maebh Harding, Dr. Annika Newnham, the question of domestic violence tended to be reconceptualized as being primarily about reducing the risk to the child and facilitating as much contact with the father as was possible in the circumstances.

There is evidence that the system is too quick to assume domestic abuse affects only mothers, not children; and that women and children are safe once a relationship is over. Women can find themselves in a catch-22, told by social services they must leave their abuser or risk their children being taken into care, but then disbelieved by a judge when that abuser applies for contact. "Women's Aid, Child First: A Call to Action One Year On (Bristol: Women's Aid, 2017)"

There is some evidence of racial bias against black men in child support cases – "Colorblind Decision Making in Child Support Enforcement -Race is highly visible yet notably absent in child support enforcement actions. During our observations of court hearings, the fathers brought before the court for nonpayment were overwhelmingly men of color, predominately Black fathers. The judges, family court commissioners, and lawyers were, by contrast, nearly all White. Race was only rarely explicitly mentioned, whether in the court hearings we observed or in our interviews with legal actors. Yet, though we initially did not directly ask study participants to talk about the relevance of race to the fathers' ability to pay their past-due child support orders, questions of race and racial inequality surfaced in the fathers' narratives of their lived experience as workers and fathers." From: "I Do for My Kids": Negotiating Race and Racial Inequality in

Family Court (Fordham Law Review, Volume 83, Issue 6, 2015) by Tonya L. Brito, David J. Pate Jr., and Jia-Hui Stefanie Wong.

History of Custodial Biases -Many argue there could have been a societal bias that led fathers to give up custody, rather than bias by the courts since most fathers give up custody without the intervention of the courts. Historically, men have seen themselves as the primary breadwinners while viewing mothers more as the caretakers of children and the home. And up until the 1990s, this was mostly true. Erasing Custody Bias Today - Today, things have changed. Many judges realize the fact that some fathers are just as , or more, involved in parenting as mothers. Because there are many two-income households, men also have a more significant part in cooking, cleaning, and parenting. More judges and the law are moving away from allowing fathers every other weekend to more of a 50/50 parenting time situation whenever possible. While parents and the courts may favor equal parenting time, some hurdles come along with this. For instance, one parent may have difficulty getting a child to school every day or have childcare issues after school. This type of scenario may not be in the best interest of the child and might be one reason why custody would be granted to one parent over another. Also, when parenting time is split, a child's routine may get disrupted because each parent does things differently. As soon as the child gets used to one way of doing things, it's time to go and stay with the other parent.

Despite these hurdles, some parents favor 50/50 parenting time because it may lessen the amount of child support they need to pay. In the end, the welfare of the child should take priority over all other conveniences for the parent.

What do Child Custody Statistics Tell Us?

Besides the statistics that show many fathers give up custody to the mother, other statistics shed light on the amount of time fathers spend with their children once the divorce is final. A study by Pew Research study that only 22% of fathers see their children more than once a week when they live separately. Twenty-nine percent of fathers see their children 1-4 times a month, while 27% have no contact at all with their children. Several conclusions can be made when you put all of these statistics together. One is that many mothers gain custody because most fathers decide to give up custody rather than there being a bias towards fathers. Another is that many fathers see their child less after divorce and are less likely to utilize their full parenting time. Finally, there is no inherent bias in the courts that favor mothers over fathers when it comes to custody. As explained elsewhere in this guide, Custody in Oregon doesn't mean as much as many people seem to think it does, and unless you think your Co-parent is going to make poor decisions about school, religion, and medical care it may not be worth the time, money, and aggravation to fight over legal custody, so we think many men (often advised by their attorney) spend their resources fighting for more parenting time. Anyway, the historic bias against men has been written out of the law, this doesn't mean that it may not exist in the hearts and minds of certain judges and others involved. There is also some evidence that the court has some biases that go AGAINST women, especially when domestic violence/abuse is involved in the case.

The Other Side is a Bad Co-Parent – Why Should it Matter? It happens to the best of parents – frustration levels rise, and after taking whatever indignities the co-parent has been throwing at you for months or years, you finally give back as good (or bad!) as you get. And by doing so, you've taken a step towards becoming a bad co-parent, something that will later hurt your family law case.

The other parent is a narcissist, evil, an abuser, etc. – why is it bad co-parenting to fight back? We have seen multiple cases where a parenting time evaluator found domestic abuse by one parent, but then "dinged" the victim for bitterness and hatred, and for alienating the child from the abuser. The judge is always thinking about: "The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the co-parent and the child."

It's not about whether it's fair to blame the victim (it's not fair!). But a family law judge has to look out for the child's best interests, and not turn a blind eye to bad acts by a parent with a grudge, no matter how justified or understandable that grudge may be.

Again, any given judge has whatever bias they have, but the system is not biased against any specific gender or person. We have never seen a single case where the rulings made didn't make sense based on the evidence that was admitted. In our opinion, evidence, particularly any evidence that speaks for or against "the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the co-parent and the child." is much more important than gender. Read the section on etiquette in court and also see appendix G (evidence).

Do judges favor lawyers because of their gender? - Not really. Yes, in some jurisdictions there may still be an "old boys' network" where judges tend to favor certain lawyers over others, but that favoritism is usually based upon familiarity more than gender. Judges tend to give the lawyers who appear before them consistently the benefit of the doubt. Strangers may have to prove themselves.

Should I get a male or a female lawyer for my divorce? - Some people work better with men; others work better with women. Some clients need a lawyer to keep them moving in the right direction. They need someone with authority and not afraid to be hard on them. Others need a lawyer who understands and can relate to them. While most people assume that men are more aggressive and women are softer when it comes to lawyers, that is not always true. You should get the lawyer who has the experience and style that suits you and your case.

Will the gender of the opposing lawyer matter to my lawyer? - From a lawyer's perspective, the gender of opposing counsel makes no difference at all. Male lawyers are no better, tougher, or more difficult to get along with than female lawyers. But, even though the gender of the other lawyer in a case is not particularly important, other qualities about that lawyer will make all the difference in the world. The family court in any given county is a small world and most of the people who have been involved for a long time know each other and may socialize together.

Wait, isn't that conflict of Interest?

No. Your attorney owes a duty to you. This is supposed to hold regardless of who they socialize with. Note: The other party's attorney does not owe you any duty other than not representing your co-parent if you have interviewed them to be your attorney.

Ethics rules prohibit and disqualify a lawyer (or other attorneys at the law firm) from representing a client in these situations:

1. The client's interests are directly in conflict with those of another client.

2. The attorney's duties to an existing or former client or a third person, or the lawyer's interests will "materially [limit]" representation of the client.

3. After you've interviewed a prospective divorce attorney, even if you decided not to hire them, the attorney is no longer allowed to represent your co-parent. This is because confidential information can be obtained from just a preliminary interview.

4. It's considered a conflict of interest for an attorney even with a large law firm to represent a client when another member of the firm is representing the opposing party.

5. Your attorney is not allowed to enter into any business relationship in which they would receive confidential information about the opposing party.

6. The attorney on the other side of the client's case is a close family member of the lawyer.

7. Other related ethical limits on lawyers include prohibitions on soliciting gifts from clients or preparing legal documents that give the lawyer or a relative any gift; entering into business transactions with a client or acquiring financial interests adverse to a client; and other similar situations.

Your attorney may be good friends with the opposing attorney, the judge, clerks, parenting time evaluator, therapists, mediator, etc. they do not have an obligation to disclose the relationship nor does it create a conflict. The same is true if your attorney has an antagonistic relationship with any of the other professionals involved in your case. They have whatever relationships with them that they have and other than close family and finances, they do not need to disclose anything to anyone and it is not a conflict of interest. All the professionals involved in your case are not allowed to discuss the particulars of a case outside of professional use, thus if they are talking about your case at a social gathering each of them is likely in violation of ethical standards. But just doing their job whatever their respective role in your case – is not considered a conflict of interest. The opposing attorney also likely has some relationship with most of the professionals involved in your case; they don't have to disclose them to anybody, but certainly not to you, the opposing party. Your attorney may or may not know about these relationships and they may or may not factor into what advice they give you.

In the family court system, approximately 70% of support staff are female, this holds for parenting time evaluators, therapists, social workers, etc. 60-65% of family law attorneys are male, and about 66% of judges are male. We don't know what that means, but roughly 50% of the people involved in family court are female and 50% male. The only one deciding your case is the judge, 2/3 of which are male – are they biased against men? Some of them likely are, just as some of them likely hate sports and favor co-parents who love the arts. So what?

The “Father’s Rights” movement is long on “John lost his case and so did 10 other guys” as their “evidence” of bias, which shows either a complete lack of understanding of how statistics, research, and evidence work or a complete lack of evidence. Probably both. This is not to say that many men don’t face (we believe mostly self-imposed) hurdles in family court. I know the hurdles I put in front of myself and I take responsibility for everything that did and did not go well in my case. Please take responsibility for your case. Please teach your child to take responsibility for their actions and inactions. The World will be a better place!

The Domestic Violence, parental alienation, and abandonment argument have more evidence on their side, but many victims are not heard by the court system the way they want/need to be. “My co-parent abused me and therefore is not a fit parent to our child” tends to backfire in court. It’s easy to sit here and tell people that, but when it’s your lived experience it may not be easy to process our message. But to the best of your ability, you should try.

Alright, we don’t see any systemic bias in the system, we see people doing things that put them in a bad light with the court. The genders may (statistically speaking) do different things – men are more likely to move out of the home without a plan, women are more likely to believe their co-parent is an unfit parent (true or not, this tends to lead to worse outcomes in court.) There is some evidence that men of color have worse outcomes in child support cases. Women have worse outcomes when they claim abuse (real or not, substantiated or not). People who leave the family home (80% of whom are male) have worse outcomes. We believe if you follow this guide and work in “the best interests of the child” and “fostering a good relationship between the child and the co-parent” you will have better outcomes in family court.

We are both educated (MBA, J.D. respectively) and fairly proficient at research in our fields, but we are not researchers or statisticians. We have looked at the research done by real academic researchers into divorce. We conclude that almost all of the studies consider the granting of "custody” as the “winning” outcome, this is understandable, there’s nothing else that is easy to measure in a divorce case – finances are impossible to study – in any given case you could hire assessors and forensic accountants and figure out who got what, but there’s no way to research finances on any kind of scale. “Parenting Time” as a term isn’t even used in every jurisdiction and as far as we know most places don’t compile a database of who gets what amount/percentage of parenting time. So, researchers study “custody” and almost always lump Physical Custody and legal custody together– in some places they use archaic language and “Custody” means “the non-custodial parent gets every other weekend + some vacation and holiday time”, many (most?) places use the Federal definition in which “custody” means the co-parent who has the majority of the parenting time – and that can mean almost anything over 50% of the parenting time. Many (most?) jurisdictions use the term “Joint Custody” to mean “shared parenting time” which can mean anything from every other weekend to 50/50% so “Joint Custody” skews the research in unknown ways. And of course, in some places with more modern family law language such as Oregon, being awarded “physical custody” means almost nothing, and “Legal Custody” has no relationship to parenting time – in these places, what researchers are counting as “custody” is completely different than the other places. As far as we can tell the research only looks at who: Mother, Father, or Joint is granted “custody” and they are not even aware that those things mean different things in different places. That’s not to say that valid research has not been done, it’s just anything cross-jurisdictional has these challenges. We see some (small) effects where men are less likely to be granted “custody” when the child is young. We wonder if this is might be some older, long-serving judges who have been around since before the “tender years doctrine” was replaced by “best interests of the Child” which was the 1990’s in Oregon and most places in the U.S. but it doesn’t surprise us that some judges might favor the mother, especially a nursing mother in the case of a young child. If you are the father of a young child and in front of an old-school judge you may need to make sure you have your ducks in a row.

We would love to see a large study that cross-tabbed for the gender of the parent, gender of the child, gender of the judge, gender of the attorneys, along with race, age, experience, who moved from the family home, any accusations of domestic violence, the work schedules of the co-parents, the distance from each co-parent's house to school/daycare/work/etc., the evidence presented regarding the best interest of the child, and any other factors the judge used in ruling. We would want to know (in Oregon) who got custody if/when it was contested and what percentage of parenting time was asked for/granted. The evidence shows that men tend to utilize less of their parenting time when it is granted and we wonder the reasons for that. We will look for more Oregon-specific statistics on how the 2019 law favoring the rebuttable assumption of 50/50 parenting time plays out and would love to have the data on how much parenting time each gender asks for versus receives. For all the reasons described above, we conclude that the court/system is not biased for a gender.

There have been wild swings from men being the only ones being granted custody, to many years of the "tender years doctrine which ran until the 1990s this favored women, especially when younger children were involved – so there are still judges who were educated or practicing law during that period and may retain some of that. Beginning in the 1990s the "best interest of the child" became the new concept in family law. Some of the things in the best interest of the child list favor women who are in traditional gender roles in a marriage, but most judges will listen to evidence from a male who has been a primary caretaker. We encourage everyone to sit with the list from the section of this guide "What is the Best Interest of the Child?" and observe cases – see if you think the judge followed or deviated from the list if you think they deviated can you figure out why? We've never seen a single case where the judge deviated in a way that we thought showed gender bias. We certainly don't see systemic gender bias. We've seen plenty of cases where a party or an attorney may not have presented their case as well as possible.

The thing is – if you believe the court is biased against you due to your gender (race, sexual orientation, domestic violence status, etc.) okay, now what? You have control over your actions, you get to select your attorney, you get to help shape your case, you decide what to fight over and what to file, you have some control over your relationship with your child (particularly when/if you were together with your co-parent), and with your co-parent. You have little or no control over who the judge is in your case and what biases they may have. You may be facing a judge who is biased against your gender, your race, your household rules, the way you are dressed, your attorney, the fact that you don't have an attorney, your profession, or anything else. They may or may not be personally biased against you as you have presented yourself in court, but have you done all you could? Have you observed several cases to see how the judges rule on "best interests of the child" and "the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the co-parent and the child?" You can in some circumstances observe your specific judge and see if you can discern a pattern in their rulings. Again, you are the only person in control of how your case is presented, not your attorney, not your co-parent, not the "system" –you! In the end, you can hold the "court" responsible for what happens in your case, you can say the system is biased against you because of your gender, or any other reason, those are excuses. You can whine, you can blame others or you can accept responsibility for how you present YOUR case. Seriously. You are responsible for how your case is presented to the court, you are responsible for any agreement you make with your co-parent, again, I own how I screwed up in my case – and I screwed up plenty! I was lucky in that my co-parent was as bad as I was and not only could I afford a good attorney, but also had the network to help me find the right attorney for me. I'm sorry, I have little patience for people who don't accept responsibility for their stuff. We can only help people who are willing to help themselves, it doesn't matter if you are right about the system being biased against you, the system is what it is, your judge is who they are. First, take care of your case, and then if you have time and/or energy to fix the system, by all means, we all agree it's not perfect!

PARENTING TIME CALCULATOR – excellent tool!!!!

The best calculator we have seen for doing a parenting time calendar is https://www.custodyxchange.com/topics/schedules/overview/sample-parenting-time-schedules-7-examples.php Yes, it's partially an attempt to sell you their parenting app (see review in Appendix E), but it covers pretty much any split of parenting time you can think of and is highly customizable. You can create and print calendars for free.

Parenting Plan Templates

Timtab https://timtab.com/custody-schedule-examples-by-age/– Another great tool! The visitation schedules shown are examples only. You can join Timtab to make a free schedule using time-pattern AI technology. The schedule may have stages and will account for: child ages, multiple children, travel times, work hours, school breaks, user preferences.

Rocket Lawyer offers this free template: https://www.rocketlawyer.com/family-and-personal/family-matters/custody-and-child-support/document/parenting-plan

Custody Xchange is a parenting app (See Appendix E) they offer customizable parenting plan templates (free) https://www.custodyxchange.com/topics/software/parenting-plan-template.php

Legal Templates offers this tool: https://legaltemplates.net/form/parenting-plan-child-custody-agreement/

Wonder Legal: https://www.wonder.legal/us/modele/child-custody-agreement

If you just need a simple checklist: https://cf.ltkcdn.net/kids/files/3906-parenting-plan-checklist.pdf

Oregon has a pretty good (but too simplified for high-conflict cases) and fairly customizable official template: https://www.courts.oregon.gov/programs/family/children/pages/parenting-plan-guide.aspx

Washington State Template: https://www.courts.wa.gov/forms/documents/FL%20All%20Family%20140%20Parenting%20Plan_2019%2007.pdf

EXPENSES/CHILD SUPPORT/TAXES

How will your Child's costs of living be covered? These will include things like school tuition, medical expenses, Insurance, extracurricular costs, childcare, food, clothing, college savings, Child's Belongings-Will belongings move between homes with your child? Will your child have two sets of certain items? Who will purchase which items for your child? Who will buy gifts for the child to give? It is imperative to include, and in very specific language, who-will-pay-what-portion of any out-of-pocket medical expenses. If you fear that your co-parent will incur unnecessary medical or dental expenses (braces at too early an age is a common complaint), then include in your agreement that any extraordinary expenses (defined as you like, usually by dollar limits such as $100 or $1000) must be agreed to in writing by the parents PRIOR to incurring the expense or the parent incurring the expense will not be entitled to reimbursement. The custodial parent gets to determine the school, but does that mean the non-custodial parent has to pay for some portion of it? Under a plan that says the non-custodial parent pays a % of expenses and doesn't require prior agreement in writing or stipulate limits, they may be. To be reimbursed for medical and dental expenses, copies of receipts should be sent to the reimbursing parent regularly (you can specify monthly, quarterly, or yearly), with a provision that the expenses should be reimbursed within a set period, such as 30 days, 60 days, or 90 days. If the custodial parent decides private school is appropriate does the non-custodial parent have to pay any or all of the expense? Some parenting plans have clauses that say parents will split expenses 50/50 or one parent will pay all expenses – does this mean that the co-parent gets to pay 100% for a private school? 50% for a car and insurance? etc. Will you share the responsibility for every child-related cost, or will you each be 100% responsible for certain expenses during your parenting time? TAXES- Who claims the child on taxes? Do co-parents alternate years? Do co-parents split any refund received? The IRS has rules and guidelines for this (See IRS Publication 504), and you should consult a tax professional before you go down any path on this. Many parenting plans have things that do not meet IRS guidelines, but in our experience, the IRS doesn't crack down unless more than one parent tries to claim a child in a given tax year. Again, much of this may be predetermined for your family based on a court ruling but should still be detailed in your plan. The bulk of the financial arrangements may be covered by CHILD SUPPORT, but you may also have other things that need to be called out in the parenting plan. For Child Support, generally speaking, you can plug numbers into the Oregon Child Support Calculator and it will give you a guideline, Oregon only calculates overnights as parenting time so this is a function of how many nights out of 365 the child spends with each co-parent, and how much money each co-parent makes. Some other things (support paid for other children, health insurance costs, and daycare) can factor into the calculation but those are the most important. One thing that can lead to much resentment, when one co-parent remarries and is living a nice lifestyle, the income of their spouse is usually not considered on the theory that the new spouse is not a parent of the child and has no responsibility to support them. Several other things can be taken into account, but generally speaking, the number of overnights with each co-parent and the income of each co-parent are the main factors. The court generally allows for deviations of +/- 15% from the calculator results for various reasons. Washington State does not factor parenting time into their Washington Child Support Calculator

In establishing the appropriate amount of child support, it is important to establish each co-parent's income. To establish a party's income, a judge will look at all earnings, income, and resources of that party. This includes salaries, wages, commissions, advances, bonuses, dividends, Social Security, workers' compensation, unemployment benefits, and all other sources of income. If a party has no income, that party's income can be based on "potential" (or "imputed") income, or at a minimum an income based on what that party can earn working full time at the lowest current minimum wage in Oregon. Other factors that may come into play in establishing the appropriate amount of child support are the number of children; whether there are any non-joint children; the amount of parenting time a co-parent has with the child; and whether a party is paying or receiving spousal support or other child support.

Generally, the co-parent with more overnights with the child will receive child support from the co-parent with fewer overnights. Child support is generally payable even if the co-parents have joint legal custody and 50/50 shared parenting if there is a difference between the co-parents' incomes. Typically, the co-parent with the greater income will bear a greater portion of the financial burden to support children. The guidelines may find that one co-parent's income is only enough to support themselves, and presume that no support should be paid, although these situations are rare.

The ordered amount of child support can be modified when there is a substantial and unanticipated change in the parties' financial circumstances. Generally, the court will not "waive" child support, because it is for the benefit of the minor child and not for the benefit of the co-parent receiving payments.

The following simplified example may be useful: Assume that the co-parent with less parenting time has a gross income of $3,000 per month, and the co-parent with more parenting time has a gross income of $1,500 per month. The combined incomes of the parties is $4,500 per month, of which two-thirds is from the parent with less parenting time. If, under the formula, the support needs of one child are $600/month, the co-parent with less parenting time would be required to pay two-thirds of that amount, or $400/month. (In theory, the co-parent with more parenting time in this example "pays" $200/month in child support, but for ease in bookkeeping only the $400 is actually paid to the parent with more parenting time).

Child support is completely independent of parenting time (other than parenting time overnights are a major factor in the Child Support calculation), for instance, one co-parent is ordered to pay child support, and then they fall behind on payments, the other parent often wants to withhold parenting time as punishment; this is a really bad idea! Similarly, if one co-parent is not getting to see the child, even if it is already ordered by the court, that co-parent still has to pay child support as ordered – even though the other co-parent is withholding parenting time. The courts' view child support as an entirely separate issue from parenting time. If the other co-parent owes back child support you should work with the Oregon Department of Justice and they have the tools to make life more difficult for people who owe money, it is not a perfect system and some people exploit it and will go to great lengths to avoid paying. As a general statement, child support is supposed to help the child have a similar lifestyle to what they experienced before the divorce, it is not supposed to fully support the co-parent receiving support who is generally expected to work (spousal support or "alimony" is a separate topic discussed elsewhere in this guide). So, if you are ordered to pay child support you should, if you are supposed to receive child support you should expect to work and the child support is extra money to help the child have a little bit better lifestyle. Some parents only pay support sporadically, or not at all, so even if you have an order to receive support, it may not come as scheduled. If you are counting on child support to pay the rent and bills, you may well be disappointed, also you may want to make sure that your parenting plan includes a clause requiring life insurance because although the estate may go to the child, the deceased co-parent will stop earning income and will not be making child support

payments. Bitter people often fight over money, and child support is an area where people fight a lot, the system is designed to assist you and the calculator is intended to help take emotion out of it. But it can feel like the system is working against you regardless of if you are the payee or the payer. Do not let child support have anything to do with parenting time, you will be a better person for it and stay on the right side of the law.

If your Co-parent lives in a different state (or Tribal land) than you, the Uniform Interstate Family Support Act known as "UIFSA" controls some aspects of where and how to recover back support. Depending on your case, legal proceedings might have to be held in the state where the paying co-parent lives to collect the back support. The child support agency or a lawyer can help you with this, but dealing with other states can be a long process, and will require you to provide information and cooperate with the enforcing state. See https://www.acf.hhs.gov/css/map/state-and-tribal-child-support-agency-contacts Any time you are involved with support enforcement proceedings, you will probably have to state under oath how much money the co-parent has paid and how much is still owed to you. It is very important to keep accurate records of all support payments, including the date the payment is made, the amount of the payment, and the form of payment — for example, a personal check or money order. When your support case is handled by the district attorney's office or the Oregon Department of Justice, the payments go through the state of Oregon, which keeps computerized records of the payments. (This is why it is often easier if you have the support case handled by the district attorney or the Oregon Department of Justice.) The state agencies automatically begin some enforcement actions based on these records. If your case is being handled by a support enforcement agency, all payments must go through the agency. Otherwise, the paying co-parent may not get credit for payments made. If your support payments go through the state, make sure you know if the child support agency is also doing enforcement for you.

Other Considerations:

Active-Duty Service Members - If one of the co-parents is a service member on active duty, the court may be required to stay any proceedings — put them on hold, in other words — until that person is available to come to court. Be careful and consult an attorney if this applies to your situation.

Public Assistance Funds - Typically, when a parent applies for government assistance through the Supplemental Nutrition Assistance Program ("SNAP", the benefits of which are commonly referred to as food stamps) they have the option of including the child, meaning that they can file for individual assistance or family assistance programs.

However, the state would prefer for children of single parents to receive child support over public assistance, whenever possible. For that reason, in cases where a co-parent who is not receiving child support requests public assistance on behalf of the child, the state will usually initiate a child support case—regardless of whether the parent wants a case or not.

It is important for co-parents to consider child support matters when requesting benefits through SNAP.

Oregon has the right to require parents seeking certain government benefits such as SNAP, TANF (Temporary Aid for Needy Families), or OHP (Oregon Health Plan) to comply with child support agencies working to establish paternity and support orders and to enforce these orders as a condition of eligibility.

They do this by requiring the parent to sign over their right to sue for child support to the governmental agency and filing on behalf of the government. If the governmental agency is successful in the child support suit, then the parent may receive some of the child support proceeds, while the majority of the support will

be delivered to the government agency as reimbursement for government support provided for the child. How much of the money is used as reimbursement depends on several calculations, including the Oregon Child Support Calculator

Some co-parents wonder whether they will receive more money by filing for child support versus filing for SNAP benefits and other forms of public assistance, including TANF and OHP.

Co-Parents trying to determine the best approach should be mindful of the following:

- Filing for government assistance can jeopardize informal child support arrangements that allow room for flexibility as employment and finances change from time to time.
- Parents can file for government assistance on their own, without requesting aid for minor children (although the amount of aid received will be less).
- If the parent feels child support is sufficient to provide for the child, they can opt to cancel public assistance.
- Larger child support payments may increase the parent's income to the point they are ineligible for public assistance (depending on the state).

If a co-parent's public assistance case is canceled for any reason, they will receive child support payments directly instead of them being diverted to the relevant government agency.

Understanding the nuances of child support and public assistance may be difficult for co-parents. For more information about child support, co-parents should visit the child support guidelines or speak with a qualified attorney.

Support enforcement is a complicated and frequently changing area of the law. Contact an attorney for current information and to learn about any changes to the laws regarding support enforcement.

OREGON CHILD SUPPORT ENFORCEMENT MEASURES

If the owing parent does not pay child support, they are subject to enforcement measures according to Oregon family law to collect regular and past-due payments. Some people will go to great lengths to avoid paying support, they will hide their income, they will change jobs frequently, etc. If you have a co-parent like that it can be incredibly frustrating, especially when you are working so hard to support your child, to see someone who is working so hard at not supporting their child. It is always possible to find and collect what is owed to your child – but if you use private attorneys and private investigators it can be hugely expensive, and often the return on the investment is not worth it financially (or emotionally), but you should file with the division of child support/district attorney's office in your county and work with them as best you can.

Wage Withholding - One way to collect unpaid child or spousal support is to ask that the payments be taken directly from the wages of the paying parent or spouse. This requires a wage-withholding order (AKA Garnishment), which is issued either by a court or by a child support enforcement agency. In support cases handled by a support enforcement agency, it is almost always the agency that will issue the order.

When a wage withholding order is issued, money will be taken from the wages of the person who owes support. If that person owes past support, the amount taken is usually 120 percent of the current support payment amount -- up to no more than 50 percent of the paying person's income. For example, for a monthly support order of $100, the amount taken will be $120 — $100 for the current support and $20 (or 20

percent) for the back support owed. Once the back support has been paid off, just the amount of the current monthly order will be taken out. The maximum of 50 percent of the paying parent's income will still apply. If only back support is owed, the amount withheld will vary on the circumstances of the case. It will usually be whatever the last ordered payment amount was, until the back support is paid in full.

Once income withholding is in place, it continues as long as support is owed. If the paying parent changes jobs, the order will follow them to any new job that the support enforcement agency knows about. If no support agency is handling your case, a lawyer can help you make sure a new employer is given a copy of the withholding order. Income from workers' compensation and unemployment benefits can also be withheld for current and back support.

A support enforcement agency can help you to arrange income withholding. If your support is not currently routed through the state, contact the division of child support for this service. If you are having an enforcement agency handle your case, there will be a $25 fee for each year the agency collects more than $500 for you. Note that it may take some time for this to be set up. It can involve lengthy interactions between the agency and the nonpaying spouse's employer. It is best to contact the agency as soon as possible to set this up. A lawyer may also help you arrange income withholding, although you may be responsible for the lawyer's fees and expenses.

Other Methods of Collecting Back Support

The state has some powerful tools in enforcing child support. If a parent owes at least $2,500 in back child support, the state or district attorney has several methods of collection. If the parent who owes support has a license issued by the state, the district attorney or division of child support can suspend that license. This includes occupational licenses, driver's licenses, and more. They may remain suspended until the back support owed (the "arrearage") drops below $2,500 or the person who owes support agrees to a repayment plan. That person's passport may also be revoked or restricted in cases where a parent owes at least $2,500. The support-owing person may also be reported to credit reporting agencies. Finally, the district attorney or child support division may withhold a tax refund to pay a child support arrearage. Note that only the district attorney and the division of child support can take these measures. We recommend that you use the division of child support and sign up early before any collection problems! Not only does this help you with any support problems, but it also helps to take the "problem" away from being between the co-parents and letting it be one between the non-paying co-parent and the state.

There are several other things that the district attorney, the division of child support, or a lawyer can help you with. One is garnishing the bank account or other sources of money of a person who should be paying support. Placing liens on the real property (land or buildings) and personal property owned by the person who owes support is another way. A lien might mean you can receive some or all of what you are owed when the land is sold.

Both the district attorney and a private lawyer may file contempt of court charges for failure to pay child support. A contempt case requires filing documents with the court for a hearing to decide whether the paying party violated the order to pay support. If the judge finds that the person willfully disobeyed the support order, sanctions could be imposed. They could be ordered to spend time in jail as punishment or to pay all or part of the back support by a deadline to avoid going to jail. In most cases, the judge will also

require the nonpaying person to take classes and to work out a plan to pay back the arrearage. If you contact a private lawyer for this matter, you should make sure that duplicate contempt cases are not filed.

Who Can Enforce Court Ordered Child Support in Oregon?

The official child support enforcement agency for the State of Oregon is the Department of Justice's Division of Child Support (DCS). The Division of Child Support is required by federal law to provide its services free of charge and is funded by the federal government and the State of Oregon.

If your case is being handled by the Oregon Department of Justice Division of Child Support, you have a caseworker, you should know they have huge caseloads (see below) and do the best they can for you, and sometimes advocating for yourself and your child can help. To apply for Child Support Services: https://www.doj.state.or.us/child-support/apply-for-support/how-to-apply-for-child-support-services/

OREGON DIVISION OF CHILD SUPPORT CASELOAD STATISTICS (2005)
Staff 720
Total Caseload 249,338
The "recommended caseload" is 100 – and your caseworker is dealing with about 3.5 X that, so your case get's less than a third of the time it deserves.

Interest on Missed Child Support Payments -Oregon allows for interest to be charged on missed child support payments and retroactive support. Oregon Revised Statute (ORS) 82.010 provides for 9% interest. Interest is added only if you request and provide an accounting that includes a calculation of accrued interest. Periodic updates must be provided for a case to reflect ongoing interest accrual. You have to ask!

Oregon Statute of Limitations on Back Child Support Payments (Arrears) - Prior to January 1, 1994, each overdue payment was a judgment that expired 10 years from the date of accrual if not renewed. Any arrears unexpired on January 1, 1994, and any child support judgment entered after that date expires 25 years from the date of the original child support judgment. (See ORS 25.700).

Requests for modification of child support only may be made to the Oregon Child Support Program under certain circumstances; for example, if it has been at least 36 months (3 years) since the date the support order was entered or last modified; or there has been a substantial change of circumstances such as loss of a job – however, your income likely will be imputed at a minimum of a full-time job at minimum wage even if you are not employed so the impact may not be as dramatic as you hope! (Jump on this immediately rather than falling behind on child support!) One common problem is that as years go by; neither co-parent has an accurate idea of how much money the other co-parent makes. This makes knowing when to request a modification difficult. One way around this is to have a parenting plan clause that requires each co-parent to submit a copy of their tax return to the other co-parent each year.

Every parenting plan needs to have financial arrangements – Child support must be considered, child expenses (medical and other), and taxes – each of these need to be addressed one way or the other.

TRANSPORTATION

Make plans for transportation between homes during parenting time exchanges. Consider things such as commute times under actual conditions, what may be a 30-minute drive on a weekend can be 90 minutes during rush hour. Consider that gas prices fluctuate and the possibility that either or both co-parent(s) may move further away. Sometimes one co-parent is willing to do all of the transportation when you are working on a parenting plan, this could be a greater burden of both time and money at a later date. Transportation also changes as a child grows, schools change, activities become a thing, etc. Plan for that! You have a variety of options for exchanging your child. One option is to exchange the child by having one parent drop the child off at school, and having the other parent pick the child up. This avoids contact and confrontation between you and your co-parent. Another way to avoid contact is to have the co-parent dropping off the child stay in the car outside the other co-parents' house. This is not effective if the child is unable to walk by themselves or if the door is too far away from the driveway. If you need to exchange the child in a public place, a fast-food restaurant is a common alternative as it allows a waiting parent to sit indoors and to have a record of appearance (by purchasing something at the restaurant), Fire stations are sometimes used. Police stations sometimes have a "Safe Exchange Zone" and are another common exchange location. Are third parties, such as stepparents or grandparents, allowed to do the exchanges? May 3rd parties be present during the exchanges? You can ask the court for orders specifying who can and cannot be present during exchanges. As a practical matter, limiting who can be present and/or allowed to do the exchanges tends to not be a great long-term strategy and should be used only to protect the safety of the child. What happens if it is exchange time and the weather makes driving unsafe? What if one co-parent thinks it's safe to drive and the other one does not? Is there make-up time for any missed time due to unsafe driving conditions? Is there make-up time for anything else? What happens if the child is sick on an exchange day? What if a co-parent is? What if the child is sick for an extended period? What about a co-parent having an extended or serious illness? This section interacts with where each co-parent lives, work schedules, school schedules, Weekends, Holidays, And Special Dates – it can be very important.

Medium to long-distance parenting transportation – For situations where travel is longer co-parents sometimes meet at some logical point more-or-less halfway between.

Long-distance – When travel is further and involves train and/or plane travel transportation (and finances) can be complicated and depending on the age of the child may change. Parenting Time and parenting plans need lots of changes for long-distance parenting.

Whatever the situation, you need to have transportation addressed in your parenting plan.

WEEKENDS, HOLIDAYS, AND SPECIAL DATES

When writing the parenting plan, it is best to use the language "odd years and even years" rather than stating a specific year. Generally speaking, these special clauses in your parenting plan will take precedence over the regular parenting time and sometimes over each other, and should be carefully considered as they tend to be an area of many, many conflicts. How will you share time with your Child over holidays, birthdays (yours and the child's, other family members), school breaks, vacations, and other special occasions for your family? Mother's Day, Father's Day, and other events such as weddings, graduations, funerals, family reunions, etc.? Does "Grandparents Day" count as a holiday to you? Canadian Thanksgiving? Columbus Day? Religious holidays (which ones)? Leap year, February 29th exists every fourth year, what happens then? Schools also have things like "Teacher planning days" and other non-holiday but non-school days, how do those work? Some traps: Summer breaks – lots of different things happen with school-aged children and summer break and parenting plans are all over the place on this, sometimes each co-parent gets to pick a block of time (two weeks probably being the most common) alternating odd/even years as to who picks first, but is this block able to be added to regular parenting time or not? What happens if the parent picking 2nd has something prearranged (such as a trip where airline tickets needed to be pre-purchased) can they trade? Who gets the first week after school is out? Father's Day is often part of summer break and should generally supersede any time with mother. The final week before school resumes (careful, as this can overlap with Labor Day)? What if a birthday overlaps with another time, which has precedence? Pay attention to any special clause that can overlap with another, and which gets prioritized over the other? New Year's Eve/New Year's Day - if you use odd year/even year terminology this one can be tricky, so define it as "when December 31 falls in an odd/even year" … Spring Break/Easter – Easter is often different depending on if you use Gregorian or Julian Calendar, so be sure you specify. Every few years Easter can occur during Spring Break. This can be problematic when spring break is split 50/50 based on odd/even years and Easter goes to the "wrong" parent during spring break how will this be handled? Even "Weekend" should be defined - Does the weekend start on Friday or Saturday? If the weekend starts "when school lets out on Friday" what happens when there is no school on Friday? At what time? Does it end on Sunday and at what time? Or does it end on Monday upon "return to school" and what happens if school doesn't happen on Monday? And then at what time? Occasionally, a parenting plan has a clause about months with 5 weekends. The problem is Friday is the 31st and Saturday/Sunday is the 1st and 2nd of the next month what happens then? Another thing that can happen is language such as "when school resumes" … well, what happens if there is a snow day (or week)? What happens if there is a teacher strike? Hmm, "school hasn't resumed and I'm keeping the child" is perfectly consistent with that parenting plan language, so consider "when school resumes or would have been scheduled to resume" or the like… this guide was written pre-pandemic, but the pandemic sure proved that point as lots of co-parents tried to claim "school hasn't resumed"! For three-day weekends, define both the start and end of the "weekend" it is usually better for one parent to have the whole weekend, but again, be as specific as possible. There is great interplay between transportation and holiday schedules, so keep an eye on that. Avoid these traps, spell everything out in as much detail as possible, this is a very important part of the parenting plan. It may be helpful to work out a scheduling pattern that can help you plan holiday parenting time several years into the future.

Many, maybe most, parenting plans have clauses for Mother's Day, Father's Day, Easter, and a few other "stand-alone" (as opposed to three-day or longer holidays) holidays, they are often 9:00 AM to 6:00 PM, which works fine with younger children, once they are school-aged, we recommend overnights absent some reason otherwise. Generally speaking, Mother's Day and Father's Day should always take precedence over other clauses.

As noted above, a frequent area of conflict that shows up in summer is “stacking" or "tacking", a co-parent chooses “Summer parenting time” which is adjacent to regular parenting time, and thus has a longer stretch than their co-parent believes they are entitled to. This is an acceptable and common practice unless prohibited by the parenting plan. It is also not uncommon for the summer clause of a parenting plan to say things like: each parent shall get two two-weeks of uninterrupted time, and the way the summer school schedule works it’s not possible to select times that do not stack and tack. We know of a contempt case for stacking and tacking when it was not possible to follow the parenting plan as written – the judge was not amused. The best thing is to just let it go, but be aware of summer and how it works, pay special attention if your child is not yet in school, try to figure out how it will work when they are.

“Notice” and withholding parenting time

Parenting Plans often have “notice” clauses – such as “Co-parents must provide a 14-day notice before taking the child out of state” or “Father shall notify Mother of selected Weekend for Parenting time at least 30 days in advance” or “in Even-numbered years Father shall notify Mother of selected summer parenting time by May 1, Mother shall then notify Father of selected parenting time by May 15. In odd-numbered years Mother shall notify Father of selected summer parenting time by May 1, Father shall then notify Mother of selected parenting time by May 15”

Plenty of case law on this – failure to provide proper notice is NOT a reason to withhold parenting time! You can file a contempt motion but you can’t say - “You provided late notice (or no notice) so therefore you forfeit your time.”

The ONLY way to have it be a reason to withhold parenting time is to have a clause in your parenting plan that says something like: “Failure to provide proper notice will be cause for forfeiture of (specified) Parenting time.” Even if you have a forfeiture clause, you will look better in the eyes of the court if you work out a reasonable solution with your co-parent. This assumes that it is not an ongoing problem, that you do not have a step-up parenting plan, etc.

A better type of clause for reciprocal notification (such as summer) is something like – “In the event, the selecting co-parent does not pick their vacation by the required date, they do not forfeit their summer vacation parenting time, Failure of either party to make a timely designation of summer parenting time shall not result in forfeiture of parenting time rights, but will result in the other co-parent's scheduled time taking priority if a conflict. The selection schedule will otherwise remain unchanged.”

For a non-reciprocal situation, it can be something like, “If Father does not provide at least 30-days’ notice of which weekend shall be his parenting time he will not forfeit the parenting time but will need to accommodate the schedule of the child and the mother in order to exercise make-up parenting time. If the father fails to provide adequate notice a second time during any calendar year, that parenting time will be forfeit, however, mother may provide make-up time at her discretion.”

Every parenting plan should have a detailed section covering Weekends, holidays, and special events. This is a section that is often not written as well as it needs to be. If you are in a high-conflict case you need to insist on this being highly detailed and you need to go over it with a fine-toothed comb before approving it!

TRAVEL AND VACATIONS

How far away or for what period can one co-parent travel with the child before needing to notify the other co-parent? In any instance (perhaps international travel), does one co-parent need to ask the other co-parent for permission to travel? What is the formal method of notification or of asking permission? How far in advance does one co-parent need to be notified of travel? If the child will be flying, how will their airline tickets be paid for? Is there anyone that cannot travel with the Child? When one co-parent lives far away from the other co-parent, the court will often try to maximize the parenting time of the co-parent who does not have the child during the school year. Often this takes the form of the non-custodial (or far away) co-parent having the majority, if not the entirety, of summer break, spring break, and either the Christmas break or Thanksgiving (often alternating). Not infrequently, the school co-parent is permitted parenting time during the summer break for a week at either end or a period for vacation, generally not more than 1-2 weeks. The frequency of visits to the non-custodial parent often depends on finances, and the co-parents sometimes are ordered to split evenly the costs of the transportation to the non-custodial parent. Passports are often a contentious issue; there should also be a cooperation agreement when it comes to obtaining a passport for the child. Each co-parent should agree to assist one another in obtaining and/or renewing passports for the child. Who pays for it should also be clearly defined. Generally speaking, the custodial parent should obtain the passport and should retain the passport but should not unreasonably withhold the passport at the co-parent's reasonable request, such as the co-parent's planned travel outside of the country. MORE IMPORTANT... you need to build "teeth" into this clause. If one co-parent withholds the passport, they should be responsible for the other co-parent's lost money due to tickets, hotels, etc. Otherwise, you can end up with one co-parent who withholds the passport and is free from consequences. There should also be a reasonable amount of time to request the passport and provide the passport. For example, request the passport 14-21 days in advance of travel and it should be provided no later than 7 days before travel is to begin. Both co-parents should also agree to provide the other parent with a signed travel consent form. Parenting plans should have agreed-upon language concerning domestic and international travel. Sometimes it's important to make a distinction between signatory Countries to the Hague Convention on the Civil Aspects of Child Abduction and non-signatory Countries.

Every plan should have a section covering Travel. Passports tend to be the most frequent problem for people who travel a lot.

PARENT RELOCATION

Parental moves and child relocation within 60 miles and within the state are typically not considered legally significant and usually do not require permission from the Court but checking with the court is always a good idea even for shorter moves as this might trigger a change in circumstances which will allow your co-parent to request changes to the parenting plan, including changing custody. However, depending on the parenting plan, even a small move may affect parenting time for your co-parent or negatively affect the child. Your parenting plan can outline notifications, the distance, travel times, and arrangements to eliminate or minimize the impact on parenting time, pick-up and drop-off locations for parenting time, and of course what's best for the child.

Whether the moving co-parent has sole legal custody, joint legal custody, or is a non-custodial co-parent, Oregon law (ORS 107.159) requires "reasonable" (usually considered to be at least 60-days or as soon as known, whichever is earlier) advance notice of intent to move. Moves and child relocation farther than 60 miles or to another state require advance notification and are typically considered more significant. Oregon laws regarding relocation have changed dramatically in recent years. Recent state court rulings do not automatically allow in-state, out-of-state, or international relocation "move-aways". Child relocation laws in Oregon make it difficult (sometimes impossible) to move farther than 60 miles from the other co-parent without their consent. The reason for this is very practical: Once you start talking about having to travel at least 60 miles one-way to have parenting time with your child, you are talking about at least two hours of round-trip travel. A co-parent, who relocates with a child in violation of parental consent, a court order, or Oregon law, could face legal consequences. These consequences could include a change of parenting time, a change of legal custody, contempt action, and even criminal prosecution. It is best to always seek legal advice before making plans to move out of state or more than 60 miles with a child. A common mistake for parents seeking child relocation is for the co-parent who is intending to move to wait until the last minute to move or petition the court for relocation, in some cases, the co-parent intending to move simply thinks they'll move and then deal with the consequences later. This could be legally disastrous and harmful to the child. Parents must note that anyone who moves away with a child without a court order may (rarely) face criminal prosecution. Always seek legal advice before making plans to move without the consent of your co-parent and a revised parenting plan filed with or ordered by the court. As more states begin to pay attention to the best interests of children, more states– including Oregon– tend to focus more on what's best for a child's overall development rather than what's best, ideal, or convenient for the co-parents. Oregon has made a very conscious public policy decision that a child benefits from close and meaningful relationships with both of their co-parents, and therefore, the courts do not wish to see geographic barriers to parenting time. Relocation is far from automatic for the co-Parent asking the court for permission to move.

When either co-parent has substantial parenting time with a child, they cannot simply pick up and move away. Oregon family courts protect children from moving away from their other parent, as our public policy favors frequent and continuing contact between both parents and children. If the co-parent does not agree to change the parenting plan, they may object. Often, a co-parent who objects to the co-parent's proposed move will ask for a modification of custody. A parent may petition the court for a change of custody and parenting time in the wake of a proposed move. A common mistake is for parents seeking relocation is to wait until the last minute to petition the court for relocation – Your co-parent will be allowed to respond to your petition to relocate and if they contest the move you will not be able to move unless and until the court orders that you (and the child) are allowed to move and makes whatever adjustments to the parenting plan, this will include how the co-parent will be able to have similar parenting time and how the transportation will change including how it is paid for.

The reason for the notice of intent to relocate is to give the co-parent time to respond and file a motion to object to the move. When you hear those other states (such as Washington) only require the "custodial" parent to file and usually allow the custodial parent to move when requested. That's true, but remember the word custody has a different legal meaning in those states. The court will decide contested relocation cases with the legal standard of "best interests of the child," and not the best interests of the parent wishing to move. In any case, the moving parent if the non-moving parent contests it must show how it is in the best interests of the child – such as better schools, closer to relatives, etc. as opposed to the best interests of the moving parent.

Job Opportunities and Remarriage as Reasons for Relocation- Co-parents split up, many will eventually marry new partners. A common reason for wanting to relocate with a child is a new job opportunity for either oneself or the new spouse. Even if a new job opportunity would benefit the parent, it does not necessarily translate to a benefit for the child. Sometimes, a job opportunity will be sufficient to justify relocation if the co-parent is not very involved in the child's life and the new job will provide a higher standard of living or better educational opportunities for the child. Whether a parent or stepparent's new job opportunity is in the "best interest of the child," is a very gray area up to the discretion of the court reluctant to upset the status quo. Often in contested relocation cases, a child custody evaluation by a third-party professional is required. In a contested relocation you will greatly increase your odds of it being granted if you focus on how it is in the best interests of the child and including in your filing how you plan to encourage a strong bond between your co-parent and the child given the proposed distance between them.

This clause is most often covered by boilerplate language which uses the word "custody" in an archaic way that doesn't take into account the realities of modern family law in Oregon. You should have clear language making sure that each co-parent understands that unless an agreement is reached, the expectation is that the child will remain in the same area until something significant changes. Sure, either parent can move – as long as they leave the child with the co-parent. The thing you need to understand is that custodial, non-custodial, joint, whatever -if you move an hour or more away from your child the parenting plan needs to change to a long-distance plan, and parenting time may need to change, along with transportation. The court is very reluctant to grant the move because it upsets the status quo, the court would rather approve a revised parenting plan that the co-parents have negotiated. Expect a contested request to move to be difficult.

COMMUNICATING WITH YOUR CHILD WHEN AWAY

When you or your co-parent are not with your child, consider the ways that you will get in touch with your Child. This is especially important to plan for if one parent cannot be with the Child as much as the other. In general, children should be allowed to contact each co-parent by any reasonable means. Today this means email, chat, instant messaging, video messaging, and text messaging as well as by phone and other traditional means of communication. Choose the methods that work best for your family, and name those in your parenting plan. Allow your child privacy to communicate with your co-parent during your parenting time. Do not listen over their shoulder during a phone conversation or monitor emails or instant messages. You may want to specify appropriate hours or even a specific time for the contact, however, to limit the disruption to the household. This is another area where the uninitiated are surprised how much conflict there is and specific language can help. "...a brief phone call" What does brief mean? 5 minutes? 10? 15? As long as the child wants? Different lengths depending on the age of the child? "...reasonable contact..." or "...reasonably make available..." What is reasonable to you may not be reasonable to your co-parent. Spell it out! A friend of mine loves that his parenting plan has a very specific time, at 7 pm each evening his plan specifies that the child makes or receives a call from the co-parent who the child is not with. Now to me that sounds horrifying, my child was involved in all sorts of activities and might be playing a game at 7 pm, or in a pool anywhere in the world (different time zones) he also loves to go to spectator sporting events many of which start at 6:30 or 7 pm, I can't tell you how intrusive it would feel to me to have had my child in a quiet space at a set time each day, let alone figuring out a way to make him available for a call when it's 5 in the morning where we are and he is swimming in an international meet later in the day and needs his rest. That's what we mean when we say no two parenting plans are the same, what makes one happy would make the other crazy, it also is a good example of how things can change as a child gets older, so our advice here is to have specific language, but this works both ways, if you insist on having a phone call each day when the child is away from you then the co-parent gets a phone call each day when they are with you. So, for many parenting plans something like phrases such as, "Every day at 7:00 pm..." or "Every other day between 5:00 pm and 6:00 pm..." can work. Does the child initiate the call or the parent? Can a parent track the child via a GPS function? Can phones be taken away as a form of punishment? Some parents take the child's phone away as punishment, leaving the co-parent with no way to communicate with the child. Phones are often used by one co-parent to "punish" the other and are a surprisingly common issue in court. A parent who pays for a cell phone can kind of do what they want with it unless it is prohibited. It is not uncommon for each parent to pay for a cell phone for the same child and then have control of that phone – if not control its use when the other co-parent is exercising their parenting time. Address this in your parenting plan.

Again, this is a fairly common area of contention and one that is often fluid as children grow and co-parents get into new relationships. This is an area where high-conflict co-parents need a highly detailed parenting plan that spells out everything. Pay attention to this one!

CO-PARENT COMMUNICATION

Having a determined method of communication with your co-parent is important for any family. Online co-parenting tools can be an excellent choice in this kind of situation. See Appendix E for an overview/review of Co-parenting Apps. Decide the types of information you need to discuss and how often you must communicate. The best way of communicating if you are in any sort of conflict is email or a parenting app. It tends to slow things down more than the immediacy of a text or phone call which can lead to cooler heads, it also creates a written record that is easy to print out and use in court if needed. Yes, we know, everybody texts, and you probably have your phone on you 24/7, but that same phone can probably also send and receive an email or use an app. Email just creates a better record. The other alternative for high conflict situations and something important but not immediate is to send a registered letter. How will co-parents notify each other for things like emergency medical care, school absences, etc.? When you have parenting time with your child, communicate any information YOU would want to have if your child was at the co-parent's house. Do this even if the co-parent does not reciprocate, be the bigger person, be a good co-parent! You might include a parenting plan clause that outlines what information is relevant to you and your co-parent. Information that can be relevant includes homework (has it been completed?), grades, changes to the child's schedule, extracurricular activities, plans with friends, family celebrations, health issues, medication information (what to take and when and any side effects), and/or punishment information. EVERY parenting plan should have a clause that each parent has to notify the other whenever they take the child for any type of medical visit – the other parent then knows they can request the records from the provider, unless you are aware of the visit, you can't request the records. You should never allow your child to carry messages between you and your co-parent, whether it's a verbal message or a note.

Contact information – Under ORS 107.164 each co-parent must advise their co-parent of their current address, residence, work, and cell number. Co-parents cannot hide from each other (an exception is made in cases of abuse), and one co-parent only having the contact information for the child (i.e., cell number) is not sufficient. This can be problematic when one or both co-parents have an unstable living, work, and/or financial situation, but this is an area where you must make your best effort at communication, even if it makes you uncomfortable. This is essentially the only required communication between co-parents under Oregon law – almost all other communication matters should be dealt with in the parenting plan Here is the law – this is 100% of the required communication between co-parents under Oregon law. "ORS 107.164[1] Parents duty to provide information to each other: Unless otherwise ordered by the court, both parents shall have a continuing responsibility, once a custody or protective order concerning the child is issued, to provide addresses and contact telephone numbers to the other parent and to immediately notify the other parent of any emergency circumstances or substantial changes in the health of the child."

The only information you have to give your co-parent is your address, your phone number(s), and notification if your child has a medical emergency. That's what the law says. That is the entirety of the required communication between the two of you. Do you want to go in front of a judge and say: "Your honor, I gave them everything required by law"? No. You want to look like you are a better co-parent!

Don't Withhold Information- we have never seen a parent get in trouble with the judge for telling their co-parent too much information about the child, but the opposite is not true. If something (good or bad) happens to the child, tell your co-parent, and even send pictures. Here is a non-exhaustive list of the items you absolutely should tell your co-parent about: Grades/report cards, medical information (appointments, treatment, etc.), Daycare/school (and make sure co-parent is listed as a contact), Child's activities, Milestones (losing teeth, religious rites, etc.), Information about your own life which affects the child (cohabitation, new kid, illness, etc.).

Even if you've given the same information in the past, if your co-parent asks again, don't withhold it and say "I already told you", but provide the dentist's name & number again. Sure, you can respond "I'm not your secretary" but which do you think would look better in front of the judge?

So, your parenting plan should say more – it should require each co-parent to inform their co-parent of every medical appointment, homework and other school-related matters, extracurricular activities and events, and anything else important to you. You should morally and ethically report everything that you would want to know – even if your co-parent doesn't reciprocate. This clause is one where many parenting plans fall flat, make sure yours includes everything you need and want!

NON-DISPARAGEMENT/NO BADMOUTHING

Claiming that not all relationships end on friendly terms is an understatement. However, whatever differences you have with your co-parent are between you and them. Your child has the right to have their own relationship with them.

A non-badmouthing clause might look something like this: "… the minor child of the parties has an inherent right to the affection and love of both parents and a relationship with each parent. The parties agree and it is ordered that neither will take any action or make derogatory remarks about a parent or the parent's family by the other parent in the presence of the child., either directly or indirectly, that might estrange the minor child from the other parent or tend to discredit, cause disrespect to, or diminish the quality of the relationship with the other parent." Or: "Inter-Parent respect/Facilitating affection and respect between the child and co-parents -The parties shall make best efforts to foster love and harmony in the other party's relationship with Child and shall not attempt to undermine the authority of the co-parent with Child- Specifically, each co-parent is prohibited, under any circumstances, from making or willfully allowing others to make derogatory comments in the presence of Child about the other co-parent, or their new partner or family, or in any way diminishing the love, respect, and affection that Child has for the other parent. -This also includes the requirement that the parties use best efforts to ensure that the same conduct and efforts take place with either co-parent's future partners, family, and friends. -Additionally, the parties shall not use Child as a messenger to pass messages to or communicate with the other parent. -Insidious or subtle attempts to diminish Child love and respect for the other parent is equally damaging to Child, and is prohibited by this parenting plan."

Also, your child cannot un-hear the statements you have made and this could cause irreparable damage to your relationship with your child.

Refusing to badmouth your co-parent is a positive first step. The last thing you want is a cycle of escalating behaviors, and that will be much less likely if both of you aren't adding fuel to the flames.

But what can you do about someone else badmouthing you? It might be coming from your co-parent, but it could also be the work of their family, friends, and others. While the fact of the matter is you cannot control their behavior, there are healthy strategies you can employ to mitigate the effect badmouthing has on your and your child's lives.

Don't let their bad behavior control your response - When someone is saying negative things about you, it's hard to fight the urge to step in and defend yourself. But if you rush to react, you'll be letting them dictate the terms of your communication. Worse, reacting during a heated moment might tempt you into badmouthing the other person as well. It may feel unfair to let the behavior go unremarked upon. You may also convince yourself that your anger, and whatever response it produces, is righteous. But regardless of whether the situation is fair or your response is justified, any response you make will not be happening in a vacuum.

Your child will be paying attention, and they will be learning how to approach thorny situations like these from you. If both of their parents give in to badmouthing back-and-forth, they'll have to look elsewhere to see healthy models of responding to negativity. Resist the urge to become defensive or start saying mean-spirited things yourself. Stay calm and focused on having a productive conversation instead of feeding into the badmouthing.

Stay focused on what's important -At the end of the day, how much energy should you devote to caring about what your co-parent thinks or says about you? What is important is the effort you put into your relationship with your child and the kind of role model you strive to be for them.

Hearing that someone is putting you down will undoubtedly be hurtful, especially if that person is criticizing your parenting. It may even impact your self-esteem and put doubt in your mind about your relationship with your child. It's not always easy, but try not to let it put a cloud over your daily outlook. If you are confident in your parenting, maintain a positive focus on that.

If it's your child who tells you that they heard badmouthing about you, don't panic. Address the situation in a neutral tone so that your child can still feel safe telling you anything. Take this as an opportunity to discuss badmouthing in general with your kid, how it affects people, and how we can respond when someone begins badmouthing a loved one to us.

Your child should never feel as though they have to rise to the occasion to defend you, but they should be given the tools to communicate how the badmouthing makes them feel.

Most importantly, make sure your child feels supported when they come to you with this information. It can be damaging to hear one co-parent disparage another, so it's vital you check in with them regularly about their feelings and frustrations.

Take measures to make it stop -When you hear that your co-parent or someone else is badmouthing you, one of your first thoughts may be about how you might get them to stop. You must take healthy measures to work toward ending the badmouthing rather than prolonging it. If it's your co-parent, and you can, talk to them directly and ask for the negative comments to stop. If it's a relative or friend of your co-parent, still consider approaching your co-parent to ask that they help you end this behavior. Make sure this conversation does not involve your child, as they should never be caught in the middle of conflict or difficult conversations between their parents.

If you aren't able to have a constructive conversation with your co-parent, consider enlisting help from a neutral third-party professional. Working with a mediator or a family therapist can increase your odds of having a productive talk that leads you and your co-parent to a workable solution. If you feel as though you need additional assistance, consider speaking to your attorney, as they may have the best guidance for you as far as how to handle the situation appropriately while protecting yourself and your children.

No one wants to hear that someone is badmouthing them behind their back. When these situations do arise and have the potential to impact your child, do your best to manage the situation in a healthier way. Stay calm and neutral, and find the most appropriate measures to end the negative talk.

The main idea of this provision is to provide legal recourse for the co-parent that is under attack through their child by their co-parents badmouthing. Your parenting plan can't control third parties at all, but you can! If you ever hear any of your friends or family speaking ill of your co-parent in front of the children you should put an end to it! This kind of indirect attack is often seen when one co-parent begins a new relationship.

This is standard, boilerplate language that you should consider, think about, and follow. The reality is that this one is difficult to prove or enforce, you, and with your encouragement, your friends, and family members must follow this no matter what, even if your co-parent seems to be violating it.

ACTIVITIES

This section applies to team sports or other activities that typically require participation on a daily or weekly basis. -This section generally does not apply to extra-curricular activities that could be chosen and implemented during only one parent's time. (ex. music lessons, some athletics, art classes, etc. – these activities could sometimes reasonably be provided for by one co-parent without the participation of the other.) Who can sign the child up for extra-curricular activities, who is mandated – or not – to take the child to said activities, who will pay for fees/uniforms, who will attend and when, who has veto power, how will the child be involved –or not – in the decision making, and at what age, etc.? Same with summer camps. In general, each co-parent has the right to decide what activities the child engages in during their parenting time. If you sign the child up for an activity that occurs partially or completely during your co-parent's parenting time, they have the right to decide if the child is going to go. It's no surprise that negative feelings can linger. Sometimes one co-parent tries to harm the other in any way possible due to those leftover pain, anger, or feelings of betrayal. A very common tactic is for one co-parent to try and schedule events and activities during times when their child is planned for parenting time with the other co-parent – this kind of "stealing time" is bad for everybody. Even the most thorough parenting time plans can become a source of frustration and conflict as children become more involved in extracurricular activities. Certainly, it is not unexpected that as children get older, they become more involved with their friends, sports, after-school activities, and community organizations. Each Co-parent has a set period of parenting time with the child. Unless parents are in complete agreement on the children's extracurricular activities, conflicts can arise when those extracurricular activities occur during the other co-parent's parenting time. Consider a clause similar to, "Neither parent may enroll a child in any extracurricular activity that may occur during the other parent's parenting time without the written consent of the other parent." Should be considered, or this type if you generally agree that the activities of the child are the most important consideration: "The minor child's extracurricular activities including, but not limited to sporting practices, games, tournaments, and competitions shall take precedence over both parents' parenting time, meaning that if such an activity takes place during either parents' parenting time, said parenting time shall be comprised of that activity during that time and no make-up parenting time shall be awarded." Or you may limit extracurricular activity expenses by having a cost cap, such as "each co-parent will contribute $1,000 per year for the minor children's extracurricular activities. Any extracurricular activities that incur costs beyond this amount in a

year will be the responsibility of the parent enrolling the child in said activity", which could be an example of such language.

We have seen things like "each parent shall pay 50% of extracurricular activities" Well, if one parent decides that Polo is the activity does the other have to pay 50% of several polo ponies? We know of a case where Dad built an ice-skating arena (Over 3M dollars!) and said mom owed him half, the court did not agree, but jeez!

Questions to consider: Can the co-parents agree on the activity for the child to participate in?

How many activities are enough or too much? Are the co-parents going to cooperate in paying for the activity, materials, or equipment required? If so, how much? Based on income? Based on Parenting Time? Is Travel included? Or does each co-parent pay for whatever activity they sign the child up for? Are the co-parents going to cooperate in taking the child to the extracurricular activity, including but not limited to: special events like recitals, tournaments, etc. that could require travel? If a co-parent agrees to allow the other co-parent to sign the child up for an activity during their parenting time do they receive make-up time? How is transportation handled?

This one can cut both ways and may need to change as the child grows older and has significant activities and interests of their own. Consider if you want something like this and exactly what you are trying to accomplish. Do not use this to try and limit your child's activities.

Believe it or not, some of the best parenting time can take place in the car (or plane) to or from a child's activity. That is a time when you have a chance to engage with your child. It is a chance to tell stories, teach lessons and demonstrate love by sacrifice, which will serve to create a bond that is stronger than anything that might otherwise have been created.

This can be a huge area of conflict. The general guideline is that you get to decide what happens on your parenting time (and custody has nothing to do with it), but the reality is some children get signed up for things that occur all the time. When a child is young it can be difficult to envision that activities will be an important part of life. Many parenting plans don't include much on activities, leaving it to the "what happens on your parenting time is up to you" theory. That's fine, but even that should be spelled out if that is the complete clause you want to have. Perhaps because our kids were as active as can be, we prefer more customized and detailed language than the usual boilerplate stuff in activity clauses.

SCHEDULE CHANGES

How far ahead of time do you and your co-parent need to propose changes? How will you communicate about changes (Note: Email is best, see the communication section)? What about changes due to an emergency? Changes to the parenting schedule, what circumstances might require schedule changes? (Illness, lateness, social events, weather, special occasions, unforeseen events, job changes?) How will schedule changes be managed? How much notice of the change is required? Will there be make-up time? If there is make-up time is at a 1:1, 1.5:1, 2:1, or some other ratio?

Every parenting plan should have a clause spelling out asking for, granting/denying changes to scheduled parenting time. (Also see Right of First Refusal). Things come up and flexibility is good, cooperative co-parents have no problem switching dates now and then, high-conflict co-parents can make this into a battleground. Consider your situation and get a strong clause that works for you into your plan.

In our opinion every parenting plan should have each of the clauses above (Custody, Parenting time/Schedule, Expenses/Child Support/Taxes, Transportation, Weekends/Holidays/Special Dates, Travel/Vacations, Communication with Child, Communication With Co-Parent, No Badmouthing, Parent Relocation, No Stealing time/Activities, and Schedule Changes) in some form –they may have other titles, and some of them can just use standard language, but each of those things should be covered in a way that you are comfortable.

CLAUSES THAT SHOULD BE CONSIDERED IN A PARENTING PLAN

The clauses that follow can be helpful in certain situations, or with a child of a certain age; they are things that you may want to consider in your parenting plan.

CLOTHING

This is often an area of conflict, co-parents often claim that their co-parent dresses the child in unsuitable clothing (dirty, in poor repair, not appropriate for the weather or activity, etc.) Go to Google and type "clothing exchange after divorce". You'll find several frustrated parents (both men and women) who haven't been able to constructively solve this seemingly little issue. You can label everything with your initials, you can buy duplicates of everything, A provision that each co-parent will maintain the clothing and belongings brought to their house and belonging to the co-parent can often be helpful. Clothing belonging to one co-parent shall be returned to the other co-parent either laundered or by the child wearing the clothing. Or is it up to the child to decide what-stays-where? Who buys clothing? Is school clothing special? What about athletic clothing/equipment? People paying child support often believe that support covers all clothing (it doesn't work that way, unless a clause in your parenting plan says it does). Each co-parent should have adequate clothing, accessories, and belongings for the child. Generally speaking, the court views this as day-to-day parenting and is uninterested in your petty disputes. I have personal stories on this, but I won't bore you with the details, this is one that a simple Google search will reveal that it's a huge problem for large numbers of co-parents. if you are in a high-conflict co-parenting situation you need far more detailed language than is in most parenting plans.

EXTENDED FAMILY AND FRIENDS

Think about adding procedures for how the child will spend time and communicate with extended family members, like grandparents and cousins, and close family friends. Your child must be reassured that even after a divorce, their family remains a family. Often when discussing what this will mean for kids, we focus primarily on relationships with parents, siblings, and grandparents. But what happens with other family members whose interactions with your child could be affected by divorce? Aunts, uncles, and cousins who are further removed from the center of co-parenting concerns may be overlooked when co-parents develop plans on how to navigate shared time. As many of us know from our own experiences, however, our relationships with these extended family members can be central to our happiness as children and how we developed as adults.

It can be easy to assume that concerns about extended family members should fall upon whichever co-parent is the relative. This assumption may be too simplistic, however, and does not account for the complexity that accompanies scheduling visits and prioritizing the child's relationships with family.

Here are some tips to help you and your co-parent work together to ensure your child maintains healthy and loving relationships with their entire family.

Resist the urge to put the responsibility onto your co-parent -It may seem preferable to let each co-parent take full responsibility for negotiating time with their extended family members. With parenting schedules that split time between co-parents, however, adjusting further to accommodate the busy schedules of extended family members as well can be especially frustrating. Be flexible, co-parents like that, judges like that too.

Although co-parents shouldn't feel obligated to remain friends with their former partner's extended family, acknowledging that those aunts, uncles, and cousins are still special to your child can ease the way for maintaining respectful relationships with them.

Be open-minded and generous with your time and knowledge -Events for extended family members will not always neatly fall during the corresponding co-parent's scheduled time. Relinquishing or trading your parenting time for an event that is for your co-parent's extended family may feel hard to do. This can be difficult when one co-parent has a large extended family and the other has few or no close relatives around.

It'll be all too easy to perhaps feel jealous of your time with your child, especially at the beginning of your separation when you are becoming newly acclimated to not seeing your kids daily. But encouraging healthy relationships between your child and their entire family will be a necessary and helpful demonstration of a generosity of spirit, a lesson that will benefit your child well into adulthood.

Additionally, your child will most likely have events—athletic tournaments, recitals, science fairs—that should be enjoyed with as many friends and family as want to come. Consider sharing details for events that fall during your parenting time with people on both sides of your child's family.

At the very least, encouraging and welcoming your co-parent to extend that invitation to their own family can be a big step in showing your child that your family remains unbroken, even if their parents are no longer together.

Including extended family is a two-way street - It will be crucial that the inclusion of extended family members is not a one-way street. Co-parents will need to keep the importance of cooperation and their child's happiness at the center of their thoughts as they work together in this matter. If details are shared grudgingly or inclusion is denied outright, it will be difficult for co-parents to further foster their child's relationships with family members on both sides.

When denied relationships with family members because of a breakdown in co-parenting, it will be the child who suffers the most. Having relationships with family they can rely on, that are not subject to fluctuations in their parents' ability to work together, will be crucial for kids to feel anchored and confident.

If there are individuals whom you wish not to have contact with your child for the sake of their safety, bring this to the attention of your attorney while writing your parenting plan. Each co-parent should be able to, if they wish, designate a similar number of people who can pick up the child from daycare, school, activities, etc. Generally, speaking, it is not a good long-term plan to limit who your co-parent utilizes to pick up and/or care for the child; it just makes you look petty unless you have a solid provable reason (such as a conviction for abusing a child) for such a request. This clause in parenting plans should be written carefully, but it will be up to the co-parents to provide flexibility and show good will – unfortunately, this is an area where high-conflict co-parents often decide to be inflexible. Not only can this only harm the child, but it is also a missed opportunity to look good in front of the judge.

MAKING IMPORTANT DECISIONS

Yes, this is covered by the whole custody thing, the point here is to get it into the parenting plan and this is where you can draw your line in the sand over haircuts or whatever else is important to you. One of the toughest parts of entering a shared parenting arrangement is that you are only with your child sometimes instead of all the time. You will miss certain parts of their lives. That doesn't mean that that you or your co-parent gets carte blanche on all aspects of raising them. Consider a "Haircuts and piercings" (earrings might be okay, but belly button or nose rings might not) clause that limits any one parent's ability to make any major changes to your child's appearance. It would read something similar to, "Neither parent shall substantially alter the child's appearance without the written consent of the other" or "The non-custodial parent shall not substantially alter the child's appearance without the written consent of the custodial parent". The main idea here is to make sure one parent doesn't do anything extreme.

How to make decisions about health care, discipline, religion, schooling, and much more should be discussed in your parenting plan. You and your co-parent may have much of this already decided for you by the court, but it should all be written out in your plan so that you can reference these details as necessary. Remember the parenting plan is what you fall back on when you are not agreeing, often when a co-parent has entered into a new relationship.

Don't Make Unilateral Decisions or Changes to Status Quo -When you and your co-parent have joint custody, don't make decisions on your own – it is bad co-parenting, and will hurt you. (Even if you have sole custody, you can do any of these but you almost always still want to keep the other parent informed). While a court may not find all of the following examples to be actual violations worthy of contempt of court, you still hurt your case by making these kinds of decisions unilaterally and/or without notifying your co-parent (before or after the fact depending on circumstances):

Medical – selecting or changing doctors, or consenting to non-emergency treatment, therapy, etc.
Education – selecting or changing schools, tutoring, etc.
Day Care – selecting, changing, or ending (especially if you have established a shared daycare arrangement).
Activities – good to discuss regardless, but critical if it overlaps with your co-parent's parenting time or the activity is potentially risky
Major Appearance Changes – radical haircuts (or a child's first haircut), piercing or tattoos
Major Lifestyle Changes – if a child never had vaccines, don't start unilaterally. If a child was raised vegetarian, don't start with meat unilaterally. It's not to say you are never allowed to do it, but be a good co-parent and good parent.
Driver's License/car/insurance

Sometimes it's a fine line between a major decision or a "day to day" decision that occurs wholly during your own time – if, in doubt, you won't get accused of bad co-parenting for erring on the side of conferring with or at least notifying your co-parent. The opposite is not true.

OTHER PARENTING ISSUES

These issues may not apply to every family situation and some will depend on the age of your child. Some of these are especially tough to enforce, even if something gets into your parenting plan about these, your co-parent can probably do what they please during their parenting time. If you have repeated, documented violations involving admissible evidence, AND you file a motion to enforce your parenting plan a judge MIGHT instruct your co-parent to stop the violation, Also, remember these work both ways, they apply to each co-parent equally.

Electronics

As more children spend more unsupervised time than ever in front of screens thanks to smartphones and tablets, deciding on the details upfront can be important.

Child's use of the computer, including social networking, or other electronic devices such as cellular phones, e-tablets, or gaming systems (Consider what type of rules around supervision or access are needed) Do they move back and forth with the child, or does each household maintain their own?

Consider a provision including but not limited to at what age usage is allowed, who maintains and pays for the devices and monthly fees, and allowable times of usage. These are nearly impossible to enforce during the co-parent's parenting time, but if you have an agreement, you might co-parent well on this one.

Basic safety requirements

Including supervision (Consider the use of helmets, car seats, snowmobiles, boats, motorcycles, go-karts, cars, parachuting, and other adventure sports, weapons, drugs or alcohol, etc., and the age when the child can stay home alone) If there are concerns about certain activities that your child should or should not be involved in you should address them your parenting plan that will become an order of the Court. In any written agreement you enter into you should look at those agreements from the perspective of your child and what is in their best interest. Regular activities/sports do not require the co-parent's permission or be notified and is a ridiculous position to take if a co-parent believes that their consent is required for an activity during the co-parents' parenting time. Really dangerous activities should be addressed in the parenting plan rather than worrying about if both parents must consent, or if a judge would frown upon a parent who took the child without the co-parents' consent. An example of a dangerous activity would include skydiving where specialized equipment and instruction are required before participating in the activity – we should also note that with very few exceptions you have to be 18 to skydive in the United States, so this one would also likely involve travel. If you are a parent who thinks you should be able to take your kid skydiving, maybe you can settle on a clause that allows indoor skydiving. You can specify what age a child must be for an activity if the co-parent has to agree and/or give written approval before the activity, or other terms important to you. Absent a specific clause in your parenting plan either co-parent can probably take the child to any legal activity during their parenting time, which is not to say that a judge will look kindly on every activity, but that if your parenting plan prohibits an activity and your co-parent violates that it is much easier for a judge to get behind it.

Discipline and lifestyle expectations

Consider provisions on bedtimes, homework, allowance, haircuts, piercings, tattoos, dating, part-time employment, etc.

Here's an important rule: you are the only one in charge when your child is with you. The key is to make rules and enforce those that support your principles. Expect your child to follow your home's rules, and don't worry about what is going on in your co-parent's home.

If the child reports concerning behaviors/incidents in the co-parents household do not assume the child is an accurate reporter*: 1. Ask the co-parent 2. Do not act to 'correct' the co-parent's behaviors 3. If concerned bring it to 3rd party professional (therapist/mediator) versus DHS, police, etc. 4. Refuse to keep secrets, even if the child requests. (Hopefully, we all understand the difference between betraying confidences and keeping secrets).

*Parents will not take the child's statements for a fact, just because they said it. -Children are little thinking machines and will likely notice the differences between houses and will report the differences… for many different reasons (and even the kids probably don't know for sure why they say what they say). 1. To get one parent or the other to change the rules to their benefit. 2. To get a rise out of one parent or the other. 3. Because they honestly don't understand the WHY of the differences and are curious. 4.Because there are 'demand characteristics' to say or do certain things-that is, telling mom that dad doesn't do XYZ for them because they know that their mom will sympathize and give them extra attention for that…. Or tell dad that mom lets them do XYZ because they are confused about the different reasons for things and want an explanation. Clearly, kids are not always great reporters, for many reasons. 5. Therefore when you catch your child manipulating you in this way, reporting differences between homes, respond with something like: "Mom has her rules and does things at her house her way. Dad has his rules and does the things at his house his way I don't control what your dad does, and he doesn't control what I do. They are different-just like rules at school are different than rules at home or rules at school change depending on the teacher. It is just the way it is. Now that you are at this house, you know the rules. End of story." 6. Don't allow them to get in the habit of 'playing the parents.

When Kids Play Parents off Each Other -A by-product of divorce is that sometimes kids will play parents off one another. It's a source of power for them that, quite frankly, often works. You'll hear things like, "Mom says that I don't have to go for extra help at school if I don't want to." Or, "Dad lets me stay up until 10 p.m." The bottom line is that children will often use that edge to manipulate you to get what they want.

Stop and consider if your reaction, as a parent, would be the same if the comparison was between your household and a grandparent's household or your household and a friend's household.

It's best if both parents can agree on a single disciplinary policy. But the reality is often different. If you've punished or docked your children at your residence, don't expect your co-parent to uphold your disciplinary measures at their home. Do continue with your punishment when your child returns if that's the deal.

The good news is that you have time for entertainment and your errands when your child is with your co-parent. Then, when the kids are with you, you can devote that solid block of time to them. If you used to give little time to your children because you were too tired when you came home from work, you might not have developed the kind of fulfilling relationship you can now enjoy with the free time that comes from splitting the parenting duties post-divorce.

Each parent must make a special effort to maintain a close and loving relationship with the child.

Avoid the “Disney Dad” (or mom) syndrome—the tendency of a co-parent with less parenting time to make every second with their children extraordinary. These co-parents are continually taking them to expensive amusement parks among other special places, buying them everything they ask for, in short, turning the visit into one big playtime. Yet children need normality, so try to establish an ordinary post-divorce life with your child.

You absolutely get to set the rules at your house. But as much as possible share discipline with your co-parent. Co-parents are often reluctant to share in the discipline; the ideal is a style of discipline that is consistent (which doesn’t mean everything is exactly the same) in both homes, if possible. “My son goes to bed 30 minutes later on school nights at my house than he does at his mom's, but if he misbehaves at school, the consequence is the same at both houses. And if my co-parent says they cannot see videos because they misbehaved at school, they do not see them at my house, either.”

Give your child a sense of possibility, establish horizons, and teach values.

Come to terms with your divorce so you don't communicate feelings of anger and hostility to your child. If you are having trouble dealing with your emotions, seek counseling. Treat your co-parent as a business partner. “Be civil and courteous, the research on the impact of divorce on children is often ambiguous, but there is one thing on which everyone agrees: The degree of hostility and amount of conflict between co-parents has a direct impact on how children will grow up. Do not ever fight with your co-parent in front of the child for any reason.

Your job as a parent is the most important you will ever have and you must live up to your end of the responsibility. Be a dependable co-parent, and remember, the kids come first.

Don't Overdo It - You've probably heard the cliché about “weekend moms” (or dads) who spoil their kids by entertaining them at expensive places and buying more toys and gifts than they could ever hope to see at their other parent's home. This is a mistake. Your child needs you, not amusement parks, shows, toy stores, and other places that might assuage your guilt or show them what a great parent you are. Occasional trips are fine, but your child will appreciate “hanging out” time much more.

Your Enormous Responsibilities - What are your practical responsibilities as a co-parent? Buying some toys for the younger kids is a must. If you cook, provide your kids with home-cooked meals, or even have them share in the cooking. If you're not into cooking find great maybe even healthy take-out.

Fighting with your co-parent over trivial things. It's not worth making a big deal about how much candy your kids eat or whether they take a bath every night. Save your energy for more important issues.

Diet and Nutrition

Studies show that a child's nutrition often suffers following a divorce. Results showed that preadolescents in divorced families consumed more sugar-sweetened beverages than preadolescents in married families, and there was a trend for less-frequent breakfast consumption among preadolescents in the divorced families. Of the three family context variables, only family routines explained the link between family structure and obesity risk. Some of the reasons are less money in separated households for fresh fruit and vegetables. parents having to work more hours, leaving less time to prepare nutritious food. less money for extra-curricular activities, including sports. parents with less time and energy to establish and model healthy eating habits in their child. Emotional problems leading to parents who overfeed and children who eat too much sugary and fatty food. If the two of you can agree to a clause in your parenting plan it may help, but this is one that may prove impossible to enforce if one parent resists.

Access to Information

Always include specific wording that permits access to the child's medical and educational records, non-custodial parents still frequently encounter difficulty in obtaining records from school systems and doctors, and upon reasonable request from co-parents See ORS 107.154. Even though each co-parent has the same rights to request records, it's impossible to know where to request records if the co-parent doesn't share this information. The parenting plan should have a clause that requires a co-parent who takes the child to any medical provider to inform the other co-parent (in writing) of any visit, including the date/time of the visit, the name of the provider, the name of the doctor(s), copies of any paperwork given, and a summary of what was talked about at the visit.

Going above and beyond to be a good co-parent and also showing the court that you are:

Keep your co-Parent Informed -Written communications are only useful if you use them as intended. Being a good co-parent means keeping your co-parent informed, promptly, even if they do not, and even if they should already know about an appointment. Examples of this include:

Upcoming appointments. Advise your co-parent of all routine medical, school, etc. appointments upon them being set. If your co-parent is local, include them in setting up the appointment if possible, and if not, tell them as soon as possible. Having a shared calendar is a good idea – apps have them and Google offers them for free.

Results of appointments. If you took your child to the doctor for a quick check-up or sore throat, or they are just sick, tell your co-parent promptly, and if you have the medical record, send it. If a kid needs braces, don't just say that, but furnish a copy of the orthodontist record showing the details.

Pictures. Do you have a picture of the kids at Disney World, or when your child lost their first tooth? Sports team photo? Send them to your co-parent, unless they explicitly tell you not to. Pictures not only go a long way toward breaking the ice, but they are great evidence of efforts to co-parent.

Significant events. Did your kid hit a home run today? Stay home sick from school? Ace a quiz in school? Provide the details to your co-parent. School activities: Field trips, class events, volunteering - Who attends and when, who is responsible – or not - for sharing the information.

Trips or unavailability. If the child will not be available for a phone or video call, tell your co-parent in advance, set up a time when they will be available. If you're taking a trip, tell your co-parent about it, even if your parenting plan does not require such notice.

Report cards. Even though your co-parent should have their own account at school, score co-parenting "brownie points" with the court, if not the co-parent, by sending them a copy of the report card anyway.

Contact information. Make sure your co-parent is listed as a primary contact with all professionals providing services to the child – schools, daycare, medical professionals, team coaches, etc. And affirmatively provide your co-parent with details of the medical professionals

Events in own life. If you're sick, marrying, divorcing, moving in with someone, having a baby, or any other life event that could affect the kids, assume that your co-parent needs to know. You don't need to share intimate details or provide the date of birth/SSN of your significant other, but you at least let your co-parent know generally what's going on.

Remember the Golden Rule – if it's information you would like to have yourself if the situation were reversed, share it with your co-parent, no matter how lousy a co-parent they may be. The more examples you have of communicating positively, the harder it will be for your co-parent to convince a judge you're a bad co-parent.

Keep Communications Positive - Communications are about the child, not you or your co-parent. keep your communications neutral-to-positive in tone, informative, and to-the-point. If you are prone to being hot-headed, it's a good idea to ask a friend or family member to review an email or other communication before you send it. (A litmus test – if you think you put the other parent in their place, or it felt good to get something off your chest, think twice before sending it!)

The way to "score points" with communications is not to argue about everything, but to ignore arguments and accusations, and then return the focus to the kids. while a false accusation from your co-parent may be worth denying in general, you do not owe them a detailed defense, so don't waste your breath trying to justify yourself. Ultimately, the judge (who is really your audience) will appreciate it.

Even if you have a history of bad communication, profanity, etc., it's never too late to stop. By the time you are next in court, the longer your track record of communicating positively, the more you can say that the emails your co-parent introduces of you swearing or attacking are ancient history, and you're a changed person. Remember, you are trying to convince the judge that you are fostering a positive relationship between your co-parent and your child.

Promptly Respond to Communications - Sometimes the last thing you want to do is deal with the other side, but responding promptly to their communications is a necessary part of good co-parenting. If something is time-sensitive, respond the same day if possible. And even if not time-sensitive, if you're too tied up to respond immediately, send a quick "I'm busy, but will look at your email over the weekend and get back to you then."

Judges don't like co-parents who ignore relevant parenting communications from their co-parent, which means they appreciate parents who do respond! Legally you don't have to respond to anything. However, this may make you look bad in the eyes of the court. You should consider responding to every direct question regarding your child.

Note – make sure an immediate response is not a negative one, however. If your co-parent proposes something, or, worse, baits you with a negative email, sometimes waiting a day to respond can help you cool down and make sure you say the right thing in return. Consider a clause in your parenting plan that requires some or all of the communications mentioned above.

Rentals/Housing

Are parents permitted to rent or Airbnb a portion of their home, such as the basement, while the child is in their care? Can a parent rent a room in a shared house? Can your co-parent share a bed with the child? Not everyone can afford to have a bedroom for each child. Many children share rooms with siblings or even parents. Of course, families that lack stable housing may have even more complicated sleeping arrangements. Often a co-parent will say that a child has to have their own room or own bed according to CPS "laws" CPS actually has guidelines regarding how many people and at what age sharing a room/bed is advisable and enforces those guidelines on foster parents, but they are just guidelines for you and your co-parent. Any room that is used for a bedroom must have a window that can be opened in case of an emergency. CPS generally frowns on using closets, hallways, and other spaces as bedrooms because it can pose a safety hazard in the event of a fire, earthquake, or other emergencies. A judge is likely to evaluate a parent who is struggling financially more on what they can do rather than based on CPS guidelines, if you are truly concerned about the safety of the child and your co-parent's housing situation you can file something with the court, but you should be prepared if it backfires against you.

Gifts

Should gifts to the child be coordinated? Who will purchase gifts for the child to give to others?

Molly used to love Christmas but now she can't wait for it to be over. Ever since her parents split, the holidays have turned into a gift-giving battleground. Now during the holidays, all her parents seem to care about is how they can outdo each other. While getting nice gifts initially was pretty cool, it quickly turned into a huge stress fest. One year Molly made the mistake of telling both of her parents she wanted a new phone. Christmas morning her mom was super upset when Molly showed her the cool phone that Dad had given her on Christmas Eve. Mom responded with "Well, I guess there's no point in opening presents here this year." Molly felt horrible for hurting Mom's feelings. To top it off, she knew Mom really didn't have the extra money and had made a special effort to save up for the phone. Since her parents won't talk to each other, Molly stresses every year over what she tells each parent when they ask what she wants for Christmas. She doesn't ever want that to happen again. Camden dreads the holidays just as much as Molly but for different reasons. His gifts always come with strings attached. Last year he got a cool gaming system from his mom. Camden was so excited he couldn't wait to take it over to Dad's house so he could play with his step-brother. Camden felt gutted when Mom refused to let him take it to his dad's house. She said, "If he wants you to have one at his house, he can spend his own damn money." Sadly, Dad's stance on gifts is the same as Mom's. Dad gave Camden a top-of-the-line skateboard but insisted he keeps it at his house. Camden doesn't get to spend as much time at Dad's so basically, the skateboard just sits there gathering dust.

While two sets of gifts and multiple holiday celebrations seem like a big benefit for kids of divorce, for many it's hugely stressful. Although most parents have the best of intentions, when strong feelings get stirred up, it's easy to overlook how choices about the holidays feel for our kids.

To help you stay on the holiday straight and narrow, here are a few tips for taking the hassle out of your children's holidays, birthdays, etc.

Coordinate gifts -When possible, make time to consult with your co-parent about how to handle holiday shopping. If there's an expensive gift on your child's list, consider suggesting a joint purchase where you each contribute a certain percentage of money to the present.

If you don't have a cooperative relationship with the other household, then do your best to purchase responsibly and save receipts.

When double purchases happen, don't make it worse for your kid by making it a big deal. Reinforce how lucky they are to have two parents who love them so much. Be excited with them about the gift from the other parent. To take the edge off the situation, offer to take your gift back and use it as an opportunity to shop with your child for something else.

Adopt a no-compete clause (this does not need to be in your parenting plan, but can be) -When it comes to gift-giving what parent doesn't want to see their kid's face light up when the box gets opened? While wanting to buy something special for your child is understandable, avoid getting caught up in a vicious game of "my gift is better than your gift."

Keep in mind that kids are extremely perceptive. When parents try to outdo each other, it comes off as you trying to buy their love. Yes, kids like getting gifts. However, the "newness" factor tends to wear off pretty quickly. Before you know it, that fabulous thing you spent so much money on will probably just be another something that takes up space in their room.

Remember what does have lasting power, doesn't come in a box. And that's your time and attention.

Instead of focusing on the "best" present ever, consider investing your energy into creating memories and enjoying one-on-one time with your kid. Bake cookies together, go for long walks in the park, drive around looking at Christmas lights, or spending the day in your pajamas watching your favorite holiday movies. Let them choose what to do on their birthday, all day, let them pick the menu for dinner. Years from now, those will be the things your kids will look back on and remember. Promise.

Cut the strings -One gift-giving dilemma that frequently comes up for co-parents is…where should gifts live? If a gift is truly a gift, then your child should be able to decide what they want to do with it.

While it can be really hard to give your child something nice and see it disappear over to the other household, do your best to see it from your child's point of view.

Imagine… your boss giving you a brand new fully loaded sports car as a bonus for doing such a great job. As your boss handed you the keys, how would you feel if she said, "Hope you love driving it around the parking lot because the car has to stay on company property." Probably wouldn't feel much like a gift, would it? And yet… it happens to kids of divorce all the time.

If you have any reservations about a gift leaving your home, then you're better off not giving it.

So, is it okay to buy things for your kids that stay at your house? Of course. Just don't give them as a gift. Instead, buy things to create a home for your child that feels comfortable and special.

Don't undermine the other parent - Chances are you and your co-parent may clash on the "appropriateness" of certain gifts. When you don't agree, steer clear of setting your co-parent up by giving your child a gift you know the co-parent won't sign off on.

Regardless of how reasonable you think a gift might be, do your child a favor and thoughtfully consider the co- parent's opinion before you purchase. When you bypass your co-parent's strong objection, kids usually end up paying the price. Even if the co-parent relents under pressure, your child gets stuck hearing about it.

Take the high road -Children love doing special things for people they care about especially on special days like Mother's Day, Father's Day, birthdays, and during the Holidays. Although doing something nice for your co-parent may not be at the top of your to-do list, it's important to separate your feelings from your child's needs.

When children show up to special events empty-handed, they naturally feel awkward and anxious. To remove that burden from your kid's shoulders, consider going the extra mile and help your children buy gifts for their other parent and any other important family members (i.e., step-parents, ex-in-laws, etc.). Not only does it send a message to kids about the joy of giving, but in the long run, it also says a lot about you and how much you love your kids.

Also, be sure to keep gestures appropriate and help your kids make good gift choices. If your child wants to buy Dad a shirt, don't help them pick out the ugliest, cheapest shirt you can find and wrap it with glee. Likewise, don't encourage your child to pick out something for Mom that's two sizes too small. Fantasize about it all you want but for your children's sake, travel the high road.

If money's tight opt for lower budget options like homemade gifts, framed photos, special cards, or baking Mom or Dad's favorite dish.

If the other parent doesn't reciprocate? -Remember, you don't have to give what you get. The reason you help your child isn't so your co-parent will sing your praises. You do it because it's the right thing to do for your child.

If your co-parent isn't willing to help with buying gifts (for you), you can still make sure your child feels good about doing something special. You could declare you want breakfast in bed or an obscene number of hugs and kisses for Christmas. For older kids, you can give them some money to go shopping or request they spend an evening with you on your birthday instead of their friends (which by the way is priceless!)

New Partners

Involvement of new partners and family.

It's hard when you hear about your ex's new partner and discover that they are dating again. It can be especially nerve-racking to discover that your co-parent's new partner is frequently around your child or providing care during your co-parent's parenting time. Or you may be the one with the new partner and your co-parent is triggered by this. Either way, high conflict co-parents often litigate when new partners appear!

Co-parent's New Partner Around My Child -You may be… Concerned about your child getting attached to them (especially when your co-parent has a history of "love um and leave um); Worried about the impact they will have on your child; Uncomfortable with the idea of a stranger 'parenting' your child; Hurt because it seems too soon; Angry and feel disrespected because your child (rather than your co-parent) informed you; As a co-parent, it's completely understandable that you'd be anxious about the appropriateness of your child meeting and spending time with your co-parent's new relationship.

Is there a restriction on overnight guests during parenting time? Do Parents need to be married before the guest can stay overnight while the kids are present? Or just in a steady relationship? How do you define "steady?" While we're on the subject, is there a clause you want to include about how long a Parent must be dating someone before the significant other can be introduced to the children? Can a step-parent be called "Mom" or "Dad"? or anything else.

Sometimes a co-parent will begin a new relationship with someone with a past – criminal, drugs, alcohol, driving under the influence, etc. You can have a clause that says your co-parent won't permit certain things or people around your child, but your parenting plan can't control what a third party does. Thus, you can have a clause that says something like: "Neither co-parent shall allow the minor child to be transported in a vehicle driven by a person with one or more convictions within the last five years for DUII (including Implied Consent), Assault Resulting from the Operation of a Motor Vehicle, Aggravated Driving While Suspended or Revoked, Hit and Run, or any other felonies resulting in a suspended or revoked license".

The one thing in someone's (relatively recent) past that you may need to bring to the attention of the court is any type of history of sexual contact or violence toward minors. Consider asking the court for an immediate danger order.

Proof can be difficult, but if you feel the new partner is truly a danger to the child you can try to go to court. The more recent the offense and the more closely related to children the crime is, the more the court is likely to react.

A 10-year-old DUII, possession of drugs, or burglary is unlikely to get much attention from a judge. A recent history of any type of sexual assault or crimes involving child endangerment will likely make a judge take notice. However, these are tricky to prove. See the appendix on Evidence.

Even if you prove that this new partner is a danger to your child, family court can't tell them what they can or cannot do. The court can ask your co-parent to keep this person away from your child, the court can grant you additional parenting time or sole custody (if you don't already have it), they can make other changes to your parenting plan (see Step-up parenting plans, supervised parenting time), but they can't control your co-parent's relationships, and are unlikely to not allow any parenting time.

These are often significant triggers for co-parents and well, good luck enforcing any of these.

Access to Co-parent's home

Child letting co-parent in your home: Consider putting a clause in your parenting plan which deals with older children letting a co-parent into the other co-parent's house. This could be as innocent as a forgotten baseball glove or another piece of sports equipment. It could also be as horrible as one co-parent coercing a child to let them into the other co-parent's home so they can "look around". Absent a clause in your parenting plan your co-parent does not have the right to enter your home against your wishes. While they do not have a legal right to enter your home, it may be very awkward for the child to deny access, and depending on the exact circumstances the police may not be very interested, and the court even less so. Or can your co-parent enter your home, alone or with the child, whenever the need arises? Sometimes Co-parents exchange keys and everybody is okay with it. Consider how you want to handle this one.

First Aid and CPR

You may want to suggest that each co-parent take a CPR and a First aid class and provide the other, or the court, with a certificate of completion of the class. This is, of course, a great idea for you to do anyway and suggest (rather than force) your co-parent. Will it help your case? Probably not, but it won't hurt and you'll be a better parent.

Social Media

Photographs. Can the child's photo be posted on a co-parent's social networking site? What about step-parents, grandparent's?

Personal note – my social media rule which I extend to everything I post online anywhere is that I never post anything which I would not want my child or my mother to see. This is my rule for life; it has nothing to do with the court. My rule for you as you go through your family law case (and remember your case is not over until your youngest child turns 18) is that you must always remember that everything is potentially subject to discovery – everything you post, every message you send, every email, every dating profile, etc. EVERYTHING! Do what you want, but keep this reminder in the back, or even the front, of your mind.

Your Child: Feel free to continue posting about their activities and achievements. However, stay away from publicly discussing how hard the family law battle has been on them or you.

Don't post anything Fun: It is extremely tempting to post updates during a "free" weekend while the child is at the co-parents' house. However, try not to post status updates or pictures related to any parties, nights on the town, or drugs and alcohol. Even innocent posts can be misconstrued in a family law trial. We have seen one parent falsely accuse the other of being a drunk and "party animal" instead of a responsible parent. Unfortunately, several Facebook updates lent credibility to their story. Because of that, it was harder work than it should have been to combat their false narrative.

Likewise, if child support or spousal support are at issue, do not update your status or post pictures of any newly purchased items. These can be used to prove income.

Humblebrags: We have all posted something to social media for the whole world to see but with the intent of directing it at one person in particular. Sure, it's petty but it may make us feel good. Maybe it's to show them how good life is without them. Maybe it's to show them that you are not broken or defeated. Whatever the

reason, these posts can lead to trouble. While they may or may not affect your case in court, they are often the kindling for meddling "friends" who like to start drama. For that reason, these types of posts usually only serve to increase animosity between you and your co-parent and it is best to avoid them.

Your parenting plan applies to only you and your co-parent, it does not apply to new partners, family members, friends, etc. You can have language about limiting social media posts but enforcement on third parties is unlikely, at best.

Figure out your personal social media policy. Consider a parenting plan clause regarding the use of the child's photos/child's social media accounts/access and at what age. If you can reach a united front on this it will be better for everyone.

Pets

Family pets. Where is the pet going to live? Can the pet move between homes with the child?

Although pets are family to those of us who love them, in the eyes of the law, family pets are treated as community property. For divorce cases that go to court for a pet custody dispute, it's unlikely the judge will consider who took care of the dog or whose side of the bed the cat sleeps on. Judges will likely care about who rightfully "owns" the dog, i.e., who paid the adoption fee at the shelter or whose name is on the majority of veterinary bills. A 2014 survey conducted by the American Academy of Matrimonial Lawyers found a 22% increase in pet custody hearings in divorce court, which shows how important (and heated) this issue is!

If one of you is staying in the family home, at least for the time being, consider that it might be the best place for your pet until other details can be worked out.

Don't forget that kids can be super bonded to a pet, especially when mom and dad are arguing.

Taking away a pet during separation or divorce can also do damage to a child's psyche as well as the animal's mental state. Assuming both living situations allow for it, it's simple enough to have the pet come along with the child when parenting time is taking place.

The work factor. If you're the one who's gone from sun up to sundown, you need to give that some serious thought as to whether or not that kind of schedule is fair to your pet.

The split-up factor. If you have more than one pet, you may think each one of you can get an animal and everything will be hunky-dory. But not so fast…If the pets are emotionally attached to each other, splitting them up could also harm them more than the compromise that puts your best interests first.

The spite factor. Do you really want the family pet or are you using it as a way to inflict pain on your co-parent? This is not the time to do that when a life is involved. step-up and do the right thing when it comes to your pet and pick a different place to inflict pain if that's part of your agenda (and we hope it's not!).

Drugs and Alcohol

You may want to specify that neither co-parent is to consume drugs or alcohol within eight or twelve hours of parenting time with the child. You may request your co-parent, or the court to make an order prohibiting smoking or vaping (tobacco or marijuana) around your child. There are many different options available to help keep children protected when one parent has substance abuse problems. The court may determine supervised visitation or no overnight stays at that parent's house. The parent with substance abuse issues may be subject to random alcohol and drug screenings, have to attend addiction recovery meetings, or get addiction treatment as well. Almost all parenting plans, in these instances, would require the parent not to use drugs or alcohol while the children are under their supervision. However, if you just want to request that the child not be exposed to certain substances and your co-parent does not have a documented problem the best idea is probably a reciprocal clause. Absent a documented drug or alcohol abuse problem a clause prohibiting a co-parent from doing something legal – not only is it legal for the co-parent to drink, in Oregon, it is also legal to provide alcohol to their minor child in a private residence when accompanying their minor child, is going to be difficult to enforce. Most parents (married or not) who smoke, smoke when the children are with them, it's not legal in the car, but it is legal in the home and many smokers can't go long periods without it. You can try things like these: "Either parent may deny the co-parent access to the minor child if that parent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of the child when they arrive for parenting time." – This is difficult in that it puts the co-parent as the sole judge of if the other co-parent is fit to care for the child and can lead to retaliation. "Father/Mother/Both parents may not consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) within 12 hours before or during parenting time with the child." This one is fine, difficult to get evidence of and/or enforce but hopefully, both co-parents would honor it. "Father/Mother/Both parents may not permit any third party to consume alcoholic beverages, narcotics, or restricted dangerous drugs (except by prescription) in the presence of the child." Taken to its extreme this would mean at a restaurant a stranger at the next table drinking a beer (a third party) and your co-parent is responsible? No judge is going to enforce that. "The child will not be exposed to secondhand tobacco smoke while in the home or car of either co-parent". At least in Oregon, "A person commits the offense of smoking, aerosolizing or vaporizing in a motor vehicle if the person smokes or uses an inhalant delivery system in a motor vehicle while a person under 18 years of age is in the motor vehicle." Now it's a secondary class D traffic violation so no real teeth. As far as in the home? Hard to prove, hard to enforce.

Anyway, these things can be difficult to enforce. If you are dealing with a co-parent and a known drug problem you need specific parenting plan clauses around testing and safety.

Custody After Death of a Parent

If something were to happen to you or your co-parent, in most cases, the care, custody, and control of your child will go to the other co-parent. If you are in a situation where you have 100% of parenting time, and you do NOT want your co-parent to have care, custody, and control of your child should something happen to you, then you need to see a qualified estate planner or attorney to determine your options. It is rare that the surviving parent not be granted custody if they ask for it. Grandparents or other significant people in the child's life can petition for "parenting" time.

Changing Child's Name

Generally, you will not be able to change the last name of your child, even if you change your name after your divorce. You will need to get a court order to do this, and except in specialized circumstances or with consent of your co-parent, this may be difficult.

Age at which a child can choose which Parent they live with?

In Oregon, a child can only choose which parent they'd like to live with when they turn 18 or are otherwise emancipated. Minor children are not considered capable of making such decisions for themselves and are not permitted to "choose" living with one parent over another. This is decided by your parenting plan or a judge. (But see the section on Teenagers).

How to Manage Your Child's Transition Between Homes

Many kids have difficulty transitioning back and forth between homes, depending on the age of the child and the distance between homes we always favor a parenting time schedule that offers fewer transition days. On the day they arrive home, they might act out by throwing tantrums, having outbursts, or by "acting in" and shutting the door to their room and refusing to speak.

Why do they do this? They might be testing you to see if you are strong and steady. They may have kept it together with your co-parent and now are letting loose with you. They may be expressing their anger at the disruption in their lives and their wish for you to be back together as a family. Sometimes kids will be a problem on purpose because they hope their parents will get together around this "difficult child."

Be empathetic to the feelings that might drive these behaviors. After all, your kids are being impacted by something they don't have control over and probably didn't want. Keep in mind, though, that you do not need to put up with the behavior if it crosses the line and becomes disrespectful or inappropriate. When you talk with your child about it, you might first acknowledge their legitimate feelings. You can say: "You sound angry. Do you want to tell me what's going on?" Or: "You sound sad. It must be hard to leave Dad's home and know you won't see him for a few days."

If your child continues to have tantrums, ignore them the best you can. Respond only when your child has calmed down. Whenever your child transitions in a positive way, acknowledge the good behavior. Say to your child: "I noticed this week when you came back home, you were pretty calm and in control. I know that's difficult for you, and I appreciate you keeping it together."

Granting Rights to Others

Sometimes a parent will leave a child in the care of a 3rd party (school, day-care, babysitter, coach, grandparent, friend, etc.) Signing permission slips, Powers of Attorney, or other documents giving up certain rights – a parent can only sign over rights that they have, such as emergency medical care, in the case of a non-custodial parent. If you have joint custody, both parents should sign or agree, but any parent can probably sign a general permission slip. Starting when they are 14, minors in Oregon can sign certain permission slips themselves. Stepparents have no legal authority to consent, but in most cases, you will look worse if you raise a big stink about a step co-parent signing something. Absent a compelling reason you should always list the co-parent as the 1st emergency contact, as able to pick the child up, etc. If you are a non-custodial parent do not sign the child up for a school or a religion, non-emergency medical treatment, especially mental health, can be tricky, as this is often an area of disagreement, especially with a special needs child. However, if you do not have custody, you do not have this right, you may need to consult an attorney. As a general statement, this is an area of much dispute and frankly, one that can really piss a judge off, behave reasonably! Either co-parent can sign a permission slip, a stepparent may not have the legal right, but the child was going to go on the field trip anyway, right? Save the petty bickering for more important things.

Restricting Rights of Others

Often a Co-parent will want something in the parenting plan restricting someone (new partner, grandparents, etc.) from doing something such as posting photos on social media. A parenting plan is a contract between the two parties; people who are not a party to it are not bound by it. You can ask your Co-parent to ask these third parties to do or not do something, but even if you get in front of a judge, these are extremely difficult to enforce.

Parenting Plan Ends When Child Turns 18

Your Parenting plan will cease on the day your child turns 18, regardless of whether they have graduated high school. At 18, a person becomes an adult. Child support continues in certain cases, and any back child support owed must still be paid.

Everything above should be considered in every parenting plan; the next section deals with specialized clauses that need to be considered in certain situations such as a child of a particular age.

Childcare

Unless your parenting plan states otherwise, during your co-parent's parenting time they are free to utilize whatever Childcare provider they wish (and pay for). Some considerations – does it need to be a state-licensed care provider? Can it be a relative? Does the Right of First Refusal figure in? How is childcare paid for? If one Co-parent is supposed to reimburse the other for some or all of the care, how frequently? How are invoicing/receipts handled? Generally speaking, childcare during your parenting time is paid for by you but is a factor in child support calculations. Who is allowed to pick the child up from childcare? This can be a surprisingly contentious area. It might be best for the child to have one childcare provider, but sometimes that is impractical and each co-parent is more or less free to choose who they want as their provider during their parenting time. Personal note, my co-parent insisted that I use and pay well above market rate for the privilege of utilizing her mother as my daycare provider, this would have required me to drive about 90 extra minutes two or three days each week not to mention leave my son in a household which I deemed unsafe. In the end, a judge explained to her that I got to choose my childcare provider and that her having custody meant nothing in this situation since daycare is not school.

CHILDREN WITH SPECIAL NEEDS

Decisions about any testing or assessments -Consider assessments for special accommodations in school, psychological or psycho-educational testing. Which co-parent will attend appointments? How will costs be dealt with? Will both co-parents follow through on any recommendations outlined in test results or assessment reports? Arrangements for any special treatments, therapies, or services needed now as well as in the future (Consider ongoing physical or occupational therapy, counseling, or frequent medical appointments. Who will make the arrangements? Which co-parent will attend and/or participate? Which co-parent will handle insurance issues?) Decisions about any treatment required (Consider diet, medication, supplements, and vitamins. Will both parents follow through on requirements? Are there special instructions regarding compliance with taking prescribed medication, dosage, or times to be administered? Are there certain foods that need to be restricted?) Arrangements for any supplies of equipment or medication (Consider assistive devices, mobility equipment, medication, and whether these should be available in both homes.) Decisions about which co-parent is available if the child requires care. Decisions about rules of communication (Consider whether rules should be put in place about the best method of communication and how quickly communication from a co-parent should be responded to (this could be especially important when a child has special needs). Decisions about who will advocate for the child if co-parents do not agree on a treatment plan (Consider naming a family doctor, a specialist, or a counselor). Disputes over treatments and costs for a special needs child are extremely common, often co-parents don't agree on a diagnosis, or even if the child has special needs, so make sure the financial arrangements get into the parenting plan. Especially what happens if the co-parents do not agree on a course of action.

TEENAGERS

Your teen will be happier with some independence and control.

Even though you bear the responsibility of making certain that your teen is living in a safe, nurturing environment, teens have unique needs that younger children do not. Any parenting plan you propose should take into account the following:

- Your teen may feel better about the situation if you allow them to voice their opinions.
- Teens usually want to spend more time with their peers than their parents, so a good parenting plan makes allowances for the teen's social calendar.
- Teens often have a lot of activities outside the home, including school events, sports, and jobs. Your parenting plan should try to accommodate those things.

While younger children can easily adhere to a fairly rigid parenting time schedule, flexibility is the key with teenagers. If your old agreement was made when your child was younger and no longer works as you head into the teenage years, it may be time to revisit and revise the parenting plan.

In Oregon, a child can only choose which parent they'd like to live with when they turn 18 or are otherwise emancipated. Minor children are not considered capable of making such decisions for themselves and are not permitted to "choose" living with one parent over another. This is decided by your parenting plan or a judge. This is true in most, but not all states. Also in some cases, a judge may hear from an older child, most often this is through a third party (Evaluator, guardian ad litem, etc.) or in the judge's chambers if it occurs at all.

You should follow your parenting plan as much as possible. If the teen doesn't want to go to the co-parent's house, then a) it is proof that they are a bad parent and b) I shouldn't "make" them go. Some kids would eat chocolate cake for every meal if given the choice. Does that mean that you should serve your teenager chocolate cake for breakfast, lunch, and dinner? Obviously not. So, take a teen's reactions to transition to the other parent with a grain of salt. They may simply be echoing your negative comments about your co-parent or they may be trying to please you by "siding" with you.

That said, once a teen has access to transportation it is difficult to control them and where they go.

You also likely can't pick them up, carry them to your vehicle and transport them. If they are refusing to go to the co-parent's house, you should, as much as possible, involve the co-parent and allow them to attempt talking to or picking up the teen to begin parenting time.

Teens also have much legal autonomy when it comes to their health care:

ORS 109.675[1] Right to diagnosis or treatment for mental or emotional disorder or chemical dependency without parental consent.

"A minor 14 years of age or older may obtain, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder or a chemical dependency"

ORS 109.640 Medical and dental services
"Minors who are 15 years or older are able to consent to medical and dental services without parental consent. This includes hospital care, as well as medical, dental, optometric, and surgical diagnostic care. This would include services such as:
• Treatment for illnesses or injuries (colds, sprained ankle);
• Sports or camp physicals;
• Dental visits (check-ups, cleanings, fillings);
• X-ray services;

• Emergency room visits;
• Vision care (except for first-time contact lens visit); and
• Immunizations."
Family planning/sexual and reproductive health (ORS 109.610, ORS 109.640)
Minors of any age are allowed to access birth control-related information and services as well as testing and treatment for sexually transmitted infections (STIs) including HIV, without parental consent.

What about consent to sex?
Oregon law does not give individuals the ability to consent to sex until the age of 18;
However, there are a few important points to consider. Sexual activity is a normal part of development, and according to the 2009 Oregon Healthy Teens Survey of 11thgrade students: • Forty-eight percent have had sexual intercourse. • Of those, 58 percent reported using a condom.

So, by the time they are 15 – having "custody" means even less as children have medical autonomy and are unlikely to change religion without it being their doing. After a child turns 15, custody may boil down to choosing where they go to school, and even that, a willful teen can manipulate fairly easily, it may be better if you have some sort of plan, but legally you start to run out of options.

The other thing to bear in mind is that the only way for a parent to enforce a court's ruling regarding parenting time is for that parent to file a motion to enforce (may also be a modification or contempt) if the co-parent is not complying. Many courts do recognize that, once children reach a certain age - usually 16 or so - they're going to do what they want, and parents just need to deal with It. Courts tend to not enforce parenting time for a 16-year-old over the child's objections. But this has less to do with the law, strictly speaking, and more to do with the fact that as a parent, you probably don't want to be trying to keep your 16-year-old in your house against their will. You and your co-parent need to have a conversation about what is best for your child in light of their preferences and reach parenting decisions together that will serve the best interests of the child. Before long, you won't have the opportunity anymore. Once children become adults, they are far more likely to desire ongoing relationships with their parents if the parents respected their wishes (even if not always acceding to them) as children.

Your parenting plan ends the day your child turns 18 but you will continue to be a parent and have whatever relationship with your child that you have nurtured.

RIGHT OF FIRST REFUSAL

Sometimes called First Right of Refusal or First Right of Care. Do you want this clause in your parenting plan? It depends on you and your lifestyle – especially your work schedule; it works best if you have a very flexible schedule. The right of first refusal is a broad term, one that describes a particular type of parenting time. To be effective, it needs precise, detailed language that lays out the intentions, scope, and limitations of the agreement. How often will these situations arise? Will this be a regular occurrence or a once-in-a-blue-moon type of scenario? Do one or both co-parents travel a lot for work? Does work-related childcare figure into the agreement? One party may want to include this for ease and consistency, while the other may seek to leave it out to maximize parental time with the child. Is there a minimum time requirement? Does the right of first refusal cover quick trips to the grocery store or does there have to be an absence of several hours or overnights? What if a co-parent is away for several months or even years, such as deployment? What about extended family members? Can you or your co-parent leave the child with their grandparents or an aunt, or do you still get the first shot? Think about this one, if your co-parent always exercises the right of first refusal, will grandma be able to have the child overnight? Take them to the mall? Ever see them without you present? Generally speaking, if you include this it should be to spare the child spending long periods in daycare when a co-parent is available and willing to provide care. Usually, you would want the time to be at least a few hours and not just a quick trip. If each co-parent works a M-F 9-5 schedule and doesn't travel much Right of First Refusal likely won't matter much. If you each work crazy hours and travel all the time, Right of First refusal might be important to you.

SPOUSAL SUPPORT (AKA ALIMONY)

Spousal support (AKA "Alimony") in Oregon is money paid by one spouse to the other for the receiving spouse's future benefit. State law controls the parameters and requirements of spousal support, so for Oregon residents, Oregon laws will apply to their divorce proceedings. How Will a Judge Decide a Spousal Support Award?

Courts consider several factors when deciding whether to award Spousal Support and how much, a judge will consider the following factors:
The length of the marriage
Each spouse's age, physical and mental health
Each spouse's income and earning ability
Each spouse's retirement benefits
Each spouse's education, work history, and job skills
Each spouse's assets and financial needs
The couple's standard of living during the marriage
The standard of living during the marriage
The tax consequences of an alimony award to either spouse
Each spouse's childcare duties, including child support obligations, and
Any other factor the court deems relevant. See Or. Rev. Stat. § 107.105 (2020).

In Oregon, a judge may also consider either spouse's marital fault when awarding spousal support. This means in divorces involving infidelity or abuse, the at-fault spouse may have to pay "punitive alimony". What else should you know about spousal support if you are considering divorce in Oregon? Here are five essential pieces of information.

#1: There Are Three Types of Spousal Support in Oregon

When most people think of spousal support they think of the long-term payment of monthly installments to a former spouse, but there are actually three types of spousal support in Oregon, which are appropriate in distinct circumstances. A judge may award none (by far the most common) to all three types of spousal support in your case.

Transitional -The first kind of spousal support under Oregon law is transitional support. These are temporary payments to cover a short-term disparity in earning potential between the spouses. Most commonly, the court orders transitional support to allow one spouse to return to school or a training program to increase their earning capacity. While completing the degree, the spouse may be able to receive transitional support.

Maintenance -The second type of spousal support is maintenance support. These are typically ongoing monthly installment payments intended to balance the lifestyles and living costs of the spouses. When people discuss spousal support or alimony, this is usually what they are referring to.

Compensatory -Third and finally is compensatory support. A court will order compensatory support to even out a major expense during the marriage that left one spouse with a significantly higher earning potential, but which both spouses helped fund. Common examples include when one spouse obtains a law degree, MBA, medical degree, or other advanced degree.

#2: There Is no Set Calculator for Determining Oregon Spousal Support

Some states have a formulaic process for calculating what spousal support payments will be after a divorce. While Oregon does have a guideline calculator for determining child support payments, no such formula currently exists for spousal support. Instead, determinations of spousal support include a review of the couple's joint costs of living as compared to each individual's separate cost of living. Courts will also consider the length of the marriage; each spouse's earning potential, and each spouse's age and health when determining if spousal support will be appropriate.

Spousal support will likely be awarded particularly in situations where there is a large disparity in earning capacity between the spouses. Oregon courts try, when possible, to allow each spouse to continue their lives at a comparable standard of living to what was enjoyed during the marriage.

#3: Spousal Support Is Usually Not Indefinite

The duration of a spousal support award can vary greatly depending on the circumstances. One spouse could pay spousal support for one year, five years, or 20 years. Unless a couple mutually agrees, only the court can determine and order the amount of spousal support required. Oregon courts generally consider the age and health of each spouse as well as the length of the marriage when determining the duration of spousal support.

In situations involving long-term marriages or where a spouse has developed a disability or health issue that prevents them from supporting themselves, spousal support may be indefinite.

#4: Oregon Spousal Support Has Tax Consequences

Spousal Support and Taxes -If you finalized your agreement and/or order on or before December 31, 2018, spousal support payments are tax-deductible to the paying spouse and reportable income to the recipient.

However, agreements and/or orders finalized on or after January 1, 2019, are affected by recent changes to the Tax Cuts and Jobs Act, which eliminates the tax deduction benefit and reporting requirements for spousal support.

The Tax Cuts & Jobs Act of 2017 brought about a change in the tax consequences of a spousal support award. The impact spousal support has on taxes now depends on when the general judgment is entered into the court record. With any general judgment entered before 2019 spousal support is considered to be income to the receiving spouse and is deductible to the paying spouse. This created an interrelationship with child support where a party receiving spousal support will have a higher income based upon the support award, while the paying spouse's income is deemed lower for purposes of a child support award.

However, for judgments entered after December 31, 2018, the tax consequences have been reversed. Beginning Jan. 1, 2019, spousal support payments are not deductible from the income of the payer spouse, or includable in the income of the receiving spouse. However, Oregon's child support guidelines have not been updated. Therefore, for child support purposes, spousal support is still income to the receiving party and a reduction to the paying party's income. Judgments that were entered before 2019 but are being modified now should be able to retain the old tax scheme so long as the supplemental judgment does not explicitly apply the new tax scheme. If you pay or receive spousal support, consider getting advice from a tax professional.

#5: Oregon Spousal Support is Modifiable After Divorce

Spousal support awards are based on each spouse's circumstances at the time of the divorce. Sometimes, unexpected changes happen that affect the fairness of the award. For example, a large spousal support award may be predicated on the large income that the paying spouse earned as the divorce concluded. If that spouse loses their job or otherwise encounters unexpected market changes that significantly reduce their income, the paying spouse may not be able to afford the high level of spousal support payments as originally anticipated.

Spousal support orders can be modified by demonstrating to the court that there has been a "substantial change in economic circumstances of a party." If either party's earning capacity has shifted drastically since the divorce concluded, that shift in income may warrant a change in the amount or duration of spousal support payments.

In many states outside of Oregon, spousal support will automatically terminate if the spouse receiving spousal support remarries to a new partner. In Oregon, however, remarriage does not automatically terminate a spousal support obligation. Courts will consider the extent to which the receiving spouse's new marriage has improved their economic situation and then decide whether modification of the spousal support award is necessary.

Oregon Spousal Support Modification or Termination -A paying spouse might wonder how to avoid paying spousal support in Oregon. Under Oregon law, a spousal support award automatically terminates upon the death of either spouse (if you have a spousal support clause in your parenting plan, you also need a life insurance clause!). Otherwise, to reduce or terminate a spousal support award, the spouse seeking the change should file a motion to modify spousal support in the circuit court clerk's office for your county. The court will then schedule a hearing where you and your spouse will argue whether spousal support should be changed. You should be prepared to present any witnesses or evidence that help establish the change in financial circumstances, which was unanticipated at the time of the original order, that warrant modifying the spousal support award.

Either spouse can ask the court to modify or terminate spousal support. However, the judge will only change or end the award if the requesting spouse demonstrates a substantial unanticipated change in circumstances to either spouse, since the last order. For compensatory support, the spouse asking for modification must show an involuntary, extraordinary, and unanticipated change that reduced the paying spouse's ability to pay or earn income. (Or. Rev. Stat. Ann. § 107.135 (3)(a))

Oregon courts will consider modifying or terminating spousal support when either spouse has experienced a substantial change in financial circumstances. Generally, the change in financial circumstances must be involuntary and unexpected. In other words, a paying spouse can't get the spousal support payment reduced by just quitting their job or an anticipated retirement. The judge may also modify spousal support when the supported spouse's income increases or needs decrease. Oregon courts are careful to consider all factors to make sure a paying spouse's reduction of income was in good faith and not simply to avoid paying spousal support.

When the court grants a change in spousal support, the judge may order the change to be retroactive to the date the paying spouse served the motion to modify on the supported spouse. The paying spouse will still have to pay any spousal support that accrued before serving the motion to modify on the supported spouse.

New Relationships

Oregon Cohabitation - Oregon won't modify spousal support based just on a supported spouse's cohabitation unless there's also been a substantial change in the supported spouse's financial circumstances. "Cohabitation" is more than a relationship. It means that two people are living together in a romantic relationship, similar to that of a married couple. If a paying spouse discovers that the supported spouse is living with someone else and their standard of living has improved, the paying spouse may have grounds to seek a spousal support modification.

For example, in one Oregon case, a husband found out that his former wife had moved in with a boyfriend, wore an expensive engagement ring from the boyfriend, and jointly owned property with her boyfriend. The court terminated the spousal support award because it determined that the ex-wife was cohabitating and she had more than sufficient combined income to support herself.

If you are paying spousal support to an ex-spouse who is cohabiting with another person, you should attempt to gather evidence that their financial situation has improved before filing a motion to modify spousal support. If you are receiving spousal support and entering into cohabitating or considering remarrying you should look closely at your order to see if you are making the correct decisions for you and your future – consulting with an attorney may be a good idea.

Impact of Remarriage on Spousal Support - In Oregon, unlike some other states, a supported spouse's remarriage is not legal grounds to automatically terminate Spousal Support. To end Spousal Support, the paying spouse must prove that the supported spouse's remarriage substantially improved their financial situation. For example, if a wife receiving spousal support gets remarried but can't find a job and has the same or higher expenses as she did before getting married, a court is unlikely to terminate or reduce her spousal support award.

Courts will also consider the purpose of the original award before modifying the payments after a supported spouse's remarriage. For example, if a court awards a husband support to allow him to go back to school and get an education, and the husband remarries a successful executive, a judge may still allow spousal support because its original purpose was to provide the husband with an education—a fact that hasn't changed even though his overall financial situation may have improved.

Payment of Spousal Support -Judges can order a lump-sum payment of support, periodic payments, or a transfer of property ownership. Lump-sum payments are useful in cases where the supporting spouse is self-employed or otherwise has an unsteady income and don't require court oversight once the paying spouse satisfies the order.

Periodic payments are the most common form of payment, and judges usually order monthly or quarterly installments. Couples can decide the method of payment, such as a direct deposit, Venmo, or personal check. Courts can include an income withholding order, which directs the paying spouse's employer to withhold spousal support from the employee's paycheck and forward it to the supported spouse.

In some cases, especially if a paying spouse has a significant amount of property from the divorce, the court will order the supporting spouse to transfer ownership of real or personal property to the recipient. (Or. Rev. Stat. Ann. § 107.105 (1)(d))

If your spouse isn't paying court-ordered support, you can ask the court to enforce the award by filing a formal motion with your local court. Penalties for failing to pay may include attorney's fees, fines, or even jail time.

Courts can include an income withholding order, which directs the paying spouse's employer to withhold spousal support from the employee's paycheck and forward it to the supported spouse.

Oregon Spousal support "rules of thumb".

- Judges only award spousal in marriages of over 10 years (this isn't true, but it's true of some judges – also note, this "rule of thumb" used to be 20 years)
- Support will be awarded for ½ the length of the marriage (uh, more or less – in my experience this is a fair rule of thumb) it depends on the ages of spouses and the facts of the case.
- Some people cite a 25%, or 30%, or 15%, or 10% rule – but the most often cited "rule" is the 20% rule.

Attorneys have been advocating for a 20% "rule" – some judges will buy-in and some won't, it's not a rule and judges do what they please (the range being something like 10-30% + or - depending on the county and/or the judge)

The 20% "rule" Math -To calculate a rough estimate of the right amount of spousal support, you take the higher gross monthly income less the lower gross monthly income (if the second spouse is working) times

20% For instance, if one spouse earns $200,000 and the second spouse does not work, 20% of $200,000 would be $40,000 or $3,333 in spousal support a month.

If Spouse A earns $200,000 and Spouse B $40,000 you would use $200,000 - $40,000 = $160,000 X 20% = $32,000 or $2,667 in spousal support per month.

The 20% rule is good for settlement negotiations as it gives you a place to start, and it's the middle value of the actual 10-30% +/-range commonly seen in awards but even if a judge buys into the 20% rule they will deviate based on the facts of the case.

- Following the 2019 tax law change – there are pressures on judges to reduce the amount and/or percentage of spousal awards. This rule of thumb is true; awards have been deviating lower the last few years because of the tax changes.

Establishing an appropriate amount of spousal support is nearly always interrelated with the division of property in a particular case. For instance, a spouse could be awarded the bulk of equity in the family residence in exchange for not receiving spousal support. Generally, a court would prefer to disentangle the parties, if possible (if it is otherwise equitable), rather than order spousal support.

SUPERVISED PARENTING TIME

Supervised parenting time may take place for a limited time until issues that concern the court are remedied. The court order may be lifted or modified if the parent can demonstrate they are capable of providing a safe environment for their children.

If you have concerns about the safety of your child while in the co-parent's care, it may be possible to ask the court to consider supervised parenting time. This means the judge will order that your child only has contact with a parent when a third party is present during the parenting time. Check with your local court or mediation program to see if there are professional supervised parenting time providers in your area. It may be helpful to contact the provider before choosing to list them in your court papers to find out information about their fees, hours, and program policies. This is usually only granted in cases with a history of abuse, and even then, it often does not last as long as you would like. A supervised Parenting Time requirement may be temporary (as part of a restraining order) or longer-term. A supervised Parenting time restriction does not mean that the abusive parent will only ever have supervised parenting time with their child. However, before a judge can change a supervised parenting time requirement, the abusive parent must prove that regular, unsupervised parenting time is in the child's best interests, and that future abuse is unlikely.

LEVELS OF SUPERVISION
The supervisor may be asked to monitor the child and parent contact in different ways.
The court will order the level of supervision required. Some common levels of supervision include:
Level 1: Sight and Sound Supervision: This requires that a supervisor be present at all times with the child. The supervisor must maintain the child within both hearing and sight.
Level 2: Monitored Parenting Time: This requires that the supervisor remains at the location of the visit at all times with the child nearby. The child and parent may be out of the supervisor's range of sight and hearing for periods of time.
Level 3: Monitored Visits: This requires that the supervisor check in on the child and parent periodically during a visit at a set location. Monitored visits are used when there continue to be safety concerns, but the safety concerns are controlled by the environment and by periodic observation by the parenting time supervisor.

Level 4: Monitored Exchanges: This requires that the supervisor be present only when the child is being exchanged.

Some of the reasons a judge might consider supervised visitation include:
If there is a history of drug or alcohol abuse.
If there is a history of domestic violence or neglect.
If there is a threat of parental abduction.
When a parent has demonstrated certain types of mental illness.
To reintroduce the child and the parent after an extended separation (i.e., if the parent was incarcerated or had abdicated parenting responsibilities).
If there was never an existing relationship between the parent and the child
To give the parent a chance to work on any specific issues that might be considered detrimental to unsupervised time.

Who Pays for Supervised parenting time and How Much Does It Cost?

The court may order that you use a professional provider as the neutral third party. Parents may also be given a list of professional providers as part of this requirement.

Other courts may not require a professional provider but instead may order that a non-professional, such as a family member or friend, can facilitate this role. A family member generally will not be paid to provide this assistance. Whether you hire a professional service or use a family member, the third party must be able to speak the same language as the parent and the child, be impartial and be comfortable following the terms and conditions of the court order and the parenting plan.

The process and fees will vary from provider to provider, but a typical process and fee schedule may be similar to this: Intake appointment. Each co-parent must complete an intake appointment to discuss the agreement for service, rules, procedures, and fee schedules. The cost for this is usually anywhere from $50 to $100 per parent. Supervised Parenting Time. There is generally a minimum number of hours required (2 or more) but rates and length of time may vary due to the number of children, location of the visits, holiday vs. non-holiday dates, and other variables. Rates may run from $50 to $100 or more per hour. This is usually ordered by the court, but if not, you'll need to discuss it with the provider. Also, you may be able to discuss which parent is responsible for paying for the supervised time, but generally, it is the parent required to have the supervised time who must bear the costs. Supervised exchanges. Separate from parenting time. Expect the cost for this to be on the high end of the rate. Court testimony. In some cases, especially when there is a dispute or when parents are seeking a modification, a provider may have to testify in court. Costs for this can run $100 or more per hour.

STEP-UP PARENTING PLAN

Step-up parenting plans are fairly common. These schedules slowly increase the length of time that a child spends with a nonresidential or estranged parent. They allow a co-parent who may not have been fulfilling all responsibilities to the child an opportunity to "step up".

Judges often use these schedules with young children, especially infants, if a mother is breastfeeding, overnights with the father may not work, but as the child gets older it may move closer to 50/50 parenting time, in this case, the parenting plan and parenting time would change as the child reaches different ages or milestones such as weaning or walking.

Another type of Step-up is when a parent has been absent or uninvolved for some time, if you have a situation where a parent has not been involved with the child you may start with three or four hours of supervised parenting time one or two days a week, then removing the supervision requirement then going to one overnight, and through various stages eventually arrive at your final plan. This is often in the form of a temporary plan which replaces an existing plan or allows for fairly quickly moving through the steps and back to the original plan.

The other type of Step-up is when one parent must meet specific guidelines before getting more parenting time – these are often related to drug and alcohol problems, anger management, mental health, the parent exercising a certain number or percentage of parenting time, the parent obtaining a suitable living space, etc.

Requirements to move up to the next step can be any of these or others depending on the situation. One of the key things is to figure out who gets to decide if and when compliance is occurring, it is strongly recommended that the residential parent NOT be the person determining compliance, ideally, it is a therapist, guardian ad litem, etc.

1. # of weeks at each level
2. #of weeks in individual and/or family therapy
3. Participation and/or completion in other interventions (e.g., parenting education such as individual, group, or online, with a specification as to what needs to be included in the curriculum such as the impact on children of parental conflict, information about the differentiation of various parent-child contact problems and the impact on children, reducing parental alienating behaviors, basic parenting skill development, anger management, etc.)
4. The period having abstained from drugs or alcohol as proven by taking and passing tests. Failing to take a test is the same as failing one. (Immediate and ongoing UA's or hair follicle testing, Assessment, and treatment as indicated. No substance use 24 hours before or during parenting time. Consider Interlock device on auto. Consider giving residential parent access to UA results.)
5. Anything else that makes sense depending on the unique facts of the case.

Steps may also go down to decrease the amount of parenting time, again as written into the court-ordered parenting plan. In the case of noncompliance, relapse, or other behavioral problems, one possible consequence is that instead of plateauing at the current parenting time plan, the non-compliant parent returns to an earlier level. This might mean returning to the step immediately previous to the current step, starting over from the beginning, or somewhere in between.

The residential parent cannot deny the next stage of parenting time as long as the appropriate amount of time has passed or the appropriate actions have been taken.

SUSPECTED CHEMICAL DEPENDENCE

Here is some draft language that might be used in a parenting plan.

The respondent may not consume or be under the influence of alcohol or any illegal or un-prescribed drugs. The petitioner may suspend the other party's residential time at any time if he or she suspects the other party is under the influence of alcohol, illegal drugs, or un-prescribed drugs. The respondent must then report for a UA that same day, or if after business hours, the following morning. Respondent shall pay for the UA, though Petitioner shall reimburse the UA fees if the UA result returns negative for banned substances. If Respondent has three consecutive negative UA test results under this paragraph, the requirements of this paragraph shall terminate and become unenforceable.

Respondent shall obtain a chemical use assessment according to Oregon law at his or her cost. The evaluator shall contact collaterals, including but not limited to Petitioner. Respondent shall follow all recommendations to the evaluator's satisfaction, including ongoing AA meetings if applicable. A copy of the evaluation, recommendations, and progress and completion reports shall be filed with the court and provided to the parties' counsel (and the Guardian ad Litem, if applicable).

ELEVATOR OF PENALTIES

If you have a clause in your parenting plan that requires one or both of the parties to do (or not do) something and you think that someone should lose something, generally some portion of parenting time, as mentioned in the step-up section. This is true for any section where you are having issues – these can be for minor things like repeatedly being late for exchanges a parent might have to provide more of the transportation. Or more major, repeated failure of drug tests might cause a parent to lose some portion of their parenting time. Using penalties that automatically kick in when certain things happen (or do not happen) and are elevated if the problem persists (and returns to "normal" when being met) can be a great way to avoid going back to court for contempt or other enforcement actions. You have built into the parenting plan what happens if certain conditions are not being met – these should be used sparingly and only for areas that are known to be a problem or potential problem. But can save a lot of time, money, and hassle for both parents.

SAFETY FOCUSED PARENTING PLANS:

https://www.courts.oregon.gov/programs/family/children/Documents/SafetyFocusedParentingPlanGuide.pdf

Has your co-parent:
- Acted as though violent behavior toward you or your child is OK in some situations?
- Damaged or destroyed property or pets during an argument?
- Threatened to commit suicide?
- Pushed, slapped, kicked, punched, or physically hurt you or your child?
- Had problems with alcohol or other drugs?
- Needed medication to be safe around others?
- Made multiple threats not to or has not returned your child?
- Used weapons to threaten to hurt people?
- Threatened to kill you, your child, or anyone else?
- Sexually abused anyone by force, threat of force, or intimidation?
- Been served a domestic violence injunction or a protection or no-contact order?
- Been arrested for harming or threatening to harm you or anyone else?

If you answered yes to any of these questions, please continue to take your safety, and your Child's safety, seriously. You may need to use a Safety Focused Parenting Plan.

Option A: You feel your child cannot be safe alone with the other parent – supervised parenting time or no parenting time.
Option B: You feel your child can safely spend limited time with the other parent under certain conditions - no overnight parenting time.
Option C: You feel your child can safely spend time with the other parent, but you are not safe when the other parent is with you - overnight parenting time, public drop off, and pick-up sites.

These are often set up as a type of Step-up plan and if possible, should have steps for the non-residential parent to gain more time if they wish.

REINTEGRATION/REUNIFICATION THERAPY

Reasons for Separation or Estrangement

In some cases, the parent-child relationship was adversely affected by divorce. However, parents and children can drift apart for many reasons.

Sometimes a parent moves away for work or personal reasons but fails to maintain contact with the child, and they drift apart over time. A parent's struggle with addiction can also have a destabilizing effect on the parent-child relationship. In other families, it is less clear why a child has rejected a parent or vice versa.

Some possible reasons for loss of parent-child contact:
- Ongoing conflict between the parents over parenting and custody issues
- The inability to provide good caretaking due to mental illness, alcohol and/or drug abuse
- The child's and/or parent's difficulty adjusting to the separation or divorce
- Incarceration
- Deployment
- Relocation of a parent more than 60 miles from the child
- Safety issues such as domestic violence and/or child abuse

• Alienating behaviors by the co-parent
• Lack of knowledge by father that a biological child exists
• The choice of the parent to not be involved due to immaturity or concerns about child support obligations.

As the issues leading to loss of contact are resolved, a parent often wishes to reestablish, or perhaps establish for the first time, a relationship with their child.

Reunification therapy is a form of family therapy often court-ordered when a parent-child contact problem has culminated in the child refusing to spend time with one parent. This type of refusal is typically seen in separated or divorced families in which there is a favored parent and a rejected parent. It is a common mistake to assume this occurs due to parental alienation, as that is only one potential cause of a parent-child relationship rift. A child may reject a parent due to that parent having said or done things that greatly upset the child, a pathological attachment to an abusive parent, a desire to avoid conflict,

Research has shown that disrupted parent-child relationships harm children of all ages. Children and adolescents who have a disrupted relationship with one parent are at long-term risk for stress-related physical health problems, internalizing disorders (anxiety and depression), and externalizing disorders (sexual impulsivity, substance abuse, and poor school and social adjustment). They may regularly employ cognitive distortions and learn to avoid rather than address challenges in interpersonal relationships. It is therefore recommended for their healthy emotional development that an attempt at repairing the rupture with the rejected parent be made. Often reunification therapy is ordered when alienation by the favored parent of the rejected parent has been observed and substantiated. Alienation occurs when one parent disparages, badmouths, and undermines the relationship of the child with the rejected parent. The child begins to share the favored parent's attitudes and have unreasonable or disproportionate reactions to the rejected parent's behavior. The child may have previously had a positive relationship with the rejected parent, and would not have rejected the parent if not for the favored parent's interjections. Alienation can range from mild to severe, at times reaching the level of emotional abuse. It is normal for children to demonstrate an affinity for one parent based on age, gender, and shared interests, but show no rejection of the other parent. Often children of divorce will ally with one parent and exhibit extreme loyalty toward them, but will not reject the other parent. Additionally, the parent with which they are aligned will often encourage a relationship with the other parent. It is also normal for children to reject a parent in cases of abuse or what may be called "justified rejection." The child rejects the parent due to witnessing domestic violence, his or her own experience of physical/sexual/emotional abuse, poor parenting, uncontrolled mental illness, or substance abuse.

Regardless of the cause, when the child refuses contact with a parent, reunification therapy is often appropriate. Reconnection does not necessarily mean contact, especially at first. Therapy may begin with the child and rejected parent sharing letters. A parent and child may engage in motor activity in a shared space, such as playing a game. They will later focus on problems in their relationship systematically. It must be clear to all parties that time spent in reunification therapy is not "supervised time" but "therapeutic time." All parties are coached by the reunification therapist to learn how to listen without reacting, respond in a welcoming way, accept small steps, engage in negotiation, and not focus on the court order. The reunification therapist helps both parents reduce their stress in response to the child's often anxious, fearful, and/or angry response to spending time with the rejected parent. There are some untreatable cases of parent-child contact problems that are not suitable for reunification therapy. These cases include factors such as domestic violence, severe mental health problems, intractable substance abuse, child abuse, severe/pathological alienation, and vulnerabilities in the child. In some of these examples, such as child abuse, forcing a child to

spend time with their abuser before they indicate emotional readiness to do so can cause long-term emotional harm to the child.

In some of the most entrenched cases where sustained effort at reunification therapy has failed, the least detrimental alternative may be a well-prepared intervention that provides the rejected parent an opportunity to give the child a "parting message." This message explains that the rejected parent will let go of continued efforts to reconnect for the moment, but allows the rejected parent the opportunity to express their love and commitment to the child with an open door in the future. Before concluding that reunification therapy has failed, it is important for all parties involved – judges, attorneys, therapists, and all family members – to realize the slow pace at which successful reunification therapy sometimes progresses. There are cases where reunification therapy progresses at a relatively quick pace. In some cases, however, it can take several months for a child to feel ready to be in the same room with a parent, or once together, to discuss the important topics that need to be addressed to repair the relationship. While naturally, the rejected parent hopes reunification therapy will be a sprint toward more time together, at times it is more of a marathon that takes time and continued effort to reach that goal.

The goal is to heal the relationship between parent and child and help parents reconnect and reunite with estranged children. This process will look different based on the unique needs of each family and the reasons a parent and child have become estranged. The techniques used in reunification therapy will vary depending on the age of the child and family dynamics. For example, young children may engage in play to facilitate parent-child bonding, whereas therapy with older children may focus more heavily on talk therapy. Ideally, each participant in reunification therapy will have an individual therapist they meet with separately. Among other things, they can develop skills that complement, and prepare them for, family reunification therapy.

PARENTING COORDINATOR/PARENTING COACH

Functions of a Parenting coordinator

Sometimes a parenting plan will have a clause appointing/requiring a parenting coordinator. They are either attorneys or mental health professionals and therefore usually charge $225 an hour or more, so they are unusual unless the co-parents have enough money to pay, but they can be less expensive than repeated trips to court.

If you look up any given Parenting Coordinator online you are likely to find many unfavorable reviews, we think this is more a matter of the challenges of the position rather than the inadequacies of the professional. Almost invariably, they are dealing with the highest-conflict co-parents who believe they are right and their co-parent is wrong. My personal experience was that it was money wasted, not through any fault of the coordinator, but because it was not possible to resolve certain issues.

A. A Parenting Coordinator shall assist the parties in reducing harmful conflict and in promoting the best interests of the child consistent with the roles and functions of a Parenting Coordinator. a Parenting Coordinator serves an assessment function. The Parenting Coordinator should review the Parenting Time evaluation, other relevant records, interim or final court orders, information from interviews with Co-parents and child and other collateral sources, domestic violence protection orders, and any other applicable cases involving criminal assault, domestic violence, or child abuse, educational records, and analyze the impasses and issues as brought forth by the co-parents.

B. A Parenting Coordinator serves an educational function. The Parenting Coordinator should educate the Co-parents about child development, divorce research, the impact of their behavior on the child, parenting skills, communication, and conflict resolution skills. The Parenting Coordinator may coach the Co-parents about these issues.

C. A Parenting Coordinator serves a coordination/case management function. The Parenting Coordinator should work with the professionals and systems involved with the family (e.g., mental health, health care, social services, education, legal) as well as with extended family, stepparents, and significant others.

D. A Parenting Coordinator serves a conflict management function. The Parenting Coordinator's primary role is to assist the Co-parents to work out disagreements regarding the children to minimize conflict. The Parenting Coordinator may utilize dispute resolution skills from principles and practices of negotiation, mediation, and arbitration. To assist the co-parents in reducing conflict, the Parenting Coordinator may monitor the faxed, emailed, or written exchanges of parent communications and suggest more productive forms of communication that limit conflict between the co-parents. To protect the co-parents and child in domestic violence cases involving power, control, and coercion, a Parenting Coordinator should tailor the techniques used to avoid offering the opportunity for further coercion.

E. A Parenting Coordinator serves a decision-making function. When co-parents are not able to decide or resolve disputes on their own, the Parenting Coordinator shall be empowered to make decisions to the extent described in the court order or to make reports or recommendations to the court for further consideration. PARENTING Coordinators should communicate their decisions promptly in person or by fax, e-mail, or telephone. In the event decisions are provided orally, a written version shall follow promptly.

F. A Parenting Coordinator shall not offer legal advice.

Parenting coordinators use the same criteria to judge you as the court, so one of the main factors they are looking at is your ability to foster the relationship between the child and your co-parent. And other factors in the best interests of the child. Keep that in mind if you want to talk about what an awful person your co-parent is.

The co-parents must pay for the services and fees can get steep quickly. Parenting Coordinators are a mixed bag, some co-parents have had great success with them, and others have reported frustration. Online reviews for any given provider will show similar results, a mixed bag – this is likely more due to the difficulties of both parties than any true evaluation of the practitioner.

ENFORCING YOUR PARENTING PLAN IN OREGON

Oregon law (ORS 107.434) requires each judicial district (Read: County) to establish expedited parenting time enforcement procedures. The court will provide forms for you to fill out and file when there has been a violation of parenting time or a parenting plan. The forms that are filed must include a copy of the current parenting plan or court order that lists the parenting time. You must make sure that copies of the motion, affidavit, and order to show cause are served on the other parties in the case. You should see a lawyer for legal advice. The law requires that the hearing is set within 45 days after the motion is filed. The parties may be required to see a mediator before they can go to court. It may be possible to waive (skip) mediation so the case can get into court quickly. If you ask to waive mediation, you must file papers that ask for a waiver and

give a good reason for the request. A court may grant one or more remedies if a parent is found to have violated a parenting plan. The court could:

Add more parenting time to make up for the time that was lost
Change the parenting plan by adding specific details, such as specific days and times
Add additional terms and conditions to the current parenting plan
Order the person who violated the parenting plan to pay money to the court, which the parent would lose if he or she continues to violate the parenting plan
Order one or both of the parties to attend counseling or parent education classes to learn about the impact of his or her behavior on the child
Award attorney fees and court costs to the party who is successful in the court proceeding
Suspend, end, or change spousal support
Suspend, end or change child support
Schedule a hearing to change custody of the child

The judge may find that the parenting plan was not violated and do nothing more. The judge may find that the parenting plan was violated, but there was a good reason for it and so do nothing more. Each case is different, and each case will be decided on its particular facts. Also see: A word about “Contempt” below.

MODIFYING YOUR PARENTING PLAN

The legal basis for a modification of an order regarding, child custody, child support, or spousal support in Oregon requires a substantial change in circumstances that was unforeseen or unanticipated at the time the original order was entered with the court. For example, in Oregon, a modification action to change child custody must be supported by evidence that the current custodial parent is unfit to make major life decisions for the child and a change of custody to the co-parent is in the best interests of the child. However, a change to an Oregon parenting time schedule only requires the moving party to show that the proposed change in the parenting time schedule is in the best interests of the child. Courts do not ask “Is this going to be convenient for the parent?” when determining a new parenting plan. The point is this: If you decide to try to modify a parenting plan with the court, you should always go forward with the idea that you want to demonstrate why your plan is in the best interest of your child. Since this is the standard the judge will be looking at, it is going to be helpful to design all your evidence around showing why the plan improves your child’s life, education, well-being, or health. Parenting plan modifications need to be child-centric, not parent-centric. It's often helpful to have a clause that reads something like: "Both parties shall revisit the parenting plan in good faith before the child starting school..." or "Both parties shall revisit the parenting plan in good faith every X years, beginning in YYYY..." You might even want to put in a clause about using county mediation to get it done or something to that effect.

Working with your co-parent is the easiest way to modify your parenting plan If you and your co-parent agree to the changes, you can file your new plan with the court and the court will usually accept it.

When you go to court, you need to show that there has been a change in your child's life or the co-parents' lives that make changes to the plan necessary. For a major modification, you need to show that there has been a substantial change in circumstances. Some changes in circumstances that warrant a modification are: The child's residence isn't safe, the co-parent is moving, the co-parent's work schedule has changed, the family situation has changed, The current parenting time schedule isn't being followed.

You should have documents that show the change in circumstance and be able to explain how your modification will benefit your child and work for the new situation.

Documents that show the judge your schedule or plan need modification could include:

A Parenting Plan journal with notes about problems (who? What? When? Where? How?) with the plan as they occurred. A report that shows actual parenting time compared to the scheduled time (only overnights). An email chain with your co-parent showing willful non-compliance. New school or activity schedules that impact the parenting time schedule. Evidence of a new job or relocation from either co-parent. Statements from doctors, teachers, or other witnesses (may or may not be admissible). Statements from older children about their wishes regarding the schedule or plan (may or may not be admissible). Paperwork that reveals unfit behavior from your co-parent. If the judge approves your modification, then the new parenting plan becomes official. If the judge does not accept your changes, you must follow your current parenting plan.

See appendix G for details about evidence.

A word about "Contempt"

If your co-parent is not following your parenting plan – most commonly not returning the child especially around some holiday or other "special" clause regarding parenting time, or some order to pay (Child support, spousal support, expenses for the child, etc.) that is, as we have said, not good.

If you post on social media or ask your friends, you will almost invariably hear "That is contempt of court". Well, maybe. First of all, a violation of the parenting plan or your understanding of the parenting plan is just your co-parent not doing what you think they should do according to the parenting plan. The court is not even aware of it until you bring it to their attention. Even if it's child support and your support is handled by the Oregon Department of Justice and/or your County D.A.'s office – the court is not aware that support is not being paid until YOU tell them. Child Support enforcement is usually handled by the D.A.'s office and not by contempt proceedings.

Will Police Enforce a Court-Ordered Parenting Plan?

This is a common question, but it doesn't have a clear answer. The best answer is "probably not". What happens depends on the police. Technically, if you have a CLEARLY WRITTEN (many aren't!) court order that prohibits or requires certain actions, like dropping them off at home on a given day at a particular time, then the police are allowed to enforce the order in certain circumstances. Police departments do not want to get involved in domestic disputes. Additionally, trying to enforce parenting plans by the police will create additional hostility between already hostile co-parents, and, at best, it doesn't make for happy memories for the child. In practice, police officers knowing how domestic situations play out are usually extremely reluctant to get involved in family matters unless the violation rises to the level of a crime like child abuse or kidnapping. Put yourself in the position of the officer – they get a call from an agitated parent claiming that the child is being held, they attempt to read and interpret your parenting plan which likely doesn't state in plain language that on this particular day at this time the child is supposed to be with you. They don't know if the court order you show them is the latest court order or not. They then knock on the door of your co-parent where your minor child is, your co-parent may explain their theory as to why your interpretation of the parenting plan is wrong or they may say the child is unwilling to go, or they may show them a different court order, or who knows what else – and the child either is or is not aware of the situation and either is or is not willing to go – what a mess! No wonder law enforcement doesn't want to wade into it. Again, the most likely response is to tell you to get a court order for intervention by law enforcement. If you have concerns for your child's safety, trust your instincts and call the police immediately. Depending on the situation, the officer MAY try to call (or knock on the door of) the co-parent and do a "welfare check" on the child, but as long as your co-parent offers a lucid answer that will likely be the end of that. Most likely the officer will direct you back to court, but if you do end up in front of a judge again, you will at least have the police report to help you make your case.

Kidnapping and/or Custodial Interference, Can I Have My Co-parent arrested?

The crime of Kidnaping and/or Custodial Interference - As used in ORS 163.215 to 163.257, unless the context requires otherwise:

(1) "Without consent" means that the taking or confinement is accomplished by force, threat, or deception, or, in the case of a person under 16 years of age or who is otherwise incapable of giving consent, that the taking or confinement is accomplished without the consent of the lawful custodian of the person.

(2) "Lawful custodian" means a parent, guardian, or another person responsible by authority of law for the care, custody, or control of another. Note: this is NOT the same usage of "custody" as found in a parenting plan. Any parent who has ANY parenting time is a "Lawful custodian", a parent who only has supervised parenting time MIGHT be found to not be a "lawful custodian" but otherwise you can read this as any Co-parent.

(3) "Relative" means a parent, ancestor, brother, sister, uncle, or aunt. [1971 c.743 §97]

WHAT IS KIDNAPPING IN THE SECOND DEGREE IN OREGON?

ORS 163.225 Kidnapping in the second degree. [Known as Kidnapping II or Kidnapping 2]

(1) A person commits the crime of kidnapping in the second degree if, with intent to interfere substantially with another's personal liberty, and without consent or legal authority, the person:

(a) Takes the person from one place to another; or

(b) Secretly confines the person in a place where the person is not likely to be found.

(2) It is a defense to a prosecution under subsection (1) of this section if:

(a) The person taken or confined is under 16 years of age;

(b) The defendant is a relative of that person; and
(c) The sole purpose of the person is to assume control of that person.
(3) Kidnapping in the second degree is a Class B felony. [1971 c.743 §98; 2005 c.22 §111]

Alright, if your co-parent keeps the child in violation of (your interpretation of) the parenting plan, the 1st question is do they have "legal authority" the answer is yes – probably, maybe. It's really for a court to determine. Law enforcement officers don't want to determine. You can't. I can't. Next, if the co-parent is at home with the child clause (1)(a) or (1)(b) is not met. And in most cases (2)(c) is hard to prove. In all but the most egregious cases, your co-parent keeping the child in violation of even a well-written clause in your parenting plan is not going to be Kidnapping in the second degree.

WHAT IS KIDNAPPING IN THE FIRST DEGREE IN OREGON?
ORS 163.235 Kidnapping in the first degree. [Known as Kidnapping I or Kidnapping 1]
(1) A person commits the crime of kidnapping in the first degree if the person violates ORS 163.225 with any of the following purposes:
(a) To compel any person to pay or deliver money or property as ransom;
(b) To hold the victim as a shield or hostage;
(c) To cause physical injury to the victim;
(d) To terrorize the victim or another person; or
(e) To further the commission or attempted commission of any of the following crimes against the victim:
(A) Rape in the first degree, as defined in ORS 163.375 (1)(b);
(B) Sodomy in the first degree, as defined in ORS 163.405 (1)(b); or
(C) Unlawful sexual penetration in the first degree, as defined in ORS 163.411 (1)(b).
(2) Kidnapping in the first degree is a Class A felony. [1971 c.743 §99; 2005 c.22 §112; 2009 c.660 §43]

If you are at this point and your co-parent is an actual threat to the child call 911 now. Any problems you have are beyond the scope of this guide. Kidnapping in the first degree is very rare and almost unheard of with a co-parent who has parenting time. Perhaps the most common is when a co-parent is a foreign national fleeing with the child to their home country -International Parental Child Abduction is the removal or retention of a child outside their country of habitual residence in breach of another parent or guardian's custody (yet another different use of the word "Custody", here meaning "anyone with any parental rights") rights. The Office of Children's Issues within the U.S. Department of State is a leader in U.S. government efforts to prevent international parental child abduction (both from the United States and to the United States), help children and families involved in abduction cases, and promote the objectives of the Hague Abduction Convention. If you believe your child is in the process of being abducted by a parent, legal guardian, or someone acting as an agent, call the Department of State: 1-888-407-4747 or 202-501-4444.
U.S. State Department Tips to Prevent Abduction from Occurring
Get a court order or custody decree: A clear court order may be the most important preventative measure. For example, court orders may include provisions addressing passports, travel restrictions, or custody. We will not disagree with the U.S. State Department that a well-written Parenting plan is a good idea!
Consult an attorney: We strongly encourage parents to consult with an attorney regarding their particular circumstances, including the possibility of obtaining an order that prohibits the child from traveling outside of the United States.
Be aware of warning signs: Be on the alert for sudden changes in the other parent's life, such as quitting a job or selling a home, that may be made in preparation to relocate
Notify local law enforcement and give them copies of any court orders, including custody, protection, and restraining orders.

Consider contacting a country's foreign embassy or consulate if your child is or may be a dual national of that country. If one parent is a citizen of another country, for example, your child may have claims to a foreign nationality and therefore be able to obtain a passport from that country

Be aware the United States does not have exit controls or require two-parent consent for a minor to travel across international borders. Law enforcement may be unable to prevent an abduction without a valid court order clearly prohibiting the child's travel outside of the United States.

Country-wide resources:

Removing, or attempting to remove, a child from the United States or retaining a child outside of the United States with the intent to obstruct parental rights is a Federal crime under the International Parental Kidnapping Crime Act (18 U.S.C. 1204). The Federal Bureau of Investigations (FBI) has jurisdictional authority for investigating Federal crimes. FBI field offices are located throughout the U.S. and should be contacted if you have questions or believe your child has been or will be abducted outside of the United States. To locate the FBI field office closest to you, access this link:

http://www.fbi.gov/contact-us/field

WHAT IS CUSTODIAL INTERFERENCE IN THE SECOND DEGREE IN OREGON?

ORS 163.245 Custodial interference in the second degree.

(1) A person commits the crime of custodial interference in the second degree if, knowing or having reason to know that the person has no legal right to do so, the person takes, entices, or keeps another person from the other person's lawful custodian or in violation of a valid joint custody order with intent to hold the other person permanently or for a protracted period.

(2) Expenses incurred by a lawful custodial parent or a parent enforcing a valid joint custody order in locating and regaining physical custody of the person taken, enticed, or kept in violation of this section are "economic damages" for purposes of restitution under ORS 137.103 to 137.109.

(3) Custodial interference in the second degree is a Class C felony. [1971 c.743 §100; 1981 c.774 §1; 1987 c.795 §7; 2005 c.564 §6]

Am I the only one who wishes the Oregon Legislature would just settle on one use of the word "custody"? Anyway, the parenting plan use of the word "custody" has nothing to do with anything here. Just know that the co-parent who has "custody" can be found guilty of custodial interference just as much as the co-parent who does not have custody – the crime would be better titled "Parenting Time Interference" The questions to ask here – is the co-parent wrongly interrupting the parenting plan? Knowing or having reason to know that they have no legal right to do so? Is there ANY possible ambiguity in the clause you think is being violated? Is the co-parent's intent to hold the child "permanently or for a protracted period"? If your co-parent has sent you a text saying they are never returning the child you may have a case for custodial interference in the second degree, but even then, it may be better handled by a family court contempt or motion to enforce parenting time filing.

WHAT IS CUSTODIAL INTERFERENCE IN THE FIRST DEGREE IN OREGON?

ORS 163.257 Custodial interference in the first degree.

(1) A person commits the crime of custodial interference in the first degree if the person violates ORS 163.245 and:

(a) Causes the person taken, enticed, or kept from the lawful custodian or in violation of a valid joint custody order to be removed from the state; or

(b) Exposes that person to a substantial risk of illness or physical injury.

(2) Expenses incurred by a lawful custodial parent or a parent enforcing a valid joint custody order in locating and regaining physical custody of the person taken, enticed, or kept in violation of this section are "economic damages" for purposes of restitution under ORS 137.103 to 137.109.

(3) Custodial interference in the first degree is a Class B felony. [1971 c.743 §101; 1981 c.774 §2; 1987 c.795 §8; 2005 c.564 §7]

This is just taking custodial interference in the second degree and adding in an element of taking the child out of state or exposing them to a substantial risk of illness or physical injury. All the same questions apply -– is the co-parent wrongly interrupting the parenting plan? Knowing or having reason to know that they have no legal right to do so? Is there ANY possible ambiguity in the clause you think is being violated? Is the co-parent's intent to hold the child "permanently or for a protracted period"? If you think a judge is going to get excited about your co-parent crossing a bridge into Washington for an activity during what you think is your parenting time, or keeping the child for an (allegedly mistaken) extra vacation day in Hawaii, well, we'll bet against it.

These are the criminal custodial interference and kidnapping laws in Oregon, other states have similar laws, and your co-parent violating the parenting plan is unlikely to be considered a crime even if they have willfully and knowingly violated your parenting plan. In about 99.9% of cases, it is better handled by a family court contempt or motion to enforce parenting time filing.

Okay, Criminal court is probably out, should you take your complaints to Family court?

Before you file a court action, take some time to think things through. The first question to ask is: "What do I want the court to do?" The second question is: "Can the court do that?" Remember that a judge will always be most interested in what's best for the child. If you want to go to court because your co-parent is irritating you and you want the judge to punish them, spending hundreds or thousands of dollars on a court visit may not get the results you want.

Ask yourself a few questions before you move ahead: Could you negotiate with your co-parent to get better compliance (or a clearer understanding of the disputed clause) without going to court? Is it possible that changing the parenting plan is the best solution for everyone? Could you bring in a trusted friend, family member, or professional mediator to help you sketch out a new plan?

If your honest answers to these questions are no, no, and no—and the parenting plan violations are severe—that's what the judge is there for. Serious parenting plan violations include:

Frequently missing parenting exchanges, a chronic pattern of showing up more than 15 minutes late or early, consistently interfering with your parenting time, repeatedly not taking the child to school, to the doctor, or court-ordered counseling sessions, or abusing alcohol or drugs in front of the child (or using in any way that compromises the ability to care for them). Note the underlined words, this is not one or two times, probably not three, four, or five in a year, this is over the top, continued behavior.

Keep Good Records of Parenting Plan Violations

If you think you may have to go back to court, make sure you keep clear records of all violations. Write them down on a calendar or keep a detailed journal, including dates, times, and a description of the problem. Keep copies of any police reports or other papers, including copies of emails or phone records, that will help you prove your points at a court hearing. When you have enough documentation to show a clear pattern of violation, you can ask a judge for help. See APPENDIX G - PARENTING PLAN JOURNALING AND EVIDENCE GATHERING

Okay, how do I get the court to Help?

The way you inform the court is to file a motion – called a "show cause" motion, if parenting time is the issue in Oregon you may want to file a Motion to Enforce Parenting Time which is not offered in most states, but can offer a quicker hearing (if you do file this motion your friend is already wrong because your co-parent can't be found in contempt, they can only be found to not be following the parenting time) Every county has a special hearing procedure to handle parenting time problems. Go online or to the circuit court clerk's office and look for the parenting time enforcement forms. The court will schedule an expedited hearing within 45 days. You may be able to get temporary orders before that and some counties will require you to attend mediation first. At the hearing, the judge can make an order to try to make sure your co-parent gives you the parenting time the court ordered; one or more different types of court orders could be issued. You should not need a lawyer to file the papers or to go to the hearing with you. For monetary things, other clauses, and in most states, your motion will likely be for Contempt. If you feel strongly that the parenting plan order violations are severe and you have enough documentation to make your case, it may be time to go back to court. Think carefully about whether you wish to go it alone or whether you need the help of a lawyer. You may at least want to consult a good family law attorney before you take action. If they find you have proven your case, the judge will likely do one or more of the following: reaffirm or adjust your parenting plan, including changing who has custody if necessary, give you extra days to make up for any time you've lost with the child, direct your co-parent to pay your court costs and any lawyer's fees. When you ask a judge to hold the other parent in "contempt," you are not only asking the judge to enforce or change your parenting plan; you are asking the court to find that the other parent purposefully disobeyed the court order, which is a crime. A finding of contempt can have severe consequences, including time in jail (rare in Oregon Family law cases). Consider carefully whether an action for contempt will best serve your child in the long run. Unless the violations are repeated and severe enough to put your child at risk, it's more likely that the judge will act as outlined in the section above, reaffirming or adjusting your parenting plan and perhaps requiring the other parent to pay your court costs and lawyer's fees. In all cases, the idea is to compel your co-parent to follow the court-ordered plan and in some cases provide additional sanctions (make-up time, attorney fees, etc.). In Oregon, Contempt is more complicated than parenting time enforcement and if possible, you should have an attorney.

Contempt of court can only do so much, and you still might not obtain your child support, spousal support, or whatever it was that had the other party violating the order. In some cases, especially those involving nonpayment, the court may order the other party to provide you with the payments you are owed. The court may use wage garnishments to keep the paying party accountable and to ensure they make the payments they are required by law to make.

The co-parent who has filed for contempt must show/prove all these:
1. There is a court-ordered parenting plan in place,
2. The co-parent knows about the parenting plan,
3. The co-parent has willfully violated the parenting plan,
4. The co-parent has the ability to follow the parenting plan,
5. The co-parent was properly served and got reasonable notice of the contempt hearing and reason/s for it.

If the other co-parent does not come to the contempt hearing the judge may (rarely) issue a bench warrant for their arrest. The co-parent charged with contempt can present defenses. Usually, if they claim they cannot obey the parenting plan, they must have evidence to prove it. If they have filed their

own motions, the judge may hear them at the same time, if you have gotten (or agree to waive) proper notice.

Every case is different, but there is only one person who can find your co-parent in contempt, it's not you, your neighbor, your Facebook friend, your attorney, or me. We can all look at your parenting plan and the facts of your case and tell you if we think your co-parent is violating the parenting plan, but "contempt" only happens if you start a court case and it goes to the judge without being settled and then the judge finds that you have met the burden of proof and your co-parent is in contempt. That is when your co-parent is in contempt of court and not a second before that.

What is The Best Interest of the Child?

In Oregon Family law cases the main factor judges take into account is "The Best Interest of the Child" well, that's clear enough, right? This is one reason why if you can observe family law cases, and especially those presided over by a judge who may hear your case, it's a great idea. Wide-open to interpretation, and not subject to much oversight, the fact of the matter is that the judge is pretty much the only determiner of what The Best Interest of the Child is and how to apply it in your case. Remember, the hearing in your case is only a few hours (a few days is still just a few hours), and depending on which county your case is in you may be in front of a judge who only sees family law cases and has done a dozen family law cases that morning or a judge who was last presiding over a murder trial and hasn't seen a family law case in weeks or months. Each judge has different experiences and some like family law more than others. They will evaluate these factors within the evidence and use their experience to decide what is in the best interests of the child. That's right, you and your co-parent are among the 5% of divorcing parents who couldn't settle everything before you got in front of a judge, now you have this stranger making decisions about the future of you and your child. You made the choices – you married your co-parent, had your child, you made your decisions, you and your co-parent likely turned down settlement offers, you mediated, and now here you are in front of the judge. Their job is to take the laws passed by the legislature and the evidence presented in court and determine the best interest of the child. They don't know you or your co-parent, they only know the motions that have been filed and what happens in court. Your job, and that of your attorney is to understand these factors and present the best possible case with evidence that shows how what you are asking for is in the best interest of the child. You would do well to understand how each factor will look for both you and your co-parent in front of your particular judge.

Here is Oregon's law:
"To decide the best interest of a child, the court will look at these factors:
The emotional ties between the child and other family members
The interest of the parents in and attitude toward the child
The desirability of continuing an existing relationship
The abuse of one parent by the other
The preference for the primary caregiver of the child, if the caregiver is deemed fit by the court
The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.

A judge cannot give custody to a parent just because the parent is the mother or father of the child. Also, the judge will consider the conduct, marital status, income, social environment, or lifestyle of a parent only if it is shown that those factors are causing or may cause emotional or physical harm to the child. Judges usually are reluctant to separate siblings."

We highlighted the one about being a good co-parent because we think that's where many people who are otherwise good parents do a poor job and "fail" in court. You don't have to like or even communicate much with your co-parent but you need to foster and be able to show the judge all the things you do to make sure your co-parent has every chance to be a good parent even when you may think they are not. You may think you are protecting the child from a bad parent; the court is more likely to view it as poor co-parenting.

A view across the U.S. -These are a compilation of standards for best interests from the various state laws.

BEST INTERESTS DEFINITION
Although there is no standard definition of "best interests of the child," the term generally refers to the deliberation that courts undertake when deciding what type of services, actions, and orders will best serve a child as well as who is best suited to take care of a child. "Best interests" determinations are generally made by considering several factors related to the child's circumstances and the parent or caregiver's circumstances and capacity to parent, with the child's ultimate safety and well-being the paramount concern.

GUIDING PRINCIPLES OF BEST INTERESTS DETERMINATIONS
These are the overarching goals, purposes, and objectives that shape the analysis in making best interests' determinations. The following are among the most frequently stated guiding principles: The importance of family integrity and preference for avoiding removal of the child from his/her home. The health, safety, and/or protection of the child. The importance of timely permanency decisions. The assurance that a child removed from his/her home will be given care, treatment, and guidance that will assist the child in developing into a self-sufficient adult. The emotional ties and relationships between the child and his or her parents, siblings, family and household members, or other caregivers. The capacity of the parents to provide a safe home and adequate food, clothing, and medical care. The mental and physical health needs of the child. The mental and physical health of the parents. The presence of domestic violence in the home. within the context of the child's age and developmental needs, "shall be considered" in determining best interests. provide more general guidance and give more discretion to the courts to make best interests determinations. Other factors that courts commonly take into consideration in making best interests determinations include the following: Federal and/or State constitution protections.
From:

Child Welfare Information Gateway. (2020).
"Determining the best interests of the child."
Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

Authors note: the way this next article adapted from Nolo's Essential Guide to Divorce, by Emily Doskow. uses the word “Custody” mostly how Oregon would use “Parenting time” with a sprinkling of how Oregon uses “custody” – probably the best way to think of how they use the word custody is to say “The majority of the Parenting Time”. We changed it to Parenting time where it was only taking about parenting time.

All states use a "best interest of the child" standard in disputed family law cases. This is a rather amorphous standard and one that lends itself to judges' subjective beliefs about what's best for children. There are some factors, though, that you can expect a judge to consider.

The “best interest of the child” test means that the courts are required to balance the ability of each parent to meet the needs of the child. One factor by itself will rarely determine custody or parenting time. Instead, courts will make a finding based on the totality of the factors. These factors include the following in no particular order:

1. Age of the child -Although the "tender years" doctrine has long been officially out of fashion, some judges still believe that younger children should live with their mothers, especially if the mother has been the primary caregiver. Nursing babies are even more likely to end up with the mother except when other factors override that.
2. Drugs and alcohol -Evidence of drug and alcohol misuse can affect the award of custody, with the parent who has a substance abuse problem being less likely to receive custody.
3. Mental Health of the Parent - Untreated mental illness, personality disorders, or emotional instability and/or poor parenting may affect a custody award, with the parent who is suffering from those conditions being less likely to receive custody; however, accusing your co-parent of having a mental illness without (and sometimes even with) evidence can backfire!
4. Physical health of the parent. Severe physical illness/disability that greatly affects one parent’s ability to care for the child may affect a custody award, with the parent suffering from such a condition being less likely to receive custody. This can also cut both ways depending on specifics.
5. Each co-parent's living situation - Finances of each co-parent. Courts will consider which co-parent can provide financially for the child. For instance, if one parent is unable to afford housing, then this may have a negative impact on giving custody to that parent; Conditions in the home environment. Courts do not want to place a child in a dangerous or unhealthy household. For instance, if one co-parent’s household poses dangers for the child, such as a new partner that is violent, or frequent parties at the home, or dangerous items kept in the home, this could affect custody, with the co-parent in the dangerous household being less likely to receive custody; Educational opportunities. If one parent can offer the child much better educational opportunities, such as a great school or a school that meets the child’s special needs, then this may affect custody, with the parent who is better able to meet the child’s academic needs being given custody; There's a bit of a chicken-and-egg dilemma surrounding the issue of where co-parents live and how that affects custody. Sometimes, the co-parent who stays in the family home is granted custody of the child because it allows the child stability and continuity in their daily lives. Sometimes, the co-parent with custody is awarded the family home, for the same reason. If you are crashing in your best friend's guest room or worse yet, couch while you get back on your feet after the divorce, don't expect to get primary custody of your child. If you truly want to spend a significant amount of time with your child, make sure your living situation reflects that. The proximity of your home to your co-parent or the child’s school and/or activities may also factor into the judge's decision. The closer you are, the more likely the judge will order a time-sharing plan that gives each co-parent significant time with the kids.

6. Each parent's willingness to support the other's relationship with the child- The judge will look at your record of cooperating—or not— with your co-parent about your parenting schedule. The judge might also want to know things like whether you bad-mouth your co-parent on social media or in front of the kids or interfere with parenting time in any way. The more cooperative parent is going to have an edge in a custody dispute—and a parent who's obviously trying to alienate a child from co-parent will learn the hard way that courts don't look kindly on that type of interference. Good Co-parenting, especially when faced with poor co-parenting, matters!
7. Each parent's relationship with the child before the divorce - Priority in custody disputes may be given to the co-parent who was the primary caretaker of the child before the divorce or separation. For instance, while you and your co-parent lived in the same household, if the co-parent spent significantly more time taking care of the child while you worked or did other activities, the co-parent, as the primary caretaker, would be more likely to be awarded custody; It sometimes happens that a co-parent who hasn't been much involved with their child's life suddenly develop a strong desire to spend more time with the child once the marriage has ended. In many cases, this desire is sincere, and a judge will respect it, especially if the parent has been dedicated to parenting during the separation period. But the judge may take some time to evaluate a parent's change of heart and ensure that the custody request isn't being made primarily to "win" over the co-parent and/or reduce child support.
8. Child care arrangements -Often, both parents have to work, and priority may be given to the co-parent who has better child care arrangements. For instance, if your co-parent has significantly better child care arrangements than you, which may include family members, proximity, and/or previous child care provider, this factor may affect a custody arrangement.
9. Where the child's siblings live- Courts prefer to keep siblings together whenever possible. If the child has siblings or half-siblings living with one co-parent, this may affect whether that co-parent receives custody.
10. Court's observations of the parents -Courts will also consider the co-parents' behavior in court, this extends to clerks, assistants, parenting evaluators, etc. you should assume that every person who has anything to do with the family law system is evaluating you and may, formally or informally, report to the judge. The court is more likely to give custody to the co-parent who will encourage the child to build a relationship with the other co-parent. Talking badly of your co-parent to anyone related to court is usually a bad idea.
11. Child preferences - A child's preference to live with one parent may be taken into consideration, depending on the age of the child. The closer the child is to 18 years old, the more weight the court may give to the child's wishes. However, the court will look closely at the reasons why the child prefers to live with the other parent. For example, if the child prefers to live with a parent who is not disciplining the child and who does not set appropriate boundaries for the child, then the court may find that would not be in the child's best interest to live with that parent; Some states require courts to consider kids' views, but others disapprove of bringing the kids into it at all. The judge also may learn about the children's preferences from a parenting time evaluator or an attorney for the child. Note: Oregon is generally not interested in hearing from a child. They are very unlikely to be brought into court, rarely heard in judge's chambers, and fairly infrequently heard through third parties such as a parenting time evaluator and/or guardian ad litem. If you think your child needs to be heard, your best chance of that happening is if you push for a third party – and those tend to be expensive options!

12. Continuity and stability- Priority in custody disputes is usually given to the parent who is first awarded custody, either by the court or more frequently by voluntary agreement between the parents. For example, if the co-parent leaves the home and you raise the child for a while without the other co-parent's presence in the home, the court would weigh the stability of keeping the child in the home, rather than changing custody to the other co-parent. When it comes to children, judges are big on the status quo, because most of them believe that piling more change on top of the traumatic transition of divorce generally isn't good for kids. So, if you're arguing that things are working fine, you've got a leg up on a co-parent who's arguing for a major change in the custody or parenting time schedule that's already in place.
13. Sexual orientation -Your sexual orientation will have no impact on the court's consideration of custody and visitation matters. The same standards that apply to all divorcing couples will apply to you. That doesn't mean you won't come up against a homophobic judge, The same can be said for transgender parents, who may face even more prejudice than same-sex parents, as well as a lack of knowledge in many courts about the transgender experience.
14. Abuse, Neglect, Abandonment, and Interference with parenting time rights- Evidence that one co-parent abused, neglected, or abandoned the child will affect custody, with the parent who committed such acts against the child being less likely to receive custody. Also, evidence that one co-parent has significantly interfered with the parenting rights of the co-parent may cause that co-parent to lose custody, if there's clear evidence that either co-parent has abused or neglected the child, a judge may limit that co-parent's contact with the child. As a prerequisite to considering allegations of abuse, the court may require independent corroboration, including, but not limited to, written reports by law enforcement agencies, child protective services or other social welfare agencies, courts, medical facilities, or other public agencies or private nonprofit organizations providing services to victims of sexual assault or domestic violence. Also, see "Is the Court Biased for/against a Gender?" for more information on how domestic violence plays out in family court cases.

    Every situation is different, so the judge may consider other factors in deciding your case. Use the above list to evaluate any case you observe, especially your own, in light of what was admitted into evidence did the judge follow these in the collective "best interest of the child" did they weigh one factor more than others? Why? You are now evaluating a family law case like a judge.

This ends our section on parenting plans.

Section 2 –Other things to be aware of

Mostly this section deals with mental health aspects that come up in divorce, we cover parental gatekeeping which some parents undertake to protect a child from an abusive parent and some parents undertake as a form of abuse, likewise Parental Alienation is an extreme form of Gatekeeping, and Abuse or Domestic Violence by Proxy, and Munchausen Syndrome by Proxy. All of these along with the Cluster B personality disorders which are characterized by dramatic, overly emotional, or unpredictable thinking or behavior. They include antisocial personality disorder, borderline personality disorder, histrionic personality disorder, and narcissistic personality disorder. (Also see Appendix G).

Family court is not well set up to deal with any of these, and even parenting time evaluations or other therapists in these brief time frames can't be relied on to determine what is actually going on – sometimes they will, and sometimes they won't. And you also need to keep in mind; both the evaluator and the judge will be looking at both parents to determine how well they will foster the relationship between the child and the co-parent. This can be a very difficult dance.

When your co-parent suffers from a mental health condition during a divorce, it can become a more contentious, dramatic, and stressful process. Even if the condition is not such that it will impact the divorce, it may still affect your well-being.

It is important to not let your co-parent's attitude and conduct during the divorce distract you from taking care of your physical, mental, and emotional health. During a divorce, you should always take steps to keep yourself healthy through a good diet and exercise and through utilizing a strong support network of family members, friends, counselors, and support groups.

SOME STRATEGIES TO TRY WITH A HIGH CONFLICT CO-PARENT

How to Handle Narcissistic Abuse - Narcissists want power. Learn not to react to abuse, but to be strategic.
What Is Narcissism?
We're all capable of abuse when we're frustrated or hurt. We may be guilty of criticizing, judging, withholding, and controlling, but some abusers, including narcissists, take abuse to a different level. Narcissistic abuse can be physical, mental, emotional, sexual, financial, and/or spiritual. Some types of emotional abuse are not easy to spot, including manipulation. It can include emotional blackmail, using threats, and intimidation to exercise control. Narcissists are masters of verbal abuse and manipulation. They can go so far as to make you doubt your perceptions, called gaslighting.

The Motivation for Narcissistic Abuse -Remember that narcissistic personality disorder (NPD) and abuse exist on a continuum, ranging from silence to violence. Rarely will a narcissist take responsibility for their behavior. Generally, they deny their actions and augment the abuse by blaming the victim. Malignant narcissists in particular aren't bothered by guilt. They can be sadistic and take pleasure in inflicting pain. They can be so competitive and unprincipled that they engage in anti-social behavior. Don't confuse narcissism with anti-social personality disorder.

The objective of narcissistic abuse is power. These abusers act with the intent to diminish or even hurt other people. The most important thing to remember about intentional abuse is that it's designed to dominate you. Abusers' goals are to increase their control and authority while creating doubt, shame, and dependency in their victims. They want to feel superior to avoid hidden feelings of inferiority. Understanding this can empower you. Like all bullies, despite their defenses of rage, arrogance, and self-inflation, they suffer from shame. Appearing weak and humiliated is their biggest fear. Knowing this, it's essential not to take personally the words and actions of an abuser. This enables you to confront narcissistic abuse.

The hardest thing to come to terms with whether you're considering leaving such a relationship or have left one is that you may experience the Stockholm Syndrome. Named after hostages in a bank robbery bonded and supported their captors, this syndrome occurs in abusive and controlling relationships too.

Emotionally bonding with an abuser is a survival strategy. You may find it very difficult to think about leaving your partner and you may go beyond defending them to attacking people who try to extricate you from the situation.

Stockholm Syndrome occurs when a person believes an abuser would carry out threats when the abuser proffers small kindnesses or disclose personal information that instigates hope, when a person is isolated from perspectives other than that of the abuser, and when the victim feels that escape is impossible.

Cognitive dissonance refers to the discomfort we feel when our beliefs and ideas don't seem to be normal or positive in practice or when we find ourselves in positions that contradict our basic beliefs about the world or others. We seek to lessen this difference by changing our ideas when we can't change the situation.

Another reason Stockholm Syndrome occurs is because traumatic events created emotional bonding. This survival strategy may have existed from a time when survival depended upon staying in relationships rather than risking death by starvation or predators.

If you are in a high-conflict relationship we recommend you do a little bit of research into:

1. *PARALLEL PARENTING* -Some believe that parallel parenting avoids conflict altogether. While that is what may eventually occur, that is not the primary goal. The goal of parallel parenting is to avoid conflict in front of the child. - parallel parenting takes everything we have said about being specific in your parenting plan and turns it up a notch, pretty much every minute, every child exchange, etc. needs to be spelled out in the parenting plan and eliminates the need for most other communication. At its most efficient, the child avoids seeing the conflict between the co-parents. At its most idealistic, the co-parents cool down the hostilities and work toward a more normal co-parenting arrangement. Parallel Parenting Plans Reduce conflict between parents by reducing ambiguous language, reduce transitions, reduce the need to communicate, and keep children out of the middle of dysfunctional behaviors of parent(s).

2. *THE GREY ROCK METHOD*, (also look up Yellow Rock Method) the terms narcissist, personality disorder, sociopath, etc. get thrown around a lot in high-conflict co-parenting situations, we suspect that most of the time it's not clinically accurate, but that hardly matters if you are experiencing those types of behaviors from your co-parent. There is a big difference between someone who displays narcissistic tendencies during a divorce and someone who is a true, full-blown narcissist. Either way, you need to have a detailed parenting plan for starters and then you can try going grey rock on them: Keep dialogue to an absolute minimum. First off, NEVER mention you are going grey rock on them, never. If you don't have to talk to them, don't. Stay in the car when you drop your kids off at their house. Sit at the other end of the table for family meals. Avoid

interacting with them as much as possible. But don't make a big thing out of it as this will just give them ammunition. When you do have to talk to them, stick to tedious subjects like the weather. If they ask questions, give short, uninspiring answers that can't possibly lead to further conversation. They ask, "how are you?" and you respond "fine, thanks." They ask, "what did you do at the weekend?" and you respond "I did my laundry and mowed the lawn." If they respond with "you've become boring," just nod and smile in agreement (they don't have to know that you disagree wholeheartedly with that statement). If possible, ALL communication should be in writing, best if it's via a parenting app.

A simple yes and no will suffice where appropriate, but sometimes you won't want to commit to an answer if it means giving an opinion. In these cases, a non-binding "hmm," "maybe," or "we'll see" will do. Never talk about your personal life, even the smallest details. They will hook their claws into any morsel of information you provide and use it to try and further the conversation and extract narcissistic supply from you. They want to know what you value in your life now. They envy what you have (regardless of what it is), and if they can't have it, they will seek to take it from you somehow. Don't give them the chance; remain secretive about your new life without them. Never tell them how well you are doing (as much as it might please you to rub their noses in it). Remember, they are driven by their egos, and any suggestion that you are better off without them or that they are in some way inferior to you will be seen as an affront to their identity. They see themselves as above everyone else in every regard, and if you imply that you are doing better than they are, it will enrage them. Do not ask them questions. Even if it seems like harmless small talk, as soon as you engage with them and ask them about their life, it gives them the green light to reel off a list of their recent accomplishments (whether true or fabricated) to belittle you. Or they might rant about a mutual acquaintance to see if you'll react in any way. Don't give them a platform. Don't pander to their need for attention. Try to stick to facts wherever possible. Parents' evening is at 7 pm on Wednesday. The doctor has given your child antibiotics to take every 8 hours. Statements that the narcissist will struggle to challenge because they are not subject to interpretation. The last thing you want to do is get into a debate with them. Avoid mention of the past at all costs. You don't want to revisit those dark times even if they do. By bringing up your history, you risk the resurfacing of old wounds and arguments. You'll also be faced with the blame game which is never a game you can win.

If this should happen, one tactic which can help to diffuse the situation is to publicly accept responsibility for the problems you faced together (even if you don't accept it on the inside). Any attempt to apportion some of the blame on them will only be met with denial, defensiveness, and attacks on you. The Gray Rock Method is not always easy, but it is often effective. You might want to scream at them at times, but by biting your tongue and not flinching when they try to get a response, you will starve them of the drama they feed off. Rather than go without it (which is simply not an option for them), hopefully, a narcissist will look elsewhere for a new source of supply.

PARENTAL ALIENATION

In some cases, one parent will intentionally (and without justification) manipulate their child to strain their child's relationship with the other parent. In severe cases, this effort is considered parental alienation.

Authors note: "Parental Alienation" means different things depending on which side you are on. It is possible to observe a Family Court case where an expert witness will testify that they are an expert in the science of Parental Alienation and that it is all too real and what has happened in this case and another expert witness will testify that Parental Alienation is "junk science" and does not exist in the real world and certainly not in this case. Be aware, this is not a settled science and we are just reporting about something that you may see and may want to use (on either side) in your case.

"Not only did I spend years trying to defend myself, desperate to show that I was not "alienating" but that his own behaviors were causing my children to reject the relationship with him, I have spent years trying to warn other parents how serious accusations of "alienation" can be in the family court system. I watch when people get so caught up on justice or fairness in the system and as a result, they make mistakes that queue them up for accusations of "alienation." Over the past 10 years, I have watched the lucrative industry of alienation professionals infiltrate an already broken system. I continue to hear stories about this cottage industry of "professionals" who are driven and motivated by self-interest, and parental rights versus a child's right to be heard and safe. As this movement grows, it gets scarier and scarier for protective or preferred parents." Tina Swithin, One Mom's Battle

Distinguishing between parental alienation and estrangement is difficult. Even experienced professionals can have difficulty accurately assessing family dynamics.

Unfortunately, there are situations where a capable, loving parent becomes alienated from their child due to the other parent's efforts to manipulate their child so that the child turns against, or rejects, the "alienated" parent.

Ackerman, M. J., & Ackerman, M. C. (1996). Child custody evaluation practices: A 1996 survey of psychologists. Family Law Quarterly, 30, 565-586. "Research has found that many custody evaluators consider alienation of more significance than domestic violence in making custody recommendations. A survey of 201 psychologists from 39 states who conducted custody evaluations indicated that domestic violence was not considered by most to be a major factor in making custody determinations. Conversely, three-quarters of the custody evaluators recommended denying sole or joint custody to a parent who "alienates the child from the other parent by negatively interpreting the other parent's behavior."

Bemiller, Michelle. (2008). When Battered Mothers Lose Custody: A Qualitative Study of Abuse at Home and in the Courts. Journal of Child Custody, 5(3/4), 228-255. "Abstract: The following study adds to research that examines child custody cases involving a history of interpersonal violence. This study contributes to past research by providing qualitative accounts of women's experiences with intimate partner violence prior to custody loss, institutional abuse at the hands of the family court, and abuse experienced after custody loss. Data come from a convenience sample of 16 noncustodial mothers from northeastern Ohio. Findings support past research, which finds corruption, denial of due process, and gender bias in the family court system. Policy recommendations are made and future research directions suggested."

Actions of the “alienating” (or “aligned”) parent include denigrating or making false accusations about, the alienated parent. Over time, the child’s trust in the alienated parent erodes and they can develop strong negative feelings toward the alienated parent while becoming more strongly aligned with the alienating parent. The process of parental alienation often has negative effects on the child caught in the middle and is considered child abuse by many mental health professionals.

However, many psychologists recommend that despite the harm caused by the alienating parent, the goal should be, where possible, to involve that parent in reunification efforts and eventually co-parenting. The consensus is that having the alienating parent’s support and participation in the reunification process is preferable, and can affect whether it results in a child having a healthy relationship with the alienated parent. Often family therapy will also involve education on co-parenting techniques to foster a better working relationship between parents and prevent issues in the future.

Therapeutic approaches to parental alienation vary, but the consensus and preferred approach is carefully structured and gradual exposure to the alienated parent. The child must feel safe in the process. The therapist will design an intervention and treatment plan based on the particular family to ensure the child feels safe, and can steadily rebuild trust in the alienated parent. Thus, most courts consider sudden custody reversal in favor of the parent who has been alienated to be a dangerous and disfavored approach.

Misuse of Parental Alienation Syndrome -While true parental alienation can be a devastating and painful experience, some abusers will use it to claim they are the true victim. Abusers will use the excuse that the other parent, who is rightfully protecting their child, has poisoned their child against them and fed the child lies. Of course, claims of abuse must be properly investigated and evaluated.

The parent and the child shall have reintegration therapy before the parent exercising any residential time, including supervised visitation and video calls. The parent’s residential time with the child shall begin when the therapist feels it appropriate and according to the therapist's recommendations, including any gradual reintegration. Copies of the recommendations and any progress and completion reports shall be filed with the court and provided to the parties’ counsel (and the Guardian ad Litem, if applicable).

In cases of alienation where all other interventions have failed, and alienating behavior has risen to the point of emotional abuse, sometimes custody reversal will be suggested. Custody reversal involves placing the child with the rejected parent for ninety days with no contact with the favored parent. The favored parent is referred for alienation-oriented treatment during that time. Reunification of the child with the favored parent is monitored and contingent on the favored parent’s progress in treatment. This type of intervention raises a dilemma; it is difficult if not impossible to tell if the child staying in a severely alienating custodial situation is emotionally worse than risking the emotional damage to the child in an artificial change of custody. Custody reversal should never be initiated as a punitive measure or based only on the evidence of a parent engaging in alienation; rather, it should require a risk analysis and must consider the quality of the child’s relationship with the rejected parent regardless of any alienation. In extreme cases of alienation, it also may be useful for the family to attend a multi-family camp or a single-family intensive.

Parental Gatekeeping

For parents who are co-parenting after a divorce, parental gatekeeping can become a very serious problem when trying to co-parent and communicate effectively. Parental gatekeeping is a term used to describe a parent's preferences and attempts to restrict and exclude the other parent from being involved in the child's development. Gatekeeping attitudes and behaviors can range from very positive, which are facilitative, to very negative, which are inhibitory, or to the most extreme known as Parental Alienation.

Negative gatekeeping involves parental anger towards co-parent. One parent often is resentful of their previous experience in the relationship. Sometimes, the motivation to thwart parent/child contact is 'payback' for that parent's previous treatment of them. Most researchers propose that negative gatekeeping is harmful to children and the co-parent

Statistics -Although restrictive gatekeeping usually occurs in divorced families, about 20% of parents in "intact" families are restrictive gatekeepers, 42% of parents showed an intermediate level of gatekeeping, and about 37% were very cooperative and inclusive (Allen & Hawkins, supra n. 12 on page 200). This shows that gatekeeping is much more common than most assume. For this reason, mental health professionals, as well as legal professionals, must be aware of parental gatekeeping and its negative effects on family cohesiveness.

Parental Alienation -Parental gatekeeping can become very extreme which is known as Parental Alienation (PA). Parental Alienation occurs when a parent alienates one or all children from the other parent. The rejected parent naturally reacts very negatively when the child resists spending time or communicating with them. Once the child begins rejecting the alienated parent, conflict ensues which is typically followed by legal action.

The child's view of the other parent can negatively change which will only further conflicts and litigation between co-parents. The treatment for parental alienation involves intense therapy for children to be reintroduced to the adult from which the child was alienated from known as reunification therapy. Once the child has been re-introduced, the parent who was doing the alienating must be treated as well with intense therapy to halt the behaviors as well as attitudes to allow participation from the other parent.

Attitudes versus Behaviors in Restrictive Gatekeeping -It is crucial to have the ability to distinguish between gatekeeping attitudes and behaviors. The theory that many researchers have developed states that a parent's gatekeeping attitudes will lead to what is called "gate closing behaviors" which closes off a parent completely from the child. In the context of divorce and litigating parents, negative attitudes about the co-parent and their parenting skills or knowledge are expected and usual. A common mistake by evaluators is to view a parent as non-supportive, even to a point of alienating the child, when the parent merely holds a critical attitude.

The important issues that avoid parental alienation are if the parent can avoid impeding access to the child, follow the parenting plan, cooperate with changes, and share information.

Common gate closing behaviors can include showing hostility at exchanges, not facilitating phone calls, derogating the other parent in front of the child, and being rigid or inflexible when there is a need to change or reschedule events in the parenting plan or schedule.

Court & Legal Implications of Restrictive Gatekeeping -In court, restrictive gatekeeping can be seen as Parental Alienation which has serious legal ramifications. These destructive behaviors can cause a great deal of damage to the children involved as well as a loss of parental rights. In extreme cases, children can be removed from the restrictive parent's home and moved to the other parent's home or guardian for safety. In extreme cases, a judge may rule that the parent is only allowed to interact with the child through supervised visitation programs. Although these are all extreme cases, the outcome of restrictive gatekeeping shows the negative outcome most, through children and how they begin to view the outside parent. The most important factor that contributes to healthy development in a child being raised in a divorced home, is the support of both parents without constant conflict and litigation.

Restrictive Gatekeeping Behaviors -Limiting communication, despite the court order, between children and parent, Limiting time-sharing with the co-parent, withholding important information regarding the child, interrupting time-sharing with the co-parent, speaking negatively about the co-parent with or in front of a child, making decisions without the co-parent's input, arguing or negative communication in front of the child with the co-parent, refusing to communicate with a co-parent, Being non-flexible for necessary changes in parenting time.

What is parental gatekeeping? We have heard and read different definitions of parental gatekeeping by the psychological community. We are not psychologists.

What is ours? Parental gatekeeping are measures taken by a parent to shield a child from actual, perceived, or manufactured harm. Notice we broke up parental gatekeeping into three categories. They are:

1. Parental gatekeeping due to actual harm: Psychologists sometimes call this "protective" gatekeeping, which is intended to justify the measures a parent takes, often in the face of physical or emotional child abuse or neglect. Protective gatekeepers don't intend to harm the parent-child relationship but share a reality-based concern about the other parent, whether that is due to a history of abuse or neglect or threats of it.

2. Parental gatekeeping due to perceived harm: Perception is the better or greater part of reality in many aspects of life and family law litigation is often not an exception. In family law cases emotions can run hot. The concern during the marriage can turn to fear and loathing during the divorce.

3. Parental gatekeeping due to manufactured harm: False allegations are at the heart of such gatekeeping. Psychologists sometimes refer to this as "restrictive" but some believe that term is insufficient to categorize this condition. Restrictive gatekeeping is more often seen in cases of perceived harm. Parental gatekeeping due to manufactured harm is, at worst, malicious and, at best, reckless, and is not born from a genuine concern for the child but rather hostility and anger toward the co-parent.

This type of gatekeeping can fester into false allegations of abuse, neglect, abduction, and, as a child grows older and becomes more susceptible to influence, parental alienation.

At what age are children most susceptible to parenting gatekeeping? Since gatekeeping is a parent-directed measure, it affects children of all ages. From birth to late teens, mothers and fathers act as gatekeepers, for better or much worse.

Since our focus is parental gatekeeping based on perceived or manufactured harm (restrictive, reckless, or malicious), also known as negative gatekeeping.

The younger the child, the more susceptible a child is to gatekeeping. That is simply because the younger the child, the less likely they will be able to express a contrary statement or be interviewed to flesh out the truth of what occurs.

Young children, unlike the worst gatekeepers, have no desire to lie. Their motivations don't arise from a wish to sever their relationship with either parent. They want to love and be loved.

But a child between 1 to 6 years old rarely has the emotional faculties to express such thoughts clearly if interviewed by a social worker (in or out of the family law process) or judge. In fact, most children can't break through and actually help a case of improper gatekeeping until they get well into their teenage years and, if the gatekeeping has escalated into parental alienation, this breakthrough becomes more challenging. Teens may also have their own agenda and can lie and/or manipulate the situation to their perceived advantageous outcome.

What are the most dangerous types of parental gatekeeping in Family law disputes?

There is a degree of danger to every kind of gatekeeping based on perceived or manufactured harm. As sacred as our children are to us, a child who grows up unreasonably shielded from one parent's positive influence may suffer as they grow older and have their views of the world, relationships, and parenting are molded by the gatekeeper.

Of the different categories, however, the malicious gatekeeper is by far and away the most dangerous. Such gatekeepers, through their conduct, engage in a very real and tangible form of child abuse. There is rarely a reasonable compromise that can be reached with these types of gatekeepers. In short, their goal is rarely a reasonable resolution or anything that requires them to stop the behavior and aid in any reunification of parent and child that needs to take place.

Why do co-parents engage in restrictive gatekeeping?

1. The parental gatekeeper's anger or revenge - This is not the most common reason but it is the most dangerous. The anger can come from many sources, including infidelity, abuse (actual or perceived), or simple marital discord that has grown into hostility. The revenge aspect comes into play when the gatekeeping parent uses that anger to lash out at the co-parent by trying to take or keep the child from them.

2. The gatekeeper's childhood and own parental upbringing -This is usually not the sole reason but can be a contributing cause. Often, parents who are restrictive, reckless, or malicious gatekeepers sometimes grew up in similar households. They can come from either bitterly divorced parents or parents where one parent (typically the mother) was the sole (or close to the sole) caretaker and that is what they have known. Then, when their marriage breaks down, they revert to what they were used to growing up. This condition coupled with anger takes time to penetrate because the gatekeeping parent's psychology needs to change or custody needs to be taken away from the gatekeeper.

3. Leverage on non-custody-related issues - Children are used as leverage in child custody cases every day in family court. Parental gatekeepers and unfortunately unscrupulous lawyers (some of whom think their role is that of a puppet who should do their client's bidding so long as they are paid, without regard to the damage caused to the family) will use children as leverage on support issues and sometimes even property ones.

Remember that Oregon laws place great emphasis on parenting time when determining child support. That all but gives malicious parents a green light to use parenting time as leverage.

4. Complete lack of respect for the other parent's role in the child's life -Arrogance, narcissism, whatever the reason, some parents simply do not respect the co- parent's role in the child's life and don't believe they should be actively involved.

We have seen such parents first hand, they often come across as self-righteous, with inflated egos who question how their judgment can be questioned on how to best raise a child. Such parents, in our experience, also harbor some degree of anger or resentment that fuels their lack of respect and blinds them to the importance of the co-parent in a child's life. Such gatekeeping parents often attempt to replace the co-parent by bringing in another parental figure into the child's life - don't assume that is always a new romantic interest. We have also seen grandparents used for this purpose as a parental figure. The problem is that it can be nearly impossible to tell of these “replacements” are benign or not.

How do gatekeeper parents use parental gatekeeping in Family law cases?

The following are the most common tactics used by gatekeepers. This list assumes the parental gatekeeper is not being reasonably protective due to the other parent's abuse or neglect (of the child). We are addressing ill-motivated gatekeepers:

1. Restricting parenting time before the court filing and process begins: They place themselves in the role of the gatekeeper by requiring their permission for the co-parent to take the child and they use numerous excuses to limit that time - "my son is not used to you yet," "my daughter will be traumatized if she spends an overnight with you," "you don't know how to take care of him," "that is too long, it will interfere with [insert activity here]" and you name it.

2. False allegations during the court process: Bad news is this - when those who intend to engage in parental gatekeeping realize that Family court and Oregon law favor frequent and regular contact with each parent (absent certain exceptions) the gatekeeper looks for a Plan B to keep the child from the co-parent. Typically, this leads to false allegations of child abuse in the divorce, false allegations of neglect, abduction or false allegations of domestic violence, drugs, alcohol abuse and so forth.

3. Violation of Court orders: Don't assume a restrictive, reckless, or malicious gatekeeper respects Court orders and follows them. Some will flat-out violate them with the thought that the co-parent will not enforce it. Others make things as difficult as possible for the co-parent through gamesmanship and even covert alienation of the child.

We have sometimes seen parental gatekeepers who lose in Court then step up alienation efforts to use the "but the child doesn't want to see you" reasoning to either get back into Court or delay the process of reunification if the parent who was kept away from their child is now able, through court intervention, to get back into the child's life.

How do you combat parental gatekeeping in your child custody case?

There is no secret recipe to this. Every case and situation is dependent on its own facts. If you are reading this and you are dealing with a co-parent who is engaging in gatekeeping, you may think you are up against one of the worst. We doubt that. You would be surprised by what goes on. Here are some things to keep in mind when battling the gatekeeper:

1. Hire an experienced and knowledgeable family law attorney: It's not a cliché. The right lawyer can make a difference. While lawyers don't make facts and certainly cannot make you a better parent, properly advocating facts and knowing the law will help. Within your means, get the best damn attorney you can, ask about their experience with parental alienation cases.

2. Become and remain child-centered: Whoever tells you to fight fire with fire in a family law case is a fool or trying to sell you something. Great family law attorneys will tell you that you must always maintain honesty, integrity, and credibility. If you start engaging in your own misconduct to offset or battle the other parent's, you dilute the other's misconduct and put yourself at that same level - that means the family law judge will no longer be looking at one parent who is child-centered, reasonable and honest but two parents who are equally at fault. Think that increases your chance of winning? Think again.

3. Be ready for Court: Your case may not settle. This isn't a poker game where you can bluff. You have to be prepared to take your case to a hearing or trial against the parental gatekeeper. Many gatekeepers learn the lesson that their misconduct will have adverse consequences when a Judge explains it to them.

Again, we have seen this first hand, although this isn't so much about "winning" as it is about fleshing out the facts and exposing the restrictive, reckless, or malicious parental gatekeeper for what they have done. The goal is the Court will make proper orders to put a stop to it and perhaps even make appropriate attorney fees and sanctions orders against the gatekeeping parent.

4. Be vigilant about violations of Court orders: The court's order didn't teach the gatekeeper the lesson? Following this guide will help you document these violations and, when the timing is right and makes sense, seek enforcement.

Often, documenting it will cause the parental gatekeeper to get their act together, for fear of the consequences that will come if they don't - contempt of court in family cases can eventually carry jail time. If they don't learn the lesson, then be prepared to file a contempt action or seek a modification of custody or parenting time, if needed.

Abuse or Domestic Violence by Proxy: It's hard for someone with damaged self-worth to forgo the investments they've made in a relationship. So much emotion has gone into the ordeal, and children or financial ties can also cloud one's judgment. Some people fear losing social status.

Why Terrorist Tactics Employed by Batterers Are Not Parental Alienation

As more and more abused parents lose custody to batterers in family courts, they are wrongly embracing the very ideas that enabled their abusers to gain custody in the first place. False accusations of "parental alienation" are often used by batterers to gain custody and to defend against accusations of abuse.

Some unfortunate parent's after years of enduring domestic violence have lost custody to the batterers who abused them. In these cases, batterers have made good on their threat to attack their ex-partner in the place they are the most vulnerable—by taking the child away. After separation, these batterers continue to wage their campaign of manipulation and abuse by attempting to convince involved children that their co-parents never loved them. Looking for a way to describe their batterers' behavior, some parents have called what their batterer is doing "parental alienation syndrome."

In reality, what these people are describing from their ex-partners is better-termed Abuse or Domestic Violence by Proxy, a term first used by Alina Patterson, author of Health and Healing. DV by Proxy refers to a pattern of behavior where a parent with a history of using domestic violence or intimidation, uses a child as a substitute when they no longer have access to the Co-parent. Calling this behavior "parental alienation" is not strong enough to convey the criminal pattern of terroristic behaviors employed by batterers.

When the victim leaves, batterers often recognize that the most expedient way to continue to hurt his co-parent is to assert his legal rights to control her access to their child. By gaining control of the child, an abusive parent now has a powerful tool that allows them to continue to stalk, harass and batter a co-parent even when they have no direct access. Moreover, by emotionally torturing the child and severing the bond between the child and their parent, they can hurt their intended victim -- the co-parent -- in a way they cannot resist.

DV by Proxy includes tactics such as threats of harm to children if they display a positive bond to the co-parent, destroying favored possessions given by the co-parent, and emotional torture (for example, telling the child the co-parent hates them, wanted an abortion, and is not coming to get them because they are unloved).

DV by Proxy may also include coaching the child to make false allegations regarding their parent's behavior and harming or punishing the child for not complying. DV by Proxy perpetrators may also create fraudulent documents to defraud the court to prevent the co-parent from gaining custody. Whether or not the child is biologically related to them is irrelevant to perpetrators of DV by Proxy. The perpetrator's main motivation is to hurt his ex; whether or not his child is harmed in the process is irrelevant to him.

This is very different from "parental alienation syndrome" as described by the late Richard A. Gardner. Dr. Gardner described PAS as an internal process by which a child aligns themselves with a preferred parent to protect themselves from the divorce conflict. "PAS" is conceptualized as a psychological process of identification with a parent who, according to the theory, encourages this identification at the expense of the other parent.

PAS-inducing parents, according to Gardner, are often unconscious of what they are doing to encourage the identification. In contrast, perpetrators of DV by Proxy are very conscious of what they are doing. Controlling, coercive, illegal acts often done by abusive and controlling people, usually, men, are not subtle and do not encourage an identification with a parent. Criminal, fraudulent, coercive acts are visible and obvious. These behaviors encourage compliance by threats and fear. Behaviors involved in DV by Proxy are deliberate and often illegal. These behaviors include battery, destruction of property, locking children in rooms to prevent them from calling the co-parent, falsifying documents, along with other similar overt behaviors.

The most dangerous aspect of Gardner's PAS theory is that that the alienating parent's behavior is theorized to be so subtle as to be unobservable. In other words, the behaviors that are supposed to cause alienation are assumed to be happening without any proof that they have occurred. As many women have discovered this makes a charge of "alienation" almost impossible to defend against.

While Gardner's theories regarding PAS are overly general and have not been supported by careful research, behaviors seen in DV by Proxy can be readily observed. Behaviors involved in DV by Proxy are deliberate and planned; many are illegal, and if the child is given the freedom to talk, will be described in great detail by the child.

If the child's formerly favorable view of the victimized parent changes when exposed to tactics like this over time then it is more likely a form of "Stockholm Syndrome" or traumatic attachment to the abuser, rather than the alignment with one parent and negative reaction to the other that Gardner described as "alienation".

TERMINATION OF PARENTAL RIGHTS-

Termination of parental rights is a permanent non-revocable decision.

There are two pathways for termination of parental rights –

1. The parent requests that rights be terminated – usually as a way to eliminate child support. it is possible to willingly sign away parental rights. If you and your co-parent divorce or separate, and they marry someone else, the new spouse can legally adopt your child. In Oregon, this is the only circumstance where a parent can sign away parental rights voluntarily. Once such adoption is finalized, all rights and obligations are ceded to the new parent. The birth parent is no longer on the hook for child support, child custody, parenting time, or any other commitments or requirements. They also give up any legal right to be involved in the child's life at any point in the future. If there are preexisting responsibilities, like unpaid child support, those remain the responsibility of the birth parent. Such debts are enforceable and collectible and are not conveyed to the adoptive parent. Adoption is the only way for a parent to voluntarily sign away parental rights and obligations. As family courts generally place the well-being of any minor child above other concerns, any decisions will be based on what is best for the child in question even if both birth parents are in favor of the termination If a child could potentially lose financial support, the birth parent most likely won't be able to legally sever their connection, even in the case of adoption.

2. The State can determine that it is in the best interest of the child to terminate the parental rights of one or both parents – this is a complicated legal process and is not undertaken lightly. An Oregon court will not terminate a parent's parental rights unless there is clear evidence showing that any relationship with the abusive parent would not be in the child's best interests. Some situations that could result in a termination of parental rights include rape or sexual abuse of any child; abuse or neglect resulting in serious physical injury or death of any child; murder or attempted murder of any child; loss of parental rights to another child; criminal conduct that impairs the parent's ability to adequately care for the child. No amount of good behavior can undo a termination of parental rights. Once a court orders termination, the parent's legal relationship with the children is severed. Thankfully, this is extremely rare.

People often bring up "Child Abandonment" and say that if a parent is absent from a child's life for some period of time (often months or years) then Parental Rights are automatically terminated. This is not true, in order for Parental Rights to be terminated a motion must be filed with the court (usually by the Co-parent or the state) most courts will be reluctant to terminate a biological parent's rights entirely, even if they are largely absent from a child's life. A judge may consider such a request, but will most likely only grant the petition when there are dire circumstances.

WHAT IS ABUSE?

What is domestic abuse?
Domestic abuse is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over the other partner. It may or may not be illegal behavior. Domestic abuse can be physical, sexual, emotional, economic, stalking, or psychological actions or threats of actions that influence another person or are used to gain/maintain power and control. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Below are some examples, these are used in the service of power and control.

Physical Abuse: Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are types of physical abuse. This type of abuse also includes denying a partner medical care (chronic issues, injuries from abuse, reproductive care, hormones, or surgery for a transgender partner), or forcing alcohol and/or drug use upon them.

Sexual Abuse: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating someone in a sexually demeaning manner. Sexual abuse can also include consequences for not having sexual contact, such as not allowing a partner to sleep or not allowing access to family money for food and hygiene items. There may be times victims/survivors say “yes” but only because they did not feel as if they could say “no” without consequence.

Emotional Abuse: Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing the other person's abilities, name-calling, or damaging the other parent's relationship with their children.

Economic Abuse: Preventing an individual from acquiring, using, or maintaining financial resources by maintaining total control over financial resources, withholding someone's access to money, forbidding one's attendance at school or employment, ruining the family’s credit/rental history, or not spending family money responsibly.

Psychological Abuse: Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; causing the individual to feel “crazy” and confused, and forcing isolation from family, friends, school, or work.

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

MUNCHAUSEN SYNDROME BY PROXY (MSBP)

MSBP is a mental health problem in which a caregiver makes up or causes an illness or injury in a person under his or her care, such as a child, an elderly adult, or a person who has a disability. Because vulnerable people are the victims, MSBP is a form of child abuse or elder abuse.
Note: Since most cases of MSBP are between a caregiver (usually a mother) and a child, the rest of this topic will describe that relationship. But it is important to remember that MSBP can involve any vulnerable person who has a caregiver.
The caregiver with MSBP may:

Lie about the child's symptoms.
Change test results to make a child appear to be ill.
Physically harm the child to produce symptoms.
Victims are most often small children. They may get painful medical tests they don't need. They may even become seriously ill or injured or may die because of the actions of the caregiver.

Children who are victims of MSBP can have lifelong physical and emotional problems and may have Munchausen syndrome as adults. This is a disorder in which a person causes or falsely reports their symptoms.

What causes Munchausen syndrome by proxy?
Doctors aren't sure what causes it, but it may be linked to problems during the abuser's childhood. Abusers often feel like their life is out of control. They often have poor self-esteem and can't deal with stress or anxiety.

The attention that caregivers get from having a sick child may encourage their behavior. Caregivers may get attention not only from doctors and nurses but also from others in their community. For example, neighbors may try to help the family in many ways—such as by doing chores, bringing meals, or giving money.

How does someone with Munchausen syndrome by proxy act?
A person with MSBP often:

Has medical skills or experience.
Seems devoted to their child.
Looks for sympathy and attention.
Tries too hard to become close and friendly with medical staff.
Needs to feel powerful and in control.
Does not see his or her behavior as harmful.
What are the clues that a person may have Munchausen syndrome by proxy?
Checking a child's medical records for past tests, treatments, and hospital stays may help a doctor or nurse find out if a health problem is real.

Doctors or nurses may suspect a problem when:

A child has a repeated or unusual illness, and no reason can be found.
The child doesn't get better, even with treatments that should help. Symptoms only occur when the caregiver is with or has recently been with the child. But symptoms get better or go away when the caregiver is not there or is being closely watched.
The other parent (usually the father) is not involved in the child's treatment, even though the child's condition may be serious.
A caregiver suddenly changes doctors and lies about prior testing and treatment.
Normal test results don't reassure the caregiver. And he or she may be strangely calm or happy when the child's condition is getting worse.

The caregiver is seen (or videotaped or recorded) harming the child or causing symptoms.
Another child in the family has had unexplained illness or death.
How is it treated?
Child protective services, law enforcement, and doctors are all involved in the treatment of Munchausen syndrome by proxy. Caregivers who have this condition need long-term counseling. They may resist treatment or deny that there is a problem. Medicines are used only when the caregiver has another health problem, such as anxiety disorder, along with MSBP.

Even after treatment, caregivers may repeat their behavior. So doctors, counselors, and family members need to closely watch how the caregiver interacts with his or her children.

For victims, the first step is to protect the child by moving him or her into safe custody. Then a doctor will monitor the child for symptoms. Most of the time, the child's symptoms stop after the child is away from the caregiver. Some children need counseling or other help.
In the context of litigation where a child is involved, one parent will seek to establish themselves as the only hope for the child to receive “necessary” care. Often, the child suffers greatly as the parent goes to great lengths to ensure the child is symptomatic of the desired illness. Care must be exercised in confronting suspected cases of Munchausen by Proxy Syndrome as, often, when the parent is accused of this behavior they will attempt to increase the child’s symptoms to “prove” the presence of the illness.

What should you do if you think someone has Munchausen syndrome by proxy?
MSBP is child abuse. If you suspect that a child is a victim, don't confront the suspected caregiver. It might make the problem worse. Instead, think about these options:

Keep a journal of the child's symptoms and other related events.
Talk with your doctor about your concerns.
Report your concerns to Child Protective Services. You can make a report without using your name (anonymous).

CHILD PROTECTIVE SERVICES/ DEPARTMENT OF HUMAN SERVICES

Child Protective Services (CPS) workers, many of whom are employees (some are contractors) of the Oregon Department of Human Services (DHS), are responsible for responding to reports of suspected child abuse and neglect, including reports from children. Sometimes these cases originate with information from a neighbor, teacher, friend, family member, or a party in a high-conflict divorce. Mandated reporters — medical providers, teachers, and many other professionals who are required by law to report, in good faith, suspected child abuse, and neglect — are generally well-intentioned and hardworking. However, sometimes they look for the worst in people. Sometimes they make hasty decisions, drawing important conclusions about children, parents, and guardians without having all the facts. CPS workers can be aggressive and pushy. They are not law enforcement and they cannot enter your home without your permission, although they rarely do, they can show up with a law enforcement officer and a search warrant, in which case you may need to let them enter. Your heart may race when you hear the letters "DHS." DHS employees may frighten you by threatening to take your children from you; they may intimidate you. The fear may cause you to feel pressure to talk to these workers when it is not in your best interest or your child's best interest. If CPS or DHS personnel have contacted you about a child abuse matter, you may need to talk to a lawyer right away. You should also contact your Co-parent and might want to have a clause in your parenting plan requiring it if either of you is ever contacted by DHS. Do not claim that your co-parent is abusing the child unless you have evidence (legal evidence that can be used in court, see appendix G) of actual wrongdoing. it a violation — punishable by a $720 maximum fine to knowingly make false allegations of child abuse to police or the Department of Human Services. The state must prove that the false report intends to influence child custody, visitation, or child support.

The CPS Process – First, someone must make a report, this can come from a mandatory reporter (a long list that includes law enforcement, medical professionals, and education professionals including daycare workers), or a member of the public, yes, you as a co-parent can report, abuse, including allegations against your co-parent, but you better have evidence (legal evidence that can be used in court, see appendix G).

CPS Responds to Child Abuse Reports - CPS responds to child abuse reports. CPS-trained caseworkers across the state listen to reports of abuse, assess the situations, and prepare safety plans to assist children and families. CPS staff work closely with law enforcement agencies and other members of multidisciplinary teams in each county to assess child abuse reports.

CPS and law enforcement agencies have a shared legal responsibility for taking child abuse reports and responding to them. The Oregon Child Abuse reporting Law, ORS 419B.005 to 419B.05D, was enacted in 1971 and has been updated several times. The law was designed to provide early identification and protection of children who have been abused. CPS or law enforcement intervenes when a caregiver abuses or neglects a child. When assessing abuse allegations, DHS and law enforcement always consider that an accident or illness may have caused a child's injury.

Screening -For each call CPS receives, the process begins with screening. Information is the foundation of CPS assessment.

Every report is handled by a CPS-trained worker who will make an initial determination of whether a report meets the guidelines that require DHS to conduct an assessment of the family.

Reports fall into one of four categories:

Information only
Referral to other services
Not a situation that is child abuse or neglect
Possible child abuse or neglect
Those reports that are possible abuse are further analyzed to determine whether an immediate response is needed.

Assessment- In many cases after the screening, a worker with CPS training will conduct a CPS assessment. The worker will talk to the child, the child's caregivers, which may include family members, and others involved with the child such as teachers or medical professionals.

After an assessment is completed, the information is reviewed to determine whether abuse occurred and whether the child is safe.

If a child has been abused or neglected, CPS and law enforcement staff decide, with family help if possible, whether the child can be safely left at home. DHS and law enforcement have the authority to remove a child from the home if they are in immediate danger of abuse. A court order also can authorize DHS or law enforcement to place a child in protective custody. Less than 10 percent of total child abuse reports result in a child being removed from the home and placed in relative or substitute care.

A process for determining the safety of the child takes into account the type of abuse, age of the child, family history, protective capacity of the family, and the potential for re-abuse.

Safety plans - When a child's safety can be assured, the child should stay at home with his family. For the child to remain in the home, the abusing caregiver may be asked to move out or the family may be provided with intensive family counseling and other safety services.

When child safety cannot be assured in the home, an out-of-home safety plan is developed. When this is necessary, DHS will first consider whether a relative can provide safety.

When a child is placed in substitute care, the case is reviewed by the juvenile court within 24 judicial hours. Then the court decides, based on the child's safety, whether the child should be returned home or remain in custody.

A caseworker will discuss concerns and potential solutions with the family and work with them to develop a safety plan. The plan builds on the family's strengths to meet a child's need for safety and attachment. This may be done in a family meeting.

Prosecution - DHS does not prosecute abusive parents. Only a district attorney can prosecute a crime. District attorneys receive reports of possible criminal behavior from law enforcement officers.

How do I request my records from Child Welfare? contact the Department of Human Services Public Records Unit at https://www.oregon.gov/DHS/Pages/RecordRequests.aspx

Request for Child Welfare to respond - I need a welfare check on my child who is with the other parent. How do I get or request a welfare check? To request a law enforcement welfare check, please call your local non-emergency line. If you suspect your child is being abused, call the Oregon Child Abuse Hotline to make a report.

My child isn't going to school on the other parent's time. I need Child Welfare to enforce the child going to school. How do I do this?

Child Welfare does not intervene in education attendance unless there is a safety concern. It may be helpful to talk with your child's school administrator about the challenges. They may help you to determine if a referral for truancy is appropriate or necessary.

If You Think Someone Is Being Hurt Or Is In Danger, Call 911 Immediately.

Report child abuse to the Oregon child abuse hotline by calling 1-855-503-safe (7233). the Oregon child abuse hotline receives calls 24 hours a day, 7 days a week, 365 days a year. This toll-free number allows you to report abuse of any child or adult to the Oregon Department of human services. You can also report child abuse by calling a local police department, county sheriff, county juvenile department, or Oregon state police.

ATTORNEY FOR MINOR CHILDREN/GUARDIAN AD LITEM

In family law cases in Oregon, a child's attorney is required to be appointed if the child makes a written request to the judge. Attorneys for a child may also be appointed at the request of a party or simply because the judge thinks it's a good idea. As minors, children cannot make legal decisions themselves. During the case, the children's attorney makes decisions for the children, may testify on behalf of the children, and may ask questions of you, your Co-parent, and the witnesses, in and outside of the courtroom. The terms attorney for minor children and guardian ad litem (GAL) can be used more or less interchangeably, GAL is more common for younger children and they are slightly different styles of representation. Attorneys for children approach that representation in different ways, depending on the type of case and the child-client's ability to communicate their goals and objectives. How the attorney represents the child can also vary depending on the child's age and mental development and the way the individual judge in the case interprets the attorney's role. Regardless, an attorney for the child must still adhere to the rules that all attorneys are required to follow.

Any attorney appointed to represent a child in a family law case needs to determine what kind of representation is appropriate for their child-client. There are at least two types of advocacy in representing child clients, often described as "best interest representation" and "express wishes representation". In "best interest representation" the child's attorney will present to the court what the attorney thinks is in the child's best interest. This type of representation is often provided when the child is too young to understand what their options are or to communicate their preferences in a meaningful way to their attorney. In "express wishes representation," the attorney will discuss the options with their client in language appropriate for the client's development and maturity, and advocate for what the client wants, whether or not the attorney believes it is in the client's best interest. Express wishes representation is closer to what an attorney does in representing adult clients; the attorney will discuss options and try to guide the client, but in the end will advocate for what the client tells the attorney he wants.

Asking For Legal Representation For Your Child -Legally, parents have the right to ask the court to appoint a lawyer to their child to fight for their best interest. This is especially important in cases where parents are unable to agree, and one or both parents are concerned about the well-being of the child.

When the Court Appoints A Lawyer For A Child -In some situations, the court may decide to appoint a child a lawyer or a guardian ad litem without the parents' request, or even against the wishes of the parents, if the judge thinks the child needs representation. If there is any chance of domestic or sexual abuse, the court will likely appoint legal representation for the child. Also, the court may assign an attorney if there is a question of the child's paternity.

Guardian Ad Litem -There are two different types of legal representation a child may have in court, either a child's attorney or a guardian ad litem. For younger children, a guardian ad litem is more common because they will determine the best interests of the child and report them to the court. In some situations, the opinions of the guardian ad litem may differ from the child's because the guardian will exercise independent judgment. A child's attorney, on the other hand, will listen more closely to what the child wants, advocating for their desires and needs, while still acting for their benefit. Sometimes the Co-parents have input into what sort of representation should occur and in other circumstances they do not.

How Does Legal Representation Of A Child Work?

To establish the best interest of the child, the guardian ad litem or child's lawyer will likely do the following:

Meet with the Child: The lawyer will want to discuss the details of the situation with the child, especially concerning their feelings and wishes. These meetings will take place in the home of the child, or both homes if the child moves between the homes of each parent.

Meet with the Child's Parents: To understand the wishes of each parent, and to see the situation as each of them understands it, meeting with the parents is vital.

Meet with Other Important Adults in the Child's Life: The lawyer may speak with other adults the child sees regularly, like teachers, daycare providers, sports coaches, counselors, etc.

Review Medical Records: If the medical records pertain to the case in any way, the child's lawyer will review them to gain a better understanding of the situation.

Participate in Any Hearings Related to the Child: The attorney will always be there to represent the best interest of the child in any legal aspect.

Who Pays For A Child's Legal Representation? -The financial responsibility for the legal help your child receives, whether as a guardian ad litem or child's attorney, lies with the parents. Typically, the fees will be split between the parents, depending on the ability to pay. In some (rare) situations, the State will pay the legal fees.

Working With Your Child's Legal Representation -By law, the parents must both help their child's lawyer to the best of their ability. The child must be available for meetings with their attorney, and the parents are legally obligated to permit the lawyer to see the child's health records, school records, or other necessary and helpful information.

One of the most important things to remember about a child's lawyer or guardian ad litem is that they are not the parents' lawyer. Lawyers who represent children work solely for the best interest of the child, and will not do what either parent asks. Instead, they will use all gathered information to make all necessary judgments about the best options for the child.

The children's attorney may also make recommendations on issues such as custody, parenting time, and child support. Someone has to pay for this and it is fairly rare due to the cost. Asking the court to appoint an attorney for your child can be an expensive move that can backfire on you, be very careful with this one!

Oregon lawyers volunteer as Problem Solvers to offer free legal information and advice to children. Any young person between the ages of 13 and 17 can call to request a referral to this program. Referrals include a thirty-minute office visit with a volunteer lawyer. This service is not available in all areas.
Portland: (503) 684-3763
Elsewhere in Oregon: (800) 452-7636

WHO WRITES THE PARENTING PLAN?

Depending on your situation the person writing the parenting plan may be you, one of the attorneys, the mediator, or some combination. The professionals involved may well try to save you money (they charge by the 1/10 of an hour) by using language that is already written (which we call boilerplate) this language is fine for the 95%+ who don't have any disputes that get to a judge and never go back to court. But if you are in a high-conflict co-parenting relationship you need more detail, and then you need even more detail – and you are going to have to insist upon it. Within the outlines of the law and any ruling from the judge, YOU are 100% responsible for what is in your parenting plan. You need to be your advocate for the best possible parenting plan! This guide is here to help you.

Section 3 –The Family Court Process Explained

A Step-by-Step Summary of the Family Law Process

First, some FAQ REGARDING DIVORCE IN OREGON

Do I need a legal reason to get a divorce?

No, Oregon has "no-fault" divorce. The only reason you need is that you and your Co-parent cannot get along and you see no way of settling your problems. The law calls this "irreconcilable differences." This is the only reason for a divorce in Oregon.

What if I just moved to Oregon?

In almost all cases, either you or your Co-parent must have lived in Oregon for six months before filing for divorce. Also, the divorce must be filed in a county in which one of you lives. You can obtain a legal separation in Oregon before obtaining six months of residency and then convert that to a divorce once you have lived in Oregon for at least six months.

Will I need a lawyer to get a divorce?

If the divorce is uncontested — that is, if you and your Co-parent agree about all the terms of the divorce — you may be able to complete much of the divorce paperwork yourself, but you may still want advice from a lawyer or at a minimum a trusted advisor to review the parenting plan for loopholes. If the divorce is contested, you will almost certainly want a lawyer. Oregon law creates a "short form" summary dissolution proceeding for people with very simple divorce cases. If you meet all the requirements for a summary dissolution, you can get the forms at the county courthouse or the court's website. You can probably do this type of divorce paperwork yourself, but you may want to have a lawyer look it over.

Self-help forms for more complicated divorces may also be available. Many Oregon counties now have family court facilitators available at the courthouse to assist you in completing and filing self-help divorce forms (but not give legal advice). Call your local court to see if that service is available.

What do I need to do to start a divorce?

If you or your Co-parent have lived in Oregon for six months or longer, you need to do three things to start your divorce: You must file several documents, including a petition for dissolution of marriage, with the circuit court clerk's office at the local county courthouse. The petition tells the court and your Co-parent what you are asking for in the divorce. You must have the petition and any other required documents officially delivered to ("served on") your Co-parent. This lets your Co-parent know that a divorce action has been started and what you are asking for. You must pay or be excused from paying the fees that are charged for filing a divorce petition. There might also be costs for having your Co-parent served. Forms https://www.courts.oregon.gov/forms/Documents/Dissolution%20Petitioners%20with%20Children%20(Packet).pdf

How do I serve the divorce papers?

If a lawyer is handling your divorce, they will have the divorce papers served on your Co-parent. If you are using "do-it-yourself" forms, the instructions will tell you what you need to do. Your Co-parent can agree to sign papers that say they have been served. Otherwise, your Co-parent must be served by either the sheriff, process server, or another adult (not you or your children).

If you receive certain public assistance benefits, or if child support has already been set, the Oregon Department of Justice Division of Child Support (DCS) may have to be served with the divorce petition. If you do not have a lawyer, or if the divorce forms you are using do not have instructions about this, you can call DCS at 800-850-0228 to find out how to serve them with the papers.

What if I am served with divorce papers?

If you agree with all the terms of the divorce as listed in the petition, you do not need to respond. If you want to challenge any of the terms listed in the petition, you must file a written answer —called a "response" — with the court within 30 days after you were handed the papers (DO NOT MISS ANY DEADLINE IN YOUR CASE!). Contact a lawyer, your local legal services office, or the courthouse (if your county has a facilitator program) to learn about what you can do. There is a court fee to file a response in a divorce case unless you qualify for a fee waiver or deferral. If you are proceeding without an attorney you should carefully read and follow directions on how to respond to each set of papers when you are served.

How much does a divorce cost?

The filing fee for each party in a divorce is $287, as of September 2019. The cost to serve your Co-parent usually starts at $25 for the sheriff to do it and increases depending on the company you use and how difficult it is for them to find your Co-parent. There may be other filing fees depending on your specific circumstances. If you cannot afford to pay the costs and fees, you can ask the judge to waive the fees or defer them to a later date. You will need to fill out court papers that show your income is low, and possibly that your expenses are more than your income. If you hire a lawyer, you will need more money. The more complex the divorce is, the more it will cost. The more issues you and your Co-parent disagree about, the more work your lawyer will have and the more expenses you will have. Ask your lawyer to explain fee and billing procedures at your first conference. Be sure you know what the lawyer's charges include and that you get this information in writing. Sometimes a lawyer will agree to represent you on a payment plan or other arrangement, especially if you own a house that has some equity in it.

If your Co-parent's income is much higher than yours, the judge may order your Co-parent to pay some or all of your legal fees. If your income would allow you to make monthly payments to a lawyer, you can call the Oregon State Bar Lawyer Referral Service for help finding a lawyer who offers payment plans. The number to call is (503) 684-3763 from the Portland area, or (800) 452-7636 from elsewhere in Oregon. An online referral request form is also available at www.osbar.org/public. Also, if your income is moderate to low you may qualify for the Modest Means Program, where you would be referred to an attorney who has agreed to charge $60, $80, or $100 per hour, depending on your income.

How long does it take to get a divorce?

The length of time it will take you to get a divorce depends mostly on the complexity of your case. If you are filing for temporary orders, such as custody and child support, or if you and your Co-parent dispute the issues in the divorce, you may need to have court hearings. Court timelines can affect how long it takes to get the final divorce judgment and many courts require divorce cases to be resolved within one year of filing the petition. 9 -24 months is probably the best rule of thumb estimate.

Can I take back my former name?

Yes. The judge must give you back a former name if you ask for it in a divorce. It is much more difficult to change the names of children. A wife's former name may be returned to her at any time either during or after the divorce without any court action simply put your request through to the judge who is handling the divorce proceedings. Usually the restoration of the maiden name or to a former married name. A husband cannot force a wife to stop using "his" last name.

What is mediation?

Mediation is one or more private counseling sessions in which a trained person tries to help you and your Co-parent reach an agreement. Most, but not all, counties offer this as a free service through the courts. The judge will probably order both of you to go to mediation in an attempt to agree on divorce issues such as child custody, and parenting time. Some counties allow you to mediate support and property division as well. If this process is not appropriate for you because of safety or other concerns, you may ask that the requirement be waived. All mediation proceedings are private and confidential. Neither party is required to agree to any solutions proposed by the mediator. If you can reach an agreement on some or all of the issues, a written summary of that agreement is usually sent to the lawyers by the mediator. If you and your Co-parent cannot agree and one of you will challenge the divorce issues in court, a judge will have to decide the issues. Temporary orders may be issued concerning custody, support, parenting time, and costs before your divorce trial. A custody decision may be made before a decision on any other issue.

What is a legal separation?

A legal separation is a court order that states who gets custody of the children, who pays support for the children, whether spousal support is ordered, and who gets what property. You might want a legal separation if your religious beliefs prohibit divorce or if you and your Co-parent have not lived in Oregon long enough to file for divorce. A legal separation is fairly rare in Oregon and costs about the same as a divorce. Filing for legal separation does not prevent a divorce from being filed.

The main difference between a legal separation and a divorce is that you are still married after a legal separation. Therefore, you may still have the right to inherit property from your Co-parent if you are legally separated, unless the separation judgment says otherwise. If you are divorced, you lose that right.

Should I stay in or leave the family home?

There is no generally applicable answer to this question. The correct decision is dependent upon your specific circumstances. Several strategic considerations should be a part of making such a move if you think a trial is likely. The departing spouse takes a real chance that reentry will not be possible. Also, moving away from the family home and the children may influence a judge as they make their custody decision. Do not leave the family residence without a known and agreed-upon parenting schedule (ideally in writing and signed by both spouses). Do not make an emotional decision and leave the family residence abruptly, leaving custody of the child in the hands of the other parent for an extended period. Also, see "Is the Court Biased For/Against a Gender?"

What About My Social Media?

Do - Follow the legal advice of your lawyer. Change your social media passwords and limit public access. Delete any posts or images that might affect your case. Inform friends and family of your intent to divorce and ask them not to post about you, your spouse, or child. Remove your ex and their friends from your social media pages. Consider deactivating your social media accounts. Do not post pictures of your child before you and your ex agree on the approach (language in your parenting plan). Try to maintain a civil relationship with your spouse during this time.

Don't - post pictures of yourself partying, drinking, or using drugs. Speak about your ex negatively or engage in conversations regarding them online (social media is subject to discovery!) Try to contact your ex or give information to people who could be possible informants. Boast about significant changes to your job or living situation. Trust privacy settings alone to hide your online activity and delete harmful information. Rule out creating new social media accounts and email addresses. Let your friends tag you in photos that can harm your reputation. Do not post anything which you would not want to show up in evidence in court.

These simple steps can make a substantial difference in the direction of your case. With some common sense, you can make the process easier and decrease the likelihood of an adverse outcome in your case.

How is Property Divided?

Oregon is an "equitable" property division state. Equitable does not mean an equal division; rather, it means a fair division in terms of value. As a broad concept, Oregon law treats a marriage as a partnership, and all income earned and property acquired during the marriage is marital and should be fairly divided. Marital property is subject to division between the Co-parents regardless of which person holds the title. Debts, as well as assets, will be considered. There is no fixed way to determine how either you or the court should divide your property. Factors that the court considers include the nature and extent of the property, the duration of the marriage, and the economic circumstances of each Co-parent. In some cases, gross misconduct by a co-parent (such as supporting a mistress) can be considered. The court will approve your division if you and your co-parent can reach a reasonable agreement. The court will hold a hearing and divide your assets and debts according to its own opinion of "equity" if you and your co-parent cannot reach an agreement.

Retirement Benefits. Any retirement benefit earned during the marriage can be divided by the court in a divorce case. This includes pensions, profit sharing, individual retirement accounts, or any work-related benefit payable upon or after retirement.

Who will get Child Support?

The court uses a formula to set the amount of child support paid from one parent to the other. The formula must be used unless your case presents exceptional circumstances. The formula is located on the state's website at https://justice.oregon.gov/guidelines. Go there and play with the numbers to get an idea of the level of support that you will either pay or receive. The court usually orders that child support be paid until a child's l8th birthday. Support may be extended to age 2l if the child is attending school. Support for a child attending school is usually paid directly to the child.

Will I get Spousal Support?

A Judge can order payment of spousal support (also known as alimony), from one spouse to the other depending on various circumstances and considerations during the marriage. Three basic types of spousal support may be granted:

Transitional spousal support provides a means by which a recipient can gain education or vocational training.

Compensatory spousal support is awarded when one spouse made a significant financial or other contribution to the other spouse that allowed them to gain education or vocational skills or develop a career.

Spousal maintenance may be awarded as a contribution by one spouse to the support of the other for either a set or an indefinite period. Spousal maintenance allows a spouse to maintain a similar standard of living they had during the marriage and is generally only ordered in long-term marriages.

More than one type of spousal support can be ordered in a case. The court considers factors such as length of the marriage, age of the Co-parents, the standard of living, earning capacity, and needs and resources of each spouse.

Do Attorneys in Oregon Think Family Court is great?

A survey of Oregon Family Law gives us the following information about the present and future of Oregon Family Court:

FAMILY LAWYERS DISSATISFIED WITH SYSTEM • 73% of divorce attorneys surveyed agreed that the current court system of divorce, legal separation, and parenting rights and responsibilities in their jurisdiction does not adequately meet the needs of most litigants • 88% felt that a less adversarial system would better serve families • 83% agreed that comprehensive changes in the current court-centric system of divorce, separation, and parenting responsibility are necessary • 95% supported comprehensive change to the existing system— even if doing so would require significant adjustments to their current practice

TRENDS IN THE LEGAL MARKET • Increasing "self-help" • Self-help culture • Anti-lawyer bias - lawyers perceived to increase rather than diminish controversy Clients in 71% of divorces with children felt that the lawyers increased the conflict • Weak economy • Many more "self-represented" • 70%+ in Family Law in Oregon, • Pro Se litigants Creates huge challenges for the Courts (confusion over evidence, delays and complicates hearings, raises troublesome judicial ethics issues)

OLD PARADIGM • Rights-based orientation • Confidence that courts will produce the best justice • Mindset that lawyers are needed and in charge. NEW PARADIGM • Client-centered Decisions • Power Sharing • Interdisciplinary • Lawyer as a problem solver, a counselor at law, helper, and healer • Negotiation, not the court, is assumed to be the final stop on the dispute resolution highway

EMERGING FAMILY LAW REFORMS • Informal Domestic Relations Trial • Unbundled legal services • Innovative practice models, such Collaborative law • Limited Licensed Legal Technicians • Multi-disciplinary practice models • Divorce by registration (Registration divorce, or "divorce on demand" which is granted when one or, both of the parties formally requests it). • Robust interactive forms available on OJD website • Triage and differentiated case management

End of the FAQ.

Every divorce is different. Some are simple and inexpensive. Some divorces involve several attorneys, private investigators, parenting time evaluators, and complex assets. Some cases become contentious because of issues involving support, custody, parenting time, property valuations, and other issues. ~95% of all cases are settled without an adversarial appearance before a judge. Most of the 5% that are settled by a judge are handled with only one appearance in court, the rest are likely high-conflict cases and may return to court repeatedly. Your case may not technically be a divorce, but unmarried couples with children will follow the same process.

First, a quick summary of what not to do in person, social media, texts, emails, etc. in a family law case. Your co-parent, their family, and friends, your child, or really anybody else that you do not have privileged communications with (attorney, therapist, etc.) should never see or hear any of these behaviors while you have an active case – that is unless you really do want co-parenting problems to hurt your chances of winning: Profanity, insults toward your co-parent, Derogatory nicknames (even if that was your pet name for them during the marriage), Venting or criticizing, Badmouthing co-parent, Interfering with co- parent's parenting time, Inflexibility, Calling/threatening to call police/DHS, Recording or photographing children for evidence, Withholding information, Unilateral decisions.

Yes, if you truly trust your best friend to not testify against you in court you can vent to them, but the reality is that best friends often end up testifying against their then former best friend, so be very careful.

We will continue to say – the court and all of the professionals (attorneys, parenting evaluators, etc.) are constantly evaluating and reevaluating the custody factors in the best interest of the child – BY FAR the one that high-conflict co-parents lose sight of is:

Each parent's willingness to support the co-parent's relationship with the child

The judge will look at your record of cooperating—or not— with your co-parent about your parenting schedule. The judge might also want to know things like whether you bad-mouth your co-parent in front of the child or interfere with parenting time in any way. The more cooperative parent is going to have an edge in a family law dispute—and a parent who's obviously trying to alienate a child from the co-parent will learn the hard way that courts don't look kindly on that type of interference.

Turning the other cheek and taking the high road, despite what the other side throws at you, is not weak. Weakness means giving in to temptation and letting your ex goad you into being a bad co-parent. Instead,

pick your battleground (the next family law hearing), after all, success in that hearing is more important than "winning" the argument over the next parenting exchange.

Be excellent to each other. Bill S. Preston, "Bill & Ted's Excellent Adventure"

While you have no control over whether your ex is a good co-parent or not, you can control the way you act, so for our purposes, this quote means "Be excellent to the other." If you apply the wisdom of this movie quote in your dealings with your co-parent, you will not regret it.

WHAT'S IN IT FOR ME IF I'M A GOOD CO-PARENT? If doing the right thing for the sake of the child is not reason enough, then the answer is that good co-parenting is in your self-interest. No matter how good a parent you are, if you're a lousy co-parent, it's going to hurt you in court. And the flip side of that is also true – a family law judge is more forgiving of a person's parenting weaknesses when that parent at least treats their co-parent with respect and flexibility.

Your co-parent may well not deserve it, but you're not being a good co-parent for them. You're doing it for the sake of the child! (We said, hopefully!), and for the benefit, it may confer the next time you set foot in a courtroom, whether it's in a few months or a few years.

Under Oregon law, marital differences can be resolved by a written Marital Settlement Agreement or a Stipulated General Judgment of Dissolution of Marriage. For such an agreement to be valid, it must be signed by both parties, each of whom should be represented by separate counsel, entered into after full financial disclosure, freely and voluntarily and without duress, coercion, and overreaching. Parties can also agree to settle their disputes "on the record," before a judge. If the judge approves the agreement, you or your attorney would then prepare a judgment that conforms to the agreement, which would then be presented to the judge for signature. If you and your co-parent are not able to resolve issues on your own, mediation can be an efficient and fair way to resolve those issues without litigation. Mediators are impartial persons, who specialize in helping parties reach an agreement and resolve all or some issues of their case. Mediators cannot force people to reach a settlement, or impose terms of a settlement. In mediation, you will have a degree of control over the outcome that you will not have in court.

Under Oregon law, you may also obtain a legal separation. This option is fairly rare; it is sometimes appropriate when dissolution would not be acceptable, either for religious or cultural reasons or when you wish to maintain married status for insurance or other purposes.

THE START OF A DIVORCE CASE

Your divorce case officially starts when one person files papers in the county where you reside –it can be where either parent resides, but generally speaking you must have established residency for six months or more. The person who files the petition for dissolution becomes the "Petitioner" for the rest of the case; the other co-parent must respond to the petition, usually within 30 days, and is called the "respondent" for the rest of the case.

The parties keep their original titles (Petitioner/Respondent) throughout the case. Modification motions and other matters are often filed after the Judgment to deal with the changed circumstances of the child or the parties. Even if the party filing a motion at this later point is the respondent in the original case, they remain the respondent.

If you think that it would be better for your child to postpone the divorce until a certain date, then do so. For example, some parents will agree to wait to file for divorce after their child who is a senior student in high school goes away to college.

Nothing has happened as far as the family court is concerned until someone files something saying what they want the court to do, the co-parent is properly served with the papers (the filing), then usually has 30 days from the date of service to respond, this response can rebut items in the filing and can request a different result. Often then you will be asked to negotiate and/or mediate the matters, if you can't resolve the issues that way you will have a hearing in front of a judge where each side may present evidence and call witnesses. The judge will then rule on the remaining issues which will create or amend your parenting plan.

There are two slight legal advantages to be the petitioner

1. The clearest advantage to filing for divorce first is that at trial the Petitioner gets to present evidence first. Thus, the Petitioner has the advantage of being able to decide which witnesses to call first at trial and the order in which they will be called. For example, if the Respondent is a liar, the Petitioner may decide to call the Respondent as the first witness. The Respondent will then be forced to commit to testimony before they hear other witnesses testify. This will prevent Respondent from changing testimony to improve their case depending upon the evidence presented at trial.
2. To Gain Jurisdiction in the Best Court Location- In some instances, there may be more than one court location (county) where the divorce case may be properly filed. In such instances, it might be to your advantage to file first to make sure the case is filed in the county that is most convenient for you.

Financial Advantages of Filing First

1. You can have your divorce team lined up in advance. Depending on resources this may mean securing a low-cost attorney (see appendix "B") or at the other end assembling the right team of qualified experts to help you achieve the best possible outcome from your divorce can take some time. You will need an excellent attorney, of course, and in financially complex divorces, it's also essential to have a qualified divorce financial analyst on your side. At a minimum, a good therapist to help you through, as well as a vocational expert if you plan to re-enter the job market.
2. You can gather all the documentation you will need before the divorce begins. It is critically important to have in your secure possession copies of all relevant financial and legal documents. These include not only bank and brokerage statements and tax returns, but also insurance policies, wills, and trusts, retirement account statements, real estate records, vehicle registrations, etc. Locating and copying all these documents can take considerable time and effort, particularly if your co-parent is controlling or secretive where finances are concerned. Filing first means that you'll have all your documentation organized and in a secure location before divorce papers are served.

3. You can ensure you have access to funds and credit before you file. As soon as you think divorce is in your future, you should immediately begin to set aside money for the expenses involved. Make sure you have enough money to hire your divorce attorney it is a critical investment in your financial future. Also, if you don't have a credit card in your name – and you absolutely should! – obtain one as soon as possible, as it may be hard to do so later.
4. Filing first may prevent your Co-parent from hiding assets. Deplorable as it is, many co-parents hide assets from each other during the divorce process. Filing first and asking for a temporary order, may help guard against any underhanded tactics.

TEMPORARY ORDERS

The following is an automatic restraining order issued on BOTH parties in an Oregon divorce case as of the date served.

"After a petition for marital annulment, separation or dissolution is filed and upon service of summons and petition upon the respondent as provided in ORCP 7, a restraining order is in effect against the petitioner and the respondent until a final judgment is issued, until the petition for marital annulment, separation or dissolution is dismissed, or until further order of the court. The restraining order issued under this section shall restrain the petitioner and respondent from:

(a)Canceling, modifying, terminating, or allowing to lapse for nonpayment of premiums any policy of health insurance, homeowner or renter insurance or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy that names either of the parties or a minor child of the parties as a beneficiary.

(b)Changing beneficiaries or covered parties under any policy of health insurance, homeowner or renter insurance, or automobile insurance that one party maintains to provide coverage for the other party or a minor child of the parties, or any life insurance policy.

(c)Transferring, encumbering, concealing, or disposing of property in which the other party has an interest, in any manner, without the written consent of the other party or an order of the court, except in the usual course of business or for necessities of life. This paragraph does not apply to payment by either party of:

(A)Attorney fees in the existing action;

(B)Real estate and income taxes;

(C)Mental health therapy expenses for either party or a minor child of the parties; or

(D)Expenses necessary to provide for the safety and welfare of a party or a minor child of the parties.

Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. This paragraph does not apply to payment by either party of expenses necessary to provide for the safety and welfare of a party or a minor child of the parties. Either party restrained under this section may apply to the court for further temporary orders, including modification or revocation of the restraining order issued under this section.

The restraining order issued under this section shall also include a notice that either party may request a hearing on the restraining order by filing a request for a hearing with the court.

copy of the restraining order issued under this section shall be attached to the summons.

a party who violates a term of a restraining order issued under this section is subject to the imposition of remedial sanctions under ORS 33.055 (Procedure for imposition of remedial sanctions) based on the violation but is not subject to Criminal prosecution based on the violation, or imposition of punitive sanctions under ORS 33.065 (Procedure for imposition of punitive sanctions) based on the violation. [2003 c.414 §2; 2007 c.22 §3]"

You can ask the court to make other temporary orders after you file a Petition. In a post-judgment action, you can ask the court to make temporary orders after you file a Motion (request). Either Petitioner or Respondent may ask for temporary orders. Temporary orders are effective as soon as a judge signs the order. They last until a judge changes the terms, signs the final judgment, or dismisses the case. For example, either party may request an order for child or spousal support or, in certain circumstances, an order about temporary use of the property (usually home or vehicle). To make any of these requests, you must file a "motion" (request) asking the court to do what you want.

Sale or possession of the marital home, Possession of the family automobile(s), Child support, usually based on the child support calculator, Spousal support, Child custody and parenting time schedule, Health Insurance, Uninsured medical expenses, Restraint of a Co-parent from contacting or coming near the other Co-parent (this can have the effect of forcing the other Co-parent out of the marital home), Order either Co-parent to refrain from selling valuable assets and marital possessions

Remember that all of the decisions made through temporary orders are not permanent. They're intended to maintain the family's security and circumstances until more formal and steadfast family court decisions can be made.

One type of temporary order is called a Status Quo Order. This order prevents either parent from changing the children's normal schedules, interfering with the parenting time of the other parent, or changing where the children live. This does not decide custody or who can make major decisions for the children. "Normal schedule" generally means the children's schedule for the three months before you file a request for a Status Quo Order.

The temporary order hearing is the place for the judge to:

Review the details of your request; consider the underlying facts; ask any questions of the parties;

Get your co-parent's side of the story, and consider your financial circumstances and the state guidelines to come to a recommendation on child support.

Often, your temporary order hearing will be sent to what is called "probation." Probation is an opportunity for the separate parties to agree on as much as possible before they go in front of the judge. This saves the court and judge a lot of time and allows more time to focus on the actual conflicts at hand.

The issues that can't be resolved in probation are presented before the judge, where each side presents its argument. The hearing usually is no longer than 30 minutes and is held either in a courtroom or the judge's office. The judge will listen to both sides and the declarations of any witnesses. Some judges only accept written evidence.

Temporary Order Requests: How Decisions are made:

It's not common for the judge to make a decision right then and there from the bench unless the issue is particularly time-sensitive (in which case the specific issue will be decided). The entire temporary order is usually made within a week of the initial hearing. If granted, the order you fashioned will either be granted in its entirety or modified by the judge as they deem appropriate.

Note: If you're seeking a request for temporary child support, you may be required to present income documents and an outline of your expenses. Some courts have you fill out pre-made forms before or when you file your request, you should prepare these documents anyway using the Oregon uniform support declaration to support your claims for financial support.

Sometimes, the judge decides that more information is needed to make an appropriate decision or that your co-parent was not given appropriate notice before the hearing. In these cases, the judge might make a decision that's only effective until another temporary order hearing can be held.

The temporary order includes any agreements the parties were able to make before the hearing, including agreements made in probation. If the parties happen to come to a complete agreement during probation, then the judge will review that agreement. Usually, the judge finds these agreements satisfactory and can order such agreements serve as a temporary order.

Temporary orders are only effective until your divorce settlement, or until you and your co-parent reach a mutual agreement to settle the divorce. However, the decisions made in temporary order hearings can be influential in divorce proceedings.

There is also a process allowed by Oregon law to request temporary custody for certain cases involving child custody issues where the children are in "immediate danger."

It may also be possible to ask the court to set up a temporary parenting plan while your divorce, legal separation, or custody case is pending.

How do I find the right attorney for my case?

Many times, people will encourage people to find a "Pit-bull" attorney. Okay. Occasionally that's the best course of action. You have taken the income(s) that have been supporting one household and using that same (at least in the short term) income to pay for and furnish a second household. On top of that, you want the two of you to rack up large legal bills? The more you can do cheaply and cooperatively the more money you will have for things like child and/or spousal support – things that go to help your children have a better life, even if paying those things causes you some pain, and makes it feel "unfair". Attorney fees go 100% to the attorney and not a penny of it goes to make life better for your children. If you both get your pit-bull attorneys you can easily run up bills in the tens or even hundreds of thousands of dollars, 1.3 million is the largest I've heard of, only to reach the same settlement you might have reached through agreement/mediation/less aggressive attorneys. Some people just want to "win", some people are just angry, some people think they shouldn't have to pay child and/or spousal support. These people help attorneys rack up lots of billable hours. Again, every penny each of you pays to your attorneys is money out of your children's pockets! You should be more bitter about spending huge amounts on attorneys and less bitter about paying money that helps support your children. We know some great family law lawyers who are reasonable and are great pit-bulls when needed. Just flat out pit-bull is almost always not the best choice unless you want to drain the bank accounts to make sure your children suffer.

Another common thing is where one party has vastly greater resources than the other, often through family or friends. Again, you may be spending other people's money, but your co-parent is spending money they could be using for the kids. We have seen cases where instead of funding college funds for their kid's people were made happier by making sure their attorney's kids had money for college. Yes, sometimes you have to fight the good fight either for yourself or for your child, but most of the time, even if you are divorcing someone with a Cluster B personality disorder you can find a better, less expensive path through planning and more understanding of what the other party needs to feel like they've "won" or at least not lost. It's not a zero-sum game – YOUR CHILD IS NOT A ZERO-SUM GAME!

Although you may dislike the person you pay it to, although you may think the person you pay it to is lying and/or cheating the system to get it, even if your co-parent is living a nicer lifestyle than you can afford, in spite of these things – every penny you pay in child support or spousal support (if you have joint children with the person) goes to help your child have a better lifestyle. Your child. Every penny you pay for an attorney goes to help their child have a better life, or a nice vacation, etc. It's up to you how much money you want to spend on a better life for your attorney's children fighting to keep money away from your child. Read that again.

Some choices, from least to most expensive…

DO-IT-YOURSELF

Most people (70-85%) of couples getting divorced in Oregon do not use lawyers. More than 95% of divorce cases never go before a judge with a contested issue – they are settled before court.

A kitchen table divorce (also known as pro-se or self-filing) is one where both spouses complete the paperwork themselves. You can have a drafter (usually an attorney or paralegal) assist you. Some individuals and couples choose to consult with financial or mental health professionals, on a one-time or as-needed basis.

MEDIATION & CO-MEDIATION

Mediation is a voluntary, confidential process by which both parties are in charge of making agreements. The mediator (or mediators) is neutral, there to facilitate agreements between parties. Mediators do not give legal advice, or make decisions.

The main categories of mediators include attorney mediators and non-attorney mediators (such as financial mediators and mental health mediators).

Co-Mediation is a process by which two mediators (generally from different professions) are in the same room together with clients at the same time.

COLLABORATIVE

Collaborative Divorce is a structured, voluntary process in which spouses settle without resorting to litigation. In A Collaborative Divorce: The parties sign a collaborative participation agreement describing the nature and scope of their divorce process. The parties voluntarily disclose all information that is relevant and material to their divorce (i.e. assets and liabilities); The parties agree to use good faith efforts in their negotiations to reach a mutually acceptable settlement; Each party must be represented by a lawyer whose representation terminates upon the undertaking of any contested court proceeding; The parties may engage mental health and financial professionals whose engagement terminates upon the undertaking of any contested court proceeding, and The parties may jointly engage other experts as needed. Clients each have an attorney representing them, and the attorneys are assisting the clients by getting to agreements by sending proposals back and forth, attorney phone calls, and possibly scheduling settlement meetings or attorney-attended mediation.

For spouses who cannot come to agreements, the court system was created to make decisions for them. Yes, you can spend a lot of time and money to join the less than 5% of couples who think the best idea is for a total stranger who is super busy and will only spend a very brief time reading/hearing and ruling on your

case, what is best for your children and you in the long term. Usually, because one or both parties are angry, bitter, have cluster B Personality Disorders, etc.

RETAINING AN ATTORNEY

Some cases don't need an attorney, if you have few assets and/or are fairly amicable, you can probably do it yourself. Other cases may just need an attorney to review documents and make sure everything is filed correctly. If you have plenty of money you can easily find a highly qualified attorney, and asking around for recommendations will quickly help you find one. If you need an attorney and don't have a lot of money it can be more challenging, this can be a factor in settling your case if both co-parents are representing themselves (pro se). The thing that sometimes happens is that when incomes are unequal or one party has friends and family willing to foot the bill for an attorney. Things can be very unequal (but not impossible) when one party is Pro Se and the other has a high-priced attorney. If you need an attorney or are planning or representing yourself, please keep reading.

Before an attorney represents you, they will ask that you sign a contract, which will set forth their responsibilities to you, and your responsibilities to them. They will also ask that you pay a retainer to the firm, this can be as low as a few hundred dollars (rare) and up to several thousand dollars (5 or 10 thousand dollars probably being the most common amounts). Some attorneys are willing to set up payment plans, ask upfront if you have any questions. They will use your retainer to pay costs associated with your divorce, and to pay for the time spent working on your case. You will periodically receive bills; you should check them carefully to ensure you understand them. Attorney's bill in 1/10 (or 1/12 = 5minute) of an hour (six minutes or any fraction thereof) increments so a 15-minute phone call would be billed as 3/10's of an hour. (That's $75 if you are being billed @ $250/hr). Some attorneys have a fee for general time ($250-$500/hr. is not unusual) and a higher fee for court time (like $750/hr.) Attorneys are expensive and charge you for every phone call, every email, every photocopy, etc. it is easy to spend 10's of thousands of dollars on a contested divorce. You can use them as a "friend" or a "therapist" but they are billing you for it.

Before you sign any contract or retainer agreement read it carefully, read it over again, have a friend read it. Then read it again. Sometimes an attorney who is "more expensive" (per hour) can be a better deal because they are more efficient and effective in their use of time. Be very careful of agreements that have anything beyond the industry standard of .1/hr. minimum billing time - .3/hr. means that if you have a five-minute phone call you get charged for 18 minutes. Sometimes they have clauses that require a minimum of one hour of time to go to the courthouse, this can be reasonable or not, depending on how it is utilized. Another thing that can matter is, who is working on your case? Sometimes paralegals, junior attorneys, etc. are a cost-effective solution and sometimes they are a way to run up billable hours. We tend to have a bias against large law firms. They tend to have large overhead and attorneys need to rack up billable hours to "succeed", there are exceptions to this, but we think most people have better experiences with solo to medium-sized firms. We tend to have a bias against firms that specialize in one gender or another, and against firms that advertise on TV. Big offices in high-rises cost big money, TV ads cost money – and most good family law attorneys have plenty of word-of-mouth business, and who is paying for that? Your kids! So those are our biases, we tend to like attorneys who are willing to settle a case reasonably and advise their clients wisely to save money when possible but are well-prepared and aggressively advocate for their client when needed. They settle most of their cases but also have plenty of experience in the courtroom. The most important factor is always going to be the nature of the communication between you and your attorney and/or their

office. You are 100% responsible for hiring the best attorney for you. Unfortunately, you are making this choice at a highly stressful time and may have to find someone quickly and within a budget.

Just as judges use "best interests of the child standards" and try to put all the pieces together into a completed puzzle – you should put all the information about perspective attorneys together to help find the best one for you. Use the "Best attorney for me standard" We don't think that any one question or factor should be the primary factor in choosing your attorney. That said, money often is.

For us, communication with the attorney's office was a big one, experience and style mattered. During my case, I had one office and the main attorney did the bulk of the work, but a junior attorney handled things when it was more expedient or cost-efficient. My attorney was expensive on a per-hour basis but was efficient and fair, I have heard from others that the same attorney wanted to B.S. about other things and would bill them for the time, I tend to not just "shoot the breeze" with people, especially when I'm paying for it, so they were a good attorney for me, but not for everyone.

My co-parent had seven attorneys from seven different firms – so she may be more qualified to answer the question "how do I find an attorney"?

If cost is the primary factor you are evaluating, you will have few choices and we lean even more heavily on settling as much as you can. In general, you should interview at least three attorneys from three different firms. Some attorneys will give prospective clients a free "consultation" this may be as short as 5-minutes over the phone. Every attorney has a different style and personality. It's important to meet with a few attorneys (this can be done over the phone or by zoom), and talk with them about your case to make sure you feel comfortable with the family lawyer you ultimately choose to represent you. You should be VERY organized and have the details of your case as well as the questions you want to ask to determine if this is the right attorney for you. You should have a sheet with information about you, your co-parent, and your child(ren), along with the basics of your case – see an example here Do this BEFORE you speak to any attorney.

You will save yourself time, money, and headaches by being organized and concise. Yes, this is a time when you may be splitting up households, moving, looking for a job, figuring out childcare, and all the rest – divorce is one of the most stressful times of your life and I'm telling you to be organized? I know, it's difficult. I am by nature, fairly organized, and during my case, I ended up with less "childcare" duties than I had during the marriage. But whatever your circumstance you need to be organized about the court portion of your life. Court is highly orderly, with rules that we laypeople don't know or understand, attorneys help (a lot!) but even if you have an attorney you need to be responsible for your case, and being or getting yourself organized is one way. Your attorney is charging you for every minute of their time, you need to be able to provide them with the information they need quickly and in an organized manner. Discuss YOUR involvement in preparation for your case.

Ask for advice, but make your own decision.

Asking friends, family members and co-workers to recommend an attorney is one way to collect information about family law attorneys and law firms in your area. Attorney guides like Martindale-Hubbell or Avvo can also point you to local law firms, as can reading law firm websites and reviews.

No matter where you gather your initial information, however, speak to the lawyer before making your decision. Remember that every family, and every family law case, is unique. Your needs are different from the needs of friends or family members, even if they faced a similar problem. Also, remember to take online reviews with a grain of salt. It may be impossible to tell who posted them or what agenda the writer had when they made the post.

Evaluate each attorney based on the following considerations to see they are qualified for your case and work well with you:

Is the attorney a family law attorney in Oregon? Check their license with the Oregon State Bar.

Has the Oregon State Bar Association ever disciplined the attorney? You can perform a search on any attorney licensed in Oregon and view their disciplinary history on the Oregon State Bar's website, https://www.osbar.org/index.html Note: It's not uncommon for an experienced attorney to have complaints and/or some bad online reviews but take note if they have repeated problems in the same area.

https://www.martindale.com/family-law-lawyers/all/oregon/ Lists almost 2,000 attorneys
https://www.avvo.com/family-lawyer/or.html Lists almost 900 family law attorneys. Note: Both of these are like Google results in that those who pay are listed first – don't think that means they are best for you. These sites are good for a quick comparison.

In divorce cases, which are often emotional and stressful, you should seek out a family law attorney who is professional and who demonstrates a sincere empathy for you and your family.

If you are going to court, keep in mind that 95% of family law cases get settled before a contested hearing in front of a judge, you need to ask your attorney about their experience with court and cases of your type.

Here are some questions to ask a prospective attorney.

1) What kind of experience do you have with similar cases?

You need to know how comfortable the lawyer is with cases like yours. While every case is somewhat different, the attorney will likely find some similarities between your case and a case they handled previously.

Related questions may include:
Where did you attend law school?
How long have you been practicing in Oregon?
What types of cases do you handle? For instance, is the attorney knowledgeable about custody and child support law in Oregon?
If you own a business in Oregon or another state, does the attorney have experience with business law and the valuation of business interests?
How often do you handle cases similar to mine?
Can you tell me about a case you handled similar to mine? What was the result?
Do you have any client testimonials?

2) What would be your strategy for my case?

Most lawyers do not offer specific legal advice in an initial consultation, but they should explain the possible approaches to handling your case. They may also offer a general overview of the strategy they will follow.

Related questions may include:
What strategies have you used for similar cases in the past?
How long do you think this case could take using this strategy?
What are the pros and cons of this strategy?
What resources can the attorney access?
Does the attorney express a strategy to resolve your family law case and meet your goals?
Is the attorney ready and able to go to court hearings or a trial on your behalf when necessary?
Does the attorney have litigation, mediation, and trial experience in Oregon?
Can the attorney give you a schedule for the likely resolution of your divorce case?
Do you work well with the attorney?
Do you feel comfortable and confident in the attorney's abilities?
Does the attorney's law office in Oregon include family law lawyers, paralegals, and support staff?

Does the attorney have established relationships with experts in related fields that you may need such as mediation, taxes, financial planning, parenting investigation, bankruptcy, and real estate in Oregon?
Does the attorney explain the advantages and disadvantages of the various options available to you?

3) Are there any alternatives to going to court?

Especially in family law cases, there is often a good chance you can avoid going to court. A lawyer will usually try to negotiate a fair and just settlement with the other party. Mediation and/or settlement offers resolve most cases. Many family law attorneys rarely experience a contested case in front of a judge.

Related questions may include:
What percentage of your cases have settled out of court?
Do you consider yourself an effective negotiator?
Are you comfortable taking this case to trial if we cannot reach a just settlement?
Have you worked with the other party's attorney and what was the result?
Will you prepare my case for court even if you plan to settle out of court?

4) What are the possible outcomes for me and my family?

Some lawyers may only tell you what you want to hear. The right lawyer, however, will give you an honest look at how your case may conclude. No lawyer can give you an exact outcome of your case or promise that you will reach an out-of-court settlement, but they can offer possibilities based on their experience.

Related questions may include:
Do see us running into any major issues?
What are our chances of avoiding going in front of a judge?
What are my chances of gaining legal custody, and how important is that?
What type of parenting time will I likely have?
Can parenting time be structured around my schedule?
What types of things are important in a parenting plan in my specific case?
How will the assets be divided?
Can I stay in the house?

Is spousal support likely in my case?

5) Who will actually handle my case?

While you may meet with one lawyer, others in the legal office may work on your case. This often includes other attorneys and paralegals. You will want to know who your point of contact is within the office, and the experience of those working on your case.

Related questions may include:

Who should I call with questions about my case?
How often can I expect updates or reports? How will I receive these updates?
how will I contact them and how long it will take them to get back to you? Excessive delays or "radio silence" from your lawyer can cause unnecessary aggravation
Will you represent me in settlement negotiations/ Mediation/ and/or court?
Does the attorney use modern technology?

6) What is my role in my case?

Attorney's desire different levels of participation from their clients. Your attorney probably will not want you to talk to witnesses without prior approval, but they may need you to compile documentation of your case and other similar tasks.

Related questions may include:
What do you need from me to build the strongest possible case?
What should I avoid in order to win my case (custody? More parenting time?)?
If I believe my co-parent is a narcissist (or other cluster B PD) what role, if any, does that play in my case?
Does the attorney have a clear and understandable communication style FOR YOU?
When explaining a law or legal issue to you, does the attorney make sure you understand before moving on?
Does the family law attorney look, speak and act in a professional, intelligent and courteous manner?

7) How much will this cost me?

It is never fun to talk about money, but this is the time to do it. Most family law lawyers charge based on a retainer and bill an hourly rate against that, you may need to replenish the retainer several times. There may, however, be another fee structure or additional fees you need to pay.

Related questions may include:
What is your fee structure? Hourly? Flat fee? Fees for other professionals needed in this case and/or others in the firm?
Will there be any additional costs?
Do you have a payment plan?
What forms of payment do you accept?
Can you give me an estimate of the total cost of my case?
Does the attorney clearly explain fees and the likely costs associated with your divorce?

Experience. The best lawyers are going to have plenty of experience. Knowledge is not something that can be cut short. Having handled at least dozens, and hopefully, hundreds of cases lead to a level of familiarity with Oregon family law that provides a sense of what a reasonable outcome is with a particular fact pattern. Underlying this sense is the trial and court experience, having seen what judges tend to do with specific fact patterns. The best Oregon divorce attorneys tend to use this experience to predict a range of possible outcomes, focusing your attention on the most likely while making you aware of the lesser possibilities.

No Guarantees. Good divorce attorneys will not guarantee a particular outcome in your case. If there is one thing that experience in divorce litigation should teach any attorney, no result is assured. Sometimes even the most seemingly "clear" cases don't turn out as expected, and even issues that seem to have poor facts turn out better than hoped. Given the subjective nature of families and their structures, assets, debts, and goals, the outcome is never clear until a judge decides the outcome. If an attorney guarantees a result, this should be a red flag. As discussed earlier, an attorney will generally present a range of outcomes, not a guarantee.

Focused on client goals. Perhaps one of the most overlooked traits of the best family lawyer is that they listen carefully to clients' goals, not just focusing on what they believe to be best for you. Your lawyer should be on your side. This means that they should explain your risks and work towards your best outcome. However, sometimes just because obtaining a particular result is possible, it's not what a client wants. For instance, it might be that a client is an excellent candidate to receive a large amount of spousal support, but does not want to pursue it. The lawyer should explain the risks of not pursuing that and listen to why the client does not wish to pursue it. Maybe the client has other assets available to them, and they think that the money issue would be damaging to the family relationship. Perhaps there is value to the client in reducing familial conflict. The best lawyer for you will listen to your goals and pursue those, not their own.

Keeping you informed. Top divorce lawyers are going to keep you informed. This is your case, your life, your family. Even if a lawyer is working hard behind the scenes, that doesn't help relieve the anxiety you may feel in the meantime. A lawyer should keep you informed about correspondence and discussions they are having with opposing counsel and make sure that you are getting copies of documents filed with the court. Even emails that are sent between attorneys should make their way into your file. If you aren't staying informed, you similarly aren't able to provide the attorney with relevant thoughts or information that might shape the case for your goals.

Clear Billing. One of the most challenging issues for any attorney/client relationship is that of money. It's no secret that divorces can be expensive, and issues of attorney fees and costs can drive a wedge between an otherwise productive relationship between lawyer and client. The top Oregon divorce lawyers are going to be transparent with their billing. An explicit fee agreement upfront should outline how time and expenses will be billed. Regular statements and invoices to the client should itemize work performed to understand how their retainer or other payments are being used.

Honesty. The best family law attorneys will always be honest about your case. Lawyers usually went into law school with the idea that they wanted to help people. They are natural problem solvers. As a result, it's sometimes difficult to admit to themselves or their clients that they cannot fix a situation. Sometimes clients have poor cases. The facts are insufficient. The client is unlikely to get the outcome they would like. The top family law and divorce lawyer will level with the client and provide problematic information upfront. Providing an honest assessment of the case is most critical upfront, so a client is not led to spending thousands of hard-earned dollars to pursue an improbable outcome.

Organization. Organization is a hallmark of the most successful divorce lawyers. Keeping client files complete with all correspondence, pleadings, and discovery is a surprisingly work-intensive process. However, the best divorce lawyers develop systems to not only organize but also maintain accessibility to all parts of your case file. Organization from the start makes it likely that negotiations or trial, if necessary, are also organized. That necessary evidence makes its way in front of a judge in a way that can assist your case. Lost items help nobody.

Find the best attorney for YOU! Any recommendation anybody makes – including us, is just one opinion. We stated our biases above. Other people will tell you that the best attorneys all work for big firms, advertise on TV, and are "pit-bulls". Most people have very limited experience. mostly limited to their own and their co-parent's attorney. We have seen more than that. My co-author in particular has seen lots of cases and has a few lawyers and firms that she thinks are truly awful, big, evil, billing machines with little regard for their clients and/or their child(ren). But you know what? These firms have their fans too. We recommend you speak to several (at least three!) attorneys before you decide who is best for your case. So, ask around, as I said, my attorney was great for me, good communication, good billing practices, but I have spoken to other clients who thought they were uninterested in their case and unfair in their billing. No attorney is the right one for everyone.

FILING OR DEFENDING A DISSOLUTION

Family law-related matters are heard and determined in the Circuit Courts of the state of Oregon. There is a Family Law Department in some of the counties of our state, including Multnomah and Washington counties. If your case is filed in Washington County, you will be assigned to one judge, who will make every decision that has to be made by the court in your case (unless they retire or are removed for some reason). In Multnomah County, you may also be assigned to one judge in certain circumstances. In Clackamas and some other counties, family law cases are heard by judges who also hear other civil and criminal cases. Each time you go to court you will likely be assigned to a random judge.

The case must be initiated by a Summons and Petition for Dissolution of Marriage. The Summons is the document that gives your co-parent notice that they have 30 days in which to file and serve responsive pleadings, such as a Response or Counter Petition. The Petition sets forth the factual and legal basis for your claims. If you ignore the petition (or any subsequent motions in your case) the other party will likely get whatever they are asking for. Each time you are served documents you should carefully read them (and maybe have a trusted advisor also read them) and respond – each filing will have instructions for how to respond FOLLOW THEM TO THE LETTER!

The Petition, once approved by you, is then filed in the Circuit Court clerk's office in the county where the action will be litigated. A filing fee is required. Upon filing, a docket number is assigned to your case and must be written on all pleadings and motions filed with the court thereafter.

Your co-parent must then be personally served with the Summons and Petition. Service can be done by anyone who is: At least 18 years old, Lives in the state where the papers will be delivered, and is not a party to the lawsuit (or a party's attorney or employee). A deputy sheriff in the county where the other party can be located will serve the papers for a small fee. The Court may waive or defer (postpone) this fee if the service will be done in Oregon. You can also pay a "process server," who is someone who works for a private company that delivers papers as a business. The Court cannot waive or defer a fee charged by a private company. If the situation is safe, you may have a friend, relative, or someone else serve the papers for you at no cost, but only if this person meets the qualifications listed above.

In some cases, your co-parent may sign a document called an Acknowledgement and Acceptance of Service, which is a substitute for personal service also in certain instances your attorney can accept service for you. See https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/E16209F2-6EF4-4D12-8DE0-6A093CCF5E2E/service-instructions-2015-06-01.pdf

Once your co-parent is served, they will have 30 days in which to file a Response or Counter Petition. The Response or Counter Petition sets forth the facts and law upon which your co-parent will rely in defending against our lawsuit. If your co-parent's lawyer has already prepared the Petition, you will need to prepare a Response or Counter Petition within 30 days, and file it with the court which may require a filing fee.

In addition to the Summons, Petition, Response, and Counter Petition, other Motions may be filed from time to time. Examples are as follows:

(a) Motion to Dismiss: A Motion to Dismiss is generally addressed to a Petition or Response and Counter Petition. It challenges the legal sufficiency of those pleadings. In other words, even if the facts outlined in the particular pleadings are true, a Motion to Dismiss generally contends that the relief requested cannot be granted for one legal reason or another.

(b) Motion to Make More Definite and Certain: A Motion to Make More Definite and Certain is filed to determine specifically what form of relief the petitioner seeks. For example, if the Petition asks for spousal support without specifying the type you file a Motion to Make More Definite and Certain to ask which form of support is sought - transitional, maintenance, or compensatory. The ultimate purpose of a Motion to Make More Definite and Certain is to enable us to better prepare our case.

(c) Motion for a Custody and Parenting Time Evaluation: Sometimes, when parties have serious disputes about legal custody and parenting time, either party may move the court for an order appointing a qualified professional to evaluate the family and make recommendations regarding legal custody and parenting time. The evaluation process usually involves interviews with the parties, contact with the children, psychological testing, and the gathering of other information. Evaluations can be daunting and expensive.

(d) Motion for Appointment of Attorney for Minor Children: In addition to asking for a custody and parenting evaluation, an attorney may be appointed for minor children. As minors, children cannot make legal decisions themselves. During the case, the children's attorney makes decisions for the children, may testify on behalf of the children, and may ask questions of you, your Co-parent, and the witnesses, in and outside of the courtroom. The children's attorney may also make recommendations on issues such as custody, visitation, and child support. Someone has to pay for this and it is fairly rare due to the cost.

There are other motions you may file on your behalf, such as a motion for temporary relief and a motion to compel the production of documents. Those and other motions will be discussed in more detail later in this summary.

ENGAGEMENT OF EXPERTS - In certain instances, it is practically impossible to settle or litigate a dissolution case without the assistance of experts. If your case warrants the engagement of an expert, you should know that things can get expensive QUICKLY. When financial issues are at stake, you may hire a financial expert with experience in the Family Court setting. Experts are generally used in dissolution cases to value businesses and professional practices, to ascertain and determine incomes and cash flows, to trace property and investments, to give tax advice, and to otherwise assist with the financial aspects of the case. Where there is a dispute as to property values, you may need real estate appraisers and personal property appraisers to be hired to appraise the real estate and personal property that will be at issue in the case. You will want to hire appraisers who have experience in court and whose opinion is respected by other attorneys and by judges. The case law governing family law matters requires that competent evidence be presented to the court. In the absence of adequate proof from you, the judge is at liberty to accept the values put forth by your co-parent, which most likely will not be to your benefit.

When serious issues of child custody or parenting time are raised, someone may suggest that an experienced clinical psychologist be hired to evaluate the family and to assist in making the child custody and parenting time decisions. which may defuse the contested nature of those issues. The court may also order such an evaluation.

TEMPORARY RELIEF HEARING- Sometimes it is necessary at the beginning of the case to ask the court to make orders for temporary relief during the pendency of the case. Such relief may include, among other things, temporary spousal or child support, temporary exclusive use of the family home, temporary custody of minor children, payment of monthly bills, and payment of attorney fees, and "suit money, " to assist you in retaining experts to help with your case. In most counties, a hearing for temporary relief may be ordered on the motion of a party. If at all possible, it is generally best to attempt to resolve these temporary issues without a hearing. Temporary order hearings are far less formal and much shorter than formal family court hearings, so you should be sure that you know exactly what you want before the hearing. The hearing will proceed quickly, not giving you much time to tell the court what you want.

PARENTING CLASS - Under Oregon law, if you have minor children, each co-parent is required to attend a parenting class before the divorce can be finalized. Sometimes, it is helpful for both parents to attend the class at the same time, as the class provides good information about how to get through the divorce process with as little negative impact on the children as possible. Sometimes this is not possible and parents can attend at different times. Each county has its own set of parenting classes, but it is best to get this out of the way early in the process.

DISCOVERY- The exchange of information in a divorce, including documents that are related to income, assets (including inheritances, real property, and business assets), and liabilities, is called “discovery.” The purpose of discovery is to find out the key points and elements of your Co-parent's case and to help you and the court reach a fair and equitable result in your divorce. Further, under Oregon law, if a party fails to disclose a significant asset that existed at the time of the divorce, the divorce case may be reopened. Moreover, many discovery responses are admissible in evidence at hearings in your case. Therefore, the discovery process should be taken very seriously. Discovery is generally necessary whether the case is settled or litigated. To properly settle the case, your attorney must have a general awareness of the facts involved in your case, particularly the financial facts. If the case is to be litigated, discovery is necessary to properly prepare and present the case at a final hearing. Dissolution cases are not necessarily “won” by who is right but, rather, are oftentimes won by the party who is better prepared.

Formal discovery under the Oregon Rules of Civil Procedure (ORCP) generally consists of the following:

(a) Depositions on Oral Examination: Depositions on oral examination are typically taken at one of the attorney's offices in the presence of a court reporter and while the deponent is under oath. You and your co-parent have the right to be present. You should be present unless your attorney advises you otherwise. The attorneys will ask questions at the deposition and the witness will give answers under oath. Depositions may be taken of you, your co-parent, and any other parties involved in the case. Depositions are usually expensive because both parties are represented by attorneys, and the court reporter will take down and transcribe all of what is said. Court reporters generally charge by the page, plus an appearance fee. It is not unusual for a deposition to run more than a hundred pages.

(b) Production Requests: Production requests enable you or your attorney to require the production of documents and other tangible things that are pertinent to your case. This would typically involve tax returns, appraisals, financial statements, bank records, medical records, and other such documents.

(c) Subpoenas: Sometimes subpoenas are issued to banks or other financial institutions to gain access to records that are relevant to the case but that are not easily available to either party.

(d) Motion to Compel: If your co-parent does not produce documents you request that are in their possession or control, the ORCPs allow you to seek a court order requiring your co-parent to produce the documents.

(e) Requests to Admit: The ORCPs allow for your attorney or you to present statements of fact and law to your co-parent and request that they either admit or deny those statements. If admitted, that eliminates the need for further proof on that issue.

DISCOVERY – PRODUCTION REQUESTS- This is what you and your co-parent must provide to each other, during your case, the focus is on financial documents, but some other items may be important. These things can also be requested when you are calculating/re-calculating child support. Oregon law (ORS 107.089) requires that the parties exchange the following information within 30 days of being served with a petition for divorce:

All federal and state income tax returns filed by either party for the last three calendar years.

If income tax returns for the last calendar year have not been filed, all W-2 statements, year-end payroll statements, interest and dividend statements, and all other records of income earned or received by either party during the last calendar year.

All records showing any income earned or received by either party for the current calendar year.

All financial statements, statements of net worth, and credit card and loan applications prepared by or for either party during the last two calendar years.

All documents such as deeds, real estate contracts, appraisals, and most recent statements of assessed value relating to real property in which either party has any interest.

All documents showing debts of either party, including the most recent statement of any loan, credit line, or charge card balance due.

Certificates of title or registrations of all automobiles, motor vehicles, boats, or other personal property registered in either party’s name or in which either party has any interest.

For all automobiles, motor vehicles, and boats, documentation evidencing the vehicle identification number or another unique identifying number.

Documents showing stocks, bonds, secured notes, mutual funds, and other investments in which either party has any interest.

The most recent statement describing any retirement plan, IRA pension plan, profit-sharing plan, stock option plan, or deferred compensation plan in which either party has any interest.

All financial institutions or brokerage account records on any account in which either party has had any interest or signing privileges in the past year, whether or not the account is currently open or closed.

Section 5 of ORS 107.089 goes on to state, "The provisions of this section do not limit in any way the discovery provisions of the Oregon Rules of Civil Procedure or any other discovery provision of Oregon law." This means that the above list is what is required for a minimum exchange of discovery and that the parties can demand more.

What is discoverable in an Oregon divorce? The general rules of discovery in Oregon allow broad inquiry. Meaning that, in general, "parties may inquire regarding any matter, not privileged, which is relevant to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, and the identity and location of persons knowing any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Emphasis has been added to that last phrase because it greatly expands what can be requested. Examples of things that can be discoverable in Oregon divorce cases include– but are not limited to: Financial records, Employment records, Medical and health records, School records, Counseling records, Emails, Text messages, Photographs, Videos, Social media content (including Facebook posts and private messages, Twitter and "tweets", Instagram posts, etc.), Diaries and journals.

What happens if a party in a divorce does not provide discovery? If a party does not provide information as required by law, the other party may apply for a motion to compel as provided in ORCP 46. If you need records that are important to your case, but to which you have been denied access, you may ask the OAH for a Discovery Request. You will need to prove a need for the Discovery Request by showing that you are seeking relevant information. If the Discovery Request is issued, it will be sent to you to serve."

Office of Administrative Hearings (OAH)• If you have questions about the hearing procedure
• Phone (503) 945-5020; 877-560-7788

If the motion to compel is granted, and the Court finds that there was willful noncompliance with the requirements of Oregon law, the Court will require the party whose conduct necessitated the motion or the party or attorney advising the action, or both, to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney fees.

Objections: Objections may be made to all discovery questions if the questions are not relevant, or likely to lead to the discovery of relevant evidence. The financial things are almost always ordered, all of the other things are less likely to be granted, including Medical and health records, School records, Counseling records, Emails, Text messages, Photographs, Videos, Social media content (including Facebook posts and private

messages, Twitter and "tweets", Instagram posts, etc.), Diaries and journals. You may want to contest those if requested.

If you need to provide PDF's for discovery a good, easy to use free tool that can help you redact, edit, sign, etc. documents is: https://www.sejda.com/pdf-editor

HOW TO PREPARE FOR A FAMILY COURT APPEARANCE – All of these generally apply to any proceeding – deposition/hearing/trial, even any meeting with your attorney. Just be mature, professional, and responsible with everyone.

Familiarize yourself with the state laws – While having legal representation can provide immense help, doing your own research can also be significantly beneficial. Although reading legalese may be a daunting task, you need to know what you're up against before your court appearance.

Be a good parent – While this may sound obvious, you must position yourself as an engaged and responsible parent. You are required to prove to the judge that you are at least as good a caregiver as your co-parent. Putting your emotions of the dispute with your co-parent aside to spend as much time with your child and being the best parent you can be will speak volumes in the courtroom.

Be a good Co-parent – Be able to answer the question. What have you done to foster a continuing relationship between your co-parent and your child? Be able to tell the court that you have been flexible (even when not shown the same consideration), be able to show how you have done a great job of communicating about the child, how you have shared every piece of information given to you, photos of the child, etc. We believe this is where many co-parents do real damage to their case. Always be the best co-parent you can, even when it is not returned. The absolute worst position you want to be in is to be able to tell the judge "I have "clean hands", I have followed the parenting plan, I have done my best to be a good co-parent". If a judge is observing two co-parents who are inflexible, not providing each other information about the child, withholding parenting time and/or support, violating the parenting plan in ways large and small – we have no idea how the case is going to go, but we absolutely guarantee that the judge is going to be pissed off at both parties. Do you want someone who is angry about your actions making decisions about the future of your family? No. Your co-parent may try to tell the court that you are not a good parent and not a good co-parent. You want the story in court to be about how well you do – you will have your evidence of any poor decisions your co-parent has made regarding these things, that is not the most important part, the most important part is the things that you do right. Always walk into court ready to show that you are a great parent and a great Co-parent!

Bring proper documentation – You don't want to show up to court empty-handed. Prior to the hearing, you and your lawyer should collect all the documents necessary for your case. Important types of documents include bank statements and financial documentation, a parenting schedule, proof of child support payments, your children's medical records, and other documents relevant to your case.

Always, always whether you have an attorney or are Pro Se, bring a pen and paper (preferably a yellow legal pad) to every meeting, hearing, trial, etc., you may need to write something down and you need to look like you are a responsible person.

• Be polite and professional with everybody you meet at court. If you think the clerk and the deputy, or anyone else you encounter doesn't talk to the judge, you are mistaken.

• Be in the courtroom at least fifteen minutes before the trial is set to start. Never be late.

• Your witnesses must be ready to go when they call your case for trial. If you do not need a witness for several hours, make sure they are available within ten to fifteen minutes with a quick phone call.

• Plan to be at court all day. Your case might not be the first one called.

• Do not bring your children. If your children will be speaking to the judge, they should wait outside the courtroom during the trial.

• You can bring a friend for moral support. That person must not speak once they call your case.

• Go into the courtroom and sit quietly to wait for them to call your case.

• In the courtroom, do not chew gum, eat, drink, read a newspaper, sleep, wear a hat, listen to earphones, use a cell phone, camera, or camera phone, or carry a weapon.

• Go over your paperwork before the hearing. Know your papers. If you or one of your witnesses has filed a declaration in the case, the person's testimony must be the same as what they said in the declaration. You may use written notes or an outline during the hearing.

• Stand when the judge enters the courtroom. Listen to the court staff. They may announce other times when you need to stand.

Tips for Courtroom Behavior

PROPER COURTROOM ETIQUETTE -Learn about proper court etiquette – The courtroom can be an emotionally overwhelming venue. If your co-parent and their attorney are saying negative things about you to a judge, your emotions may get the best of you. However, misbehaving or otherwise acting inappropriately in court can be detrimental, which could lead to losing your case. Your attorney can teach you the proper courtroom etiquette and what to expect during the hearing, as well as help you avoid any negative emotional outbursts.

We cannot say this enough – sit in on some Family Court cases in your county. If you know the judge who will hear your case, sit in cases they are presiding over. Just observing family law cases is about the best preparation you can do.

PROPER COURTROOM ATTIRE – First impressions are always important, whether you are in a job interview or meeting your significant other's parents. The courtroom is no different. You only get one opportunity to make a positive, influential first impression. Wear clothes that are formal and conservative. Parents who would like to win should ensure they have dressed appropriately for all court appearances. The appropriate dress may vary based on time of year or location, but wherever you live (and even if the weather is hot), your goal should be to appear mature and responsible. Even though your character and history with your children should play a more important role than your appearance, appearance does count.

Tips for Dressing for Court - It's easy to "dress for success" by choosing outfits, haircuts, makeup, and accessories wisely. When dressing for Family court you need to make a good impression on the judge, you will need to look as mature, serious-minded, and financially secure as possible. Even if you don't own appropriate clothing, it's worth your while to borrow or even find an appropriate outfit at a thrift shop. Here are some tips to consider when putting your outfit together: Consider not only your clothes but also your hair, makeup, and behavior. If your hair is an unusual color, consider wearing a wig or coloring it more conservatively for the occasion. If you wear piercings other than earrings, consider removing jewelry. If you have tattoos, consider wearing clothing that covers them. If you like to chew gum, don't. All of these small changes can radically change the impression you make. Judges tend to be rather serious, conservative, older people. Put yourself in the judge's shoes, and imagine their reaction to you. You can do this by watching real family court cases in your local area. How did people dress? What reaction did the judge seem to have?

Think of yourself as an actor going on stage. You're creating a costume for a character that is serious, mature, sincere, and a good parent. What would such a character wear? If you are saying you cannot afford to pay child support and you show up in an expensive suit with flashy jewelry you may be sending the wrong message. If your story is that you are the better parent because you provide and care for the child better because you are serious and professional but you don't show attention to detail and come to court in a ratty shirt and flip-flops, does that help your case?

Appropriate Dress – Oregon is a fairly casual state and our courts tend to be on the casual side, but if you have an attorney discuss this with them, if you do not – please go observe some cases. In most states, we would recommend "business" clothing (suit and tie for men), but in Oregon "business casual" is usually fine.

Examples of appropriate dress for men are:
Collared shirt
Slacks
Dress shoes

Appropriate Dress for Women
Slacks or a skirt suit
Dark, non-patterned dress
Dress shoes

Clothing Items to Avoid
Short skirts (above the knee)
Shorts
Sleeveless shirts
Sneakers
Open-toe shoes (including flip-flops)

An important final note on courtroom etiquette - There is no jury in family law, only the judge. Judges tend to be conservative older people. The judge will decide everything in your case. Look around the courtroom – the judge is at the highest place; the judge is likely wearing robes. Everybody stands up when the judge enters the courtroom, everybody addresses the judge as "your honor". The judge is in charge. The judge has to follow the law, but within that, they have wide latitude to decide what (or who, you or your co-parent) is in the "best interest of the child", or "The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child" etc. In court, the judge is who will determine if you win or lose. How you present yourself matters, how you dress, how you act, what you say, and how your evidence is presented all matter. If you can't be bothered to observe a few sessions of court before your trial, if you can't manage to dress in a manner that the judge expects, if you can't respect the (near-total) authority of the judge – well, you are likely to lose your case. This simple concept is hard for many people, remember this: The judge is in charge!

MOTIONS AND CONTEMPT HEARINGS- Once the case is filed in the Circuit Court, there will typically be motions as have been discussed above. Motions for contempt or motions to compel discovery are also typical. Contempt matters generally involve enforcement of prior court-approved agreements or orders, such as an order for payment of temporary child or spousal support. Circuit Court judgments and orders should be treated very seriously. The penalties involved in the failure to comply with these documents can be substantial and may even include (rarely) jail time. As previously noted, motions to compel discovery are brought when information has been requested but not provided, or when a party refuses to cooperate with attempts to gain information.

SUBSTANTIVE LAW -In Oregon, the practice of Family Law is governed by a large body of case law (decided by the Oregon Court of Appeals and the Oregon Supreme Court), statutes (created by our legislature), Court Rules (promulgated by our Supreme Court), and administrative rules. The law governing domestic relations is an ever-changing body of law.

LENGTH OF CASE- Typically, dissolution cases may take six to 12 months to complete, with some exceptions. Oregon law requires that once a case is filed with the court, it will remain on the active trial roster for nine months. After that time, it is dismissed, but may sometimes be reinstated for good cause.

The time it takes to complete your case will depend on several factors, many of which are not within your or your attorneys' control. It will depend in large part upon the issues that you and your co-parent chose to contest. The more issues, and the greater complexity, the longer the case will take to complete. Your case may end when your divorce is finalized. But it is not completely over until your youngest child turns 18.

We encourage you to attempt to reach an agreement on as many issues as possible. The process of fully litigating each issue can be very lengthy and expensive and should be reserved for only those issues about which there are significant disagreements.

STATUS, PRETRIAL AND FINAL HEARINGS -Depending on the county in which your case is filed, the court may schedule a status conference or pretrial hearing. The purpose of the status conference or pretrial hearing is to make sure that the case is ready for trial and that all reasonable efforts have been exhausted to settle the issues that are otherwise to be determined by the court. A status conference is more informal than a pretrial hearing and may even be conducted by telephone.

Some final hearings last only two to three hours. Others last three or more days. Typically, a fully contested dissolution case will take one to three days of trial time to complete on the merits. When the issue of custody is also contested, that generally will enlarge the time of trial by one or more days. Consider this when you are trying to settle – 3 days at $250 an hour for your attorney is $6,000 that doesn't include the time to prepare, etc. You can easily spend $20,000 or more just on this trial. Mediation and agreement are much less expensive.

Once the court's decision has been rendered, one or both of the lawyers will be requested to draft a judgment for the judge's signature. The judgment will set forth the court's findings and rulings on the issues; the most important part of this is your parenting plan which will outline the arrangements for your child until they turn 18. It is VERY, VERY important that you read every word of this document, preferably before it is finalized, and make sure you understand and agree that what the document says is what was agreed to or what the judge ruled.

APPEALS - Am I Able to Appeal a Ruling of my Family Law Case? Oregonians have the right to appeal any ruling they deem unfair. In the state of Oregon, there are two appellate courts in which to seek an appeal. The Oregon Court of Appeals is most likely where you will need to file to contest any family law outcome that resulted from a court trial, including matters such as:

Child custody
Child support
Divorce and dissolution of marriage
Parenting time plans
Spousal support
Property division
The other court in Oregon that can hear appeals is the Oregon Supreme Court. However, it is comparatively rare (but not unheard of) for family law matters to be appealed to that level.

Do I Have a Strong Case for an Appeal? Both the Oregon Court of Appeals and the Oregon Supreme Court tend to uphold decisions made by a trial judge, unless there is a legal error or unless there are no facts to support a ruling. The Oregon Court of Appeals is also one of the busiest appellate courts in the nation. For both of these reasons, most appealed cases will routinely receive an affirmation of the trial court decision from the Oregon Court of Appeals.

Appeals - Within 30 days of the court issuing its final judgment in the matter, you have the right to appeal. That appeal is initially made to the Oregon Court of Appeals. The appeal process involves securing transcripts of all of the proceedings in the Circuit Court and copies of the exhibits and having all of the pertinent portions of the lower court records presented to the appellate court. That becomes the Record on Appeal. Once the Record on Appeal is completed, the co-parent who appeals must present a written Opening Brief. The opposing co-parent then has the opportunity to present what is called an Answering Brief, to which the appealing co-parent has the right to enter a Reply Brief. These Briefs set forth your legal position on the facts and law as they apply to your case. After the Record on Appeal and Briefs have been completed,

the appellate court will then typically set the case for oral argument. In the Court of Appeals, the oral argument takes place before a three-judge panel. Once a case has been brought to the Oregon Court of Appeals, a panel of judges carefully examines and evaluates the trial record for any disparities, errors, or improper legal proceedings that may have affected the outcome of the case, according to the Oregon Courts. The judges will also look at any written briefs and listen to oral arguments that describe where the error was thought to have occurred. The judges will not, however, review testimony or look at the factual details of your divorce. They are purely interested in whether or not the trial procedure was carried out properly. The appellate court then issues its decision, which it may do by published or unpublished opinion. Typically, that opinion will affirm, reverse, or reverse in part and affirm in part. A party may then petition for a Supreme Court review of the Court of Appeals' decision. Supreme Court review is at the discretion of that court and very few family law cases are taken by the Supreme Court for review. If the case is affirmed on appeal, then the trial court judgment will become the final judgment in this case and will be implemented. If the trial court judgment is reversed or modified, the appellate court can direct specifically how the judgment is to be modified, or it may remand the case to the trial court for further proceedings consistent with the appellate court's opinion. Appeals are generally very expensive for many reasons. You must order and pay for transcripts of the lower court proceedings, which must then be assembled and duplicated to become the Record on Appeal. The briefs involved in the appeal are labor-intensive and take many lawyer hours to complete. Appeals should be taken only when you are truly aggrieved by the lower court's decision and the economics of the situation justify the cost. Also, in Oregon, it may take many months, at times even years, for a decision on appeal to be made.

CLEAN UP AND IMPLEMENTATION -When your case has been settled by agreement or litigated to a conclusion through the court, you and/or your attorney will attempt to bring closure to the case by writing letters detailing who is to do what and making sure that appropriate deeds have been completed and recorded, Qualified Domestic Relations Orders (which are required to divide certain kinds of retirement accounts) are appropriately transmitted dividing retirement plans, and important discovery papers are returned to you.

ENFORCEMENT -After the case is completed, there may come a time when your co-parent does not do what has been agreed or ordered. You may find that your parenting plan contains ambiguous or contradictory clauses. If you wish the court to try to enforce your parenting plan you will need to file a motion to initiate an appropriate contempt action in the Court, as discussed above. Nonpayment of child support is a frequent enforcement issue.

MODIFICATION -In certain instances, the Circuit Court can modify prior agreements and judgments that involve spousal support, child support and related issues, custody, and parenting time. Generally speaking, other matters relating to the dissolution, such as property division, are not subject to modification. It is our advice to do what you want to do the first time around. It is much easier to get the job done in the first instance, rather than to come back later and attempt to change a prior agreement or judgment. The burdens are much greater after the fact.

What is a Show Cause Hearing**?**

In family court, a "show cause hearing" goes by many names, depending on the county where it takes place; it's also called an "order to show cause," a "motion for an order to show cause," and a "rule to show cause" or sometimes "a motion to enforce parenting time" or something similar hearing.

A show cause hearing is scheduled when one co-parent involved in a family law case, files legal paperwork asking the court for some specific relief. These hearings can relate to many types of family court orders, including the enforcement of custody rights and parenting time, property, and spousal support orders.

Once the request is made, the court will schedule a show cause hearing directing the responding party to appear and "show cause" - meaning provide a satisfactory explanation to the court. It's an order directing a party to appear in court and explain why that party took (or failed to take) some action, or why the court should or should not grant the requested relief.

For example, let's say one co-parent continually violates a parenting plan by interfering with the other parent's parenting time. The co-parent parent keeps "forgetting" to drop the children off on Saturday mornings as stated in the plan or claims that the children have playdates, soccer, or other activities that make the scheduled parenting time impossible. This goes on for several weeks despite the co-parent's parent's phone calls and complaints.

The aggrieved parent can file a "Motion for an Order to Show Cause" or a "Motion to Enforce the parenting plan" and a supporting statement of facts showing all how the co-parent has disobeyed the parenting plan. The aggrieved parent will also ask the court for some specific remedy, such as an order that the co-parent obeys the parenting time schedule, an order changing the schedule, or even an order transferring custody to the non-custodial parent.

The court will schedule a show cause hearing and order the co-parent to appear and explain the failure to follow the parenting time schedule. At the hearing, both parents will have the opportunity to tell their version of the events. The judge will determine what the facts are.

The main objective of the show cause hearing is to get the party who is not following the court's order to do so. The court can also order the relief requested by the moving party (for example, change parenting time or transfer custody).

TRIAL ASSIGNMENT - What is "Trial Assignment"? "Trial Assignment" is a court proceeding in which a Judge decides which family law cases scheduled for hearing the next court day are ready to proceed, how much time is needed for each hearing, and which Judges have time available to hear those cases. The Trial Assignment Judge then assigns the cases and tells the parties what courtroom the case will be heard the next day. What happens at Trial Assignment? All the attorneys and self-represented parties who have a case on the Trial Assignment docket take a seat in the courtroom. The Judge comes out to the bench and announces each case on the docket, one at a time. When your case is called, you will need to:

- Stand up whenever speaking to the Judge.
- Tell the Judge whether you are ready for your hearing the next court day.
  - o If you are not ready, tell the Judge why. Also, tell the Judge when you will be ready. The other side might disagree with your request to set over the case. In this situation, the Judge will decide what to do. It is always best to let the other side know as soon as possible if you think you will not be ready for a scheduled court hearing. Judges prefer early requests to postpone instead of requests made the day of Trial Assignment.

• If you are ready, tell the Judge how much time you think you will need to present your case. Consider whether you will have any witnesses coming to court with you for the hearing. Think about how long it will take for you to tell your side to the Judge and have your witnesses provide their information to the Judge.
• Listen to the Judge make the assignments once all the cases have been called. You may need to write down the information, although many Judges try to provide this to you in writing before you leave.
What if I haven't completed Parent Education or Mediation?
If you have not (1) completed the Parent Education class or (2) participated in Mediation or obtained a waiver of Mediation, your case could be set over at Trial Assignment. Not all cases require mediation. If you have questions about the Parent Education class or Mediation, you should contact the court.
What if I don't attend the Trial Assignment proceeding?
You could lose your chance to participate in the hearing the next day and therefore lose your case.
You must attend Trial Assignment in person if you do not have an attorney.

What should I bring with me to court for trial or hearing the next day?
• Any witnesses you think have information helpful to the Judge
• Any documents you think show information helpful to the Judge. bring 3 copies –
one for you, one for the other side, and one for the Judge).
If child or spousal support is an issue, you must complete a Uniform Support Declaration and attach copies of paystubs and tax returns.

DISSOLUTION - A judgment of dissolution of marriage or Registered Domestic Partnerships, signed by a judge, is the final document that ends a marriage or partnership. It is effective immediately. The judgment will include all of the judge's rulings and may state: That the marriage or partnership is over; Which parent gets custody of the children; The parents' parenting time; Which parent pays child support, how much and when; Which parent provides or pays for health insurance for the children; How the bills will be divided; How property, including retirement benefits and a home, will be divided; Whether one spouse or partner will pay spousal support (alimony) to the other; That a party's former name will be restored; and How the court costs and fees will be divided.

CONTEMPT OF COURT - In some extreme circumstances, such as repeated violations, you should file a motion for contempt of court.

To be found in contempt of court, there needs to be proof of willful disregard of a court order. Willful contempt means that the co-parent was aware of the court order, had the ability to follow the specifics of the order, and chose not to without any mitigating circumstances.

The judge can find one party to be in "contempt of court" - when a party violates a court order, it's called "contempt of court," and a judge can impose penalties, including monetary fines or even jail time. Even the threat of these penalties can sometimes be enough to get someone to follow a court order.

Settlement is preferred over litigated results as a settlement is generally less expensive to achieve from a fee and cost standpoint, and also provides certainty. It has been said that you and your co-parent may resolve your differences with surgical precision, but a judge will use a meat ax. Try to settle!

Contempt of Court Remedial - Filing for contempt is similar to filing for divorce. A new case is open and a petition is filed. Your co-parent will need to be properly served. File using this form
https://www.courts.oregon.gov/forms/Documents/EntirePacket19.pdf

Then at court, you must show evidence that contempt took place and prove that the violation was willful.

Before you file, however, here are some steps you should run through to make sure filing for contempt is worth the time and effort.

Read your parenting plan – Read and re-read the language in your parenting plan so you are absolutely sure that a violation has occurred. Lots of parenting plans have clauses that can be interpreted in multiple ways, hopefully, you have utilized our guide to reduce or eliminate these. Keep in mind you must prove your co-parent could uphold the order and intentionally ignored it. This requires solid evidence that will hold up in court.

Must be filed within two years of the date of the contempt (violation of the parenting plan).

Since the burden of proof lies with the accuser, it's important to make sure you have sufficient evidence to support your claim before filing for contempt.

For example, if your co-parent fails to allow you to see your kids during your prescribed parenting time, but the stated reason they did so was that they had a flat tire then you almost certainly wouldn't convince the court that they were in contempt. However, if they repeatedly come up with excuses for not allowing you to see your child and you can show that those excuses are disingenuous, then you will have a strong case. You should document every time this happens (see Appendix "G" Evidence)

It's also a good idea to send the offending party a warning letter (or two, or three) before actually filing for contempt. The court will see this as an act of good faith and proof that you are not simply trying to stir up trouble with your co-parent. Include in the letter a clause specifically defining how they can fix the situation before going to court. For example, if they owe you child support you could give them a certain number of days to pay the support before you seek court enforcement. Any letter should be sent registered mail/return receipt requested. The tone of the letter should be polite and businesslike. If they continue to disregard the order, you can show the court you made a good-hearted effort to resolve the issue without going to court but the opposing party simply won't comply. At the hearing, the judge will listen to both parties' arguments. Some courts require live testimony at the hearing. In others, you may need advance permission to give live testimony. Still, other courts never allow live testimony. Ask the court clerk about the local procedure.

The co-parent who has filed for contempt must show/prove all these:
There is a court-ordered parenting plan in place,
the other co-parent knows about the parenting plan,
the other co-parent has violated the parenting plan,
the other co-parent was properly served and got reasonable notice of the contempt hearing and reason/s for it.
*If the other co-parent does not come to the contempt hearing the judge may (rarely) issue a bench warrant for their arrest.
The person charged with contempt can present defenses. Usually, if they claim they cannot obey the parenting plan, they must have evidence to prove it. If they have filed their own motions, the judge may hear them at the same time, if you have gotten (or agree to waive) proper notice.

Contempt can include both civil and criminal penalties that range in severity depending on the infraction. These include fines, compensatory parenting time, a change in the parenting plan, and even jail time. Typically, if the court determines someone is in contempt, they'll give them a chance to make up for the violation. That might involve paying back support that is owed or giving the co-parent additional parenting time for failing to meet a parenting time schedule. If they're able to meet those make-up requirements, the court likely will not punish them any further since the entire point of a contempt action is to seek compliance.

If an issue like withholding parenting time is an ongoing problem, the court can award extra time with the child and even modify the custody arrangement, which requires the contempt charge to be filed with a motion to modify.

It's generally rare for a court to issue jail time over contempt, although the option does exist. Usually, the threat of jail time is enough to persuade the offender to comply.

After hearing both sides, the judge will decide whether or not contempt occurred. If there is enough proof, an order will be given specifying how to resolve the issue.

DOMESTIC RELATIONS FILIATION - An order of filiation is an official document declaring a man to be the father of a child. Once the order is made, the father has an obligation to support the child and may have rights regarding custody or parenting time. Legal papers that ask the court or a child support agency to declare who is the father of a child. A parent can ask the court to make an order regarding custody, parenting time, and child support once paternity is established.

HEARING - STATUS CHECK – The main purpose of a status hearing is to report to the court with an update on any progress made on previously identified important issues and to determine the best next steps. The issues addressed at the hearing depend on what's happening in the case and the issues and suggestions previously raised by the judge.

For example, if there's a business involved in a divorce and there's a valuation pending, the court may order a status hearing to give the parties time to complete the work and to discuss the results.

Status conferences provide a meaningful opportunity to discuss settlement and narrow the issues for contested hearings. Attorneys should be familiar with the case and should have engaged in some proactive and meaningful discussion with the opposing co-parent.

The parties may request a formal settlement conference with a different judge.

Status Conference Protocol

Each co-parent must complete the county parenting class before the status conference. Additionally, both co-parents must actively engage in the court-mandated mediation program. A mediation order must be obtained to attend. If there are issues of custody or parenting time, mediation must be completed before the status conference. Discovery must be complete before the status conference.

If child or spousal support is at issue, each co-parent must have completed a uniform support affidavit & supply a copy to the other party with all attachments no later than 10 days before the status conference.

All pleadings shall be exchanged before the status conference. Unless stipulated otherwise in writing, sanctions may be imposed for failure to comply. Parties and their attorneys must personally appear for status conference absent prior written court approval. FAILURE TO APPEAR AT THE STATUS CONFERENCE OR TRIAL MAY BE DEEMED A WAIVER OF THE RIGHT TO APPEAR, AND THE COURT MAY PROCEED TO THE FINAL TRIAL OR HEARING IMMEDIATELY.

Case and hearing settlements must be placed on the record at the time set for the hearing unless orders/judgments are submitted and signed before that time. Reasonable requests for an appearance by phone for settlements on the record are generally accepted.

All resets, settlements, and specific requests must be provided in writing.

At the status hearing, the attorneys will often discuss the issues among themselves and attempt to agree on the next steps in the case. If progress is made, the attorneys and co-parents may then appear in front of the judge to report the latest developments and proposed plan.

Next, the judge will often suggest to the attorneys and parties what the next steps should be. For example, it may be a recommendation for the parties to discuss a certain issue with some parameters set by the judge. Or a judge may recommend alternative dispute resolution, which is essentially mediation or conciliation, which is a process by which a neutral third party hears the facts and makes recommendations on how to resolve the case.

However, in cases in which a full agreement is unlikely, the judge will probably order the case scheduled for trial, which is the final event at which a judge hears and examines the evidence and makes a decision on outstanding issues.

Although a status hearing may seem perfunctory, it presents another opportunity to argue your case to the judge. Judges are constantly re-evaluating cases as they go through the various stages of the process. Therefore, being prepared for a status hearing and having an attorney argue your position effectively at the hearing can be helpful.

Status hearings are mainly used for the parties and attorneys to provide an update to the court about recent developments and discuss with the court plans for moving the case forward. Although major decisions are usually not made official at a status hearing, it's another chance to persuade the judge, so don't waste it.

HEARING – MOTION

WHAT IS A MOTION?

A motion is just a formal request you make to the judge for some sort of action in your case. In general, you do not need a motion for clerical things like changing your address on the docket or requesting copies.

Here are some common motions that may be filed at any point in a Family court case:
- Motion for extension of time to file document
- Motion to appear by telephone
- Motion for sanctions
- Motion for appointment of counsel

Here are some specialized motions that are filed during specific phases of a Family court case:
After filing a complaint:
Motion to amend
In response to a complaint: Motion to dismiss
Motion for a more definite statement
Motion to strike
Motion to set aside default judgment

During discovery:
Motion to compel deposition/document production/response to interrogatories
Motion for a protective order

Before and during the trial:
Motion for summary judgment
Motion in Limine (used for motions regarding the admissibility of evidence brought up at a pretrial hearing.)
Motion for judgment as a matter of law

After trial or judgment:
Motion to set aside the verdict
Motion to amend or vacate the judgment

HEARING – OBJECTION

The following list doesn't cover every objection you might hear used in Family Court. However, these are some of the most common ones you'll likely encounter when you're going through a divorce hearing or child custody proceeding.

Objection, your Honor!

The question is hearsay! This one is used when a witness attempts to testify on behalf of another person's words, actions, etc. The witness is prompted to offer an "out-of-court" statement in an effort to prove the truth on a specific issue in divorce or child custody court. There are exceptions to the hearsay rule.

The question is irrelevant! This one is used when the question asked prompts the witness to give testimony or evidence on an issue not relevant to the divorce or child custody case at hand.

The question is speculative! The one is used when the question asked prompts the witness to speculate about an issue or answer based upon conjecture.

The question is leading! This one is used when the question asked prompts the witness to answer in only the way the questioner wants them to answer. While objectionable on direct examination, leading questions are permitted during cross-examination.

The question has been asked and answered! This one is rather common. When a lawyer asks the same question over and over, perhaps in different ways, in an effort to get the witness to answer differently or contradict themselves. The witness has already answered the question about that matter. You'll see this approach a lot in divorce and family court.

The question assumes facts not in evidence! The question asked presumes unproven facts to be the truth. For example: "When did you stop abusing the children?" In this example, this question assumes that the witness has been abusing the children.

The question is argumentative! This objection can take place due to several issues. It may be asked to persuade a judge or jury in the lawyer's favor rather than elicit information about a specific issue. The question may not call for any additional facts but rather prompt the witness to concede inference drawn by the questioning attorney (from either proven or assumed facts). The question asked may require an argumentative response in reply to an argumentative question.

The question is ambiguous! The question asked may be misunderstood by the witness and/or call for an answer that can be interpreted to have more than a single meaning.

whether represented or handling a case pro se (on your own) – it is one of the important elements of a divorce hearing or child custody proceeding that you should work hard to learn and to understand objections.

TRIAL – COURT

The trial is your opportunity to prove what you said and asked for in your court forms by presenting your evidence. Your evidence can be witnesses or documents that support your case or that go against your co-parents' case. Judges decide family cases on their own without a jury. They make decisions using the family law rules and laws and the evidence you give. Judges make decisions using a test called the balance of probabilities. This means that your evidence has to be more believable than your co-parents' evidence. Judges are neutral and impartial. They don't take sides and can't give you legal advice. Trials are usually open to the public. This means there may be other people in the courtroom when your trial is going on. Before your trial begins, the judge first deals with any preliminary or procedural matters. Then you and your co-parent take turns giving your evidence. You should stand up when speaking to a judge. Remove your hat and don't chew gum when you're in court. And, turn off your cellphone. You can talk to a lawyer who can explain the court process and help you through it. If you can't afford to hire a lawyer for your whole case, some lawyers provide "unbundled services" or "limited scope retainer" services. This means you pay them to help you with part of your case.

AFFIDAVIT – An affidavit is just a written statement attesting to something. It is usually notarized. Affidavits do not carry any special weight with the court. They are generally considered hearsay and not admissible as evidence without the person who wrote the statement testifying in court.

The affidavit starts with a heading. The heading may be made of a case heading if the affidavit is for an open case, or it may simply say “Affidavit of [your name]” if you do not have an open case but need to swear to something. The case heading includes the court your case is being heard in, the case number, and the names of the petitioner and respondent. After the case heading or general title, the county, and state where you will sign the affidavit will be listed.

The very first section contains your name in a sentence that generally states, “Before me comes [your name], whose residence is [address, including city, county, and state], and hereby swears to the following facts under penalty of perjury.” Depending on who drafted the affidavit, that sentence may vary in wording, but it will always state that you, the affiant, swear that the following account of events is true and correct to the best of your knowledge.

The following paragraphs usually each contain one fact. After the facts are laid out, the affidavit usually contains the words, “Further Affiant Sayeth Naught.” This means that you have said all you have to say on the matter.

Next, come the signature lines and notary section. When you sign the affidavit, you are swearing that the facts in the document are true and correct. You are also swearing that the facts are true and correct when the notary signs the notary section.

Using an Affidavit as Admissible Evidence

An affidavit can be admissible evidence, although normally you are required to testify to the affidavit or they may consider it hearsay. Since hearsay is not admissible as evidence, your affidavit may not be used for evidence if someone objects to it unless you testify. Thus, never assume that just because you signed an affidavit that will get you out of testifying in court as a witness.

INFORMAL DOMESTIC RELATIONS TRIAL VS FORMAL (TRADITIONAL) HEARING

What is an Informal Domestic Relations Trial (IDRT)?

In an Informal Domestic Relations Trial (IDRT), you and your co-parent speak directly to the judge about the issues that are disputed, such as child custody and dividing property or debts. A question-and-answer format is not used. Only the judge asks questions of each co-parent. This happens even if you or your co-parent has a lawyer. Usually, other witnesses are not allowed to testify. You can, however, ask the court to let an expert witness testify, such as a doctor, counselor, or custody evaluator.

The Rules of Evidence do not apply in an IDRT. This means you can tell the judge everything that you think is important. You also can give the judge any documents or papers you want the judge to review. The judge will decide the importance of what you and your co-parent say and the papers you each give to the judge. In an Informal Domestic Relations Trial, lawyers are only allowed to:

Say what the issues in the case are, respond when the judge asks if there are other areas as the person wants the court to ask about, and make short arguments about the law at the end of the case.

The Informal Domestic Relations Trial is a voluntary process. In other words, you decide whether it is something you want to do. An IDRT will be used only if both co-parents involved in the case agree to it. Each co-parent must complete a form that says what type of trial they choose; only if both select IDRT will this format be used. If one or both co-parents request a Traditional Trial then that format will be used. A party represent by an attorney will almost always select a traditional trial.

What is a Traditional Trial?

In a Traditional Trial, lawyers or a co-parent who represents themselves usually present information to the judge by asking questions of witnesses. Each side gets to ask follow-up questions of the other person and their witnesses. Generally, the judge asks few, if any, questions.

The Rules of Evidence apply. The Rules of Evidence place limits on the things a witness can talk about and the kind of documents that can be given to the judge to read. If you or your co-parent has a lawyer in a Traditional Trial, the lawyer will make opening statements and closing arguments to the judge and will ask questions of you, your co-parent, and other witnesses. If you represent yourself, you will be expected to follow the Rules of Evidence and you will be the one to make opening statements and closing arguments and to question witnesses.

Immediate Danger Order

So, what is an "immediate danger?" The statute doesn't define it. There are differences of opinion between judges in the same county on what constitutes an immediate danger. How a motion is presented to the court and what support and documentation you give the court to support your emergency custody motion are critical to success. If you believe your child is in an "immediate danger" in the other parent's care or custody, you should immediately talk to an experienced family law attorney about emergency relief.

Under Oregon law, it is possible to obtain a temporary emergency custody order under the "Immediate Danger" statutes. Oregon has two emergency custody statutes. The difference is the timing of the request, the first statute applies to situations occurring before a final judgment is entered in the case, and the second statute is used after a final judgment has been entered in the divorce and custody case.

ORS 107.097(3) provides that:

(a) A court may enter ex parte a temporary order providing for the custody of, or parenting with the child if:

(A) The party requesting an order is present in court and presents an affidavit alleging the child is in immediate danger; and

(B) The court finds, based on the facts presented in the party's testimony and affidavit and the testimony of the other party, if the other party is present, that the child is in immediate danger.

(b) The party requesting an order under this subsection shall provide the court with telephone numbers where the party can be reached at any time during the day and a contact address.

Emergency custody orders are useful in cases involving severe drug and alcohol problems, in cases of sexual abuse, in cases where the custodial parent is incarcerated, or where the other party is suffering from severe emotional or mental issues resulting in hospitalization or a complete breakdown. Courts will generally protect children in each of these situations.

Once a general judgment of divorce or final custody determination has been made, a motion for temporary emergency custody must be made under ORS 107.139, the post-judgment emergency custody statute.

ORS 107.139 provides in pertinent part:

Following entry of Judgment, a court may enter an ex parte temporary order providing for the custody of or parenting

(1)(a) Following entry of a judgment, a court may enter ex parte temporary order providing for the custody of, or parenting time with, a child if:

(A) A parent of the child is present in court and presents an affidavit alleging that the child is in immediate danger;

(B) The parent has made a good faith effort to confer with the other party regarding the purpose and time of this court appearance; and

(C) The court finds by clear and convincing evidence, based on the facts presented in the parent's testimony and affidavit and the testimony of the other party, if the other party is present, that the child is in immediate danger.

(b) The party requesting an order under this subsection shall provide the court with telephone numbers where the party can be reached at any time during the day and a contact address.

Thus, a post-judgment custody order requires a much higher standard of proof and good-faith notice to the other party. The clear and convincing evidence requirement is the highest civil standard of proof.

HOW DO I PROVE THAT MY CHILD IS IN IMMEDIATE DANGER?

What is immediate danger? Immediate danger means that there is a clear and present risk that a child will be physically injured or neglected in such a way as to endanger the child. The risk here generally involves physical danger and "immediate" means now.

There is considerable variation among the courts and judges as to what constitutes an immediate danger. There is virtually no case law on this issue and each determination of immediate danger is generally made on a case-by-case basis. The determination of immediate danger is fact-driven and requires the expertise of a skilled divorce and family law attorney.

Generally, co-parents who attempt to obtain emergency custody orders on their own are unsuccessful. The reason for this failure is their inability to understand the rules of evidence and the standard of proof required to prevail in these cases.

In addition to the foregoing, an understanding of the judges and courts in the area is essential to success in this area. There are substantial differences in opinion between judges in the same county as to what constitutes an immediate danger. How the motion is presented to the court and the evidence and supporting documentation provided to the court are critical to a successful emergency custody motion.

If you believe your child is in "immediate danger" in the other party's care or custody, you should immediately consult an experienced family law attorney about obtaining emergency relief. Such a motion must be presented properly from the onset so as not to taint the court as to your case, and ruining your chances of obtaining custody of your child.

The evidentiary requirements and the standard of proof for protective orders are technical and require the advice of a skilled custody and parenting time attorney. The cases are fact-driven. The improper use of protective orders can have adverse consequences on the final orders entered in the case and can result in the award of substantial attorney fees when used improperly.

SUGGESTIONS FOR INTERACTING WITH FAMILY COURT JUDGES

Adapted from https://www.thurmanarnold.com/family-law-blog/2011/june/pointers-for-dealing-with-family-court-judges-di/

Here are some suggestions that, if followed, will vastly improve your family law court experience, and help your case!

Rule 1: Be Prepared

Judges have little patience with attorneys, and self-represented litigants, who aren't prepared when they enter the courtroom. Many litigants don't seem to know what they are asking the court to do, why they are asking for it, and what the best legal or factual grounds are for the orders requested. Courts everywhere are overburdened. Judicial resources are not sufficient to meet demand in these budgetary times, and this places a premium on directness and efficiency. Economic limitations also make judges a lot crankier than if they had more resources to manage their caseload and calendars.

Depending on several factors Family Law Judges typically have between 20 and 35 or more matters on their morning calendars. In the afternoons they are often holding evidentiary hearings and trials. If they are to move through these calendars by the end of the morning, brevity and efficiency become exceedingly important. Therefore, one of the biggest mistakes that aggravate judges is parties or lawyers who aren't prepared and so can't present their cases with clarity. If a lawyer doesn't appear to care overmuch about their client's case, then why should a judge? Lack of preparation, especially for lawyers, is a cardinal sin.

Rule 2: Be Prepared For This Particular Judge

In jurisdictions with direct calendar assignments, where a judge is assigned to a case for all purposes or all purposes possibly until the case is reassigned for trial, learn about the particular judge who presides over your case. The information allows you to make useful assumptions about a particular judge's attitudes and policies.

The best judges are predictable and consistent in their rulings. "A judge's value to the public as a judge is in direct proportion to the ability of the lawyers who frequent the court to predict how the judge will deal with a particular issue." Lawyers who are practitioners in any given court usually have good insights into local judge's attitudes. They may also be aware of information about a judge that is not generally available to the public, like their expertise, practice focus, and reputation before they took the bench. Pro Se litigants should consider observing a judge going through their calendar for one or more days. You will learn tons about their judicial attitude from watching them in open court, and you may witness other parties get scolded or reprimanded for missteps and so avoid the same mistakes. A simple but classic example is the family court litigant who brings a small group of friends or family members who are there to provide familial support, some of whom cannot sit still without gasping, shaking their heads violently, or sobbing.

Rule 3: **Let the Court Clerk Know the Day Before If the Case Will be Continued**

Sometimes one or both attorneys or parties intend to seek a continuance of a hearing, possibly because they want to discuss settlement but often because one or both are not ready to proceed or have late papers to submit. Judges have very different attitudes towards continuances, particularly where they have already read the materials and then are faced with a continuance request. Lawyers who know that a case will not proceed are well advised to contact the courtroom clerk at least a day in advance to give a head's up - otherwise, they may wind up with a judge who justifiably feels "put out". Some allow self-represented parties to give advance notice of agreed-upon continuances, but the other side will need to confirm it. Often messages must be left on the clerk's answering machine, and you may not know that number or whether messages were received or acted upon.

Where both sides have attorneys and a particular judge is known to permit it, counsel should always let the court know one or even two days in advance that the hearing is not expected to proceed that day.

However, most self-represented parties will not know how to reach the Judge's clerk, so this one is really for lawyers.

Rule 4: **Look At the Local Court Rules**,

Some counties or individual courts have local rules; many do not. Most judges have their own rules and styles, often never to be found in written form. It never hurts to ask the Court clerk, when the judge is off the bench, whether that courtroom follows any specific preferences, customs, or rules of procedures. The state-wide source for procedural rules impacting Oregon Family Law (and Juvenile cases) is the Oregon Rules of Civil Procedure. You ought to go to the County website where your case is filed and look for the local rules that are applied.

Rule 5: **Talk to the Judge, Not the Other Party or Lawyer**

The time to discuss your case or argue with the other side is before you enter the courtroom. It drives judges nuts when two lawyers, two pro se parties, or any combination of them begin to argue at the counsel table as though the judge was not present. Keep your focus on the judge, and generally avoid looking at the other party except for emphasis. Never address the other party directly. Look the judge in the eye, but don't eyeball them. If you bring witnesses or support people in the courtroom, tell them in advance to keep control of themselves. This means no interruptions, no head shaking or head nodding, no gasps, and no agitated movements. Naturally, such people have an emotional investment in the outcome. However, if they act in an uncontrolled fashion, that may affect the court's evaluation of you. It is common for witnesses to be excused from the courtroom until they are called as a witness.

Rule 6: **Never Assume the Court Has Read the File, and Never Ask Whether They Have**

Never assume the Court has read your pleadings. But asking the question only embarrasses the court.

Instead, start your presentation as though the Judge has not read the materials. Most judges will interrupt you to advise you when they have read it. Be nimble. At the same time, understand that the court only has enough time to listen to summaries of information, not the entire case. You need to know what your highlights and sound bites are, and they should be presented in as orderly a way as possible. Having outlined these in advance is very helpful in the heat of the moment, where you become distracted by some exchange. Use a notepad in a way that triggers your memory of the points you wish to make. One of the most common mistakes for self-represented parties is not to have thought through their presentation in advance. Stuttering around hurts your believability and makes you seem emotional and therefore that you are spinning a story.

Rule 7**: Make It Easy for the Judge (This Is a Biggie)**

This is one of the greatest challenges, particularly for young lawyers and self-represented parties. How to know what matters and what does not? You want to help the judge to help you, and in doing this you need some ability to discern what is legally or factually important to them. The first and best opportunity is to do this is via the papers that are filed when your Motion is drafted, or when replying to the other side. Here it is extremely important to know the local court rules, if any, as they pertain to how paperwork is prepared plus, use common sense. These papers give the court the first and sometimes the defining impression of the case. They are probably your biggest opportunity for persuasion. Their purpose is to instruct the Court and to explain the justness and reasonableness of your position. Backbiting and attacking the other side, or their attorney, and engaging in an irrelevant and personal argument, is a bad practice. In declarations consider inserting spreadsheets, Excel boxes, and tables where a point can be made visually and simply. Most judges are older people, and their eyes are not those of a 30-something adult. Double-space your writings; use at least 12-point font or better yet 13 point if you are not otherwise exceeding the allowable page numbers for the various pleadings; some judges insist that Courier or Times Roman be used; others insist that you use recyclable paper. Never handwrite your papers where you can avoid it. Number sequentially the paragraphs in your declarations. Organize your work for ease of access. Avoid using CAPS or Bolding, except possibly for titles and organizing sections of your written submissions, since many of us today interpret that as shouting. Underlines and italics may work better.

The likelihood that the court will fully read your pleadings increases proportionately with its brevity and readability. Most judges consider more than eight pages to be way too long. Reduce and edit your work, and then reduce and edit it some more. Use active verbs and cut, cut, cut unnecessary verbiage (not like I do in this guide!). Similarly, when the other side submits a lengthy or inflammatory pleading, resist the impulse the respond in kind. Be surgical. This can be a tall order in family law cases since there is so much emotionality and reactivity in "he-said", "she-said" exchanges. Respect how little time a court has to review one of the twenty-plus files set for any given calendar. Do not include evidentiary submissions in pleadings, and consider tabbing or page numbering your exhibits and then referencing those page numbers or tabs in your declarations (by page, paragraph number, or line number). Remember, if the judge can't find what you are referencing, they will not likely read it. It is good practice to provide evidentiary support for claims you make and positions you take but only if you expect the other side to deny what your attachments otherwise set forth - i.e., you don't need to attach a copy of a lease agreement if no one is disputing that lease! Many attorneys and most all Pro Se's submit way too much paperwork. Less is more and reflects sophistication. Sophistication implies knowledge - and knowledge is credible! Some courts will allow counsel or the parties

to contact the clerk in advance of hearings to warn that the issues are more complex than normal. This may be a wise move on your part.

Rule 8: **Be Sparing with the Exhibits You Attach to Your Pleadings**

People attach dozens or hundreds of pages of exhibits to their declarations, and they often don't even know why. Think about how long it would take for someone to read this stuff, and whether it is even necessary. I reiterate: If a fact is not disputed, you don't need to attach a ton of paper to prove it. You can simply make the statement in your declaration. Otherwise, your judge may be pissed!

If you do need to attach a lot of exhibits, be sure to Bate-Stamp them (Many PDF programs can add Bates numbers). This inserts numbers on each exhibit page so that you can reference a specific page. Imagine that you've attached 100 pages of bank statements to your declaration, but you only want the Court to look at the 45th page? How will they find it in the mass of pages if those pages are not numbered? Count to the 45th page? Nope. They will be aggravated instead with you, and say (or think) "I am only Human"! Reference the one page number that is important in your declaration - and maybe only attach that one page, except when otherwise necessary for context.

Rule 9: **Always Show the Other Attorney or the Other Party, If Not Represented, Anything You Want the Judge to Look At.**

Self-represented parties, particularly it seems when the other party has an attorney, seem to think it is proper (and even clever) to not show the other side documents they want the Judge to consider. This is improper, and a big mistake that does not reflect well on you. It will aggravate your Judge. Ironically, dear Counsel or Self-Represented Party, you appear much more sophisticated if you do just the opposite; provide the surprise documents before the hearing (except when it is true impeachment evidence which is a challenge to use when there is to be no testimony taken)! Control your resentment and curb your passive-aggressive or just plain aggressive, impulses - your success is largely linked to appearances, though it is genuine appearances that carry the day. And you may foil requests to continue the hearing that you want a resolution to, as well. If you want to discuss something that is not already in the file with the Judge, at a minimum show it to the other side, and if you want to look smart and be smart, give them a copy as soon as you see them (not just before the case is called); better yet, follow the next rule. Note, however, that if there is going to be testimony taken at your hearing and your exhibits are purely for impeachment evidence (but be right out this), you might hold them back to show them to the witness on the stand - but only in that setting!

Rule 10: **Meet and Confer with the Other Party or Their Attorney Before the Hearing Per Rule of Court**, and attempt to comply with it, even if the other side refuses. This is an excellent way of attempting to exclude their evidence where they failed to follow this rule, but you did!

Rule 11: **Avoid Head-Butting with the Judge (and the Other Side)**

Whether or not a judge seems difficult or cranky, it does not help to get into a head-butting contest because you just can't win it. Head-butting may be a "kiss of death" for an advocate; the issues themselves have degenerated into an ego contest, and if you are in court to serve your ego you will likely have an unpleasant outcome. Remember, people are watching, including court staff. The Judge not only knows that they are the supreme power in the courtroom, but they also have their dignity to protect. Confrontations with judges suggest a battle between equals, and you are not equal. It also implies a winner and a loser. If you head-butt with a Judge, you are asking them to prove to everyone present who is in control. Head-butting might well begin with an attitude on the part of the judge. If this occurs, move into "damage control." Immediately lower your tone. Avoid flailing hands or arms. Speak evenly, slowly, and respectfully. This may defuse the situation before it becomes impossible to be redeemed. You must do whatever you can to end this contest. Consider a retreat, whatever that means in the circumstances. Move your reaction into this range...: be calm, be measured, be focused, and be polite (be unfailingly polite). With a particularly difficult judge, the hotter it gets the calmer you must become.

A cautionary note here: Many judges respect an advocate or a person who will stand up to them, and not simply fold because there may be some debate. So much depends upon your tone and style even as you perhaps stubbornly, but calmly, present your arguments or evidence. Hence, do not take these suggestions as meaning that if the judge seems to disagree with you that you should become silent. It is how you convey your message that often matters most.

Rule 12: **Never Lie to the Court**

It is amazing how often attorneys or pro se litigants will intentionally misstate facts to the court, or create inflammatory arguments that have little basis. This happens a lot, and this is one reason why divorce attorneys may be viewed as bottom feeders. It is really painful to listen to this poop. Yet, this is fortunately only a small, if vocal, segment of the legal practitioner population. Knowing this doesn't trigger you any less, however. So, if you are standing next to your attorney and hear the other side's nonsense, do not visibly react or scribble notes.

As an advocate, one of the most important things that lawyers possess is their reputation. Judges who will talk about it will candidly admit that they are every bit a catty lot as the next person. They talk in chambers, they talk in lunchrooms, they talk in restaurants, they talk in meetings amongst themselves. Their courtroom staff have opinions too! One of the common topics is about the lawyers who come into their courtrooms. Their views about particular attorneys' reputations can be infectious within the judicial community, which is not to suggest that they do not attempt to remain impartial on a case-by-case basis. Sometimes it feels that attorneys who too freely spin the facts get away with it. One consequence of unaccountability is that opposing sides, and unrepresented parties, take their cues from the lawyers they come into contact with and mimic the bad behavior of those they observe (or watch on TV). The behavior of legal professional's matters. There are so many reasons why it is imperative that lawyers not be deceitful. But as Forrest Gump once said, "sh_t happens. Sometimes." Bam!

Never lie to the Court, whether you are a lawyer or a co-parent. Once a judge gets fixed on the idea that your information is untrustworthy it will pervade their view of you within your case and is likely to haunt you in other hearings. There are subtle and not-so-subtle ways of punishing litigants. And, be advised, lawyers love it when the other party lies. This is exactly what can be seized upon to win their client's case by distracting

from other facts or evidence that is damaging to their case. Better to just admit the weaknesses in the positions and move on.

Rule 13: **Don't Tell the Judge That It's Obvious They Have Already Made Up Their Mind**

It does happen that the Court has prejudged the case before any oral presentation. It can be very difficult to understand why a judge may seem to have already decided your case before you open your mouth. This is why everything you write and say matters. There may not be much that you can do about it. Don't respond with something like well, "I can see your honor has already made up your mind," and don't otherwise communicate this with your body language, glares, or tone. Or slam the door on your way out of the courtroom. Lawyers and parties need to know, under such circumstances, when to fold. They also need to know how to protect the record - that is what is said on the record that is recorded by the court reporter. As with the rude and abrasive judge discussed below, a good record for an appeal may be your only hope, especially in jurisdictions that video or audio record the hearing, since tones of voice and sarcasm are often lost in a written hearing transcript.

Rule 14**: Don't Duke it Out with the Rude and Abrasive Judge**

Unfortunately, we see this more than we care to admit as an observer at courthouses. Some judges are rude, aggressive, even abusive, for no apparent reason, or at least none that justifies this behavior. It is extremely important for the lawyer (or the party) to be calm, and to remain calm, polite, [and] focused Judges are no different than me or you.

The goal of lawyers in such situations is, above all, to defuse the situation. This may seem an impossible task, particularly when it is our job to protect our clients and we look foolish or inept if we don't speak up with gusto. If the behavior is really so over the top that our clients are being abused, we must object to such behavior. All I can recommend to non-lawyers is that they not get sucked into such exchanges with the court, but that at the same time they politely and firmly stand their ground.

Rule 15: **Ideas for Coping with Judges Who Do Not Know Family Law**

Even some lawyers who regularly practice in family court have little clue what they are doing, in part because the simpler contests arise over and over again and many lawyers learn enough to deal with these simple situations but would be highly stressed in more complicated situations. Since more than 95% of family law cases are settled before a trial many family court lawyers have very little actual trial or even deposition experience. They don't know how to cross-examine witnesses. They only have a glancing familiarity with rules of evidence. Some of these lawyers go on to become judges. Other judges may be quite skilled in the criminal arena, for instance, where they were once prosecutors or public defenders. These judges were once real trial lawyers, but that doesn't mean they understand family law. Others may have been quite senior civil litigators who nonetheless rarely if ever handled family law cases. When you know that a judge is not overly familiar with this area, that you adjust your presentation to ensure that you covering the basics. State what you are asking for, identify any statutory authority and discuss the legal standards that apply. One of the reasons for this guide is to popularize information to empower non-lawyers. Lawyers have lots of legal treatises to subscribe to and review; the public generally does not have these so nearly accessible. However, please remember, this guide is not legal advice and is intended merely to be educational and it is impossible to guarantee accuracy under any given fact pattern. You have to do your own work and draw your own conclusions. This guide can help you assist your attorney and yourself.

Rule 16: **What to Do with the Judge Who Hates Family Law**

This is usually a function of judges who don't know family law although as you might suspect, a jurist who hates family law is likely not going to bother to learn it. The best way to overcome this problem is to be polite, be brief, and educate the court about what you want and why you are entitled to it. If you have no idea as to either, the judge who hates family law may become an abusive judge as well. Politely and firmly resist being rushed. But get your points in clearly.

Rule 17: **Cite Recent Case Authority Whenever Possible, and Know if Statutes Have Been Revised**

If you are identifying statutes or laws that you believe impact how the judge should rule on your case, try to identify recent materials and consider having a copy of them with you. These cases haven't hit the law books yet. The judge may likely know nothing about them. Be sure to bring copies of the case to the courtroom to give the bailiff to hand the judge, and be sure to provide one to the other side (hopefully before the hearing begins). Because family law changes so rapidly, some judges only want recent authorities. As to statutes, most that have been amended in any given year change effective on January 1 of the following year. If you are at the cusp of year's end, consider double-checking relevant statutes in advance of your hearing or when you prepare any written Points and Authorities. The Web is a great resource for these materials, Google scholar is great for looking up case law.

Rule 18: **Never Submit Late Declarations and Know the Rules**

pro se litigants often bring in late declarations and try to file them just before a hearing, and refusing to first give them to their co-parent or their lawyer. Judges almost universally will not consider late papers, even lawyers play this "I won't let you see it" game. Don't do it. It is the kind of conduct that may bias the court against you, and the risk-reward ratio doesn't merit such behavior. Why blow yourself up at the outset? If this happens to you on the receiving end object politely, at once. Know the rules of court provisions If a judge indicates a willingness to consider these matters, ask for a continued hearing so that you may review and respond to them. If the hearing proceeds respectively ask the Court to strike any oral version of the materials that didn't get filed.

Rule 19: **Understand the Rules Relating to Proofs of Service**

Court submittals are often rejected by the clerks, or hearings don't go forward, because there has not been adequate proof of service filed with the Court. Even when late papers are accepted by the clerk, judges often refuse to read them. Late papers burden judges and they aren't proper. The procedural due process within the adversary legal system requires that both sides have full and fair notice of what relief is being sought, and what is being alleged. There are strict time limits for perfecting Proof of Service, which are complex enough to tangle lawyers up as well. If you haven't perfected service, the best case for you is that you've wasted your day and your matter will be continued; the worse is that your materials will not be considered, or even that your matter will not be heard at all. A good idea is to consider asking the others side in advance for a continuance and get them the papers by fax or personal delivery as early on as you can and tell the judge you did so when they insist on going forward and objecting to what you wanted to present.

Rule 20: **Learn Something About Objections Beyond What You've Heard on TV**

Some of the basic rules regarding hearsay and other evidentiary objections.

Rule 21: **What to Do with The Judge Who Won't Let You Argue the Case**

This is common, particularly given that law and motion calendars are short-cause hearing settings. This is something you definitely should ask the court clerk about in advance. However, it tends to be a moving target depending upon a judge's frustration level on any particular day. Judges regularly will ask litigants, particularly Pro Se's to look behind them at all the other people waiting to be heard "by me" today. You may be told that you are coming back after lunch if you cannot conclude your matter within a specific time frame Trials are a different matter. For non-trial order to show cause hearings assume that 10 minutes may be all you get. As with all difficulties encountered with judges, try not to draw attention to the fact that the court is shutting you down or otherwise criticize the court unless there is no option but to do so in order to protect the record. Which almost certainly means you've lost this round.

Rule 22: **What to Do with The Judge Who Can't Stay Out of the Arena**

Unlike many other legal areas, courts have some independent duties to investigate the facts of a case beyond questions that lawyers or parties might think to ask or decide not to ask because they know they won't like the answer. An obvious example is the best interests test in child custody and visitation proceedings. Those of you that remember Paul Newman in The Verdict may recall what this circumstance can look like. There is not much to be done, except not to go off and to remain calm.

Rule 23: **Know When to Fold 'Em**

This is a painful reality for both lawyers and Pro Se litigants. Sometimes retreat is the only option. If you aren't getting anywhere, end the line of questioning or the argument. Young lawyers particularly don't know when to go silent. Pro Se's seem to have a better sense of it because they tend not to be as susceptible to ego battles with a judge as a lawyer filled with righteous indignation.

Rule 24: **Be Reasonable**

This is one of the most important and effective tools to obtain good and fair results in the courtroom, even when you can't achieve every single one of your goals. Reasonableness speaks to credibility. It also assumes the possibility of some win-win and enables the Court to feel it has achieved substantial justice. Judges don't generally like giving one side everything they ask for unless of course, they are really pissed at the other side.

Do not cry. Do not stomp out of the courtroom, slamming the door. The judge WILL remember you and discount everything you offer later.

Rule 25: **Don't Cry and Show High Emotions**

Crying makes everyone uncomfortable, and even can trigger resentment. It rarely garners the sympathy you might expect. Showing extreme emotions raises an inference that you will exaggerate or worse to win, and makes you look unstable.

Rule 26: **Treat Everyone with Respect**

Clerks and deputies are watching everything that happens in and outside of the courtroom, and are part of the Judge's workday family. Treat them with respect and realize that they are sizing you up as well, and possibly even directly or indirectly reporting to the judge. Don't think you can behave like a jerk outside the Judge's presence (even in the hallways) without it possibly being seen and reported.

Rule 27: **Repeat Back, For the Benefit of the Clerk, What You Understand the Court's Orders to Be**

A problem area can arise here in dealing with Court minutes, which are taken by the court clerk. It is not uncommon for these minutes, which absent a transcript being ordered become the only written record of what transpired, to be incomplete or even incorrect. This happens, unfortunately, often but is easily understood because things often move rapidly and emotionally during hearings. If it does happen and a formal order is submitted it will usually be rejected as not conforming to the Court's minutes. Ideally, recite the court's orders back to the court for the benefit of the court clerk, and do it slowly, and even look at them gently when you do it.

Rule 28: **If there is a Court Reporter, Consider Asking that Person After the Hearing How You Can Buy a Transcript**. It is always very useful to have a court reporter's transcript of any hearing where you made big points, where the other party said or did anything reprehensible, or where the Judge said something that you really like, or where you have concerns that the Judge may not remember the next time because Judge's treat the record like gospel music.

Rule 29: **Consider Employing the 80-20 Principle**

The “80-20 Rule”, also referred to as the “vital few and trivial many rule” is a principle based on the work of Italian economist Vilfredo Pareto. His 1906 observation that eighty percent of the wealth of Italy was owned by twenty percent of the people has led many to conclude that 80% of the effects come from 20% of the causes since the concept holds true in several areas, including in the business of law. Find your 20% and stick to that. Less is more!

ATTORNEY FEES – MY CO-PARENT FILED SAYING I SHOULD PAY THEIR ATTORNEY BILL?

It is quite common in high-conflict cases to ask for your co-parent to pay some or all of your legal fees. It's normal for both parties to ask, it's less common for them to be awarded. Don't freak out! Just because they have asked, doesn't mean the judge will award them.

The English rule provides that the party who loses in court pays the other party's legal costs. The English rule contrasts with the American rule, under which each party is generally responsible to pay its own attorneys' fees unless a statute or contract provides for that assessment. However, Oregon has enacted statutes that provide for an award of costs and fees to the prevailing party under certain circumstances. The factors to be considered will vary between actions in which the fees are sought. For instance, in divorce actions, if the cost of litigation is not lumped in as a liability to the marital estate, the courts will generally consider any disparity between the incomes of the parties. In contempt actions, the severity or frequency of violation is often considered, as well. If an action is deemed frivolous, as defined in that jurisdiction, costs and fees are often awarded.

It primarily depends on the court making a finding that there is a financial discrepancy between the parties, and/or whether a party was "unreasonable" in their approach to litigation (unnecessary litigation, false claims, unreasonably dragging out litigation, any other type of misconduct). However, with the vague definition in the statutes of what "unreasonableness" can mean it really is up to the judge.

Attorney Fees and Costs -No one likes to spend money on attorney fees. Each party will spend more money resolving any family law dispute if one party, both parties, or their respective lawyers take unreasonable positions. If there are disputes about one or more important issues in a case, your attorney fees will increase. Again, that is why assessing the issues in your case, and trying to settle them, is so important.

There several ways you can help keep your attorney fees down. For example, one of the most expensive parts of a case can be the "discovery" process, in which your lawyer, and the co-parent's lawyer, may ask you to provide many financial documents. If you timely copy and organize documents that are necessary to resolve your case, it will help keep your costs down. Another way to keep costs down is to "consolidate" any questions you have about your case. For example, it will save you money if you send one email a day, with five questions, instead of five emails, with one question. If your case is contentious, another way to save money is to not be defensive and to stay focused on your goals. Sometimes, communications from an opposing party may be inflammatory. It is important to be as non-reactive as possible, because responding to this kind of tactic usually does not resolve anything, but simply increases costs.

Will I have to pay my co-parent's attorney fees?

As in most areas of the law, the answer to this question is "maybe." The law in Oregon divorce and family law cases does allow the court to award one party all or a portion of their attorney fees associated with their case. That said, it tends to be the exception rather than the rule that such fees are awarded, and the circumstances where a court awards the fees are limited.

There are a couple of common circumstances where the court does make a Co-parent pay attorney fees. Judges generally start with the assumption that each side will pay their own attorney fees. However, if one side controls all of the marital assets in a case, the court can award "suit money" to allow the other side the benefit of counsel. For example, consider a case where the husband is a stay-at-home father while the wife works and controls all of the marital assets. Should the wife decide to "cut off" her husband during a divorce,

the court may award the husband temporary “suit money” so that he can gain the same benefit of an attorney as the wife.

The second circumstance where the court will sometimes make a co-parent pay attorney fees is when a party has behaved poorly during a divorce. These fees are generally awarded after the case is complete when a party applies to the court under ORCP 68 (note that the rules for ORCP 68 have timelines and procedures that must be followed to secure a potential recovery of attorney fees – Generally 14 days. You should consult with an attorney to discuss these technicalities).

Oregon divorce and family law lawyers typically see attorney fees being awarded to one side when the other individual - either with or without a lawyer - made the case unnecessarily costly or contentious. This can be caused by failing to comply with court orders, taking legal positions that are not supported by law, or prolonging litigation by numerous other tactics. Suppose a judge gets the sense that one side abuses the system or wastes time or resources merely to harass. In that case, the odds increase dramatically that the judge could award other side attorney fees for the time spent addressing meritless positions.

In a sense, while the law is not structured that way, awards of attorney fees in Oregon divorce cases are often treated by judges as sanctions for bad behavior. This reality should give litigants pause when seeking out the fabled "Pitbull lawyer." The law does not reward people who are aggressive only for the sake of being aggressive. Generally, it is good advice to a potential client that while it is possible that they could recover some portion of their attorney fees spent - up to the full amount - they should take legal positions that assume they will not. If you unnecessarily run up the bill with the hope that the other side may have to pay for your lawyer, you may not only find yourself not getting reimbursed but paying for the other side's attorney instead.

Under Oregon law, the court has the power to order one party to pay a reasonable sum to the other party for attorney fees, expert costs, and other expenses associated with a divorce. The court may also award attorney fees in other kinds of family law cases. This usually does not happen when parties settle their cases (unless it is agreed upon in the settlement).

If your case goes to trial, courts may award one-party attorney fees and costs. There are several statutory factors a court will consider, along with the facts of your case, to determine whether an award of attorney fees is appropriate. Generally, in a divorce case, if assets are equally divided, courts are sometimes reluctant to award attorney fees unless one party acted unreasonably. In other family law cases, the parties’ respective economic circumstances, the reasonableness of their respective positions, and the level of each party’s efforts at settling the case all play a role in the court’s decision about whether to award attorney fees.

ORS 20.075 Factors to be considered by the court in awarding attorney fees

• limitation on appellate review of attorney fee award

(1)A court shall consider the following factors in determining whether to award attorney fees in any case in which an award of attorney fees is authorized by statute and in which the court has discretion to decide whether to award attorney fees:

(a)The conduct of the parties in the transactions or occurrences that gave rise to the litigation, including any conduct of a party that was reckless, willful, malicious, in bad faith, or illegal.

(b)The objective reasonableness of the claims and defenses asserted by the parties.

(c)The extent to which an award of an attorney fee in the case would deter others from asserting good faith claims or defenses in similar cases.

(d)The extent to which an award of an attorney fee in the case would deter others from asserting meritless claims and defenses.

(e)The objective reasonableness of the parties and the diligence of the parties and their attorneys during the proceedings.

(f)The objective reasonableness of the parties and the diligence of the parties in pursuing settlement of the dispute.
(g)The amount that the court has awarded as a prevailing party fee under ORS 20.190 (Prevailing party fees).
(h)Such other factors as the court may consider appropriate under the circumstances of the case.
(2)A court shall consider the factors specified in subsection (1) of this section in determining the amount of an award of attorney fees in any case in which an award of attorney fees is authorized or required by statute. In addition, the court shall consider the following factors in determining the amount of an award of attorney fees in those cases:
(a)The time and labor required in the proceeding, the novelty and difficulty of the questions involved in the proceeding, and the skill needed to properly perform the legal services.
(b)The likelihood, if apparent to the client, that the acceptance of the particular employment by the attorney would preclude the attorney from taking other cases.
(c)The fee customarily charged in the locality for similar legal services.
(d)The amount involved in the controversy and the results obtained.
(e)The time limitations imposed by the client or the circumstances of the case.
(f)The nature and length of the attorney's professional relationship with the client.
(g)The experience, reputation, and ability of the attorney performing the services.
(h)Whether the fee of the attorney is fixed or contingent.
(3) In any appeal from the award or denial of an attorney fee subject to this section, the court reviewing the award may not modify the decision of the court in making or denying an award, or the decision of the court as to the amount of the award, except upon a finding of an abuse of discretion.
(4) Nothing in this section authorizes the award of an attorney fee in excess of a reasonable attorney fee.
[1995 c.618 §6; 2001 c.417 §3]

MEDIATION - Mediation is a process that helps the Co-parents in a family law case reach an agreement about some or all of their issues. Mediation can help reduce the likelihood that a trial will be necessary or reduce the number of things to deal with in a trial. The courts encourage mediation of disagreements in family law cases. Mediation helps keep decisions about what is best for the child in the hands of the co-parents, instead of lawyers or judges who do not know the family. This gives the co-parents more control over the case and the outcome. In some counties, co-parents must attend a mediation orientation if their case involves minor children. The co-parents may be required to attend a parenting class for separating or divorcing parents and also meet with a mediator to try to resolve any disagreements.

In some counties, the court requires co-parents to attend mediation before the court will hold a hearing on custody or parenting time. Some counties do not require mediation, but the court keeps a list of private mediators who will help co-parents in custody and parenting time disagreements when requested.

The regular mediation process is called Face-to-Face - Face-to-face mediation is just like it sounds: The co-parents are in the same room. This process allows the parties to work directly together with their mediator to craft their preferred parenting plan and marital settlement agreement. As co-parents will still need to be able to coordinate and act in concert with one another even after the marriage is dissolved, face-to-face mediation sets them on the right path from the very beginning.

It also ensures that misunderstandings can be immediately corrected. When you have the parties in two separate rooms, the mediator can oftentimes miss some information, which can then cause unnecessary frustration. Face-to-face mediation does not require any middle person to relay information.

Additionally, face-to-face mediation tends to be much more efficient than shuttle mediation. Every mediator, at the beginning of the first session, provides an introduction to the co-parents and explains, among other

things, that the mediator is neutral and that the process is privileged and confidential. Oftentimes the introduction, including questions and answers, can take 10-15 minutes. That alone can cost quite a bit if the mediator has to go over the same introduction twice. Then there are other times in shuttle mediation where a mediator must twice explain the same information. Because face-to-face mediation does not involve this repetitiveness, it can cost less.

If a participant feels that face-to-face mediation is not appropriate because of violence or threats from the other party, the mediator can make changes to the process so that it feels safe. Mediation may be waived in some cases. Contact your local court-connected program for more information about your safety in mediation.

WHAT IS "SHUTTLE MEDIATION"? Shuttle mediation is where the parties in a dispute sit in separate rooms (either physically or virtually in the case of telephone or video mediations) and the mediator 'shuttles' between them to try to reach an agreement. It is incumbent on the mediator to make sure that the key issues and proposals put forth by each party are clearly articulated and understood, and it is helpful for the mediator to re-state the issues communicated by the party they are sitting with so that those can be clearly communicated to the other party. Because of the time spent with each party separately and the need to physically move from one room to the other, shuttle mediation takes longer and is more costly than face-to-face mediation.

Mediators are bound by professional and legal rules. They must be impartial (not take one person's side over the other's and not have a stake in the outcome) and keep things discussed in mediation confidential (not tell others what was said in mediation). Some things cannot be kept confidential. For example, mediators must report if a participant is in immediate danger or if a child or elder has been abused.

Any type of family law case may be mediated. Mediators may help resolve issues about child or spousal support, custody or parenting time of minor children, and division of debts or property. Some mediators may not be qualified to mediate some disputes, so before hiring a mediator you should ask if he or she can help resolve your particular issues. Participants do not have to be married and mediation can be used to deal with more than just separation or divorce issues. For example, mediators sometimes help resolve disagreements about grandparent visitation.

Mediation may not be used to negotiate the protective terms of a Family Abuse Prevention Act restraining order.

Either or both parties can have their attorney present during either Face-To-Face or Shuttle mediation, but this is unusual due to the cost and attorneys rarely add much to the process. Having an attorney review a mediated agreement is much more common and a very good idea.

The cost of mediation is different in each county and sometimes in each case. Some counties offer mediation through a county program. Other counties offer mediation through contracts with private mediators. Some counties provide mediation services at no cost, so long as the case has been filed in that county. Other counties may charge a fee for mediation services. Some mediators may offer reduced fees or even waive the fees for low-income participants. The cost of private mediation varies from mediator to mediator. If you can get some or all of your issues resolved through mediation it is often much more cost-effective than paying for attorneys.

PARENTING TIME STUDY - The judge might order a parenting time study (sometimes called a Custody study). This is an evaluation of the Co-parents by a trained counselor or psychologist who will make their recommendations available to the judge. Very few counties offer a free evaluation. Usually, a parenting time study is not ordered unless one or both parents can afford the cost. The judge can order either Co-parent or both Co-parents to pay for the cost of the study. Without mediation or a study, it is up to you and your Co-parent (or your attorneys, if you have them) to settle on parenting terms. If you cannot agree, the judge will decide at a trial. Though the court often puts a lot of stock in these evaluations, in Oregon, the parties involved initiate them. One or both parents can request such an option. In most cases, the attorneys agree to a private evaluator. But if they can't, the courts have the discretion to make the choice and appoint one.

Parenting evaluations can be quite expensive, often running thousands of dollars depending on the circumstance. Usually, the party who makes the request foots the bill and the court reserves the contribution to trial. However, this rarely happens, so if you make the request, be prepared to pay the tab when the time comes.

The evaluation process

It is important to fully understand that the mental health professional observing you and your child is simply trying to determine what would be in the best interest of your child. In order for the professional to make this determination they will typically follow a procedure similar to the following guidelines:

They will conduct multiple interviews with each co-parent separately.

They will conduct multiple interviews with the child involved in the case.

They will observe each co-parent as they interact with the child, either at the office or in the home setting (less and less frequently in-home).

They may conduct interviews with others involved with the family such as teachers, health care providers, and so on.

They may choose to perform psychological testing on anyone in the family.

They will also review previous court and legal activity regarding the family law case.

Undergoing a Parenting Time evaluation is very stressful for most co-parents. Even if you are an exceptional parent to your child, your nervousness may affect your actions during an evaluation. To prevent that from happening, here are some tips to reduce your stress during this process:

Be cooperative with the evaluator. Even though you may oppose the evaluation, it is important to cooperate so that the evaluator does not get the wrong impression.

Many co-parents believe it is helpful to treat this process like a job interview. Dress appropriately and aim to be punctual, honest, and confident.

Be prepared and organized beforehand. Your evaluator will likely request your case documents at some point during the evaluation.

Make sure that you are holding the best interest of your child above all else. Showing that you make your child a priority over other things is the most important for scoring well in your evaluation. Talking badly about your co-parent is generally not a good idea. If you have specific concerns, such as mental illness or abuse it is best to discuss them with your attorney before bringing them up with the evaluator. Do not be surprised if your attorney advises you to not bring these things up.

Consult your attorney about compiling a list of referral questions. Parenting Time evaluators have a general obligation to make recommendations in the best interests of the child, but the vastness of that task can mean specific concerns may be lost in the shuffle. If there are specific areas to which the evaluator should pay particular attention, referral questions can help ensure those concerns are addressed.

Based on the information that is gathered from these observations, the evaluator will generate a report to pass along to the judge hearing the case. This report will include all of their findings and recommendations regarding how custody and/or parenting time should be awarded. Sometimes the evaluator will write most of the parenting plan. Judges tend to place great weight on parenting time evaluations. The legal world of family law is rather small and it is not uncommon for judges, attorneys, evaluators, etc. to know and socialize with each other. Your attorney may be able to advise you on the history of your specific evaluator. As a general rule, we are not fans of the parenting time evaluation process. It can be very expensive and although evaluators can be very good at uncovering underlying issues, it is also true that the process is not set up to uncover a co-parents ability to be a “master manipulator” or their personality disorder, it is just too short and not focused on these things. The Judge will make the final determination but if you do an evaluation the judge is likely to follow the recommendations of the evaluator. The question to ask yourself is if your case is better presented to the evaluator or the judge? The answer is that it is usually in your best interests if you can settle some, most, or all of the issues between you and your co-parent without an evaluator or judge.

Some research has been done in this area:

Emery, R. E., Otto, R. K., & O'Donohue, W. T. (2007). Custody Evaluations: Limited Science and a Flawed System. Psychological Science in the Public Interest, 6(1), 1-29.

“Theoretically, the law guides and controls child custody evaluations, but the prevailing custody standard (the ''best interests of the child'' test) is a vague rule that directs judges to make decisions unique to individual cases according to what will be in children's future (and undefined) best interests. Furthermore, state statutes typically offer only vague guidelines as to how judges (and evaluators) are to assess parents and the merits of their cases, and how they should ultimately decide what custody arrangements will be in a child's best interests. In this vacuum, custody evaluators typically administer to parents and children an array of tests and assess them through less formal means including interviews and observation. Sadly, we find that (a) tests specifically developed to assess questions relevant to custody are completely inadequate on scientific grounds; (b) the claims of some anointed experts about their favorite constructs (e.g., ''parent alienation syndrome'') are equally hollow when subjected to scientific scrutiny; (c) evaluators should question the use even of well-established psychological measures (e.g., measures of intelligence, personality, psychopathology, and academic achievement) because of their often limited relevance to the questions before the court; and (d) little empirical data exist regarding other important and controversial issues (e.g., whether evaluators should solicit children's wishes about custody; whether infants and toddlers are harmed or helped by overnight visits), suggesting a need for further scientific investigation.”

Erickson, Nancy S. (2005, Spring). Use of the MMPI-2 in Child Custody Evaluations Involving Battered Women: What Does Psychological Research Tell Us? Family Law Quarterly vol 39, no. 1, p. 87-108.

Erickson notes: The effects of domestic violence on survivors, who are primarily women, may be severe. Battered women's advocates often note that, in custody cases, the batterer often "looks better" to the court than the victim does because he is confident and calm, whereas she is still suffering the effects of his abuse and therefore may appear hysterical, weepy, anger, or otherwise not "together."

When a custody evaluation is conducted by a psychologist, the revised version of the Minnesota Multiphasic Personality Inventory (MMPI-2) is often used as part of the evaluation process. The MMPI-2, like other traditional psychological tests, was not designed to be used in custody evaluations and arguably should not be used for such purpose except "when specific problems or issues that these tests were designed to measure appear salient in the case."

If it is used, Erickson notes that "great care must be taken" as "a misinterpretation could result in placing custody of a child with a batterer, which could put the child at severe risk."

Erickson reviews research on the use of MMPI evaluations with battered women and found that that the psychological stress that battered women suffer may result in MMPI scores that do not accurately evaluate their ability to parent.

What Should I Expect from my Attorney at the end of the Case?

Even after a case has gone to court or has settled, there is often substantial work to be done to get the final judgment in place. Your lawyer should:

- Draft a judgment in a timely manner.
- Allow you to review the judgment before sending it to opposing counsel, or review your feedback on a judgment drafted by them.
- Order the audio of the court proceeding to ensure that the judgment conforms with the judge's ruling or the settlement placed on the record.
- Timely address conflicts or objections from opposing counsel, sometimes requiring a post-trial "form of judgment" hearing.
- Finalize the judgment and submit it to the court.
- Seek attorney fees from the opposing party, if appropriate.

After your judgment is finalized, a good family law lawyer should:

- Provide you with a copy of the signed final judgment.
- Provide a checklist of do's and do not's going forward.
- Advise you about issues to be wary of, including name changes, changing of wills or insurance policies, and how to enforce judgments.
- File any appropriate supplemental judgments, including those necessary to divide retirement accounts or provide life insurance information.
- File a notice with the court advising court staff that the attorney-client relationship has been concluded, so that future court notices reach you instead of your lawyer (which saves you money).

Section 4 –Appendices/Resources for Single Parents

APPENDIX A - TERMINOLOGY

Some terminology you may hear/need to know – Not all of these are used in Oregon but most are.

Absolute Divorce: The absolute ending of a marriage, leaving both parties free to remarry.

Adversarial Divorce: When a couple cannot agree to the terms of their divorce.

Ab Initio: Latin phrase meaning "from the beginning."

Action: Lawsuit or proceeding in a court of law.

Affidavit: Written statement of facts made under oath and signed before a notary public or other officer who has authority to administer oaths.

Agreement: Verbal or written resolution of previously disputed issues.

Alimony Also known as "Spousal Support" or "Maintenance". The standard is to give support to the spouse who needs it to keep the family on an equal setting – however, there is an underlying duty for each spouse to work towards being independent of each other.

Annulment: The legal end of an "Invalid Marriage". In the eyes of the law, the parties were never married to each other, but all the children of their relationship remain legitimate.

Answer: Written response to a complaint, petition, or motion.

Appeal: The process by which a higher court reviews the decision of a lower court to determine whether there was a reversible error. If so, the appellate court amends the judgment or returns the case to the lower court for a new trial.

Change of Venue: A change of judges or geographical location.

Collusion: An agreement between two or more persons where one of the parties brings false charges against the other. Collusion is illegal.

Common-Law Marriage or Relationship: Based on cohabitation where no formal marriage ceremony has taken place, this is a judicially recognized marriage in some U.S. states. All Canadian provinces recognize common-law relationships, but the rights and privileges are not the same as for those couples who entered into a legal marriage.

Complainant: The one who files the suit, same as the plaintiff.

Complaint: This is a legal document filed by the plaintiff to start the divorce process. It states that the marriage has ended and lists the grounds and claims for the divorce. In some states, it is also known as a petition.

Condonation: The act of forgiving one's spouse who has committed an act of wrongdoing that would constitute grounds for divorce. Condonation generally is proven by cohabitating with the spouse after learning that the wrongdoing was committed.

Contempt of Court: The willful failure to comply with a court order, judgment, or decree by a party to the action. Contempt of Court may be punishable by fine or imprisonment.

Contested Divorce: Any case where the judge must decide one or more issues that are not agreed to by the parties. All cases are considered contested until all issues have been agreed to.

Corroborative Witness: A person who testifies for one of the parties and backs up their story.

Court Order: A written instruction from the court carrying the weight of the law. Orders must be in writing. Anyone who knowingly violates a court order can be held in contempt of court.

Cross-Examination: The questioning of a witness presented by the opposing party on trial or at a deposition. The purpose is to test the truth of that testimony.

Decree: The final ruling of the judge on an action for divorce, legal separation, or annulment. Decree has the same meaning as judgment.

Decree Nisi / Rule Nisi: An order by the court stating that a conditional divorce will become absolute by a certain date unless a party contests the order.

Default: A party's failure to answer a complaint, motion, or petition.

Defendant: The partner in a marriage against whom a divorce complaint is filed. Defendant has the same meaning as respondent.

Deposition: The testimony of a witness taken out of court under oath and reduced to writing. The deposition may be used to discredit a witness if he changes his testimony.

Direct Examination: The initial questioning of a witness by the attorney who called him or her to the stand.

Discovery: In the U.S., Discovery is a procedure followed by attorneys to determine the nature, scope, and credibility of the opposing party's claim. Discovery can include depositions, written interrogatories, and notices to produce documentation relating to issues relevant to the case.

Dismissal: This occurs when a party voluntarily drops the case (in some states) or when a judge finds that a case lacks merit.

Dissolution of Marriage: The legal process of ending a marriage. In most U.S. states, this is the legal term for divorce.

Divorce: The legal proceeding by which a marriage is legally terminated. It may be contested (where one party denies the allegation or wants to keep the marriage in place) or uncontested.

Domestic abuse: is when a family or household member: attempts to hurt you physically; hurts you physically (intentionally, recklessly, or knowingly); intimidates or makes you afraid of serious physical

injury (intentionally, recklessly, or knowingly); or makes you have sex against your will by force or threat of force

Equitable: Means fair; does not necessarily mean equal.

Evidence: Proof presented at a hearing, including testimony, documents, or objects.

Exhibits: Tangible things presented at trial as evidence.

Ex Parte: An application for relief conducted for the benefit of one party only. These judicial proceedings are generally reserved for urgent matters in which requiring notice would subject one party (or his/her property) to irreparable harm. Examples include a Temporary Restraining Order (TRO) against an abusive spouse to stay away from the abused party, or a TRO stopping a spouse from removing or destroying family property.

Expert Witness: In court proceedings, the expert witness is the professional whose testimony helps a judge reach a decision.

File/Filing: To place a document in the official custody of some public official.

Financial Affidavit/Statement: Key document used to collect financial data; in some states and provinces, it may be known as a "Financial Statement" and may use a standard form. This document becomes part of the record of documents that are filed with the court. Called "Uniform Support Declaration" in Oregon.

Foundation: The evidence that must be presented before asking certain questions or offering documentary evidence in a trial. If a piece of evidence lacks foundation (proof, facts to back it up) it will not be admitted or considered as evidence in the court case.

Grounds for Divorce: Reasons for seeking a divorce, such as incompatibility, mental cruelty, physical abuse, or adultery. While some states allow fault grounds for divorce, all states have some form of no-fault divorce. Marriage breakdown is the sole ground for legally ending a marriage under the terms of Canada's Divorce Act.

Guardian-ad-Litem: A person appointed by a judge to prosecute or defend a case for a person legally unable to do so, such as a minor child.

Hearing: Any proceeding before a judicial officer.

Hearsay: Hearsay is an out-of-court statement offered to prove the truth of the matter asserted. Generally speaking, hearsay cannot be used at trial, but some exceptions permit it to be admitted in court.

Incompatibility: The inability of persons to get along; a ground for divorce.

In loco parentis. ("In the place of a parent"): This phrase is used to refer to a person or entity assuming the normal parental responsibilities for a minor child. It is often used in situations where there is a transfer of legal guardianship, or to refer to schools or other institutions that act in the place of the parents on a day-to-day basis.

Interrogatories: A series of written questions served upon the opposing party to discover certain facts regarding the disputed issues in a matrimonial proceeding.

Inter Vivos. ("Between the living"): This term is used to refer to a gift or other non-sale transfer between living parties. For example, a gift by living parents to their children is called a gift Inter Vivos; this is distinct from a transfer made by Will, which takes effect upon the testator's death.

Judgment: The order of the court on a disputed issue; same as a decree.

Jurisdiction: The power of the court to rule upon issues relating to the parties, their children, or their property.

Legal Separation: Court ruling on the division of property, spousal support, and responsibility to children when a couple wishes to separate but not divorce. A legal separation is most often desired for religious or medical reasons. A decree of legal separation does not dissolve the marriage and does not allow the parties to remarry. Some states do not recognize legal separation.

Lex loci. ("In the law of the place"): The term refers to the law of that particular country, state, or locality where the matter under litigation took place. It usually arises in connection with legal disputes that span multiple jurisdictions, for example where children have been removed from the state by one parent and the issue arises as to which jurisdiction's laws govern the situation (an area of law called "conflict of laws").

Lis Pendens: A piece of property cannot be transferred during a pending lawsuit that may change the disposition of it, once a notice has been filed in the public record.

Litigation: The process by which a civil case settles parties' rights.

Maintenance: See "Alimony".

Modification: A change in the judgment, based on a change in circumstances.

Motion: An application or request to the court for an order. A Motion may be written or verbal.

No-Fault Divorce: A marriage dissolution system whereby divorce is granted without the necessity of proving one of the parties guilty of marital misconduct.

Non est factum. ("It is not my deed"): This term is more commonly used in contract law, but it can be applied in the context of separation agreements that have been reached between spouses or common-law partners. It refers to an assertion by one signatory to a contract that the agreement is invalid on the basis that he or she signed unintentionally and without fully understanding its implications.

Nuptial: Pertaining to marriage.

Order: A ruling by the court.

Parens Patriae. ("Parent of the nation"): This term refers to the power of the State to act as a parent to a child, in situations where the legal parents are unable or unwilling to do so. For example, when children are removed from their parents' care to be cared for under the auspices of the court.

Pendente Lite Orders: A temporary order of the Court that provides support until the divorce is finalized. Pendente Lite or Temporary orders are automatic in some areas. temporary arrangements for custody, child support, parenting time, alimony, use and possession of the family home, etc., until a final hearing.

Perjury: The act of lying while under oath.

Petition: A written application for particular relief from the court. In some jurisdictions complaint for divorce is entitled "petition for dissolution."

Petitioner: The person who filed the Petition or Complaint. Also referred to as the Plaintiff.

Plaintiff: The spouse who initiates the legal divorce process by filing a complaint or petition stating that the marriage is over and listing the grounds and claims against the other spouse. The plaintiff is the same as the Petitioner.

Precedent: Decisions found in other pre-existing cases that factor into the case at hand.

Prenuptial Agreement/Marriage Contract: Before their marriage, partners can contractually agree on how assets and liabilities will be divided in the event of a divorce with a prenuptial agreement (commonly known as a "prenup"). In Canada, this is known as a "Marriage Contract".

Privilege: The right of a spouse to make admissions to an attorney, clergyman, psychiatrist, or others as designated by state law that is not later admissible as evidence.

Pro Se Divorce: Sometimes called "In Propria Persona" or "Pro Per" (from the Latin meaning "in one's person"), or "self-represented" litigation, in this approach to divorce, either one or both parties choose not to hire a lawyer to represent them. The Latin term Pro Se translates as "on one's own behalf", meaning that the litigant is acting as his/her own attorney in a lawsuit – including self-representation in court.

Qualified Domestic Relations Order (QDRO): In the U.S., this is a court ruling earmarking a portion of a person's retirement or pension fund payments to be paid to his/her ex-spouse as part of a division of marital assets.

Quid Pro Quo: The giving of one valuable thing for another.

Rebuttal: The introduction of evidence at a trial that is in response to new material raised by the defendant at an earlier stage of the trial.

Reconciliation: When parties decide to get back together. They may sign a reconciliation agreement, which is enforceable by the court.

Res judicata. ("A matter judged"): A matter that is res judicata has been adjudicated to the point of conclusion, meaning no further appeals or legal actions by the involved parties are permitted. For example, if divorcing parties have brought their claims for equalization of net family property to one court, and have had the matter heard and adjudged, then they cannot afterward go judge-shopping to a different court for a different or better outcome on that particular aspect of their separation. Once their issues have all been heard (and leaving aside those legal matters that are eligible for applications to vary), the matter becomes res judicata.

Respondent (Defendant): The party defending against a divorce petition (complaint).

Restraining Order: A court order prohibiting a party from certain activities. Restraining orders are often issued to protect against domestic violence or to protect marital assets. In some jurisdictions, violating a "domestic restraining order" is a criminal offense.

Retainer: Money paid by the client to the lawyer or expert witness to obtain a commitment to handle the client's case. A retainer can be a deposit against which the lawyer or expert witness charges fees as they are earned.

Rules of Evidence: The rules that govern the method of presentation and admissibility of oral and documentary evidence at court hearings or depositions.

Separation or Settlement Agreement: A written contract dividing property, spelling out rights and obligations, as well as for settling issues such as spousal and child support and custody.

Service: Providing a copy of the papers being filed to the opposing party.

Spousal Support: See "Alimony".

Standard of Living: A factor when determining spousal support, allowing the recipient an adequate amount to maintain their current lifestyle.

Stipulation: An agreement between the parties or their counsel, usually related to matters of procedure.

Subpoena: A court order requiring a person's appearance in court or at a deposition as a witness or to present documents or other evidence for a case.

Summons: A Summons is a written notification to the defendant or respondent that an action has been filed against him or her. It notifies a spouse of his/her rights and obligations in responding to the Complaint for Divorce.

Testimony: Statements under oath by a witness in a court hearing or deposition.

Transcripts: The written record of the divorce proceedings, testimony, or depositions.

Trial: The time when a judge hears the contested permanent or temporary issues, with supporting evidence and witnesses, in a couple's divorce decisions. The judge may take a few hours or a few weeks to review the information presented and issue a court opinion.

Uncontested Divorce: When the defendant is not going to try to stop the divorce and there are no issues for the court to decide about the children, money, or property.

Venue: The County in which the case is heard.

Voir Dire: Where the opposing counsel has the opportunity to disqualify an expert witness.

Writ of Summons: A form issued by the court directing a party to respond to a complaint, motion, or petition.

FREE & LOW-COST LEGAL SERVICES

OREGON STATE BAR (OSB)

The OSB Lawyer Referral Service consists of a referral to a local attorney and a 30-minute consultation with the attorney for a $35 fee. The Lawyer Referral Service can also provide assistance helping you determine what kind of legal assistance you might need and organizations that may be able to help.

The Modest Means Program offers reduced-rate legal assistance to modest-income Oregonians involved in family law, criminal defense, foreclosure, and landlord/tenant issues. The program application is available on the OSB website.

The Military Assistance Panel is a program geared towards matching deployed service members and their dependents with lawyers who provide up to 2 hours of free legal advice.

The Problem Solvers program provides 30 minutes of free legal information and advice to children and young adults ages 11 to 17.

Hours: 8 am to 5 pm Monday-Friday

Phone: 503-684-3763 or toll-free in Oregon at 800-452-7636.

LEGAL AID SERVICES OF OREGON (LASO)

LASO is a non-profit organization that offers legal representation to low-income Oregonians. LASO also has Native American and farmworker programs. Note, LASO only provides representation for civil matters.

LASO also has helplines for those with questions regarding child support and public benefits. Contact your local office for other hotlines that may be available in your area.

Child Support Hotline (1-800-383-1222) - Monday 1 pm to 4 pm, Thursday 9 am to noon

Public Benefits Hotline (1-800-520-5292) - Tuesday & Wednesday 9 am to noon, Monday through Thursday 1 pm to 4 pm.

OREGON LAW CENTER (OLC)

The Oregon Law Center provides free legal assistance to low-income Oregonians. OLC offers information, advice, and representation on a variety of civil matters. OLC also has a few programs including assistance to clients who speak indigenous languages from Mexico and Guatemala and a program matching low-income clients with pro bono attorneys. OLC has the same child support and public benefits statewide hotlines as LASO but also has a pro bono hotline. Contact your local office for other hotlines that may be available in your area. Pro Bono Hotline (503-478-8329) - leave a message describing your legal issue

YOUR COLLEGE

If you are enrolled at a college, you should check to see if they have free or low-cost student legal services. Many do!

ST. ANDREW LEGAL CLINIC

St. Andrew Legal Clinic offers legal services for low and moderate-income clients with family law matters. The clinic uses a sliding scale for determining its fees. They serve clients in Multnomah, Washington, Clackamas, and Columbia counties and have three office locations. Also, the Community Development Law Center provides low-cost legal assistance to non-profit organizations that provide housing and shelter for specific populations.

Multnomah County Office

807 NE ALBERTA ST., PORTLAND, OR 97211

503-281-1500

9 AM - 5 PM; WEEKDAYS

Washington County Office

232 NE LINCOLN, SUITE H, HILLSBORO, OR 97124

503-648-1600

9 AM - 5 PM; WEEKDAYS

COLETTE CAMERON – 10211 SW Barbur Blvd, Suite 209A, Portland, 97219 Charges on the same sliding scale as St. Andrew's Legal Clinic 503.977.5101.

COMMONS LAW CENTER

The Commons Law Center helps families transition to two households during a divorce. As families grow and circumstances change, the Commons also helps modify parenting time and custody. Our approach prioritizes conflict mitigation to make a difficult process a little easier.

We are a nonprofit law firm that serves income-qualified Oregonians in family law matters. We offer affordable unbundled legal services and sliding-scale hourly rates. To learn more about our services, find out if you qualify, or schedule a low-cost consultation, call (503) 850-0811, visit our website https://thecommonslawcenter.org/legal-services/family-law/, or email us hello@thecommonslawcenter.org. call 503-850-0811 to schedule a free, 15-minute consultation with one of our lawyers. Flat Fee Divorce Response Program. If you qualify -- and if we have spaces available -- you'll be able to get our help with your divorce Response for an affordable one-time payment.

For a flat fee you will receive:
A thorough review of all court filings you have received to date;
A 45-minute meeting with an attorney from The Commons Law Center so we can learn about your specific situation and answer your questions;
Your Formal Response, reviewed by an attorney;
A Divorce Roadmap outlining next steps with personalized recommendations.
To learn more, call us at 503-850-0811 and an Intake Specialist will be in touch.
But hurry, because you have 30 days to file a Response and the sooner you start, the better off you'll be when you finally go to court.

DE MUNIZ LEGAL CLINIC

A Registered Non-Profit Dedicated to Reducing Recidivism by Assisting and Empowering Persons with Arrests & Convictions to Thrive in Our Community

Family Law-Child Support, Custody, Divorce. We recognize the stresses and pressures that convictions can have on the family. We assist in a wide variety of family law subjects, and help people make sense of the various legal processes. Located in Salem, OR.

To schedule an appointment, please call the De Muniz Reentry Resource Center at (503) 990-7370

For Pro Se (Self-Represented) Parties:

FAMILY LAW ASSISTANCE PROGRAM –Washington County
145 NE 2nd Avenue, Room 120J
Hillsboro, Oregon 97124
The Family Law Assistance Program will help self-represented (pro se) parties involved in family law cases such as divorce, custody, separation, parenting time, or support. The Family Law Assistance Program facilitators inform self-represented parties of court processes and available court forms, review documents, and provide information about legal services and other resources available in the community. The Family Law Assistance Program cannot give legal advice. The Family Law Assistance Program services are free. You may print the instructions and blank forms for free from our website. Forms must be printed single-sided only. Some forms are only available from the Family Law Assistance Program office or by email to wsh.familylaw@ojd.state.or.us.
In the Family Law Assistance Program office, you will complete an intake form, purchase forms for 25 cents per page and receive a brief overview of the process from one of the facilitators. Assistance is available in Spanish. To maximize limited resources and to eliminate long wait times for services, the Family Law Assistance Program offers workshops for assistance in reviewing forms before filing.
You may register for a workshop when you buy the forms or by sending an email to wsh.familylaw@ojd.state.or.us. Include the word "workshop" in the subject line of the email. Be sure to include the type of case, case number (if available), whether you are starting a new case, filing the final documents, modifying, or filing a response. If your message includes a day and time that works better for you, we will try to accommodate your schedule. Also, you may send questions or scanned documents for review to the email address above. If you arrive for a workshop with blank forms, the appointment will be rescheduled. Please avoid bringing children who may distract you from the important decisions you are making for your family.

COMMAND THE COURTROOM
It's tough to take an objective look at things, especially when you're emotional and want to protect your child. But with less spite between you and your ex and a caring approach to their needs, your child will suffer less from the impact of your separation. https://www.commandthecourtroom.com/
Wendy Hernandez is a Phoenix family law attorney, divorce coach, founder of the Hernandez Family Law Firm and creator of Command the Courtroom. Having tried over 1,000 cases during her 20 years as a litigator, Wendy is a courtroom warrior who has tackled every type of family law matter — from divorce to child custody and everything in between. In addition to providing full-service representation for Arizona clients, Wendy is passionate about coaching individuals representing themselves on how to navigate the family law courtroom on their own. She has an active YouTube Channel
https://www.youtube.com/channel/UCC5Yd6dFZOw1BncTAhPehPA
Offers coaching and classes for self-representing parties https://www.commandthecourtroom.com/store

Unbundled legal service

Unbundled legal services are a great alternative for some people needing help during a case they are handling on their own.

When lawyers talk about "unbundled" legal services, they refer to a relationship where clients hire them to handle a single, specific task. These tasks might represent only a limited part of a case, motion, or other issues within the matter instead of managing the entire case.

What types of tasks does an Oregon unbundled lawyer handle?

There is no standardized type of "Oregon unbundled legal service" because attorneys handle the scope of these types of matters in a spectrum of ways, and clients have a wide variety of requirements. A client might hire an unbundled service lawyer to perform some tasks, including, but not limited to:

evaluating the client's case, and advising about strategy;
informing about legal responsibilities or rights;
informing about court rules and procedures;
advising about alternative dispute resolution options;
preparing specific documents, briefings, motions, or other legal pleadings;
reviewing documents;
conducting investigations;
referring specific issues to know experts;
performing appropriate legal research;
advising on settlement options or negotiations;
helping preparation for court appearances;
appearing with the client in court for a limited purpose; or
assisting with an appeal.

Unbundled Oregon legal services can provide an excellent option for clients who don't need the expense or full level of service associated with full legal representation, but who still need legal help along the way. Here are some firms that offer unbundled services:

The Commons Law Center - Offer both full-service and unbundled services. Your first step with The Commons starts with a Strategic Legal Assessment. **You'll talk with one of our family law attorneys** for 40 minutes to review your goals, basic legal rights and responsibilities, and recommended next steps based on your unique situation, all for $150. Click here to request your appointment.

Pacific Family Law

Jill Brittle Family Law Group, our Portland, Oregon divorce lawyers offer a "coaching" arrangement for clients who would like to get advice from a lawyer but who may prefer to handle most of the issues on their own. This provides the client with some professional advice, while simultaneously allowing them to save costs on legal fees. (503) 445-1575

As a service to clients, we meet with all potential clients in person, preferably with two attorneys, for the first consultation. This allows us to determine which attorney is best suited for any given case, based on the subject matter and the client's personality. In addition to the client getting two-for-the-price-of-one, this allows both attorneys to meet potential clients and hear the background of each case. Although ultimately only one lawyer will handle the case, the other will then know the basics of each case and can answer questions when a client calls. We offer this initial consultation for a flat fee of $100.00.

DBMA Family Law - Limited Scope Services - Whether you are looking for a one-time consultation, a second opinion, assistance in drafting documents, a letter written on your behalf, legal research, attorney review of a mediated agreement, attorney support through a mediation process, self-represented litigant coaching or other unbundled services, DBMA can provide the level of service best suited to your needs.

Collaborative Divorce Services
Okay. Not a firm, but groups of professionals focused on collaborative divorce
https://pdxcollaborativedivorce.com/
https://bridgesdivorce.com/

Oregon Courts: How to Prepare for Your Divorce, Legal Separation, Custody or Support Trial
https://www.courts.oregon.gov/help/Documents/famlawtrialbrochure.pdf

Oregon Law Help – For self-representing Parents – help with Family law, tenants' rights, employment law, government benefits, custody and child support, etc. https://oregonlawhelp.org/

Family Law Self-Help Center https://www.familylawselfhelpcenter.org/self-help/getting-started/representing-yourself-in-court

Safety Focused Parenting Plan Help (there will be safety issues for you and/or your children)
https://www.courts.oregon.gov/programs/family/children/Documents/SafetyFocusedParentingPlanGuide.pdf

Document Preparation - If you need to provide PDF's for discovery or other court uses, a good, easy to use free tool that can help you redact, edit, sign, etc. documents is: https://www.sejda.com/pdf-editor or: https://smallpdf.com/edit-pdf

Sample and Exemplar Forms for Drafting Pleadings and Discovery in Marital Dissolution and Family Law Cases- https://www.thurmanarnold.com/family-law-blog/2014/april/announcing-our-new-sample-attorneys-divorce-and-/

For uncontested divorces, inexpensive (under $200 for all paperwork) help:
https://www.paralegalalternatives.com/

Assistance for Women Clear Transitions PDX: Guiding Women Through Divorce Clear Transitions PDX, a monthly workshop covering topics such as one's rights & the legal process; mediation as a means to reaching a settlement; financial aspects of divorce & life post-divorce; and the importance of self-care & one's emotional well-being.

Assistance for men fighting for "Father's rights" especially when a child is put up for adoption
https://skyisthelimitfoundation.com/

Welcome to The Divorce School! Our mission is to empower men and women who are thinking about divorce, separated or already divorced to make intelligent choices so that their divorce does not leave them financially and emotionally bankrupt. Instead, we'll teach you how to avoid mistakes and use your divorce as a catalyst for life-changing transformation. free education and inspiration. You'll have unlimited access to all of Divorce School's podcasts and videos by divorce professionals – including lawyers, financial experts, therapists, and life coaches – as well as people who have successfully navigated the divorce process. Watch and listen from the comfort of your own home – or via a mobile device, whenever and wherever.

Another option for uncontested divorces is Legalshield which is under $25 per month – BUT you need to be a member for 90 days before filing.

Access a variety of legal services including advice on unlimited issues, attorney letters or calls made on your behalf, contract and document review (up to 15 pages each), and more. Review a plan contract for complete terms, coverage, amounts, conditions, and exclusions.

As a LegalShield member, your team of lawyers can help assist you with any legal issue involving divorce, legal separation, child custody, child support, grandparent's rights, paternity, alienation of affection, adoption, or name change. Relationships are complicated.

Representation for an uncontested divorce, separation, or annulment is included in your standard plan benefits for no additional fee. Your attorney will manage the process for you.

During a contested divorce, you can call your attorney for legal advice, have them review documents, and even make phone calls and write letters on your behalf. If you want your attorney to handle the negotiation of a settlement agreement or represent you at trial, you are covered by your plan's 25% hourly rate discount benefit. LegalShield gets mixed reviews from family law clients.

Family Law Resource Lists:
Clackamas County Family Law Resource List
Multnomah County Family Law Resource List
Washington County Family Law Resource List

For looking up case law: Try Google scholar, you can look up case law by jurisdiction, case name, etc.

Or a Law Library
Clackamas County Law Library
Multnomah County Law Library
Washington County Law Library

Appendix C

Resources for Single Parents

Portland Single Parents (PSP) –Support Group with over 2,500 Single Parents

LEGAL HELP/COURTS/PARENTING CLASSES – Also see Appendix B Free and low-cost legal services, Appendix F Books, and Appendix G Evidence

Oregon Courts: How to Prepare for Your Divorce, Legal Separation, Custody or Support Trial

Oregon Law Help – For self-representing Parents – help with Family law, tenants' rights, employment law, government benefits, etc.

The Essential Guide to Divorce in Oregon

Family Law Self-Help Center

Safety Focused Parenting Plan Help (there will be safety issues for you and/or your children)

Free or Low-Cost Supervision of Parenting Time and/or Exchanges

Legal Help of all kinds in Oregon https://www.co.washington.or.us/LawLibrary/upload/Oregon-Legal-Assistance-Resource-Guide.pdf

How to Choose and Find an attorney

Document Preparation - If you need to provide PDF's for discovery or other court uses, a good, easy to use free tool that can help you redact, edit, sign, etc. documents is: https://www.sejda.com/pdf-editor or: https://smallpdf.com/edit-pdf

Parenting Classes - Parent education classes are designed to educate parents about the many issues children face when their family structure changes. The classes focus on how to help children adjust to a divorce or separation and/or living apart from a parent. The classes also provide information to parents about developing skills for successful co-parenting as separated parents.

Oregon requires parents to complete a parent education class before a judgment can be entered in cases involving child custody and parenting time.
Clackamas County
Multnomah County
Washington County

Parent Coaches – these are therapists who can help co-parent's work for a better future.

Sarah Ward https://sarahwardpdx.com/

Kathleen Zumpano https://kathleenzumpano.com/

Lisa Gabardi https://gabardi.com/family-transition-divorce/

Adam Furchner https://www.portlandmediate.com/

Safe Exchange Zones - https://safeexchangepoint.com/safe-exchange-point-directory/

Resource Databases/Referrals

211info.org – Provides information to assist in connecting you with resources 211info connects people with health and social service organizations. At our heart is our core Community Information Center, supported by a Resource Database team. We've expanded to include enhanced information & referral and assistance programs that target specific services. You can Call 211 or Text, When texting 898211, standard msg & data rates may apply. Text STOP to opt-out. HELP for help.

211 is often the best place to start, they are helpful and have a broad range of information and programs. Sadly, the need for assistance often outpaces the available assistance and some people report frustration with 211. Still, if you need assistance Oregon or SW Washington, this is probably the best place to start.

Street Roots Resource Guide - Comprehensive list of reduced cost or free services in Multnomah, Washington, and Clackamas counties. Food (Food boxes, meals, food pantries, food assistance), Housing & Shelter (Housing services, rental assistance, Shelters, camps & villages), Goods (Clothing, Hygiene items), Transit, Health & Wellness (Mental, physical, Treatment), Money (Utility Assistance, Financial assistance), Care & Safety (Petcare, Domestic Violence), Work (Employment services/Training), Legal (Legal services, Know Your Rights), Day Services (hospitality, Portland Restrooms), and Specialized Services (Youth services, GLBTQI resources, Veterans services).

Oregon Department of Human Services -benefits and services from the State of Oregon for children, families in need of the basics, older adults, and people with disabilities.

Special Needs/Disabled Children

FACT Oregon - FACT empowers Oregon families experiencing disability in their pursuit of a whole life by expanding awareness, growing community, and equipping families. If you have a child on an IEP FACT is a great resource.

Swindells Resource Center of Providence Child Center Serving all families, especially families with children who experience special healthcare needs.

Shriners Hospital For Children - Portland At Shriners Hospitals for Children — Portland, there are no barriers to care. We accept new patients with or without insurance. The Portland Shriners Hospital focuses on a wide range of pediatric orthopedic conditions, from fractures to rare diseases and syndromes. We also provide specialized cleft lip and palate care. For intake 503-241-5090. Once you are a Shriners patient they also have many support groups and a wonderful activities program including indoor and outdoor events.

Adaptive Sports Northwest. We provide children and adults with physical disabilities and visual impairments opportunities for health, recreation, and competition through sports. Our programs endeavor to improve the quality of life for those experiencing disabilities. Through sports and recreation, we are opening doors to healthy lifestyles and supporting the development of essential life skills including self-confidence, grit, and resiliency. Adaptive Sports Northwest 4840 SW Western Ave, Suite 500 Beaverton, OR 97005 (503) 241-0850 info@adaptivesportsnw.org

Adventures Without Limits to provide access to outdoor adventure to all people, regardless of their ability level, socio-economic status, gender, ethnicity, or age.

Special Needs Summer Camps

Serious Fun Camps –Camp Korey in Washington State is highly recommended for children who medically qualify.

Local Resources for Families of Children with Developmental Disabilities

Special Needs Resource Project – Links to many different programs.

Klineline Kids Fishing - assisting children, including low-income, under-privileged and disabled children to help themselves learn how to be more sustainable by being equipped and educated in the fundamentals of fishing.

Food Assistance

211info.org – Provides information to assist in connecting you with resources. You can Call 211 or Text, 898211, Text STOP to opt-out. HELP for help.

Street Roots Resource Guide -https://rosecityresource.streetroots.org/

Food Assistance Program (SNAP) Formerly "Food Stamps" The purpose of this program is to assist and improve the well-being and health of lower-income households by providing single Parents the means to meet their nutritional needs. 503-945-5600.

Pantries and Food Banks Free food, groceries, and nutritional items are provided by hundreds of non-profits, churches, and other aid organizations to families and single parents in Oregon. 503-282-0555 to contact the Oregon Food Bank assistance program.

Clark County Food Pantries

Oregon WIC Program -Special Supplemental Nutrition Program for Women, Infants, and Children

Summer Food Service Program -The Summer Food Service Program (SFSP) ensures that low-income children continue to receive nutritious meals when school is not in session.

Meals 4 Kids – City of Portland (Only) The Meals 4 Kids home delivery program delivers nutritious meals, milk, bread, and fresh fruit directly to the homes of families in need each week on weekdays between 9 a.m. and 2 p.m.

Farmers Markets – many take SNAP/EBT/WIC and some will double it.

Food Hero - Food Hero is your go-to site for everything you need to know about food. Looking for easy, healthy recipes? Activities to help kids enjoy healthy eating? Tips for saving money on food? Expert advice on growing your own food? You'll find this and so much more--in English and Spanish--at Food Hero!

Healthcare

Medical Insurance/Prescription Drugs

Family Health Insurance Assistance Program (FHIAP) The main goal of FHIAP, a subsidy program in Oregon, is to assist families and single mothers in need with paying for health insurance premiums. FHIAP provides other grants and help, however, it will not pay for office visit co-pays or deductibles. All residents are eligible to apply, even those who currently have insurance. 888-564-9669.

Oregon Health Plan (OHP) This program will offer single parents health care and health insurance at little or no cost. 800-527-5772.

Oregon Prescription Drug Program (OPDP) All Oregon residents can benefit from this program. Enrollment in a cost-saving program, without any costs to enroll, will be provided to individuals. A total of up to 60% can be saved on medical prescriptions. 800-336-6016.

Medical/Physical Health

Free and Sliding Scale Clinics
Multnomah County Health – Primary Care Clinics. Call 503.988.5558, Monday - Friday, 7:30 am - 5:30 pm.
Clackamas County Health -We offer health care services for families and individuals in Clackamas County. We are your home for high-quality medical care – from physical exams to family planning. If you need a primary care physician, our team of medical professionals can help. Primary care and dental phone: 503-655-8471
Mental and behavioral health: 503-655-8401

Washington County: Virginia Garcia Beaverton Wellness Center 2725 SW Cedar Hills Blvd Suite 200 Beaverton, Or 97005 Phone: (503) 352-6000An extensive variety of free or low-cost medical services are offered to the working poor and those with no health insurance. Checkups, vouchers for prescription medications, information on dental care, and much more are offered.

Virginia Garcia – Several locations in Washington County

Essential Health Clinic, Hillsboro Clinic
The community clinic address is 266 W Main Street Hillsboro, Oregon 97123 (503) 846-4919
This center is an urgent care clinic that can provide services to people of all ages who are considered low income, uninsured, or who have no other access to medical care.

Free Clinic of Southwest Washington

Locations all over ZoomCare Pay at time of service accepts insurance or see Pricing

Mercy & Wisdom Community Health - 7411 SE Powell Blvd | Portland, OR 97206
Phone: (503) 227-1222 Helping the low-income, holistic-minded, and uninsured achieve health through affordable, integrative medical care. Mercy & Wisdom Health Clinic is a 501 (c) 3 non-profit community clinic in Oregon, formed to provide primary health care services to the community, especially to medically under-served population, and serves as an educational institute to teach the public how to achieve and maintain health physically, mentally, emotionally and spiritually. Our services include:
Naturopathic Medicine, Oriental Medicine.

North by Northeast Community Health Center is a non-profit organization providing welcoming, high-quality health care to OHP-covered adults. Our focus is on serving as a primary care home for the African American community in Portland. Please call us at (503) 287-4932 for information on how to become a North by Northeast patient and/or make an appointment.

Neighborhood Health Clinics - Building healthy communities – one neighbor at a time – through patient-centered health care, regardless of income or current state of wellness.
Clinic Phone Numbers:
NHC Beaverton Medical Clinic: 503-213-3800
NHC Canby Medical Clinic: 503-416-4547
NHC Hillsboro Reproductive Health Clinic: 503-941-3016
NHC Merlo Station SBHC: 503-941-3210
NHC Milwaukie Dental Clinic: 503-850-4479
NHC Milwaukie Medical Clinic: 503-416-1960
NHC Oregon City Dental Clinic: 503-941-3064
NHC Oregon City Medical Clinic: 503-656-9030
NHC Tanasbourne Medical & Dental Clinic: 503-848-5861
NHC Tualatin School-Based Health Center: 503-941-3180

Clackamas Volunteers in Medicine - The clinic is committed to providing free medical service to adult Clackamas County residents: Who do not have health insurance, or who are underinsured, Who do not have access to healthcare, Whose annual income is below 250% of the poverty level
How To Become a Patient: Call 503-722-4400 to set up a screening appointment to become a patient. New patients must: Be a Clackamas County resident. Have income for the last 3 months meets our guidelines. Not have access to healthcare, or are underinsured.
We can also provide help if you have a special screening situation such as: If your living arrangements are in transition or if you are experiencing homelessness. If you do not have the suggested documents. Immigration documents are not requested.

Outside-In –Multiple locations and a mobile van. WE CARE FOR EVERYONE! Everyone belongs at Outside In. We provide a full range of health services for youth and adults of all ages, such as routine primary care, disease management, HIV/STI testing, reproductive health care, mental health treatment, and transgender care. We also offer an on-site pharmacy, needle exchange, and tattoo removal. Our medical providers can see patients in person, as well as via phone and video appointments. We are committed to building relationships with our patients and to ensuring that everyone is cared for, respected, and receives the medical treatment that they deserve. We are welcoming new patients! Please call 503-535-3860 to make an appointment for any of our health services.

Working Class Acupuncture - Working Class Acupuncture works to create a safe and comfortable environment for all members of our community. We welcome people of all genders, sexes, races, colors, incomes, national origins, ages, abilities or disabilities, marital statuses (legal or otherwise), familial situations, religions, sizes and shapes, sexual orientations, and political beliefs. Your level of care will never be based on any of these factors. The Sliding Scale Our sliding scale is $20 - $40 per treatment. *
*There is an extra $10 new patient paperwork fee for the first visit. You decide what you can afford. Working Class Acupuncture strives to make acupuncture affordable for you to come as often and for as long as needed to feel better!

Dental resources – Oregon

Creston Children's Dental Clinic
Multnomah County Dental Access Program
Neighborhood Health Center
OHSU Pediatric Dentistry
Oregon Dental Association
Pacific University Dental Hygiene Clinic
PCC Dental Clinic

Medical Teams International Mobile Dental Program (call for locations)

- Oregon: 503-624-1026
- Español: 503-624-6626

Dental resources – Southwest Washington

Cascadia Technical Academy Dental Clinic (services offered November – June only)
Clark College Dental Hygiene Clinic
Cowlitz Family Health Center – Longview Dental Clinic
Free Clinic of Southwest Washington
New Heights Dental Clinic
Sea Mar Community Health Center – Vancouver

MENTAL HEALTH SUPPORT

NAMI Oregon https://namior.org/resources/ NAMI Oregon is the state chapter of the National Alliance on Mental Illness. We are a statewide grassroots organization that is dedicated to improving the quality of life for individuals living with mental illness, as well as their families and loved ones. In conjunction with our 15 local chapters, or affiliates, we serve all Oregonians through our education and support programs at the state and local levels. NAMI members, volunteers, and leaders are all people with direct lived experience with mental illness. Some are individuals living with mental illness, some are family members with a loved one with mental illness, some are parents or caregivers raising a child with mental illness. Many fall into multiple categories. We take to heart the conclusion of The President's New Freedom Commission on Mental Health: "Mental illness is not a scandal — it is an illness. And like physical illness, it is treatable." Generally, there aren't any magic or easy answers for individuals and families who are struggling. But there is support and education — and hope. We at NAMI know exactly what you're experiencing because we've experienced it ourselves.
Contact NAMI Oregon's Helpline at 503-230-8009 or 800-343-6264.
Email us at namioregon@namior.org.
Search for and contact a local NAMI chapter in your community.

County Mental Health Crisis Line -For behavioral health crises, consider contacting your county mental health department's crisis line. If the situation escalates to the point you need to call 9-1-1, be clear that your loved one is suffering a mental health crisis. If police are directed to respond, make sure to request a "CIT Officer." CIT officers are trained in Crisis Intervention Team Training, which is specialized training for law enforcement to better respond to people in crisis.

Mental Health & Addiction Association of Oregon: MHAAO - MHAAO is committed to promoting self-directed recovery and wellness for all individuals. We honor lived experiences. We support people wherever they are on their journey, free from judgment, or agenda.
We support these aims through education, advocacy, recovery peer services, training, technical assistance, community collaboration, and developing the peer workforce and leadership.
Phone 503-922-2377

Mental Health Association Of Portland – Oregon's Impartial & Independent Advocate

Cascadia Behavioral Healthcare delivers Whole Health Care. We provide mental health services, addiction recovery support, primary care, wellness programs, permanent housing solutions, and affordable housing to people of all ages. Request services 503-674-7777 URGENT WALK-IN CLINIC- Open 7 days a week Mon. – Fri.7 AM – 10:30 PM Sat.- Sun.9 AM – 9 PM
4212 SE Division St., Suite 100, Portland, OR 97206

Crisis Text Line - https://www.crisistextline.org/ In a crisis?
Text HOME to 741741 to connect with a Crisis Counselor
Free 24/7 support at your fingertips.

Grief Support for all ages - Dougy Center has received national and international acclaim for our peer grief support model for helping children cope before and after the death of a family member. The Dougy Center Model has been replicated in over 500 sites throughout the world and is considered a 'gold standard' of practice in the field of grief and loss.

Suicide Prevention 988

National Suicide Prevention Lifeline -Dial 988 We can all help prevent suicide. The Lifeline provides 24/7, free and confidential support for people in distress, prevention and crisis resources for you or your loved ones, and best practices for professionals. 1-800-273-8255 Nacional de Prevención del Suicidio 1-888-628-9454 Options For Deaf + Hard of Hearing For TTY Users: Use your preferred relay service or dial 711 then 1-800-273-8255. Find Your Words Crisis text line: Text "WORDS" to 741741

OREGON BEHAVIORAL HEALTH SUPPORT LINE Call 800-923-4357 (24/7/365) In these challenging times, we provide emotional support, mental health triage, drug and alcohol counseling, or just connection with a person who cares. Callers do not need to be in a crisis to contact this line.

ALCOHOL & DRUG HELPLINE Call 800-923-4357 (24/7/365) The Alcohol and Drug Helpline serves anyone who needs information, support, or access to resources and treatment for alcohol or drug use.

MILITARY HELPLINE Call 888-457-4838 (24/7/365) Support for service members, veterans, and their families that is independent of any branch of the military or government.

SENIOR LONELINESS LINE Call 503-200-1633 We support seniors in our community who are feeling lonely and having difficulty connecting.

YOUTHLINE -Call 877-968-8491 Text teen2teen to 839863 Chat at www.oregonyouthline.org A teen-to-teen crisis and helpline. Contact us with anything that may be bothering you; no problem is too big or too small! Teens available to help daily from 4-10 pm Pacific Time (off-hour calls answered by Lines for Life).

LGBTQIA+ Resources

Transfamilies - Trans Families is a nonprofit organization that has been supporting transgender people and their families since 2008. Formerly called Gender Diversity, we are also the force behind the annual conference Gender Odyssey. Today, we run parent support groups (including a group for Spanish-speaking families), a trans youth leadership program, special topics groups, and youth support groups, with more programs in development.

QCenter –Resources Welcome to Q Center's Online Information & Referral Service. Find resources for LGBTQ2SIA+ community members in Portland Metro, SW Washington, and Oregon. Search by name or type of resource you're seeking. The I&R database has **hundreds of listings** and this search tool currently only finds *some*. Not finding what you need? Don't give up! Just **call our main line: (503) 234-7837** or email info@pdxqcenter.org. You can leave a message at reception or in our voicemail for the resource team with your contact info and description of the resource you're seeking. Your call will be returned in 1-2 business days.

TRANS LIFELINE -Call (877) 565-8860 Trans Lifeline's Hotline is a peer support phone service run by trans people for our trans and questioning peers. We believe that some of the best support that trans people can receive is from trans community members with shared lived experiences. Call us if you need someone trans to talk to, even if you're not in crisis or if you're not sure you're trans. Oprima 2 para hablar con unx operador en español. When you call, you'll speak to a trans/nonbinary peer operator The hotline is open 24/7. We have operators guaranteed to be on call during the following hours: Hawaii: 5a – 12a, Alaska: 6a – 1a, Pacific: 7a – 2a, Mountain: 8a – 3a, Central: 9a – 4 a, Eastern: 10a – 5a. Full anonymity & confidentiality. No non-consensual active rescue (calling 911, emergency services, or law enforcement)

City of Portland LGBTQ+ Resources

NAMI Resources - Are you looking for support from someone who shares your culture? To whom you don't have to explain yourself? You came to this page for a reason. Many Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ+) individuals find it helpful to gain support from people within their community. On this page, you will find both in-person and online resources including community support groups and gathering centers for LGBTQ+ individuals, services for homeless and transitional LGBTQ+ youth and adults, and culturally competent mental and physical healthcare centers and helplines. Certain resources are free, low-cost, and/or covered by insurance.

PCC Queer Resource Center

Fat Fancy – Clothing for all sizes/shapes

HOUSING, HOMELESSNESS & UTILITIES ASSISTANCE

211info.org – Provides information to assist in connecting you with resources 211info connects people with health and social service organizations. You can Call 211 or Text, When texting 898211, standard msg & data rates may apply. Text STOP to opt-out. HELP for help.

211 is often the best place to start, they are helpful and have a broad range of information and programs. Sadly, the need for assistance often outpaces the available assistance and some people report frustration with 211. Still, if you need assistance Oregon or SW Washington, this is probably the best place to start. For Housing assistance Call 211 and ask for the Mobile Housing team to call you back.

Street Roots Resource Guide - Comprehensive list of reduced cost or free services in Multnomah, Washington, and Clackamas counties. Food (Food boxes, meals, food pantries, food assistance), Housing & Shelter (Housing services, rental assistance, Shelters, camps & villages), Goods (Clothing, Hygiene items), Transit, Health & Wellness (Mental, physical, Treatment), Money (Utility Assistance, Financial assistance), Care & Safety (Petcare, Domestic Violence), Work (Employment services/Training), Legal (Legal services, Know Your Rights), Day Services (hospitality, Portland Restrooms), and Specialized Services (Youth services, GLBTQI resources, Veterans services).

Help with Utility Bills

Oregon Operation Round-Up - This assistance program is made available to single parents by the many Oregon utility and gas companies. Working with non-profit organizations, Operation Round Up provides various types of assistance and grants to those people in need. Utility and heating bills, assistance with paying rent, pay for medical bills and debt, and more, are the type of things the program can help you with. 541-536-2126 or 800-722-7219.

Oregon Energy Bill Help - Grants, financial assistance, and weatherization programs are provided to customers by the many utility companies that operate in Oregon. If you are struggling with your energy bills you can get help from programs such as HEAT Oregon. PGE customers should call 800-542-8818 while Pacific Power customers should call 888-221-70-70.

Oregon Telephone Assistance Program - This program will provide families and single parents that need help paying their phone bills anywhere from $10-$30 per month. Both for cell phones and standard landlines. Discount programs from Lifeline along with other forms of government financial aid are available for both standard landlines and cell phone services. 800-848-4442.

Also can help with internet bills and referral to help with utility bills

Housing Assistance, Stabilization, and Emergency Programs

Habitat For Humanity –Oregon Habitat's homeowner selection is managed at the local level, through our 26 locations in Oregon. For more information and to learn more about the process or how you can apply, please contact your local Habitat, or call 1-800-HABITAT (1-800-422-4828).

Reach Community Development - We create quality, affordable homes, and opportunities for individuals, families, and communities to thrive. We're passionate about supporting people - those trying to rebuild their lives and those who just need a little help. We do this by offering a stable foundation to come home to every day as well as programs that inspire confidence essential for success.

Proud Ground -"Never give up! As a single mom with three kids on a limited income, a lot of people told me I'd never own my own home. But they were wrong! The best part is that my new house payment is less than I paid for rent." -Proud Ground homeowner.

Hacienda Community Development –Our services: – Pre-purchase and default prevention counseling, Lending circles PLEASE CALL (503) 961-6432 OR EMAIL HOME@HACIENDACDC.ORG

State of Oregon Listing of Down payment Assistance Programs

Divy Homes - Your journey to homeownership starts with us. Rent your dream home while we help you save for a down payment. You can buy the home from us whenever you're ready, or walk away and cash out your savings.

Landis – Rent to own (coming soon)

Mortgage and Foreclosure Help -Several programs are made available to help homeowners deal with a foreclosure notice or help them catch up with their mortgage payments. Non-profits and local Oregon municipalities offer these resources. A HUD-approved foreclosure counseling agency is another option for Oregon homeowners. Call 888-995-4673 to get help and assistance from the Making Home Affordable (MHA) program.

DevNW – Individual Development Accounts, Financial Education and Counseling, Student Loan Debt Counseling, Homeownership Education and Counseling, Credit Builder Loans, Small Business Loans, Foreclosure Avoidance Counseling

Oregon Housing and Community Services - Housing Assistance

Community Action Partnership of Oregon -Rental assistance/Utility Assistance

Community of Hope -Hope House is located at 8911 N. Leonard St., Portland, OR 97203 in the St. Johns neighborhood. If using public transit, take the 75 or 16 to the Baltimore stop on Lombard or the 44 to St. Louis and Central.

Human Solutions -(503) 548-0200 Offers employment assistance, housing assistance, utility assistance.

Impact NW (503) 721-1740 Impact NW's Housing and Safety Net programs connect families with resources that empower them to achieve self-sufficiency. Our staff assesses each family's needs and helps them apply for benefit programs such as "SNAP" (Supplemental Nutrition Assistance Program), "TANF" (Temporary Assistance for Needy Families), and "LIHEAP" (Low Income Home Energy Assistance Program). Impact NW's programs take a comprehensive view of poverty. We know that unless a family has their basic needs met, securing employment and permanent housing can be a daunting prospect. That's why we work with each family to develop individualized action plans for obtaining financial independence and provide the tools they need to complete this plan and secure a brighter future for themselves and their children. Offers Housing & Rent assistance, Energy assistance, Pathways to food security.

JOIN -exists to support the efforts of individuals and families experiencing homelessness to transition into permanent housing. Our efforts are directed at individuals sleeping outside or in their car in the Portland Metro area. Our service provision is not dependent on age, gender, race, ethnicity, faith, culture, language, sexual identity, specific diagnosis, or identifiable issue.

Portland Homeless Family Solutions
HOUSING -Families experiencing homelessness move back into housing as quickly as possible. We provide rental assistance and case management for 6-12 months to help families keep their housing long-term.
PREVENTION -Families with a 72-hour eviction notice get to keep their housing. We pay security deposits, moving costs, or back rent for families so they never have to experience homelessness with their children.
SHELTER -Families have a safe, warm place to sleep every night of the year. We have all the comforts of home – private sleeping spaces, food, showers, laundry, computers, and clothing. We rely on a team of over 800 volunteers to help provide supportive, compassionate services.
ADULT EDUCATION -Families take evidence-based classes to learn new skills they can use to get and keep housing. Our classes include Incredible Years Parenting, Rent Well Tenant Education, and the ARISE Life Skills Curriculum.
How do families get into Portland Homeless Family Solutions (PHFS) programs?
Shelter & Rapid Re-Housing: Families call 2-1-1, our county-wide coordinated entry point to the homeless family system. On that call, families will be asked a vulnerability assessment to determine their level of need. Based on need, families will be placed on waitlists for shelter, rapid re-housing, or both. Once there is an opening in a shelter or rapid re-housing, families are contacted and invited to participate in services.
Homeless Prevention: Families call PHFS directly at the Family Village number (971-409-1706), or families can contact Samuel, the PHFS Prevention Specialist directly (503-724-6860). At the beginning of each month, our prevention program has dedicated resources to help families stay in their housing and not experience homelessness.
How long is the waitlist for PHFS services? Unfortunately, there is more demand for services than we have resources for, so families can wait 6-12 months on the waitlist before being invited in for services. We prioritize families based on need - those with the most need get served first. It's still a long wait.
How long can families stay at Family Village? Can they return? Families can stay up to 4 months (120 days) in the shelter and the average shelter stay is 54 days. Families can return to Family Village for a second (or third) shelter stay if they need us. Once a family has received services from PHFS, they are always part of our PHFS Village. We form long-lasting, trusting relationships with families so they know we are a resource if they ever need us again.

Where do the kids in the shelter go to school? Kids who lose their housing have a few options: 1) they can stay in the school they have been attending and the school district is required to provide transportation to and from school, wherever the student is staying; 2) if a family enters the shelter, they can also choose to enroll them in the shelter's local school; 3) kids are also welcome to attend Community Transitional School. All school districts have Homeless Liaisons that work with students who don't have a permanent residence. PHFS has been impressed with the care and attention these Liaisons give to families in shelters.

Who does PHFS collaborate with? PHFS is a founding member of the Multnomah County Homeless Family System of Care, which is a collaboration of nine agencies that work together to help address family homelessness in our community. Our Homeless Family System partner agencies include NAYA Family Center, El Programa Hispano, IRCO, JOIN, Human Solutions, NARA, Latino Network, and 211Info. We also collaborate with Community Warehouse, Raphael House, Urban League, Morrison Child & Family Services, YWCA, Oregon Tradeswomen, Stone Soup, Impact Northwest, the Oregon Symphony, and many more organizations. PHFS is a member of the Oregon Housing Alliance, the Willamette Valley Development Officers, and the Nonprofit Association of Oregon.

Transition Projects
Call Us. 503.280.4700 Monday - Friday, 8:00 AM - 4:00 PM
Visit Us. 650 NW Irving Street Monday - Sunday, 8:00 AM - 4:00 PM
Served in the military? Call: 855-425-5544
SERVICES AND PROGRAMS PROVIDED IN OUR RESOURCE CENTER: Showers, Clothing, Laundry Services, Emergency Shelter, Short-term Residential Programs, Hair Salon, Housing Assistance, Information and Referrals, Hygiene Kits, Identification and Birth Certificate Assistance, TriMet Bus Tickets, Telephone and Message Service, Mailing Address, Notary Services, Housing Search Assistance, Eviction Prevention and Move-in Assistance, Veteran Support Services.

Neighbor Impact Rental Assistance Help with Rent -Two emergency housing programs are run by the state. One is for low-income Oregon families who are faced with eviction and the other one is for seniors. If an individual should apply they can receive grants, direct cash assistance, and counseling as well. The program can help you pay your rent. Call 541-318-7506.

Community Action Need help to pay your rent? Call (503) 615-0770 - Need help getting into housing? Call (503) 640-3263

Oregon Rent Assistance Program

Looking for Rooms to Rent

Home Share Oregon For Home Sharing situations why not just use Craiglist or another roommate website? Home Share Oregon powered by Silvernest is committed to your security and we make it easy to screen potential housemates. Background checks, legitimate rental agreements, and access to mediation services all make home-sharing more secure and comfortable for both homeowners and renters.

Subsidized Apartments

HUD helps apartment owners offer reduced rents to low-income tenants. To apply, contact or visit the management office of each apartment building that interests you.

- Search for a HUD-subsidized apartment
  - Downloadable Portland Metro Area Affordable Apartment List (PDF)
  - Downloadable Oregon (without Portland) Affordable Apartment List (PDF)
- Search for USDA Subsidized Housing

Public Housing and Housing Choice Vouchers (Section 8)

To apply for either type of help, visit your local Public Housing Agency (PHA).

- PHAs in Oregon
- Questions? Email us
  or call (800) 955-2232

Some PHAs have long waiting lists, so you may want to apply at more than one PHA.

Need advice?

- Contact a housing counseling agency

Other Oregon Resources

- Local tenant rights, laws, and protections
- Help with your utility bills
- Independent living centers - for seniors and people with disabilities
- Find units for rent in rural Oregon
- Oregon Housing and Community Services - ask your state housing agency if you qualify for one of their programs
- Search for Federal Tax Credit rental housing
- Improve your Credit –how to

Landlord/Tenant Problems – Legal Advice

If you are having a problem with a landlord and/or want to know your rights
Community Alliance of Tenants (CAT)

CAT Renters Rights Hotline: MONDAYS, WEDNESDAYS, FRIDAYS, AND SATURDAYS 1-5 PM AND TUESDAYS 6-8 PM - 503-288-0130 The Renters' Rights Hotline gives tenants detailed information about their rights and practical suggestions to help protect those rights. We can help renters anywhere in Oregon, however, you may need to join CAT as a member if you're not in one of our funded counties. Our funded counties are Multnomah, Washington, Jackson, Marion, Deschutes, and Coos. For priority call back on the hotline, join as a member here. We may be able to provide other ways of communication such as email or live chatting for example if you are a Deaf or hard of hearing renter. Submit your accommodation request for an appointment by emailing hotline@oregoncat.org. *We do not give legal advice or provide rental assistance funds. Our hotline is open MWF: 1pm-5pm | Tues: 6pm-8pm | Sat: 1pm-5pm" Call us at (503) 288-0130.

Legal Aid's Housing Self-help guide for renters rights

City of Portland Rental Services Office - Rental Services Helpdesk RentalServices@portlandoregon.gov 503-823-1303 Call or email the helpline for technical assistance and information on landlord-tenant laws and policy. RSO staff can provide referrals and information, however, they cannot offer legal advice.

Help with Furnishings -Community Warehouse

Pet Adoption/Low-cost Veterinary Services

The Pixie Project is a non-profit animal adoption center and rescue. We offer a variety of services to the public including but not limited to: pet adoption services, pet owner education, and support, and low cost and free spay and neuter and veterinary services for homeless and low-income pet owners. We are located directly across the street from the convention center at 510 NE MLK BLVD.

Oregon Humane Society -Adopt a pet at the Oregon Humane Society in Portland. View available dogs, cats, rabbits, horses, and more. Outreach locations across the metro area.

Dove-Lewis Emergency Pet Hospital 24/7 Pet Hospital

Financial Assistance

Individual Development Accounts, or IDAs, are matched savings accounts that change the financial futures of qualifying Oregonians with lower incomes.

Temporary Assistance for Needy Families (TANF) -While families strive to become self-sufficient the program will help by providing cash assistance and grants to families and single parents with children that are struggling and have a lower income. Through the means of employment, training, and community resources TANF aims to reduce the number of families that are living in poverty or near poverty. For an application, contact the Oregon Department of Human Services at 503-945-5651.

Ideas for help or how to start a personal fundraiser Go Fund Me

Government Grants, Employment, and Case Management -A community action agency can assist with finding a new job, obtaining new skills, and career counseling. Grants are available for childcare, rent, certain bill payments all while working and receiving counseling. 503-947-1800 to call the Oregon Unemployment Department.

WorkSource **Job Search and Employee Development** - Unemployed single parents or residents seeking employment can be helped by the WorkSource Centers in Oregon with finding a job. Training, career counseling, programs for veterans and seniors, and more are made available.

Money Management 101 for Single Parents

Financial Planning with Monthly Budgets for Single Parents

My Long-Term Financial Journey – one women's story as a Single Parent

Single Parent Finances: Six Tips to Find Financial Success When It's All on You

Women Transition – We help women at turning points in their lives find their path to self-assurance in a Supportive Community. 4 Financial Planning Steps for Divorce Spending Planning Guide

Pre/Post Divorce Financial Planning

Childcare

Employment Related Day Care (ERDC) Single parents in Oregon can use the ERDC program to help pay for most kinds of childcare expenses and bills. It is generally intended for lower-income families. These families will be helped with job training and finding employment by this government-funded childcare assistance program. 800-342-6712

PDX Portland -Neighborhood Child Care & Preschool Guide

Spots with Drop-In, Flexible Childcare for Busy Parents

PPS School-Age Child Care

YMCA Child Development Centers

Early Learning Oregon Find Childcare

SELF -SW Washington

Bicycles

Bike Works by P:ear a bike shop for everyone. high quality bike repairs bike works by p:ear is a social purpose enterprise bike shop managed by the nonprofit p:ear. Bike Works by Pear is a full service repair shop that sells used bikes and also runs the Everybody Bikes program that provides free bikes to people in need.

In addition to providing high quality bike repair, bike works by p:ear builds pathways for youth, ages 15-25, to end their homelessness and begin the journey out of poverty by providing meaningful job training opportunities and continuing bike mechanic education.

Bikes for Humanity PDX Our bike shop & school joins donors, volunteers, and adopters, to transition under-utilized bicycles back into service. Our financial aid process allows bicyclists of any economic status to gain access to refurbished bicycles. Our Volunteer Mechanics Classes train volunteers via professional instruction, curriculum, tools, and workspace to refurbish donated bicycles. We create and maintain co-ops with partners around Portland. We provide repairs at public events.

Bike Farm - Bike Farm is an all-volunteer-run collective dedicated to every aspect of bicycle education, from safe commuting to repair. Our mission is to provide a space where people can learn about the bicycle and build a community around promoting sustainable transportation. We strive to demystify the bicycle to impact the city healthily and positively.

Community Cycling Center - Whether you're thinking about buying a bike or you've already narrowed down your specific needs, don't hesitate to check us out. Here at the Community Cycling Center, we have a huge selection of new and used bicycles just waiting for some love. We have something for every budget, from new bikes to fully overhauled used bicycles, and even used frames that you can build up yourself. We're here to help people of all backgrounds and income levels ride safely. When you buy a bicycle from the Community Cycling Center, 100% of the proceeds from that sale go directly to help fund our community-based nonprofit programs.

Diapers

PDX Diaper Exchange partners with agencies to distribute diapers – contact an agency near you or call 211

Activities/Fun Stuff to Do With or without Kids

Travel Portland – Free/low-cost things to do

25 Free Things To Do In Portland Oregon

Cheap Things to Do in Portland

Weird, cheap things to do in Portland

Family-Friendly Attractions

Portland Sports Teams (spectator)

All Types of Things to do

Outdoor Activities

Swimply – Rent a local private pool (Basketball courts, private gyms, and even home studios) by the hour

Sport Source – Rental recreational spaces traditionally used for movement that can be rented by the hour for the primary purpose of physical activity (i.e. gym, field, swimming pool, studio, green space, fitness or dance studio).

Outdoor Adventures

Portland Bucket List

12 Cool Things to Do

37+ Adventurous Things to Do in Oregon—Your Go-To List!

33 Weirdly Awesome Things to Do in Portland

151 Cool, Hidden, and Unusual Things to Do in Oregon

Library Cultural Passes – FREE things to do!

Clackamas County

Multnomah County

Washington County

Oregon Library Passport Program: As a library card holder you are allowed to get library card at many other libraries within Oregon. Oregon libraries recognize that patrons live, work, play and shop throughout the state and may want or need library access in a town outside of the residence. In order to participate, patrons are required to have a Home Library card first. This becomes his or her "Passport" to other Participating

Libraries. Patrons present their Home Library cards at each Participating Library in order to register for cards at those libraries. A full list of participating libraries is available at https://librariesoforegon.org/passport

Arts For All! Show your Oregon Trail Card and buy $5 tickets to many of Portland's best arts events!

Access to Arts and Culture a summary of some of the free and reduced cost admission opportunities among local arts organizations. Restrictions on group size and other limitations due to COVID-19 have changed how organizations are connecting with visitors. Visit their websites for detailed information

Summer Camps

PDX Summer Camp Guide

Overnight Camps

Raise 'Em Outdoors - Raise 'Em Outdoors is dedicated to helping kids from any background get outdoors, learn all about hunting, fishing, bringing food to the table, and the outdoors as a lifestyle. We are hosting annual outdoor camps across the nation as an intro to the outdoors and to bring families together.

Portland & Suburbs

- North
  - Portland International Raceway
  - Sauvie Island
  - Peninsula Park Rose Garden
  - Kelley Point Park
- Downtown
  - Oregon Zoo
  - Washington Park
  - Portland Aerial Tram
  - Portland police museum
  - Portland Art Museum
  - Pittock Mansion
  - Powell's City of Books
  - Oregon Historical Society
- SW
  - Elk Rock Gardens
  - Winterhawks Skating Center
  - Sherwood Ice Arena
- NE
  - Llyod Center Mall ice skating rink
  - The Grotto
  - Gateway Green
- SE
  - Cloud Cap Games
  - Oaks Amusement Park
  - Oregon Rail Heritage Center
  - Oregon Museum of Science & Industry (OMSI)
  - Mount Tabor Park
  - Crystal Springs Rhododendron Garden
  - North Clackamas Aquatic Park

Vancouver

- Columbia Springs/Vancouver Fish Hatchery
- Fort Vancouver National Historic Site
- Nikkei Park-Dinosaur Themed
- Esther Short park-playground, music, art, farmers market
- City of Vancouver Water Resources Education Center

Camas/Washougal

- Hartwood park Farm Themed
- Sandy Swimming Hole

Mount Hood

- Mount Hood Ski bowl & Summer Adventure Park
- Timberline Lodge
- Cooper Spur Ski Area is a small quaint family ski area.
- White river Sno-park Sledding
- Mt Hood Things to Do

Salem

- Enchanted Forest (Amusement Park)
- Gilbert House Children's Museum
- Riverfront Carousel

Does the Dog Die? Offers Crowdsourced Movie Spoilers That Help People Avoid Triggers for Sexual Assault, Domestic Violence & Other Upsetting topics

Full-Service Social Service Agencies

Metropolitan Family Services -Offers several programs that help single parents, including

Help with getting a car/auto repair! Ways to Work-Provides working parents with financial education and below market rate loans to purchase, repair or refinance a car for work, childcare, and school-related transportation.

Credit recovery counseling and workshops on how to build personal assets on a fixed income.

Financial Coaching-Individual coaching to help people build credit, and manage debt.

Women's Economic Empowerment -Helps low-income women participate more fully in the economy by providing culturally responsive career planning and job readiness training.

Ways to Save (Individual Development Accounts IDAs) Savings accounts that make it possible for low- and moderate-income Oregonians to build assets by making monthly savings deposits that are matched 3:1.

SaverLife-Matched savings program open to people at 80% median income or less.

Credit Coaching-In partnership with Prosper Portland, provides one-on-one coaching to small business owners whose credit scores affect their ability to borrow and grow their businesses.

MFS Child and Family Enrichment (CAFE) -Tailored collaborations meet the variable needs of diverse schools and integrate targeted academic support, nutrition, and parent education.

MFS Youth Advocates- Assertive engagement advocacy and support activities, like one-on-one academic supports, advocating for youth in school, and working with youth to create an individualized success plan.

Family Shelter- Providing support and enrichment opportunities for children, youth, and adults currently experiencing homelessness and sheltered through support from Multnomah County.

MFS **Parent Coaching**-Parent coaches provide home visits to families to strengthen parenting skills, communication, and understanding of child development, utilizing an evidence-based parent education curriculum. Coaches link families to community resources and opportunities.

Contact Metropolitan Family Services:

Phone: 503.232.0007, ext. 107 Email: info@mfs.email Web: https://www.metfamily.org/services/

The Immigrant and Refugee Community Organization (IRCO) -Supports immigrants, refugees, and mainstream community members to become self-sufficient. Offers programs for employment, children, families, housing, language services, and certain legal services.

- Main Office 10301 NE Glisan St. Portland, OR 97220 (503) 234-1541
- Africa House 709 NE 102nd Ave Portland, OR 97220 (503) 802-0082
- Asian Family Center 8040 NE Sandy Blvd. Portland, OR 97213 (503) 235-9396

Northwest Family Services supports family stability, child well-being, and victims of crime by focusing on the social determinants of health. Since 1983, NWFS has worked to reduce poverty through health, education, employment, and social justice services. Programs and services include health and social service navigation, culturally specific women and children's shelters who have experienced violence, youth prevention, and intervention programs, outpatient alcohol and drug treatment, coalition support for drug-free communities, support for youth and families affected by incarceration, youth education and employment success, restorative justice, mental health services, job readiness and placement, couple's classes, parenting, healthy relationship education, and more. Services are offered in the greater Portland-Salem metro area in both English and Spanish.

Faith and Church-Based Resources

If you are or have been a member of a church, check with them, they are often great providers of all types of social services.

Many Churches have food banks and clothes closets for all in need, some provide additional resources.

The Father's Heart Street Ministry is more than just a Day Center in Clackamas County. Our goal is to help men, and women find a safe refuge from homelessness, hunger, and addiction. If you need help, come to our Day Center at 603 12th Street in Oregon City Tuesday – Friday from 10 am-2 pm or call 503.722.9780. They are sometimes able to help homeless parents get into stable housing.

My Father's House Community Shelter is a family shelter located in East Multnomah County, Oregon. We provide a safe environment for 30 families, a place families can stay together as they address their spiritual, physical, emotional, and relational issues and needs. Since more than half of our residents are children, our family shelter provides a home-style atmosphere that encourages change, structure, and accountability, as well as life-changing classes and services that are suited for the entire family. For many of these parents, it is their only opportunity for a chance to get back on their feet.

General Help Paying Bills, etc. https://www.needhelppayingbills.com/html/church_assistance_.html
Washington County https://www.needhelppayingbills.com/html/washington_county_assistance.html
Multnomah County https://www.needhelppayingbills.com/html/multnomah_county_assistance.html
Portland https://www.needhelppayingbills.com/html/portland_assistance_programs.html
Clackamas County https://www.needhelppayingbills.com/html/clackamas_county_assistance_pr.html
Clark County https://www.needhelppayingbills.com/html/clark_county_assistance_progra1.html

Domestic Violence Support

For immediate crisis services: If you are experiencing domestic violence—or think you know someone that may need help, call to learn about your options.
Call to Safety: 503.235.5333; 24-hour crisis line, 1-888-235-5333
El Programa Hispano Proyecto UNICA: 503.232.4448
https://www.ocadsv.org/find-help - complete list of Shelters/Advocacy Service by location, language spoken, or by services offered.

For restraining order support:
Volunteer of America Oregon Home Free Restraining Order Hotline: 503.802.0506 OR
HOMEFREECOURT@VOAOR.ORG (8:00 A.M. – 2:00 P.M. MONDAY – FRIDAY)

National Domestic Violence Hotline Text "START" to 88788 Call 1.800.799.SAFE (7233)

Gateway Center For Domestic Violence Services - please call 503-988-6400 during regular business hours for one-on-one support with experienced advocates who will help you develop a personal plan and connect you with r services.

Preparing to Leave an Abusive Spouse Checklist

Domestic and Sexual Violence Service Providers

After Silence An online support group, message board, and chat room for rape, sexual assault, and sexual abuse survivors.

Bradley Angle Serves anyone affected by domestic violence with emergency shelter programs and support programs, some of which cater to specific groups such as the LGBTQ+ community and the Black and African American Community. Provides Call to Safety phone number as a crisis line

Healing Journey Therapeutic Services (Not a crisis line)
Deborah High, individual and group therapy for assault survivors 503-438-8780
Email deborah@healingjourneytherapeuticservices.com

Hope Recovery Support program that offers survivors of abuse and sexual trauma a variety of support groups, workshops, newsletters, and publications to assist, educate, and support the journey of healing

RAINN – Rape, Abuse and Incest National Network Call 800-656-HOPE (4673)
Connect with a trained staff member from a sexual assault service provider in your area

Sexual Assault Resource Center 24-hour crisis and support line 503-640-5311

Eugene Sexual Assault Support Services 24-hour crisis and support line 541-343-7277

Clark County (WA) –Safe Choice DV Program Call our 24-hour domestic violence hotline (we accept collect calls) 360-695-0501 Toll-free 800-695-0167 The SafeChoice Program advocates for, educates, and supports those affected by domestic violence. SafeChoice has been a leader in providing domestic violence services to Clark County since 1974. In addition to operating the only domestic violence shelter serving Clark County, SafeChoice offers a wide array of services to respond to the immediate needs of victim-survivors in our community.

Clackamas Safe Connection provides a safe space for Clackamas County families to have supervised parenting time when there have been concerns for domestic violence. One parent must reside in Clackamas County to receive these services.

FinAbility -FinAbility is an Oregon-based nonprofit established in October of 2020 to financially empower survivors of domestic abuse. Tools and resources including The Moving Ahead Curriculum financial education curriculum developed by the All State Foundation for survivors of domestic abuse but with good financial education for all who have been shielded from finances.

Oregon DHS Domestic Violence Grants
What help does the program provide?
The program can help with up to $1200.00 over a 90 day eligibility period. Payments are given directly to the landlord or other service provider. The program can help with housing-related payments when there is or has been a domestic violence situation. (including deposits, rents, and utilities) Relocation costs. (including moving costs and other travel costs) Replacement of personal or household items left behind when the victim and children have fled if items are not available from another source. (clothing, hygiene items, essential furniture items) Purchase of items that help address safety. (including new locks, motion detectors, P.O. Boxes) Who is eligible for the program? A person fleeing domestic violence or a person trying to stay safe from domestic violence whose safety is at risk because of domestic violence or the threat of domestic violence. The person must also fit the following criteria: Be a parent or relative caring for a minor child or a pregnant woman, Meet the income criteria for the program. (This program looks only at income on hand that is available to meet any emergency needs.) Be a resident of Oregon.

Additional Domestic Violence resources.

- The Facts on Domestic, Dating and Sexual Violence
- National Network to End Domestic Violence
- National Coalition Against Domestic Violence
- Northwest Network of Bi, Trans, Lesbian, and Gay Survivors
- A Guide to Domestic Abuse Information and Resources on the Web
- What is Reproductive Coercion?
- DV Support During Covid

Appendix D
Myths in Family Law

1. Myth: Legal Custody means you are in charge of the child. Truth: Legal custody in Oregon covers only choosing the religion of the child, where they go to school, and non-emergency medical decisions. Parenting plans cover some other things, but generally, either parent who is exercising their parenting time can decide what happens during "their" time.

2. Myth: A Child can decide which parent they live with at a certain age (12,13,14,15,…). Truth: In Oregon, a child can only choose which parent they'd like to live with when they turn 18 or are otherwise emancipated. Minor children are not considered capable of making such decisions for themselves and are not permitted to "choose" living with one parent over another. This is decided by your parenting plan or a judge. This is true in most, but not all states. Also in some cases, a judge may hear from an older child, most often this is through a third party (Evaluator, guardian ad litem, etc.) if it occurs at all.

3. Myth: Social media information is inadmissible as evidence in child custody cases. Truth: Information from social media accounts of the parents and children in question can be admissible in family court, as long as it is obtained legally. Such information can be used as evidence to prove a point, debunk allegations, or enhance credibility.

4. Myth: Having Joint Legal Custody means that each parent is financially responsible for half of everything the child needs. Truth: Whether or not a parent has legal custody of a child has nothing to do with whether or not he or she has to pay support, or how much that parent will have to pay. Child Support is based on the gross incomes of both parents, and how many nights the child spends with each parent. Further, both parents may not be responsible for all of a child's expenses. Child Support is about covering the necessities for the child. Things like food, clothing, and some portion of rent or mortgage payments. There are plenty of things that aren't considered necessary expenses, or that are covered by orders separate from a Child Support Order. There may be separate provisions for healthcare expenses or extracurricular activities. Often, when it comes to discretionary spending that the parents don't agree on (for instance, one parent feels it appropriate to buy the child a brand new car and the other parent doesn't agree), the parent who disagrees may not be responsible for any portion of the purchase.

5. Myth: Whether or not a parent pays Child Support determines whether or not he or she has a right to see his or her child. Truth: The obligation to support your child and the right to spend time with your child are separate issues. A parent who puts his or her child at risk may be required to pay support, even though he or she is not allowed to see the child. Likewise, a parent who cannot pay support may have an order allowing him or her frequent visits. In Family Courts, judges are looking at what is in the best interest of the child. Most of the time, this is the child having both of his or her parents in his or her life, making financial contributions at a level they can afford.

6. Myth: You have a right as a parent to see your child. Truth: To a certain extent, this is true, but not the way most parents seem to think about it. Family Court is protecting the rights of your child; your child's right to be safe, happy, and healthy—emotionally, mentally, and physically. Most of the time, this interest is best served when everyone who loves your child gets to play a part in his or her life. This is why a court will order a Parenting Time schedule. Not because you as a parent have a right to that time with your child, but because your child has a right to that time with you.

7. Myth: You should tell the judge about every time the opposing party has wronged you. Truth: Judges are busy people with full schedules. One of the things they appreciate is brevity. Some facts are relevant, others are not. Most are not.

8. Myth: It's best to just let the judge decide. Truth: There are very few occasions when it is best to just let the judge decide. Usually, people say this for one of two reasons: they're uncertain of what they want and how to ask for it, or; they're so certain that they're in the right that they're unwilling to compromise. Agreement through negotiation, mediation, or other means is often better. Only about 5% of divorce cases have issues that require a judge to decide, conversely this means 95% of cases are settled by the CP's agreeing by themselves, through attorneys, or mediation. There are very few times when the Family Court would be unwilling to accept an agreement the parties have come up with themselves. As long as it's fair, and the parties have touched upon all the relevant issues, a Judge is likely to approve an agreement. Isn't it better for a family to make decisions for itself, rather than asking a relative stranger to do so?

9. Myth: If I'm completely uncooperative, I can stop the case from moving forward. Truth: All too often, people believe that if they refuse to participate in the process (divorce, child custody, child support, alimony, paternity, etc.), the process can't move forward. The truth is that while this might stall the proceedings temporarily, it won't work for long. Not only will the process move forward, but it will more than likely end with a final result that you hate. Why? The courts can only make decisions based on what is presented to them, and the other party has no responsibility to tell them your side of the story. Your failure to respond to filings and refusal to show up for court dates hurts only you. Only you (and your attorney) can defend your interests. The thought of going to court makes everyone anxious. It's not a pleasant way to spend your day. But what's at stake is too important to let anxiety get in the way. If you ignore the process, the process will go forward, ignoring you.

10. Myth: "The other parent is going to take my child and file in another state." Fact: Generally speaking, only one state at a time has the power to issue an order. Usually, the only state that has the power to make decisions for a child is the state where the child has lived most recently for at least 6 months. This is called the child's "home state." If the child has lived in Oregon for the last six months, then Oregon is the child's home state. If your co-parent takes the child to another state, the other state likely won't have the power to issue a custody order until the child has lived in that other state for six months. Where a case can be filed is part of a legal term called "jurisdiction." Determining jurisdiction can be very complicated and very

dependent on the facts of the situation. There are exceptions to the general 6-month rule. You should talk with an attorney if you have questions about where a case should be filed.

11. Myth: "I'll agree to something now to get the divorce or custody case over and then I'll just modify the order later." Fact: Only a court can modify an order, and the court won't modify an order for just any reason. To modify a divorce decree or custody order, the person requesting the modification must show that there has been a substantial and material change in circumstances that happened after the order was issued. The change in circumstances is one that the court would not have considered when the order was issued and the change should be relatively permanent. Under Oregon law, a parent moving more than 60 miles away is an automatic reason to ask the court to modify the order. Examples of other possible substantial and material changes could be a parent's drug use, abuse or neglect of the child, or a military parent going to active duty. Be aware, however, that just because you ask the court to modify the order does not mean that the order will be modified in the way you want it modified. The court still must determine what is best for the children.

12. Myth: Your spouse cheated on you, so they are automatically at fault and loses everything, including all property and rights to your child. Truth: Oregon is a no-fault divorce state. As a result, Oregon law treats both spouses equally, no matter how much one spouse is to blame for a divorce. Adultery and other bad behaviors do not impact a spouse's property, parenting time, or child custody rights, or any other issue related to your divorce unless they rise to the level that they "shock the conscience" of the court.

13. Myth: Women always get custody and men can't get spousal maintenance. Truth: Women do not automatically get custody of children under Oregon law. Child custody decisions depend on what custody and parenting plan is in a child's best interest, not the gender of a parent. Likewise, spousal maintenance orders depend on spouses' relative incomes and other factors. Women can be subject to orders to pay spousal maintenance to their spouses both during and following a divorce.

14. Myth: If my co-parent violates our parenting plan by keeping our child during my parenting time I should call 911 and the police will handle it. Truth: Police will generally not get involved useless and until the court orders it, you need to file a motion to enforce parenting time with the court that has jurisdiction in your case. The court usually takes a dim view of the parent violating the agreement, but it can take some time to get a hearing. This should never happen if you have a really solid parenting plan and is often the result of vague wording about weekends, holidays, or other clauses that supersede regular parenting time. Follow the parenting plan!

15. Myth: If I keep property in my name, my spouse has no legal claim to it, and I can't be responsible for my spouse's debts because they are all in her name. Truth: All marital property and debts, no matter if they are in one spouse's name or the other, are divisible in a divorce fairly and equitably. This is the case whether one spouse ran up a credit card debt that the other spouse didn't know about, or if only one spouse's name is on the deed to the marital home.

16. Myth: If the kids don't want to go to visitation with the co-parent, then a) it is proof that they are a bad parent and b) I shouldn't "make" them go. Some kids would eat chocolate cake for every meal if given the choice. Does that mean that you should serve your five-year-old chocolate cake for breakfast, lunch, and dinner? Obviously not. So, take a child's reactions to visitation with the other parent with a grain of salt. They may simply be echoing your negative comments about your co-parent or they may be trying to please you by "siding" with you. You must make sure that your children attend all court-ordered parenting time. Some judges can and will throw you in jail as a parent for preventing the other party from exercising access to the children. So, unless you like orange jumpsuits and glowering, disapproving looks from the judge, take charge, be the parent, and make your kids go to your co-parent's parenting time. Even if that is not their preference, that is a better outcome than them having to see you go to jail.

17. Myth: My child isn't going to school on the other parent's time. I need Child Welfare or law enforcement to enforce the child going to school. Fact: Child Welfare and law enforcement do not intervene in education attendance unless there is an immediate safety concern. It may be helpful to talk with your child's school administrator about the challenges. They may help you to determine if a referral for truancy is appropriate or necessary.

18. Myth: My Co-Parent lied in court; the court will hold them in contempt.
    That's not generally how family court works. In Oregon, the family court has no option for dealing with people who misrepresent the truth other than to find them to not be credible.

APPENDIX E

CO-PARENTING APPS

Is there an app for Co-parents?

There are some that help with a single issue such as Child Support, setting up parenting time, or keeping track of calendar/schedules.

There are also several full-featured apps for co-parents to communicate, keep track of co-parenting schedules, medical and legal documents, share expenses, and otherwise manage co-parenting.

These apps cost anywhere from free to over $100/year per parent. Below we present a full round-up/review of those apps.

In higher-conflict cases, courts will often order co-parents to communicate using a parenting app, but they are a great idea in any parenting case. Instead of trying to introduce random emails and SMS screenshots, there's one concise PDF with a record of all communications. And when one parent requests that communications go through one of these apps, the court will usually issue an order.

But even if you don't use a co-parenting app, keep communications in writing to the extent possible so there's a written record of who said what. Email works much better than text, both in terms of the ability to make points properly, and also from the perspective of court exhibits. And if something is discussed or agreed to verbally, follow-up with an email of the conversation or agreement. Even if your co-parent never responds, you've just created a written record as evidence for court.

The written record can prove you provided notice, kept the other parent informed, or that the other parent ignores messages or is abusive. In short, written communications are not just good co-parenting, but a great forensic tool your lawyer will appreciate.

What is a co-parenting app?
Generally, they include:
Shared parenting schedule, including vacation and summer schedules
Expenses
Contacts for babysitters, grandparents, friends, the pediatrician, nanny, etc.
Extracurricular and random appointments, including dentist appointments, school functions, sleepovers, music lessons, soccer games, parent-teacher conferences
Most apps for co-parents to communicate are mobile-based, although some rely on website-based versions.
Co-parent and shared parenting plans
Sometimes a judge will mandate you use a co-parenting app to work with your co-parent, including using one like that allows you to create a PDF of text exchanges, a record of on-time or missed parenting time, and expense sharing.
Co-parent and shared parenting schedules
Once your plans are in the app everything will be easy, right? Riiiight. Life happens, and sometimes the unexpected, or honest miscommunication wrecks your carefully organized co-parenting schedules.
The co-parenting app makes it easier to plan and adjust. Suppose your co-parent's 20th high school reunion is announced. You check the app and sure enough, he'll have the kids that weekend. Plenty of time for the two of you to arrange a trade.
Or maybe you have to head to a conference in three months. As soon as you have the dates, check the app to see if you need to switch days with your ex. Many co-parenting apps have a function within the calendar to request for a swap or trade, with the times of request and response being documented for future references.
Co-parent calendar

Drop-off and pick-up times, field trips, music lessons, the school play – goof-ups are a lot less likely when everything's in one place. Even the most well-intentioned parent sometimes flakes out on a PTA meeting. Parenting-time schedules can help. When it's on the shared calendar, you and your ex can either negotiate who has to go this time, or agree to attend together.

The calendars can often be synced with personal calendars like iCal or Google Calendar. Generally, they can be shared with other people, too. That way, Grandma won't miss the piano recital, and your babysitter will know what nights your ex will be picking up the children.

You can share the calendar with your kids, too.

Co-parent communication

If you're still feeling raw about the split it can be hard even to look at your ex, let alone talk with them. Yet you know it's best for the kids if their parents get along.

Can't talk in person without wanting to cry or rage? The app lets you say what needs to be said, such as "Parent-teacher conferences are coming up" or "The kids need flu shots."

And if you're making a serious effort to be the best co-parent ever, send a well-done-you! note: "Glad you took the kids sledding – they can't stop talking about how much fun it was." Some apps allow you to share a pic.

These kinds of messages will get you in the habit of communicating with your ex. They'll also remind you that you're no longer a couple but you are co-parents.

How to use a co-parenting app

Whether you are using a co-parenting app by choice, the recommendation of your lawyer, or a court mandate, the same rules apply:

Co-parenting app tips

Using an app for co-parent communication is not just to comply with a Parenting plan, but to actually get along with your ex — or at least to model respectful adult behavior for your kids, and minimize drama and conflict. Separation and divorce are tough; sometimes even basic, necessary communication feels like walking through a minefield.

1. Be consistent. Do not text, email, or call unless absolutely necessary. Stick to always communicating with your co-parent within the app. Likewise with scheduling: Do not send your ex calendar invites to change the schedule from your personal calendar, but use the agreed-upon co-parenting app's functions. Make a habit of always documenting any child expenses immediately, including taking photos of receipts.

2. If you use an app with a vault feature, scan and store important information like:

Birth certificate, Passport (and, if need be, a letter authorizing you to travel abroad with the kids)
Information on allergies or dietary issues/restrictions and any medications your children take
Insurance card

3. Be as helpful as you can and fill out contact information for people like coaches, doctors, teachers, school administrators, kids' friends' parents, babysitters, and others — even if your co-parent does not reciprocate or thank you.

4. Do not add other people to the app without consulting with your co-parent. For example, if you'd like to add your mom or current spouse to the app to help with child care, check with your Co-parent first. Likewise, be practical and forgiving with your Co-parent's requests.

5. Use the co-parenting app as a neutral tool — not a weapon. While most co-parenting apps allow you to download and export time-stamped communication, calendar, and expense histories for court submission, do not threaten your Co-parent with these consequences. Instead, focus on the benefits of using an app to reduce conflict, confusion, and misunderstandings. Similarly, if things do get ugly, the facts will be on your side with minimum conflict.

6. Respect your Co-parent as an equal parent (even if they aren't) who's just as responsible for your kids as you are. In other words, treat them the way you want to be treated: by staying in touch, and by sharing need-to-know info ("Kiddo fought with her best friend, so she might be feeling sad").

7. Be nice. Even if you are not using an app, keep language and tone neutral or positive. "Kids are due back at 7 o'clock – don't be late again, dickhead," should give way to, "See you guys at 7."

8. By using a co-parenting app consistently, you will no longer need to remind each other of schedules or appointments since you will each be accustomed to referencing the shared calendar first.

The basic advice about communicating with a co-parent — especially in a high-conflict relationship — includes:
Stick to practical matters
Do not dig up past hurts or arguments
Conduct co-parenting communication within a co-parenting app
If it makes practical sense, invite into the group chat or co-parenting app step-parents, grandparents, nannies, and friends. The goal is to share information and ease communication.

The two most popular, and most recommended by courts are Our Family Wizard and Talking Parents. Either of them are fine, but for most families, some of the others have better features. They all have the same general features but many of the apps have a "special" feature that may make them the best choice for you. All of them are admissible in court. If money is a concern, we suggest you try the only totally free, full-featured app made for co-parenting – Appclose, and then if you find it does not meet your needs you can switch to one of the paid apps.

Free Tools

Google
https://calendar.google.com/calendar/
https://www.google.com/sheets/about/Features
Google Calendar– Available to both parents once it is created and the other parent is invited.
Google Sheets – Integrate a simple spreadsheet to track expenses
For events like a doctor's appointment or teacher conference, simply enter notes right in the calendar for the other parent to review.

There's nothing wrong with trying a simple, free solution before you pay for something more advanced. Google Calendar lets co-parents create shared calendars specifically for their children, and it also offers customizable permission levels and tools to set up reminders and recurring events.

Available on Apple and Android, Mobile and desktop friendly
Cost: Free

Tips:
Create a separate Google calendar for your kids' activities.
Share the schedule with your Co-parent.
Grant your Co-parent editing rights if you want them able to make modifications.
Create automatic reminders and regularly repeating events.

Differentiators: If you are reasonably handy with Google's tools and into DIY organization, and more importantly, you have a workable co-parenting situation with the other parent, then the Google Suite is a powerful tool to keep your schedules on track. The only thing you need is a Google account, which is free.

After setting up the calendar and inviting the other parent, it's helpful to set your preferences so that all updates trigger an e-mail any time something is added or updated in the calendar.

Cozi - https://www.cozi.com/

Cozi wasn't specifically created with co-parents in mind, but its simple design and cool features make it one of the best free co-parenting apps. You can set up shared calendars, create to-do lists, and share photos and recipes — with minimal stress. The basic version is free, making it a good first family calendar app if you want to try something out before making a financial commitment, and anyone — kids, grandparents, sitters, etc. — can access the shared calendar, get reminders, and see lists.

One of the simplest co-parenting apps. Although not specifically designed for co-parenting, it has almost everything needed for co-parenting. With Cozi, you can set up shared calendars, create to-do lists, and share photos. It even allows you to store and share favorite recipes, which is handy to keep meals consistent and deal with food allergies across two homes.

Available via: Apple, Android
Cost of app: free with ads, Ad-free version (Cozi Gold) for $29.99 per year
Best features: Free version, easy to use family organizer
Pros: Free to use, one account for all family members, features recipes and grocery lists
Cons: Occasional glitches, ads can be annoying on the free version

Differentiators; Cozi is a family planner that is not necessarily for separated families. It is a functional way to stay organized if co-parents live separately and in relatively low conflict. It offers a straightforward way to set up a shared calendar and keep everyone's busy schedules on the same page.
Use Cozi if: You're on relatively good terms with your co-parent. You want everyone in your family, including your children, to share the same information; once everyone is added to Cozi, there's no way to restrict what they can see. You don't need to track expenses. You have a large family circle (Cozi allows up to 12 users per co-parenting account). Cozi is a free family app (for all families) that has a shared calendar and shared lists. If making lists is your preferred method for organizing, Cozi has certainly got you covered. Create shared to-do, honey-do, shopping, or chore lists (for the kids) and share them on a calendar that family members can access via nearly any desktop or mobile device. Cozi plays well with other calendar programs like Google Calendar, Outlook, and iCal. There's also a place for recipes for favorite meals.

AppClose - https://appclose.com/

AppClose is the only completely free comprehensive co-parenting app in this list. AppClose has been around a long time and reports tens of thousands of users. For high-conflict co-parents looking for a free solution, AppClose is probably the best choice.

Appclose calls itself the future of co-parenting technology and we agree for the most part. It is a completely free alternative to similar paid apps with all the features you need to sync calendars, organize schedules, and communicate with family. It comes with messaging, built-in payments and the ability to create a shared parenting plan.

Available for Apple and Android,
Cost of app: Free. All of our users have access to all of the benefits of AppClose at no charge. We will never surprise you with - hidden fees; additional charges for increased storage; fees for access to "premium" co-parenting tools; or fees to export AppClose records.
Best features: Scan receipts and request payments electronically through the built-in payment system.
Pros: Has all the co-parenting app features you need for free
Cons: Not very user-friendly compared to some of the paid apps
You will love this app if: You want a completely free co-parenting app with all the basics.

Differentiators: Completely free full-featured app!
AppClose allows you to export (for free) all communication and calendars.
Messaging is done by text within the app, which you can do with your co-parent, alone, or in a group chat with other family members or caretakers you can add (also for free). The messages are time- and date-stamped. Another feature, AppClose Solo, lets you send notes to people who aren't connected through the app, through text, e-mail, or social media. AppClose is super useful even for providers, lawyers, other family members, or third parties via text, email, or social media. Submit a request and be notified of those not using the app itself. The AppClose Solo feature allows users to send requests or events to non-app-connected co-parents, childcare immediately as to whether it was approved, declined, or paid through the built-in payment solution "ipayou

AppClose is indeed totally free, but users report the calendar is not as user-friendly as some of the paid apps, and the overall user experience may not be as pleasing as some of the paid competitors. Feature-rich and the best, most complete free choice.

Focused Apps That Help with One Element of Co-parenting

Child Support

Support Pay - www.supportpay.com

Support Pay is an app that tracks co-parenting expenses, child, and spousal support payments. You can use Support Pay to keep track of expenses, maintain payment records, and transmit payments between you and your co-parent. Even if your co-parent doesn't use Support Pay, it's still a useful tool for keeping receipts and records in one place. SupportPay is the only automated child support platform built by parents – for parents. Our goal is to make sharing expenses easier for parents so children get the financial support they deserve!

Available via: Android or Apple.
Cost: Three tiers depending on needs – Forever Free is free. Premium Annual is $99.99/ year, Premium Monthly is $14.99/ month.
Who can use: Both or a single parent.

Differentiators: Whether you are the payer or payee of Child Support this app will help you with the organization. In our experience, most co-parenting relationships with child support problems also have other problems so more full-featured apps may be better for most situations.

Calendaring/Scheduling

TIMETREE APP - https://timetreeapp.com/intl/en/

TimeTree puts your entire family, work, and social calendars in one place for easy management. The app makes it super easy to plan family events and organize school and work schedules. You can even chat with your co-parent right from the event calendar. This app is packed with features including calendar and scheduling, shared notes and lists, and multiple calendars. If you own a business, you can also track inventories, share agendas and connect with the workplace.

Available via: Apple, Android, Web
Cost of app: Free
Best features: Calendar app for sharing and collaborating
Pros: Easy to use, lots of features including calendar management and inventory tracking for business owners.
Cons: Pop-ups and ads can be annoying
Differentiators: Great if You need an easy-to-use co-parenting app for calendaring.

Creating/Revising a parenting schedule

TimTab - https://timetreeapp.com/intl/en/

You can have a world-class parenting plan for your child or children. And you don't need a big legal budget or special skills. Timtab helps parents design parenting plans that work. Our technology is intelligent and easy to use. Whether you live in the United States, the UK, Canada, Australia or elsewhere, a great schedule and plan for your situation is available right here.
Timtab technology has parenting time solutions for coparents. Schedules and plans are produced after hundreds of calculations. Recommended solutions consider factors such as child ages, travel costs, school hours and time balance. Co-parenting works when a smooth changeover of care is followed by another and another, and so on. Timtab tries to make that happen. The plans for parents to follow are simple and clear. Schedules are designed for convenience.
When parents dispute parenting time the only winners are lawyers and the rest of the family law industry. You can use Timtab to help reach agreement. Plans are efficient but also flexible. You can make adjustments so everyone is happy.

Available: Online only
Cost: Free “at this time”

Differentiators: Timtab is focused on two things – Parenting schedules and Their “Easy Parent Communication Plan” which is a set of six communication rules for co-parents who want to avoid conflict. Timtab is not a full-featured parenting app but does have a good schedule creator tool with some age-flexible features.

Paid, full-featured Co-parenting Apps

In alphabetical order.

Amicable co-parenting app - https://amicable.io/coparenting-app

The app is designed to make your divorce settlement easy and smooth. It makes provision for you to share important documents, financial settlements, and so on. You can also create and share parenting plans and have a dialogue with your ex-partner. And guess what! It comes with divorce guidelines and tips to refer to and maintain a healthy relationship with your ex-spouse for your child's healthy development.

Available for Apple or Android.
Cost: You can try the app for free for 30 days, thereafter the app costs $13 a month or $130 annually. Only one person pays but you both get access.

Features:
1. 15-minute trouble-shooting calls with a co-parenting expert.
The amicable co-parenting app lets you book a call to speak to one of their co-parenting experts to work through common co-parenting problems, either alone or with your co-parent This tool is designed to help co-parents address one-off issues.
2. Co-parenting calendar
The amicable co-parenting calendar lets you track personal and shared events with your partner with custom schedules. You can use it to coordinate school drop-offs and pickups, book dental and other medical appointments, or organize shared-care arrangements during the holidays.
3. Co-parenting goals
Goal setting is often the most effective strategy to transition from parents to co-parents. The goals feature helps you create personal and shared goals unique to your family dynamic to help manage co-parenting expectations of you and your ex-partner.
You can also use pre-filled suggestions based on common parenting topics or create your own bespoke goals and set up.
4. Secure messaging function
The amicable co-parenting app's messaging function is especially popular with users as it lets co-parents keep their messages in one place and away from traditional messaging platforms, personal and work emails. The messaging function also includes predefined topics to get acquainted with the interface.

Differentiators: Mostly a solid app with the normal things you expect. Some co-parents who are working well together or at least want to try to will like this feature of the app: Co-parenting goals- Set private goals and share the goal with your ex-partner to keep you both focused on the future and able to manage each other's co-parenting expectations. Use pre-filled suggestions on the most common parenting topics or create your own bespoke goals unique to your family set-up.

Alimentor 2 - https://alimentor.org/en/

Alimentor 2 is all about getting granular with your data and maintaining equal accountability. No-shows and withheld parenting time are always an unfortunate possibility, so instead of deleting events that should have (but didn't happen), you can mark them as canceled instead. Then you can view reports on planned parenting time (based on the court-ordered schedule) and the actual time you spent with your child. If there's an instance in which one parent didn't follow the agreed-upon plan, you can raise a "disagreement flag" and document your issue.

Available for: iOS/MAC only.
Cost. $3.99 one-time purchase; no subscription fees; no in-app purchases.

Key Features:

Parenting Time Tracking- Log pick-ups and drop-offs. Add photos and PDF files. Control the timeshare percentage, total hours, and overnights.

Call History- Log parent-child calls (date, time, duration), including unanswered calls.
Expense Tracking- Track due and paid amounts. Add receipts. Export data to a spreadsheet.
Calendar App with Timeshare Percentage Calculator- Custody Calendar See how your custody schedule coincides with holidays and events stored in your device calendar.
Actual vs. Planned - Document deviations from the established court-ordered agreement or parenting plan.
Detailed Reports -Create comprehensive reports containing color-coded calendars and send them to the other parent or submit them to the court.

Differentiators: May be the best for high-conflict situations if the problems center around schedules/drop-offs/missed days, etc. Perhaps the best (along with Talking Parents) if logging phone calls to the child is a problem in your co-parenting relationship. But only if you both use iPhone.

Coparenta - https://coparenta.com/

New for 2022, co-parenting app Coparenta makes it easy to create and share calendars with your ex and family members. The app features calendar, scheduling, messaging, appointment, and finance tools to help co-parents better communicate and manage their shared lives. What's unique about the app is that it allows you to use different colors for each calendar and print it out as a PDF–incredibly useful to keep schedules easily sorted. Sign up today and get Coparenta free for life (for the first 1000 users).

Available via: Web (Android and Apple coming soon)
Cost of app: Free for life for the first 1000 users and then $99 per year subscription
Best features: Easy to create schedules, print out family calendars
Pros: Printable color-coded calendars, feature-packed co-parenting app
Cons: Finance tracking has not yet been implemented
You will love this app if: You need an all-in-one co-parenting app and love color-coded calendars.

Differentiators: New for 2022. Best for people who love color-coded calendars. Too soon to tell if the app is great, but if you can get it for free it's worth trying. We'll update at a later date.

Coparenter - https://coparenter.com/

Messaging and documentation: Provides secure, non-editable messaging with time stamps. Includes a feature that flags emotionally charged language and swear words. Smart filters catch any language that might be deemed "inappropriate" and give you the chance to catch your breath and choose your words wisely before firing off a fiery message.

Live Coaching: Delivers a professional support network that is available in real-time chat. Includes live assistance for resolving disputes between parents.

"Solo" Function: Messaging platform is designed to operate if only one parent signs up for the application.

Available: Apple or Android
Costs: Offers a 30-day free trial. Then $12.99 a month or $119.99 a year or $16.67/mo for two parents. includes unlimited access to coaches/mediators via the Mediation Tab for on-demand coaching, help resolving a dispute between you and your co-parent, and even assistance drafting a Parenting Plan. Offer Military discounts. Offer fee waivers for parents who can show a fee waiver from the court within the last 12 months.

Differentiators: The live coaching feature differentiates coParenter, a team of child specialists, mediators, therapists, and retired judges on hand, ready to provide conflict resolution help in real-time. You can also ask for co-parenting coaching with any issues, and tips on effective co-parenting communication. Does not currently handle financial details.

The best app if coaches/mediators are going to help you and your co-parent have a better relationship.

Coparently - http://coparently.com/

Coparently provides a set of digital communication tools to make scheduling, communicating, tracking expenses, and sharing and updating contact details and important information easier for co-parents. It's easy to use, and you can add your kids to the account to let them contribute to scheduling, make requests, etc., which makes it a good choice for families with teenagers who want to have a say in the decision-making process. Coparently also supports notifications and free guest, child, and professional accounts. This app is a great co-parenting tool, but each parent has to pay separate monthly fee.

Available via: Website, Apple, Android
Cost of app: 30-day free trial is free: no need for a credit card upfront. After that, coparently costs $9.99 per month per parent or $99 per year (per parent).
Pros: A custom calendar that improves transparency and communication for parents and family law professionals. Great features for teenaged children.
Cons: Separate monthly fee for each parent

Features
Custody calendar: Set up and manage parenting time and events in a color-coded calendar.
Messaging: Secure, un-editable, and time-stamped communication similar to what other apps offer.
Expense tracking: Tabulate and track your shared expenses and payments in a printable and exportable format. Free Guest Access- Keep family, caregivers, and family law professionals in the loop by giving them access to your coparently account. Children can have special access so that they can only see the calendar and aren't exposed to co-parents' communication. This keeps children informed but not put in the middle.

Differentiators: The differentiating feature is the guest access to the messaging platform. It gives parents the flexibility to share scheduling and logistical information with guest users (a family lawyer, caretaker, grandparents, children) while cordoning off parents' communication logs.
The coparently website calls its product "an online scheduling and communication tool."
It lets you see the schedule by day, week or month, and color-code schedules if you have more than one child. With coparently, you can private-message your co-parent (or guest users), share documents, track expenses, and request changes ("Being sent out of town Tuesday; can you keep kiddo an extra night?").

Coparently offers many of the same essential tools as other apps on this list, including communication tools, cloud-based calendars, and expense tracking. A primary selling point of Coparently is its encryption and high level of data security compared to the competition. If communication with the kids and/or security are your issues this may be the best app for your situation.

Copilots - https://apps.apple.com/gb/app/copilots-coparenting-app/id1043567917

If you want more than a calendar and scheduling app for co-parenting, CoPilots is for you. The app aims to help separated or divorced families raise happy kids between two homes with a variety of tools: common calendar, parenting schedule, child journal, photo sharing, and messenger. Parents and any adult caretaker can view their child's schedule as well as track contacts, appointments, and messages. Users can add multiple adults in the child's circle, including different partners.

Available via: Apple, Android
Cost: 30 days free trial, Cost of app: $7.49/month or $49.99/year
Best features: Feature-packed, includes messenger, photo sharing, and kids journal
Pros: Multiple adults/caretakers can use the app without extra charge.
Cons: The user interface could be more streamlined and easier to navigate. Some users report dissatisfaction with the subscription model.

Differentiators if: You're looking for a well-rounded co-parenting app this is one worth trying.

Custody Connection - http://custodyconnection.com/

A straightforward and reputedly easy-to-use app, Custody Connection is based around a primary calendar programmed with a synchronized parenting time schedule. It can be customized for easy viewing and has an ultra-handy Trade Request Feature should parents need to swap custody days. Avoid disputes as the app records whether requests are accepted or declined, then updates both parents' calendars accordingly.

Available via: Apple
Cost: Free for 30 days, $2.99 (basic version), $38.99 per year
Best features: Scheduling app
Pros: Shared calendar, scheduling changes can be done through the app
Cons: Only available on the iPhone, hard to contact customer service

If agreeing — and sticking to — a parenting time schedule is a constant headache, Custody Connection could make it easier. It's based on a central calendar with a synchronized parenting time schedule, and parents can make "trade requests" via the app if they need to switch custody dates. The app automatically records whether requests are accepted or denied and updates both parents' calendars to reflect the change, which helps keep misunderstandings to a minimum.
Like so many other co-parenting apps, Custody Connection offers features like a shared, color-coded calendar (it syncs with iCal), document storage, custody schedule, and instant messaging.

However, Custody Connection's website is very dated-looking; in fact, the site is unencrypted. Customers complain about crashes, a lack of customer support, and the fact that the app doesn't work well for iOS 11 and up; as a result, Custody Connection has a 1.9-star rating on the Apple store.

Differentiators: iPhone only. It may be the best app if you both have older iPhones, otherwise, there may be better choices.

Custody X Change - https://www.custodyxchange.com

Custody X Change has features typical of co-parenting apps, such as shared calendars and secure parent-to-parent communication. A super-useful feature is its parenting plan template, which can save both cash and aggravation. For example, you might forget about expenses like school supplies, or that drop-off/pick-up transportation should be shared equally.

Available: Apple and Android. Install directly from a browser rather than app stores.
Cost: Custody X Change has three versions, all of which install directly from the browser. One is free but somewhat limited; the others cost $17 to $27 per month or $97 to $147 per year. There's a 30-day money-back guarantee.

Developed by legal professionals, the Custody X Change app tracks the time each parent spends with their child. Features include timestamped journal entries, communications tools, and expense tracking options, all designed to help both parties uphold their court-ordered custody plan. The app also includes templates that incorporate different stipulations, and you have the option to create printable reports right from the app.

Use Custody X Change if: Communication between you and your co-parent is challenging
You need objective evidence regarding scheduling, communication, and expense tracking that you can file in court if necessary. You need to create or modify a Parenting Plan and are not using attorneys.

Differentiators: Excellent tools for creating a parenting time schedule, especially as the child ages.

FamCal – No website, app stores only.

Although it's not exclusively for co-parents, FamCal has tons of features that can improve family connection, such as a shared calendar for important dates, events, tasks, and notes. It can be color-coded for family members, which makes it ideal for families with lots of kids with different schedules, activities, and commitments. It's a great way to keep those lines of communication open without having to talk on the phone or use text or email, which can often be difficult for co-parents, particularly in the early stages of separation or divorce.

Available via: Apple, Android
Cost: Free version, various paid tiers with monthly, quarterly and annual subscriptions are available.
Best features: Free app, shared family calendar with notifications, memos and tasks
Pros: Easy to use family calendar with useful add-ons like tasks and lists
Cons: Free app is very basic, you have to pay for additional features like text month view, shared contacts, and birthday/anniversary tracking

You will love this app if: You have a large family or group to organize where lots of people need to be connected and updated. Also handy if you respond to visuals with color.

Differentiators: Free Version is limited, the paid version is better, but this is not a full-featured App, more comparable to the totally free apps. Good if you want to include large/extended families in calendaring.

Fayr- https://www.fayr.com/

Developed by a divorced dad to help his family as well as the 55 million separated and co-parenting adults in the US, Fayr will help you communicate constructively, eliminate burdensome legal fees and documentation, and free up your time and resources for what matters most: your children.

Co-parenting app excels at keeping you on point from one day to the next, but often, it helps to have a more macro view from above. Fayr creates a monthly parenting report with stats that track, “your custody, your engagement with documentation, and even your message response time.” Also, you’ve got all the usual suspects in a time-sharing calendar, messaging with easily accessible records, thoroughly organized expenses, a geo-location log with GPS-verified location check-ins at precise times and dates, a private journal for photos, and a file vault for uploading important documents.

Available for: Apple and Android
Cost $9.99/mo. or $99.99/yr.

Differentiators: This might be the best app if late pick-ups or drop-offs are the main sources of conflict, or if manipulation of or interference with parenting time is an issue. Especially good if the GPS Geo Location Log is important to you -Location check-ins allow a convenient and court verifiable way to document your presence at a GPS-verified location at a precise time and date. One of the best at creating documents for court.

OurFamilyWizard - https://www.ourfamilywizard.com/

Probably the most used and known by courts. (All co-parenting apps are admissible in court).
The Our Family Wizard app was created by a divorced couple who were in need of better communication and sharing of information regarding their children (hat's off to a couple who can create an app post-divorce!) The end result is one of the oldest and most extensive co-parenting apps available with an array of tools that schedule child custody, track parenting time, share information and manage expenses. It also logs communication to provide an accurate record for divorce proceedings. Part of the main Our Family Wizard website, it suggests useful resources such as counseling and divorce lawyers.

Available via: Website, Apple, Android
Cost of app: Cost: Flexible subscriptions to the online platform start at $99 for one year, with a 30-day money-back guarantee. Babysitters, kids, and grandparents can be added for free. Our Family Wizard offers discounts for military families, and a fee waiver to offer Our Family Wizard free for low-income parents. Each parent can also add unlimited numbers of add-ons, including kids, grandparents, bonus/step parents, as well as attorneys and mediators. ToneMeter costs an additional $10 per year,
Best features: Easily work with third parties and professionals
Pros: 30-day money-back guarantee, free access to legal and mental health professionals
Cons: Calendar and scheduling features can take some getting used to. Expensive.

The "ToneMeter" is one feature that sets OFW apart from other solutions like it. Think of it as an emotional spell-check. It detects and flags emotionally charged messages, and offers users ways to adjust the message into something more appropriate. This reduces harmful and unnecessary back-and-forth between parents and ensures you look cool, calm, and collected should your messages be reviewed in family court. Instead of asking an attorney to review 300 pages of heated back-and-forth between separated parents. ToneMeter could have helped to avoid that.

OurFamilyWizard lets you and your co-parent keep financial records, store and share info ("New babysitter's number is…"), and contribute to an online diary. Its "message board" function lets you and your co-parent chat about the kids and keep each other up to date ("Leaving the birthday party now, will have Sadie back to you within half an hour").

Tips:
Activate the apps.
Share your account with your Co-parent.
Leverage the expense tracking features.
People report that the "tone-meter" is of limited value.

Differentiators: Once you sign up and log in, OurFamilyWizard will give a monthly overview of co-parenting, including money spent (or reimbursed), the number of messages sent/received and the percentage of time the kids were with you. A good, full-featured app. Although it's the most known, most used app it's fairly expensive and there are better choices for most families.

Parentship -https://www.parentship.co/

Parentship has everything you need to commit to organized co-parenting: a customized dashboard to show upcoming events, reminders to ensure you never forget those events, coordinated calendars, a "smart" profile for each child, and a digital document center for things like insurance providers, birth certificates, social security numbers, and passport. You can also integrate your Google Calendar with Parentship to add already scheduled events. The nifty Parentship app takes the pain out of managing your children's crazy and complicated schedules. This app is for all kinds of families, including stepfamilies, commuter families, joint custody arrangements, and relative-led care. We love the custom calendar feature that makes scheduling so much easier as well as keeping track of important documents and expenses. Parentship lets both parents avoid friction and communicate better so they can focus on the kids.

Available for: Apple and Android
Cost: Free (can't download info, limited entries), $1.99 weekly, $3.99 monthly, $24.99 yearly.

Differentiators: A good full-featured app, Parentship may be the best app if you have children with more than one co-parent (also check out 2houses).

Talking Parents - https://talkingparents.com/

TalkingParents is an all-in-one communications service for shared parenting that has helped over half a million families find support and peace-of-mind.

Available for Apple and Android
Cost: Free version and other tiers up to $24.99/month

Make video or phone calls, complete with call recordings and transcripts, all without disclosing your phone number. Co-parents on our Free Plan can receive phone calls. Co-parents on our Standard Plan can receive phone and video calls. Our Premium Plan allows co-parents to make and receive phone and video calls. It also gives co-parents unlimited access to audio and video recordings and transcripts of every call. The Premium Plan includes 120 free Calling minutes each month. If you ever run out of minutes, you can purchase additional Calling minutes at any time. Talking Parents is a very popular co-parenting app for high-conflict relationships. The free desktop version has a lot of appeal from the get-go. There are "premium" monthly fees for using the mobile app, and additional fees if you want to create PDFs of calendars, conversations, and notes to show third parties (your lawyer, other professionals, or family court officials). Many parents do end up spending on the premium version instead of paying nickel-and-dime fees for printable documents.
This one's a hybrid: TakingParents is a co-parenting communications tool that has a free website version (where you will see ads), as well as a paid version for Apple and Android apps.
Both free and paid versions have messaging, a shared calendar, and a personal journal. The paid app also has features like file storage and unlimited downloads for conversations and journal records — which you may want or need for court appearances or mediation with your attorney.

Differentiators: Depending on your needs, TalkingParents may be more expensive than some other choices. Talking Parent is a different type of online communication tool for co-parents. It's designed to create a system of record for your communications if you need to supply proof of correspondence to the courts.

The best app if you need to talk to your co-parent via phone or video because those can be recorded and transcribed for court via this app.

2Houses -https://www.2houses.com/

2houses offers a great suite of features for every aspect of co-parenting. This co-parenting software covers the practicalities with an advanced management calendar and detailed expense recording. It also houses an extensive information sharing feature called 2houses Journal. The idea is that even if your children are with the other parent you'll never feel far away as it allows the sharing of news, photos, videos and even those endearing children's quotes. Another nice touch is the Wish List on which you can send a photo and discuss a future gift for your child.

Available via: Website, Apple and Android
Cost: : Free 14-day trial, $149.99/yr after that.
Best features: Scheduling tool with finance and messaging features
Pros: One account for the whole family
Cons: Reviewers report glitches and auto-renewals

The 2Houses app has the usual features, such as a shareable calendar, expense tracking, messaging, and document storage. If you've got kids with more than one ex, the website version of 2Houses lets you set up different "families" on the same account. And if an ex isn't interested in joining the platform, you can invite a step-parent or other relative to step up.

Differentiators: 2Houses offers streamlined functionality compared to other pay-to-use apps. It offers several essentially the same features found in more expensive products. Some usability complaints are left unaddressed by the makers on Google Play.
The 2Houses app has the usual features, such as a shareable calendar, expense tracking, messaging, and document storage.
If you've got kids with more than one ex, the website version of 2Houses lets you set up different "families" on the same account. And if an ex isn't interested in joining the platform, you can invite a step-parent or other relative to step up.
With an interactive calendar primed for sharing and synchronization so parents can eliminate scheduling conflicts, 2Houses also features an information bank for easily forgettable (and valuable) details about your children (social security numbers, blood types, clothing sizes.

A solid app. Great if you appreciate visualization of financial information or you need an app that allows a wide range of language options, including many European languages. Along with Parentship one of the better apps if you have children with more than one co-parent.

WeParent -https://weparent.app/

The founder of WeParent, who received a Ph.D. in Psychology, used psychological research to create an app for stress-free co-parenting. WeParent helps you manage events and appointments, documents, expenses, custody schedules, and messaging. The hope is that by eliminating conflicts, parents can fully focus on raising healthy, happy children. Like other co-parenting apps, WeParent is designed to manage the ins and outs of separated/divorced parenthood. Features like a shared calendar, the custody schedule, secure messaging, and document storage keep everything in one place.

Available via: Apple, Android
Cost: Free for 14 days, after your free trial ends, you will be able to choose from one of our affordable payment plans :Monthly: $9.99 / month, Annual: $99.99 / year, Lifetime: $199.99 / one-time. All of our payment plans cover your ENTIRE FAMILY. That includes you, your co-parent, your kids, your new spouse, grandparents, nannies, extended family, your lawyer or mediator – anybody and everybody who needs to be in the loop. Only one person in the family pays for the subscription – everybody else is included for FREE. If you would like to use WeParent but cannot afford it – due to COVID or other financial hardship – please contact us at support@weparent.app and we will help you.
Best features: Fully featured scheduling, tracking, and messaging app for co-parents
Pros: One subscription for the entire family plus support team (lawyers, counselors, etc.), great customer service.
Cons: Reviewers report bugs and errors

Differentiators: A good all-around choice. If you have young children the lifetime subscription may be a great value!

Appendix F
Books – In alphabetical order within categories

Legal/ How-to/ Court

Child Custody A to Z: Winning with Evidence by Guy White - Help! is the first word a parent yells when dealing with a child custody battle. Author Guy White cuts through and captures the essence of how child custody cases are won and lost. Child Custody A to Z navigates you through the flawed system of justice. Evidence is the most overlooked aspect of a child custody case.

Forget the Drama Avoid the Trauma: your How-to (and How-not-to) guide to Divorce by Robin C. DesCamp - the reader discovers that as much as they may feel alone, they are experiencing the same indignities as many others. The author's metamorphosis from a panicked "ex," to a person who successfully reinvented herself, provides an uplifting and damn funny flip side to a book also packed with critical advice on how to navigate the legal waters of divorce. Note: Very little "how-to" in this book.

Going to Court in Oregon by Oregon Family Law Guide -This guide is for people who want to represent themselves in family law cases in Oregon. Going to court can be scary. This guide will explain the process, basic evidence rules, and how to put your best foot forward in family law court. Whether it is a divorce, custody trial, enforcement hearing or other family law matter, this guide will help you navigate the trial or hearing process and provide you with valuable information that could mean the difference between winning and losing your case. Written by experts with more than 20 years of family law experience, the Oregon Family Law Guides are essential tools for people representing themselves in Oregon family law matters.

How To Annihilate A Narcissist: In The Family Court by Rachel Watson - If you are struggling with the abusive behavior of a narcissistic ex, and face family court proceedings, then you must prepare wisely for the minefield ahead. Narcissists are highly skilled at masking their behavior and using charm and deception to gain parenting time or custody. If you feel like no one is listening to you, and your evidence is being ignored, you must act soon to turn your situation around. I can teach you how to; Remain calm, Communicate in a manner the judge expects of you, Deal with the counter-parenting of the narcissist, Avoid the legal pitfalls in custody and contact cases, Force the narcissist to expose their true, abusive personality to the judge, Avoid counterclaims of Parental Alienation.

The Parenting Plan Workbook: A Comprehensive Guide to Building a Strong, Child-Centered Parenting Plan by Karen Bonnell & Felicia Malsby Soleil - A guide and workbook for divorcing parents that provides a child-centered framework upon which to create a parenting plan that leads to successful co-parenting and well-adjusted kids. When parents are divorcing they require a skillfully developed parenting plan that outlines the structure, predictability, and daily rhythm of co-parenting to create a stable, healthy, two-home family life for their children.

Parenting Plans: Meeting the Challenges with Facts and Analysis by Daniel J Hynan
To facilitate the creation of high-quality parenting plans, this book combines practical considerations along with extensive research, theory, and scholarly debate to present a thorough, focused, and useful guide for attorneys and related professionals. Beginning with the basic considerations for an effective plan, further chapters offer tools for attorneys and others to craft appropriate and workable plans for their clients.

Representing Yourself in Family Law by Beth Adams JD -This book is intended to walk you through most of the procedures used in courts hearing family law cases for almost any cause of action (such as custody or divorce) in any state in the United States. It shows you how to find the specific information for your state and cause of action and explains common issues. Because the book is intended for all states and each state has different laws, there may be differences depending on where you are. I have tried to point out common differences between states and how to ensure you know what is required in your state. This book covers such information as the structure of the court system; how to locate statutes, rules, and case law; the discovery process; various documents used in court; how to prepare for mediation and trial; common evidence issues; and much more. Also, this is a beginner's guide. There are some very in-depth issues that most cases will likely at least touch on at some point. These in-depth issues are sometimes called "weeds". This book does not go into the weeds, which tend to be issue-specific.

Dealing with Toxic Ex/ High Conflict Co-Parenting/ Narcissists and other Personality Disorders

BIFF for CoParent Communication: Your Guide to Difficult Texts, Emails, and Social Media Posts by Bill Eddy, Annette Burns, and Kevin Chafin. BIFF stands for Brief, Informative, Friendly, and Firm. In divorce and co-parenting, not only do you need to deal with your own emotions, you may be faced with a daily barrage of hostile calls, texts, email, and social media blasts. How can you regain a sense of control and peace for your own sake and for the kids? For more than a decade, the BIFF method of responding to hostile and misinforming emails, texts, and conversations has grown in use by thousands of people dealing with a difficult co-parent and with those who may have a high conflict personality, and it helps with those who don't. This third book in the BIFF™ Conflict Communication Series is especially devoted to parents dealing with issues during, and after, separation and divorce.

Co-Parenting with a Narcissist: A Guidebook for Targeted Parents by Sharie Stines and Patricia Harriman - Co-Parenting with a Narcissist deftly explains the underlying dynamics of parental alienation, empowering readers with tools and techniques for redefining and reclaiming your relationship with your children. It incorporates proven principles of healthy parenting, along with a game plan for recognizing and challenging the toxicities of narcissism, employing your strengths, integrity, and love for your children. Anyone experiencing parental alienation will discover relief and redemption by following the guidelines in this book.

Co-Parenting with a Toxic Ex: What to Do When Your Ex-Spouse Tries to Turn the Kids Against You -Amy J.L. Baker Ph.D./Paul R. Fine LCSW - There's no question about it: your children are the most important thing in your life. But if you have gone through a messy divorce, your relationship with your children may become strained if you have to deal with a toxic ex. Your ex may bad-mouth you in front of the kids, accuse you of being a bad parent, and even attempt to replace you in the children's lives with a new partner. As a result, your children may become confused, conflicted, angry, anxious, or depressed - and you may feel powerless.

Divorce Poison: How to Protect Your Family from Bad-mouthing and Brainwashing by Dr. Richard A. Warshak - Your ex-spouse is bad-mouthing you to your children, constantly portraying you in a negative light, perhaps even trying to turn them against you. If you handle the situation ineffectively, your relationship with your children could suffer. You could lose their respect, lose their affections-even, in extreme cases, lose all contact with them. DIVORCE POISON offers a blueprint for an effective response. In it, you will learn how to distinguish different types of criticism, how and why parents manipulate their children, how to detect these maneuvers, and how these practices damage children. Most importantly, you'll discover powerful strategies to preserve and rebuild loving relationships with your children.

Divorcing a Narcissist: Rebuilding After The Storm by Tina Swithin - Tina has found solace in sharing her internationally recognized story with others in her series, "Divorcing a Narcissist." She has dedicated her life to advocacy and consulting with others facing the same battles. In her new book, "Rebuilding After the Storm," Tina takes her readers through the steps to rebuild their lives and thrive post-narcissist. Dr. Craig Malkin, a psychology instructor at Harvard Medical School states, "If you need to start over, this is the woman you want holding your hand through the process."

The Essential Family Guide to Borderline Personality Disorder: New Tools and Techniques to Stop Walking on Eggshells Randi Kreger - Now, with The Essential Family Guide to Borderline Personality Disorder, Kreger takes readers to the next level by offering them five straightforward tools to organize their thinking, learn specific skills, and focus on what they need to do to get off the emotional rollercoaster: Take care of yourself; Uncover what keeps you feeling stuck; Communicate to be heard; Set limits with love; Reinforce the right behaviors. Together the steps provide a clear-cut system designed to help friends and family reduce stress, improve their relationship with their borderline loved one, improve their problem-solving skills and minimize conflict, and feel more self-assured about setting limits.

Gaslighting: How to Classify, Counter, and Conquer the Covert Control of Others by Priscilla Posey - Forgetting how conversations "actually" went down? Doubting your perception of reality? Feeling like you're going crazy? Read on…It's not unheard of, yet not your doing.

Does anyone in your life constantly blame you every time something goes wrong, or even try to publicly humiliate you? Does he or she tell you you're crazy or sensitive or try to belittle you?

If you answered yes to any of these questions, then you may be a victim of gaslighting, a form of manipulation causing the targeted person to doubt their sanity and perception of reality.

High Conflict: Why We Get Trapped and How We Get Out by Amanda Ripley When we are baffled by the insanity of the "other side"—in our politics, at work, or home—it's because we aren't seeing how the conflict itself has taken over. That's what "high conflict" does. It's the invisible hand of our time. And it's different from the useful friction of healthy conflict. That's good conflict, and it's a necessary force that pushes us to be better people. High conflict, by contrast, is what happens when discord distills into a good-versus-evil kind of feud, the kind with an us and a them. In this state, the normal rules of engagement no longer apply. The brain behaves differently. We feel increasingly certain of our superiority and, at the same time, more and more mystified by the other side. New York Times bestselling author and award-winning journalist Amanda Ripley investigates how good people get captured by high conflict—and how they break free.

Joint Custody with a Jerk: Raising a Child with an Uncooperative Ex- A Hands-on, Practical Guide to Communicating with a Difficult Ex-Spouse -by Julie Ross, Judy Corcoran - It's a fact that parenting is hard enough in a family where two parents love and respect each other… After divorce, when the respect has diminished and the love has often turned to intense dislike, co-parenting can be nearly impossible, driving one or both parents to the brink of insanity. Joint Custody with a Jerk offers many proven communication techniques that help you deal with your difficult ex-husband or ex-wife. By outlining common problems and teaching tools to examine your role in these sticky situations, this book conveys strategies for effective mediation that are easy to apply, sensible, timely, and innovative.

Overcoming the Alienation Crisis: 33 Coparenting Solutions by John A Moran Ph.D., Shawn McCall Psy.D. Esq., Matthew Sullivan Ph.D. –Co-parents who feel like they have been fighting a hopeless war will discover new understandings about why parent-child contact problems are so difficult to resolve. Frustrating yet all-too-common co-parenting situations and predicaments are presented in a Q&A format, and hands-on solutions, tips, and strategies (33 of them!) offer concrete ways to move forward with less conflict. This book will guide co-parents beyond high conflict into family peacemaking.

Overcoming the Co-Parenting Trap: Essential Parenting Skills When a Child Resists a Parent by John A. Moran Ph.D., Tyler Sullivan, & Matthew Sullivan Ph.D. -Overcoming the Co-Parenting Trap helps parents understand the reasons why some children resist a parent during divorce—a reality that touches many families. Combining years of experience in intensive work with families struggling with parent-child estrangement.

Psychopath Free -Recovering from Emotionally Abusive Relationships With Narcissists, Sociopaths, and Other Toxic People by Jackson MacKenzie -Have you ever been in a relationship with a psychopath? Chances are, even if you did, you would never know it. Psychopaths are cunning charmers and master manipulators, to the point where you start to accept the most extreme behaviors as normal...Even if it hurts you.

Raising Resilient Children with a Borderline or Narcissistic Parent by Margalis Fjelstad & Jean McBride - Life in a narcissistic family system is at best challenging, and too often filled with chaos, isolation, emotional outbursts, and rigid controlling behaviors. It is too often devoid of peace and emotional safety. In the worst outcomes, children in these families grow up with low self-worth, issues with trust and belonging, and a lack of self-compassion. They are at significant risk of carrying the cycle forward and having poor adult relationships.

This book offers a way to intervene and disrupt the cycle of negative outcomes for children. Written by two family therapists who bring a combined total of sixty years of clinical practice with individuals and families, the book pulls no punches, giving clear-headed advice, easy to follow actions to help children, and an abundance of teaching examples.

Splitting: Protecting Yourself While Divorcing Someone with Borderline or Narcissistic Personality Disorder by Randi Kreger, Bill Eddy - Protect Yourself from Manipulation, False Accusations, and Abuse. Divorce is difficult under the best of circumstances. When your spouse has borderline personality disorder (BPD), narcissistic personality disorder (NPD), or is manipulative, divorcing can be especially complicated. While people with these tendencies may initially appear convincing and even charming to lawyers and judges, you know better—many of these “persuasive blamers” leverage false accusations, attempt to manipulate others, launch verbal and physical attacks, and do everything they can to get their way. Splitting is your legal and psychological guide to safely navigating a high-conflict divorce from an unpredictable spouse.

Stop Walking on Eggshells: Taking Your Life Back When Someone You Care About Has Borderline Personality Disorder by Mason MS, Paul, Randi Kreger - Do you feel manipulated, controlled, or lied to? Are you the focus of intense, violent, and irrational rages? Do you feel you are 'walking on eggshells to avoid the next confrontation? This book may help.

Will I Ever Be Free of You? How to Navigate a High-Conflict Divorce from a Narcissist, and Heal Your Family by Karyl McBride Ph.D. Dr. Karyl McBride offers proven therapeutic advice that will help you protect and nurture yourself and your children through your difficult divorce, from separating from your narcissistic partner and navigating the court system, where a narcissist can be especially destructive, to a restorative healing program of trauma recovery.

Self-Discovery/ Self Help

Choosing Single Motherhood: The Thinking Woman's Guide By Mikki Morrissette:
If you are planning to have a baby and be a single mother, this is the book you want to read.
The book tells you about practical tips and tools that will help you be a happy single mom.
It talks about scenarios like adoption, conception, fertility, and more.

Codependent No More: How to Stop Controlling Others and Start Caring for Yourself by Melody Beattie- Is someone else's problem your problem? If like so many others, you've lost sight of your own life in the drama of tending to someone else's, you may be codependent--and you may find yourself in this book--Codependent No More. The healing touchstone of millions, this modern classic by one of America's best-loved and most inspirational authors holds the key to understanding codependency and to unlocking its stultifying hold on your life.

Melody Beattie is the author of Beyond Codependency, The Language of Letting Go, Stop Being Mean to Yourself, The Codependent No More Workbook, and Playing It by Heart.

Dating and the Single Parent: * Are You Ready to Date? * Talking With the Kids * Avoiding a Big Mistake * Finding Lasting Love by Ron Deal - Single parents who are dating or want to begin a dating relationship wonder, How will dating affect my children and my parenting? They probably have figured out that "dating in a crowd" is complicated. Now they're looking for help. Ron Deal, who has counseled single parents and remarried couples for many years, helps single parents--as well as those who date them--navigate the potential pitfalls involved. He gives perspective on when a relationship may be harmful to the children as well as how it can be a blessing to all.

DBT For Dummies by Gillian Galen & Blaise Aguirre - Dialectical Behavior Therapy (DBT) is one of the most popular—and most effective—treatments for mental health conditions that result from out-of-control emotions. Combining elements of Cognitive Behavior Therapy with Eastern mindfulness practice, DBT was initially used as a powerful treatment to address the suffering associated with borderline personality disorder. It has since proven to have positive effects on many other mental health conditions and is frequently found in non-clinical settings, such as schools. Whether you struggle with depression, anger, phobias, disordered eating, or want to have a better understanding of emotions and how to focus and calm

your mind, DBT practice serves the needs of those facing anything from regular life challenges to severe psychological distress.

The Divorce Hacker's Guide to Untying the Knot: What Every Woman Needs to Know about Finances, Child Custody, Lawyers, and Planning Ahead -by Grant JD, Ann E. - Feelings of loss, grief, and rage are common during divorce. But one of the most debilitating feelings women going through divorce experience is paralyzing impotence. While a woman may act forcefully to protect her children during the process, she is less likely to be as vigilant about her well-being.

Dream New Dreams REIMAGINING MY LIFE AFTER LOSS By JAI PAUSCH - In Dream New Dreams, Jai Pausch shares her own story for the first time: her emotional journey from wife and mother to full-time caregiver; and then to a widow and single parent, fighting to preserve a sense of stability for her family while coping with her grief, and running a household without a partner.

How to Love Your Kids More Than You Hate Your Ex by Helen Fried - Life does not end at divorce. As you begin to pick up the pieces and work to move on with your life, it can be easy to forget that your children are going through everything you are. They need to be shown that they are not losing their parents, and that they are still loved. How to Love Your Kids More Than You Hate Your Ex will show you how to rise above your own hardships, and keep your focus on all the wonderful things still in your life, starting with the most important—your children. A guide to surviving divorce and separation by growing stronger as a family, parents and children both will benefit from the simple wisdom and heartfelt strength contained in this touching little book.

The Kickass Single Mom: Be Financially Independent, Discover Your Sexiest Self, and Raise Fabulous, Happy Children by Emma Johnson - When Emma Johnson's marriage ended she found herself broke, pregnant, and alone with a toddler. Searching for the advice she needed to navigate her new life as a single professional woman and parent, she discovered there was very little sage wisdom available. In response, Johnson launched the popular blog Wealthysinglemommy.com to speak to other women who, like herself, wanted to not just survive but thrive as single moms. Now, in this complete guide to single motherhood, Johnson guides women in confronting the naysayers in their lives (and in their minds) to build a thriving career, achieve financial security, and reignite their romantic life—all while being a kickass parent to their kids.

Sex and the Single Parent -By Meg F. Schneider and Martine J. Byer
A guide for parents who find themselves back in the dating game.

The Single Mother's Survival Guide By Patrice Karst -Offers earthy bits of inspiration and quick survival checklists for everything from dealing with exhaustion to being a happy single mom.

What's Going Well?: The question that changes everything. By Greg Bell
A remarkable book that will both inspire and guide you, What's Going Well? uncovers the key to bringing optimism into your daily life by embracing a "What's Going Well" mindset. Greg Bell takes the reader on a journey to the frontiers of neuroscience and positive psychology and reveals simple daily activities that change our physical wiring for the better.

Parenting Books

But Dad! A Survival Guide For Single Fathers Of Tween And Teen Daughters By Gretchen Gross & Patricia Livingston: If you have a tween or teen girl at home, your single dad status needs this book. The book helps you deal with your daughters whether they live with you permanently or you meet occasionally.

The Co-Parenting Handbook: Raising Well-Adjusted and Resilient Kids from Little Ones to Young Adults through Divorce or Separation by Karen Bonnell - Addressing parents' questions about the emotional impact of separation, conflict, grief, and recovery, the authors provide a road map for all family members to safely navigate through separation/divorce and beyond. Through tested and reassuring guidance, parents will discover how to move from angry, hurt partners to constructive, successful co-parents who can put their children's needs first. Chock-full of strategies to help resolve day-to-day issues, create boundaries, and establish guidelines, this handbook will help ensure kids and co-parents thrive.

A Complete Guide For Single Dads By Craig Baird - The book takes you through all stages of your growing child. It covers topics that are relevant from infancy through adolescence. The book aims at making you a happy adult and in the process sharing that happiness with your child.

A Complete Guide For Single Moms By Janis Adams: The book takes you through all stages of your growing child. It covers topics that are relevant from infancy through adolescence. The book aims at making you a happy adult and in the process sharing that happiness with your child.

The Complete Single Father: Reassuring Answers To Your Most Challenging Situations By Elaine Fantle-Shimberg & Michael Shimberg: Whether you have a toddler or a tween, this book will help solve your queries. The book aims to make single parenting seem like second nature to you. It helps you provide a happy and stable environment at home for your kids. It tells you how you can manage their overall development, including physical and social aspects.

Do I Have A Daddy? A Story About A Single-Parent Child By Jeanne Warren Lindsay:
This book looks at the single parent and child relationship from the child's viewpoint. It helps you speak to your child as a mother about the absence of a father in the house. It tells you how you can make your child realize that even though the father may not be there, you are always around to take care and help.

The Gentle Parenting Book: How to raise calmer, happier children from birth to seven and/or Gentle Discipline: Using Emotional Connection--Not Punishment--to Raise Confident, Capable Kids by Sarah Ockwell-Smith. Parenting trends come and go. Gentle parenting is different - it isn't a label for a precise set of rules but a method of parenting that embraces the needs of parent and child, while being mindful of current science and child psychology. It means parenting with empathy, respect, understanding - and boundaries.

The Guide for Separated Parents: Putting Your Children First By Karen & Nick Woodall:
Tells you how you can overcome your conflicts with your ex-spouse and mutually work towards your child's future. It helps you deal with the after-effects of separation and divorce.
It helps create situations like meet-ups and phone calls with the non-present parent.
Single parenting can be a difficult situation, but some practical advice and assistance can always help. Believe in yourself and always show your child how much you care and value the relationship.

How to Stop Losing Your Sh*t with Your Kids: A Practical Guide to Becoming a Calmer, Happier Parent by Carla Naumburg. top the yelling, lose the guilt, and become a calmer, happier parent. Drawing on evidence-based practices, here is an insight-packed and tip-filled plan for how to stop the parental meltdowns. Its compassionate, pragmatic approach will help readers feel less ashamed and more empowered to get their, ahem, act together instead of losing it.

Hunt, Gather, Parent: What Ancient Cultures Can Teach Us About the Lost Art of Raising Happy, Helpful Little Humans by Michaeleen Doucleff: There's a Better Way to Parent: Less Yelling, Less Praise
When Michaeleen Doucleff met parents from around the world, she encountered millennia-old methods of raising good kids that made American parenting seem bizarre and ineffective.

Mom's House, Dad's House: Making two homes for your child -by Ricci Ph.D., Isolina
The ground-breaking classic, Mom's House, Dad's House, has become the standard for two generations of divorcing parents and includes examples, self-tests, checklists, tools, and guidelines to help separated moms and dads with the legal, emotional, and financial issues they will encounter as they work to create happy and stable homes.

Parenting With Love And Logic –Cline/Fay – This series of books is highly recommended and shows you how to raise self-confident, motivated children who are ready for the real world. Learn how to parent effectively while teaching your children responsibility and growing their character. Establish healthy control through easy-to-implement steps without anger, threats, nagging, or power struggles.

Positive Discipline for Single Parents- By Jane Nelsen, Cheryl Erwin, and Carol Delzer
It provides strategies for raising children who are responsible, respectful, and resourceful.

Raising the Kid You Love With the Ex You Hate by Edward Farber - Powerful advice for you and your ex-spouse on how to reduce conflict and protect your children's well-being while co-parenting
You and your former wife/husband are struggling to be civil to each other and you recognize the conflicts could be damaging to your child. Dr. Farber, a clinical child psychologist who's been in practice for 30+ years, knows what you're up against. He writes compassionately and insightfully about the concrete, doable steps you can take to avoid letting differences with your ex get in the way of being the best mom or the best dad you can be. Conflicts inevitably arise from living in two households. You don't have to like your ex, but, if you are going to co-parent successfully, you will still have to deal with your ex. Dr. Farber helps you navigate the upheaval with practical advice based on real-world families.

The Single Dad's Survival Guide HOW TO SUCCEED AS A ONE-MAN PARENTING TEAM By Michael A. Klumpp - Being a great dad is challenging enough when you're part of a two-person team. But now you're raising your kids single-handedly. How can you provide the emotional, physical, and spiritual support your children need, cover all the details of running a household, and still earn a living to support your family? Being a solo dad could easily be the toughest job of your life. The good news is you're not alone. Inside this book, you'll find the support, advice, and encouragement you need to succeed. Here are practical solutions for everything you're facing–from conflicting emotions to day-to-day time management.

The Single Mother's Guide To Raising Remarkable Boys By Gina Panettieri And Philip S Hall:
It discusses various roles you have as a mother, homemaker, guide, teacher, chef, friend, disciplinarian, and more. The book talks about how you can help your son at school with his academics and on the field with his sports. As a mother, you may feel your son does not have a good male role model. The book helps you find out an appropriate male role model. It also helps you talk about various social and growing-up issues like sex and drugs.

The Single Parent Resource By Brook Noel with Art Klein- Provides strategies for helping single parents get organized, manage a household, balance work, and family, create a financial plan, find high-quality childcare, and develop a support network.

Single Parenting That Works By Dr. Kevin Leman- How to hold a mature relationship with your ex for the benefit of your child. The book tells you why it is important to have a mature relationship with your ex and how you can use it to help your child grow. The book details ways in which you can connect to your child while also focusing on your personal life.

Surviving Single Parenting By Dawn Isenhart: First helps you grow as an individual before applying those principles to your child. It tells you how you can overcome grief and guilt and deal with your emotions. Provides tips that will help you tide through difficult times, both as a parent and as an individual. It teaches you how to understand your child's emotions and feelings and cater to them in the best possible way.

Talking to Children About Divorce: A Parent's Guide to Healthy Communication at Each Stage of Divorce – by Jean McBride MS LMFT - provides you with the tools and encouragement to effectively communicate with your child about divorce. McBride brings her more than twenty-five years of specializing in divorce to guide you through crucial but difficult conversations and cultivate an environment of love and support throughout the divorce process. You'll learn how to have honest conversations about different situations and emotions that may arise during a divorce.

Two Homes, One Childhood: A Parenting Plan to Last a Lifetime - by Robert E. Emery Ph.D details a new approach to sharing custody with children in two homes. Huge numbers of children are affected by separation, divorce, cohabitation breakups, and childbearing outside of marriage. These children have two homes. But their parents have only one chance to protect their childhood. Emery explains that a parenting plan that lasts a lifetime is one that grows and changes along with children's—and families'—developing needs. Parents can and should work together to renegotiate schedules to best meet the changing needs of children from infancy through young adult life.

Appendix G

Parenting Plan Journaling and Evidence Gathering

As soon as you consider and/or know you are getting divorced you should start gathering your evidence. This can be anything from an electronic message to yourself, you can consider some of the parenting apps that allow solo sign-up. A notebook is fine, a 3-ring-binder is great. Figure out a system that works for you. The 3-ring-binder is the best tool as long as you have a safe place to store it. You can use it for a journal and also add other evidence, you can have tabs and keep it organized, and you can carry it to a meeting with your attorney or court. A computer file/folder is also good if you are organized and is easy to email things to your attorney, but would need to be printed and organized for court.

A significant time can lapse from the filing of your divorce petition to the conclusion of your case (when your youngest child turns 18 is when you can consider the case concluded). During this time your life with your children and working with your co-parent continues. Throughout the family law process, you may meet with your divorce attorney, a guardian ad litem, and/or a psychologist, attend mediation, provide a deposition, answer requests for discovery or interrogatories, and testify at trial. Some of what we say will be redundant, we want to drill in the important points so bear with us. We repeat the important points in several sections, the main point is you need to be diligent in your efforts to document what is going on and show that you are a worthy parent when given a chance.

Remember that although not everything you gather will end up being used in court, you should expect that any of it can and will be. If you are pro se (representing yourself) you will need to understand what you will need to gather and how you can use it in your case. If you have an attorney they will be able to assist you, but you are also assisting them. Evidence is how you tell your story in court. We will discuss other forms of evidence later in this appendix, but your #1 tool and where you will gather and keep everything you need for court, is called a Parenting Plan Journal (AKA Custody Journal) the heart of this journal is writing down everything that happens with your child each day, your communication with your child and with your co-parent, etc.

Some cases have dissolution (divorce) only. A parenting plan gets made and either it is followed or the co-parents agree to changes and everything works for everyone. Other cases get a parenting plan through dissolution, and then subsequent ones through modification, change of custody, and enforcement actions such as contempt. Sometimes the original parenting plan isn't working anymore (child gets older, enters school, has activities, a parent moves, begins a new relationship, etc.) and the co-parents will agree to a new parenting plan by sitting down and working it out, or through mediation. Sometimes a parenting time study will be done. In all of these cases, a parenting time journal can be helpful. It does not have to be adversarial, it can help with dates and times, historical references, memory refreshers, etc. It isn't a bad idea to have a parenting time journal no matter how civil or how contentious your case is. If you are involved with a high-conflict co-parent it may be worth it to spend a little (under $100) for either of these products:

1. LLG Litigation Ledger provides step-by-step guidance, helps you to prepare detailed evidence logs, and calendars. https://llgtacticalcoaching.wordpress.com/products/litigation-ledger-contested-custody-binder/ This will help you create a comprehensive binder with editable forms – this is the complete solution to evidence gathering.

2. CustodyXChange is a parenting app that also can help with evidence collection and journaling, very good at organizing and presenting evidence for court.
https://www.custodyxchange.com/topics/software/journal.php

Tips for Keeping a Detailed Parenting Plan Journal

Some quotes from Oregon attorneys regarding parenting plan journals and their usefulness:

"I practice in Clackamas County Court and such a journal is VERY useful if there is a custody trial. Even after the divorce is over, I advise my clients to keep such a calendar/journal until each child is age 18."

"I actually have my clients keep parenting time calendars and generally get them admitted as exhibits at trial. They can be a very useful exhibit to show the court who has been the primary caretaker, who spends the majority of time with the kids, who is routinely late for exchanges, who has denied parenting time, who has not exercised his or her parenting time, and when major problems have occurred."

"The journal itself is probably not admissible, as it's hearsay - an out-of-court statement offered to prove the truth of the matter asserted. But it's still worth keeping because you can use it to 'refresh your memory of events you witnessed. If you're a party to the case, your testimony, refreshed by the journal if necessary, is certainly admissible evidence."

While getting a divorce isn't always easy, getting a divorce when there is a child involved can make the process much more complicated. By keeping a detailed Parenting Plan journal, you will help your attorney in the process and may help the Court better decide the issues in your case. The journal will also help you feel more in control of the situation.

Make it a Habit

It's best that you consistently write in your journal every day. Even if nothing happened that day. Make sure that you document everything in chronological order as well. If you do decide to keep your journal on your computer, email a copy to your lawyer (with their consent) and CC yourself every day so that you can easily prove to a judge when the entries were written. Also, using a Parenting App can be a helpful tool in the process. (see appendix E for co-parenting apps, some of which you can do solo).

Who, What, When, Where, How, but NOT why

For example, you don't know why your co-parent was late to the exchange, you do want to document what they said about it. Even if they say "I overslept" you don't know if that's true or not, you don't know if that's the "why", all you know is that is what they said. Document what they said.

Personally write the journal

Write each entry contemporaneously in time with the event that occurred for which you are writing (the legal system places great value on things written when they happen as opposed to writing from memory later- everything should be written within about 24 hours of happening).

Date each entry and include time (start and end) when possible

Journal where the incident took place

Journal any witnesses to the incident and if relevant their contact information. Keep in mind that witness testimonies help the judge determine how legitimate your claims and allegations are in your Family Law case. Generally, the most influential evidence comes from witnesses who are not biased and have personal and/or expert knowledge of you, your child, and your co-parent. Do not forget to add your child's daycare provider, teachers, and neighbors to your witness list.

Do not use your journal to vent. The purpose of your journal is to memorialize the facts of an event for later recollection and to assist your case. Always think that your journal may end up being seen by your attorney, your Co-parents' attorney, The Judge, psychologists, mediators, etc.

Be careful with what you journal. Although your journal prepared for litigation can be protected from the discovery process, it will be made available to your co-parents' attorney if you need to use it to refresh your recollection at trial. Therefore do not make any crude comments about your co-parent or other statements that will place your character in a negative light.

Record All Manner of Communication

Take careful notes in your journal regarding phone calls, verbal conversations, emails, and text messages exchanged between you, your co-parent, and your lawyer. Specifically, make note of when communication was made, how long it lasted, the individuals involved, and what was communicated. Did you have to adjust the normal plan? Did your co-parent cancel the visit? Was more time requested for their parenting time? Were any issues discussed? If you have a lot of long voicemails from your co-parent, you and your attorney will want to quickly get to the relevant portions of the voicemail.

Oftentimes, the court doesn't need to hear the entire message. You could even anger the court if you play long messages that are irrelevant.

However, it is important to have all the full voicemails available, should the court request them. Also, you and your attorney should discuss how and when you are going to present the voicemails in court.

Some recommendations:

If you are not using one of the parenting apps for communication with your co-parent, shift ALL communications to accounts that you do not use for anything else. Get and use a separate Gmail account for communication via email, you can use any email service, but besides being free, the advantage of Google is because a brand new Gmail will also give access to Google's other services such as Google docs, Google calendars, Google Voice, etc. Google Voice is very nice for keeping track of phone calls, duration of calls, missed calls, texting, etc. It also allows good tracking of text messages. You can create a shared calendar for parenting only and share it (or not). Google Takeout service is a service that takes all your existing Google data and packs it together into one file to download. Even if you are using an app, but your co-parent occasionally emails or voice calls – it pays to have a Gmail account/Google Voice. If you are in a high-conflict situation we strongly recommend that you NEVER communicate with your co-parent outside of a parenting app or a dedicated Gmail/Goggle Voice account. If they attempt to contact you using other methods we recommend you not respond or send them a reminder to contact you only through the methods you have provided.

Also, consider an app such as "Automatic call recorder" which can be configured only to record when certain numbers call. Oregon is a "One party" state for phone calls, so you can legally record a phone call – if both of you are in the state of Oregon, interstate phone calls are a grey area and if they are calling from a two-party state such as Washington, the call may be excluded as evidence even though you are in Oregon. In-person recordings in Oregon require the consent of all the parties except in certain circumstances (law enforcement, etc.) so if you are meeting with your co-parent and want to record it, you must start the recording and state the time and location of the meeting, that you are recording it and get your co-parent to give clear consent to being recorded.

Remain Balanced

While you want to do everything you can to win your case, make sure you also write down the good things your co-parent does. Remember, this is about what is best for your child, not what is best for you or your co-parent.

Smaller Details

Don't forget to include the smaller, everyday details with your parenting journal. Specifically, you'll want to take note of:

Positive and negative comments your child makes about your co-parent.

Comments others have made about the other parent. The journal will provide your attorney with a list of potential witnesses. A witness is only useful if he or she observed any incidents; hearing about it from someone else is not sufficient. The witnesses can also provide declarations (called affidavits), but they may be asked to testify anyway for their statements to be considered by the Court.

Extracurricular activities and progress in school.

Journal what you do with your child daily such as helping with homework, taking them to the park or beach, making a home-cooked meal, etc.

Pick-up times (both late and on time).

Medical and therapy appointments.

Signs of violence or abuse.

Your child's general mood and disposition.

Contact attempts that have been denied

Phone calls that go unanswered, and/or voice mails for the child not returned

Every single time that your co-parent violates any court order.

Every single time the child has remarkable school outcome, including good or bad grades, tardies, absences, missed parent-teacher conferences, disciplinary issues

Any time your co-parent does something on behalf of the child (takes to doctor, dentist, scouts, church, etc.); include names of third-party objective references such as teachers, coaches, youth pastor, etc., who can verify parental involvement in your child's life

Notes of all child exchanges to include the child's demeanor (positive or negative), adverse behaviors, other problems with the exchange (e.g. either parent changed location, time, caused a ruckus, attempted to deny access, made excuses for a failure to appear, etc.)

Rather than a personal journal, it is better that you view your notes as a highly detailed log. Set aside a block of time every day to write in your log and never think that anything is too insignificant to make a note of. Your log may be extremely useful to your attorney when having to present specific facts to the judge. If you document an argument or fight, journal whether your child was involved in or witnessed the incident. Journal the child's physical response such as crying, holding their hands over their ears or eyes, etc.

Carefully document any statements made to you by your co-parent. Only put quotation marks around a statement if it is an exact quote.

Balance being brief with your journal entries with including all pertinent information. Although you may have a lot of information to tell the judge, you will have a limited time frame upon which to tell your story to the judge.

Keeping Track of Child Comment Issues

It never fails that in many cases parents use their parenting time as opportunities to mine information about the co-parent from their child. Parents ask questions of the child, like, "what did you do with your dad this weekend" or "who did your mom have over while you hung out this weekend?" This shouldn't be done. Your child is not a messenger or spy. Sometimes you can overhear information from your child as they talk to others or as they simply tell you what they have been up to. Sometimes this will pique your interest or give you pause to investigate further. You probably should not question the child further, but you should have a place to make notes about the visit and interesting information you overhear from your child.

Evidence/Substantiating your Claims

In addition to your journal, you or your attorney may use photographs, video, and physical objects to present your case. Do not limit yourself. If you are faced with a situation where you are fighting for time with your child, preparation is essential.

Think in terms of what you would like to tell a judge sometime down the road. Also, consider how you would substantiate your claims. If you want to be able to say, "Your Honor, my co-parent is denying my child their court-ordered access to me…", then you want to also be able to back that up with, "…in June, I attempted telephone contact 41 times, and was able to make contact only once…." or whatever the actual details are. This is a fine line, depending on what your parenting plan says, trying to call once a day may be fine, if you find yourself calling twice or three times a day you are getting into territory where your co-parent can say that you are pestering them (or stalking, or interfering with their parenting time, etc.). If you have a court-ordered parenting plan in place, follow what it says, especially when your child is with you, allow the phone calls during your parenting time, document the lack of access during your co-parents' parenting time. If you have it in a journal that you have kept daily, then it offers a lot more credibility.

If you want to be able to say "Your Honor, I've been heavily involved in the child's life…", you want to also be able to back that up with, "…In the past six months, I've taken them to the doctor twice — here is an affidavit from the Doctor's office — I've taken them to church youth activities every week — here is an affidavit from

the Youth Pastor of our church — I've taken them to soccer practices and games weekly — here is an affidavit from the soccer coach…" and so forth. These affidavits may or may not be admitted as evidence, but they can be good to have. You should familiarize yourself with the Oregon rules of evidence https://www.oregonlaws.org/ors/chapter/40 if you are representing yourself, you should also research the case law (Google scholar is your friend – click on case law) surrounding admissibility and objections (Also see appendix B). Self-representing parents in family law cases often struggle with how to get their evidence admitted and how and when to object.

Stay objective. While family court situations can be stressful, you need to remain as objective as possible in your parenting time journal. This is not an opportunity to vent your frustrations or demonize your co-parent. Journal entries that are emotional will be less useful in a legal setting.

If you feel like you need to work through your emotions by writing them down, try keeping a completely separate journal or diary. That way you can express yourself without compromising your parenting time journal.

An example of appropriate objective writing is: "John picked up our child at 4:00. The scheduled pick-up time was 3:00." An inappropriate account of the same event would say something like: "John was late again today, like usual. He is so irresponsible and a bad parent."

Keep a detailed record of your child's schedule. Your attorney will need as many facts about your child's life and well-being as possible. To help your attorney, keep a detailed log of what your child does daily. You can note things like medical appointments, extracurricular activities, time spent with friends, and so on. The more information you can provide the better.

Note your role in your child's life. Record when you drive them to appointments, make them meals, help with homework, and anything else you do to help raise them. You will want to make sure that your parenting time journal demonstrates the important role you play in your child's life and also documents your attempts to play a role in their life that are unsuccessful.

Keep notes on all communication with your co-parent. You should make a note of each time you communicate or attempt to communicate with the other parent, whether in person or electronically. Write down details about the time, date, method, and length of the communication. You should also note the topic of the conversation, but you do not have to do so in great detail. You should note when you leave a message and if/when it is returned. Email or a parenting app are the preferred methods of communication in high-conflict cases and do the job of creating a record.

Include screenshots or printouts of the communication, if possible.

Track your co-parent's responsibilities. You will want to keep detailed notes about how well your co-parent fulfills their responsibilities. Make a note of pick-up times and drop-off times. If the co-parent starts to shirk responsibilities, make a note of each instance. Remember to stay objective though.

To make sure you remain objective, you should also note each time your co-parent fulfills responsibilities. For instance, you can write down something like: "Sarah took our child to the dentist today and brought her back at 5:00 pm which was the scheduled time."

Focus on the child's behavior rather than your impressions. Instead of saying, "John is very emotional and sad today," write, "John frowned all morning. He cried for 15 minutes at 1 pm."

Track your child's mood and behavior. To keep track of how your parenting time situation is affecting a child's emotional health, you should take detailed notes about how they are behaving. If a child behaves differently than usual after being around your co-parent, you can make a note of that. Note: It is very common for a child to be emotional and/or reactive during parenting transitions, this is NOT an indication that anyone is doing anything "wrong", again, note the behavior, note what they say. But you don't know the "why".

By keeping track of your child's mental health in this way, you can also be sure that you come to a parenting time arrangement that is best for them.

Record your child's performance in school. You can also keep track of your child's well-being by recording their performance in school and any extracurricular activities. You want to be able to determine if your parenting time arrangement is affecting your child's ability to succeed in school in any way.

You should note test scores and report cards, whether they are good or bad.

If your child is having behavioral problems in school, keep track of these as well.

Your Daily Journal

Your daily journal may be one of the most important pieces of evidence you have. Here is the reason why: Any parent can give an oral testimony about what happened during specific exchanges involving your child. However, a parent will have better proof if they have a journal they can refer to their written notes, to refresh their memory.

Your Calendar

Your calendar is documentation of how much time you have spent with your child. It is much like your journal, but it gives you and your attorney another tool to use that visually shows the time you spent with your child.

Make sure your calendar is easily available at any time. Note the times when your co-parent denied you parenting time as well as other problems with your co-parent.

Keep Impeccable Documentation

Keep all communication with your ex including email, text messages, voicemails, instant messages, and handwritten notes/letters. Maintain an organized and labeled file folder and photo album. Keep accurate financial records with bank statements, receipts, pay stubs, and child support payment history. If there have been any concerns or incidents of domestic violence, drug or child abuse, or false allegations, keep accurate notes, obtain any available police reports, and above all, learn how to collect powerful evidence and organize it for your case.

Phone Call Logs

Each Co-parent should keep a diary of all phone calls made between the child and the co-parent who does not currently have parenting time. The log should include when the calls occur, how long they last, and their frequency. Do they take place every night or afternoon? Every week? Maybe twice a week? Are they just talking on the phone or are they videoing? Do they follow the current parenting plan?

These records are evidence of continuous contact between you and your child if you don't have custody, or perhaps the lack of regular contact between your child and your co-parent if your child is currently living with you.

Be careful with this, however, because your co-parent might take the position that they didn't call more frequently because of some action you took, like not letting them speak to your child or getting into an argument with them before turning the phone over. Courts tend to take a very dim view of a parent who tries to curtail or impede the child's relationship with the co-parent.

A lack of regular phone contact (such as only a few times a year, or only on birthdays or holidays) may indicate to the judge that your co-parent doesn't have a close relationship with the child.

Parenting Time Schedules

You should also keep a log of parenting time between the child and your co-parent. A parenting schedule log should include when the parenting time occurs, where, their duration, and their frequency. It should also include any parenting time either court-ordered or offered that is not exercised, any offers, and/or acceptances of right-of-first-refusal.

A non-custodial parent who's trying to get custody can utilize this information in court to prove a continuous and meaningful relationship with the child. A custodial parent might use a log of parenting time schedules to prove the lack of a continuous relationship between the child and the co-parent.

For example, if that parent only sees the child for short periods once every few months, it may be indicative that the parent doesn't have a significant interest in maintaining a close relationship with the child. This is always subject to the caveat that if they're not seeing the child, it's due to something that you've done to prevent it.

Your Child's Records

Consider including your child's report cards and other written documentation from others showing how well they have done while in your care—or vice versa. If your child is repeatedly injured while in your co-parent's care, including doctor reports and emergency treatment records.

If you believe you are going to be involved in a custody case, it is important to know how to gather and organize any evidence you may need. By collecting the evidence you may need before you require it, you may be able to save a lot of money and vastly improve your negotiation position.

You should start now, while everything is fresh in your mind (including events and other vital information). Start writing your journal, and add an entry to it every day. This practice should include any activities with your child and any behavior or incidences committed by your co-parent that causes you concern.

It is much easier to provide clear-cut evidence when litigating financial disagreements than with issues of custody and Parenting Time. Your tax returns, pay stubs, and bank statements don’t tell the story of why it is in the child’s best interest to be with you more than your co-parent.

Finally, there are some other documents you may wish to give the judge to help your position in a custody case. These can include medical records, school records, emails from teachers or friends, etc. Keep in mind, all of these may be inadmissible (because they may not fall under a hearsay exception). You and your attorney may need to come up with a plan to get the information on those documents to the judge in another

way. This means you may have to have the doctor, teacher or school administrator come to court to testify. This can become expensive quickly with witness fees and time in court, so keep that in mind.

Your best bet is to have the contact information for any potential witnesses available for your attorney so they can write a short declaration for that witness to provide with your initial paperwork. You can't just count on providing the report card or letter from the physician because the other side will object and the judge can rule that it cannot be considered.

Finally, there are many other forms of evidence you may wish to provide to show your dedication as a parent to your child. Photographs and videos can be helpful in some situations. Your child's drawings or letters may also be helpful. It will be up to your attorney to help decide how best to convey your case to the judge, and what evidence to provide. The more you prepare and provide to your attorney at the start, the better your attorney can prepare. Otherwise, it becomes a "he said, she said" situation, and the judge will have to decide who is more believable and likely to go with that person's request.

What Will Be Admitted In Court?

We will attempt to give a basic tutorial regarding what will or won't be admitted.

1. Statements of Third Parties:
In a general sense, statements made by a third person are going to be considered "hearsay" and they will not be admitted by the judge hearing your cases, absent a statutory exception. This includes statements made by your child when dealing with issues of child custody or parenting time. This includes letters, including notarized affidavits, written by a third party. However, there are certain exceptions to this general rule. Statements of the other party are going to be admissible. Statements of a third person, such as your child may be admissible as an "excited utterance," meaning the statement was made while still under the effect or influence of a certain event. Sometimes, business records may be admissible under what is called the "business records exception" to the hearsay rule, as relates to records kept in the normal course of business. It should also be noted that in cases in which there is an expert, such as a Parenting Time Evaluator, statements made by a child to the Parenting Time Evaluator, or perhaps letters submitted by those third persons as to character, parenting, or other matters, may also be admitted if they were part of the body of evidence leading to the expert's report. Unless statements of third persons fall within one of the exceptions to the hearsay rule, steps will need to be taken to ensure they are admitted in court. This can include your attorney subpoenaing witnesses or documents. It can include you and your attorney making sure experts, such as a Parenting Time Evaluator, are provided any statements or documents to consider. Finally, it should be noted that settlement communications, including from mediation, are not admissible.

2. Documents and Other Tangible Evidence:
In the previous paragraph, we discussed documents, such as letters from third persons. Documents and other tangible evidence come in many forms. Some types of documents are implicitly admissible in your family law case. This includes court pleadings filed by either party, such as the petition, motions, orders, or other items. It also includes disclosure documents, such as pay stubs, tax returns, bank statements, and more, from either side. Likewise, discovery responses or documents submitted as part of the discovery process are likely going to be admissible. However, other documents may not be. A police report, though certainly kept in the normal course of business of law enforcement, is probably not going to be admissible without the police officer, the author, present to testify as to the report. The same will hold for most expert reports, such as a home appraisal or a financial expert hired by one of the parties. It would also hold true for letters written by an employer, whether as relates to termination of employment, performance, or otherwise. Thus, it's imperative to make sure that if needed; the police officer or home appraiser is under subpoena and compelled to attend your hearing.

Other items of tangible evidence that may be common in a family law case might include emails, photos, or text message printouts. Photos taken by you or your co-parent will generally be admissible. Photos taken by a third person may require the photo taker to testify for authentication. Emails or text messages between the parties will generally be admissible. However, it should be noted that whole conversation chains should be provided, as some judges will exclude these types of communication documents as being incomplete if the whole conversation is not provided. Emails or texts with third persons will generally necessitate the author testifying.

When preparing for the hearing, or hearings, in your case, your job is to inform your lawyer regarding what documents or statements you may have or be aware of which might be helpful to you. If you think something has even a slight chance of helping, bring it up to your attorney. From there, they will make necessary assessments as to both relevance, strategy, and how to get that evidence admitted at the hearing. A court hearing can be likened to telling a story (to the court), constrained by rules. If the rules are not complied with, the judge may never get to hear your full story.

How the Rules of Evidence Work in Your Family Law Case

Knowing something is true or believing something is true does not necessarily mean that you can prove that it's true in a court of law. This can be quite frustrating to somebody going through the divorce process, or any court process for that matter. We often hear people say things like, "My co-parent does drugs, and therefore should not be allowed to have custody of our child," "I used my inheritance as a down payment on our house, and should get that back," or "I shouldn't have to pay spousal support because my co-parent can work, but chooses not to." While all those things may be true, proving that they're true in a court of law can be very difficult. Below we discuss some examples of what is admissible in court and what is hearsay in court, as well as some exceptions to hearsay rules.

What Is Admissible Evidence in Family Court?

In family court, admissible evidence is any kind of tangible evidence that can help prove your point in a case. This can include testimonies, documents, photos, videos, and other forms of physical or digital evidence. Things like expert witnesses and investigators get very expensive quickly. Most people can't afford them. We reiterate here. You can spend thousands of dollars on your family law case – attorneys, psychologists, vocational evaluators, forensic accountants, and other expert witnesses' all cost money, usually lots of money. About 5% of family law cases get to a hearing in front of a judge – they are settled at any of the several phases (negotiation, mediation, settlement conference, last-ditch offers on the courtroom steps, etc.) this is generally better for everybody. But if you go to court you want to present your best possible case. That means having evidence and knowing how to use it, or to help your attorney use it.

Admission by Party Opponent

Example: "My co-parent does drugs, and therefore should not be allowed to have custody of our child." The first question we ask is how do you know these things? Have you personally witnessed your co-parent use drugs? If so, you may testify to that. You are allowed to testify to matters that you have personally witnessed. However, if you only know because one of your co-parent's friends has told you, then your knowledge is not personal. It is hearsay, and you cannot testify to it - you would have to bring your co-parents' friend to court and have them testify as to what they know. If your co-parent told you that he or she uses drugs, then you may then testify in court as to what your co-parent told you, as this qualifies as 'party opponent admission, which is an exception to the hearsay rule.

Business Records Exception

Example: "I used my inheritance as a down payment on our house, and should get that back."
When presented with this situation, our first question is when did you receive your inheritance? Once you received it, did you immediately write a cashier's check or money order directly to the person selling the house, or did you deposit it in the joint bank account where it sat for a few months, or even longer, before you and your co-parent then purchased the house? If the latter, then to prove that you used your inheritance to purchase the house, you have to show documents evidencing receipt of your inheritance, bank statements from the account in which you deposited, and documents showing the down payment on the house. Bank records themselves are hearsay documents, so, technically, you must get the bank records authenticated by the custodian of records from the bank. This is another exception to the hearsay rule, called the business records exception. However, simply having the bank records by themselves is not sufficient. Alternatively, you can hire a forensic accountant as an expert witness who can testify at trial as to the transaction. Expert witnesses are allowed to testify at trial based upon hearsay documents, assuming that the expert witness usually relies on such types of documents in their profession. For example, X-Rays are hearsay documents, but doctors rely on them all the time, so a doctor may testify as to their opinion based upon a review of an X-Ray.

Vocational Evaluation

Example: "My co-parent can work, but chooses not to."
This is a complaint heard frequently. When it comes to child support, both parents are obligated to provide financial support for their child, and when it comes to spousal support, the supported spouse must make diligent efforts to become self-supporting. The Court believes everyone under the age of 65 is capable of working and usually imputes at least minimum wage unless there is a disability or other factors. However, if your co-parent has not worked in years, new questions come into play for the court - what kind of job they obtain, and what kind of income would they get from that job? So how do you go about providing evidence to a judge that proves your co-parents' ability to work?
Vocational Evaluation: the vocational evaluator will be an expert in that field, and will then be able to testify on your behalf as to what kind of job your co-parent may be able to obtain, the time it will take to train for that job, and the income they should expect to receive.
Provide Your co-parents' Resume: include their educational background, and prior work experience, and then provide the Court with job listings from a job board or internet showing that there are employers who are looking to hire somebody with your co-parents' qualifications.
Hiring ads are not considered hearsay. However, the problem with help wanted ads is that many of them do not list how much the job will pay. So, while the judge may now know that there are jobs out there for your co-parent the judge will not know what kind of income your co-parent will receive from that job. So in general, absent evidence otherwise the court may assume minimum wage.

Relevant Evidence

Example: "She cheated on me, so she shouldn't get spousal support."
Relevance is another important factor when presenting evidence in court. Oregon is a no-fault divorce state, so testifying that your co-parent may have cheated on you is not relevant to the issue of whether or not they should get support or custody of the child.
Even if something might be relevant, a judge may still rule that it's not admissible evidence because it takes too much of the Court's time, and the undue consumption of time outweighs the relevance of that information. So, for example, while the fact that your co-parent may have a drug problem would certainly be relevant to the issue of whether or not they should have custody of the child testifying as to an incident of drug use from over ten years ago may not be worth the Court's time, and for that reason, the judge may not want to hear that testimony.

Character Evidence

Example: "He's a great father, so he should get custody."
A lot of people like to use character evidence, particularly when child custody is at issue. Witnesses will often say things like, "He's a great father"- while this statement is certainly nice, it doesn't tell the judge anything useful. How does the witness know that this other person is a great father? This statement is inadmissible due to a lack of foundation because we don't know how the witness knows that the other person is a great father. So, to clarify the witness's testimony, he or she would have to explain that he/she is a close friend of the father, and has witnessed the father interact with his child on numerous occasions. The Court may then accept that testimony because it may help to establish the father's emotional bond with the child, which is certainly relevant to the issue of child custody. But broad statements about the father's greatness will not work. For this reason, character evidence is tricky and may only be used in specific circumstances. Note: Character evidence from friends and family is far less effective than from people such as teachers, coaches, and others who know your child and have seen your interaction with them, but have no known vested interests in the outcome of the hearing.

Privileged Evidence

Example: "My co-parent told her therapist that they are hiding community funds in another bank account."
Privileges are another category of issues covered in the Evidence Code. What somebody tells his or her doctor, clergyman, psychotherapist, or lawyer is privileged communications, and is therefore confidential, with certain exceptions. You can't make your co-parents' therapist testify as to what she discussed in therapy, even if your co-parent may have told her therapist that she has been hiding thousands of dollars in community funds in some bank account in the Bahamas. Privileges can be waived; however, if your co-parent says they are too disabled to work, they are raising the issue of their medical condition. In so doing, they waive doctor-patient privilege, entitling you to obtain information regarding the disability from their doctor.

If you want to go to trial, don't expect that you'll be able to say whatever you wish to say, and be sure that whatever you're seeking to gain from going to trial is worth the time and expense of gathering admissible evidence to prove your case.

Presenting Evidence in Family Court

Most people don’t expect the Evidence Code to apply in family law in the same way that we see it used in Criminal or Civil Law. The fact is, that it most often does. Even when you are in front of a judge who has a more informal approach (allows evidence to be considered without meeting all of the legal criteria), general knowledge of the rules of evidence can help you to gain a legal advantage in your divorce or other family law action. Why? Well, many judges will review the evidence (such as out of court statements, school records, agreements, police reports, financial records, title to a property, proof of payment, social media postings, photographs, etc.) without a proper ‘foundation’ unless the opposing litigant or lawyer objects. If the objection is legal – it becomes the propounding party’s job to find an evidence ‘exception’ or explain to the court why the objection is not proper. If you can’t do this – the evidence comes into play – whether you think it’s fair or not. Another reason to follow the evidence rules is to make a ‘clear record.’ In other words, it’s possible that your family law judge allows you to be a bit lax when it comes to the evidence code but an appellate judge certainly will not. If you do not ‘object’ to the introduction of evidence, improper conduct, or illegal statements — you will lose the ability to challenge that behavior should your matter proceed to an appeal (an appeal is when someone applies to a higher court for a reversal of the decision made by the lower court).

Know what the relevant laws are and the facts that apply to those laws. Have bullets listed out for each witness and check those bullets when you have completed asking them questions about that topic. Take a printed copy of the rules of evidence with you so you can refer to it during any objections or argument regarding admission of evidence.. Have your evidence binders in a neat arrangement, with one for the

witness, one for the judge, one for opposing council, and one for you. Compare all of your evidence with the rules of evidence to ensure that each piece of evidence is admissible and properly authenticated. Do not speak with opposing attorney unless the judge asks you to confer on something. Always address either the witness or the judge. Take notes when it is the other party's turn to question witnesses or make arguments. Refer back to those notes when it's your turn to make sure you address all of the important points that came up.

We've highlighted a few evidence rules that everyone should know before they walk into the courtroom (especially when you're self-represented):

1. Social media: If you would like to utilize a statement that was made via 'instant chat' (such as Facebook messenger) make sure you save and print the entire relevant chat room thread. It may be potentially included as an exhibit to present to the court via a declaration or through your testimony.
2. Illegal eavesdropping: In Family Law, you may not submit unlawfully obtained recordings or wiretapping. This is considered an unlawful intrusion into privacy. (See the Audio And/or Video Recording section).
3. 'Relevant evidence: Evidence must be considered 'relevant for the court to admit it over objection. Many litigants try to bring in evidence of their co-parents' affairs or other 'bad' behavior. However, unless it is relevant to prove or disprove a disputed fact – it can be excluded. Additionally, if the court finds that its probative value is outweighed by its possibility of 'prejudice', the court may exclude that too. For example, the court may exclude evidence of your co-parents' drug or alcohol use if the only 'issue' at hand is a division of property but may find it is helpful to a decision as to who is better equipped to have parenting time with the child. If the opposing party introduces evidence that you believe is not relevant, you should speak up! For example: 'Objection: Relevance. Even if what she says is true, it has no bearing on the issue before the court.' OR 'Objection: Relevance. The testimony he is giving is centered around a fact that is not in dispute.'
4. Writings: When lawyers refer to 'writings', they are talking about a whole host of documentation – photographs, emails, letters, words, pictures, etc. Documents such as these can be crucial to your family law case. Perhaps you have bank statements that prove you provided your co-parent with financial assistance for some time they said they received no child or spousal support. Perhaps you have a photograph of your ex drinking and partying when they said they were sober or home with the child. All of these can be relevant to child custody, property division, date of separation, or child/spousal support actions. Additionally, if you catch your co-parent in a lie under 'the penalty of perjury' it could certainly help your case that they are not telling the truth in other aspects of the case. To get these items into 'evidence' over objection, you must 'authenticate' the writing: Establish a chain of custody (in short, showing a record of all the people who maintained unbroken control over the evidence); Prove that your writing or video is a reasonable representation of what it is alleged to portray; (does it show what you say it shows?)Prove that your writing or video will assist the court to determine the truth or whether it will instead be misleading (does it help to establish a fact necessary to prove your case?). If you are representing yourself and you would like to present a photograph into evidence, make sure that you state the following: Whether or not you took the photograph If you didn't, who did? How do you know they took it? (e.g. I was standing next to my sister when she

took the photo). When was the photograph taken? How do you know? Identify the people in the photo State that it is an accurate picture of what it purports to show (e.g. Your co-parent snowboarding down a mountain when they said they were too ill to work).

5. Objecting to a 'writing': What happens if the opposing party introduces a writing (as described above) that you feel is prejudicial to your case? If you know the proper objection, you may be able to get it excluded from evidence (meaning, the judge will not consider it when they make a decision). We've highlighted some objections below: Not properly authenticated: Did your co-parent introduce an email without a date or the entire thread? No personal knowledge: Is the opposing party testifying about an event that they weren't there to witness? Hearsay: Written or verbal statements made by someone other than a witness testifying which are offered for the truth. (e.g. Her sister told me that she's never home with the kids). No chain of custody: Ambiguous or misleading: If you're asked a question about a document or video that doesn't make sense to you or is designed to elicit a response that doesn't illustrate the truth, you may have an objection. Irrelevant: see above. The writing must be 'relevant to the issue in controversy and cannot be unduly prejudicial. Privileged: There are several 'privileges' that you as litigants have. The trouble is, if you don't 'object' right away, you could waive the privilege (and the document itself (and testimony, along with other ones may be admitted in court. So, for example, if a document is presented that was between you and your lawyer, you will want to object as 'attorney/ client privileged.' You may also object if a medical record between you and your doctor is improperly presented to the court.

Evidence is tricky – even for experienced attorneys. Fortunately, it is not 'rocket science' and can be learned. A good attorney will alert you to some of the issues you may face in court by presenting the evidence that supports your case and strategize other ways to prove your points or overcome objections. If hiring an attorney to represent you in court is not in your budget, you may want to hire a legal coach or consultant to help you navigate at least some of the evidence basics so you can do your best to get your most important evidence before your judge. As a general rule, admissible evidence gets admitted and inadmissible evidence does not get admitted. If there is a rule that prevents the particular evaluation from being admitted, it will likely not be admitted. If not, it will likely be admitted so long as it is relevant. Evidence is not a pleading, it cannot be dismissed, only admitted or not admitted. A judge reviews all the evidence admitted and determines the credibility and weight to give each piece, then determines the facts based on the credibility and ability of the admitted evidence to establish those facts. If a piece of evidence is proven to be inaccurate or misleading, it is given less weight in establishing the facts it is put forth to prove.

An Overview of the "Hearsay Rule" and Its Applications to Family Law Proceedings

The term "hearsay" has entered the realm of day-to-day speech for many non-lawyers, and it describes something that most people believe they have something of a limited intuitive sense about - it is generally understood as referring to what "he said" or "she said," particularly on the part of 'witnesses' who in family law cases tend to be the parties themselves, their family members or children, friends, neighbors, co-workers, teachers, therapists, doctors, or police. Often those witnesses are never interviewed directly by the Court or cross-examined, and instead what they said or saw is offered in written statements that get filed before a hearing. Hearsay rules apply equally to what the parties themselves may have said or be alleged to have said, whether in their declarations or live testimony.

Together with the assumption that testimony involving hearsay statements is problematic and may be ignored or excluded by judges, however, that is usually about as deep as the public understanding goes. If you are a self-represented party in a contested dissolution or child custody proceeding (or any other family law matter), it may be useful for you to become familiar with the concept because it can be a critical sword for getting the evidence you consider favorable to your cause in front of a judge, or as a shield to block claims from the other side that you don't want the court to hear or consider. Indeed, the hearsay rules have particular application in family law because much of such litigation involves accusations and counter-accusations that go on endlessly, many of which are quite "over the top" in terms of their tone and substance. Since witness testimony must be taken upon request in domestic violence cases, this is often an area where it is critical for people without lawyers to have a basic understanding of the rules of evidence. Some divorce litigants feel that they can say whatever they want, or use hearsay in a hope of inflaming bias in a judge to obtain what the litigant hopes for, and that even if a court sustains an objection to the hearsay (and "strikes" the statement(s) from the record) a bell has been struck that will continue to ring into the future in terms of a court's impressions of you. And, unfortunately, there is some truth to this - which is a good reason for knowing what to do with it at the outset.

What is Hearsay?

Most basically, "hearsay" is an out-of-court statement offered to prove the truth of the matter asserted. Its chief characteristic is that it is what someone else said, who was outside the presence of the judicial officer when they said it. Hearsay is therefore not subject to cross-examination, to test its accuracy. The out-of-court declarant is not available to testify, for whatever reason. Hearsay includes out-of-court statements of the parties themselves, but there are exceptions to the hearsay rule that allow those statements to be repeated, generally called "party-admissions". You can always testify to what the other party said outside the proceedings; you just cannot testify to what, for instance, their mother said.

If the statement was made or heard outside the courtroom or is a document created outside the presence of the court (which is almost always the case), it is hearsay. But, again, just because it is doesn't mean the statement will be excluded if other conditions can be met. Experienced lawyers know the exceptions. But some lawyers, and most non-lawyers, are confounded by them.

Hearsay can be double or triple-layered. "My mother said that she heard my wife say, that our son said, he watched her hit our daughter." A proper analysis, as to exceptions, must be applied to each segment.

Family Law Declarations and Hearsay

Hearsay in family court proceedings is quite commonly found in declarations filed by the parties in connection with the motion, whether these consist of the parties' statements or the statements of third parties. Affidavits or statements "under penalty of perjury" are themselves hearsay. Documents that are attached as exhibits to a declaration, like bank statements, school grade reports, police reports, and a myriad of other possibilities almost always contain or are 100% hearsay.

Hearsay often occurs in live testimony during contested evidentiary hearings or trials. If it is not properly objected to, the court may well consider such "evidence" even though by its nature it may be of questionable veracity and reliability. And hearsay is quite often communicated to judges under the guise of "argument" in oral presentations to the court. Even when a judge recognizes some statement as hearsay (whether or not an objection is made), one never knows if the court will ignore it: generally, the statement gets uttered and then a ruling is made. Responsible, ethical lawyers tend not to attempt to circumvent the hearsay rules. if you intend to object to hearsay evidence or to introduce testimony that may fall into an exception and so be admissible, you may be unsuccessful unless you can quote rhyme and verse concerning the elements of these exceptions to a judge - especially with the more uncommon ones. Remember, just because something fits the definition of "hearsay" does not mean that it is going to be excluded from admissibility. Instead, there is a multi-tiered analysis that must be undertaken and if each element of, for instance, is met then the statement is coming into evidence.

Hearsay Includes Conduct

Hearsay is not limited to oral statements. It includes conduct that can be viewed as assertive, most obviously with gestures like nodding or shaking of the head. Even silence in the face of an accusation can be viewed as a hearsay "statement" that constitutes an "admission" under certain circumstances. Some things look like hearsay but aren't. This is because, to constitute hearsay, a statement must be "offered to prove the truth of the matter asserted." If the speech or conduct that is being testified to is (supposedly) being offered for a different purpose than proving that its content was true, then the court may conclude it is not hearsay at all. Most commonly this is the case with testimony that is offered to prove "state of mind" or the effect of the statement of the listener. For instance, the maternal grandmother is asked to describe a conversation with the granddaughter to explain why she left with the child that night to take her to grandma's own home. The essence of the conversation between grandmother and granddaughter is that "daddy just hit me." While (ignoring any hearsay exceptions for this example) it is hearsay for Mom or her attorney to have grandmother testify to what granddaughter said to prove that daddy indeed hit her, it is not hearsay to offer that statement to explain why grandmother left with the child that night or the fact of the statement itself. Granddaughter's statement may be offered to prove grand mom’s (and possibly granddaughter's) state of mind - not that the hitting occurred (i.e., the truth of the matter asserted). However, as you will immediately notice, a major pitfall arises for the father in that proceeding because the court has now heard the accusation even as it proclaims that it is not considering that evidence as proof that the child was struck. It takes an exemplary judge to be able to separate in their mind the implication that would not be admissible from the purpose for which the testimony was allowed. Most lawyers faced with this sort of "evidence" will quickly respond to an objection to this material with "your Honor, this testimony is not being offered for the truth of the matter asserted. It is being offered as to this witness' state of mind, and to explain why she left with granddaughter." As you can imagine, clever lawyers (or self-representors) may be able to taint the process by getting questionable evidence into the record that would otherwise be excluded.

Whether or Not to Make a Hearsay Objection?

Hearsay objections, if not timely made, are waived, especially for purposes of appeals. All you need to say is "objection, your honor, hearsay. Ms. Smith is recounting what somebody else said out of court." Many judges will disregard the improper evidence on their own, but there is no certainty that they will and except when a statement of decision is requested or given one rarely knows what evidence the court ultimately relied upon in reaching its findings. Hearsay has a subtle way of spinning the proceedings and should be avoided. Finally, keep in mind that all hearsay issues require you to consider the following analysis: Is the evidence that you want to admit relevant to some issue in the proceedings? If not, it will not be admitted and no further analysis is required.

Has a proper foundation been laid to get it admitted?
Is it hearsay?
If it is hearsay, what exceptions might apply?

Relevancy.
The first rule of evidence to know is relevancy. Relevancy is a threshold that all evidence must meet before it can be introduced at trial. The relevancy threshold is not a hard barrier to overcome—if you understand it. Evidence is relevant in your case if: (1) it has any tendency to make a fact more or less probable than it would be without the evidence; and (2) the fact is of consequence in determining the action. Ultimately, the relevancy question is fact-specific, and there is no blanket rule on what is or is not relevant. For example, an individual's alcohol use is probably relevant in a child custody proceeding, but probably irrelevant to a divorce proceeding where the parties do not have children. So how you determine relevancy? Ask yourself why a certain piece of evidence is being offered. If it is because it helps prove something in the case in dispute, it is probably relevant. If it is offered to solely paint the other party in a bad light, it is probably not relevant.

Personal Knowledge.
The next important rule to know is a rule directed at all lay witnesses (as opposed to experts). requires that a witness have "personal knowledge" of a matter before they are allowed to testify about it. A witness's knowledge of an event can be established through different means, such as introducing evidence of what you (or any witness) observed first-hand. Now, where litigants get confused is when one party (or another witness) to the proceeding relays the information to the witness and another witness testifies about it. For example, say that a father in a custody action relays information to his friend that the mother always screams at the child and is abusive. The friend has never witnessed the screaming or abuse, and the only knowledge the friend has of the abuse comes from the father relaying the information. In a hypothetical trial, the friend is likely prohibited from testifying about the screaming and abuse because he has himself never witnessed this occur; in other words, he has no personal knowledge of these facts. Again, this is a fact-sensitive area but one you should be aware of when your attorney asks about any witnesses you may have.

Know What Factors the Courts Consider in Family Court Cases

Many parents assume that the way to win the judge's favor is to criticize the other parent. "He cheated," "She never contributed to the family funds," "She always prioritized work over the child's extracurricular activities…" These claims have little to no bearing in family court and may even hurt a parent's case, as they make the accusing parent seem petty.
It is important to remember that family court hearings are about the child. The judge wants to have confidence that, whatever decision they make is in the best interests of the child. Though the best interest's standard is objective, the judge wants to see that the child's physical, mental and emotional needs will be met. Therefore, you need to demonstrate that you can provide your child with a safe, positive, and nurturing environment that is close to your child's extended family, friends, and school. The judge also wants to know that you will encourage a positive relationship between your child and your co-parent hence the reason the blame game will not do you any good.

Focus On Practical Issues

You want as much parenting time as possible, but you balance a full-time job with a part-time gig. Not only would 100% parenting time not work with your schedule but also, it would in no way benefit the child, who would likely spend a majority of their days with a caretaker.

If you are asking the court for custody, be practical in your requests. If you work an hour away from your child's school, or if your new home is out of your child's school district and away from their friends and extracurricular activities, do everything possible to change your circumstances. The judge expects divorce or separation to change your life, not your child's.

Gather Evidence In Your Favor

Though you should not focus on what you feel your co-parent is doing wrong, you should focus on what you are doing right. Do not bring up the fact that your co-parent decided to continue to work nights and weekends. Instead, focus on how you got a new job with fewer hours so you can be there for your child more often. Bring up the fact that you downsized so you could afford your new lifestyle and be closer to your child's school and friends.

AUDIO AND/OR VIDEO RECORDING - the law in Oregon regarding the audio question is set out in the Oregon Revised Statutes: ORS 165.540(1). Briefly, if you're talking about radio or telephonic conversation (note: a cell phone is embraced under radio communication — ORS 165.535(3) and (4)), the consent of one of the participants is required to make the recording legal. If you're talking about recording a face-to-face conversation, all participants to the conversation must be informed that the conversation is being recorded. There are exceptions to the latter, including a conversation in which a law enforcement officer in the line of duty is a participant, the recording is made openly and in plain view of the participants; the conversation is audible to the person by normal hearing, and the person is in a place where the person lawfully may be. (ORS 165.540(5). There are other exceptions for public meetings, classrooms, and some others. (ORS 165.540(6). As far as videos go, there are no restrictions on what one can take pictures of so long as they are in a public place, or in view of a public place or place where the person lawfully may be. However, regardless of where one is standing when making the video or taking the photograph, taking pictures of a sexual or intimate nature through, say, someone's open bathroom window is an invasion of privacy and is a crime. See ORS 163.700 - .701. Note also that taking someone's photograph or a video for commercial purposes may require the consent of the person before you can publish it. Generally speaking, with the possible exception of phone calls between you and your co-parent, if you are feeling the need to record your co-parent, law enforcement should be involved.

Don't Record/Photograph Kids as Forensic Evidence -You want to take pictures or videos of the kids doing cool family things? Great idea, it preserves memories, and just in case your parenting is ever attacked, the proverbial "picture is worth 1000 words" means the judge can see happy, smiling kids in your care.

But if your child arrives home and has a bruise – do you treat him like a criminal being booked, and have them remove their shirt or pants to take close-up photos, causing them to think he did something wrong? So many times a photo doesn't do justice to a bruise or scratch anyway, so unless they are serious bruises, the repercussions with the judge may be worse than the alleged abuse you're trying to "prove". (Proof of a bruise is proof of what, exactly?) Having said that, a picture of a clearly visible bruise on an arm or leg is probably okay, if you don't make a big deal about it when taking the photo.

And other than special events, no video recordings. If you sit back and record a normal conversation, especially when talking about your co-parent, it sends a horrible message, and the judge knows it.

Note that these concerns only apply to recording the children. As long as you follow the laws above It's fine to record your interaction with the other parent. And sometimes such recording may be a good idea, if there is a history of problems, as they may protect you against false claims, or invaluable to prove the other's bad behavior, particularly if your co-parent blows up or uses profanity towards the kids.

Note: Some states, notably Washington, are "Two-party consent" meaning that each person involved must be aware of the recording. And laws regarding interstate calls are murky at best, best advice? Don't do it.

Document Your Co-Parents' Bad Behavior

While you should not nit-pick every little wrong thing you co-parent does, you should keep track of persistently bad behavior. This includes frequently showing up late to pick up or canceling on your child altogether. If you know your co-parent abuses drugs or alcohol, document this abuse when it interferes with their ability to parent. If your co-parent tries to alienate you by badmouthing you in front of your child, make note of this behavior. Little things like this can go a long way toward showing the judge that you are the more fit parent. Keep in mind, your co-parent can go to the bar every night when your child is not with them, nobody cares. But if they are going to the bar and leaving your child in the car while they drink, or worse yet, driving while intoxicated with the child in the car. The court will not look kindly on that. But, again, how do you have that knowledge? Do you have actual evidence that can be admitted into the court record? The same goes if you "know" that your co-parent is a narcissist (the full-blown personality disorder) or has another personality disorder or other mental illness. Even if you have been told this in couples counseling, even if they have an official diagnosis. You must be able to articulate to the court how this interferes with your co-parents' ability to effectively parent your child. Many people with a wide range of mental health conditions are safe and effective parents. "My co-parent is a narcissist" is a non-starter. However, "my co-parent fails to utilize the parenting time granted by the court, here is my journal with a calendar showing all the dates utilized and those missed" is much more effective. Always keep in mind: What is in the best interest of the child? How do you have that knowledge? Do you have actual evidence that can be admitted into the court record? Many divorced persons think that their co-parent has a mental illness. The "Crazy ex" is a cliché for a reason. We go into cluster B Personality Disorders a little bit below because those are the most common ones mentioned and often the most difficult to deal with.

Keep in mind that neither you nor your co-parents' testimony will carry much weight with the judge. Therefore, you will dramatically increase your chances of winning your case by presenting clear and organized evidence.

Oregon Law and How it is Applied

As of January 1, 2020, the presumption is that if the parents can't agree on a parenting time schedule that the judge will award some form of 50/50 parenting time. 50/50 parenting time can take many different forms, perhaps the most common being one week on, one week off, but even that can start/end on any day of the week, and holidays, special occasions, vacations, etc. may factor in. Other popular 50/50 schedules are Two weeks on, two weeks off, 3-4-4-3, 2-2-5-5, 2-2-3, or alternating every two days. Remember, if you and your co-parent can agree, the schedule can be anything that works for you and the child. Also remember that what works best today may not be the best long-term plan as the child gets older, goes to school, has activities, etc. However, if you and your co-parent can't agree on a parenting time arrangement, and both parents are interested in parenting (at least) 50% of the time, it goes to the judge and the judge is supposed to start at 50/50 and then listen to any rebuttable factors from the parties. If the judge decides to do something other than 50/50 they have to write what the reasons for that are. If the judge rules that parenting time will be 50/50 it is likely they will leave it to the co-parents (and/or their attorneys) to figure out. But you should have some ideas in your mind of how you can handle a 50/50 schedule (child care, transportation to school, activities, etc.) and be able to articulate how you can support your child's schedule within your schedule.

ORS 107.102 (C) Creates a rebuttable presumption that equal parenting time is in the best interests of the child. Requires rebuttal of presumption by clear and convincing evidence. Permits the court to deny a request for equal parenting time in the parenting plan if the court determines, by written findings, that equal parenting time is not in the best interests of the child or endangers the safety of parties. Until we get different case law surrounding ORS 107.102 (C) we can assume that the main rebuttable factors which judges will rely upon will be those contained in ORS 107.137[1] "Factors considered in determining custody of a child" so if you are contesting either Custody or Parenting Time you would do well to pay close attention to the below – we encourage you to be able to provide evidence of how you are meeting and/or trying to meet these criteria –note that section "f" requires you to thread a needle, this is why it is often better for you to focus on the positive aspects of your parenting rather than the negative aspects of your co-parents' abilities, even if you have documented that they have a drug or alcohol problem, you want to be able to show the court that you are attempting to foster their relationship with your child. Coming across as angry and bitter in court often works against this.

ORS 107.137[1] Factors considered in determining custody of a child

(1)Except as provided in subsection (6) of this section, in determining custody of a minor child under ORS 107.105 (Provisions of judgment) or 107.135 (Vacation or modification of judgment), the court shall give primary consideration to the best interests and welfare of the child. In determining the best interests and welfare of the child, the court shall consider the following relevant factors:
(a)The emotional ties between the child and other family members;
(b)The interest of the parties in and attitude toward the child;
(c)The desirability of continuing an existing relationship;
(d)The abuse of one parent by the other;
(e)The preference for the primary caregiver of the child, if the caregiver is deemed fit by the court; and
(f)**The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.** However, the court may not consider such willingness and ability if one parent shows that the other parent has sexually assaulted or engaged in a pattern of behavior of abuse against the parent or a child and that a continuing relationship with the other parent will endanger the health or safety of either parent or the child.
(2)The best interests and welfare of the child in a custody matter shall not be determined by isolating any one of the relevant factors referred to in subsection (1) of this section, or any other relevant factor, and relying on it to the exclusion of other factors. However, if a parent has committed abuse as defined in ORS 107.705 (Definitions for ORS 107.700 to 107.735), other than as described in subsection (6) of this section,

there is a rebuttable presumption that it is not in the best interests and welfare of the child to award sole or joint custody of the child to the parent who committed the abuse.
(3)If a party has a disability as defined by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the court may not consider that party's disability in determining custody unless the court finds that behaviors or limitations of the party that are related to the party's disability are endangering or will likely endanger the health, safety or welfare of the child.
(4)In determining custody of a minor child under ORS 107.105 (Provisions of judgment) or 107.135 (Vacation or modification of judgment), the court shall consider the conduct, marital status, income, social environment, or lifestyle of either party only if it is shown that any of these factors are causing or may cause emotional or physical damage to the child.
(5)No preference in custody shall be given to the mother over the father for the sole reason that she is the mother, nor shall any preference be given to the father over the mother for the sole reason that he is the father.
(6)(a) The court determining custody of a minor child under ORS 107.105 (Provisions of judgment) or 107.135 (Vacation or modification of judgment) shall not award sole or joint custody of the child to a parent if:
(A)The court finds that the parent has been convicted of rape under ORS 163.365 (Rape in the second degree) or 163.375 (Rape in the first degree) or other comparable law of another jurisdiction; and
(B)The rape resulted in the conception of the child.
(b)A denial of custody under this subsection does not relieve the parent of any obligation to pay child support. [1975 c.722 §2; 1987 c.795 §14; 1997 c.707 §35; 1999 c.762 §2; 2011 c.438 §3; 2013 c.72 §1]

This is the end of our information if you think you are dealing with a co-parent who is disagreeable or you just have some differences. If either you or your co-parent might be experiencing a Personality Disorder, read on.

Dealing With Cluster B Personality Disorders

"We divorced for religious reasons, my co-parent thought they were God and I didn't…"

Does that sound familiar? You may be dealing someone with a Cluster B Personality Disorder.

Cluster B personality disorders are characterized by dramatic, overly emotional, or unpredictable thinking or behavior. They include antisocial personality disorder, borderline personality disorder, histrionic personality disorder, and narcissistic personality disorder.

If you believe you are dealing with a co-parent who may have a cluster B personality disorder we strongly recommend that you consider the LLG Litigation Ledger.

LLG Litigation Ledger provides step-by-step guidance, helps you to prepare detailed evidence logs, and calendars.https://llgtacticalcoaching.wordpress.com/products/litigation-ledger-contested-custody-binder/ This will help you create a comprehensive binder with editable forms – this is the complete solution to evidence gathering.

Everything below is from LLG Tactical Coaching and is part of their advice on dealing with cluster B's. It takes everything we just said and turns it up a notch! We don't disagree with much they have to say – they use "custody" in ways that we would not use it and may not be applicable in Oregon (we would substitute "Family Court"), we would use "Co-parent" rather than "CB", but we quibble. They say that you should start documenting things when your Co-parent is violating a court order, we strongly recommend that you start documenting as soon as you think about splitting from your Co-parent, and certainly as soon as papers are filed – the best day to have started was yesterday, the next best day to start is today! (we suspect they would agree with us!). Used with permission.

The Efficient Way to Document Evidence| Contested Custody with a Cluster B

February 2, 2018Lorrie, LLG Tactical Coaching
An excerpt from "Contested Custody with a Cluster B" by Lorrie Eubanks
In a contested custody case, it is imperative that you create a perpetual record of the interactions between the Cluster B personality disordered parent (CB), the children, and yourself. If you are in the very beginning of custody proceedings and do not have a custody order at this time you will need to include documentation, the evidence that you present will determine how much time each parent gets with the child.
When facing a contested custody battle against a CB it is necessary to end all face-to-face or telephone contact. A CB parent will push for both, their objective is clear, to leave no evidence of their bad behavior. If there is no court order in place ordering both parents to interact via Our Family Wizard, Talking Parents, 2houses, or another court-approved app, you will want to create a free email account that is only used to correspond with the CB.
We do not recommend texting as texting provides the CB the ability to harass you at will. Sometimes the sound of continuous texts from the CB parent is enough to trigger a victim of abuse, our aim is peace. Email is best, the only conversations one needs to engage or respond to, for documentation purposes are legal, educational, and medical matters regarding the child. No more, no less. Attempt to keep all communications between 2 and four sentences max. Remove all emotion and keep it businesslike and professional.
"You will need to compile a detailed ledger. A ledger far beyond any you have ever seen before. If you are not able to prove without a doubt that the "CB" parent is negligent and/or abusive, then in the eyes of the court, he|she is not. The burden is on you to PROVE any allegation you make is true, with documented evidence."
~Lorrie Eubanks, Consultant~Advocate~Coach LLG.Tactical.Coaching
When to Begin Documenting
When the CB parent is inconsistent regarding your court-ordered parenting time schedule
When you notice an adverse pattern of the children's behavior or emotions following time spent with the CB parent or before leaving to go with the CB parent
When the CB parent is threatening legal action against you
When the CB parent is misinterpreting the court-ordered custody agreement
When you are concerned about your children's physical well-being when in the care of the other parent
When you sent the children off to the other parent (i.e., what did the kids have to eat before they left, what were they wearing, did they have a bath that day or the night before, are there any bruises or injuries to the child)

How to Record Evidence for Documentation

It's not extremely complicated to create your own ledger but if you do not have the time and/or patience to DIY, I have created a printable ledger for those who are facing a divorce or contested custody battle against a Cluster B Personality disordered individual. You may edit on a computer or device or you can print out and fill in the blanks as the evidence becomes available. Fellow warriors have praised and recommended the LLG Litigation Ledger. It is a smart investment that will save you time, allow you to present your evidence clearly and concisely, and help you paint an accurate picture for the Judge and or court-ordered personnel like GAL's, Parenting Coordinators, Custody Evaluators, Therapists, etc.
One of the objectives of creating this ledger is for you to present the pattern(s) of behaviors of the "CB" parent that negatively affect the children. It also will help to show which parent holds the primary responsibility, as well as, which parent is involved in the children's life daily. If you are not able to prove, without a doubt, that the "CB" parent is negligent and/or abusive, then in the eyes of the court, he|she is not.
To build a permanent record of every interaction, with the "CB" parent, communications with your attorney, and all other court-ordered "professionals", use a (weekly and monthly) dated calendar to record:
Dates
Times
Topics discussed
Duration of the phone call or visit
Whether the interaction was followed as court-ordered or was disregarded
Weekly 12 Month Calendar PDF Download
Family Court Monthly Calendar Log

For example: if the "CB" was ordered to pick the child up at 6:00 PM for parenting time, but never showed up or called to explain why, you would make a note of that, in ink, on your weekly calendar. Each month you will tally up how many no-shows and add them to your monthly calendar. You want to be able to show the big picture.
10 pointers from warriors who have survived and won a contested custody case against a Cluster B personality disordered ex
Keep consistent, daily records. Do not wait until several days or weeks have passed, as this makes it more challenging to classify the particular dates, times, and details.
Activities, kids, extracurriculars, and other relevant events should also be specified, designating the time of the event, the parent responsible, the time the parent responsible arrived, type of event, etc.
If your children are ordered weekday overnight's at the "CB's", it is particularly important to document any tardies, early pick-ups, absences, incomplete homework assignments, grades, reports of uncharacteristic behavior; oftentimes the "CB" parent projects these matters onto the healthy parent
Utilize the Weekly Evidence Calendar (or DIY) use as a daily rough draft, at the end of each month transfer the highlights (or the low-lights) to the Monthly Evidence Calendar. It is helpful to submit the Monthly Evidence Calendar to the court as an exhibit, along with a timeline.
Keeping an updated calendar is also helpful to document specific conversations you have had with the "CB". What was offered, promised, or threatened? What was the context? Your notes will serve to refresh your memory when it comes time to testify six months to a year from now about the conversation you had last night.
When logging communication into your Ledger, be sure that your tone is not negative, emotional, or accusatory. Instead, state short undeniable facts, with no emotion. {K.I.S.S} Less is more.
If you plan on documenting audio recordings or video recordings of telephone/Skype calls, or exchanges, know the laws in your state! If your state is a two-party consent state, you may not record conversations! Doing so in a two-party consent state is breaking the law and can cost you dearly (check the chart below to see if your state is a one or two-party consent state.).
https://www.justia.com/50-state-surveys/recording-phone-calls-and-conversations/#:~:text=In%20Oregon%20it%20is%20legal,known%20they%20were%20being%20recorded

Purchase a (2.5 or 3.5 inch) binder (or 20) to keep all of your documentation in, I prefer the D-Clip Binder rings, as they do not wrinkle the documents the way the standard round ones can.
If you have an attorney, discuss your plans with them, as they may have specific additional instructions regarding how to handle documentation in your contested custody case.
If you are Pro-se solicit information from your state's legal aid office, regarding questions concerning custody laws in your state, additional resources are usually available at your local domestic violence agency, on your county's family court website, or at your local law library. Do not take the advice of well-meaning friends and family, they are often extremely uninformed when it comes to family law. Each case is unique and has its own variables. They will likely still try to give advice, but now you are wiser.

Appendix H

Best Interests of the Child Checklist

A judge must evaluate several factors to determine what is in the child's best interests, this is not a simple and straightforward decision, the judge doesn't know the parties in the case and only sees them for a short time. You may find the following checklist of factors helpful as a tool for assessing which co-parent is most likely granted the custody/parenting time they have asked for relating to a minor child in a contested family law dispute. A parent in a contested family law case may go to great lengths to prove the co-parent's unfitness, making false accusations against their ex in order to get the outcome they want. Judges are aware of this and accusations without foundation/evidence are often a mark against the maker of the accusation. The checklist may also be used to assess a change in circumstances in an ongoing family case. The primary purpose of the checklist is to help identify, and not overlook, various factors that the courts find important in deciding family law disputes. You may use this checklist in preparing for your case, considering how to gather and present any evidence and witnesses you may have. It can also be used as a checklist in observing a family law case/judge to try and understand why a judge rules the way they did. Particularly in "best interests of the child" determinations, the outcome is inevitably influenced by the personal life experiences of your particular judge and two different judges could easily come up with radically different decisions based upon precisely the same facts. We can make predictions based on what an "average judge" will likely do. But, your case isn't in front of an "average judge", it is in front of one particular judge. Only by observing that judge in several cases could we make the most rudimentary guess as to how that judge might rule. Some factors are more general, while others are more specific. The checklist is not intended as an exhaustive list of every factor that may be considered by a court in a contested case. The factors are listed in no particular order of importance. The checklist suggests no particular weight that should be attributed to any factor or group of factors. Keep in mind, the judge only knows what they hear in court plus what they read in the paperwork – you can assume the judge has at least read the paperwork at some point, and some of them will know it quite well, others not so much. So assume the judge in your case knows nothing about you – you have maybe 30 minutes to a few hours to show how well you meet the best interests of the child – what do you want to get on the record? How can you do that within the rules of the court? The purpose of the checklist is not to conduct a test where the parent with the most positive or negative factors wins. Judges weigh factors using whatever experience, biases, and prejudices they may have. Particular care must be taken when assessing factors that are in dispute between the co-parents. Engage in an honest assessment of your conduct in relation to each factor. The checklist is useful for keeping your conduct on track while you are caring for your child. The checklist can also be helpful in settling family law disputes. You may simply give up on the idea for a change in the parenting plan when you see how your conduct is likely to be evaluated by the court. The best practice is to complete the checklist during preparation for filing a parenting plan, custody, or modification case. The checklist can also be used to prepare discovery, organize testimony, and determine appropriate witness or experts. While some cases involving abuse or neglect, are clear, most are not so simple. Both parents want what's best for the child, but disagree on what that actually is. This can be a pretty major hurdle to overcome. Issues such as custody, parenting time and support can really become sticking points between parents. How to Use the Best Interests of the Child Checklist? -Write down your answers to the questions, and consider how your co-parent would answer. It's likely you both have issues that you can agree upon, and this is a good place to start negotiation. Not only should you consider your own relationship with your child, but also relationships with extended family on both sides, your church or cultural community, as well as maintaining your child's access to trusted healthcare providers and their school. If you're having difficulty answering the questions presented, you can always seek the help of a family counselor, therapist, or a trusted friend. When you've finished the hard work of completing the questionnaire, you might review it with your lawyer, and use it as a guide for your decision-making throughout the process of your family law case. If you don't act in alignment with what a reasonable person would think is in your child's best interests, a judge could find that you are acting in bad faith. Judges will look at evidence that shows what happened when the co-parents and the child were together as a family

unit. They will very much want to know about the current situation (at least the last 3 months) and will favor making as few changes to that as possible on the premise that the child has had to deal with the break-up of the parents and has dealt with enough change. Judges tend to favor the status quo anyway, but particularly in this case. They will also consider the future of the child as much as it can be determined.

BEST INTERESTS OF THE CHILD CHECKLIST

Not everything is relevant in each case – and in any given hearing a judge is only going to listen to so much. What are your best points? Worst? What are your co-parent's Best? Worst? What evidence do you have? How are you going to get your evidence admitted? Write notes/check boxes, many of the answers will be "both", areas that are strongly to "Parent A" or "Parent B" will likely be what gets the most attention of the judge – focus on your strengths as a parent and as a co-parent, but be aware of your weaknesses. Some co-parent's will be able to work through this checklist together and discuss. It's not meant as a weapon, it's meant as a realistic look at how a judge will evaluate each of you if you end up in court. You may realize that you don't want to end up in court because you don't have very many boxes checked. Some of the factors are negative and some positive.

Part I: Factors Related to Past Conduct – most of these are asked in the present tense, judges will be most interested in the past 3-6 months, but make notes if you were the parent who was the caretaker during the relationship.

Who has abandoned or failed to care for the child? (Moved out of the house?)
Who has sought to avoid or failed to pay child support obligation or child expenses?
Who plans and prepares meals?
Who does the grocery shopping for the child?
Who washes dishes and cleans the eating area after the child's meals?
Who bathes, grooms, dresses, and otherwise takes care of the hygiene of the child?
Who buys and washes clothes?
Who gives medical care, including taking to the doctor, dentist, etc.?
Who provides transportation to and from school/daycare and social activities?
Who arranges and participates in play dates?
Who coordinates extra-curricular activities?
Who arranges babysitting, daycare, etc.?
Who puts the child to bed at night?
Who wakes the child up in the morning?
Who attends to the child in the middle of the night?
Who helps the child with homework and skills like reading?
Who has shown a greater willingness to provide the best financial support for the child?
Who has provided the most age appropriate discipline for the child?
Who has best modeled moral values for the child?
Who has shown a greater willingness to work for what is in the best interest of the child?
Who has shown a greater willingness to consider the child's preference?
Who has historically communicated with the child's doctors, teachers, etc.?
Who has shown a greater willingness to make sacrifices for the child?
Who has had legal and/or physical custody of the child now and for the last several months?

Notes:

II. Factors Related to Present Observable Conduct
If the Court grants the request, will the child have to change schools, doctors, daycare providers, neighborhoods, churches, friends, social activities, or extra-curriculars?
If the Court grants the request, will the child's continuity of primary caretaker change and if so, how might this affect the child?
How long has each parent lived in their current home, neighborhood, and/or school district?
Does a parent live in a certain area for job convenience, and if so, how long has that parent held that particular job?
How many people live in each parent's home, who are they, and how long have they lived there?
Does the child have their own bedroom/space?
What does a day in your life together look like?
What are your favorite things to do together?
How does each co-parent discipline the child? (Hint: Courts tend to be opposed to corporal punishment, including spanking – lots and lots of case law of a parent losing a custody battle because they spank – no matter your feelings on spanking, in a contested case spanking a child even once may cause you to lose your case).
How do each co-parent and the child express affection for one another?
What types of things does the child share with each co-parent about their life and dreams?
What do friends and family observe about the relationship between the child and each co-parent?
Is there a fiancé, step-parent, step-siblings, half-siblings, grandparents, aunts, uncles, or friends who are around enough that they impact the child's life in some way? Positive? Negative?
Will the proposed plan require that siblings, half-siblings or step-siblings be separated?
What are the age gaps between siblings?
How old is the child?
What does the child want?
What is motivating each party to ask for the parenting plan they are seeking?
A good faith belief about what is best for the child?
Child support considerations?
Punishment/revenge?
Jealousy over a new partner?
Concerns over other parent's fitness?
A high conflict relationship with the co-parent?
A history of domestic violence?
How is the child adjusted to their current environment? If you are asking for a change you may need to show why the change is good to a judge inclined to leave the status quo in place.
How is the child doing in school?
What are the child's relationships like with others in the home, school, or neighborhood?
Will a change mean a change in friends and activities and how will this affect the child?
What is the ability of each parent to be actively involved in the life of the child? – Distance/work/other schedules?
Which parent is encouraging a frequent and meaningful relationship with the co-parent?
How is the parent encouraging the relationship?
What is the parent doing to improve communication between the child and the co-parent?
What could a parent do better to co-parent with the ex?
Is a co-parent withholding parenting time?
Is a co-parent using restraining orders or protective orders as a means to withhold parenting time?
Does either co-parent make unreasonable demands?
How flexible is each co-parent?
Is the parent actively seeking to form a united front with the co- parent when it comes to providing consistent parenting and if so, how?
Is the parent actively encouraging a relationship between the child and extended family and if not, why not?
How would an award or change of legal custody affect the co-parent's relationship with the child?
Will the co- parent's opinion still be considered?

Could the co- parent potentially be financially affected and if so, how?
Could the co- parent's relationship with the child be affected, undermined, or minimized and if so, how?
If you are seeking an award of sole custody, the better practice in making major decisions about the child is to still consult with the co-parent and always keep them informed. Show how you will do that!

Is there a history of domestic violence (DV)?
Did the child ever witness it? When? Where? How?
How is the DV documented (i.e., police reports, medical records, CPS records)?
How is the DV history affecting your child emotionally?
How is the DV history affecting the physical safety of the child?
Has there ever been any child abuse by either parent?
When, where, and what type of abuse?
What documentation of the abuse exists (i.e., police reports, medical records, CPS investigations, criminal conviction records, counseling/therapy records or protective orders)?
Criminal court records are a good source of evidence when it comes to proving a person's conviction for an offense that could be relevant to a parent's fitness or ability to act in the best interests of the child.
Has either parent been convicted of a sex offense or a sexually violent offense? When and where?
Is the parent currently on probation and if so, what are the terms and conditions of the probation?
According to the terms of the probation, is the parent allowed to have contact with children, even their own?
Is the parent complying with the other terms of probation supervision which could include counseling/other rehabilitation?
Is there anyone living in the same household with either a sexually violent offense or a violent offense?
Who is the person and what were they convicted of?
When was the person convicted?
Is the person on parole or probation?
What are the terms and conditions of parole or probation?
Are there any restrictions on the person being around children?
Does either parent have substance abuse issues?
How long has the parent had the issue?
Is the issue so severe that the physical health and safety of the child is threatened?
Has the parent ever completed rehab?
What Evidence do you have of the issue and how the health and safety of the child is impacted?

If the child is less than one year old, are they being breast-fed?
Is breast milk the sole source of nutrition?
Does the mother pump breast milk for any purpose?
Can the baby take breast milk from a bottle or is he or she only taking milk from the mother's breast?
If breast-feeding is an issue in your case, it would be helpful to provide medical evidence regarding breast-feeding as it relates to your specific child and the current circumstances.

What is the geographic distance between the parents' homes?
Do the parents live in the same or different cities, states, or countries?
If the parents live in different cities, states or countries, is shared decision-making practicable?
If the parties do not live in the same geographic location, will one party likely be making the major decisions by virtue of the child living with them?
If the moving party wishes to relocate have they done everything possible to ensure parenting time for the co-parent with the proposed parenting plan?

What are the emotional, mental and physical health conditions of all involved individuals?
Does the child have special needs?
If so, what type of specialized care do they need?
How adequately can each co-parent provide the care?
Do the Co-parents agree on the care?
Which Co-parent is best situated to coordinate care with the professionals and the co-parent?
Which parent is more willing and able to address medical and educational problems of the child and to take appropriate steps to have them treated and corrected?
Co- Parent who is most willing to seek psychological help for the child, if necessary?
Does either parent have any mental or physical health conditions which might impair them caring for the child adequately or making decisions in the child's best interests?
Does either parent have any mental health conditions which could affect the ability to co-parent?
When there is a good-faith basis for believing that a mental or physical condition could lead to the discovery of admissible evidence, you can request more information in a family law case. Ask for those records!

Is the co-parent alienating you from the child?
Is the co-parent allowing/insisting your child to make the decisions about communicating with you?
Does the co- parent encourage the child to communicate with you?
Does the co-parent refuse to acknowledge positive comments about you?
Is the co-parent inflexible about rules, routines, and expectations?
Does the co-parent "nit-pick" over minor parenting plan changes?
Does the co-parent violate the parenting plan? How? How often?
Does the co-parent refuse to speak to you?
Does the co-parent refuse to be in the same room as you?
Does the co-parent allow you to come to the door for pickups of the child?
Does the co-parents' non-verbal communication show disdain and disapproval of you?
Does the co-parent discourage or refuse you permission to attend school events and activities?
Does the co-parent communicate information about events, activities, appointments?
Does the co-parent believe you are important in your child's life?
Does the co-parent portray you as dangerous?
Does the co-parent exaggerate your negative qualities and refuse to recognize anything positive?
Does the co-parent make delusional false statements to the child?
Does the co-parent claim you have changed since the separation?
Does the co-parent make false claims against you of physical, mental, or emotional abuse?
Does the co-parent refuse to correct your child's rude or defiant behavior toward you, yet would not allow this behavior towards others?

Notes:

III. Factors Relating to Future Conduct
Parent who can provide the best quality school for the child?
Parent who lives in closest proximity to the child's school?
Parent who best assists with the child's homework?
Parent who best participates in the child's school activities, teacher conferences, etc. ?
Parent who transports the child to and from school?
Parent who signs the child up for activities/sports – without interfering with co-parent's time?
Parent who best meets the child's needs for cleanliness and personal hygiene?
Parent most willing to provide appropriate religious instruction for the child?
Parent who takes the child to church, synagogue, etc.?
Parent who attends worship or other religious instruction with the child?
Parent involved with the child in scouting activities?
Parent involved with the child in sports?
Parent who teaches the child age appropriate manners?
Parent who treats the child's friends with respect?
Parent who is involved in selection of appropriate friends for a child?
Parent that best relates to the child's age?
Parent that best relates to the child's gender?
Parent who lives in the best neighborhood for the child?
Parent who lives in a neighborhood that has other children that may relate to the child?
Parent who best deals with the intelligence level of the child?
Parent who best displays affection for the child?
Parent who is the child's preference for custody?
Parent who the child expresses closest feeling toward?
Parent most willing to spend quality time with the child?
Parent most willing to make sacrifices for the child?
Parent who provides best social environment for the child
Parent most willing/able to stay home with the child?
Parent with least time spent away from the child?
Parent who can provide best alternative child care?
Parent who best offers encouragement to the child?
Parent most willing to play with the child -- sports, dolls, toys, games, etc.?
Parent most willing to provide quality entertainment for the child?
Parent most willing to assist child with special training -- piano lessons, karate, swimming, etc.?
Parent who is most willing to consider shared or joint custody/parenting time arrangement?
Parent who shows most willingness to review the parenting plan after period of time?
Flexibility of each parent to best serve the psychological development and growth of the child?
Consistency in parenting and lifestyle, insofar as these factors might affect the child's growth, development and well-being?
Parent most likely to follow the court's order?
Parent most likely to provide best care, wholesome environment, for the child?
Parent most likely will follow through on the plan of care for the child? Especially if special needs!
Parent most likely to provide a continual relationship with the child's siblings?
Parent most likely to provide the child with a relationship with the other parent?
Parent most likely to provide a relationship with the child's grandparents?
Parent most likely to provide stepparent relationship that is best for a child?

Parent most likely to be seeking additional parenting time/custody to avoid child support or to gain a benefit?
Parent most likely to use vulgar language in the presence of the child?
Parent most likely to engage in violent conduct in the presence of the child?
Parent most likely to lose their temper in the presence of the child?
Parent most likely to abuse a child or a child's siblings in the present of the child?
Parent most likely to engage in addictive conduct (i.e., alcohol, drugs, smoking, gambling) in the presence of the child?
Parent most likely to engage in sexual activities around the child?
Parent most likely to alienate the affections of the child from the co-parent?
Parent most likely to expose the child to sexual predators or persons of bad character?
Why is it in the best interest of the child to change the status quo?

Notes:

Remember – if you are asking for a change and you can't persuade the judge that the change is in the best interest of the child your case is done. This is why contested relocation cases are hard. If you are asking that things stay the same you should focus on how the child is happy, healthy, and thriving. In either type of case badmouthing the co-parent is rarely your best move.

Appendix I

Flowchart of an Oregon Divorce

Oregon Divorce Flowchart

One Party decides to File - This person will become the "Petitioner" for the rest of the case

File package of required forms with the court
1. Petition for Dissolution
2. Certificate re: pending Child Support Proceedings
3.UTCR 2.130 CONFIDENTIAL INFORMATION FORM
4.NOTICE OF FILING OF CONFIDENTIAL INFORMATION FORM (CIF)
5.Summons with attached NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE DISSIPATION OF ASSETS
6. Record of Dissolution
7. Correct fee or Fee Waiver application

Can file with petition

Uniform Support Declaration.
Statement of Assets &Liabilities.
Parenting Plan

Filing
circuit court clerk's office at the local county courthouse. The petition tells the court and your spouse what you are asking for in the divorce.

The Clerk will assign a case number which must be used on everything in your case

Either party may ask the judge for temporary Orders. Some common ones are: Status Quo (Children maintain schedule) Sale or possession of the marital home, Possession of the family automobile(s), Child support, usually based on the child support calculator, Spousal support, Child custody and parenting time schedule, Health Insurance, Uninsured medical expenses, Restraint of a Co-parent from contacting or coming near the other Co-parent (this can have the effect of forcing the other Co-parent out of the marital home).

Service
You must have your co-parent "served" with the papers - they will then become the "Respondent" for the rest of the case

Respondent has 30 days to respond

If Respondent does not respond you may be granted a default judgement (what you asked for in your petition filing).

If Respondent agrees with everything in the filing

Respondent does not agree on all issues

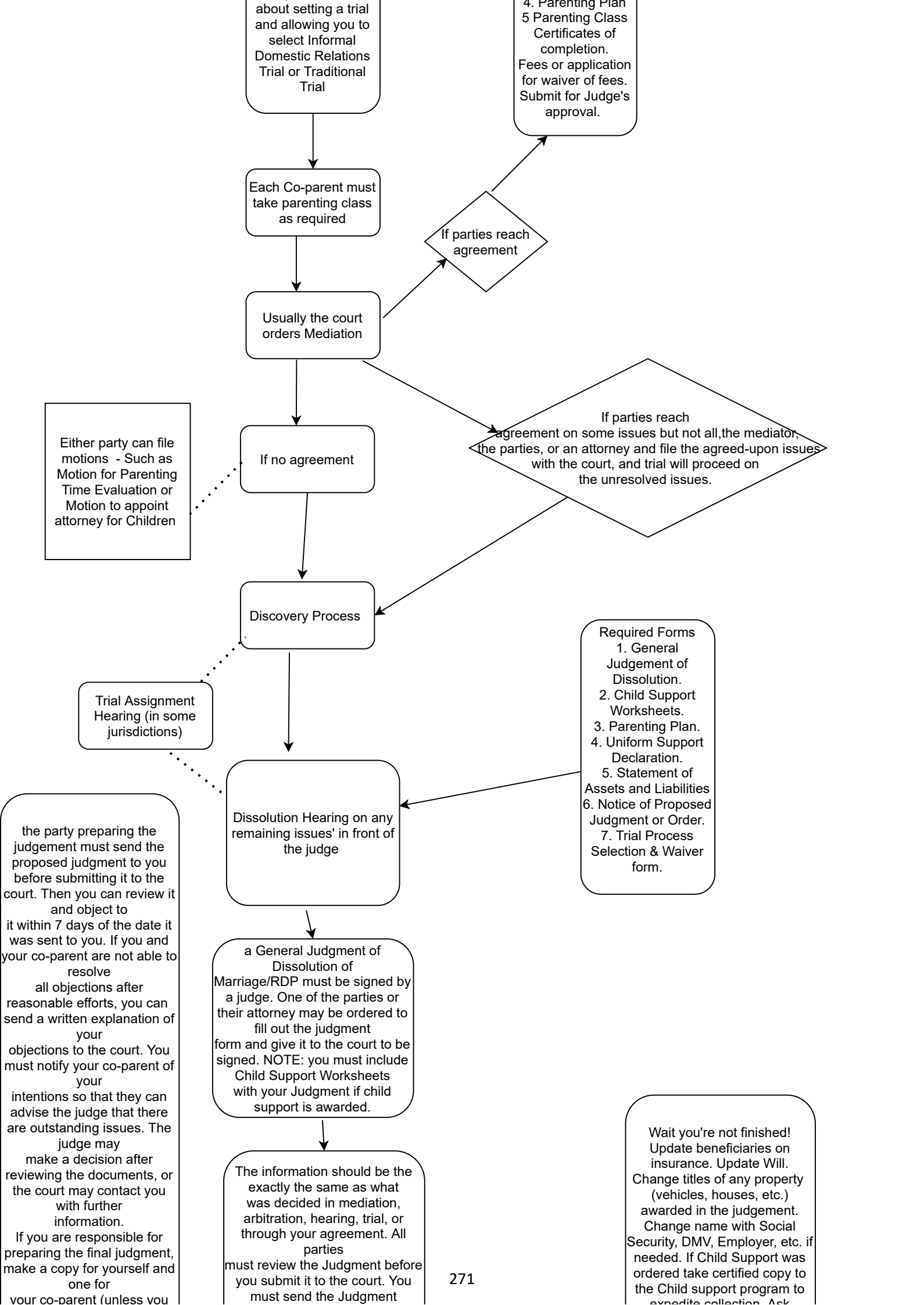
Each Co-parent must take parenting class as required

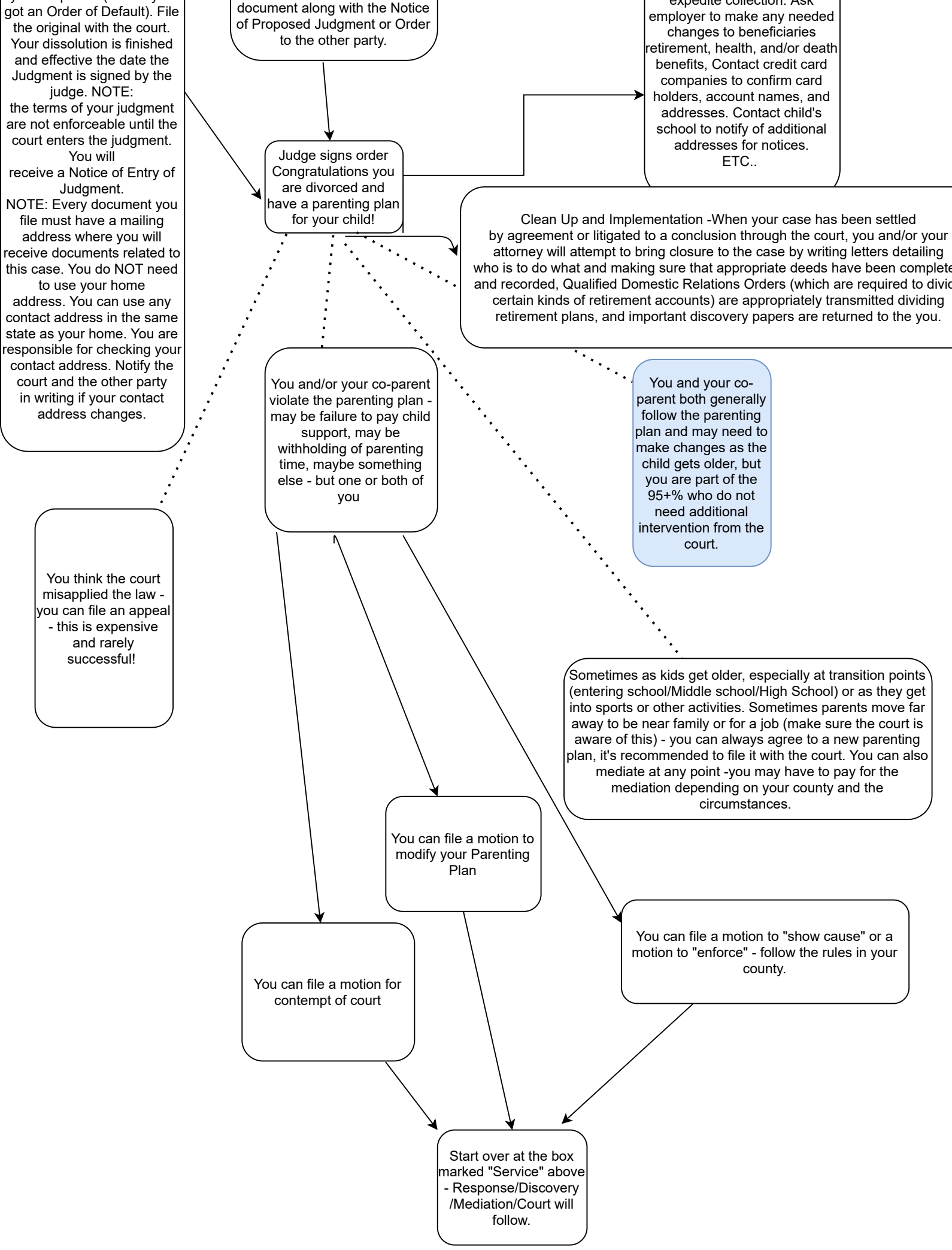
Forms to file:
1.Ex Parte Motion for Order of Default; and Declaration in support
2.Order of Default
3. Declaration Supporting General Judgment
4. General Judgment of Dissolution
5. Child Support Worksheets
6. Parenting Plan
7. Parenting Class completion Certificate
Fees or application for waiver of fee.

Respondent files response with the court asking for what they want

Forms to file: 1. Declaration Supporting Judgement
2. General Judgment of Dissolution
3. Respondents Waiver of Further Appearance and Consent to Entry of Judgment.
4. Parenting Plan

The court's docketing department will send both parties a letter


about setting a trial and allowing you to select Informal Domestic Relations Trial or Traditional Trial
4. Parenting Plan
5 Parenting Class Certificates of completion.
Fees or application for waiver of fees.
Submit for Judge's approval.
Each Co-parent must take parenting class as required
If parties reach agreement
Usually the court orders Mediation
Either party can file motions - Such as Motion for Parenting Time Evaluation or Motion to appoint attorney for Children
If no agreement
If parties reach agreement on some issues but not all,the mediator, the parties, or an attorney and file the agreed-upon issues with the court, and trial will proceed on the unresolved issues.
Discovery Process
Trial Assignment Hearing (in some jurisdictions)
Required Forms
1. General Judgement of Dissolution.
2. Child Support Worksheets.
3. Parenting Plan.
4. Uniform Support Declaration.
5. Statement of Assets and Liabilities
6. Notice of Proposed Judgment or Order.
7. Trial Process Selection & Waiver form.
Dissolution Hearing on any remaining issues' in front of the judge
the party preparing the judgement must send the proposed judgment to you before submitting it to the court. Then you can review it and object to it within 7 days of the date it was sent to you. If you and your co-parent are not able to resolve all objections after reasonable efforts, you can send a written explanation of your objections to the court. You must notify your co-parent of your intentions so that they can advise the judge that there are outstanding issues. The judge may make a decision after reviewing the documents, or the court may contact you with further information.
If you are responsible for preparing the final judgment, make a copy for yourself and one for your co-parent (unless you
a General Judgment of Dissolution of Marriage/RDP must be signed by a judge. One of the parties or their attorney may be ordered to fill out the judgment form and give it to the court to be signed. NOTE: you must include Child Support Worksheets with your Judgment if child support is awarded.
The information should be the exactly the same as what was decided in mediation, arbitration, hearing, trial, or through your agreement. All parties must review the Judgment before you submit it to the court. You must send the Judgment
Wait you're not finished!
Update beneficiaries on insurance. Update Will.
Change titles of any property (vehicles, houses, etc.) awarded in the judgement.
Change name with Social Security, DMV, Employer, etc. if needed. If Child Support was ordered take certified copy to the Child support program to expedite collection. Ask


got an Order of Default). File the original with the court. Your dissolution is finished and effective the date the Judgment is signed by the judge. NOTE: the terms of your judgment are not enforceable until the court enters the judgment. You will receive a Notice of Entry of Judgment. NOTE: Every document you file must have a mailing address where you will receive documents related to this case. You do NOT need to use your home address. You can use any contact address in the same state as your home. You are responsible for checking your contact address. Notify the court and the other party in writing if your contact address changes.
document along with the Notice of Proposed Judgment or Order to the other party.
expedite collection. Ask employer to make any needed changes to beneficiaries retirement, health, and/or death benefits, Contact credit card companies to confirm card holders, account names, and addresses. Contact child's school to notify of additional addresses for notices. ETC..
Judge signs order Congratulations you are divorced and have a parenting plan for your child!
Clean Up and Implementation -When your case has been settled by agreement or litigated to a conclusion through the court, you and/or your attorney will attempt to bring closure to the case by writing letters detailing who is to do what and making sure that appropriate deeds have been complete and recorded, Qualified Domestic Relations Orders (which are required to divi certain kinds of retirement accounts) are appropriately transmitted dividing retirement plans, and important discovery papers are returned to the you.
You and/or your co-parent violate the parenting plan - may be failure to pay child support, may be withholding of parenting time, maybe something else - but one or both of you
You and your co-parent both generally follow the parenting plan and may need to make changes as the child gets older, but you are part of the 95+% who do not need additional intervention from the court.
You think the court misapplied the law - you can file an appeal - this is expensive and rarely successful!
Sometimes as kids get older, especially at transition points (entering school/Middle school/High School) or as they get into sports or other activities. Sometimes parents move far away to be near family or for a job (make sure the court is aware of this) - you can always agree to a new parenting plan, it's recommended to file it with the court. You can also mediate at any point -you may have to pay for the mediation depending on your county and the circumstances.
You can file a motion to modify your Parenting Plan
You can file a motion for contempt of court
You can file a motion to "show cause" or a motion to "enforce" - follow the rules in your county.
Start over at the box marked "Service" above - Response/Discovery /Mediation/Court will follow.