

My Spouse is Divorcing Me

An excerpt from the Community Education booklet *Family Law in Oregon*

How will I know if my spouse is starting a divorce?

To start a divorce, your spouse must first file a petition for divorce. You will then be given a copy of the petition by the sheriff, or someone else, at your home, place of work, or somewhere else. If the judge believes you can't be found, your spouse can get a divorce after publishing a legal notice in the newspaper or posting it in a public place, such as the courthouse. For more information about serving divorce papers if you cannot find your spouse, see Question 39 of the *Family Law in Oregon* booklet on www.oregonlawhelp.org.

If you have never received a divorce petition, you can find out if your spouse has started a divorce or already divorced you by contacting the court clerk. It is likely that your spouse would file for divorce in the county in which she or he lives, so you can call or go to the courthouse in that county. If you believe your spouse divorced you in another state, check that state's registry of divorces.

What should I do if I am served with an Oregon divorce petition?

If you agree with all of the terms of the divorce as listed in the petition, you do not need to respond. The judge will then approve all the terms in a final divorce judgment. It is a good idea to get a copy of the divorce judgment. You can do

this by asking your spouse or his/her attorney for a copy or by going to the court-house. If the judgment is different from the petition in a way you disagree with, you should contact an attorney right away.

If you want to contest (disagree with) the terms listed in the petition, you must file a written answer (called a Response) with the court within 30 days of when you were handed the papers. Contact a lawyer or, if you are low-income, your local legal aid office right away to learn about what you can do. If you are not an Oregon resident and are served outside the state of Oregon, you should speak with an attorney before responding.

There is a court fee of approximately \$250 to file a Response in a divorce case. If you can't afford this fee, you can ask the judge to excuse you from paying it by filling out court papers that show your income is very low. This is called an "Application for Waiver or Deferral of Fees." The judge will decide whether or not you have to pay at all, if you will have to pay the fees later, or if your spouse will have to pay. Deferred court costs are a debt you owe the state. If you don't pay costs the judge has ordered you to pay, you can lose money that the state owes you, such as your tax refund. Forms for filing a response should be available at your local courthouse and also online at the [OJD Family Law website](http://www.ojd.org)*.

What happens if I live in Oregon and my spouse files for divorce in another state where she or he lives?

Your spouse will probably be able to get a judgment ending the marriage. But if you are served with papers that say that your spouse should get child custody, or that you should pay child support or other money, and you don't agree, talk with a lawyer right away.

*The OJD Family Law website is available at:
<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/index.page?>

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