

ORS 109.103 Proceeding to determine custody or support of child.

- 1) If a child is born to an unmarried person and parentage has been established under ORS 109.065, or if a child is born to a married person by a person other than the birth mother's spouse and parentage between the person and the child has been established under ORS 109.065, either parent may initiate a civil proceeding to determine the custody or support of, or parenting time with, the child. The proceeding shall be brought in the circuit court of the county in which the child resides or is found or in the circuit court of the county in which either parent resides. The parents have the same rights and responsibilities regarding the custody and support of, and parenting time with, their child that married or divorced parents would have, and the provisions of ORS 107.094 to 107.449 that relate to custody, support and parenting time, the provisions of ORS 107.755 to 107.795 that relate to mediation procedures, and the provisions of ORS 107.810, 107.820 and 107.830 that relate to life insurance, apply to the proceeding.
- 2) A parent may initiate the proceeding by filing with the court a petition setting forth the facts and circumstances upon which the parent relies. The parent shall state in the petition, to the extent known:
 - a) Whether there is pending in this state or any other jurisdiction any type of support proceeding involving the child, including one brought under ORS 25.501 to 25.556, 109.100, 109.165, 125.025, 419B.400 or 419C.590 or ORS chapter 110; and
 - b) Whether there exists in this state or any other jurisdiction a support order, as defined in ORS 110.503, involving the child.
- 3) The parent shall include with the petition a certificate regarding any pending support proceeding and any existing support order. The parent shall use a certificate that is in a form established by court rule and include information required by court rule and subsection (2) of this section.
- 4) When a parent initiates a proceeding under this section and the child support rights of one of the parents or of the child have been assigned to the state, the parent initiating the proceeding shall serve, by mail or personal delivery, a copy of the petition on the Administrator of the Division of Child Support or on the branch office providing support services to the county in which the suit is filed.
- 5)
 - a) After a petition is filed under this section and upon service of summons and petition upon the respondent as provided in ORCP 7, a restraining order is issued and in effect against the petitioner and the respondent until a final judgment is issued, until the petition is

dismissed or until further order of the court, restraining the petitioner and the respondent from:

- i) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any policy of health 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; and
 - ii) Changing beneficiaries or covered parties under any policy of health insurance that one party maintains to provide coverage for a minor child of the parties, or any life insurance policy.
- b) Either party restrained under this subsection may apply to the court for further temporary orders, including modification or revocation of the restraining order issued under this subsection.
- i) The restraining order issued under this subsection shall include a notice that either party may request a hearing on the restraining order by filing a request for hearing with the court.
 - ii) A copy of the restraining order issued under this subsection must be attached to the summons.
 - iii) A party who violates a term of a restraining order issued under this subsection is subject to imposition of remedial sanctions under ORS 33.055 based on the violation, but is not subject to:
 - (1) Criminal prosecution based on the violation; or
 - (2) Imposition of punitive sanctions under ORS 33.065 based on the violation. [1975 c.640 §9; 2003 c.116 §9; 2003 c.572 §15; 2007 c.454 §2; 2011 c.114 §4; 2013 c.126 §2; 2013 c.127 §2; 2015 c.298 §94; 2017 c.651 §22]