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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

Department of Domestic Relations

Petitioner,

INTERIM ORDERS PURSUANT TO
§590 SOLDIERS' AND SAILORS'
CIVIL RELIEF ACT

Respondent.

THIS MATTER came before the court on the stipulations of the parties, by and through their respective attorneys of record, Kathryn S. Root and Patricia E. Apy for petitioner/mother for respondent/father. Based on these stipulations and the record and file herein, now, therefore,

IT IS HEREBY ORDERED that:

1. Respondent -----, shall withdraw his previously filed opposition to Petitioner's Motion For Stay, and agrees to the entry of an order which stays, pursuant to 50 USC §§501 and 521, Respondent's Motions for Modification of Custody and Parenting Time, Modification of Child Support, To Compel Production

1 and For Attorney Fees and Costs, now pending before the Court.

2 2. The parties have agreed that the term of the stay
3 shall be until 30 days after the cessation of the
4 petitioner/military member's period of mobilization. The parties
5 agree that each has preserved all arguments regarding the issues of
6 custody and parenting time, as well as all disputed financial
7 issues, until this litigation is finally heard and resolved.
8 Petitioner's obligation to file responsive pleadings supporting her
9 response regarding the merits of this action and all affirmative
10 relief shall be stayed until that time.

11 3. The parties agree that pursuant to 50 USC §590 the
12 court should enter an order regarding certain interim measures
13 which are necessary to facilitate the protection of the military
14 member and her dependants, the terms of which are set forth herein.

15 4. The parties acknowledge that factual disputes exist
16 regarding the circumstances and conditions of the pre-mobilization
17 exercise of parenting time between the parties which have occurred
18 since the dissolution of their marriage. Both parties preserve
19 completely their positions regarding custody and parenting time
20 regarding their children. Temporarily, for the duration of the
21 stay (which the parties currently expect to conclude by July 30,
22 2004), the parties acknowledge that they will temporarily share
23 joint legal custody of the minor children.

24 5. Petitioner/mother is (*insert rank and general*
25 *location*), The Pentagon, Washington, D.C. Petitioner works in a

1 classified position and location, in a job vital to the national
2 security of the United States Of America. Petitioner's job places
3 significant limitations upon her which directly affects her ability
4 to exercise parenting time. As such, the parties agree that it is
5 in the best interest of the children that the temporary
6 circumstances and conditions of parenting time are set to
7 accommodate those requirements.

8 6. As a condition of the nature and location of her
9 duties, the movements of mother outside of duty hours are
10 restricted and travel beyond the immediate Washington D.C. area is
11 highly restricted. Therefore, in the event that Mother is provided
12 temporary leave, and she is able to arrange a flight to Oregon for
13 school functions or birthdays of the minor children, such
14 availability will be given priority, Mother will provide Father
15 with at least seven (7) days advance written notice of her specific
16 travel plans, and Mother will exercise parenting time in Oregon
17 during those times. The parties agree that during such parenting
18 time the children may not miss more than one consecutive day of
19 school or travel more than 100 miles away from the Portland
20 metropolitan area absent agreement between the parties. Further,
21 Father agrees to facilitate reasonable access of the minor children
22 with their maternal grandmother and with mother's siblings in
23 Oregon upon request.

24 7. Because of the limitations upon Mother's ability to
25 contact and enjoy unfettered telephonic access with the minor

1 children, Father agrees that the children shall be provided both
2 reasonable telephonic and internet contact with their mother. Both
3 parties shall facilitate internet and e-mail access by obtaining,
4 installing and maintaining such computer hardware and software as
5 is necessary to facilitate instant online communication through a
6 service such as MSN Messenger or AOL on the computer terminal(s)
7 that the children use at their homes. In addition, should Mother
8 provide the minor children with a web cam and such hardware or
9 software necessary to make it operational on a computer terminal in
10 Father's home, Father shall install and maintain such equipment in
11 order that the minor children shall be able to communicate with
12 both parents via web cam.

13 8. The remainder of Mother's exercise of parenting time
14 will take place in the geographic area of Mother's duty station.
15 Mother will advance the costs required to facilitate exercise of
16 parenting time reserving allocation, reimbursement and
17 accommodation of those expenses until the final hearing. In order
18 to facilitate the scheduling of her military duties as well as the
19 scheduling of long distance travel, the parties agree that a
20 precise schedule of interstate travel shall be specifically defined
21 herein. This schedule is not intended by either party to represent
22 the final resolution or permanent schedule of parenting time for
23 the minor children, and such schedule reflects the temporary
24 difficulties associated with Mother's military duties.

25 9. Mother shall enjoy parenting time from after school

1 on November 22 until Sunday, November 30, 2003, for the observance
2 of Thanksgiving. Mother shall enjoy parenting time from December
3 27, 2003 until January 5, 2004, for the Christmas holidays. Mother
4 shall enjoy parenting time for the entire duration of Spring Break
5 2004. For all parenting time in which the minor children travel by
6 air, the parties agree that Father shall be responsible for
7 transporting the minor children to and from Portland International
8 Airport, at his expense. Mother shall provide Father with the
9 actual travel itinerary for the minor children's travel, which
10 shall include all flight numbers and times, at the earliest
11 possible date after Mother has secured flight reservations for the
12 minor children's travel (but no less than fifteen (15) days before
13 the first day of the scheduled travel) so that father can make all
14 appropriate arrangements for transporting the minor children to and
15 from Portland International Airport.

16 10. Mother will enjoy parenting time between June 26,
17 2004 and August 21, 2004, at the location(s) she designates. This
18 shall remain in effect until further order of the Oregon court, or
19 agreement between the parties.

20 11. Should either party retain the minor children and
21 interfere with parental custody in accordance with the terms of
22 this interim order, he or she shall be responsible for the payment
23 of attorney fees and costs of the non-retaining parent. Further,
24 any interference with the exercise of interstate access resulting
25 in the loss of airline tickets or other extraordinary travel

1 expenses shall be reimbursed by the other parent, and may be
2 compensated for by a credit against co-parenting expenses as
3 applicable.

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6 12. At all other times not set forth above, Father shall
7 enjoy parenting time with the minor children. Further, in keeping
8 with the parties' agreement that they will share temporary joint
9 legal custody, the parties refer to ORS 107.169 in defining the
10 exercise of their parental duties:

11 a. Both parents will continue to share rights and
12 responsibilities for major decisions concerning the children
13 including, but not limited to, their residence when exercising
14 parenting time with a parent, education, health care and religious
15 training. As such, neither party will make a unilateral major
16 decision regarding the minor children absent the written consent of
17 the other parent. The parties agree that no major decisions
18 regarding the children shall be discussed with or be determined by
19 the minor children.

20 b. Mother withdraws her pending application for
21 the immediate return of the minor children to the Grace Christian
22 School. Mother preserves for the purposes of final hearing the
23 potential return of the children to that school, as well any
24 arguments she may make regarding the application of the pre-
25 mobilization status quo, the circumstances and significance of the

1 unilateral removal of the minor children from Grace Christian
2 School without consultation, as well as any affirmative
3 applications regarding their future educational needs. Within
4 seven days after the date of this order, Father agrees to provide
5 Mother with appropriate documentation regarding the public schools
6 where both children now attend, including, but not limited to, the
7 names and contact information for all of their teachers, and proof
8 that Mother has been designated as the joint custodial parent on
9 all school documentation. At the earliest possible date, Father
10 agrees to provide copies of all notices regarding school
11 conferences, events, report cards and school calenders, and to
12 facilitate the regular receipt of same by Mother.

13 c. The parties agree that they will immediately
14 provide to each other, all information and directions provided to
15 either of them by any physicians treating their children. In
16 particular, the parties agree to regularly consult through e-mail
17 and to exchange all relevant medical information and documentation
18 required to address and to manage the diabetes of the minor
19 daughter _____. Both parties agree that either party may
20 facilitate medical care for the minor children while in their care,
21 but they agree that they will consult with one another regarding
22 any non-emergency treatment plan and shall provide to all treating
23 physicians all relevant medical records from the children's
24 physicians wherever they are located. Should there be specific
25 military benefits available to the minor children as a result of

1 Mother's military service that are identified through the discovery
2 process, Mother shall be required to fully cooperate with Father to
3 provide information and documentation that is or may be required to
4 obtain such benefits for or on behalf of the minor children.

5 d. The parties agree that both minor children be
6 seen immediately by a mental health professional for the purpose of
7 therapy. The focus of the therapy shall be facilitating the
8 relationship with both parents and addressing the continuing issues
9 of parenting time and stress upon the children as a result of co-
10 parenting conflict. The parties agree that the therapist for the
11 minor children shall be chosen by agreement between the parties in
12 consultation with their counsel. In no event shall either parent
13 initiate therapy without the knowledge and consent of the other
14 parent. The parties agree that they will each consult their
15 insurance plans and take all action necessary to minimize the out-
16 of-pocket expenses associated with such therapy. The parties will
17 equally divide the uninsured costs of the therapy, in an amount not
18 to exceed \$60.00 per month paid by each party.

19 13. Both parties preserve their positions regarding the
20 financial disputes that remain outstanding between them. However,
21 in order to facilitate the eventual final resolution of those
22 issues, the parties agree that they shall within the next 45 days
23 exchange financial discovery necessary to accomplish a calculation
24 of child support pursuant to the Oregon Child Support Guidelines.
25 Such documentation shall include but not be limited to:

1 a. The incomes of both parties both before and
2 after Mother's mobilization, current incomes and expected incomes
3 in July of 2004;

4 b. The 2002 federal and state income tax returns
5 of both parties (note, the parties should redact any income or
6 asset information of their current spouses);

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9 c. A description of both parties' insurance plans
10 and benefits coverage as well as the pro rata portion of the
11 premium expense attributable only to the minor children;

12 d. A description of all benefits which may be
13 available to Mother for the benefit of the minor children as a
14 result of Mother's military service.

15 14. The parties agree that effective October 1, 2003,
16 Father's responsibility to pay child support is suspended for the
17 entire duration of the stay. Father reserves the right at final
18 hearing to assert that his child support obligation should be
19 considered suspended earlier than this date. Mother reserves the
20 right to assert at final hearing that there is a child support
21 arrearage due and owing to her pursuant to the terms of the
22 dissolution judgment. Both parties reserve any rights they may
23 have to assert statutory or equitable defenses to the arguments of
24 either party.

25 15. Mother agrees that she will make a contribution to

1 Father for each month which she continues to be mobilized, in the
2 amount of \$400 per month, commencing as of November 2003. This
3 payment shall be denominated as "co-parenting expense" and shall be
4 applied to the direct expenses incurred to support the minor
5 children. This payment is made without prejudice to the arguments
6 that both parties may advance regarding the payments and credits
7 they may be entitled to, one from the other, on account of the
8 minor children. As such, because Father's application for child
9 support shall be considered pending, Father preserves any arguments
10 that he may have should a child support judgment eventually be
11 rendered that the judgment should be retroactive to October 1,
12 2003. In that event however, Mother shall receive credit against
13 any judgment which may be entered by the Court for child support
14 resulting from the pending application, in an amount equal to her
15 actual co-parenting expense contributions. Similarly, in the event
16 that the Court eventually enters a judgment for child support which
17 based upon the arguments and credits advanced by Mother results in
18 a child support obligation to Father of less than \$400 per month,
19 Mother shall be entitled to reimbursement/credit of same,
20 retroactive to October 1, 2003. All payments made by Mother to
21 Father shall be made by electronic funds transfer by mother to an
22 account that father shall designate. The first electronic funds
23 transfer shall be made within one week after Mother receives her
24 regular monthly military pay for November 2003, and a further
25 payment shall continue to be made each month thereafter during the

1 period of Mother's mobilization pursuant to the specific terms of
2 this order.

3 16. Should Mother's mobilization continue beyond July 1,
4 2004, the parties agree that Mother will withdraw her assertion of
5 the SSCRA defense and waive such rights for the limited purpose of
6 the prosecution and calculation of a child support obligation for
7 the benefit of the minor children. At such time, both parties may
8 raise any and all financial issues which remain in dispute between
9 the parties, including but not limited to, the costs of parenting
10 time, reimbursement of prior expenses, and attorney fees and costs
11 pursuant to both the federal and state law. Mother shall notify
12 Father in writing at the earliest possible date regarding her de-
13 mobilization or her intention to physically move to Oregon or to
14 any other state.

15 17. Should mother waive her rights under federal law at
16 any time after the date of this order, seeking affirmative relief
17 other than the enforcement of the terms of this interim order under
18 50 USC §590 or enforcement of other extant orders of this Court,
19 then Father shall be entitled to have the child support issue
20 resolved as part of that application. An application for
21 enforcement of litigants' rights as established in an order
22 pursuant to 50 USC §590, or any other orders of the Oregon court,
23 shall not be deemed to be a waiver of those SSCRA defenses and
24 remedies, and shall not operate to remove the stay in place.

25 DATED this _____ day of _____, 2003.

