

Notice for discovery

ORS 107.088

(1) At the time a suit for legal separation for dissolution is filed, the clerk of the court shall furnish to the petitioner a copy of ORS 107.089. The petitioner may serve a copy of ORS 107.089 upon the respondent and shall provide proof of service to the court in accordance with ORCP 9.

(2) Regardless of whether the petitioner serves the respondent with a copy of ORS 107.089, the respondent may serve the petitioner with a copy of ORS 107.089 at any time and provide proof of service in accordance with ORCP 9.

107.089 Discovery required in dissolution and separation actions.

(1) If served with a copy of this section as provided in ORS 107.088, each party in a suit for legal separation or for dissolution shall provide to the other party copies of the following documents in their possession or control.

- (a) All federal and state income tax returns by either party for the last three calendar years;**
- (b) 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,**
- (c) All records showing any income earned or received by either party for the current calendar year.**
- (d) All financial statements of net worth and credit card and loan applications prepared by or for either party during the last two calendar years.**
- (e) 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;**
- (f) All documents showing debts of either party, including the most recent statement of any loan, credit limit or charge card balance due;**
- (g) Certificates of title or registrations of all automobiles, or motor vehicles, boats or other personal property registered in either party's name or in which either party has any interest.**
- (h) Documents showing stocks, bonds, secured notes, mutual funds and other investments in which either party has any interest;**

- (i) **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; and**
 - (j) **All financial institution 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.**
- (2)
 - (a) **Except as otherwise provided in paragraph (b) of this subsection, the party shall provide information listed in subsection (1) of this section to the other party no later than 30 days after service of a copy of this section.**
 - (b) **If a support hearing is pending fewer than 30 days after service of a copy of this section on either party, the upon whom a copy of this section is served shall provide all information listed in subsection (1)(a) to (d) of this section no later than three judicial days before the hearing.**
- (3)
 - (a) **If a party does not provide information as required by subsections (1) and (2) of this section, the other party may apply for a motion to compel as provided in ORCP 46.**
 - (b) **Notwithstanding ORCP 45 A(4), if the motion is granted and the court finds that there was willful noncompliance with the requirements of subsections (1) and (2) of this section, the court shall require the party whose conduct necessitated the motion or the party or attorney advising the action, or both, to pay the moving party the reasonable expenses incurred in obtaining the order, including attorney fees.**
- (4) **If a date for a support hearing has been set and the information listed in subsection (1) (a) to (d) of this section has not been provided as required by subsection (2) of this section:**
 - (a) **By the obligor, the judge shall postpone the hearing, if requested to do so by the obligee, and provide in any future order for support that the support obligation is retroactive to the date of the original hearing; or**
 - (b) **By the obligee, the judge shall postpone the hearing, if requested to do so by the obligor, and provide that any support ordered in a future hearing may be prospective only;**
- (5) **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 provisions of Oregon Law.**