



CLIENT'S INITIAL INFORMATION PACKET

Our initial consultation is structured to answer some of your immediate questions and give you a general idea of your rights and responsibilities in a divorce action. However, we have not accepted your case and will not act as your attorney until you have retained us for that purpose. To do that you must bring in:

1. The signed fee agreement and your retainer fee. We accept cash, checks, Visa or MasterCard.
2. Any papers with which you may have been served.
3. The signed release authorizations contained in this packet.
4. The financial documents that are described in the attached, three page, yellow checklist. Follow the instructions on the first page when gathering together the documents. Do not delay retaining us because you cannot gather all of the documents. Bring us what you can, and work on getting us the rest of the documents later.

It is not necessary to make an appointment to hire us, but you may do so if you wish. Most clients drop off their materials with a letter explaining what the client wants us to do. We will take it from there.

Our office has developed a "team effort" philosophy of client representation. Your part on the team is to provide us with information since there is nobody that knows more about it than you. We know that this is a difficult time for you and we do not intend to add further burdens. Not everything we request must be done at once. However, the sooner you provide us with the requested information, the sooner we can begin helping you.

Attached are the following:

1. Release authorization forms. Please sign these leaving the date and the "to" spaces blank.
2. Checklist of documents to be furnished to us.
3. Suggested Guidelines for Parents During Separation or Divorce Proceedings.
4. Notice about continuation of health coverage.
5. Statutory (automatic) Order of Restraint.
6. Cautionary Instructions regarding the use of e-mail and internet social media sites.

Please carefully read and follow the instructions contained in these materials. Pay particular attention to the Order of Restraint. The law imposes an automatic order of restraint upon the

filing of a divorce proceeding. Review it carefully because violating its provisions could subject you to punishment by the court.

I strongly recommend you check our website: www.mlanglaw.com. You will find information about:

1. A general explanation of the divorce process. The information will help answer general divorce questions you might have.
2. Contains a glossary of divorce-related legal terms to help you better understand the process in which you are now involved.
3. Information which will be important to your case.
4. A link to the state's child support calculator.

Always feel free to ask us any questions you have at any time during your case. We look forward to receiving the requested information and working with you on your case.

AUTHORIZATION

To:

Re:

I hereby authorize and consent to your release and disclosure to the firm of Mark J. Lang, Attorney at Law, PC, 2005 Saint Helens Street, Saint Helens, Oregon 97051, any and all information, records, instruments and documents requested on my behalf. I recognize that the information disclosed may be protected by federal or state law, and I specifically consent to the disclosure of such information. This release extends to any agent that said law firm designates to act upon its behalf.

A photocopy of this release shall serve as the same force and effect as the original. All prior authorizations are hereby revoked.

Dated: _____, 2020.

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Dated: _____, 2020.

DOCUMENTS WE NEED FROM YOU

Oregon law requires both parties in a dissolution of marriage proceeding to exchange financial information with each other. In fact, there are penalties for failure to exchange the information. A divorce proceeding can even be "reopened" if a party fails to disclose an asset. Provide me with *copies* of all of the documents listed below within the next 7 days so that we both have the information we need and can comply with the law.

You need only provide copies of the documents which are in your possession or control. Ask us before going to extreme lengths to get a document but do clearly mark this checklist so we know that a document exists which is not in your possession or control which we should follow up on. For example, your spouse may have all of the tax returns. Mark the box accordingly so we know they exist but that we need to get them from your spouse.

I cannot stress enough the importance of producing the listed documents as soon as possible. We do not want to be in a position of having to explain to the judge why you did not produce documents that you could and should have produced.

I need copies--NOT ORIGINALS--of the following:

- 1. **Tax Returns.** All federal and state income tax returns filed by you and your spouse for the last three calendar years, whether filed separately or jointly. Include all schedules, W-2s, and 1099s.
- 2. **Past Income Records.** All W-2 statements, year-end payroll statements, interest and dividend statements, and all other records of income earned or received by you and your spouse during the last calendar year if income tax returns have not been filed for the last calendar year.
- 3. **Current Income Records.** All records showing any income earned or received by you and your spouse for the *current* calendar year.
- 4. **Net Worth Statement.** Any financial statements, net worth statements and loan applications which you and your spouse have prepared. People often use Quicken or other programs to prepare one. They are also usually prepared as part of a loan application. Perhaps the financial institutions to which you submitted these statements can provide you with a copy if you did not keep a copy for yourself.
- 5. **Retirement Plan.** Contact the bookkeeper, plan administrator, or person responsible for your pension plan, profit-sharing plan, stock option plan, deferred compensation plan, PERS, Keogh, or tax sheltered annuity which you own or participate in through your employment and request a copy of the summary plan description, a statement as to your current interest in such plan, and its monetary value. Your employer must provide this information upon your request. You may already have this information in your records. Also provide any such documents you have regarding your spouse's retirement benefits. *Do not* call your spouse's pension administrator or employer for information.
- 6. **Individual Retirement Account.** The name of the financial institution, account number, beneficiary, and a current statement showing the balance in any IRA accounts which either you or your spouse own.

- ___ 7. **Military Retirement.** Any information you have on military retirement benefits which either you or your spouse now receive or are entitled to receive in the future.
- ___ 8. **Real Estate.** Any documents you may have on real estate (land) which you or your spouse own. These include real estate contracts, deeds, appraisals and the most recent real county property tax statement. Copies of the current property tax statement are available at the county courthouse. We must have a complete legal description for *each parcel of real property* since it will be included in pertinent legal documents. We can usually get the description from a title company if you do not have it.
- ___ 9. **Life Insurance.** The face sheet of any life insurance policy owned by you or your spouse. It should state the name of the insurance company, the policy's death benefit, policy number, owner of the policy, beneficiary and the annual premium. Do not give us the full policy.
- ___ 10. **Medical Insurance.** The company name, address, policy or group number, and subscriber number for each policy of health and medical insurance which you have. Do not give us the actual policy. A copy of your medical insurance card is enough.
- ___ 11. **Other Insurance.** All insurance policies you and your spouse have, including all homeowner's policies, automobile, and personal property insurance. Remember to include any schedules or special coverage riders.
- ___ 12. **Bank Accounts.** A photocopy of the last twelve monthly statements for any bank (checking and savings), credit union or brokerage accounts in which you have an interest in or had signing privileges on in the past year. It makes no difference that the account is now closed. This information can be obtained from the financial institution by you upon request if you do not have the current statements in your possession, but do not spend a lot of money getting copies from the bank without checking with us first.
- ___ 13. **Safe Deposit Boxes.** Prepare a list with the name and address of the bank, the box number, and names of authorized signers for any safe deposit box to which you or your spouse have access. A listing of the contents of the box would be helpful but is not required.
- ___ 14. **Securities.** Documents showing stocks, bonds, secured notes, mutual funds, and other investments in which you or your spouse have an interest. This information can be obtained directly from the person who handled the purchase of the securities for you or your spouse. Most major brokerage firms (A.G. Edwards, Smith Barney, etc.) generate monthly statements. Provide these if you have them.
- ___ 15. **Savings Bonds.** Copies of any government savings bonds owned by you or your spouse (or any savings bonds for your children). The best technique is to make a photocopy of the bonds. Use the "shrink" option on the copy machine to put as many bonds as possible on each page.
- ___ 16. **Collections.** Describe any coin, stamp or other valuable collections owned by you or your spouse. Provide any appraisals you may have which value the collection.
- ___ 17. **Business Interests.** Copies of the partnership or corporate tax returns of any business entity in which you or your spouse have an interest. Provide copies of the balance sheets and profit and loss statements for the last three years. You might find this difficult to

obtain if you do not have a controlling interest. Advise us and we will contact the necessary individuals to secure the information if you cannot obtain it.

- ___ **18. Estate or Trust Interests.** Tell us if you or your spouse has any interest in any estate or inheritance now or in which you believe you will have an interest in the near future. Provide us with a copy of the will, inventory, final account and judgment affecting the interest. It is important for us to review the actual trust agreement, the inventory, most recent annual accounting, and tax returns, if any, for any trust in which you or your spouse have an interest. Provide us with such information for the last three years.
- ___ **19. Previous Marriages.** A copy of the decree or judgment entered in any previous marriage for either you or your spouse.
- ___ **20. Written Agreements.** A copy of any written agreement entered into by you and your spouse concerning support, property or other matters. You should *under no circumstances* enter such an agreement without first consulting us.
- ___ **21. Vehicles.** The title or registration for every vehicle in which you or your spouse owns an interest. This includes cars, trucks, boats, motorcycles, trailers, campers, aircraft, and mobile homes. Indicate the amount of the lien and name of the creditor for any vehicle which you do not own free and clear.
- ___ **22. Debts.** The last two monthly billing statement sent by any creditor to whom you owe a debt for the last calendar year. For example, include your mortgage payment statement, credit card bills, loan payments, etc. These statements should include the creditor's name and address, the account number, the monthly payment, and the balance due.
- ___ **23. Photograph.** Provide a photograph of your spouse. We prefer a photograph in which both you and your spouse appear.
- ___ **24. Credit Report.** Free credit reports can be ordered online once each year from AnnualCreditReport.Com. You can also order a free report by telephone by calling 1-877-322-8228. The report should arrive by mail in a few days.

ELECTRONIC MAIL, INTERNET SITES AND TAPE RECORDING PHONE CALLS

Many of our clients ask that we correspond with them by e-mail rather than through the U.S. mail. We prefer using e-mail for a number of reasons, not the least of which is its speed and convenience. There are, on the other hand, several risks with e-mail which you must consider.

First, e-mail is neither a secure nor confidential method of transmitting information. As you may know, it is stored on your e-mail provider's central server and can be accessed by third parties. Realistically, there is not much possibility that someone is interested in reading the e-mail between you and our office, but it is possible.

Secondly, and of greater concern, is the security on your end of the transmission. Anyone can open your e-mail, including your children. Our experience is that passwords on home computer systems do not actually provide much protection. In addition, people all too often hit "yes" in response to the computer's prompt as to whether it should "remember" you, thereby circumventing the password. Assign yourself a new password immediately or, better yet, get a new e-mail account as a way of assuring that nobody by you sees the e-mail from our office. It is your responsibility to make sure that our correspondence is not seen by the wrong eyes.

Clients cannot resist the urge to forward messages from their attorney to friends, family members, advisors, etc. Those third parties can then send our messages anywhere they want, even to the opposing party. Do you really want that to happen? This aspect of security is within your control. Think long and hard before sending e-mail around.

There is one more aspect of e-mail which should cause you concern. Anything that you send can be printed and used against you in court. We are too often shocked by things our own clients have sent by e-mail to their soon-to-be spouse (or supposed friends) during a case. It is highly possible such letters may come back to haunt you, so be circumspect and cautious. This includes other communications such as Instant Messenger and text messages. In fact, text messages often create significant problems for a client because they are sent without a lot of thought about what is being said. Those messages can be saved by the recipient and shown to the judge. We do that a lot so be very careful with what you send and who you send it to. If you must text, consider installing a program like TigerText that erases the message from the recipient's phone within a specified time. The program also prevents the recipient from forwarding or saving the text message.

Internet social networking sites such as Facebook and MySpace create another issue. Do not put information on this type of site that you would not want your soon-to-be former spouse to see. Your "friends" can easily forward or share information that you thought was private. This is particularly true when you post information to share about what you are currently doing in your life. That information could very well have a negative impact in your case, depending on what the issues in your case turn out to be. The best advice is to say nothing about your case on your site. Do not post photographs that might be used against you, and take down any photographs that are there now that might impact your case. Please ask us specifically about this if you have any question whatsoever about what might or might not be appropriate. Also, let us know if the opposing party has a media site that should be monitored.

In accordance with the terms of our fee agreement, the review, response to and creation of e-mail is billed at the same rate as the review, response to and creation of a letter.

Our office utilizes Microsoft Word 2010 for word processing and Excel for spreadsheet programs as well as Adobe for .pdf files, which we may occasionally send to you. We send some documents to clients in draft for review and comment. Some clients have asked that we follow that same procedure but use e-mail rather than the U.S. mail. The drafts are added to the e-mail as Acrobat attachments. Open the attachment using Acrobat Reader. The reader is probably already on your computer. If not, it can be downloaded at no charge from a link on our website, [www.YourAtty.com]. Please let us know if you are unable to open the attachment.

It is permissible in Oregon for one person to tape record a telephone conversation with another person without advising that the conversation is being recorded. The only requirement is that the person who is making the recording is part of the conversation. Tape recording devices are inexpensive (Radio Shack) and can be connected to any telephone, including a cellular phone. Be very careful about what you say on the telephone, especially when you are angry and talking to the opposing party, or one of the opposing party's family members or friends. You never know when you might hear that conversation played back to you during trial, leaving you to explain your statements or behavior to the judge who is deciding your case.

We continue our efforts to be as accessible and as client-friendly as possible. We look forward to working with you.

Mark J. Lang, Attorney at Law, PC
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St. Helens, OR 97051
(503) 410-5238
mark@mlanglaw.com

SUGGESTED GUIDELINES FOR PARENTS DURING SEPARATION OR DIVORCE PROCEEDINGS

No matter how well parents think their children are adjusting to a divorce, it is traumatic for them. They feel the same strained emotions, uncertainties, and tensions as you do, but have the added factor of being torn between two loving parents. How a child reacts during this stressful time could have a significant impact on the remainder of his life, whether the child is now two years old or eighteen years old.

The following suggestions are made to help you and your children cope with the stress of divorce.

1. Think first of your children's present and future emotional and mental well-being before acting. *This will be difficult* because of your own feelings, needs, and emotions, but try, try, try.
2. Maintain your own composure and good emotional balance as much as possible. Remember it is not the end of the world. Laugh when you can and try to keep a sense of humor. What your children see in your attitude is to some measure reflected in theirs.
3. Allow yourself and your children time for readjustment. Convalescence from an emotional operation, such as a divorce, is essential.
4. Remember the best parts of your marriage. Share them with your children and use them constructively.
5. Assure your children that they are not to blame for the breakup and that they are not being rejected or abandoned. Children, especially the young ones, often mistakenly feel they have done something wrong and believe the problems in the family are the result of their own misdeeds. Small children may feel that some action or secret wish of theirs has caused the trouble between their parents. Explain to them there are other children whose parents have been divorced and that they are not going to lose their mom or dad.
6. Continuing anger or bitterness toward your spouse can injure your children far more than the divorce itself. The feelings you show are more important the words you use. Refrain from voicing criticism of the other parent. It is difficult, but absolutely necessary. For the child's healthy development, it is important for him to respect both parents.
7. **Do not force or encourage your children to take sides.** To do so encourages frustration, guilt, and resentment.
8. Try not to upset the children's routine too abruptly. Children need a sense of continuity. It is disturbing to them if they must cope with too many changes all at

once.

9. A divorce often leads to financial pressures on both parents. When there is a financial crisis, the parents' first impulse may be to keep the children from realizing it. Often, they would rather make sacrifices themselves than ask the child to do so. The atmosphere is healthier when there is frankness and when children are expected to help.
10. Divorces are as hard on the children as their parents. The children may not always show their distress or realize at first what this will mean to them. Parents should be direct and simple in telling children what is happening and why, and in a way a child can understand and digest. This will vary with the circumstances and with each child's age and comprehension. The worst course is to try to hush things up and make a child feel she must not talk or even think about what she sees is going on. Unpleasant happenings need explanation, which should be brief, prompt, direct, and honest.
11. The guilt parents may feel about the marriage breakdown may interfere in their disciplining the children. A child needs consistent control and direction. Over permissiveness or indecisive parents, who leave a child at the mercy of every passing whim and impulse, interfere with a child's healthy development. Children need and want to know quite clearly what is expected of them. Children need leadership and sometimes authority. Parents must be ready to say "NO" when necessary.
12. Do not overlook the fact that you are only human and admit it. You will not be able to make a 100 percent score on being a perfect parent (no one ever does, even in good times). When you fail in your attempts, acknowledge it, and resolve to attempt to improve day by day.
13. Read and reread these basic guidelines. Add to them by writing down your own constructive, positive approaches to the handling of your new way of living. Discuss your thoughts and feelings with others you trust and feel comfortable with and benefit by sharing their positive attitudes.

NOTICE TO PARTIES IN A SUIT FOR MARRIAGE DISSOLUTION
OR LEGAL SEPARATION

CONTINUATION OF HEALTH COVERAGE

If you are a spouse who is covered as a dependent under a group health insurance policy, Oregon law (ORS 743.610 to 743.622) allows you to maintain health insurance coverage after divorce or legal separation, when you might otherwise lose that coverage. You may continue coverage under the group policy or you may obtain coverage under an individual health insurance policy. You may also maintain coverage for any dependent whose coverage otherwise would end because of the dissolution or legal separation. The following is a summary of the applicable laws:

1. If you are a *divorced or legally separated spouse* and you are 55 years of age or older at the time of the dissolution or legal separation, you may continue coverage under the group policy:
 - (a) If you notify the group health insurance plan administrator in writing of the legal separation or dissolution within 60 days of the legal separation or the entry of the judgment of dissolution;
 - (b) If you elect to continue the group coverage and you make the election on a form provided by the plan administrator; and
 - (c) If you pay the premiums when due.

This provision applies only with respect to the employers with 20 or more employees and group health insurance plans with 20 or more certificate holders. This provision does not apply to policies issued before September 27, 1987, but does apply to policies issued or renewed on or after September 27, 1987.

2. If you are a *divorced spouse* who has not reached 55 years of age at the time of dissolution, you may continue coverage under the group policy upon dissolution of the marriage if you request the insurer or the group policyholder in writing to continue coverage. You must make the request not later than 10 days after the date that your coverage under the group policy as a qualified family member would end, or 10 days after the date on which the employer or policyholder gives notice of the right to continue coverage, whichever date is later. However, in any case you *may not* make the request later than the 31st day after your coverage as a qualified family member ends.

This provision:

- (a) Applies with respect to employers who are not required under federal law to make continuation of coverage benefits available.

- (b) Applies with respect to employers with 20 or more employees and group health insurance plans with 20 or more certificate holders.
 - (c) Does not apply to legally separated spouses.
3. If you are a *divorced or legally separated spouse*, regardless of age, you may obtain coverage under an individual health insurance policy by applying to the group insurer either within 31 days following the date on which the coverage under the group policy ends because you are no longer a qualified family member or at any time while coverage under the group policy is continued as described in the paragraphs above.

This notice is intended to tell you that you may be able to continue your health coverage after your divorce or separation, and that your time for doing so is limited. However, this notice is not a complete statement of all Oregon laws that may apply to you. For more information, you should call your health insurer, the plan administrator for your insurance coverage, the employer to whom your insurance is provided or your attorney.

Prepared by Insurance Division, Department of Insurance and Finance.

**NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING THE
DISSIPATION OF ASSETS IN DOMESTIC RELATIONS ACTIONS**

TO THE PETITIONER AND RESPONDENT:

REVIEW THIS NOTICE CAREFULLY. *BOTH PARTIES* MUST OBEY EACH PROVISION OF THIS ORDER TO AVOID VIOLATION OF THE LAW. SEE INFORMATION ON YOUR RIGHTS TO A HEARING BELOW.

PURSUANT TO section 2, chapter 414, Oregon Laws 2003, and UTCR 8.080, Petitioner and Respondent are restrained from:

1. 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.
2. 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.
3. Transferring, encumbering, concealing, or disposing of property in which the other party has an interest, in any manner, without 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 (3) does not apply to payment by either party of:
 - a. Attorney fees in this 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.
4. Making extraordinary expenditures without providing written notice and an accounting of the extraordinary expenditures to the other party. The paragraph (4) does not apply to payment by either party of expenses necessary to provide the safety and welfare of a party or a minor child of the parties.

AFTER FILING OF THE PETITION, THE ABOVE PROVISIONS ARE IN EFFECT IMMEDIATELY UPON SERVICE OF THE SUMMONS AND PETITION UPON THE RESPONDENT. IT REMAINS IN EFFECT UNTIL A FINAL DECREE OR JUDGMENT IS ISSUED, UNTIL THE PETITION IS DISMISSED, OR UNTIL FURTHER ORDER OF THE COURT.

RIGHT TO REQUEST A HEARING

Either Petitioner or Respondent may request a hearing to apply for further temporary orders, or to modify or revoke one or more terms of this automatic mutual restraining order, by filing with the court the Request for Hearing form that is attached hereto and paying the clerk the statutory first appearance fee. The court will not accept the objection (it will be ineffective) unless the appearance fee is paid. You must also mail a copy of the objection to Petitioner's attorney. The objection applies only to this order and has no impact on requests that Petitioner may have made in a motion for temporary relief or the Petition for Dissolution.