

**CLATSOP COUNTY CIRCUIT COURT
SUPPLEMENTAL LOCAL RULES FOR 2003**

Chapter 1 - General Provisions

1.151 HOURS OF OPERATION

Hours of operation in Clatsop County Circuit Court are:

- (1) Courts are open for business from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- (2) Documents may be filed from 8:00 a.m. to 5:00 p.m. Monday through Friday at Clatsop County Circuit Court, 749 Commercial Street, P.O. Box 835, Astoria, OR 97103.

Chapter 2 - Standards for Pleadings and Documents
(Reserved for expansion)

Chapter 3 - Decorum in Proceedings
(Reserved for expansion)

Chapter 4 - Proceedings in Criminal Cases

4.005 MOTIONS TO DISMISS

When a motion is made by the prosecutor to dismiss any criminal action, the motion shall be made in writing and signed by the attorney, and the motion shall contain a brief statement of the facts constituting the grounds upon which such motion is based.

4.015 TIME FOR FILING PRETRIAL MOTIONS

The schedule for filing pretrial motions provided in UTCR 4.010 shall govern the filing of all pretrial motions except that motions and affidavits for change of judge shall comply with the time limits in ORS 14.210 to 14.270.

Chapter 5 - Proceedings in Civil Cases

5.061 EX PARTE AND STIPULATED ORDERS

Ex parte and stipulated orders shall be presented to the court clerk to be forwarded to the judge, with the applicable court file, for signing. Attorneys may personally present ex parte and stipulated orders to the court for signing each day as time allows.

Chapter 6 - Trials

6.005 GENERAL TRIAL SCHEDULING

- (1) Trials generally will be scheduled at 9:00 a.m. Tuesday through Friday and at other times as circumstances allow.
- (2) Attorneys and their clients will report to the court at least 15 minutes prior to the time set for trial. Pretrial motions must be filed and heard prior to the day of trial unless otherwise allowed by the Court.

6.031 SCHEDULING CONFLICTS

Within ten days of the mailing of the trial notice, an attorney may request a reset by letter to the docket clerk if the date conflicts with a previously scheduled hearing, trial, vacation, or other conflict. The letter must set forth opposing counsel's position on the reset.

6.051 DELIVERY OF TRIAL MEMORANDA AND OTHER DOCUMENTS

In civil cases, trial memoranda, requested jury instructions, witness lists, and exhibit lists shall be received by the Court and opposing counsel at least one day prior to the commencement of the trial.

6.055 JURY VERDICTS

In all criminal cases in which defendant has not waived his appearance at trial, the parties and the attorneys will be present in court to receive the jury's verdict.

Chapter 7 - Case Management and Calendaring

7.011 SETTING TRIALS IN CRIMINAL CASES

- (1) Criminal trials generally will be set at arraignment.
- (2) All criminal cases where the alleged victim is under 18 years of age at the time of the offense shall be tried within 90 days of arraignment. The District Attorney shall notify the court and defendant at the time of the arraignment when this rule applies. On motion of either the defendant or the District Attorney and for good cause shown, the trial may be postponed for a reasonable period of time.
- (3) Counsel may jointly request a special set trial date at a conference with the judge in cases with special witness problems, speedy trial requests, or other considerations. A special set case will receive priority over other cases set for trial the same day. Motions to continue special set cases shall be denied absent extraordinary circumstances.

7.013 SCHEDULING OF CRIMINAL ARRAIGNMENTS, SENTENCINGS,
PRETRIAL HEARINGS, CHANGE OF PLEAS, ETC.

- (1) Criminal arraignments for out-of-custody defendants, first appearances, and pretrial conferences will be held at 8:30 a.m. Monday through Friday. Criminal arraignments for in-custody defendants and detention hearings for in-custody juveniles will be held at 1:00 p.m. Monday through Friday.
- (2) In felony cases, pretrial conferences will be scheduled at arraignment not less than 21 days after arraignment for in-custody defendants and not less than 35 days after arraignment for those not in custody. At the pretrial conference, the attorneys shall meet with the Court and report on the progress of negotiations, discovery, and pretrial motions, and advise the Court of the time needed for trial and of potential problems. Defendants in felony criminal cases must attend the pretrial conference unless the court authorizes a waiver of appearance in advance.

7.021 SETTING TRIALS IN CIVIL CASES

- (1) To obtain a trial setting pursuant to UTCR 7.020, trial counsel must place a joint conference telephone call to the calendar clerk in order to obtain a mutually agreeable trial date.
- (2) If the parties in a civil case fail to proceed as provided by UTCR 7.020(6), but prior to the case being set as provided by UTCR 7.020(7), the calendar clerk may consider a written request for trial setting by any party provided such request indicates whether a jury is required, the party's best estimate of time required for trial, and prospective times when the party will be available.
- (3) Counsel may jointly request a special set trial date at a conference with the Circuit Court judge in cases with special witness problems or other considerations. A special set case will receive priority over other cases set for trial the same day. Motions to continue special set cases shall be denied absent extraordinary circumstances.

7.022 SCHEDULING OF CIVIL MOTIONS

Civil motions generally will be heard on Mondays and Fridays.

7.023 SCHEDULING OF SHOW CAUSE PROCEEDINGS

- (1) Show cause matters (except in Domestic Relations proceedings - see SLR 8.031) may be set at any time the Court schedule permits.
- (2) Except as provided in SLR 8.031, an applicant for an order to Show Cause shall obtain a time and date from the calendar clerk and insert the same in the prospective Order to Show Cause prior to delivering the order to the clerk for the judge's signature. Service of

the order upon the adverse party shall constitute notice to such party of the time and place of the hearing.

7.031 DOCKET CALL

- (1) Upon entry of a not guilty plea or when the case is at issue, the calendar clerk shall schedule a docket call date. All dates scheduled shall be mailed to the attorneys of record and to any unrepresented parties.
- (2) Criminal docket call shall be held from 9:30 to 10:15 a.m. and Civil docket call shall be held at 10:15 a.m. on the Friday before the scheduled trial date in the Circuit Court, County Courthouse, 749 Commercial Street, Astoria. If that Friday falls on a holiday, docket call shall be held on Thursday unless circumstances require a different date to be scheduled.

Scheduling times:

9:30 a.m. - Criminal Cases (Non-Indigent Defense Contract Attorneys)

9:40 a.m. - Indigent Defense Contract Attorneys

10:00 a.m. - Pro Se Criminal Cases

10:15 a.m. - Civil Cases

- (a) Attorneys of record and unrepresented parties shall appear in open court for docket call.
 - (b) Attorneys may appear by phone if arrangements are made with the docket clerk at least 24 hours prior to docket call date. Attorneys may appear in writing if necessary. If appearance is in writing, in criminal cases the attorney shall complete the form marked as Appendix V and submit it to the court and to all other parties prior to docket call; in civil cases the attorney shall complete the form marked as Appendix VI and submit it to the court and to all other parties prior to docket call.
- (3) The afternoon of docket call day, the court will provide a trial and hearing schedule for Tuesday through Thursday of the following week.
 - (4) A case set over for a new jury trial date shall repeat the docket call procedure.
 - (5) Defendants in misdemeanor criminal cases shall personally appear at docket call unless represented by an attorney and the attorney represents on the record to the court:
 - (a) The defendant has been in contact with the attorney within ten days prior to the docket call day, and

- (b) The defendant knows the date and time set for trial and has indicated to the attorney that he or she will be present for trial.
- (6) All defendants charged with felony crimes shall appear at call unless his or her presence is excused by the court in advance or the attorney represents that the defendant is physically located outside of Clatsop County and is available by telephone. All attorneys must have actual communication with their clients within 10 days of call.
- (7) If a criminal defendant has failed to maintain contact with his or her attorney prior to docket call, the court may issue a bench warrant, revoke the defendant's release or security agreement, forfeit security, notify the Oregon Department of Motor Vehicles in those cases required by law or statute, and/or remove the case for trial.
- (8) Unrepresented parties shall appear personally at docket call. Failure to do so may result in a bench warrant, revocation of the party's release or security agreement and/or forfeiture of security in criminal cases, and sanctions in civil cases including striking of the non-appearing party's pleadings or dismissal of the case.
- (9) The trial attorneys shall indicate at docket call whether all witnesses have been subpoenaed or notified to appear. In the event a witness has not been subpoenaed, the trial attorney will inform the court of efforts to subpoena the witness.
- (10) An attorney who has a scheduling conflict at the time of docket call shall arrange to have someone appear on his/her behalf or notify the court docket clerk and submit information in writing to the docket clerk prior to the docket call date in a form substantially similar to Appendix V or VI.
- (11) Parties to a negotiated plea or settlement shall appear in court during or immediately following docket call for change of plea or to put the settlement on the record unless other arrangements have been made with the court prior to docket call.
- (12) Diversion agreements, civil compromise documents, and jury waivers shall be filed prior to noon on the day of docket call. DUII diversion petitions shall be filed pursuant to ORS 813.210, and prior to noon on the day of docket call.

Chapter 8 - Domestic Relations Proceedings

8.015 PARENTING TIME RULES

- (1) In any dissolution of marriage, annulment, or separation, custody case or any paternity, filiation or similar proceeding, unless otherwise ordered by the court or the parties agree to a parenting plan which is approved by the court, a non-custodial parent shall have the right to parenting time with the minor child of the parties according to the schedule in Appendix II to these rules.

- (2) A parenting plan may be in a format similar to Appendix IV or any other format approved by the court.
- (3) In cases involving custody, parenting time or visitation, the petitioner shall serve on all parties a notice as set forth in Appendix III to these rules.

8.031 SHOW CAUSE ORDERS

An applicant for an order to show cause in a modification proceeding must serve the opposing party in the manner provided by ORCP 7. The party served must file a written response with the court within 30 days after service of a notice as provided in ORS 107.135(11).

8.045 PRE-JUDGMENT OR PENDENTE LITE RELIEF IN DOMESTIC RELATIONS CASES

- (1) All applications for prejudgment relief in domestic relations cases must be by motion for a show cause order with supporting affidavit(s) and the order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by reference to a supporting affidavit.
- (2) All show cause orders for prejudgment relief shall specify a response time not less than ten (10) days from the date of service upon the opposing party. When the show cause order is served outside the state of Oregon or by publication, the order shall require the opposing party to file an answer in writing not less than 20 days from the date of service. Such orders shall require the opposing party to respond by filing an answer in writing, together with opposing affidavits and cross motions, if any, and serving a copy of the answer and affidavits on the moving party within the response time. The motion, order and supporting affidavits must be served upon the opposing party. The order must include a notice as set forth in Appendix I to these rules if the opposing party is unrepresented.
- (3) If the opposing party fails to respond to the show cause order within the time set forth in the order, the moving party may present an order granting the relief sought, provided that proof of service has been filed. The Court, in its discretion, may allow or deny the requested relief in whole or in part, or the Court may direct that a hearing be scheduled for the presentation of additional evidence in support of the relief sought by the moving party.
- (4) If the opposing party responds to the show case order, the moving party shall have five days from the date of service to file a reply affidavit. Either party may notify the court in writing when the matter is ready for determination, and the court shall decide the matter and promptly notify the parties of any decision by mail or by telephone conference call.
- (5) For good cause shown or upon its own motion, the court may set show cause proceedings for hearing.

- (6) Motions for prejudgment relief or responses to motions for prejudgment relief filed by respondents shall be considered by the Court to be general appearances pursuant to ORS 107.055 thereby placing the case at issue and ready for referral to mediation and/or a trial setting.

8.046 EDUCATION FOR DIVORCING PARENTS

- (1) Any matter described in ORS 107.765 and any other proceeding where child custody, parenting time or visitation is an issue shall be subject to mandatory parent education.
- (2) All parties shall successfully complete the parent education program offered by the court. Petitioners shall register for the program or apply for an alternate program within 15 days of filing. Respondents shall register for the program or apply for an alternate program within 15 days of service. All parties shall complete the program within 30 days of registration or obtain consent of the court for an extension.
- (3) The court will provide notice and instructions to petitioner when the petition is filed. Petitioner shall serve respondent with a copy of the court notice with service of summons and petition. The petitioner's return of service shall indicate service of the parent education notice.
- (4) Each party shall pay a fee to cover program costs. The fee may be waived by court order if the party files a motion and affidavit for fee waiver.
- (5) Each person who successfully completes the program shall receive a certificate of completion, a copy of which must be filed with the court.
- (6) A party may request the court waive his or her participation in the parent education program on a showing of good cause. The request must be by motion with affidavit and must be filed within the time allowed to register for the class.
- (7) Cases will not be delayed by a party's refusal or delay in completing the parent education program. If a party fails to participate or to file a certificate of successful completion, the court may impose sanctions including striking pleadings, dismissal, and/or contempt of court.

8.047 CUSTODY EVALUATION PANEL

- (1) The court has established a panel of trained custody evaluators. To qualify as a panelist, a person must complete court-ordered training, sign and file an application with the Court, and be approved by the Court and the Family Law Advisory Committee.
- (2) The court will appoint an evaluator from the court panel for investigations pursuant to ORS 107.425 unless otherwise agreed by the parties.

Chapter 9 - Probate, Guardianships, Conservatorships, and Adoption Proceedings

9.035 DELINQUENT FILINGS

In the event of a delinquency in filing any document required by statute, rule or court order, the attorney of record will be sent a courtesy notice. The personal representative, guardian or conservator is expected to promptly cure the delinquency. If the delinquency is not cured within 30 days after mailing of the notice by the court or other time limitation set by the court, an Order to Show Cause may be issued which requires the personal representative, conservator or guardian to appear before the court.

9.045 GUARDIANSHIPS

- (1) In the case of an alleged incapacitated person, after proof of service of notices has been filed, a copy of the petition and supporting documentation, marked "Visitor's Copy," should be delivered to the probate clerk in the Circuit Court clerks' office. After receipt of the copies, the probate clerk will prepare an order appointing a visitor.
- (2) The visitor's fee shall be paid to the visitor or an affidavit of indigency approved by the Court within two judicial days of entry of the order appointing visitor.
- (3) Within 30 days after each anniversary of appointment of all guardians, including those for minors, the guardian or the guardian's attorney of record shall file a guardian's report in substantially the same form as provided in ORS 125.325.

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR

Any interested person, as described in ORS 125.075(1), who has an objection to a Petition in a protective proceeding should contact the probate clerk at (503)325-8555 ext. 305. The objecting party should advise the clerk that they wish to make oral objections to the Petition. Upon request, the probate clerk will provide a form of objection (APPENDIX VII). Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the Court will schedule a hearing and notify the appropriate parties. Written objections should be mailed or delivered to the Clatsop County Circuit Court, 749 Commercial Street, P. O. Box 835, Astoria, OR 97103. Objections must be received by the Court within fourteen (14) days of service of the petition.

9.082 PROTECTIVE PROCEEDINGS - NOTICE OF FREE LEGAL AND OTHER RELEVANT SERVICES

In a proceeding for the appointment of a guardian for an alleged incapacitated person, the notice required under ORS 125.060 shall include the following language or its equivalent:

You are hereby informed of free and low cost legal and other relevant services available in this area, pursuant to ORS 125.070, as follows:

- (1) Free legal services for people at least 60 years of age who are subject to guardianship proceedings may be obtained by calling the Senior Law Program of the Oregon Legal Services at 1-888-245-4091. Many other kinds of free or low cost services for people at least 60 years of age may be obtained by calling Senior and Disabled Services at (503) 325-4543.
- (2) A low-cost one-time legal consultation may be obtained by calling the Lawyer Referral Service of the Oregon State Bar at 1-800-452-7636.

9.161 FORM OF ACCOUNTINGS

UTCR 9.160 is accepted, and accountings shall be substantially in the form specified in the UTCR Appendix of Forms.

9.185 VOUCHERS AND DEPOSITORY STATEMENTS IN PROBATE AND PROTECTIVE PROCEEDINGS

- (1) Vouchers need not be filed with accountings, except on court order. Accountings shall specify the location at which the vouchers are located and state that they will be available at that location for inspection by interested persons until one year after the approval of the final account.
- (2) Depository statements for each account shall be filed with accountings.

Chapter 10 - Proceedings Relating to Vehicle Laws and Driving Privilege Suspensions

(Reserved for expansion)

Chapter 11 - Juvenile Court Proceedings

11.015 PRETRIAL MOTIONS

The schedule for filing pretrial motions provided in UTCR 4.010 shall govern the filing of pretrial motions in delinquency cases.

11.017 RELEASE AGREEMENTS

Conditional release agreements signed by youth in delinquency cases shall be filed with the court.

11.055 JUDICIAL REVIEW HEARINGS

The child, the child's attorney, the parents, any party or any agency having guardianship or legal custody of a child may request a review hearing provided that such request:

- (1) is in writing; and
- (2) sets forth the reason for the review hearing.

11.065 DISPOSITION REPORTS IN DELINQUENCY CASES

Whenever practicable, the Juvenile Department shall prepare and file a disposition report in cases in which a youth has been found to be within the jurisdiction of the juvenile court on an offense which, if committed by an adult, would be chargeable as a crime.

11.075 MANDATORY MEDIATION IN DEPENDENCY CASES

All contested juvenile dependency cases shall proceed to mediation following the shelter hearing or first appearance hearing. See SLR 12.201.

11.085 CASE PLAN IN DEPENDENCY CASES

- (1) The Department of Human Services (DHS) shall file a case plan with the court no later than the disposition hearing in dependency cases in which DHS has been awarded legal custody of the child(ren).
- (2) DHS shall file with the court signed service agreements within 30 days of obtaining the parent's signature.
- (3) In those cases in which there is no signed service agreement, DHS shall file with the court its letter of expectation within 30 days of the date of such letter.

CHAPTER 12 - Mediation in Domestic Relations, Civil, Juvenile Dependency, and Small Claims cases

12.001 DOMESTIC RELATIONS: MEDIATION

(1) Mandatory Mediation

Any matter described in ORS 107.765 and any other proceeding where child custody, parenting time or visitation is contested shall be subject to mandatory mediation except as provided in ORS 107.755(2). The Court will not consider any contested custody, parenting time or visitation issue in a proceeding that results in a final judgment or order unless it is notified by a mediator that the matter has proceeded through mediation in accordance with these rules or the court orders the case is excluded from mediation.

(2) Domestic Relations Mediation: Prejudgment Relief

Requests for prejudgment custody and parenting time orders under ORS 107.095 are not subject to mandatory mediation, but mediation will be ordered for prejudgment issues on the joint request of the parties or immediately after the prejudgment determination is made.

(3) Domestic Relations Mediation: Exclusion from Mediation

The Court may exclude a case from mandatory mediation for good cause shown after hearing on the motion of a party with service on the opposing party.

(4) Domestic Relations Mediation: Other Matters

A mediator qualified to mediate financial issues may consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody, parenting time or visitation with the written approval of both parties or their counsel.

12.002 DOMESTIC RELATIONS MEDIATION: COURT CONTROL

Cases filed in the Circuit Court remain subject to the control of that Court during mediation. Mediators shall report to the Court and counsel for the parties the outcome of the mediation at the conclusion of the mediation proceeding. Any agreements of the parties reached as a result of mediation must be presented to the Court, and the Court shall retain final authority to accept, modify or reject the agreement.

12.003 DOMESTIC RELATIONS MEDIATION: MEDIATION PROCESS

(1) Commencement of Mediation by Stipulated Request for Mediation

If there is a disagreement between the parents concerning custody, parenting time or visitation at any stage of a proceeding, both parents or their attorneys may sign and file with the Court a stipulated request for mediation. A mediator will be available to the parents in accordance with these rules or the parents may agree and stipulate to an independent mediator in their stipulated request for mediation. If the parties choose an independent mediator, the costs for the mediator will be paid by the parties pursuant to their agreement, or, if they cannot agree, jointly.

(2) Domestic Relations Mediation: Commencement of Mediation by Request for Mediation by One Parent

If there is a disagreement between the parents concerning custody, parenting time or visitation at any stage of a proceeding, either parent seeking to resolve the matter shall file with the Court and serve upon the other parent or his or her attorney a request for mediation.

(3) Domestic Relations Mediation: Commencement of Mediation When Respondent Notifies Court

Whenever a respondent appears by filing a response or answer or by filing a request for prejudgment relief or a response to a request for prejudgment relief, the respondent also shall state whether child custody, parenting time and/or visitation is or is not an issue in the case. If the respondent reports that custody and/or visitation is an issue, the Court shall refer the matter to mediation.

(4) Domestic Relations Mediation: Referral by Court to Mediation

When it appears that custody, parenting time and/or visitation are issues in any proceeding that will result in a final judgment or order, the Court shall refer the matter to mediation. In a proceeding that will result in a temporary order, the Court will refer the matter to mediation prior to a prejudgment decision at the request of both parties or immediately after the prejudgment determination is made.

12.004 DOMESTIC RELATIONS MEDIATION: LAWYERS AND MEDIATORS

- (1) Unless otherwise agreed in writing by the parties, the parties' legal counsel shall not be present at mediation sessions.
- (2) A mediator shall encourage disputing parties to obtain independent legal advice and review of any mediated agreement before signing any agreement.
- (3) A mediator shall not act as a lawyer for either party.

12.005 DOMESTIC RELATIONS MEDIATION: MEDIATION ORIENTATION

- (1) Mediation shall consist of an orientation session and three sessions involving the parties and the mediator. Additional sessions may be scheduled by the mediator with prior approval of the Court.
- (2) The Court may exempt a party from orientation for good cause.

12.006 DOMESTIC RELATIONS MEDIATION: ASSIGNMENT TO MEDIATORS

- (1) The parties may select a mediator of their own choosing, but if the mediator is not on the list of mediators approved by the court, the expense of the mediator shall be the responsibility of the parties.
- (2) The parties shall choose a mediator prior to or at orientation. The parties shall notify the Court of the mediator selected, and the Court shall appoint the mediator and notify the parties of the appointment.

- (3) If the parties have not selected a mediator by the end of orientation, the mediation clerk will select a mediator from the court's list of mediators.

12.007 DOMESTIC RELATIONS MEDIATION: SCHEDULING OF MEDIATION SESSIONS

Upon receipt of a mediation assignment, a mediator immediately shall notify the parties of a date and time for the initial mediation session. The initial mediation session shall occur within fourteen (14) days of notice of the assignment to the mediator.

12.008 DOMESTIC RELATIONS MEDIATION: MEDIATION COMPLETION

- (1) Mediation shall be completed in a prompt manner without undue delay of the court proceedings and in no event later than any deadline set by the judge.
- (2) It is the responsibility of the parties to see that mediation is completed without delay. Failure to do so may result in dismissal of a party's pleadings, dismissal of the case, other sanctions, or postponement under such conditions as the Court may require.
- (3) The mediator shall notify the Court immediately when mediation is concluded and the parties have been unable to reach agreement; the case then will proceed to trial.
- (4) The mediator shall notify the Court immediately when an agreement is reached and provide the Court with the signed agreement.

12.011 DOMESTIC RELATIONS MEDIATION: MEDIATION COMMITTEE

A Custody Mediation Committee is established. The mediation judge shall appoint the committee members.

- (1) Function - The committee's function shall be to supervise the mediation program and to recommend rule changes to the judge.
- (2) Composition - The Committee shall be composed of one judge and two or more attorneys whose practices include domestic relations work. The Presiding Judge of the Eighteenth Judicial District shall be an ex officio member. The judge may appoint additional members.

12.012 DOMESTIC RELATIONS MEDIATION: MEDIATOR QUALIFICATIONS

- (1) To qualify as a Court-approved mediator, a person must:
 - (a) Meet the requirements of Oregon law;

- (b) Sign and file an application with the Court; and
 - (c) Be approved by the Presiding Judge, upon recommendation of the Committee.
- (2) A mediator may be removed from the list of Court-approved mediators for failure to follow the court mediation rules, upon recommendation of the Committee, or for other good cause.

12.101 ALTERNATE MEDIATION PROCEDURE IN CIVIL ACTIONS

- (1) Mediation, as used in these rules, is a facilitated negotiation process in which a neutral third-party assists the parties in attempting to reach a resolution of their controversy. The mediator has no authority to make a decision or impose a solution.
- (2) On the parties' written stipulation filed with the court at any time prior to the commencement of the arbitration hearing, the parties may elect to mediate (pursuant to ORS 36.180 to 36.210) rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration. Such mediation shall be accomplished within the same time period required for court-annexed arbitration under these rules. If the parties mediate in good faith, they shall be deemed to have met the requirements for mandatory arbitration, whether or not the mediation results in resolution of all claims, and shall not thereafter be required to submit to arbitration. Nothing in this rule, however, precludes the parties from entering into arbitration in the event that mediation is unsuccessful in resolving the controversy. Any such request to arbitrate after mediation shall be governed by SLR 13.005 to 13.161.

12.103 CIVIL ACTIONS MEDIATION: ASSIGNMENT OF MEDIATOR

- (1) If no arbitrator has been selected or assigned at the time of the stipulation to mediate, the parties may:
- (a) Select a mediator by stipulation; or
 - (b) Follow the procedures for assignment of an arbitrator pursuant to UTCR 13.080, except that the mediator shall be chosen from among those on the court-maintained list who have agreed to serve as mediators. The parties shall notify the arbitration clerk of their desire to select the mediator from such a list prior to the issuance of a list of potential arbitrators, if possible.
- (2) Mediators whose names are maintained on the court-maintained list shall have the qualifications of arbitrators under UTCR 13.090(l).
- (3) If an arbitrator has already been assigned at the time of the stipulation to mediate, the parties may select a mediator in either of the following methods:

- (a) Request the arbitrator to serve as a mediator. Execution of the oath of arbitrator shall not preclude the arbitrator from agreeing to act as mediator pursuant to this rule. If the arbitrator agrees so to serve, UTCR 13.130 shall be inapplicable.
- (b) Stipulate to another mediator. If another mediator is selected, the arbitrator shall be informed immediately, and shall be compensated, pursuant to UTCR 13.120 and the Supplementary Local Rules, for any time already invested in the case.

12.105 CIVIL ACTIONS MEDIATION: COMPENSATION OF MEDIATOR

The mediator is to be compensated pursuant to UTCR 13.120, the Supplementary Local Rules, and the hourly rate established by the arbitration commission.

12.107 CIVIL ACTIONS MEDIATION: MEDIATION PROCESS

- (1) If requested by the mediator, the parties shall supply to the mediator a statement of the nature of the case, the status of settlement negotiations, and any other information requested by the mediator or deemed helpful by any party for resolution of the dispute. This must be supplied to the mediator at least one day prior to the scheduled mediation.
- (2) The results of a mediation shall be reported by the mediator to the Court on such forms as the court may direct, as either "settled" or "not settled." If settled, the terms of the settlement shall be stated on the report form, unless the parties have agreed that the terms shall be kept confidential and not entered as a judgment. The report form shall be filed and the reported settlement entered as a judgment in the same manner as the filing of an award from arbitration that has not been appealed. If the parties have agreed to keep the statement confidential, a written statement of the terms of the settlement signed by the parties and/or their attorneys shall be retained by the mediator and not made a part of the court file or entered as a judgment. Such a confidential statement held by the mediator or the report to the Court including the terms of the settlement shall be admissible to prove the settlement, but shall not otherwise be admissible.
- (3) In the event any party fails to mediate in good faith after signing a stipulation for mediation, pursuant to this rule, the Court may assess as costs any other party's costs necessarily incurred in the mediation, in any subsequent judgment.
- (4) The mediation proceedings described by this rule are compromise negotiations for purposes of ORE 408 (ORS 40.190) and are confidential under ORS 36.205.

12.201 JUVENILE DEPENDENCY MEDIATION

All contested juvenile dependency cases shall proceed to mediation following the shelter hearing or first appearance hearing. At any stage of the proceedings, any party of the case, the court on its own motion, or the Citizens Review Board may request mediation. The court may remove a case from mediation or terminate mediation for good cause.

12.203 JUVENILE DEPENDENCY MEDIATION: REFERRAL PROCEDURES

- (1) At the first hearing at which parties are present (shelter, shelter review, first appearance, status) if there is no stipulation regarding jurisdiction of the juvenile court, every dependency case will be scheduled for mediation to occur approximately 14 days before the jurisdictional hearing or approximately 45 days from the first appearance, whichever is sooner.
 - (a) If jurisdiction is established prior to the mediation date, mediation may be canceled.
 - (b) If the case has not resolved prior to the scheduled mediation, the case will proceed to mediation.
- (2) Court shall schedule mediation, notify all parties, and enter into the case register.
- (3) Cases will be scheduled for mediation on alternating Monday mornings in Courtroom 100 and Monday afternoons in Courtroom 200 and on alternating Friday afternoons in both courts.

12.205 JUVENILE DEPENDENCY MEDIATION: PROCESS AND PROCEDURES

- (1) Prior to Mediation
 - (a) As soon as practicable after each referral, court will provide to the mediator a list of related cases and all parties to the case and their counsel.
 - (b) Court will make the court's file available for review by the mediator, and if possible the mediator will review the court file prior to commencement of mediation.
 - (c) Court will provide a brief orientation to mediation participants at the shelter hearing or other first appearance hearing, and the mediator will further explain the process to the participants at the beginning of the mediation session.

(2) Mediation Sessions

- (a) The mediator shall have the authority and responsibility to make procedural decisions.
- (b) After a good faith effort, a party may choose not to continue with mediation.
- (c) Parties to the case may have an attorney present at mediation.

(3) Post Mediation

- (a) All parties shall report to the Court at the time scheduled for mediation.
- (b) All parties shall report to the court immediately upon completion of mediation to advise the outcome, present any agreement for review and approval, put stipulations on the record, and/or schedule the next hearing. If Court is not in session or the judge is not available for an immediate hearing, the parties shall report in writing and shall schedule a hearing at the earliest available date.
- (c) The Court will evaluate any proposed agreement considering the best interests and the health and safety of the children as its primary concerns.
- (d) The Court may approve or reject any agreement.

12.207 JUVENILE DEPENDENCY MEDIATION: LEGAL EFFECT OF MEDIATION

Mediated settlement agreements should be drafted as stipulations and are enforceable after court review and approval.

12.209 JUVENILE DEPENDENCY MEDIATION: CONFIDENTIALITY

Confidentiality is governed by Oregon Administrative Rules, Chapter 410, Division 6.

12.211 JUVENILE DEPENDENCY MEDIATION: MEDIATORS

(1) Qualifications

- (a) Mediators must possess the minimum qualifications and training for court-connected domestic relations mediators as provided in OAR 718-030-000 et seq.

- (b) Mediators must complete JCIP-approved training in the following areas:
 - (i) Abuse and neglect mediation;
 - (ii) child abuse issues;
 - (iii) Dependency court procedures and time-lines.
 - (c) Mediators will be subject to thorough criminal history checks through Oregon State Police, DHS Central Registry, and professional licensing boards.
 - (i) Any person convicted of child abuse, offenses against persons, sexual offenses, child neglect, or felony drug offenses is ineligible to serve as a dependency mediator.
 - (ii) Any other offenses which appear to bear a substantial relationship to the qualifications, functions or duties of a dependency mediator shall be presented to the Court for determination of fitness to serve as a dependency mediator.
 - (d) Mediators and/or facility must have an adequate safety plan for mediation sessions.
- (2) Mediation shall be conducted by a single mediator unless the Court orders otherwise.

12.301 SMALL CLAIMS MEDIATION

Mediation in small claims cases is mandatory. After a demand for hearing is filed, both parties will be notified by mail of the date they are to appear for mandatory mediation. Any counterclaims will be heard at the same time. All requests for a change in the mediation date must be in writing and must be received by the court no later than seven (7) days before the scheduled mediation date.

12.303 SMALL CLAIMS MEDIATION: PROCESS AND PROCEDURE

- (1) Small claims mediation will be scheduled at 1:15 p.m. or at 2:15 p.m. one Friday per month.
- (2) The Small Claims Clerk will assign cases to a volunteer mediator. Each party must come to mediation with full authority to make and accept offers for settlement.

- (3) All parties must appear for mediation. If there is more than one party listed as a defendant or plaintiff, each person listed on the complaint is required to appear. A party not appearing for mediation may have a judgment entered against him or her. An authorized representative may appear on behalf of a business but must be familiar with the facts of the case and must have full authority to settle.
- (4) If mediation is not successful, a trial will take place. Trials requiring a large amount of time may be set for a future date.
- (5) If mediation is successful, the agreement will be forwarded to a judge for signature. All parties will be mailed a copy of the agreement.
- (6) If the agreement states that one party shall have judgment against the other, the judgment is entered in the record as an enforceable judgment. If the agreement calls for the recovery of money, specific personal property or any penalty or forfeiture, and the party who owes the debt (the debtor) does not abide by the agreement, the party who is owed (the creditor) is responsible for enforcing the judgment.
- (7) If the agreement does not state that one party shall have judgment against the other, the signed agreement is entered in the case as a STIPULATED ORDER. If one party fails to comply with the terms of the agreement, the other party can file an AFFIDAVIT OF NON-COMPLIANCE which, if approved by a judge, will convert the STIPULATED ORDER into a JUDGMENT for the original claim, less what the debtor has already paid. The creditor's filing fees, service costs, and a prevailing fee for a default will be added.

12.401 GOOD FAITH MEDIATION

The court may exercise its authority under UTCR 1.090 to impose sanctions against a party under circumstances not limited to the following:

- (1) The party or attorney fails to attend a scheduled mediation session, arbitration hearing or judicial settlement conference.
- (2) The party or attorney fails to act in good faith during the mediation, arbitration or judicial settlement conference.
- (3) The party or attorney fails to submit on a timely basis paperwork required as a part of the mediation, arbitration or judicial settlement conference.
- (4) The party or attorney fails to have a principal necessary to approve the resolution of a case present or readily available, by telephone or other means, at the time of the mediation, arbitration or judicial settlement conference, unless, in advance, the court grants the party or attorney leave from compliance with this section of the rule.

CHAPTER 13 - Arbitration

13.005 ARBITRATION PROGRAM

Arbitration is required in the circuit court in civil actions involving the recovery of money or damages in an amount less than \$50,000, exclusive of attorney fees, costs and disbursements and interest except for actions filed in the small claims department and in domestic relations suits in which the only contested issue is the division or other disposition of property between the parties.

13.009 MEDIATION IN LIEU OF ARBITRATION

On the parties' written stipulation, filed with the court at any time prior to the commencement of the arbitration hearing, the parties may elect to mediate (pursuant to ORS 36.180 to 36.210) rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration. Such mediation shall be accomplished within the same time period required for court-annexed arbitration under these rules. If the parties mediate in good faith, they shall be deemed to have met the requirements for mandatory arbitration, whether or not the mediation results in resolution of all claims, and shall not thereafter be required to submit to arbitration. Nothing in this rule, however, precludes the parties from entering into arbitration in the event that mediation is unsuccessful in resolving the controversy. Any such request for mediation shall be governed by SLR 12.101.

13.011 REFERRAL TO ARBITRATION

- (1) A case subject to arbitration will be transferred to arbitration when the case is at issue or 90 days have elapsed since its filing, whichever occurs first.
- (2) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case no longer to be subject to mandatory arbitration, the party filing such a pleading must so notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk will then remove the case from arbitration.

13.035 ARBITRATION COMMISSION

The Arbitration Program shall function under the direction of an Arbitration Commission, which shall consist of a judge and at least two attorneys. The Trial Court Administrator shall be an ex officio member of the Commission.

13.101 GOOD FAITH ARBITRATION

Under circumstances not limited to the following, the court may exercise its authority under UTCR 1.090 to impose sanctions against a party.

- (1) The party or attorney fails to attend a scheduled mediation session, arbitration hearing or judicial settlement conference.
- (2) The party or attorney fails to act in good faith during the mediation, arbitration or judicial settlement conference.

- (3) The party or attorney fails to submit on a timely basis paperwork required as a part of the mediation, arbitration or judicial settlement conference.
- (4) The party or attorney fails to have a principal necessary to approve the resolution of a case present or readily available, by telephone or other means, at the time of the mediation, arbitration or judicial settlement conference, unless, in advance, the court grants the party or attorney leave from compliance with this section of the rule.

13.161 LOCATION OF ARBITRATION PROCEEDINGS

Unless otherwise stipulated by all parties, arbitration and mediation proceedings shall be scheduled at a location in Clatsop County, Oregon. Nothing will prevent the arbitrator from setting phone conference calls to deal with scheduling and procedural issues.

CHAPTER 15 - Small Claims

15.015 SETTING TRIALS IN SMALL CLAIMS CASES

Small claims cases will be managed according to the following time lines.

- (1) If no proof of service has been filed by the 28th day after the filing of the complaint, written notice may be given to plaintiff that the case will be dismissed for want of prosecution 21 days from the date of the mailing of the notice unless:
 - (a) Proof of service is filed within the time period;
 - (b) Good cause to continue the case is shown to the court in writing; or
 - (c) The defendant has appeared.
- (2) If proof of service has been filed and any defendant has not filed an appearance 21 days from the date of service, written notice may be given to plaintiff that the case will be dismissed 21 days from the date of mailing of the notice unless:
 - (a) A request for a default judgment is filed;
 - (b) Good cause to continue the case is shown to the court in writing; or
 - (c) The defendant has appeared.

15.025 MANDATORY MEDIATION

Mediation in all small claims cases is mandatory and shall proceed as set forth in SLR 12.301.

APPENDIX I
See SLR 8.045(2)

NOTICE

You must file an answer in writing to this Order within the time allowed by the Order. If you do not file a written answer within such time, the other side may be given whatever he or she is requesting in the motion. If you have any questions, you should see an attorney immediately.

In order to file an answer in writing, you must do the following things:

- (1) Your written answer must contain the title and number of this case.
- (2) Your written answer must specify the item or items of relief requested by the other side which you oppose. Although you do not need to state the reasons why you oppose the requested relief, your answer will be more easily understood if you do. Your answer will have more authority if it is in the form of a sworn affidavit but this also is not required.
- (3) Your written answer must be signed by you and must contain your current mailing address. All future notices and documents in this case will be sent to you at the address listed on your written answer unless and until you file in this case a written notice of a change of such address, and the Court will proceed on the assumption that you have received all communications and documents mailed to you at your most current address on file in this case.
- (4) Your written answer must be mailed or presented to the clerk of the Court so as to actually reach the clerk of the Court within the time allowed.
- (5) Your written answer must be accompanied by payment of any filing fee required by law for the filing of the answer, or you must obtain a Court order waiving or deferring such filing fee (you should contact the clerk of the Court if you have any questions concerning a filing fee).
- (6) At or before the time you file your written answer with the clerk of the Court, you must mail a copy of the answer to the attorney for the other side or to the other side personally if he or she is not represented by an attorney. You must attach a certificate showing proof of mailing to the answer which you file with the clerk. If you properly file a written answer, the Court will decide whether or not to grant the relief requested by the other side, and you will be notified by mail of the Court's decision. If you do not file an answer within the time allowed, the relief requested may be granted. If you wish to seek affirmative relief for yourself against the other side, you must file an appropriate motion with an affidavit, and you must mail a copy of the motion and affidavit to the attorney for the other side or to the other side personally if he or she is not represented by an attorney.

APPENDIX II
See SLR 8.015(1)

RULES FOR PARENTING TIME WITH MINOR CHILDREN IN DOMESTIC RELATIONS
CASES

For the purposes of this schedule, a weekend is defined as commencing at 7:00 p.m. on Friday and ending at 7:00 p.m. on Sunday. The first weekend of the month is defined as the first one that has both a Saturday and a Sunday within that month.

The noncustodial parent shall have parenting time with the minor child(ren) as follows:

- (1) Except when a specific period is set forth hereafter, the first and third weekends of each month; and
- (2) Whether or not the child(ren) are in school, during the period of Christmas school vacation from the day after school adjourns until 10:00 a.m. on Christmas morning in even-numbered years, and from 10:00 a.m. on Christmas morning until 7:00 p.m. on the day before school resumes in odd-numbered years; and
- (3) Whether or not the child(ren) are in school, for a period of thirty-five days during the period of school summer vacation. Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the inclusive dates of the thirty-five day parenting time period with the child(ren). If the non-custodial parent fails to give such notice to the custodial parent before May 1 of the year of the summer parenting time, the non-custodial parent nevertheless shall have the right to such parenting time with the child(ren) after giving two (2) weeks written notice to the custodial parent, if and to the extent that the time remains for such time; provided, however, that the custodial parent shall have the right to choose the inclusive dates for such parenting time. When the non-custodial parent exercises his or her right to parenting time of more than nineteen consecutive days with the child(ren), the custodial parent shall have the right to a weekend with the child(ren) on the third weekend after commencement of the extended parenting time by the non-custodial parent. Such interim parenting time by the custodial parent shall not lengthen the thirty-five days of parenting time allowed to the non-custodial parent; and
- (4) Parenting time in even-numbered years on the following holidays or during the following holiday periods:
 - (a) The birthdays of the child(ren) from 9:00 a.m. to 7:00 p.m. if the birthday falls on a weekend, or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday;
 - (b) Thanksgiving holiday, commencing on Wednesday at 7:00 p.m. and ending on the following Sunday at 7:00 p.m.;
 - (c) The Fourth of July. If this holiday does not fall on Friday Saturday, Sunday, or Monday, visitation shall commence at 9:00 a.m. and shall end at 10:00 p.m. on July 4. If this holiday falls on a Saturday, Sunday, Monday, parenting time shall commence at 7:00 p.m. on the Friday preceding July 4, and shall end on Sunday the 4th or Monday the 4th, as the case may be, at

7:00 p.m. If the holiday falls on a Friday, parenting time shall commence at 7:00 p.m. on Thursday and shall end at 7:00 p.m. on the following Sunday; and

(d) Whether or not the child(ren) are in school, during the period of school spring vacation (measured from the day after school adjourns through the day before school resumes), commencing at 9:00 a.m. and ending at 7:00 p.m.

(5) Parenting time in odd-numbered years on the following holidays or during the following holiday periods:

(a) The day before the child(ren)'s birthday from 9:00 a.m. to 7:00 p.m. if the birthday falls on a weekend or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday.

(b) Memorial Day weekend, commencing on the Friday preceding Memorial Day at 7:00 p.m. and ending on the following Monday at 7:00 p.m.; and

(c) Labor Day weekend, commencing on the Friday preceding Labor Day at 7:00 p.m. and ending on Monday, Labor Day, at 7:00 p.m.

In each year, the mother shall have the child(ren) on Mother's Day and her birthday, and the father shall have the child(ren) on Father's Day and his birthday, from 9:00 a.m. to 7:00 p.m.

The custodial parent shall have the right to designate one weekend each summer when the non-custodial parent's weekend parenting time will not occur in order that the custodial parent can have the child(ren) for an uninterrupted two (2) week period. Before May 15 of each year, the custodial parent shall inform the non-custodial parent of which weekend has been selected. The weekend shall not be on a holiday, birthday or during the non-custodial parent's 35 days of summer parenting time.

All parenting time shall be exercised in a prompt manner so that both parties can make their plans accordingly. The non-custodial parent shall pick the child(ren) up from the front steps of the custodial parent's residence no earlier than 15 minutes before and not later than 15 minutes after the parenting time commences. Return of the child(ren) to the front of the custodial parent's residence shall also be subject to the 15 minute rule. The custodial parent shall have the child(ren) fed and ready on time, with sufficient and proper clothing packed and ready. In the event the child(ren) is ill and unable to visit, the non-custodial parent may have parenting time with the child(ren) on the next succeeding weekend. However, if the non-custodial parent fails to exercise his or her parenting time for any reason, there will be no makeup time. The child(ren) will not be permitted to determine whether they wish to spend time with the non-custodial parent.

Personal plans of the custodial parent or child(ren), school activities, church activities and other considerations will not be reasons for failing to adhere to this parenting time schedule. Only substantial medical reasons will be considered sufficient for postponement of a parent's parenting time. Both parties will provide addresses and contact telephone numbers to the other party and advise of any emergency circumstances or substantial changes in the health of any child(ren).

The non-custodial parent shall, in addition to the parenting time set forth in this order, have the unlimited right to correspond with the minor child(ren) of the parties, and to telephone the minor

child(ren) during reasonable hours without interference or monitoring by the custodial parent or anyone else in any way. Unless otherwise agreed to between the parties, telephone conferences between the non-custodial parent and the child(ren) shall be limited to no more than three (3) per week and shall be limited, each call, to ten (10) minutes or less in duration.

Both parties are restrained and enjoined from making derogatory comments about the other party or in any way diminishing the love, respect and affection that the child(ren) have for the other party.

In addition to the parenting time specified above, the non-custodial parent shall have the right to spend time with the child(ren) at school, attend the child(ren)'s schools activities and have full access to school teachers and administrators for complete information about the child(ren) in school.

APPENDIX III
See SLR 8.015(3)

NOTICE TO PARTIES IN CASES INVOLVING CHILDREN

The court considers the welfare of the children to be the most important part of this case.

The behavior, comments and attitude of the parents will have a huge effect on how a divorce will affect the children. Children are greatly influenced by the things that their parents say and do, especially concerning the other parent.

Children need to know that the family break-up is not their fault and that they still will have both of their parents. They need to be shielded from the conflict between their parents as much as possible. They need to be able to continue to have parenting time with both of their parents. It takes careful work by the parents to keep the children out of the conflict and may involve the parents' educating others about the importance of this. The parents will need to try to work together to come up with a parenting plan to involve both parents in the children's lives, regardless of where the child actually resides most of the time.

The court will, in its temporary and final orders in this case, enter orders designed to protect the children from emotional as well as physical harm. These orders may include the following:

1. Neither parent shall make derogatory remarks about the other parent within the hearing of the children, or in any way diminish the love, respect and affection that the children have for the other parent.
2. The children will not be used to communicate about disputes between parents. The proceedings shall not be discuss with the children.
3. The parents will follow the parenting plan in good faith and in the best interest of the children.
4. The parents will minimize the negative effects of the dissolution on the children, using mutual cooperation and active involvement by each of them.
5. The children will have the right to reasonable telephone access to both parents.
6. Both parents will be able to participate in the children's school and other activities.

The court will take into account the past willingness of the parties to obey the above orders, in making its decision in this case.

For the sake of your children, each of you shall obey the court's orders immediately.

APPENDIX IV
See SLR 8.015(2)

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

_____))
Petitioner))
and)) Case No. _____
_____))
Respondent)) **PARENTING PLAN**

CHECK THOSE BOXES THAT APPLY

This parenting plan is:

- The final parenting plan signed by the Court pursuant to a judgment of dissolution of marriage, paternity judgment or other original order.
- The final parenting plan signed by the Court pursuant to a modification judgment.
- A proposed parenting plan proposed by Petitioner Respondent

1. General Information

This parenting plan applies to the following children:

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

2. Restrictions

- There are no restrictions on either parent.
- The father's parenting time will be restricted because parenting time would endanger the health or safety of the children.
- The mother's parenting time will be restricted because parenting time would endanger the health or safety of the children.

Other restrictions:

2.1 Supervised Parenting Time

Mother Father shall have supervised parenting time at Level _____ .

The frequency and length of parenting time shall depend on the availability of supervision.

Parenting time shall be at least _____ hour(s) a day, _____ day(s) a week.

Parenting time shall be _____

2.2 Costs of Supervised Parenting Time

Any costs of supervision shall be allocated as follows:

_____ % Mother _____ % Father

2.3 Comply with Supervision Rules

Mother Father shall be responsible to provide copies of custody, parenting time and FAPA orders to the supervisor.

The supervisor shall have the right to discontinue parenting time if either party violates the supervisor's policies or court order, engages in threatening or violent behavior at the supervision site or toward the child, another parent, or other person associated with the child or parent.

3. Residential Schedule

3.1 Preschool Schedule

There are no preschool children.

Prior to enrollment in school, the children shall reside with mother father, except for the following days and times when the children will reside with the other parent:

From _____ (Day and time) to _____ (Day and time)

every week every other week the first and third weekends of each month

other: _____

3.2 School Schedule

Upon enrollment in school, the children shall reside with mother father, except for the following days and times when the children will reside with the other parent.

From _____ (Day and time) to _____ (Day and time)

every week every other week the first and third weekends of each month

Other: _____

The school schedule will start when each child begins kindergarten first grade

3.3 Vacation schedules

Christmas vacation:

The children shall reside with mother father during the Christmas school vacation in even-numbered years and with the other parent in odd-numbered years.

The children will reside with mother father from the day after school adjourns until 10 a.m. on Christmas morning and with the other parent from 10 a.m. on Christmas morning until 7:00 p.m. on the day before school resumes.

Other: _____

Spring vacation:

The children shall reside with mother father during the school spring vacation in even-numbered years and with the other parent in odd-numbered years.

Other: _____

Summer vacation:

Upon completion of the school year, the children shall reside with mother father except for the following days and times when the children will reside with the other parent:

- Same as school year schedule
 - The parents will equally divide the school summer vacation.
 - Other: _____
-
-

3.4 Vacations

- Does not apply.
 - If special out-of-area vacation opportunities are available for the children with either parent, such shall be scheduled by mutual agreement.
 - Each parent may schedule one one-week vacation with the children during the summer. Arrangements for these summer vacation periods should be made by June 1 of each year unless the parties agree otherwise.
 - Other: _____
-

3.5 Holiday and Special Occasion Schedule

The parenting schedule for the children for the days listed is as follows:

	With Mother (Specify Year: Odd/Even/Every)	With Father (Specify Year: Odd/Even/Every)
HOLIDAYS		
Martin Luther King Day	_____	_____
Presidents Day	_____	_____
Memorial Day	_____	_____
July 4th	_____	_____
Labor Day	_____	_____
Thanksgiving Day	_____	_____
Christmas Eve	_____	_____
Christmas Day	_____	_____
Easter	_____	_____
_____	_____	_____
_____	_____	_____
SPECIAL OCCASIONS		
Mother's Day	_____	_____
Father's Day	_____	_____
Mother's Birthday	_____	_____
Father's Birthday	_____	_____

Child's Birthday: _____
 Child's Birthday: _____
 Child's Birthday: _____

3.6 Priorities

- Parent's vacation has priority over holidays.
- Holidays have priority over special occasions.
- Special occasions have priority over school vacations.

4. Transportation

Each parent will be responsible to pick up the children from the other parent's residence to commence his or her parenting time with the children.

The parents will meet half-way at _____.

Mother will transport the children to and from father's home.

Father will transport the children to and from mother's home.

Other transportation arrangements: _____

Transportation shall be done in a prompt manner. The parent transporting the children shall be at the destination no earlier than 15 minutes before and not later than 15 minutes after the parenting time period commences or ends. The children shall be fed and ready on time.

If the exchange of the children occurs at a parent's residence, the transporting parent shall wait at the curb.

5. Decision-making Responsibility

5.1 Day-to-Day Decisions

Each parent shall make decisions regarding the day-to-day care of the children while the children are residing with that parent.

Each parent may make emergency decisions affecting the health or safety of the children.

5.2 Major Decisions

Major decisions regarding each child shall be made as follows:

All Major Decisions Mother Father Joint

Education Decisions	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
Non-emergency Health Care	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
Religious Upbringing	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
_____	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint

6. Communications

6.1 Telephone Access

- Each parent shall provide the other parent with a telephone number so the parent with the children may be reached during his or her parenting time.
- There shall be reasonable telephone access between the children and parents without interference or monitoring by a parent or anyone else.
- Telephone calls between the other parent and the children will be limited to no more than three calls a week and each call will be limited to ten minutes or less in duration.

6.2 Direct Communications

Neither parent shall make derogatory remarks about the other parent within hearing of the children.

- The parents shall communicate directly with each other regarding the children.

6.3 School Contacts

- Each parent shall have equal and independent authority to confer with the children’s teachers and school administrators in regards to the children’s educational and social progress.
- Each parent shall be responsible for keeping himself or herself advised of the children’s athletic and school events. Both parents may participate in school activities such as open house, athletic events, science fairs, awards presentations, etc.

7. Relocation of Parents

Neither parent may move to a residence more than 60 miles further distant from the other parent without giving the other parent reasonable notice of the change of residence and providing a copy of such notice to the Court.

8. Good Faith

This Parenting Plan does not and cannot cover all aspects of the parents' rights and responsibilities. The parents will follow the provisions of the Parenting Plan in good faith and in the best interests of their children.

The parents intend that each shall continue to have an active role in providing a sound moral, social, economic and educational environment for their children. Each parent wants to minimize the negative effects of the dissolution on the children, and they have been advised that mutual cooperation and their active involvement with the children will benefit the children.

9. Mediation

Disputes between the parents concerning the children other than financial disputes shall be submitted to mediation or some other appropriate dispute resolution process mutually agreed to by the parents. Both parents shall make a good faith effort to resolve any disputes that arise regarding the children or the terms of the Parenting Plan.

If the case is appropriate for court mediation services, either parent may file necessary documents with the Court to initiate that process. Otherwise mediation shall be commenced by notifying the other party in writing.

Any costs of mediation shall be allocated as follows:

_____ % Mother _____ % Father

This case is exempt from mediation due to: _____

10. DECLARATION

This proposed parenting plan is made in good faith.

Dated: _____

Mother's Signature

Dated: _____

Father's Signature

* * * * *

11. WARNINGS

- This parenting plan has been adopted by the Court. Violation of any provision of this order with actual knowledge of its terms is contempt of court and may be punishable by six months in jail, a fine of \$500 or one-percent of gross annual income, payment of costs and attorney fees, or other sanctions.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the parenting plan set forth above is adopted and approved as an order of this Court.

Dated _____

Circuit Court Judge

APPENDIX V
See SLR 7.031(8)

DOCKET CALL - CRIMINAL CASE
ATTORNEY APPEARANCE IN WRITING

CASE NAME AND NUMBER: _____

DOCKET CALL DATE: _____

ATTORNEY NAME: _____

I make the following representations regarding this case.

Will the defendant appear at docket call? () Yes () No

If no, reason for non-appearance: _____

Have you had contact with the defendant in the last 10 days? () Yes () No

If yes, by: _____ phone _____ letter _____ personal contact

ARE YOU READY FOR TRIAL WITH ALL WITNESSES SUBPOENAED:

() Yes () No

IF NO, WHY NOT? _____

IF YES, Number of Witnesses _____ Estimated length of trial _____

ANTICIPATED PROBLEMS OR ISSUES TO BE RESOLVED PRIOR TO TRIAL:

Attorney Signature: _____

Date: _____

APPENDIX VI
See SLR 7.031(8)

DOCKET CALL - CIVIL CASE
ATTORNEY APPEARANCE IN WRITING

CASE NAME AND NUMBER: _____

TRIAL DATE: _____

DOCKET CALL DATE: _____

ATTORNEY NAME (or Party Name if unrepresented):

I make the following representations regarding this case:

Will the party appear at docket call: () Yes () No

ARE YOU READY FOR TRIAL WITH ALL WITNESSES SUBPOENAED?
() Yes () No

IF NO, WHY NOT?

IF YES, Number of Witnesses _____
 Estimated Length of Your Portion of the Trial _____
 Motion in Limine Filed: () Yes () No

ANTICIPATED PROBLEMS OR PRETRIAL ISSUES:

ISSUES AT TRIAL:

SIGNATURE: _____

DATE: _____

