

RULES
OF THE
14TH JUDICIAL DISTRICT
OF THE STATE OF OREGON
FOR
JOSEPHINE COUNTY

**CERTIFICATE OF SUPPLEMENTARY LOCAL COURT RULES
OF THE CIRCUIT COURT OF JOSEPHINE COUNTY,
FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON**

I, Lindi L. Baker, Presiding Judge of the Fourteenth Judicial District of the State of Oregon, hereby certify that attached hereto is a complete, true, and correct copy of the Supplemental Rules for the Circuit Court of the State of Oregon for Josephine County, effective February 1, 2007.

Dated this 20 day of November, 2006.

/s/ Lindi L. Baker

Lindi L. Baker
Presiding Judge
Fourteenth Judicial District
State of Oregon

**SUPPLEMENTARY LOCAL RULES OF THE CIRCUIT COURT
OF THE STATE OF OREGON FOR JOSEPHINE COUNTY
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**CHAPTER 1
GENERAL PROVISIONS**

1.151 HOURS OF COURT OPERATION

- (1) (a) Courthouse - 500 N.W. 6th Street, Grants Pass, Oregon 97526 - open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.
- (b) Family Court - 301 N.W. 'F' Street, Grants Pass, Oregon 97526 - open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.
- (2) Customer Service Windows
 - (a) Civil and Criminal - open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday unless otherwise posted and excluding legal holidays.
 - (b) Accounting - open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.
- (3) Filing of Court Documents

When the civil and criminal customer service windows are closed, documents can be filed at the accounting customer service window.

1.171 COURT WEBSITE

Josephine County Courts has a website which lists information about our court. The website address is:

<http://www.ojd.state.or.us/jos/home.nsf/home.htm>

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CHAPTER 3

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the public hallways outside of any courtroom or court office. Upon request, on a case by case basis, the court will consider designating an area outside courtrooms and prohibited court areas for media and public access coverage.

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**CHAPTER 5
PROCEEDINGS IN CIVIL CASES**

5.051 MOTION HEARINGS

If oral argument is requested by either party, the matter shall be heard on the first Monday following the time for response and reply has elapsed. The hearing will be scheduled by the court and set on the motion calendar.

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**CHAPTER 6
TRIAL PROCEDURES**

6.012 PRE-TRIAL SETTLEMENT CONFERENCE PROCEDURES

The following procedures shall apply to pre-trial conferences in all pending civil and domestic relations cases, when ordered by the court pursuant to UTCR 6.010, 6.200, or requested by a party or the party's attorney:

- (1) If one party requests a pre-trial settlement conference, the settlement conference shall be held unless the opposing party demonstrates good cause why the settlement conference should not be held.
- (2) Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the pre-trial settlement conference. However, the assigned judge may permit telephone appearances in lieu of personal appearance for good cause.
- (3) Each pre-trial settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the assigned judge or by agreement of all attorneys and parties.
- (4) The pre-trial settlement conference shall not delay the trial scheduling.
- (5) Pre-trial settlement conferences shall be conducted by a judge other than the assigned trial judge, unless all parties stipulate in writing that the trial judge may also conduct the settlement conference.
- (6) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, unless otherwise ordered by the court, in accordance with UTCR 6.020.

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**CHAPTER 7
CASE MANAGEMENT AND CALENDARING**

7.011 COURT NOTIFICATION OF PLEAS OR STIPULATIONS

No agreement or stipulation between the parties and their attorneys concerning any proceeding before the court or disposition thereof, will be regarded or enforced unless the same be made in open court in the presence of the parties and reported or reduced in writing and subscribed by the party or attorney to be bound thereby, unless otherwise ordered by the court. Parties shall enter plea negotiations using the Plea Petition Form supplied by the court and attached hereto as Appendices 1 and 2.

7.012 STATUS HEARING IN CRIMINAL CASES

- (1) A status hearing will be held in advance of the trial date. The date and time of the status conference will be set at arraignment.
- (2) All investigations, discovery, negotiations and plea agreements shall be completed by the status hearing.
- (3) The attorney for each party and defendant shall appear at the status hearing.
- (4) Unless the case is resolved, the parties shall provide the court with a completed Status Report Form, bearing the signatures of each attorney. The form will be furnished by the court and is attached hereto as Appendices 3 and 4.
- (5) The parties shall report to the court the status of the case. In the absence of settlement, the parties shall appear in court and report:
 - (a) Whether the case is complex, subject to UTCR 7.030;
 - (b) Whether a jury trial is desired;
 - (c) Probable length of trial;
 - (d) The need for a pretrial hearing;
 - (e) Whether the parties will file any motions; and,
 - (f) Identify areas remaining at issue or any other matter affecting the case.

7.013 PRETRIAL CONFERENCES

- (1) Pretrial conferences will be set for individual cases upon written request of either party, using the State/Defense Status Report Form supplied by the court and attached hereto as Appendices 3 and 4.
- (2) All criminal defendants will be required to be present for the pretrial conference unless prior approval is granted by the court excusing defendant's presence.

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**CHAPTER 8
DOMESTIC RELATIONS PROCEEDINGS**

8.015 DOMESTIC RELATIONS EDUCATION PROGRAMS

- (1) Josephine County Circuit Court has established domestic relations education programs as authorized by ORS 3.425.
- (2) The following cases are subject to these programs:
 - (a) annulment or dissolution of marriage actions;
 - (b) legal separation actions;
 - (c) petitions to establish paternity, custody or *parenting time* by unmarried parents; and
 - (d) post-judgment litigation involving changes in custody or parenting time in which the parties have not previously completed these programs.
- (3) Co-Parenting Education Program
 - (a) All parents of a child under the age of 17 years shall successfully complete the Josephine County Family Court Co-Parenting Education Program or a court-approved out-of-county education program. The name of this program is "*Families in Transition*."
 - (b) Court action in these cases will not be delayed by a party's refusal, failure or delay in registering for or completing this program or the failure to comply with the requirements of this program, unless the noncomplying party is the moving party in the action.
 - (i) Upon a party's failure to successfully complete the education program or failure to comply with the requirements of this program, the court may take appropriate action, including but not limited to denial of the relief sought by that party, or proceedings for contempt, assessment of costs and attorney fees.
 - (ii) Failure or refusal to complete the program in a timely manner will be considered by the court when making its ruling on issues which are in dispute and in determining the best interest of a child.
 - (iii) A party who knowingly fails to comply with the provision of this program may have their pleading stricken and/or a default entered.

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- (c) The party initiating the proceeding shall register for the program within 15 days after filing the initiating pleading with the court. A statement of the requirements of the program and instructions on how to register for the program (Appendix 5) shall be served by the initiating party on all parties against whom relief is sought. Service shall be accomplished as provided in ORCP 7 at the time the initiating documents are served. All parties other than the initiating party shall register for the program within 30 days after service of the notice upon them.
 - (d) The program provider shall issue a Certificate of Completion (Appendix 6), which includes the date of completion, to the court when the participant has completed the program.
 - (e) Upon a showing of good cause, a party may request waiver of the requirement of this program. The request must be made by written motion, supported by affidavit, and filed within 15 days of receipt of the notice of requirements of this program.
 - (i) “Good cause” includes that the party lives more than 100 miles from Grants Pass, Oregon and a court-approved program is not within their area, or is in poor health and a doctor states, in writing, that they should not attend. A copy of that writing must be provided to the provider.
 - (ii) Mere inconvenience is not good cause.
- (4) Parent and Children Education Program
- (a) All parents of a child who is at least 5 years old but not yet 14 years old are strongly encouraged to enroll himself/herself and the children into the Josephine County Family Court Parent and Children Education Program. The name of this program is “*Toolbox*.”
 - (b) Registration for Josephine County Family Court Parent and Children Education Program shall occur at the Co-Parenting Education Class. A party who has a court order waiving the party from the requirement of attending the Co-Parenting Education Program is not required to attend the Parent and Children Education Program.
 - (c) A certificate of completion shall be provided for all attendees. A copy of the certificate shall be filed with the court clerk by a parent who completed the program.

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8.015 Continued

- (d) If either party interferes with other family member's attendance and completion of the program, the court may impose sanctions including but not limited to striking that party's pleading and awarding costs to the other party.
- (5) Service Provider
 - (a) These programs are provided by the Josephine County Mental Health Department. A party can schedule to attend by calling (541) 474-5358.
 - (b) Each party shall pay a fee at the time of registration for the Co-Parenting Education Program as determined by the program provider to cover the costs for the Co-Parenting Education Program and the Parent and Children Education Program.
 - (c) The fee may be waived or deferred by the Service Provider. A party seeking waiver or deferral must contact the Service Provider directly. In cases of extreme hardship, and after attempting to resolve the issue with the Service Provider, a party may request the court to waive the requirement to attend the Co-Parenting Education Program and the Parent and Children Education Program.

8.025 DIVISION OR VALUATION OF PERSONAL PROPERTY

- (1) Parties to all contested dissolution of marriage and dissolution of domestic partnerships must prepare a joint exhibit list if there is any dispute as to the division or valuation of personal property.
- (2) The exhibit list is to contain:
 - (a) each item of property
 - (b) in columns to the right of the property list there is to be
 - (i) each party's estimate of fair-market value
 - (ii) each party's proposed distribution
 - (iii) any claim as to pre-marital or inherited property
 - (c) at the bottom of each page there is to be a subtotal for each party's claimed fair-market value of the property
 - (d) the last page is to have a total for each party based upon their claim for the item and their estimated fair-market value
- (3) Each party must provide the other party with their exhibit list at least seven (7) days prior to the final hearing.
- (4) The joint property exhibit list is to be prepared pre-trial and submitted to the court at the beginning of the final hearing.

**CHAPTER 9
PROBATE AND ADOPTION PROCEEDINGS**

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN / CONSERVATOR

- (1) Any interested person, as described in ORS 125.075(1), who has an objection to a petition in a protective proceeding should contact a court clerk at (541) 476-2309, ext. 210, or appear in person at Room 256 in the Josephine County Courthouse, 500 Northwest 6th Street, Grants Pass, Oregon 97526 during normal business hours. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the petition and would like to speak to the judicial assistant of the judge assigned to the case. Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the court will schedule a hearing at Josephine County Courthouse and notify the appropriate parties.
- (2) The objecting party shall be provided a written objection form as contained in Appendix 7.

9.091 VISITOR'S APPOINTMENT AND FEES

- (1) The Visitor shall not be appointed, nor undertake an investigation until the Visitor's fee has been paid to the court. The fee is payable at the time of filing. The only exception is if the court approves an affidavit of indigency.
- (2) The amount of the Visitor's fee is \$150.00.

CHAPTER 11

11.005 APPEARANCE IN JUVENILE COURT DEPENDENCY CASES

- (1) A parent who is served with a summons in a child dependency case shall appear personally in court at the time and place specified in the summons for a hearing on the allegations of the petition.
- (2) A parent who fails to appear shall be subject to entry of a default order and/or judgment granting the relief sought by the petitioner.

**CHAPTER 12
MEDIATION**

12.015 MATTERS SUBJECT TO MEDIATION

- (1) SLR 12.015 through 12.040 apply to Domestic Relations cases.
- (2) SLR 12.045 through 12.100 apply to all other mediation matters.

12.021 MANDATORY MEDIATION

- (1) Any petition (except those matters filed pursuant to the Family Abuse Prevention Act, ORS 107.700 through 107.730) filed in Circuit Court involving a controversy over custody or parenting time of minor children shall be subject to mediation.
- (2) The mediator shall not consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody or parenting time. No referrals to arbitration shall be made after a parenting time order is approved or mediation is terminated pursuant to Court Rules.

12.025 SCOPE OF AUTHORITY

A domestic relations case filed in the Circuit Court remains under the scope of authority of that court in all phases of the proceedings, including mediation. The court which refers a case to mediation may set in its referral order the limits of the mediator's scope of authority in the case. Any agreement of the parties reached as a result of mediation for which court enforcement may be sought must be presented to the court, and the court shall retain final authority to accept, modify or reject the agreement.

12.031 MEDIATION

- (1) Commencement of Mediation by Stipulated Request for Mediation

If there is a disagreement between the parties concerning custody or parenting time at any stage of a domestic relations proceeding, both parents, or their attorneys, may sign and file with the court a Stipulated Request for Mediation, in substantially the form as of that attached to these rules as Appendix 8. The parents will be referred by the court for mediation in accordance with these rules, or the parents may agree and stipulate to an independent mediator in their Stipulated Request for Mediation.

12.031 Continued

(2) Commencement of Mediation by Request for Mediation by One Parent

If there is a disagreement between the parents concerning custody or parenting time at any stage of a dissolution of marriage proceeding, either parent seeking to resolve the matter must file with the court and serve upon the other parent, or his/her attorney, a Request for Mediation in substantially the form as attached hereto as Appendix 9.

Both parents appearing for mediation orientation shall report to the Josephine County Juvenile Department, 301 N.W. 'F' Street, Grants Pass, Oregon 97526 at 8:15 A.M. on the second Monday following the day that the other party is personally served, or has been mailed a copy of the Request for Mediation.

In the event of a Stipulated Request for Mediation, both parents may appear at the next scheduled Monday mediation orientation.

(3) Temporary Custody and Parenting Time Orders

At any point during the mediation, the court may approve a Temporary Custody and Parenting Time Order reflecting the parents' agreement as to the issues.

(4) Good Faith Required

Mediation shall not be used by any parent in bad faith for the purpose of delaying resolution of other issues. If the court finds at any time that the mediation process is being misused in violation of this rule, it may determine that mediation has been unsuccessful.

12.035 INDEPENDENT MEDIATORS

(1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of any agreed-upon fee for mediation.

(2) If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.

(3) If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or parenting time dispute, the parties will be required to enter into mediation pursuant to Rule 12.030 herein.

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12.035 Continued

- (4) If the parties select an independent mediator pursuant to Rule 12.035(1) after a referral has been made to mediation, they shall then comply with Rule 12.035(2) and send a copy of the stipulation to the court.

12.041 LITIGATION OF UNRESOLVED CONFLICT

(1) Notice of Unsuccessful Mediation

The mediator shall notify the court in writing of mandatory mediation cases in which further attempts at mediation will prove unsuccessful or detrimental to the interest of either party.

(2) Order of Evaluation

The court may order the Juvenile Department to conduct an evaluation of the parties and child or children at issue in a custody decision. The court may order the Juvenile Department to conduct an evaluation of the parties and child or children at issue in a parenting time decision.

(3) Counselor

The counselor assigned to a custody or parenting time evaluation shall not be the same individual who served as mediator unless both parties request assignment of the mediator to conduct a custody or parenting time evaluation.

Requests for the same individual who served as mediator to conduct a custody or parenting time evaluation shall be in writing, signed by both parties and received by the Juvenile Department within seven (7) calendar days of the Court Evaluation Order.

(4) Completion of the Evaluation

The evaluation shall be made available by the court to the parties prior to the court hearing.

12.045 MEDIATION FOR MATTERS OTHERWISE SUBJECT TO ARBITRATION

Litigants may satisfy the requirements for mandatory arbitration pursuant to ORS 36.405 by participating in court mediation.

12.051 COMMUNITY DISPUTE RESOLUTION ADVISORY COMMITTEE

In addition to its other duties, the Community Dispute Resolution Advisory Committee shall monitor the court mediation program, advise the court regarding mediation services and review qualifications and training of mediators.

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12.055 MEDIATION PANEL ESTABLISHED

There shall be a panel of mediators comprised of individuals who satisfy qualifications and training standards prescribed in OAR Chapter 718, Division 40, and have been appointed by the presiding judge.

12.061 APPOINTMENT OF MEDIATION PANEL

- (1) To apply for inclusion on the Josephine County panel of mediators, a person must file a letter with the court outlining mediation training and other qualifications.
- (2) The Community Dispute Resolution Advisory Committee shall review each letter and make a recommendation to the presiding judge.
- (3) The decision as to whether an individual is qualified to be on the panel of mediators and the number of mediators which comprises the panel shall be made by the presiding judge.

12.065 REMOVAL FROM MEDIATION PANEL

- (1) The Community Dispute Resolution Advisory Committee shall monitor the performance of mediators and report to the presiding judge as appropriate.
- (2) The presiding judge may remove a mediator from the court panel at his/her discretion.

12.071 MOTIONS

- (1) If the first appearance of a defendant is not an answer but is a motion directed to the complaint or a dispositive motion, the motion shall be decided by the court before the case is assigned to mediation.
- (2) Any motion, other than a Motion for Summary Judgment, filed after assignment of a mediator shall be stayed pending disposition of mediation.

12.075 REFERRAL TO MEDIATION

- (1) Upon appearance of the parties and determination of the case, the clerk of the court will notify the parties of SLR 13.005 and SLR 12.020 requiring participation in an alternative dispute resolution program.
- (2) The case shall be assigned to mediation unless a request for arbitration is made by one of the parties.

12.081 EXEMPTION FROM MEDIATION

A party may file a written objection to mediation with the court, the action shall remove the case from mediation and the matter will be referred to arbitration.

12.085 ASSIGNMENT OF MEDIATOR AND SCHEDULING

- (1) The court shall exercise its authority under ORS 36.200(2) to assign cases subject to SLR 12.100(2) to a mediator.
- (2) The mediator will assign the date, time and place of the initial mediation session and any additional sessions.
- (3) The parties may choose, at their option and expense, mediation services other than those suggested by the court, and entering into such private mediation services shall be subject to the same provisions of ORS 36.180 to 36.210.

12.091 COMPENSATION OF MEDIATORS

- (1) Mediation fees shall be the same as those paid to arbitrators appointed in Josephine County.
- (2) Payment of the mediation fee is due within 14 calendar days of notice of assignment of a mediator. Each party shall pay the mediator directly.
- (3) If any party fails to pay the prescribed fee within 14 calendar days of assignment, the court will exercise its authority under UTCR 1.090 to impose an appropriate sanction.
- (4) If arbitration is requested subsequent to the appointment of a mediator, but prior to any mediation occurring, the parties shall be required to pay the mediator a fee of \$25 each.

12.095 COMPLETING MEDIATION

All cases assigned to mediation must complete mediation within 90 days of assignment, unless otherwise ordered by the court.

- (1) In all cases assigned to mediation in which a settlement is reached, the parties shall report the settlement to the mediator and the mediator shall file a notice of the settlement with the court.
- (2) The result of mediation hearings shall be reported to the court as either "settled" or "not settled."

12.095 Continued

- (3) If a case is reported as “settled,” the terms of the agreement, including a date of final compliance, shall be signed by the parties and within 10 judicial days filed by the mediator with the clerk of the court.
 - (a) The mediator shall provide the creditor with a form to report compliance or non-compliance with the terms of the settlement agreement.
 - (b) In the event the creditor fails to file a report of compliance or non-compliance within 30 days after the final date for compliance, or reports the terms of the settlement have been met, the clerk of the court shall dismiss the case.
 - (c) Upon notice by a creditor of non-compliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.
- (4) If the parties are not able to settle a mediated case, the case will be set for trial and not be required to arbitrate.

12.101 GOOD FAITH MEDIATION

In the event a party fails to mediate in good faith, the court may exercise its authority under UTCR 1.090 to assess as costs, any party’s costs necessarily incurred in mediation in any subsequent judgment.

**CHAPTER 13
ARBITRATION**

13.011 PROCEDURES ESTABLISHED FOR MEDIATION

Upon the agreement of the parties, civil actions otherwise subject to arbitration may be assigned to the court's mediation program (SLR 12).

APPENDIX

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

STATE OF OREGON,)	Case No. _____
vs.)	CHARGE(s): _____
)	_____
)	PETITION TO ENTER PLEA OF GUILTY OR NO CONTEST
Defendant.)	WITHOUT AID OF AN ATTORNEY AND ORDER
)	PERMITTING THE SAME

The above named Defendant respectfully represents to the Court as follows:

- (1) My true name is _____.
 I am _____ years of age; my Social Security Number *is _____.

***I am providing my social security number on a voluntary basis. I understand that I cannot be compelled to provide it nor be denied consideration solely for failing to provide it. It may be used to verify my identification, credit and employment information, used for collections purposes, or for any court-imposed monetary obligation I owe.**

(Circle one) (Circle one)
 I can / cannot read, write and understand the English language, however I have / have not had the assistance of a qualified interpreter for this case and plea.

- (2) I request all proceedings against me to be made in the name which I have hereby declared to be my true name.
- (3) I am not represented by counsel, and it is my decision to knowingly and freely waive my right to representation. I understand that if I would like to speak to an attorney, the Court would give me time for that purpose. I also understand that if I cannot afford to hire an attorney, one may be appointed to represent me at public expense. In spite of these rights it is my wish to proceed and represent myself in these proceedings.
- (4) I am confident that I am aware of all the facts and surrounding circumstances concerning the matters mentioned in the complaint/information/indictment. I understand that if I would like more time to discover additional facts and information, including, but not limited to, police reports and witnesses statements, that the Court would give me additional time for that purpose. I choose not to request additional time.
- (5) I understand that the maximum punishment which the law provides for the offense charged in the complaint/information/ indictment, is as follows:
- | | | | | |
|-------------------|------------|-------|----------|--------------------|
| Count 1: \$ _____ | Fine _____ | _____ | Months / | Years Imprisonment |
| Count 2: \$ _____ | Fine _____ | _____ | Months / | Years Imprisonment |
| Count 3: \$ _____ | Fine _____ | _____ | Months / | Years Imprisonment |
| Count 4: \$ _____ | Fine _____ | _____ | Months / | Years Imprisonment |

Additional Counts: _____

- (6) I understand that I am not required to plead guilty or no contest and may plead not guilty if I choose. If I plead not guilty, I understand I am entitled to a trial without unreasonable delay before a jury of my peers; that I have the right to call witnesses in my behalf and at no expense to me, and that any such witnesses so called would be compelled to appear and testify; that I have an absolute right to confront any witness that would testify against me and cross examine such witness; that I need not take the witness stand or give any testimony against myself; that the sole burden of proof is upon the State of Oregon to establish my guilt which must be established beyond a reasonable doubt and to a moral certainty; that I have a right to the assistance of a lawyer for my defense at all stages of the proceedings, including a lawyer at State expense if I cannot afford one.
- (7) I also understand that a prior criminal record cannot be used against me except for impeachment purposes; that any admissions, statements or confessions which I may have made or any evidence obtained by virtue of a search and seizure of my property may well be inadmissible against me in evidence unless my constitutional rights have been safeguarded. I understand that if I would like to speak to an attorney concerning my constitutional rights that the Court will grant me time for that purpose.
- (8) I declare that no officer or agent of any branch of government nor any lawyer or any other person has made any promise to me, or within my knowledge to anyone else, that I would receive a lighter sentence or any other form of leniency by pleading guilty or no contest with the exception that: _____
 _____ and I fully understand that I am entitled to no lighter sentence by pleading guilty or no contest than if I stood trial and was convicted. I understand that the Court is not required to accept or comply with any agreement between myself and the District Attorney.
- (9) There is nothing about the proceedings in this case nor the charges pending against me which I do not fully understand.
- (10) I know that the Court will not permit anyone who claims to be innocent to plead guilty and with that in mind and because I am guilty and make no claim of innocence, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. Or, if I am pleading no contest, I am saying that I do not contest that the State has evidence of my guilt and wish to have the conviction entered without admitting guilt.
- (11) I have not taken any substance which would in any way impair my judgment at this time, and I feel that I am now fully alert and that in executing this petition I am doing so knowingly and voluntarily and offer my plea of my own free will and accord with a full understanding of all the matters set forth in the complaint/information/indictment and in this petition.

- (12) (a) I now pray the Court to enter my plea of GUILTY in reliance upon my representations and the fact that I am guilty as stated and I believe it to be in my best interest that I now so declare and plead.
- (12) (b) I now pray the Court to enter my plea of NO CONTEST in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.
- (13) (a) I understand that for any felony offense occurring prior to November 1, 1989, I may receive a minimum sentence of up to one-half the total maximum sentence.
- (13) (b) I understand that for any felony offense occurring on or after November 1, 1989, I could receive the total maximum sentence.
- (14) If applicable, I have been advised of the gun enhancement penalty contained in ORS 161.610.
- (15) This plea applies to the following counts: _____

- (16) I am aware that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.

Signed by me in open Court this _____ day of _____, 20_____.

DEFENDANT

***** ORDER *****

WHEREAS, the allegations contained in the complaint/information/indictment have been read to the Defendant and the Defendant appears to fully understand those allegations; and

WHEREAS, the Defendant's constitutional and statutory rights have been explained to the Defendant and he/she states that he/she understands those rights; and

WHEREAS, the Defendant's plea of guilty or no contest in the foregoing petition stipulates to a factual basis for this plea or is entered pursuant to the Alford case; and

WHEREAS, the Defendant's plea appears to be voluntarily and understandingly made; and

WHEREAS, good cause appearing therefore from the foregoing petition of the Defendant above named, and from all proceedings heretofore had in this case, NOW THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and that the Defendant's plea(s) of:

GUILTY be accepted and entered as prayed in the above petition;

NO CONTEST be accepted and entered as prayed in the aforesaid petition.

Entered in open Court this _____ day of _____, 20_____.

JUDGE

- [] (12) (a) I now pray the Court to enter my plea of GUILTY in reliance upon my representations and the fact that I am guilty as stated and I believe it to be in my best interest that I now so declare and plead.
- [] (12) (b) I now pray the Court to enter my plea of NO CONTEST in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.
- [] (13) (a) I understand that for any felony offense occurring prior to November 1, 1989, I may receive a minimum sentence of up to one-half the total maximum sentence.
- [] (13) (b) I understand that for any felony offense occurring on or after November 1, 1989, I could receive the total maximum sentence.
- (14) If applicable, I have been advised of the gun enhancement penalty contained in ORS 161.610.
- (15) This plea applies to the following counts: _____
- (16) I have been advised by my attorney that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.

Signed by me in open Court this _____ day of _____, 20_____.

DEFENDANT

CERTIFICATE OF COUNSEL

The undersigned, as attorney for the Defendant above named hereby certifies as follows:

- 1) That I have read and fully explained to the Defendant the allegations contained in the complaint/information/indictment in this case.
- 2) **That I have explained to defendant the maximum and minimum penalties that could be imposed for each charge and for all charges together.**
- 3) That to the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
- 4) That the plea of guilty or no contest as offered by the Defendant in the foregoing petition and stipulation to a factual basis for this plea as related to me by the Defendant is consistent with my advice to the Defendant.
- 5) That in my opinion the Defendant's plea is voluntarily and understandingly made, and I recommend to the Court that the plea be accepted by the Court, and entered on behalf of the Defendant as requested.
- 6) **I have explained to Defendant any limitation on the right to appeal the judgment of conviction and sentence, a notice of the same is filed herein.**
- 7) **I am aware that, if Defendant is eligible to be represented by court-appointed counsel on appeal, I am responsible for determining whether Defendant wishes to appeal and, if Defendant wishes to appeal, I am responsible for transmitting the information necessary to initiate an appeal to the Office of Public Defense Services.**

Signed by me in open Court in the presence of the Defendant above named and after full discussion of the contents of this certificate with the Defendant this _____ day of _____, 20_____.

ATTORNEY FOR DEFENDANT

***** ORDER *****

Good cause appearing therefore from the foregoing petition of the Defendant above named, and the certificate of Defendant's counsel, and from all proceedings heretofore had in this case,

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and that the Defendant's plea(s) of:
[] GUILTY be accepted and entered as prayed in the above petition and as recommended by the certificate of counsel;
[] NO CONTEST be accepted and entered as prayed in the aforesaid petition and as recommended by the certificate of counsel.

Entered in open Court this _____ day of _____, 20_____.

JUDGE

Revised: November 18, 2002

**FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY**

STATE OF OREGON,

Plaintiff

VS.

Defendant

)
)
)
)
)
)
)

State Status Report

Criminal Case No. _____

DISCLOSURE

A. Witness List: The State of Oregon presently intends to call the following witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

The State of Oregon presently intends to call the following out of state witnesses at trial:

- | | |
|----------|--------------------|
| 1. _____ | City & State _____ |
| 2. _____ | City & State _____ |
| 3. _____ | City & State _____ |

- B. Defense counsel has been provided with the addresses of the above persons: ___ yes ___ no
- C. Defense counsel has been provided with a copy of all police reports, presently known by the State, in this case: ___ yes ___ no (If "no" list those not provided).
- D. Defense counsel has been provided with copies of all written or recorded statements or memoranda of any oral statements of the above persons and of the defendant or co-defendant: ___ yes ___ no (If "no" list those not provided).
- E. The State has compiled with ORS 135.815, requiring disclosure to the defense of expert witnesses, reports of experts, documentary evidence or other statutory requirements subject to discovery: ___ yes ___ no (If "no" list those not provided).
- F. Defense counsel has been given complete criminal history reports on the following persons:
- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |
- G. The State intends to apply to the presiding judge to have this matter designated as a complex case, subject to UTCR 7.030: ___ yes ___ no
- H. The State presently intends to file the following motions:
- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |
- I. The State requests the court for a pretrial hearing: ___ yes ___ no
- J. The State presently estimates the probable length of trial to require _____ judicial days.
- I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

_____/_____
Deputy District Attorney Date

**FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY**

State of Oregon,)		
)	Plaintiff	
VS.)		Defense Status Report
)		
_____)		Criminal Case No. _____
)	Defendant	

DISCLOSURE

A. Witness List: The defense presently intends to call the following witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

The defense presently intends to call the following out of state witnesses at trial:

- | | |
|----------|--------------------|
| 1. _____ | City & State _____ |
| 2. _____ | City & State _____ |
| 3. _____ | City & State _____ |

B. The State has been provided with the addresses of the above persons:
 yes no

C. The State has been provided with a copy of all written or recorded statements or memoranda of any oral statement of the above persons (other than the defendant):
 yes no (If "no" list those not provided).

D. The defense has complied with ORS 135.835, requiring disclosure to the state of expert witnesses, reports of experts, documentary evidence or other statutory requirements subject to discovery: yes no (If "no" list those not provided).

E. The defense intends to apply to the presiding judge to have this matter designated as a complex case, subject to UTCR 7.030: yes no

F. The defense intends to file the following motions:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

G. The defense requests a jury trial: yes no
 (If "yes", the defense request a 6 12 person jury).

H. The defense requests the court for a pretrial hearing: yes no

I. The defense presently estimates the probable length of trial to require _____ judicial days.

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

_____/_____
 Defense Counsel Date

NOTICE OF PARENTING CLASS

All parents with minor children filing a dissolution of marriage, legal separation or annulment action, a petition to establish paternity, custody, parenting plan or a post-judgment motion involving custody or parenting time, in Josephine County, shall participate in parenting education. A \$65.00 fee is charged for the class.

These classes are provided by the Josephine County Mental Health Department. You can schedule to attend parent education by calling (541) 474-5358.

The law requires that ANY PROCEEDING to establish or modify parenting time with a child must have a parenting plan filed with the Court. These classes will provide valuable information that may be helpful to you in developing your plan.

JOSEPHINE COUNTY FAMILY COURT DOMESTIC RELATIONS EDUCATION PROGRAM

1. Josephine County Family Court has established a parent education program of the type authorized by ORS 3.425.
2. The following cases are subject to this program:
 - a. Annulment or dissolution of marriage actions;
 - b. Legal separation actions;
 - c. Petitions to establish paternity, custody or parenting time by unmarried parents;
 - d. Post-judgment litigation involving changes in custody or parenting time in which the parties have not previously completed this program.
3. All parents of a child under the age of 17 years shall successfully complete the Josephine County Family Court Co-Parenting Education program called "Families in Transition" or a court-approved out-of-county education program. In addition, all parents of a child who is at least 5 years old but not yet 14 years old are strongly encouraged to enroll themselves and their children into the Josephine County Family Court Parent and Children Education program called "Toolbox".
4. Court actions in these cases will not be delayed by a party's refusal, failure or delay in registering for or completing this program or the failure to comply with the requirement of this program, unless the noncomplying party is the moving party in the action.
5. The party initiating the proceeding shall register for the program within 15 days after filing the initiation pleading with the court. A statement of the requirements of the program and instruction on how to register for the program shall be served by the initiating party on all parties against whom relief is sought. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served and a proof of service returned. All other parties shall have 30 days after service of the notice upon them to register for the program.
6. The program provider issues a Certificate of Completion, which includes the date of completion, to the court when the participant has completed the program.
7. Each party shall pay a \$65.00 fee to the program provider, Josephine County Mental Health Department. Payment must be made before the time of class. The fee may be waived or deferred by the Mental Health Department. A party seeking waiver or deferral must contact Mental Health directly. In cases of extreme hardship, and after attempting to resolve the issue with Mental Health, a party may request the court to waive the requirement to attend these programs.
8. Upon a showing of good cause, a party may request waiver of the requirement of this program. The request must be made by written motion, supported by affidavit, and filed within 15 days of receipt of the notice of requirements of this program.
 - a. "Good cause" includes that the party lives more than 100 miles from Grants Pass, Oregon and a court-approved program is not within their area, or is in poor health and a doctor states, in writing, that they should not attend. A copy of that writing must be provided to the provider.
 - b. Mere inconvenience is not good cause.
9. Parenting classes are provided by the Josephine County Mental Health Department. You can schedule to attend parent education class by calling (541) 474-5358.

Josephine County Family Court Parent Education Program

CERTIFICATE OF COMPLETION

NAME

Instructor _____

Family Court Judge

Date: _____

Court Case No. _____

Court Case No. _____

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

Guardianship/Conservatorship of)
) Case No. _____
)
) **Objection to Petition for Appointment**
) **of Guardian/Conservator**
)
_____ ,
)
A Protected Person.)

I, _____
(Objecting party's name and relationship to the Protected Person)

hereby object to the Protective proceeding or the proposed guardian or conservator for the following reasons (state reasons below and use additional sheet if necessary):

Multiple horizontal lines for providing reasons for objection.

Signature of Objecting Party

Printed or Typed Name of Objecting Party

Address or Contact Address

City State Zip

Telephone or Contact Telephone Number(s)

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

In the Matter of the Marriage of _____)
 _____,)
 and **Petitioner,**)
 _____)
Respondent.)

Case No. _____

**STIPULATED REQUEST FOR MEDIATION
AND ORDER**

Since it appears to both parents that custody and parenting time cannot be agreed upon:

- A. The parents request a referral to the Court Mediation Service for mediation.
- B. The parents request the use of an independent mediator. The mediator has been contacted and has agreed to mediate and has also agreed to abide by the mediation rules of this court.

IF YOU REQUEST OPTION A: Please come to the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, for an Orientation Session. Orientation is held **from 8:15 a.m. to 11:15 a.m. every Monday, except for County holidays (if they fall on a Monday) in which case you must come on Tuesday.** Call 474-5186 to ask questions regarding orientation, family abuse restraining orders, personal safety or domestic violence issues, to request a separate orientation session, or to schedule an appointment. You are NOT required to attend a second orientation session. Please do NOT bring children to mediation.

IF YOU REQUEST OPTION B: Please complete the following.

Independent mediator's name: _____
 Independent mediator's address: _____
 Independent mediator's phone no: _____

The first mediation appointment is scheduled for : _____
 Month Day Year

Wife's signature _____			Husband's signature _____		
_____	_____	_____	_____	_____	_____
State/Zip	Phone	City	State/Zip	Phone	City

Wife's Attorney _____	Bar No. _____	Husband's Attorney _____	Bar No. _____
-----------------------	---------------	--------------------------	---------------

ORDER FOR MEDIATION

IT IS HEREBY ORDERED:

- that the parents are referred to the Court Mediation Service.
- that the parents are to participate in mediation with the independent mediator set out above.

Dated this ___ day of _____ 20__.

Circuit Court Judge

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

In the Matter of the Marriage of

_____,
Petitioner,

and

_____,
Respondent.

)
)
)
)
)
)
)
)
)
)
)

Case No.

**REQUEST FOR MEDIATION
BY ONE PARENT AND ORDER**

I, _____ am the mother / father of the child(ren) of this marriage. We cannot agree upon custody and/or parenting time, and I am requesting the Court to send us to a mediator by filing this Request for Mediation. I have kept a copy. I have taken the responsibility to see that my spouse receives a copy of this Request and Order as indicated in the Proof of Service attached. I will come to the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, at 8:15 a.m. as directed below.

TO BOTH PARENTS: You must BOTH come to the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, from 8:15 a.m. to 11:15 a.m. on the second Monday following the day of service or mailing of this form (or if the second Monday is a county holiday, on the following Tuesday). If service or mailing is on a Monday, both parties need to come to the Juvenile Justice Center on the next Monday. If you have already attended an orientation, you are NOT required to attend a second orientation session. Please do NOT bring children to mediation. Call 474-5186 to ask questions about orientation, family abuse restraining orders, personal safety issues, or to schedule a separate orientation session.

Dated:

Signed: Father / Mother

Phone:

Address

City State Zip

ORDER FOR MEDIATION

IT IS HEREBY ORDERED that the parents are referred to the court-sponsored mediation service.

Dated this _____ day of _____, 20 _____.

Circuit Court Judge

