

TILLAMOOK COUNTY CIRCUIT COURT

SUPPLEMENTARY LOCAL RULES

CHAPTER 1

1.151 COURT HOURS FOR CONDUCTING BUSINESS

The Courts are located in Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon, 97141.

Court hours for conducting business and the filing of documents are 8:00 A.M. to 12:00 noon and 1:00 P.M. to 5:00 P.M., Monday through Friday, excluding State observed holidays.

CHAPTER 3

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

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

CHAPTER 4

4.011 PROCEEDINGS IN CRIMINAL CASES

When a not guilty plea is entered and trial is set, counsel shall advise the Court if it is anticipated that motions will be filed. At that time, a deadline for the filing of motions will be set as will a time for hearing the motions, taking into consideration counsels' schedules and the trial date. If unanticipated motions are filed within 45 days of the scheduled trial date, the Court will set the date and time for hearing the motions at the Court's convenience.

CHAPTER 6

6.012 SETTLEMENT CONFERENCES

- (1) If one party requests a pretrial settlement conference, or in cases designated by the Court, the Court will make every effort to hold a mandatory pretrial settlement conference.. However, scheduling of a settlement conference is subject to judicial availability and a settlement conference shall not be scheduled so as to delay trial of the case. The pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.
- (2) The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court. The attendance of all parties and their trial attorney is required. When a party is insured, a representative of the insurance company with authority to settle the case shall be in attendance or readily available by telephone. Upon a showing of good cause, the judge conducting the settlement conference may excuse a party from personally appearing, but the party may be required to participate by telecommunications.
- (3) If the case does not settle, the settlement conference judge shall be permitted to act as trial judge only if all parties so stipulate in writing.
- (4) For a meaningful settlement conference to occur, all attorneys and parties must participate in good faith. The failure of any person to comply with these rules, appear at, or participate in a settlement conference, unless good cause is shown for any such failure, may result in the court imposing appropriate sanctions as described in UTCR 1.090. Cases set for a settlement conference shall retain their place on the trial docket.
- (5) If settlement negotiations are not successful, counsel should be prepared to proceed to trial on the date scheduled. The court will make every effort to ensure the case proceeds to trial on the date scheduled.
- (6) Before the settlement conference, each party shall submit to the settlement conference judge a pretrial statement that contains, at a minimum:
 - (a) A brief summary an analysis of the key issues involved in the litigation; and
 - (b) The status of any settlement negotiations.
- (7) The pretrial statements shall be presumed confidential and shall not be placed in the court file, nor shall any notes prepared by the judge be filed or otherwise disclosed, except by permission of the attorneys or by Court order.
- (8) If a settlement is reached, the parties shall place notice of settlement on the record before the scheduled trial date, in accordance with UTCR 6.020.

CHAPTER 7

7.011 SCHEDULING OF CRIMINAL TRIALS

Criminal trials shall be set in open court in the presence of the defendant, defense attorney and prosecutor so that all interested persons will have actual notice thereof. This will ordinarily occur at the time of a plea entry. Attorneys will be expected to have their personal calendars available for discussion.

7.015 SCHEDULING AND NOTIFICATION OF PARTIES FOR TRIAL AND MOTIONS

- (1) Scheduling of civil and domestic relations trials shall be as follows: When a civil or domestic relations case is at issue, the docket clerk will forward to the attorney for each of the parties, a Trial Setting Order, substantially in the form set forth on Appendix 1, attached hereto and incorporated herein by this reference. Each attorney shall accurately complete each provision of the questionnaire and return it to the Court by the date shown on the questionnaire. The docket clerk will schedule a trial based on the information obtained and give written notice to counsel for each party in accordance with (3) of this rule.
- (2) Upon the filing of a motion or response requesting oral argument, in accordance with UTCR 5.050(1), the docket clerk shall schedule the matter for argument. All motions will be scheduled for the time estimated in the request, but not more than 30 minutes. An attorney receiving a notice scheduling an amount of time for argument which the attorney believes is insufficient shall advise the docket clerk of that insufficiency immediately.
- (3) Notification of the dates for trial and motions shall be given as follows:
 - (a) Notice of the date set for trial in a criminal, civil or domestic relations case shall be sent to counsel for each party. The written notice shall inform counsel of the date and hour trial is scheduled to commence, the number of days scheduled and whether it is before the Court or to a Jury.
 - (b) When a motion is scheduled for argument the docket clerk shall send to counsel for each party a written notice stating the date, the hour and the amount of time scheduled for argument. Unless counsel makes arrangements for a conference call, all arguments will be heard in person in the courtroom. The Court has a speaker phone system which can be set up in the courtroom so the court reporter can make a record of argument made by counsel appearing by conference call. Counsel desiring to proceed in that manner shall advise the docket clerk of their need for a court reporter at least one hour prior to the time for argument.

CHAPTER 8 - DOMESTIC PROCEEDINGS

8.013 STATEMENT OF ASSETS/LIABILITIES

In any contested dissolution of marriage, separate maintenance, annulment or dissolution of a domestic partnership action, if there are any disputes regarding the value or disposition of items of property or liabilities, the parties shall confer and jointly prepare a list of all property and liabilities the Court will be asked to distribute. Indicate each party's opinion regarding the fair market value of each item listed and each party's proposed distribution of the property and liability. (described individually or by groupings, as counsel may agree). At the bottom of each page there is to be a subtotal for each party based upon their claim for the item and their estimate of fair market value. The last page is to have a total for each party based upon their estimated fair market value. A proposed form is included in the Appendix to these rules as Appendix II.

8.015 PARENTING EDUCATION PROGRAM

- (1) The following cases are subject to this rule; annulment, legal separation or dissolution of marriage actions where the parties have a child under the age of 18 years, petitions to establish custody or visitation and post-judgment litigation involving custody or visitation.
- (2) All parties to proceedings identified above, shall successfully complete the parenting program offered by the Court designated providers. Parties shall register for the program within 15 days of receiving notice of this education requirement. All parties shall complete the program before trial or entry of judgment.
- (3) Notice and instructions to the petitioner of the requirement that the parties complete the education program will be provided by the Trial Court Administrator when the petition is filed. Petitioner, when serving the respondent with the petition shall also include a copy of the Trial Court Administrator's Notice. The petitioner's return of service on the respondent shall indicate service of the notice with the summons and petition.
- (4) Each party shall pay a fee determined by the program provider to cover program costs. The fee may be waived if the party presents a verified affidavit of indigence to the Court, and the party meets indigence guidelines.
- (5) Each person who successfully completes the Court's program shall present a certificate of completion to the Judge before trial or entry of judgment.
- (6) Upon a showing of good cause, a party may request a waiver of this rule. The request must be made by motion, supported by affidavit and filed within 15 days of receipt of the Trial Court Administrator's Notice.
- (7) Court action on a petition or request for post judgment relief shall not be delayed by a party's refusal or delay in completing the program unless the non-complying party is a petitioner or the moving party. Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned Judge may take appropriate action, including, but not limited to, proceedings for contempt.

8.045 PRE-JUDGMENT OR PENDENTE LITE RELIEF PURSUANT TO ORS 107.095(1)

- (1) All applications for pre-judgment relief under ORS 107.095(1) must be by motion for a show cause order and the said order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by references to a supporting affidavit.
- (2) All such show cause orders shall specify a response time not less than twenty-one (21) days from the date of service thereof upon the opposing party. Such orders shall require the opposing party to respond by filing a response in writing together with opposing affidavits (and requesting affirmative relief, if any) and serving a copy thereof upon the moving party within the aforesaid response time. The said motion, order and supporting affidavits must be served upon the opposing party and the order must have attached thereto a notice substantially in conformity with the form notice set forth in Appendix III to these rules. However, use of such notice may be dispensed with if such service is made upon an attorney known to be representing the opposing party.
- (3) If the opposing party fails to respond to the show cause order as aforesaid, at any time following the response time, and while the opposing party is in default, the moving party may present an order granting the relief sought, provided that proper return of service for the show cause order has been filed.
- (4) If the opposing party responds to the show cause order in due course, the moving party shall have seven days from the date of the Courts receipt of the response to file a reply with supporting affidavits. The reply shall be limited to addressing matters or contentions in the response. Seven days from the date of the Court's receipt of the response the Court shall assume the matter is ripe for disposition and shall then in ordinary course decide the matter on the record by reference to the filed materials and promptly notify the parties of any decision by mail or by telephone conference call, whichever seems necessary or expedient.
- (5) However, for good cause shown or upon its own motion, the Court may set such show cause proceedings for determination in open court at a time certain and give notice thereof to both parties.
- (6) The Court may consider applications for ex parte temporary custody and/or parenting time orders pursuant to ORS 107.097(3) at 1:00 p.m. each judicial day, subject to the moving party scheduling such application with the Court's Calendar Coordinator not later than 4:00 p.m. of the previous judicial day. The Court may consider application for ex parte immediate temporary orders for such things as support, restraint, etc., if sufficiently supported by affidavit or other appropriate documentation establishing a bona-fide emergency need therefore. Such applications shall be allowed only if done in conjunction with show cause proceedings as provided herein above touching upon the same issues as are contained in the temporary order so that the opposing party is provided an opportunity to respond. An application for a Temporary Protective Order of Restraint shall be in conformance with ORS 107.097(2).

8.070. PARENTING TIME GUIDELINES

Attached as Appendix IV is a recommended schedule for parenting time for proceedings where there are minor children. The schedule is a guideline only and may be modified based upon appropriate circumstances in individual cases.

CHAPTER 9 - PROBATE 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 (503)842-2596. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition. The objecting party shall appear at the Tillamook County Circuit Court window, Main Floor of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon to have the objection reduced to writing. Upon receipt of the objection, payment of the applicable fee required by ORS 21.310, the Court will schedule a hearing and notify the appropriate parties.
- (2) If the objecting party wishes to file a written objection, the court clerk will provide the objection form contained in Appendix V.

CHAPTER 11

11.030 JUVENILE COURT PROCEEDINGS

A Summons issued under ORS 419B.812 following filing of a Petition under 419B.809 shall require the parent appear personally before the Court at the time and place specified in the Summons to admit or deny the allegations of the Petition.

CHAPTER 12 - MEDIATION

12.001 MATTERS SUBJECT TO MEDIATION

- (1) **Mandatory Mediation**
Any matter identified in ORS 107.755 or described in ORS 107.765 shall be subject to mediation. The Court will not consider any contested custody or parenting time issue in a proceeding that results in a final judgment or order, and the Court may decline to consider any contested custody or parenting time issue in a proceeding that results in a temporary order under ORS 107.095, unless it is notified by the mediator that the matter has proceeded through mediation in accordance with these rules.
- (2) **Exclusion from Mediation**
A matter may be excluded from mandatory mediation upon application by a party and upon a showing of good cause to the Court with service upon the opposing party and after being given the opportunity to be heard in objection.
- (3) **Other Matters**
A mediator may consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody or parenting time with the written approval of both parties or their counsel.

12.002 CONTROL, AGREEMENTS

A domestic relations case filed in the Circuit Court remains subject to the control of that Court during 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 agreements 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. In order to preserve and promote the integrity of mediation as a dispute resolution technique, the Court shall consider and may include all reasonable agreements reached by the parties in formulating its order in the case.

12.003 MEDIATION PROCESS

(1) Commencement of Mediation by Stipulated Request for Mediation

If there is a disagreement between the parents 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. 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 jointly.

(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 domestic relations proceeding, either parent seeking to resolve the matter may file with the Court and serve upon the other parent or his or her attorney a request for mediation.

(3) Commencement of Mediation When Custody or Parenting Time Appears at Issue

Whenever a respondent generally appears in a domestic relations suit by filing answer such as "Respondent Appears" or the like, the respondent shall in addition state whether there is any disagreement over child custody and/or parenting time in the case, or alternatively, whether child custody or parenting time is not an issue in the case.

(4) Referral by Court to Mediation

When the parties have not requested mediation but it appears that custody and/or parenting time are issues in a proceeding that results in final judgment or order, the Court shall refer the matter to mediation, and in a proceeding that results in a temporary order, the Court may refer the matter to mediation.

12.004 AUTHORITY OF MEDIATORS

- (1) A mediator has authority and control over the mediation process; but a mediator has no control or authority over the parties or over their decisions in this case.
- (2) Unless otherwise agreed in writing by the parties, the parties' legal counsel shall not be present at mediation sessions.
- (3) A mediator shall encourage disputing parties to obtain individual legal advice and individual legal review of any mediated agreement before signing any agreement.
- (4) A mediator shall not act as a lawyer for either party.

12.005 MEDIATION ORIENTATION

- (1) Whenever mediation is requested as in Rule 12.003 or whenever any pleadings indicate that child custody or parenting time is at issue, the parties shall be ordered to appear at mediation orientation. The parents will be given an opportunity to choose a mediator from those under contract or agreement with Tillamook County at the orientation or consult with their counsel and report their choice of mediator to the Court within seven (7) days. If the parties are unable to agree upon a mediator within seven (7) days, the Court will appoint a mediator pursuant to Rule 12.006(b) and notify the parties of the appointment.
- (2) Mediation shall consist of an orientation session and a maximum of six hours involving the parties and the mediator. Additional time may be provided at the parties' expense.
- (3) Once assigned to mediation, the parties are required to attend the scheduled orientation session, unless by 5:00 P.M. the day of orientation, the parties through their attorneys or personally, request in writing, signed by both parties or their attorneys, excuse from attendance due to settlement or unforeseen emergency. If excused, the parties are required to attend the next mediation orientation unless the Court has received a signed, Stipulated Order or Judgment by 5:00 P.M. of that day.

12.006 ASSIGNMENT TO MEDIATOR

- (1) The parties may select a mediator of their own choosing; however, 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) Court-appointed Mediator - In the absence of a mediator selected by the parties, the mediation clerk shall select at least three individuals from the Court's panel of mediators and shall send their names to legal counsel for the parties, or to a party directly if not represented, with a request that each party strike one name and notify the court within five (5) judicial days. The mediation clerk, under direction of the court, shall select as mediator one of the three individuals about whom no timely objection was made. For good cause shown, a party may object to more than one name. In the event there is good cause objection to all of the individual's names, the Court will appoint a mediator from the list of court-approved mediators.

12.007 SCHEDULING OF MEDIATION SESSIONS

- (1) Upon receipt of a mediation assignment, a mediator shall immediately notify the parties of a reasonable date and time for the initial mediation session which shall occur in the mediator's office, unless otherwise agreed upon between the mediator and the parties. The initial mediation session should occur within fourteen (14) days of the mediator's receipt of first notice of assignment.
- (2) Mediation shall be completed in a prompt manner and so as to not unduly delay the Court and in no event later than any deadline date ordered by the assigned trial judge.

12.008 MEDIATION COMPLETION

It is the responsibility of the parties and their attorneys to see that mediation is completed within such time as to not delay the trial of the case. Failure to do so may result in dismissal of the case or postponement under such conditions as the Court may require.

12.009 UNSUCCESSFUL MEDIATION

The mediator may notify the Court at any time following the initial mediation sessions involving the parties and the mediator that mediation has been unsuccessful, in which case the proceeding will be scheduled for hearing in the same course and with the same priority as if there had been no mediation. The mediator may determine that the mediation has been unsuccessful if the parents are unable to resolve the custody or parenting time controversy, if one or both parents are unwilling to participate in mediation or if the mediator determines that either parent is using the mediation process in bad faith for the delay of resolution of other issues.

12.010 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.

12.011 TEMPORARY SUPPORT

If the parents cannot agree on the amount of temporary support to be paid by one to the other and they are also in dispute as to custody and/or parenting time, the mediator may assist upon the request of the parents and the consent of the mediator in resolving the support issue as well.

12.012 CUSTODY AND PARENTING TIME MEDIATION COMMISSION

A Custody and Parenting Time Mediation Commission is established. The Presiding Judge shall appoint the commission members who shall serve at the Presiding Judge's pleasure.

- (1) Function - The commission's function shall be to supervise the mediation program to render advisory opinions at the request of a judge and to recommend rule changes to the judges.
- (2) Composition - The composition of the Commission shall be two judges and two attorneys whose practices include domestic relations work. Ex officio members shall be the Presiding Judge of the Twenty Seventh Judicial District and a court mediation coordinator. The Presiding Judge may appoint additional members.
- (3) Quorum - Two members of the Commission including at least one attorney and one judge shall constitute a quorum.

12.013 MEDIATOR QUALIFICATIONS

To qualify as a Court-approved mediator, a person must:

1. Sign and file an application with the Court; and
2. Receive approval by the Presiding Judge, upon recommendation of the Commission.

NOTE: The privacy of records and confidentiality of communications in mediation are governed by ORS 107.785

CHAPTER 13 - ARBITRATION

13.005 ARBITRATION PROGRAM

The Tillamook County Circuit Court has a mandatory arbitration program under ORS 36.400 to 36.425 and UTCR Chapter 13. Pursuant to ORS 36.400(3), arbitration is required in matters involving less than \$50,000.00.

13.041 REFERRAL TO ARBITRATION; MOTIONS

- (1) A case subject to arbitration will be assigned to arbitration when all parties have appeared.
- (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.

CHAPTER 8 - APPENDIX III

You must file a response in writing to this Order within twenty-one (21) days from the date this order is served upon you. If you do not file a written response within such time, the other side may automatically be given the relief against you which the other side is requesting in the attached motion. In order to file a response in writing, you must do the following things:

- (1) Your written response must contain the title and number of this case.
- (2) Your written response must specify the item or items of relief requested by the other side which you oppose. In addition, you will need to file supporting affidavits setting forth the reasons you oppose the requested relief and facts supporting your position.
- (3) Your written response 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 response 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 response together with supporting affidavits must be mailed or presented to the clerk of the Court so as to actually reach the clerk of the Court within the time stated above.
- (5) Your written response must be accompanied by payment of any filing fee required by law for the filing of the response, 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 response with the clerk of the Court, you must mail a copy of the response together with a copy of supporting affidavits to the attorney for the other side, or to the other side personally if the other side is not represented by an attorney, and you must attach to the response which you file with the clerk a certificate showing that you have mailed a copy of the response to the attorney for the other side or to the other side personally. If you file a written response in the manner and within the time stated above, 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.

However, you will not be entitled to seek any relief for yourself against the other side. If you wish to seek affirmative relief for yourself against the other side, you must file an appropriate motion or motions for such relief, and you must mail a copy of such motion or motions to the attorney for the other side or to the other side personally if the other side is not represented by an attorney.

If you have any questions, you should see an attorney immediately.

CHAPTER 8 - APPENDIX IV
GUIDELINES FOR PARENTING TIME WITH MINOR CHILDREN
IN DOMESTIC RELATIONS CASES

I. PARENTS CAN AGREE TO A DIFFERENT PLAN

The parties can arrange any parenting time plan they desire or may vary portions of this plan, but only if both parents agree. If the parents do not agree to a different plan, the nonresidential parent will have parenting time as set forth in this plan unless otherwise ordered by the Court.

II. DEFINITIONS

- A. Weekends: A weekend is defined as commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday. The first weekend of the months is defined as the first one that has both a Saturday and a Sunday within the same calendar month.
- B. Vacation and Holiday Periods: These are the dates set by the school the child attends or by the public school district in which the child resides if the child is not attending school or is home schooled.
- C. Conflicts. If routine parenting time conflicts with holiday and vacation parenting time, then the parent entitled to holiday and vacation time will have the child(ren). Holiday and vacation parenting time will not work to change the routine schedule nor will it “restart” the routine parenting time schedule.

III. TILLAMOOK COUNTY STANDARD PARENTING PLAN (0-125 MILES)

ROUTINE SCHEDULE This schedule is to be utilized so long as the nonresidential parent lives within 125 miles of the children.

The nonresidential parent will have the child(ren) as follows:

- A. Children aged birth to 6 months. Three times per week for two hours each as follows: Saturday 1:00 p.m. – 3:00 p.m.; Tuesday and Thursday 5:30 p.m. – 7:30 p.m.
- B. Children aged 6 months to 18 months. Two times per week for three hours as follows: Tuesday and Thursday from 5:30 p.m. – 8:30 p.m.; and on the 1st, 3rd and 5th Saturdays of each month from 9:00 a.m. until 3:00 p.m.
- C. Children aged 18 months to 36 months. Two times per week for three hours as follows: Tuesday and Thursday from 5:30 p.m. – 8:30 p.m.; and on the 1st, 3rd and 5th weekends from 6:00 p.m. Friday until 6:00 p.m. Saturday.
- D. Children over age 36 months. 1st, 3rd and 5th weekends commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on Sunday and every Wednesday from 5:30 p.m. to 8:30 p.m. In the event a school closure day is attached to an alternate weekend, the nonresidential parent will have the child(ren) for the additional day.

IV. HOLIDAY AND VACATION PLANNING

A. Holiday and vacation schedule

Whether or not the child(ren) are enrolled in school, the child(ren) will spend time with his/her/their parents on holidays according to the following plan:

	Nonresidential <u>Parent</u>	Residential <u>Parent</u>
Spring Break	Odd years	Even years
Easter	Even years	Odd years
Memorial Day Weekend	Odd years	Even years
Summer Vacation	<i>(Split between parents; see following rules)</i>	
4 th of July	Even years	Odd years
Labor Day Weekend	Odd years	Even years
Halloween	Odd years	Even years
Thanksgiving	Even years	Odd years
Winter Vacation	<i>(Split between parents; see following rules)</i>	
Mother's Day	Mother – every year	
Father's Day	Father – every year	

For the purposes of this Parenting Plan, a holiday will begin and end as set forth below:

- B. Nonschool/Inservice Days; Martin Luther King Day and President's Day. In addition to weekend parenting time, if the child(ren) has a day out of school on either or both the Monday following and/or the Friday preceding the nonresidential parent's weekend parenting time, the nonresidential parent shall also have the parenting time with the child(ren) on said extra day(s) commencing either 24 hours before and/or ending 24 hours after the scheduled parenting time, including Martin Luther King holiday and President's Day.
- C. Winter vacation.
1. Children aged birth to 18 months. The nonresidential parent will have the child(ren) on December 25 from 9:00 a.m. until 6:00 p.m. in even numbered years and on December 24 from 9:00 a.m. until 6:00 p.m. in odd numbered years.
 2. Children aged 18 months to 36 months. The nonresidential parent will have the child(ren) from 6:00 p.m. on December 24 until 6:00 p.m. on December 25 in even numbered years and from 6:00 p.m. on December 25 until 6:00 p.m. December 26 in odd numbered years.
 3. Children over age 36 months. Whether or not the child(ren) is/are in school during the period of school winter vacation in the district in which they reside, parenting time for the nonresidential parent will be from 9:00 a.m. the day after school adjourns through noon on December 26 in even numbered years. In odd numbered years the nonresidential parent will have the child(ren) from noon on December 26 until noon the day before school reconvenes.

D. Thanksgiving

1. Children age birth to 6 months. No change from ROUTINE SCHEDULE.
2. Children aged 6 months to 36 months. The nonresidential or residential parent will have the child(ren) from 9:00 a.m. until 6:00 p.m. on Thanksgiving Day according the odd/even year designation.
3. Children over age 36 months. The nonresidential or residential parent will have the child(ren) from Wednesday evening prior to Thanksgiving at 6:00 p.m. until the following Sunday at 6:00 p.m. according to the odd/even designation.

E. Easter

1. Children age birth to 6 months. 1:00 p.m. to 3:00 p.m. in even numbered years.
2. Children aged 6 months to 36 months. The nonresidential parent or residential parent will have the child(ren) on Easter Sunday from 9:00 a.m. until 6:00 p.m. according to the odd/even year designation.
3. Children over age 36 months. The nonresidential or residential parent will have the child(ren) from the Saturday preceding Easter Sunday at 5:00 p.m. until Easter Sunday at 7:00 p.m. according to the odd/even year designation.

F. Memorial Day and Labor Day

1. Children age birth to 6 months. No change from ROUTINE SCHEDULE.
2. Children aged 6 months to 36 months. The nonresidential or residential parent will have the child(ren) from the day of the holiday from 9:00 a.m. until 6:00 p.m. according to the odd/even year designation.
3. Children over age 36 months. The nonresidential parent or residential parent will have the child(ren) from the Friday preceding the holiday at 6:00 p.m. until 6:00 p.m. Monday according to the odd/even numbered year designation.

G. Fourth of July

1. Children age birth to 6 months. No change from ROUTINE SCHEDULE.
2. Children aged 6 months to 36 months. The nonresidential parent will have the child(ren) on July 4 from 9:00 a.m. until 6:00 p.m. in even numbered years.
3. Children over age 36 months. The nonresidential parent or residential parent will have the child(ren) according to the odd/even numbered year designation as described in this paragraph. If the holiday does not fall on Friday, Saturday, Sunday or Monday, parenting time will be from 9:00 a.m. on July 4 until noon on July 5. If this holiday falls on a Friday, parenting time will be from 6:00 p.m. on Thursday, July 3 until 6:00 p.m. on the following Sunday. If this holiday falls on Saturday, parenting time will be from 6:00 p.m. on Friday until 6:00 p.m. on Sunday. If this holiday falls on Sunday, parenting time will be from 6:00 p.m. on Friday until 9:00 a.m. on Monday. If this holiday falls on a Monday, parenting time will be from 9:00 a.m. on Saturday until noon on Tuesday.

I. Child(ren)'s Birthday

The child's birthday shall be celebrated by the parent who has the child in accordance with these rules. However, the other parent is encouraged to celebrate the child's birthday during that parent's scheduled parenting time with the child.

J. Spring Break

1. Children age birth to 36 months. No change from ROUTINE SCHEDULE.
2. Children over age 36 months. The nonresidential or residential parent will have the child(ren) from 9:00 a.m. on the day after school adjourns until 6:00 p.m. on the last Saturday of spring vacation according to the odd/even year designation.

K. Mother's and Father's Day

1. Children age birth to 6 months. No change from ROUTINE SCHEDULE.
2. Children aged 6 months to 36 months. The Mother will have the child(ren) on Mother's Day from 9:00 a.m. until 6:00 p.m. The Father will have the child(ren) with him on Father's Day from 9:00 a.m. until 6:00 p.m.
3. Children over age 36 months. The Mother will have the child(ren) on Mother's Day weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday. The Father will have the child(ren) on Father's Day weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday.

L. Summer Vacation

In even numbered years, the nonresidential parent must notify the residential parent in writing by May 1, of the dates of the summer parenting time periods. In odd numbered years, the residential parent can designate three one-week blocks during the summer months that shall be their parenting time, if such designation is made by April 1 of each year. If the nonresidential parent fails to give that written notice before May 1st, she or he is still entitled to exercise their summer parenting time, but the residential parent can then choose the dates.

1. Children age birth - 36 months prior to June 1 No change from ROUTINE SCHEDULE
2. Children aged 36 months to 6 years prior to June 1. The nonresidential parent will have the child(ren) 3 one-week blocks, scheduled to include the nonresidential parent's 1st, 3rd or 5th weekend. One week will be in June, one in July and one in August of each summer. There must be at least two weeks between each of the one-week blocks. The 1st, 3rd and 5th weekends continue throughout the summer.
3. Children over age 6 prior to June 1. Whether or not the child(ren) is/are in school, the nonresidential parent will have the child(ren) for a period of thirty-five days (5 weeks) during the period of school summer vacation, which can be taken consecutive or in periods of not less than one week. 1st, 3rd and 5th weekends are continued for the school summer vacation except as they conflict with the residential parent's designated summer parenting time.

V. PARENTING TIME ARRANGEMENTS

A. Transportation

All parenting time periods must be exercised in a prompt manner so that both parties can make their plans accordingly. The nonresidential parent shall pick the child(ren) up from the front steps of the residential parent's residence no earlier than 15 minutes and not later than 30 minutes after the parenting time period commences. The residential parent shall pick up the child(ren) from the front steps of the nonresidential parent's residence no earlier than 15 minutes before and not later than 30 minutes after the parenting period ends.

B. Meals and Clothes

The residential parent must have the child(ren) fed and ready on time with sufficient clothing packed and ready for the nonresidential parent's parenting time. The nonresidential parent must return all the clothing that accompanied the child(ren) and must have the child(ren) fed before the child(ren) return to the residential parent.

C. Medications

If the child(ren) have been prescribed medication that is to be administered during the parenting time, the residential parent should provide the medication(s) to the nonresidential parent along with any instructions regarding the medication(s). The nonresidential parent shall administer the medication according to the prescription and return any unused medication(s) to the residential parent.

D. Making Up Missed Parenting Time

Only substantial medical reasons of the child(ren) will be considered sufficient for postponement of parenting time. If a child(ren) is so ill that parenting time is canceled, makeup parenting time will occur on the following weekend. If, however, the nonresidential parent fails to exercise his/her parenting time, there will be no makeup time.

E. Parenting Time Is Not the Child(ren)'s Decision

The child(ren) will not be permitted to determine whether they wish to visit with the nonresidential parent. The residential parent and child(ren)'s personal plans, school activities, church activities and other considerations are not reasons for failing to adhere to this parenting time schedule. Parents are, however, encouraged to be supportive of the child(ren)'s participation in all extracurricular activities.

F. When There Are Children In Different Age Groups

If there are children who would have different parenting time schedules under this parenting plan because they are different ages, the nonresidential parent will have parenting time with all children together under the schedule that applies to the oldest child, unless a child is 6 months of age or younger. In that case, the youngest child must go by the designated age-appropriate times.

G. Scheduling

In the event either parent chooses not to exercise their allotted parenting time, that parent shall make a good faith attempt to notify the other parent of this choice.

While this schedule promotes stability for the child(ren), each parent shall acknowledge that reasonable adjustments will be needed from time to time and that an element of flexibility will be required in administering this parenting schedule.

Parents should make scheduling arrangements between themselves or through other adults. Children should not be used as messengers.

H. Communications

Both parents have the right to written, e-mail or telephone contact with the child(ren) without interference or monitoring during reasonable hours. Reasonable hours are 9:00 a.m. to 8:00 p.m., unless other arrangements are made. Telephone calls shall be no more than one per day and 10 minutes each in duration.

I. Contact At School

Unless otherwise ordered by the court, both parents are encouraged to participate in the child(ren)'s school activities including visiting the classroom, attending parent-teacher conferences, and sports activities. Each parent may have contact with the child(ren) at school provided that such contact does not interfere with the education of the child(ren).

J. Affection and Respect

Both parents shall be restrained and enjoined from making derogatory comments about the other parent or in any way diminishing the love, respect and affection that the child(ren) has/have for the other parent.

VI. OTHER PARENTAL AUTHORITY (ORS 107.154)

The nonresidential parent always has the right:

- A. To inspect and receive school records and to consult with school staff concerning the child(ren)'s welfare and education, to the same extent as the residential parent may inspect and receive such records and consult with such staff;
- B. To inspect and receive governmental agency and law enforcement records concerning the child(ren) to the same extent as the residential parent may inspect and receive such records;
- C. To consult with any person who may provide care or treatment for the child(ren) and to inspect and receive the child(ren)'s medical, dental and psychological records, to the same extent as the residential parent may consult with such person and inspect and receive such records;
- D. To authorize emergency medical, dental, psychological, psychiatric or other health care for the child if the residential parent is, for practical purposes, unavailable; or,
- E. To apply to be the child(ren)'s conservator, guardian ad litem or both

VII. PARENTAL NOTIFICATION (ORS 107.164)

Both parents have a continuing responsibility to provide their addresses and contact telephone numbers to the other parent, and to immediately notify the other parent of any emergency circumstances or substantial changes in health of the child(ren). The residential parent shall also provide an address and contact number for the minor child(ren)'s school, physician, dentist and therapist.

VIII. PARENT'S RELOCATION (ORS 107.159)

Parents must provide each other and the court with at least 30 days prior notice of any planned residence relocation more than 60 miles further distance from the other parent.

IX. FAILURE TO COMPLY WITH THIS PLAN

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected. The Tillamook County Circuit Court has information about the expedited parenting time enforcement procedure.

