

**SIXTH JUDICIAL DISTRICT
Umatilla and Morrow
Counties**

LOCAL COURT RULES

Effective February 1, 2005

Honorable Jeffrey M. Wallace, Presiding Judge

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CHAPTER 1 - General Provisions

1.005 DEFINITIONS

These definitions are intended to clarify terms used in these rules.

- (1) Definitions set out in UTCR 1.110 are incorporated by this reference and apply to these rules.
- (2) Confirmation cards are standard-sized, stamped, and addressed US postcards which are to be attached to any filing if signing or filing information is requested. They shall be filled out by the submitting party to allow the Court to provide the information the submitting party desires.

1.151 HOURS OF OPERATION

The Sixth Judicial District has four (4) Court locations by statute: Pendleton, Hermiston and Heppner operate on a full-time basis and Milton-Freewater operates as needed.

- (1) The Umatilla County Circuit Courts in Pendleton are located in the Umatilla County Courthouse at 216 S.E. Fourth Street in Pendleton. They are open from 8:00 a.m. until 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday, except for judicial holidays and except where emergency circumstances may prevent their operation.
- (2) The Umatilla County Circuit Court in Hermiston is located at 243B East Main Street in Hermiston. It is open from 8 a.m. until 12 p.m. and 1 p.m. to 5 p.m. Monday through Friday, except for judicial holidays and except where emergency circumstances may prevent their operation.

(3) The Morrow County Circuit Court is located in the Morrow County Courthouse at 100 Court Street in Heppner. It is open from 8:00 a.m. until 12:00 p.m. and 1:00 p.m. until 5:00 p.m. Monday through Friday, except for judicial holidays and except where emergency circumstances may prevent their operation.

(4) The Milton-Freewater Court is located in the Milton-Freewater City Hall at 922 South Main Street. It is available upon written request by the parties or practitioners as facilities, judges and staff are available.

(5) The Sixth Judicial District has more courtrooms than judges and at times judges may not be available in one of the courts for immediate signature of papers. Litigants should make arrangements as necessary with the Trial Court Administrator by telephone, e-mail, fax, or other appropriate form of communication.

(6) An individual judge may hold court on such extended hours as the court may find necessary in individual cases. The courts in this judicial district have continued trials beyond 1700 (5:00) p.m., over the noon hour, and on Saturdays where necessary for the administration of justice in an appropriate case.

1.161 FILING COURT DOCUMENTS

For Umatilla County filings, attorneys and litigants may file documents for any case, except probate cases, at either the Pendleton or the Hermiston court locations during normal hours of operation. All probate cases must be filed in Pendleton.

For Morrow County filings, attorneys and litigants may file documents at the Morrow County Circuit Court Office in Heppner during the normal hours of operation.

1.171 SIXTH JUDICIAL DISTRICT WEBSITE

The Sixth Judicial District maintains an informational website on the internet. The address to this website is:
www.ojd.state.or.us/umatilla

CHAPTER 2 - Standards for Pleadings and Documents

2.005 FORM OF PLEADINGS

- (1) Every pleading or other document filed with a court shall contain the name, address and telephone number of the author, as well as the facsimile number, email address and bar number of the attorney, if any, filing the pleading or document.
- (2) All multi-paged pleadings and documents shall be stapled together, but separated from other pleadings and documents filed simultaneously.
- (3) All pleadings and other documents filed with a court shall be two hole punched at the top.

2.015 RETURN OF DOCUMENTS TO A PARTY

In certain limited situations, a document may be returned to the party who filed it. Those situations are:

- (a) A document with an existing case number and case caption from another jurisdiction;
- (b) A document which requires a filing fee but the filing fee is not attached;
- (c) A document without sufficient identifying information to determine in which case it should be filed or entered; and
- (d) A document which requires court action, but the court action cannot be taken without the filing of statutorily required preceding documents.

CHAPTER 3 - Courtroom Proceedings

3.011 PROPER APPAREL

Male counsel will wear a conservative coat and tie with appropriate shirt, slacks and shoes. Female counsel will wear appropriate conservative business clothing. Clothing for counsel should be such as they would wear to an important business meeting.

3.181 PUBLIC ACCESS COVERAGE

In accordance with UTCR 3.180(5) the presiding judge has designated the following areas outside the courtrooms as the proper places for public access coverage:

- (1) For courtrooms 1,2 and 3 in the Umatilla County Courthouse, the landing at the top of stairs on the second floor;
- (2) For courtroom 4 in Hermiston, the waiting area just inside the front entrance;
- (3) For the courtroom in the Morrow County Courthouse, the landing at the top of the stairs on the second floor.

CHAPTER 4 - Criminal Cases

4.005 DISCOVERY

Before any motion to compel discovery in a criminal case is filed, a demand must be made on opposing counsel (upon a party if pro se) for the materials. The motion shall be supported by an affidavit that such a demand was made, a copy of the demand, the date served, the information furnished and the information not furnished.

4.015 POSTPONEMENTS; EX PARTE MATTERS

Postponements of felony and misdemeanor cases and motions to rescind bench warrants, accompanied by a supporting affidavit, shall be presented only to the trial court clerk. No request for a continuance shall be submitted without contacting opposing counsel (or party if unrepresented). Any such request submitted without contacting opposing counsel will be returned without consideration or action. In the case of a visiting judge, such motions shall only be considered and acted upon by the Presiding Judge.

4.025 SEARCH WARRANTS

- (1) A request for a search warrant shall be made to a Circuit Court judge.
- (2) Prior to presenting a request for search warrant, the applicant shall:
 - (a) Obtain prior approval from a District Attorney (or one of his/her deputies) who has personally reviewed the facts underlying the application;
 - (b) Provide the name of the reviewing District Attorney; and
 - (c) Verify that the search warrant application has not been presented to any other judge.

4.035 EXHIBITS

In recognition of the need to ensure the security of criminal exhibits, viewing shall be limited to the attorney of record unless otherwise ordered by the Court.

4.045 SECURITY FORFEITURES

- (1) A defendant or surety may apply to the court for a remission of a forfeiture of the security amount by:
 - (a) Filing with the court, and serving upon the District Attorney, a written motion for remission of the judgment of forfeiture, accompanied by an affidavit stating good cause for the remission;
 - (b) If necessary, appearing at a hearing to further inform the court why the judgment of forfeiture should be rescinded.
- (2) If a hearing is necessary, the court will notify the applicant of the date and time of the hearing. In any case, the court may decide to grant or deny the motion without any appearance by the applicant. The court will then notify the applicant by mail of its decision.

4.075 REFUND PROCEDURES

All bail or security refunds will be made by mail.

4.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

- Page 1 - Petition to Enter Plea of Guilty/No Contest
- Page 27 - Motion for Continuance
- Page 29 - Affidavit of Counsel in Support of Motion to Continue
- Page 31 - Notice and Advice of Right to Appeal

CHAPTER 5 - Civil Cases

5.005 DEPOSITIONS

(1) Scope of Deposition

ORCP 36B(1) provides that any matter not privileged may be inquired into during a deposition if reasonably calculated to lead to admissible evidence. This standard will be interpreted broadly by the Sixth Judicial District bench. If unreasonable or bad faith deposition techniques are being used, the deposition may be suspended briefly and a motion to limit pursuant to ORCP 39E may be made and heard by a judge.

(2) Objections

Most objections are typically reserved until trial. Under ORCP 41C, only errors that can be obviated, removed, or cured are waived unless a reasonable objection is made during the deposition. ORCP 39D creates a mechanism so that the attorney whose question is objected to may accept the objection as an invitation to correct an alleged defect in the question. Rejection of the invitation may result in exclusion of the question and answer at trial. Attorneys should not state anything more than the legal grounds for an objection to preserve the record. Objections should be made without comment to avoid contamination of the answers of the witness. Argument in response to the objection is neither necessary or desirable.

(3) Instructions Not to Answer

The only basis for an instruction not to answer a question reasonably calculated to lead to the discovery of admissible evidence is in response to an attempt by the attorney taking the deposition to inquire into an area of privacy, right, privilege, an area protected by the constitution, statute, work product, or questioning amounting to harassment of the witness. Any objection to the form of the question or the responsiveness of the answer can be preserved with a brief objection.

(4) Deposition Disputes

The parties should be able to resolve deposition disputes. If the parties have a problem that cannot be resolved without the assistance of the court, they should briefly suspend the deposition and contact the Presiding Judge, or designee, for hearing, either on or off the record, by phone or at the courthouse.

(5) Pending Questions

If a question is pending, it shall be answered before a break is taken, unless the question involves a matter of privacy right, privilege, an area protected by the Constitution, statute, or work product.

(6) Persons Present

Any party may attend a deposition. Non-party witnesses are excluded at the request of any party.

5.015 MOTIONS IN CIVIL CASES

(1) Civil motions may be set by telephone with the trial judge's judicial assistant, in court, or in chambers during a settlement conference. When being set, counsel are required to appear with their calendars either in person or by conference call. On occasion, a date will be set at the convenience of the court and counsel advised only by written notice.

(2) Civil motions may be reset by the following procedures for postponement of trial dates contained in UTCR 6.030.

(3) When counsel participates in the setting of the date in court or by telephone, a continuance will not be granted if the ground relied upon is that the court failed to provide written confirmation.

5.025 CIVIL TRIAL DOCUMENTS

In all civil cases that will be resolved by a trial, all trial memoranda, requested jury instructions and motions in limine shall be served by counsel with the court and with opposing counsel at least 24 hours prior to the commencement of trial.

5.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page 24 - Award and Judgment From Arbitration

Page 27 - Motion for Continuance

Page 29 - Affidavit of Counsel in Support of Motion to Continue

CHAPTER 6 - Trials

6.012 PRETRIAL SETTLEMENT CONFERENCES - Civil cases, excluding domestic relations cases

The Circuit Court, on its own motion or upon request of any party, may set a settlement conference. Parties are encouraged to request a settlement conference in civil cases. The settlement conference judge will not preside at the trial unless all parties agree that the judge may preside. At the settlement conference:

- (1) No information disclosed will be revealed by the settlement judge or by any of the parties to the settlement to the judge or jury who will thereafter try the case.
- (2) At the settlement conference, the court shall require the attendance of all parties and their trial attorneys. When a party is insured, a representative of the insurance company who has full authority to settle the case shall be in attendance.
- (3) Settlement conferences shall be held informally before a judge at a time and place provided by the settlement judge. The conference may be continued as part of a trial by the judge. Each case on the settlement conference calendar shall retain its place on the civil active list. If the case does not settle at such conference, no reference shall thereafter be made to any such settlement discussion had under this rule except in subsequent settlement proceedings.
- (4) For a meaningful settlement conference to take place, all attorneys and parties must participate in good faith.
- (5) In the event settlement negotiations are not successful, counsel should expect and be prepared to proceed to trial on the date scheduled. Every effort will be made by the court to insure that the case proceeds to trial on the date scheduled.

6.013 SETTLEMENT CONFERENCE STATEMENT - Civil cases, excluding domestic relations cases

In a civil case in which a settlement conference is scheduled, the parties shall file, not less than seven (7) days prior to the date of the settlement conference, a detailed settlement conference statement with the court and serve a copy on opposing counsel. The date and time of hearing shall be typed on the face sheet of the settlement conference statement.

(a) In the case of personal injury/property damage litigation, the plaintiff is directed to prepare a summary of facts, a summary of the injuries and/or damages, a summary of any special legal issues involved and a settlement demand. Plaintiff shall attach a copy of the most recent medical report(s).

(b) The defendant is directed to prepare a similar statement setting forth defendant's version of the facts, the injuries, legal issues, settlement offer, and a copy of the most recent defense medical report(s).

(c) In other classifications of cases, each side shall prepare an appropriate settlement statement setting forth a summary of the facts, legal issues, damages and relief demanded, together with plaintiff's settlement demand or defendant's settlement offer.

(d) In domestic relations cases, counsel shall include in their settlement statement a copy of the proposed distribution of assets and liabilities and, if support is involved, the proposal for and computation of support.

6.014 SETTLEMENT CONFERENCES - Domestic Relations Cases

- (1) The presiding judge shall appoint a panel of qualified attorneys who shall preside over settlement conferences in all contested domestic relations cases. Attorneys shall be selected to preside over the settlement conferences in a rotating order. Litigants may not disqualify settlement attorneys, except where there is a conflict of interest as defined by the Oregon State Bar Code of Professional Responsibility DR-5.
- (2) There shall be a settlement conference in all contested domestic relations proceedings. The settlement conference shall take place at least three weeks prior to the trial date. The conference shall be held at the office of the settlement attorney unless the settlement attorney and the litigants otherwise agree.
- (3) Each party shall submit two copies of his UTCR 8.010 Statement to the settlement attorney no later than 5:00 p.m. of the day prior to the commencement of the settlement conference. However, to facilitate

_____ settlement, the parties are encouraged to submit to the settlement attorney their Rule 8.010 statements at least 48 hours in advance of the settlement conference.

- (4) When the settlement attorney receives both Rule 8.010 statements, he shall distribute the statements to the parties as soon as practical. In addition, the petitioner shall submit to the settlement attorney all orders and judgments filed in the case, including the mediator's report.
- (5) Each party shall participate in the settlement conference in good faith.
- (6) As soon as practical, the settlement attorney shall report in writing to the trial judge regarding the outcome of the settlement conference, including any violations of this rule. All agreements shall be reduced to writing and signed by the parties. In the event that settlement negotiations do not result in a complete settlement, counsel should be prepared to proceed to trial on the date scheduled.
- (7) All information disclosed in the settlement conference shall be deemed privileged, settlement negotiations.
- (8) Any litigant who violates these rules may be subject to sanctions as provided by UTCR 1.090(2).

6.045 CONTINUANCES

All requests for a continuance shall be set forth using and including all the information contained in the local rule form appearing in the SLR Appendix of forms. No request for a continuance shall be submitted without contacting opposing counsel (or party if unrepresented). Any such request submitted without contacting opposing counsel will be returned without consideration or action.

Chapter 7 - Case Management and Calendaring

7.005 CRIMINAL PRETRIALS AND TRIALS

(1) Arraignments

All criminal cases shall have an arraignment before the court. The defendant, defendant's counsel and District Attorney shall appear at all arraignments.

(2) Pretrial

Pretrial dates shall be set at the time of arraignment in all criminal cases. This is notice to defendant's counsel, defendants and the District Attorney.

(a) Attorney/Defendant Appearance

The attorney for each party and the defendant shall appear at all pretrial hearings.

(b) Failure to Appear

If the defendant fails to appear at the pretrial hearing a bench warrant shall issue for the defendant. The case shall be removed from the court calendar and except for good cause shown, the only plea which will be accepted by the Court will be a plea of guilty to the charges pending against the defendant. No plea negotiations will be accepted by the court after the defendant fails to appear except for good cause shown in the discretion of the trial judge.

(c) Pretrial Information

In addition to the information required by UTCR 7.010, all counsel shall advise the court of:

- (i) the status of any plea negotiations;
- (ii) any scheduling conflicts;
- (iii) confirm that discovery is complete;

- (iv) all pretrial motions (e.g., omnibus motions, motions to suppress, motions for additional witnesses) have been resolved;
- (v) a written request for waiver of jury trial;
- (vi) counsel's estimate of the length of trial;
- (vii) any special accommodations for the parties or witnesses including, interpreter service or disability accommodations;
- (viii) any complex issues which the parties anticipate the court may need to resolve;
- (ix) any other unresolved issues.

(d) Trial Dates

Trial dates shall be set at the time of pretrial conference in all criminal cases. This is notice to defendant's counsel, defendant and the District Attorney.

(e) Change of Pleas

Prior to the pretrial hearing the defendant may enter a plea pursuant to negotiations at such time as the defendant's counsel arranges with the trial judge's judicial assistant.

- (i) After the date of the pretrial conference the only plea which will be accepted by the Court will be a plea of guilty to the charges pending against the defendant. No other pleas will be accepted except for good cause shown in the discretion of the trial judge; i.e., pleas to lesser-included charges, or to only some of the charges, as per an offer previously tendered by the State through plea negotiations.

(ii) Once a negotiated plea contemplated by the parties has been disapproved by a judge, the negotiated plea shall not be presented to another judge for consideration. In such a situation, any subsequent plea negotiations which need the approval of the court will be before the judge who originally considered the initial proposed negotiated plea, or another judge if the judge who originally considered the proposed negotiated plea agrees that another judge can handle the matter.

(f) __Forms/Plea Petitions

Counsel shall complete any and all forms required for change of plea prior to the hearing for change of plea. Counsel shall deliver to court staff a photocopy or a faxed copy of all change of plea documents a minimum of 24 hours prior to all change of plea hearings. (Plea Petition Form is attached as SLR App. Pages 1-4)

(g) __Sanctions

The court may in an appropriate case, financially sanction attorneys who fail to follow these rules. The sanction is within the sole discretion of the trial judge conducting the pretrial hearing or the trial.

7.015 VIDEO APPEARANCES

The Sixth Judicial District presently has video capability at the courthouses in Pendleton, Hermiston and Heppner; the Umatilla County Jail in Pendleton, the Eastern Oregon Correctional Institution in Pendleton; the Two Rivers Correctional Institution in Umatilla and the Juvenile Facility in Pendleton. It anticipates video capability in the Milton-Freewater courthouse in the future when funding is available to staff that court and pay the video line charges. Additionally, we now have video connections with the other state correctional institutions in other locations in the State of Oregon.

(1) Criminal Cases

When handled by video, a completed plea petition document must be filed with the court prior to any change of plea.

(2) Habeas Corpus and Post-Conviction Relief Cases

If a defendant is in the custody of a correctional institution, the defendant's pretrial motions, pretrial hearings, and court trial shall be conducted by video camera, if available, and at the expense of the Department of Corrections.

(3) Civil Cases

Parties wishing to use video technology in civil cases shall, where available, make arrangements with the Trial Court Administrator prior to trial and pay all expenses of the video.

(4) Mental Commitment Cases

If an alleged mentally ill person is in a mental health facility, the motions, hearings, and trial shall be conducted by video appearance, if available, at the expense of the Mental Health Division.

(5) Scheduling

The ultimate responsibility for scheduling video appearances shall be the trial court's judicial assistant, who shall coordinate with other judicial assistants on the use and availability of the video system. The first priority for use of video is criminal matters.

(6) Exhibits

All exhibits will be presented to the court no later than five (5) judicial days prior to the scheduled court proceeding. Any party presenting exhibits to the court will also provide a self-addressed, pre-paid postage mailing package to the court for the return of the exhibits.

(7) Payment

All costs of video shall be by the party using the video. In the case of post-conviction cases, for example, the Department of Corrections and Attorney General would pay all costs.

Chapter 8 - Domestic Relations Proceedings

****NOTE: Additional rules relating to domestic relations mediation are found in SLR Chapter 12.**

8.005 FILING OF UTCR 8.010 DOCUMENTS

- (1) All documents required to be filed under UTCR 8.010(4) and (5) shall be filed with the clerk of the court with a copy to the trial judge and served on the opposing counsel (or party if pro se) seven (7) days before the settlement conference.
- (2) All pleadings shall specify "Subject to Mandatory Mediation" and "Parenting Time at Issue" or "Parenting Time Not at Issue" in the caption. The pleadings will also specify "Subject to Mandatory Arbitration" if appropriate.
- (3) Sanctions

Sanctions may be imposed by the court for failure to file 8.010 statements. These sanctions may include:

- (a) As provided in UTCR 1.090, the court may enter an appropriate award of attorney fees in favor of the complying party against the non-complying party's attorney (individually and personally) or the non-complying party if pro se, of a party/attorney not complying with Chapter 8 of this Local Trial Court Rule.
- (b) Except for good cause shown, a non-filing party may be deemed to have admitted values of property established by a filing party.
- (c) The court may impose a fine on an attorney failing to file 8.010 statements in a timely fashion.

8.015 PARENT EDUCATION PROGRAM

- (1) Mandatory Parent Education Program
 - (a) The Sixth Judicial District has established a parent education program authorized by ORS 3.425. This program will provide information on the impact of family restructuring on children when the proceedings involve minor children. This program will apply to the following types of cases:

- (i) Annulment or dissolution of marriage;
 - (ii) Legal separation;
 - (iii) Petition to establish custody or visitation (including paternity); and
 - (iv) Post-judgment litigation involving custody or visitation.
- (b) In all cases involving children under the age of 18, all parties shall complete the parent education program unless exempted by the court. A judgment/decreed will not be entered in the proceeding until each party, not otherwise exempted by the court who has filed an appearance, has completed the program or appropriate sanctions have been applied.
- (c) The party initiating the proceeding shall register for the program within 15 days after filing the initiating pleading with the court. A copy of this local rule and instructions 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. All other parties shall have 30 days after service of notice upon them to register for the program. Petitioners shall have 45 days from the date of filing the initial pleadings to complete the parenting class. The other party shall have 45 days from the date of service of notice to complete the parenting class.
- (d) The program provider shall issue a certificate of completion to the participants when they have completed the program. This certificate must be presented to the mediation coordinator. The mediation coordinator shall report in writing to the court notification of participant completion.
- (e) The court may exempt one or more of the parties from the program if, after reviewing the requesting party's motion and supporting affidavit, the court determines that participation is unnecessary or inappropriate. It will be the very unusual case where an exception is granted.

- (f) The court may allow one or more of the parties to participate in a comparable court-sanctioned education program.

(2) Sanctions

- (a) Failure or refusal to complete the program within the time limits contained in 8.012(1)(c) may be considered by the court in making its ruling on issues which are in dispute.
- (b) A party that fails to successfully complete the parent education program shall not be permitted to file a motion to modify any order of the court.
- (c) A party who has completed the program shall have the right to:
 - (i) Request that the pleadings of a party who has appeared be stricken if that party has not completed the program in a timely manner without good cause.
 - (ii) Request entry of an order from the court to compel the non-complying party's completion of the program should the non-complying party not have completed the program in a timely manner without good reason. The court may enter an award of attorney fees in favor of the complying party who utilizes this option, to force the non-complying party's compliance with this rule.

(3) Fees

- (a) Each party shall pay a fee, set by order of the Presiding Judge, to the program provider upon registering for the program.
- (b) The program registration may be waived or deferred by the court. The procedure for requesting a fee waiver or deferral shall be the same as that used to request a waiver or deferral of the fee when filing a petition for dissolution.
- (c) Application for fee waiver or deferral, if any, must be made prior to registering for the program. When registering, either the fee must be paid or the order waiving or deferring the fee must be given to the program provider.

8.025 PARENTING TIME ENFORCEMENT

- (1) Proceedings to enforce parenting time pursuant to ORS 107.434 shall be initiated by motion and order to show cause. Unless another time is ordered by the court, the moving party shall serve the other party with the motion and order to show cause and supporting papers at least (21) days prior to the time set for hearing. If timely service is not effected, the moving party shall be deemed to have agreed to a hearing date beyond the 45-day limit.
- (2) Generally, unless good cause is shown, the parties will be referred to mediation if modification of parenting time or custody order is sought by the moving party. Upon being referred to mediation, the parties will conform to the Sixth Judicial District's Supplementary Local Rules for Mediation. However, the parties may not be referred to mediation if the existing parenting time order was entered in a Family Abuse Prevention Act proceeding.
- (3) If the court refers the matter to mediation, the mediator may decline mediation if, for good cause shown, the trial judge, upon written recommendation of the mediator, determines that the proceeding is either inappropriate for mediation, or if mediation cannot reasonably take place before the hearing date. If mediation is so declined, the court shall advise the parties in writing.

8.045 PROPERTY LISTS

- (1) If there are any disputes regarding the value or disposition of items of personal property, the parties shall confer and jointly prepare a list of all personal property the court will be asked to distribute and indicate each party's opinion regarding the market value of each item listed and each party's proposed distribution of the property. (A proposed form is attached as SLR Appendix Page 8.)
- (2) Except for good cause shown, property lists must be filed with each party's Rule 8.010 Statement by 5:00 p.m. the day prior to the settlement conference as provided by SLR 6.014(3).

(3) Sanctions

As provided in UTCR 1.090, the court may enter an appropriate award of attorney fees in favor of the complying party against the non-complying party's attorney (individually and personally) or the non-complying party if pro se.

8.055 ORDERS TO SHOW CAUSE

- (1) The procedures of this rule are limited to domestic relations cases. Domestic relations cases are dissolution of marriage, legal separation cases including pretrial motions and post-judgment motions, filiation and interstate support proceedings. A contempt proceeding arising out of a domestic relations case is not covered by this rule.
- (2) An order to show cause will be allowed only upon the motion of a party supported by affidavit. The order to show cause will not contain a date for hearing. It shall provide that the adverse party must file and serve an affidavit in opposition to the motion within thirty (30) days from the date of service of the order and affidavit, or within such additional time as allowed by the court upon a showing of good cause. The order must further advise the adverse party that if such opposing affidavit is not so filed and served with the thirty (30) days, the order requested by the motion and show cause order will be granted and entered by the court. (An example order is attached as SLR App. Page 3.) Post-judgment motions to set aside, alter, or modify any terms of the decree shall provide that the adverse party must file and serve an affidavit in opposition to the motion within thirty (30) days from the date of the service of the order and affidavit. The order must further advise the adverse party that if such opposing affidavit is not so filed and served within thirty (30) days, the order requested by the motion and show cause order will be granted and entered by the court.
- (3) If the opposing party fails to file the opposing affidavit within the time allowed, the moving party shall submit an order allowing the relief requested in the order to show cause. The court reserves the right to require the taking of testimony of the moving party in such default matters. The court reserves the right to enter the order requested if the opposing party does not file the required affidavit and it may do so upon its own motion if the moving party fails to present for signature the order required above.

- (4) Except for pendente lite motions for temporary child or spousal support, either party shall, by motion, request a hearing date to be set to determine the issues raised by the order to show cause and the affidavits. A copy of the order setting the date shall be served upon the moving party by the opposing party. If either party fails to submit a motion requesting such hearing date, the court reserves the right to set such date on its own motion. The first paragraph of the motion requesting a hearing date shall include an estimate of the time required for argument and a statement whether official court recording services are requested.
- (5) Except for pendente lite motions for temporary child or spousal support, this procedure shall apply to all orders to show cause in domestic relations matters whether they be pretrial or post-decree, or any other matters properly raised by the procedure of an order to show cause.
- (6) Pendente lite motions for temporary child and/or spousal support filed pursuant to ORS 107.095(1)(a) and (b) and other motions for temporary financial orders filed pursuant to ORS 107.095(1)(f), may be determined without testimony based on the affidavits of the parties and their Uniform Support Affidavits. Such motions shall be filed separately from other pendente lite motions. In any case involving temporary child support, the affidavits filed by the parties shall include a child support computation worksheet. Absent good cause, agreement by the parties or court order to the contrary, the court shall order the Standard Parenting Plan pending further order of the court and the court shall compute child support accordingly. After the due date for the response of the nonmoving party, the moving party shall notify the court by filing a Notice of Readiness for Decision. An example of the notice is attached as SLR Appendix of Forms, Page 7. With due regard for other pending matters, the court will attempt to issue a ruling within 14 days of the Notice of Readiness.

8.075 PARENTING SCHEDULE

It is the policy of the court to encourage the parties to work out their own parenting time schedule, either between themselves or through mediation. The court will generally approve any schedule agreed upon by the parties. However, if the parties are unable to agree, the Standard Parenting Plan set forth in the SLR Appendix will be used as the basis for establishing parenting time. Because each family's circumstances are different, the

parenting time schedule established by the court may make provision for more or less parenting time than desired by the parties. Every parenting plan shall specify the percentage of overnights which each parent has with the children.

8.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

- Page 5 - Motion and Order to Show Cause
- Page 7 - Notice of Readiness for Decision
- Page 8 - Joint Personal Property List
- Page 9 - Standard Parenting Plan
- Page 21 - Order for Parenting Education, Mediation Orientation and Mediation
- Page 22 - Order for Parenting Education
- Page 23 - Notice That Custody and/or Parenting Time is Disputed and Order Referring Case to Mediation and Parenting Education
- Page 27 - Motion for Continuance
- Page 29 - Affidavit of Counsel in Support of Motion to Continue

Chapter 9 - Probate and Adoption

9.005 FILING PROBATE MATTERS

Probate matters requiring authorization, approval, or signature of the probate judge or designee shall be filed with the Clerk's Office.

9.015 EX PARTE ORDERS IN DECEDENTS' ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS

All ex parte orders in decedents' estates, guardianships and conservatorships may be submitted to the court through the Clerk's Office at any time, without the necessity of the appearance of attorney for the fiduciary.

9.025 SCHEDULING

Conferences and hearings may be scheduled by request to the judge's judicial assistant. Before requesting a conference or hearing, requesting counsel shall confer with other counsel and advise the judicial assistant of the estimated time required and mutually acceptable dates.

9.035 DELINQUENCIES OR DEFICIENCIES

In the event of a delinquency or deficiency in filing any document required by statute, court rule, or court order, the attorney of record, or litigants if there is no attorney of record, shall be sent a courtesy notice. The personal representative, conservator, or guardian, is expected to promptly cure the defect or delinquency. If the deficiency is not corrected within the time specified by the court in its notice, an order to appear and show cause why the personal representative, conservator, guardian, and counsel of record should not be removed shall be issued. The personal representative, conservator, or guardian, together with counsel of record, must appear whether or not the delinquency or deficiency has been subsequently corrected. If the delinquency or deficiency has not been corrected by the time of the hearing, appropriate sanctions, including contempt, may be imposed.

9.045 REPRESENTATION

(1) If a personal representative or conservator intends to appear on behalf of the estate or protected person without an attorney, the personal representative or conservator shall provide notice of that intent to the court and proof of competence to so appear. If the proof is not sufficient to assure the court the estate will be protected and properly administered, the court will take appropriate action.

(2) A person other than a personal representative or conservator, or a corporation, may appear in person without counsel in any matter coming before the probate judge if otherwise allowed by law. The person appearing and counsel for the personal representative shall notify the probate judge if any party to a proceeding is appearing pro se.

9.055 BONDS

Notwithstanding ORS 113.105, the personal representative of an intestate estate may be required to file a bond even if he or she is the sole heir or devisee of the estate, if the court is not satisfied that the creditors will be paid.

9.065 NOTICE TO SURETY

If a bond has been posted, the surety must be notified of the resignation or substitution of counsel, with appropriate proof provided to the court by counsel.

9.075 GUARDIANS OF MINORS

Within twenty-eight (28) days after each anniversary of her/his appointment, a guardian of minors shall deliver to the probate judge for filing, an annual report in the same form as ORS 125.325.

9.081 OBJECTIONS 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) 278-0341 x236. In accordance with ORS 125.075(2), the court designates the probate counter as the place where oral objections shall be filed. 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 and the Petition will be heard in the courtroom of the judge assigned to the case.

(2) If the objecting party wishes to file a written objection, the court clerk will provide the Objection form contained in the Appendix at page 32.

9.082 PROBATE AND PROTECTIVE PROCEEDINGS

(1) The probate counter is designated as the place where notice of free or low cost legal services is posted.

(2) When a petition seeks appointment of a guardian for an incapacitated person, the petitioner shall also nominate a visitor. When a visitor is appointed, the petitioner shall also pay the visitor's fee.

9.085 PERSONAL INJURY SETTLEMENT PETITIONS

A petition for approval of a settlement of a personal injury claim involving minors and/or incapacitated persons shall be accompanied by an affidavit which sets for the following:

- (1) A description of the incident causing the injury;
- (2) A description of the injuries;
- (3) The amount of the prayer and proposed settlement and if a structured settlement is proposed, the present value of the future payments of that settlement;
- (4) The amount of the attorney fees and costs;
- (5) The proposed distribution of the settlement proceeds;
- (6) A concise statement explaining the reasons for the settlement.

9.095 ATTORNEY AND CORPORATE FIDUCIARY FEES

- (1) Requests for approval of attorney fee expenses required under ORS 116.183 and 125.095 must be approved by the court.

- (a) Such requests must be accompanied by an affidavit that complies with the requirements of UTCR 5.080 showing the number of hours expended, the hourly rate charged and a designation of title for each person performing work.

- (b) When attorney fee requests are submitted for approval to the court, the accompanying affidavit must include a description of normal attorney tasks with hours expended. For extraordinary activities, the affidavit must also concisely address the following issues to be resolved and the process and time spent on each.
 - (i) For establishing and funding trusts, a brief narrative must identify the complexities involved;
 - (ii) For tax planning, describe objectives and activities required;
 - (iii) For tax returns, indicate the number filed and the nature of the returns;
 - (iv) For tax audits and hearings, describe the issues addressed;
 - (v) For disclaimers, describe the circumstances and complexities;
 - (vi) For real estate management problems, include issues regarding compliance with local, state and federal authorities;
 - (vii) Discuss sales of real property;
 - (viii) Discuss operation or sale of business interests;
 - (ix) Discuss management of a family-owned corporation or closely held stock;
 - (x) For contested matters, indicate whether they were of benefit to or in defense of the estate;
 - (xi) Discuss election of spouse/marital share;
 - (xii) Discuss disputed creditor's claims.

- (c) If tasks performed appear to be the duties of a personal representative, the court will question and possibly reduce attorney fee payments for such activities.
- (2) Consent by the parties to the attorney fee requests shall not waive the requirements of this rule.
- (3) Any request for approval of corporate fiduciary fees in addition to the basic percentage fee allowed pursuant to applicable statute must be accompanied by an affidavit in compliance with 9.095(1)(a) above.

9.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

- Page 27 - Motion for Continuance
- Page 29 - Affidavit of Counsel in Support of Motion to Continue
- Page 32 - Objection to Petition for Appointment of Guardian/
 Conservator

Chapter 10 - VEHICLE LAWS AND DRIVING PRIVILEGES

This chapter is reserved for future expansion.

Chapter 11 - JUVENILE COURT PROCEEDINGS

This chapter is reserved for future expansion.

Chapter 12 - Mediation

12.005 MEDIATION IN GENERAL

NOTE: Rules specifically relating to Temporary Custody Orders during Mediation are found in SLR Chapter 8.

- (1) Matters Subject to Mediation
 - (a) Purpose of Mediation. The purpose of mediation shall be to assist the parties in reaching a workable settlement of those issues before the court.
 - (b) Mandatory Mediation. Any dispute involving custody and/or visitation/parenting time arising from any of the following types of cases shall be subject to mediation under this rule:
 - (i) Any domestic relations suit, as defined in ORS 107.510 (3).
 - (ii) Any filiation proceeding pursuant to ORS 109.124 to 109.230.
 - (iii) Proceedings to determine the custody or support of a child under ORS 109.103.
 - (iv) Any proceeding to modify custody and/or visitation/parenting time previously determined in one of the above types of cases.
 - (v) Any other matter involving a dispute over custody and/or visitation/parenting time upon referral by the court.
 - (vi) Other Matters. The mediator may consider issues of property division or spousal or child support with the written approval of both parties or their counsel.
 - (c) Pleadings. All pleadings shall specify "Subject to Mandatory Mediation" or "Not Subject to Mandatory Mediation" in the title.

(2) Authority of Circuit Court Not Affected by Mediation

The authority of a Circuit Court of the Sixth Judicial District over a domestic relations case filed in that Circuit Court is not affected by referral to mediation. 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.

(3) Mediation Process

- (a) Commencement of Mediation by Stipulated Request for Mediation. If there is a disagreement between the parties concerning custody and/or visitation/parenting time at any stage of a domestic relations proceeding, both parties or their attorneys, may sign and file with the court a stipulated request for mediation. A mediator will be available to the parties 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.
- (b) Commencement of Mediation by Request for Mediation by One Parent. If there is a disagreement between the parents concerning custody or visitation/parenting time at any stage of a domestic relations proceeding, any party seeking to resolve the matter may file with the court and serve upon the other party or his or her attorney a request for mediation.
- (c) Commencement of Mediation When Custody or Visitation/Parenting Time Appears at Issue. Whenever a respondent generally appears in a domestic relations suit by filing an answer such as "Respondent Appears" or the like, the respondent shall in addition state whether there is any disagreement over child custody and/or visitation/parenting time in the case or, alternatively, whether child custody or

visitation/parenting time is not an issue in the case. In the event no such statement is made, it will be assumed that custody and/or visitation/parenting time is in dispute and the matter shall be referred to mediation.

- (d) Commencement of Mediation by Judicial Order. When parenting time and/or custody is at issue and when either party or both parties fail to register for the parenting education class within the time limits set by 8.012(1)(c), the court may order the party or parties to attend the parenting education class and then to proceed to mediation.

(4) Mediation.

- (a) Whenever mediation is requested as in paragraphs (1) and (2) above, or whenever any pleadings indicate that child custody or visitation/parenting time is at issue, the parties shall be ordered to appear at a mediation orientation. The parties shall register for mediation orientation within fifteen (15) days of the court's Order.
- (b) At the orientation the parties will be given an opportunity to choose a mediator from those under contract with Umatilla County, or consult with their counsel and report their choice of mediator within ten (10) days. If the parties cannot agree on a mediator, the court will appoint a mediator and notify the parties of the appointment.
- (c) Mediation shall consist of an orientation session and a maximum of six (6) hours of sessions involving the parties and the mediator. Additional sessions may be provided at the parties' expense or upon approval of the court on recommendation of the mediator. Parties may, upon written request of the parties, be allowed at any state of the proceeding or post-judgment, to re-enter mediation to use the balance of session time not previously used.

(5) Temporary Custody and Visitation/Parenting Time Orders.

At any point during the mediation, the court may approve a temporary custody and visitation/parenting time order reflecting the parties' agreement as to the issues.

(6) Temporary Support.

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

(7) Completion of Mediation.

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 when called for trial or postponement under such conditions as the court may require.

(8) Unsuccessful Mediation.

The mediator may notify the court at any time following the initial mediation session involving the parties and the mediator that mediation has been unsuccessful. In that case the court may, after reviewing the written report and recommendation of the mediator, refer the case to the settlement attorney or decide 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 visitation/parenting time controversy, if one or both parties are unwilling to participate in mediation, or if the mediator determines that either party is using the mediation process in bad faith for delay in resolution of other issues.

(9) Sanctions

- (a) Failure or refusal to comply with the mediation program in a timely manner may be considered by the court in making its ruling on issues which are in dispute.
- (b) A party who has complied with the mediation process shall have the right to:
 - (i) Request that the pleading of a party who has appeared be stricken, if that party has not completed the program in a timely manner without good cause;
 - (ii) Request entry of an order from the court to compel the non-complying party's completion of the program should the non-complying party not have completed the program in a timely manner without good reason. The court may enter an award of attorney fees in favor of the complying party who utilizes this option to force the non-complying party's compliance with this rule.

(10) Custody Studies.

- (a) If the parties are unable, after a good faith effort, to resolve custody and/or visitation/parenting time issues in mediation, the parties may agree to a custody study. The study must be performed by a duly qualified person, but must not be the mediator assigned to the case.
- (b) If the parties agree in advance that the report of the custody study will be admissible at trial or other proceedings without appearance of the person who performed the study, the report is admissible. The person who performed the study may, however, be subpoenaed at the expense of the person calling the person a witness.
- (c) When the study report had been received by the parties, the parties may, if both parties agree, resume mediation after the report is made available to the mediator.
- (d) The expense of the study shall be the responsibility of the parties in such proportion as the parties may agree or as ordered by the court.

12.015 **MEDIATION OF CIVIL DISPUTES**

The Sixth Judicial District has a mediation referral program pursuant to ORS 36.180 to 36.210. The rules are effective upon the Presiding Judges' approval of a mediation panel consistent with SLR 12.065. On the effective date, the rules apply to new cases and pending cases which are subject to mandatory arbitration but have not yet been referred to arbitration.

12.025 **MEDIATION OF GUARDIANSHIPS, CONSERVATORSHIPS AND ADOPTIONS**

(1) Mediation Process

- (a) Commencement of Mediation by Stipulated Request for Mediation.** If there is a disagreement between the parties concerning guardianship, conservatorship or an adoption proceeding, both parties or their attorneys, may sign and file with the court a stipulated request for mediation. A mediator will be available to the parties in accordance with these rules, or the parties 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.
- (b) Commencement of Mediation by Request for Mediation by One Party.** If there is a disagreement between the parties concerning guardianship, conservatorship, or adoption at any stage of a proceeding, either party seeking to resolve the matter may file with the court and serve upon the other party or his or her attorney a request for mediation. This moving party then shall pay the mediation fee.

12.035 **APPOINTMENT TO MEDIATION PANEL**

- (1)** To apply to be listed on the panel of mediators, a person must sign and file an application as provided by the court.
- (2)** The decision as to whether an individual is qualified to be on the panel of mediators shall be made by the Presiding Judge.

12.045 **REMOVAL FROM MEDIATION PANEL**

The Presiding Judge, in his discretion, may remove a mediator from the mediation panel.

Chapter 13 - Arbitration

13.005 MATTERS SUBJECT TO ARBITRATION

- (1) The courts of the Sixth Judicial District have adopted a mandatory arbitration program in conformity with ORS 36.400 through 36.425 and UTCR Chapter 13.
- (2) The following civil matters are subject to mandatory arbitration:
 - (a) All civil actions where the only relief claimed is recovery of money or damages and no party asserts a claim in an amount exceeding \$50,000, exclusive of attorney fees, costs and disbursements and interest on judgments;
 - (b) All domestic relations actions, as defined in ORS 107.510, in which the only contested issue is the division or other disposition of property between the parties;
 - (c) Other matters may be referred to arbitration pursuant to ORS 36.400 through 36.425. Only the Presiding Judge, or his designee, may exempt or remove from arbitration, civil actions that would otherwise be subject to mandatory arbitration.

13.015 REQUEST FOR AND OBJECTIONS TO ARBITRATION

- (1) Any party to a case may file and serve notice of a request that the Court transfer a case to arbitration.
- (2) A court decision on an exemption filed pursuant to UTCR 13.070 will be rendered within ten judicial days following the filing of a motion for exemption from arbitration or the motion is deemed denied. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the UTCR.

13.025 COURT DETERMINES WHETHER CASE SUBJECT TO ARBITRATION

- (1) A case assigned to arbitration will not be removed without an affidavit, motion, and order.
- (2) Only in extraordinary circumstances will the court order a case returned from arbitration to the court docket after a case has been assigned to an arbitrator.

- (1) In the event that amended pleadings are allowed by the arbitrator (e.g., amended complaint, third party complaint, etc.), in which a party or parties will be added to the case, or which causes the case not to be subject to mandatory arbitration, the party filing such an amended pleading must notify the Arbitration Clerk in the Office of the Trial Court Administrator. These cases, when appropriate, may be returned to arbitration. In the event that the case is not thereafter subject to mandatory arbitration, the party requesting removal from arbitration shall file a motion to exempt the case from arbitration, or to remove it if it was previously referred to arbitration.

13.035 REFERRAL TO ARBITRATION

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 before the case is referred to arbitration. No case shall be referred to arbitration until all parties have appeared or have had a judgment of default entered against them. If a case has been referred to arbitration prior to the filing of a motion directed to the complaint, or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.10.

13.045 INDIGENT PARTIES

- (1) In the event that funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of a request for payment to the Trial Court Administrator. Such request shall be in the form of a certificate stating the identity of the case, the total hours of service the arbitrator provided, and the share of those hours chargeable to the indigent party. If funds are available, reimbursement will be provided for up to three (3) hours for each indigent party. The certificate must be accompanied by a copy of the order deferring or waiving fees of the indigent party.
- (2) In the event funds are not available under ORS 36.420 for the payment of fees that are waived by court order, a party may request that the clerk provide to the parties a list of arbitrators who have agreed to serve for no compensation, for compensation from one party only, or at a reduced rate.
- (3) The clerk shall provide names of available arbitrators, but no arbitrator is required to serve unless he or she has agreed to such alternate fee arrangement. The parties shall select an arbitrator from such list in the same manner as required in SLR 13.045.

13.055 ARBITRATORS

- (1) There shall be a panel of arbitrators in such number as the Presiding Judge may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any preference against certain types of cases (e.g., no family law). A list showing the names of arbitrators available to hear cases will be available for public inspection at the office of the Trial Court Administrator.

- (2) The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges. No arbitrator shall have pending at any given time more than three (3) arbitration cases, subject to the discretion of the Presiding Judge.
- (3) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials on the case to the Arbitration Clerk in the Office of the Trial Court Administrator.

13.065 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the purport of which is disputed, will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers or parties.

13.075 AWARD, PROOF OF SERVICE

At the conclusion of arbitration, if the arbitrator attempts to file the award with the court without the proof of service of a copy of the decision and award upon each party as required by ORS 36.425(1), the award will not be filed and will be returned to the arbitrator.

13.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page 24 - Award and Judgment From Arbitration

Chapter 14 -

This chapter is reserved for future expansion.

Chapter 15 - Small Claims

This chapter is reserved for future expansion.

Chapter 16 - Violations

16.005 PRE-ARRAIGNMENT, ARRAIGNMENT AND APPEARANCE

- (1) This section governs any case initiated as a traffic violation under the Oregon Vehicle Code, or any other offense or violation issued on a uniform citation and for which the only penalty is a fine or forfeiture of a base fine.
- (2) Prior to any arraignment date specified on the summons, the defendant may exercise one of the following options to dispose of the case:
 - (a) The defendant may plead guilty and pay the fine specified as the base fine amount on the summons, or, if available, the reduced Violation Bureau fine, by entering a written plea of guilty and mailing the written plea and a check or money order for the fine to the court. The plea and payment must reach the court on or before the arraignment date.
 - (b) The defendant may enter a written plea of guilty or no-contest and submit a written explanation of the incident in mitigation of the penalty. The letter and plea must reach the court prior to the arraignment date.
 - (c) The defendant may appear, enter a plea of not guilty, and sign a waiver of the defendant's right to have testimony presented orally, as provided in ORS 153.575(5). The waiver of oral testimony will be filed in the case and the matter will be set for trial. At the trial, any witness, including the defendant, may have the witness's testimony presented to the court by affidavit and need not appear personally.
 - (d) The defendant may enter a written plea of not guilty and request that the matter be set for a court trial. Any defendant electing to proceed under this subsection must verify his or her residence address and current mailing address. Defendants may require a court trial, either in writing mailed to the court, or in person. The request must be received on, or prior to, the date of arraignment.
 - (e) The defendant may appear in person, or by counsel, at the date and time set for arraignment on the summons, and may enter a plea of guilty, no contest, or not guilty.

16.015 VIOLATIONS BUREAU

- (1) The Sixth Judicial District has established a Violations Bureau.
- (2) A person may appear at the Violations Bureau or may pay the Violations Bureau fine and assessment by mail.
- (3) If the cited person appears personally, a form recording the person's appearance, advice of rights, waiver of trial and plea of guilty shall be signed and filed with the court.
- (4) The fine and applicable assessment(s) shall be paid immediately and in full at the Violations Bureau, unless the court approves a deferred payment.

16.025 POSTPONEMENTS

- (1) Arraignment

A request for postponement of an arraignment appearance must be made in court or in a written request, which is accompanied by a check or money order for the base fine set on the face of the summons if the alleged offense is a non-criminal offense. If the request is made in writing, the request must be received by the court at least two (2) court days prior to the original arraignment date.

- (2) Court Trial

A request for a postponement of a court trial must be made to the court and must be received more than fourteen (14) days prior to the scheduled trial date.

- (3) Notice

When the court grants a postponement, the court will notify all parties to the action. If the postponement is granted in open court, parties personally present are deemed notified.

Chapter 17 - Parking

This chapter is reserved for future expansion.

Chapter 18 - Forcible Entry and Detainer

This chapter is reserved for future expansion.

Chapter 19 - Contempt Proceedings

This chapter is reserved for future expansion.

APPENDIX OF FORMS

Sixth Judicial District

Please use BLUE ink or highlighted & italicized typewritten text for completing this form

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR UMATILLA (or Morrow) COUNTY

Case No. _____

PETITION TO ENTER PLEA
OF GUILTY/NO CONTEST

STATE OF OREGON | v. |

- 1. My true name is: _____
- 2. My lawyer's name is: _____
- 3. I have fully discussed the facts and circumstances and any potential defenses and lesser included charges with my attorney. I wish to plead **GUILTY/NO CONTEST** to the charge(s) of _____

based on the following facts: _____

4. I understand I may plead "Not Guilty" to any offense charged against me. If I choose to plead "Not Guilty" the Constitution guarantees me (a) the right to a speedy and public trial by jury, (b) the right to face in open court all witnesses called to testify against me, (c) the right to use the power of the Court to compel the production of any evidence, including the attendance of any witness in my favor, (d) the right to have the assistance of a lawyer at all proceedings, (e) the right to testify at my option; and if I do not testify, I understand the jury will be told that this may not be held against me, and (f) the presumption of innocence protects me unless and until my guilt is proven beyond a reasonable doubt.

I understand by pleading **GUILTY/NO CONTEST** I am giving up these rights.

5. I understand if I plead **GUILTY/NO CONTEST**, the court may impose the same punishment as if I had plead "Not Guilty," stood trial and been convicted. I further understand if I am not a citizen of the United States, my plea of **GUILTY/NO CONTEST**, and conviction of this crime may result in deportation, exclusion from admission to the U.S. or denial of naturalization.

6. I understand the nature of each charge against me and I have been informed about the facts and circumstances of each charge. I know if I plead **GUILTY/NO CONTEST**, the maximum possible sentence is _____ years of imprisonment and a fine of \$ _____.

I understand if I am pleading **GUILTY/NO CONTEST** to more than one crime, I may be ordered to serve the sentence consecutively. I know the sentence is up to the Court. I understand the Court may consider information from the District Attorney, the victim(s), a pre-sentence report, if requested, and from me or my attorney when imposing the sentence(s), exceptions: _____

7. No officer or agent of any branch of government or of the District Attorney's Office has made any promise, threat, or suggestion to me regarding my plea or sentence, except as follows: _____

8. Criminal History Classification _____, as set forth in the rules of the State Sentencing Guidelines.

9. I understand the following additional sentences or conditions may be imposed: _____

A) Minimum Sentence(s): _____

B) Mandatory Condition(s): _____

10. I have have not been convicted of one or more felonies, as follows: _____

11. I am am not presently on probation or parole. I understand my pleading **GUILTY/NO CONTEST** in this case may cause revocation of my probation or parole, and could result in a sentence of _____ years in that case. I understand that if my parole or probation is revoked, any sentence in that case may be consecutive to or in addition to any sentence in this case.

12. I know the law provides for an increase in the maximum sentence described in Paragraph 6 to a maximum of 30 years if I qualify as a dangerous offender. I understand this may happen in this case. If applicable, check .

13. I am _____ years of age. I have gone to school up to and including _____; my physical and mental health is presently satisfactory. At this time I am not under the influence of any drugs or intoxicants (nor was I at the time the crime was committed), except: _____

1 - PETITION TO ENTER PLEA OF GUILTY - See SLR 7.005(2)(f)

SLR App. Page 1

February 1, 2005

Sixth Judicial District

Case No. _____

14. I OFFER MY PLEA OF GUILTY/NO CONTEST FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE CHARGING INSTRUMENT AND IN THIS PETITION.

DATE: _____ DEFENDANT: _____

ADDRESS: _____

PHONE: _____

CERTIFICATE OF COUNSEL

As lawyer for the defendant, I certify that:

1. I have read and fully explained to the defendant the allegations contained in the charging instrument in this case.
2. 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.
3. I have explained the maximum penalty for each charge to the defendant and consider defendant competent to understand the charges and the effect of defendant's petition to enter a plea of **GUILTY/NO CONTEST**.
4. The plea of **GUILTY/NO CONTEST** offered by the defendant in the petition accords with my understanding of the facts defendant related to me.
5. In my opinion, the plea of **GUILTY/NO CONTEST** as offered by the defendant in the petition is voluntarily and understandingly made. I recommend the court accept the plea of **GUILTY/NO CONTEST**.
6. Having discussed this matter carefully with the defendant, I am satisfied and certify, in my opinion, the defendant is mentally and physically competent; there is no mental or physical condition which would affect defendant's understanding of these proceedings; further, I state that I have no reason to believe that defendant is presently operating under the influence of drugs or intoxicants. (Any exceptions to this should be stated by counsel on the record.)

Signed by me in the presence of the defendant and after full discussion of the contents of certificate with the defendant.

DATE: _____ ATTORNEY: _____ OSB# _____

ORDER

It appearing to the Court from this petition, the certificate of counsel, and from all evidence received during this proceeding, good cause exists to accept the petition and defendant is entering this plea voluntarily without threat or coercion and with an understanding of defendant's constitutional rights and the consequences of entering a plea of **GUILTY/NO CONTEST**.

IT IS ORDERED the defendant's plea of **GUILTY/NO CONTEST** be accepted.

DATE: _____ JUDGE: _____

ATTACHMENT 'A'

State vs. _____ Case Number: _____

Atty appearing IN COURT w/def: . _____ Is case a Conditional Discharge ___ Y ___ N

CASE INFORMATION:

Other cases running concurrent with this case: _____

Other cases to be dismissed as per this plea negotiations:: _____

PLEADING TO:(If more counts attach separate sheet listing information) KIND OF PLEA:

COUNT: CHARGE GUILTY/NO CONTEST/ ALFORD

Counts being dismissed: _____ Counts being merged: _____

Are counts concurrent ___ consecutive ___

COUNT INFORMATION: (must have this section filled out for each count, please attach additional pages)

Count # _____ charge: _____ Plea: _____

Reduced to lesser charge of: _____ at time of sentence ___ Upon successful probation completion and upon petition of the defendant.

. _____ treatment ___ at time of sentence ___ Upon successful prob. completion and petition of the def.

_____ Sentence of discharge

Grid Classification: _____ Sanction Units: ___/___ Disposition Departure: _____ list reasons under conditions

Oregon Drivers License/privilege Suspended for _____ Revoked? _____

Total Incarceration: _____ Suspended: _____ Concurrent with count(s): _____

Incarceration actually served: _____ Dept. Of Corrections: _____ Jail: _____

Alternative Incarceration: ___ eligible ___ not eligible. Credit for time served ___ Y ___ N _____ days.

Post Prison Supervision: _____

Probation: _____ Bench _____ Formal _____ No Probation.

Package: (circle all that apply)

Formal Bench Alcohol Drug DUI Sex Offender Domestic Anger Management

Community Service: _____ Hours. _____ Sanction Units used for _____ hours Community Service.

Total Fine:\$ _____ Amount Suspended:\$ _____ Assessments: ___ Y ___ N

IF COUNT INVOLVES VICTIM:

No ___ Contact ___ Offensive physical contact with victim(s); _____

Letter of Apology ___ Y ___ N

Total Restitution Amount FOR THIS COUNT ONLY: \$ _____

Paid to: (if additional victims for this count, please list count & information below on separate sheet and attach)

Name: _____ Amount:\$ _____ Address: _____

Name: _____ Amount:\$ _____ Address: _____

Name: _____ Amount:\$ _____ Address: _____

Other Conditions: _____

3- PETITION TO ENTER PLEA OF GUILTY / ATTACHMENT - See SLR 7.005(2)(f)

SLR App. Page 3

February 1, 2005

Sixth Judicial District

State vs. _____ Case Number: _____

PAGE # _____

COUNT INFORMATION: (must have this section filled out for each count, please attach additional pages)

COUNT # _____ charge: _____ Plea: _____

Reduced to lesser charge of: _____ at time of sentence ____ Upon successful probation completion and upon petition of the defendant.

. _____ treatment ____ at time of sentence ____ Upon successful prob. completion and petition of the def.
_____ Sentence of discharge

Grid Classification: _____ Sanction Units: ____ / ____ Disposition Departure: _____ list reasons under conditions

Oregon Drivers License/privilege Suspended for _____ Revoked? _____

Total Incarceration: _____ Suspended: _____ Concurrent with count(s): _____

Incarceration actually served: _____ Dept. Of Corrections: _____ Jail: _____

Alternative Incarceration: ____ eligible ____ not eligible. Credit for time served ____ Y ____ N _____ days.

Post Prison Supervision: _____

Probation: _____ Bench _____ Formal _____ No Probation.

Package: (circle all that apply)

Formal Bench Alcohol Drug DUII Sex Offender Domestic Anger Management

Community Service: _____ Hours. _____ Sanction Units used for _____ hours Community Service.

Total Fine:\$ _____ Amount Suspended:\$ _____ Assessments: ____ Y ____ N

IF COUNT INVOLVES VICTIM:

No ____ Contact ____ Offensive Physical Contact with victim(s); _____

Letter of Apology ____ Y ____ N

Total Restitution Amount FOR THIS COUNT ONLY: \$ _____

Paid to: (if additional victims for this count, please list count & information below on separate sheet and attach)

Name: _____ Amount:\$ _____ Address: _____

Name: _____ Amount:\$ _____ Address: _____

Name: _____ Amount:\$ _____ Address: _____

Other Conditions: _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF UMATILLA (or Morrow)

In the Matter of the Marriage of:)
)
 (Name Petitioner),)
)
 Petitioner,)
)
 and)
)
 (Name of Respondent),)
)
 Respondent.)

Case No. _____

MOTION AND ORDER TO SHOW CAUSE

Petitioner/respondent moves the Court for an Order granting the following relief:

(Enter Relief Requested)

- 1. _____
- 2. _____

A. If you wish to object to the relief requested above, you must file and serve an affidavit in opposition to this motion within 14 days from the date of service of this order (30 days in post judgment matters), or within such additional time as allowed by the court upon a showing of good cause. If you fail to file the opposing affidavit within the time allowed, the petitioner/respondent shall forthwith submit an order allowing the relief requested in this order to show cause. The court reserves the right to require the taking of testimony of the moving party in such default matters. The court reserves the right to enter the order required if the opposing party does not file the required affidavit and may do so upon its own motion if the moving party fails to present for signature, the order required above.

B. If you file an opposing affidavit, either party shall forthwith, by motion, request a hearing date to be set to determine the issues raised by this order to show cause and the affidavits. A copy of the order setting the date shall be served upon the moving party by the opposing party. If either party fails to submit a motion requesting such hearing, the court reserves the right to set such date on its own motion.

DATED this _____ day of _____, 2____.

Attorney for Petitioner/Respondent
Bar No. _____

The following relief is granted immediately:

1. _____
2. _____

The following relief will be granted in 14 days if no objection is filed:

1. _____
2. _____

DATED this _____ day of _____, 19____.

Circuit Court Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF UMATILLA (or Morrow)

In the Matter of the Marriage of:)
)
 (Name Petitioner),)
)
 Petitioner,)
)
 and)
)
 (Name of Respondent),)
)
 Respondent.)

Case No. _____

NOTICE OF READINESS FOR DECISION
OF *PETITIONER or RESPONDENT*

The pending motion for show cause for pendente lite relief is at issue, and the moving party requests the Court decide the motion five (5) judicial days after filing this Notice. The motion should be decided upon the following documents:

1. Motion and Order to Show Cause Re: Temporary Spousal and Child Support;
2. Affidavit in Support of Motion and Order to Show Cause
3. Affidavit in Opposition to Motion and Order to Show Cause
4. Uniform Support Affidavit of Petitioner; and
5. Uniform Support Affidavit of Respondent.

DATED this ____ day of _____, 19____.

Moving Party or Attorney of Moving Party

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF UMATILLA (or Morrow)

In the Matter of the Marriage of:)
)
 (Name Petitioner),)
)
 Petitioner,)
)
 and)
)
 (Name of Respondent),)
)
 Respondent.)

Case No. _____

JOINT PERSONAL PROPERTY LIST

ITEM	PETITIONER'S VALUE	RESPONDENT'S VALUE	PETITIONER'S DISTRIBUTION		RESPONDENT'S DISTRIBUTION	
			<u>Pet</u>	<u>Rsp</u>	<u>Pet</u>	<u>Rsp</u>
1. _____						
2. _____						
3. _____						
4. _____						
5. _____						
6. _____						
7. _____						
8. _____						
9. _____						
10. _____						

1 - JOINT PERSONAL PROPERTY LIST

UMATILLA/MORROW COUNTY
STANDARD PARENTING PLAN

It is the policy of the court to encourage the parties to work out their own parenting time schedule, either between themselves or through mediation. The court will generally approve any schedule agreed upon by the parties. However, if the parties are unable to agree, the following schedule will be used as a basis for establishing parenting time. Because each family's circumstances are different, the parenting time schedule established by the court may make provision for more or less parenting time than desired by the parties or as set forth in this rule.

_____))
Petitioner))
and))
_____))
Respondent))
CASE NUMBER _____
STANDARD PARENTING PLAN
DATED: _____

*** NOTICE TO ALL PARENTS ***

Pursuant to ORS 107.101 and 107.149, it is the policy of the State of Oregon to:

- Assure minor children of frequent and continuing contact with parents who have shown the ability to act in the best interests of the child;
- Encourage such parents to share in the rights and responsibilities of raising their children after the parents have separated or dissolved their marriage;
- Encourage parents to develop their own parenting plan with the assistance of legal and mediation professionals, if necessary;
- Grant parents and courts the widest discretion in developing a parenting plan; and
- Consider the best interests of the child and the safety of the parties in developing a parenting plan.

I. GENERAL INFORMATION:

The parents' names are * and *.

The Parenting Plan applies to the following child(ren):

Name	Date of Birth
------	---------------

II. DEFINITIONS:

“Residential parent” is the parent with whom the children primarily live and who has sole decision-making authority regarding all major decisions affecting the child including, but not limited to, the child’s residence, education, health care, and religious training.

“Nonresidential parent” is the parent who has parenting time with the children pursuant to the parenting time schedule. In addition, the non-residential parent shall have those other rights and obligations set out in the parenting plan.

III. DESIGNATION OF RESIDENTIAL PARENT:

For the purposes of the parenting plan:

Mother/Father is the residential parent of the child(ren), namely *.

The nonresidential parent’s parenting time shall be as follows:

IV. NEWBORN TO SIX MONTHS:

- A. Weekly: three days per week for a three-hour block of time which coincides with the nonresidential parent’s non-work hours.
- B. Holidays:
 - 1. In even-numbered years:
 - a. Christmas: December 25 from 9 a.m. until 6 p.m.
 - 2. In odd-numbered years:
 - a. Thanksgiving: Thanksgiving Day from 9 a.m. until 6 p.m.
 - b. Christmas: December 24 from 9 a.m. until 6 p.m.

V. SIX MONTHS TO TWENTY-FOUR MONTHS:

- A. Weekly:
 - 1. Two days per week for a three-hour block of time to coincide with nonresidential parent’s non-work hours; and
 - 2. One twenty-four hour block of time per week.
- B. Holidays:
 - 1. In even-numbered years:
 - a. Fourth of July: July 4th from 9 a.m. until 6 p.m.

- b. Christmas: December 25 from 9 a.m. until 8 p.m.
 - 2. In odd-numbered years:
 - a. Thanksgiving: Thanksgiving day from 9 a.m. until 8 p.m.
 - b. Christmas: December 24 from 9 a.m. until 8 p.m.
 - c. Child's birthday: from 9 a.m. until 6 p.m.
- C. Every year:
 - 1. Mother's Day: Mother shall have the child(ren) from 9 a.m. until 6 p.m.
 - 2. Father's Day: Father shall have the child(ren) from 9 a.m. until 6 p.m.

VI. TWENTY-FOUR TO THIRTY-SIX MONTHS:

- A. Weekly parenting time as follows:
 - 1. A three-hour visit to coincide with nonresidential parents's non-work hours. This visit shall end no later than 8 p.m.
 - 2. The first and third or second and fourth weekends from 9 a.m. Saturday to 6 p.m. Sunday.
- B. Holidays:
 - 1. In even-numbered years:
 - a. Fourth of July: July 4th from 9 a.m. until July 5th at 6 p.m.
 - b. Christmas: December 25 at 9 a.m. until December 27 at 6 p.m.
 - 2. In odd-numbered years:
 - a. Child's birthday: from 9 a.m. until 6 p.m.
 - b. Thanksgiving: 9 a.m. on Thanksgiving day until Friday at 6 p.m.
 - c. Christmas: December 23 at 9 a.m. until December 25 at 6 p.m.
- C. Every year:
 - 1. Mother's Day: Mother shall have the child(ren) from 9 a.m. until 6 p.m.
 - 2. Father's Day: Father shall have the child(ren) from 9 a.m. until 6 p.m.

VII. OVER 36 MONTHS:

A. Weekly:

1. The first and third, and when applicable, fifth weekends from 6 p.m. Friday and ending 6 p.m. Sunday, to include all contiguous federal, state or school holidays. The first weekend shall be the weekend which begins with the first Friday of the month.
2. Alternating Mondays on the Monday preceding the nonresidential parent's alternating weekend with the child(ren), from either after school or after nonresidential parent is off work, whichever occurs later, and ending at 8 p.m.

B. Holidays and Vacations:

1. In even-numbered years:
 - a. Fourth of July: From July 4th at 9 a.m. until July 5th at 6 p.m.
 - b. Christmas: Beginning at 6 p.m. the day school adjourns until noon on December 26.
2. In odd-numbered years:
 - a. Thanksgiving: Commencing on Wednesday at 6 p.m. until the following Sunday at 6 p.m.
 - b. Christmas: Beginning at noon on December 26 until noon the day before school resumes.
 - c. Spring Vacation: Whether or not the child(ren) is/are enrolled in school, commencing 6 p.m. the day school adjourns and ending at 6 p.m. the day before school resumes.
 - d. Child's Birthday: If the child's birthday is not on a school day, parenting time shall commence at 9 a.m. and end at 6 p.m. If the child's birthday falls on a school day, parenting time shall commence from the time school lets out until 8 p.m.

C. Every year:

1. Summer Vacation:
 - a. The length of summer parenting time shall be determined by the age of the oldest child, and is conditioned upon the nonresidential parent exercising consistent and regular parenting time. For the purposes of this section, the child's age on June 1st of the current year shall determine the appropriate length of summer parenting time.

1. Age 36 months to 5 years: The nonresidential parent shall have four weeks, to be divided into two, two-week blocks, and separated by at least two weeks.
 2. Ages five (5) or six (6): The nonresidential parent shall have six weeks, to be divided into two, three-week blocks of time and separated by at least one week.
 3. Age seven (7) and older: The nonresidential parent shall have six continuous weeks of summer parenting time; the residential parent shall have parenting time with the child(ren) for the remainder of the summer. Each parent is allowed one weekend of parenting time during the other parents' block of summer parenting time.
- b. Before May 1 of each year, the nonresidential parent shall notify the residential parent, in writing, of the dates of parenting time. The residential parent has the right to choose the inclusive dates for the parenting time when the nonresidential parent has not given notice before May 1. However, the residential parent shall provide the nonresidential parent with at least two weeks' notice of the nonresidential parent's summer parenting time. Summer parenting time shall end at least seven days prior to the child(ren)'s first day of school.
2. Mother's Day: Mother shall have the child(ren) beginning at 6 p.m. Friday until 6 p.m. Sunday.
 3. Father's Day: Father shall have the child(ren) beginning at 6 p.m. Friday until 6 p.m. Sunday.

D. Non-assigned times

1. Regardless of the child's age, the residential parent, upon providing 30 days advance written notice to the nonresidential parent, shall be permitted one week every six months of uninterrupted time with the child(ren) which does not interfere with the nonresidential parent's holiday schedule. This week will supercede the nonresidential parent's weekly or weekend parenting time.

VIII. LONG DISTANCE PLAN (Only to be used when the child(ren) is/are over 36 months of age *and* when the parents live over 225 miles apart.)

A. September through May:

1. One weekend per month of at least three overnights scheduled in conjunction with school holidays when possible. These weekends are in addition to the holiday parenting time.
2. To assure the nonresidential parent of a three- or four-day weekend each month, the child(ren) may be allowed to miss one Friday of school per

month in months in which the children do not have a Monday or Friday out of school.

3. The times when the parties exchange the child(ren) may be flexible to allow for transportation. However, the exchange times shall be reasonable and the parties shall use their best efforts to have the child(ren) to either mother's or father's home prior to 8:00 p.m.

B. Holidays and Vacations:

1. In even-numbered years:
 - a. Christmas: Beginning the day school adjourns and continuing until December 26.
2. In odd-numbered years:
 - a. Thanksgiving: Commencing on Wednesday and continuing until the following Sunday.
 - b. Christmas: Beginning on December 26 and continuing until the day before school resumes.

C. Every year:

1. Spring break: Beginning the day after school adjourns until the day before school resumes. This spring break parenting time shall be in lieu of the weekend parenting time for that month.
2. Summer vacation: Eight weeks of summer parenting time.
 - a. Before May 1 of each year, nonresidential parent shall notify residential parent, in writing, of the dates of summer parenting time. Residential parent has the right to choose the inclusive dates for the parenting time when nonresidential parent has not given notice before May 1. Nonresidential parent's summer parenting time shall end at least seven days prior to the child(ren)'s first day of school.
 - b. Residential parent shall be entitled to a weekend with the child(ren) during the other parent's summer parenting time, in the event that he/she is able to travel to nonresidential parent's residence. Residential parent shall give reasonable advance notice to nonresidential parent of when he/she intends to exercise this weekend parenting time.

D. Transportation: In long distance parenting time cases, this "transportation" section shall apply and the "transportation" section listed below as paragraph V

shall not apply. All other provisions of the Rules and Procedures section shall apply.

1. The nonresidential parent shall be responsible for picking up the child(ren) at the residential parent's residence at the beginning of the parenting time and residential parent is responsible for picking up the child(ren) at the nonresidential parent's residence at the end of the parenting time.
2. For every visit, parents shall alternate responsibility for making travel arrangements. A parent shall not use a method of travel or schedule a time for travel which interferes with the other parent's scheduled parenting time.
3. Pick up and delivery to and from parenting time shall be prompt so all parties can make plans accordingly.
4. When making travel arrangements by air, bus, or train, the parent arranging the transportation shall promptly notify the other parent of the travel arrangements.
5. If traveling by bus or train, a parent or other responsible adult, agreed upon by both parties, must accompany the child if the child is under 14 years of age.
6. If traveling by air, the child(ren) may be allowed to fly unaccompanied by an adult only if doing so would not violate any airline rules or regulations and would not put the child at a health risk.
7. The cost of transporting the child(ren) to and from parenting time, shall be paid by the parents in the same proportion as the "percentage share of income" as listed in the parents' child support computation worksheet. For example, if the nonresidential parent's percentage share of income is 70%, then the nonresidential parent shall pay 70% of transportation costs and the residential parent shall pay 30% of transportation costs. The parent with the lower income shall pay no less than 30% of transportation costs. If the parties have agreed to forego child support or if there is no child support computation worksheet, the parents shall equally divide the costs of transportation.
8. If the child(ren) is traveling by air, bus, or train, transportation costs shall include the cost of the ticket(s) for the child(ren) plus the cost of the ticket(s) for the individual traveling with the child(ren) if such accompaniment is necessary pursuant to paragraphs "5" and "6" of this section. If the child(ren) is traveling by car, transportation costs shall include the cost of fuel.
9. Parties shall be encouraged to use common sense during inclement weather.

RULES AND PROCEDURES

IX. TRANSPORTATION (Not applicable in Long-Distance Plan):

- C. Pick up and delivery of the child to and from parenting time shall be prompt so all parties can make plans accordingly. Unless otherwise ordered by the court, the nonresidential parent shall pick up the child(ren) from the steps of the residential parent's residence, the school, or the childcare provider (which ever is applicable), no earlier than 15 minutes before and not later than 30 minutes after the parenting time starts. The residential parent shall pick up the child(ren) at the nonresidential parent's residence not later than 15 minutes after the parenting time ends. Should the nonresidential parent fail to pick up the child(ren) or call within 60 minutes of the pick up time, the residential parent may cancel the visit, except in the event of an unanticipated emergency of the nonresidential parent.
- D. If one parent has been over 60 minutes late more than three times in one calendar year without prior notification, the non-offending parent has the right to choose that the other parent provide transportation to and from parenting time for the next year.
- E. Unless the parties agree otherwise, when parents live more than 60 and less than 225 miles apart, both parents will meet approximately halfway between each parent's residence to exchange the child(ren) or each parent shall pay the costs of transporting the child(ren) to and from parenting time in the same proportion as the "percentage share of income" as listed in the parents' child support computation worksheet. For example, if the nonresidential parent's percentage share of income is 70%, then the nonresidential parent shall pay 70% of transportation costs and the residential parent shall pay 30% of transportation costs. The parent with the lower income shall pay no less than 30% of transportation costs. If the parties have agreed to forego child support or if there is no child support computation worksheet, the parents shall equally divide the costs of transportation.
- D. The parents shall be encouraged to use common sense during inclement weather and shall communicate with each other regarding transportation.

X. PLANNING:

- A. Holiday and vacation parenting time occasionally overlap with regular weekly or weekend parenting time. In such instances, the holiday or vacation parenting time shall supercede the conflicting regular weekly or weekend parenting time and may result in a loss of regular weekly or weekend parenting time. The holiday or vacation parenting time does not reduce or eliminate any other parenting time.
- B. If the nonresidential parents's work schedule does not provide that "weekends" fall on Saturday and Sunday, the nonresidential parents's actual days off from work may be substituted at his or her discretion for the otherwise designated

“weekend” parenting times. This section only applies to the nonresidential parents’s regular work schedule. Temporary changes in the nonresidential parent’s work schedule shall not warrant a substitution.

- C. If the child(ren) regularly attends school in a district which is regularly in session Monday through Thursday, the nonresidential parent is entitled to weekend parenting time beginning at 6 p.m. on Thursday.
- D. If the child(ren) has school on a day following an overnight parenting time with the nonresidential parent, the parenting time is conditioned upon the nonresidential parent ensuring the child’s attendance at school on the aforementioned day.
- E. A nursing mother shall be responsible for making necessary arrangements for feeding an infant child in order to accommodate the father’s parenting time. The fact that an infant child is being nursed shall not be grounds for cancelling, delaying or in any other way, hindering the father’s right to parenting time with the child.
- F. The residential parent shall have the child(ren) fed and ready on time for parenting time, with sufficient and proper clothes packed and ready for the parenting time.
- G. The nonresidential parent shall feed the child(ren) the evening meal before returning them from the parenting time. The nonresidential parent shall return all clothing that accompanied the child(ren) for the parenting time.
- H. In the event a child is ill and unable to visit, the residential parent shall allow the nonresidential parent a makeup parenting time on the next succeeding weekend.
- I. If the nonresidential parent fails to exercise parenting time because of illness or any other reason, there will be no makeup parenting time.

XI. PERSONAL PLANS:

- A. The child(ren) will not be permitted to determine whether they wish to visit the nonresidential parent.
- B. Personal plans of the residential parent or of the child(ren), school activities, church activities and other similar considerations will not be reasons for failing to follow this parenting time schedule.

XII. CHILD’S ACTIVITIES:

- A. Each parent shall act reasonably in registering the child(ren) for activities, keeping in mind that neither parent is entitled to schedule activities for the child(ren) which will consistently take place during the other parent’s time with the child(ren). However, parents should keep in mind that certain activities, by their nature, may take place during the other parent’s weekend.

- B. Although neither parent is required to involve a child(ren) in any activity, each parent is encouraged to use his or her best efforts to keep the parties' minor child(ren) involved in athletic events, school functions, lessons, birthday parties, etc., even though those activities may occur during one parent's parenting time. The parents should recognize that limiting the child(ren)'s involvement in activities may deprive the child(ren) of valuable opportunities for growth. Parents are encouraged to use the child(ren)'s activities as an opportunity for the parents to interact with the child(ren), meet the child(ren)'s friends and other families, and have a quality experience with the child(ren).
- C. Both parties shall have the unrestricted right to be with the parties' minor child(ren) at school and attend school and extracurricular activities and events. Each parent shall have full access to child(ren)'s school, teachers, school administrators, and leaders of the various activities in which the child(ren) may be involved.
- D. Each parent is responsible to keep himself or herself apprised of the child(ren)'s activities.
- E. Each parent shall act responsibly and respectfully while attending the child(ren)'s activities and/or events. Neither parent should act in a fashion which would disturb the interaction and relationship of the other parent with the child(ren) and/or other adults present at the activity or event. It is the responsibility of the parent who does not wish to have contact with the other parent at such an activity or event, to remove himself or herself from the activity or event.

XIII. RELOCATION OF A PARENT:

- A. Parents shall provide each other with at least 30 days' prior written notice of any planned relocation more than 60 miles out of the area.
- B. Regardless of any decision making allocation of this Parenting Plan, any relocation of one parent that would disrupt the other parent's scheduled time with the child(ren) shall require a modification of the residential schedule that is mutually agreed upon or is ordered by the court.
- C. If the child(ren) shall be staying somewhere other than the nonresidential parent's residence, the nonresidential parent shall notify the residential parent of any emergency contact phone number and where the child will be staying.

XIV. MEDICAL REASONS:

Substantial medical difficulties of the child(ren) will be considered sufficient for postponement of parenting time.

XV. OTHER CONTACT:

- A. In addition to parenting time set forth in this parenting time schedule or as otherwise ordered by the court, the nonresidential parent has the right to correspond with the child(ren) and to telephone the child(ren) during reasonable

hours without interference or monitoring by the residential parent or anyone else in any way. Unless otherwise agreed to by the parents, telephone calls between the nonresidential parent and the child(ren) shall be limited to:

1. No more than three per week; and
 2. Ten minutes or less for each call.
- B. Both parents should be sensitive to the child(ren)'s need to have contact with the other parent as well as the need of the parents to minimize disruptions.
- C. The residential parent shall be allowed the same communication rights during periods of the nonresidential parent's parenting time.
- D. If there is a significant bond between the nonresidential parent and the child(ren), the nonresidential parent shall have the first option to personally provide child care while the residential parent is working.
- E. Both parents shall allow the child(ren) to initiate contact with the other parent at any time. If it involves a long distance call, the parent the child is contacting shall provide a phone card to or accept collect calls from the child.

XVI. RESTRAINT:

The court restrains and enjoins parents subject to this parenting time schedule from making derogatory comments about the other parent or in any way diminishing the love, respect, and affection that the child has for the other parent.

XVII. OTHER RIGHTS (ORS 107.154):

Unless otherwise ordered by the court, an order of sole custody to one parent does not deprive the other parent of the following authority:

- A. To inspect and receive school records and to consult with school staff concerning the child'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 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 and to inspect and receive the child's medical, dental, and psychological records to the same extent as the residential parent may consult with such persons 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 be the child's conservator, guardian ad litem, or both.

XVIII. PARENTAL NOTIFICATION (ORS 107.164):

Unless otherwise ordered by the court, both parents shall have a continuing responsibility, once a custody or protective order concerning the child is issued, to provide addresses and contact telephone numbers to the other parent and to immediately notify the other parent of any emergency circumstances or substantial changes in the health of the child.

XIX. SCHEDULE DEVIATIONS:

Parents shall put mutually agreed changes to the parenting time schedule in writing so there will be no dispute as to the changes.

XX. NON-ASSIGNED TIMES:

Unless otherwise agreed in writing, the residential parent is responsible for the child during all times not awarded to the nonresidential parent.

*** NOTICE TO ALL PARENTS ***

The terms of child support and parenting time (visitation) orders are designed for the child's benefit and not the parents' benefit. You must pay support even if you are not receiving parenting time. You must comply with parenting time orders even if you are not receiving child support.

Violation of child support and parenting time orders is punishable by fine, imprisonment or other penalties.

Publicly funded help is available to establish, enforce and modify child support orders. Services to establish paternity are also available. Contact your local district attorney, domestic relations court clerk or the Department of Human Resources (503) 378-5567 for information.

Publicly funded help may be available to establish, enforce or modify parenting time orders. Forms are available to enforce parenting time orders. Contact the family court specialist in the civil office of the local state circuit court.

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (or MORROW)

In the Matter of:)	
)	
_____)	
)	
Petitioner,	)	Case No. _____
)	
vs.	)	ORDER FOR PARENTING
	)	EDUCATION, MEDIATION
_____	)	ORIENTATION and MEDIATION
)	
Respondent.)	
_____)	

COMES NOW THE COURT, upon its own motion and upon consideration of Local Court Rule, Chapter 8 and Chapter 12, and finding that the above matter has been filed in the Circuit Court of the Sixth Judicial District on or after January 1, 1999, and that said matter involves a controversy over custody and/or parenting of minor children, and is therefore subject to parenting education and mediation:

IT IS HEREBY ORDERED that the parties indicated as Petitioner and Respondent in this case are referred to a PARENTING EDUCATION CLASS and MEDIATION. Both parties are to contact the Mediation Services Coordinator at 541-278-5486 to **register for this class no later than fifteen (15) days after receipt of this Order** and notify the court of the mediator they have chosen. If the Petitioner and Respondent cannot agree on a mediator, the Mediation Coordinator will select a mediator for the parties.

DATED this _____ day of _____, 20_____.

CIRCUIT COURT JUDGE

COPIES OF THIS ORDER provided to Petitioner, Respondent and Attorneys (if any)

THIS IS A MANDATORY COURT APPEARANCE

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (or MORROW)

In the Matter of:)	
)	
_____)	
)	
Petitioner,	)	Case No. _____
)	
vs.	)	ORDER FOR PARENTING
	)	EDUCATION
_____)	
)	
Respondent.)	

COMES NOW THE COURT, upon its own motion and upon consideration of Local Court Rule, Chapter 8, and finding that the above matter has been filed in the Circuit Court of the Sixth Judicial District on or after January 1, 1999, and that said matter involves minor children, and is therefore subject to parenting education:

IT IS HEREBY ORDERED that the parties indicated as Petitioner and Respondent in this case are referred to a PARENTING EDUCATION CLASS and Mediation Orientation. Contact the Mediation Coordinator at 541-278-5486 to *register for this class no later than fifteen (15) days after receipt of this Order.*

DATED this _____ day of _____, 20_____.

CIRCUIT COURT JUDGE

COPIES OF THIS ORDER provided to Petitioner, Respondent and Attorneys (if any)

THIS IS A MANDATORY COURT APPEARANCE

Failure to register for an appear at this court appearance shall be considered by the Court in making its ruling on issues which are in dispute.

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF UMATILLA (or MORROW)

In the Matter of:)	
)	
_____ ,)	
)	
Petitioner,	)	Case No. _____
)	
vs.	)	NOTICE THAT CUSTODY AND/OR
	)	PARENTING TIME IS DISPUTED
_____ ,	)	AND ORDER REFERRING CASE
	)	TO MEDIATION AND PARENTING
Respondent.	)	_____ EDUCATION

NOTICE

I, _____, (*circle one*: Petitioner, Respondent, Attorney) hereby serve notice that the parties cannot agree upon custody and/or parenting time. I, therefore, file this notice that custody and/or parenting time is a matter of dispute as required by Chapter 12 of the Local Court Rules.

DATED: _____ SIGNED: _____
Circle One: Petitioner, Respondent, Attorney for Petitioner,
Attorney for Respondent

ORDER

IT IS HEREBY ORDERED that the parties indicated as Petitioner and Respondent in this case are referred to MEDIATION.

DATED: _____
_____ CIRCUIT JUDGE

To comply with this Order, contact the Mediation Coordinator at 541-278-5486 to **register for this Parenting Education and to notify the Program of your mediator choice no later than fifteen (15) days after receipt of this Order.** If both parties cannot agree on a mediator, the Mediation Coordinator will choose a mediator for the case

COPIES OF THIS ORDER provided to Petitioner, Respondent and Attorneys (if any.)

THIS IS A MANDATORY COURT APPEARANCE

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF UMATILLA (or MORROW)

_____,)	
)	
Plaintiff,	)	Case No. _____
)	
vs.	)	AWARD AND GENERAL
	)	JUDGMENT FROM ARBITRATION
)	
Defendant.)	

THIS MATTER came before the Arbitrator for a hearing on _____,

with Plaintiff represented by _____, Attorney at Law, and Defendant

represented by _____, Attorney at Law. The parties presented

testimony and evidence, with the Arbitrator taking such testimony and evidence. The Arbitrator

makes the following findings:

Specific Findings of Fact

- 1.
- 2.
- 3.

THEREFORE, IT IS ORDERED, ADJUDGED AND AWARDED AS FOLLOWS:

MONEY AWARD SUMMARY

- A. Judgment Creditor:
- B. Judgment Creditor's Attorney:
- C. Judgment Debtor:
- D. Judgment Debtor's Attorney:
- E. Principal Amount of Judgment:
- F. Prejudgment Interest:
- G. Attorney Fees:
- H. Costs:
- I. Post Judgment Interest:

(Name of Arbitrator)
Attorney at Law
Arbitrator

CERTIFICATE, TRUE COPY

I, the undersigned, hereby certify that the foregoing document is a true, accurate and complete copy of the original thereof.

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the date indicated below, that I served the foregoing document on the persons listed below, said document contained in a sealed envelope, with postage prepaid, and addressed to said person(s) at their address reflected below, and that I mailed said envelope with the U.S. Postal Service at _____, Oregon.

Name:
Address:

Name:
Address:

(Name of Arbitrator and Bar #)

Date: _____

PREPARED BY:
(Name)
ATTORNEY AT LAW/ARBITRATOR
(Street and/or Mailing address)
(City, State and Zip Code)
Telephone:

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR UMATILLA/MORROW COUNTY

State of Oregon)
)
 Plaintiff,)
) Case No. _____
 vs.)
) Motion for Continuance
 _____)
)
 Defendant.)
 _____)

OR

Petitioner)
)
 Plaintiff,)
) Case No. _____
 vs.)
) Motion for Continuance
 Respondent)
)
 Defendant.)
 _____)

COMES NOW _____ and moves the court for continuance of the (trial/pretrial, etc.) presently set for the following date and time:

The reason for the continuance is:

The dates previously set for trial:

The dates trial previously postponed:

The position of opposing counsel:

- Objection
- No objection

If counsel has not spoken with opposing counsel, list the dates and times this was attempted:

This Motion confirms that counsel has advised their client (if the state, advised the victim) of

The custodial status of any party including the defendant.

[] In custody. How long: _____
If the defendant requests a continuance, a written waiver of statutory, state and federal constitutional speedy trial provisions is attached.

[] Not in custody.

The date this case filed:

The date the court set the case:

The relative complexity of the case:

If a witness/victim has a conflict, the date the witness/victim was notified of the trial:

A list of other attorneys in the office of the attorney requesting a continuance and their availability:

The relative inconvenience to the parties:

The relative inconvenience to the witnesses:

The relative inconvenience to the court:

Trial dates in which opposing counsel/parties/victim/witnesses are in agreement:

Other suitable alternatives, e.g., video appearance, depositions, stipulated testimony, etc.:

DATED this _____ day of _____, 2____.

Counsel
Oregon State Bar #

2 - MOTION FOR CONTINUANCE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR UMATILLA/MORROW COUNTY

State of Oregon)	
)	
Plaintiff,	)	Case No. _____
)	
vs.)	
	)	AFFIDAVIT OF COUNSEL
_____	)	IN SUPPORT OF MOTION
	)	TO CONTINUE
Defendant.)	

County of Umatilla)	
)	
	)	ss.
)	
STATE OF OREGON)	

I am the attorney in the above captioned matter and I hereby certify that I have complied with all state and local rules in requesting this Continuance.

I further certify that the information contained in the Motion for Continuance which I am submitting is true to the best of my knowledge.

If the reason for this request for a continuance is a conflict with another case, the following information concerning the other case is provided.

Name and case number of other case:

Name of other court:

Date of conflict:

Date other case filed:

Date other case set:

Considerations required by UTCR 6.040(2):

- (a) statutory preference;
- (b) the custodial status of a criminal defendant;
- (c) the filing date of the case;
- (d) the dates on which the courts sent notices of the trial dates;
- (e) the relative complexity of the cases;
- (f) the availability of competent, prepared, substitute counsel;
- (g) the inconvenience to the parties, the witnesses, or the court;

DATED this _____ day of _____, 2 ____.

Counsel
Oregon State Bar #

Signed and sworn to
before me on:

By:

Notary Public for Oregon

My commission expires:

STATE OF OREGON
_____ County
Circuit Court

**NOTICE AND ADVICE OF
RIGHT TO APPEAL**

Case No. _____

STATE OF OREGON	v.	
------------------------	----	--

Pursuant to ORS 137.020(5) the Court is advising you of the right to appeal and the procedure for protecting such right.

You may only appeal the judgment of this court to the Oregon Court of Appeals.

- If you have PLED GUILTY or NO CONTEST, had your probation or suspended sentence revoked, or been resentenced as ordered by an appellate or post-conviction relief court, the only questions the Court of Appeals will consider is whether you have made a colorable claim of an error in the sentencing proceeding; that the sentence exceeds the maximum allowable by law; or the sentence is unconstitutionally cruel and unusual.
- If you were FOUND GUILTY by trial, the Court of Appeals may review decisions and orders of the court, as to whether any legal errors occurred during proceedings leading to your conviction and whether the sentence exceeds the maximum allowable by law or is unconstitutionally cruel or unusual.
- If you are unable to afford an attorney, you may request this trial court to appoint an attorney to represent you.
- If you choose to appeal, you must follow the procedures below:

PROCEDURES FOR PROTECTING YOUR RIGHT TO APPEAL

1. Your Notice of Appeal must be in writing and must be filed within 30 days from the date of the entry of judgement in the register.
 2. You must serve copies of your Notice of Appeal with the District Attorney; Trial Court Clerk; and Trial Court Administrator, Attention: Transcript Coordinator.
 3. You must file a signed original of your Notice of Appeal and the proofs of service, from individuals listed in No. 2, with the clerk of the Court of Appeal, Records Section, 1163 State Street, Salem, OR 97310. The Notice of Appeal and proofs of service must be filed within 30 days from the date of entry of judgement in the register.
- Pending appeal, you may be released on bail at the discretion of the sentencing judge.

Signature acknowledges receipt of this form:

DATE DEFENDANT

PRINT OR TYPE NAME OF DEFENDANT

DATE DEFENSE ATTORNEY

PRINT OR TYPE NAME OF ATTORNEY

cc: 1) Court 2) Defendant
1- NOTICE AND ADVICE OF RIGHT TO APPEAL

EVT# _____

