

Supplemental Local Rules
Washington County Circuit Court
20th Judicial District
Oregon Judicial Department
February 1, 2005 to January 31, 2006

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Washington County Circuit Court

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1.151 HOURS OF COURT OPERATION

Court offices are open from 8:00 A.M. to 5:00 P.M., Monday through Friday, excluding legal holidays.

1.161 FILING OF DOCUMENTS IN COURT

Filings are accepted by court clerks on the First floor of the Justice Services Building, 150 N. First Avenue, Hillsboro, Oregon, 97124, 8:00 A.M. to 5:00 P.M. Documents pertaining to matters filed in juvenile court shall be filed at the Juvenile Services Building, 222 N. First Avenue, Hillsboro, Oregon 97124, 8:30 A.M. to 5:00 P.M. Motions to reset shall be filed in the Calendaring Department. See SLR 8.015 for resets in domestic relations cases.

1.171 WEB SITE ADDRESS

<http://www.ojd.state.or.us/wsh/default.htm>

2.010 SINGLE PAGE MOTION TO RESET JUVENILE HEARING OR TRIAL DATE

The Juvenile Court will allow the filing of a single page motion and order to reset a hearing or trial date.

5.021 JUDGMENT DEBTOR EXAMS

Attorneys may schedule judgment debtor exams at 10:00 A.M. or 2:00 P.M. Tuesday through Friday in Room 490J (Justice Services Building). At the designated time, a clerk will swear the judgment debtor and assign a conference room for the exam.

5.035 FORCIBLE ENTRY AND DETAINER

Returns of service in Forcible Entry and Detainer cases must be filed with the court not later than two (2) judicial days prior to the first scheduled appearance date.

5.051 SCHEDULING CIVIL SHOW CAUSE MOTION HEARINGS

Reserve a hearing date and time with the Calendaring Department and have the order signed by a judge. Proof of Service must be filed with the Court 48 hours prior to the reserved hearing date. Upon receipt of the Proof of Service, the Calendaring Department will schedule the hearing.

5.061 STIPULATED AND EX PARTE MATTERS

- (1) All applications and motions for ex parte orders shall be accompanied by the original case file, except in domestic relations cases.
- (2) Hearing times for ex parte matters and petitions under the Family Abuse Prevention Act are set forth in SLR 7.021.

6.011 CRIMINAL PRETRIAL CONFERENCES

- (1) Pretrial conferences shall be held in all criminal matters except Measure 11 and aggravated murder cases.
- (2) The attorney, if any, and the defendant shall be present in court. The case shall be discussed between the parties. If requested by either party or the court, the case will be discussed with the judge. A form provided by the District Attorney's Office will be completed and signed by the defendant.

6.012 FAMILY LAW CASE STATUS CONFERENCES

- (1) The judge assigned to the case will set the date and time for status conferences in family law cases at their discretion. This information will be sent to all parties in the case as a Notice of Scheduled Court Proceeding.
- (2) A status conference will be held approximately 120 days after the respondent has been served or at such other times as the judge assigned to the case determines. At this time, all parties and/or their attorneys meet with the judge in person, or by telephone if allowed by the court, to discuss trial readiness or settlement in the case.
- (3) All discovery shall be completed 90 days after respondent was served.
- (4) All attorneys must attend the status conference. All parties must attend the status conference unless the court has been notified and approves attendance by telephone.
- (5) If a party believes no purpose would be served by a status conference and with the court's permission, that party's attorney may file a certificate, which shall contain at least the following information (See Form SLR 6.012(5)):
 - (a) names of the parties and their attorneys;
 - (b) an estimate of the length of the trial, issues for court; number of witnesses (together with any scheduling problems);
 - (c) whether any interpreter will be required and, if so, for what language;
 - (d) whether there will be any special security requirements for the trial;
 - (e) whether any witness, party or other participant has any disability requiring ADA accommodation;

- (f) whether the party filing the certificate has completed the family education program and mediation program required by the court;
 - (g) a certification that discovery is complete;
 - (h) a certification that the case is ready for trial;
 - (i) a certification that after good-faith consultation with the other party, in the party's opinion, a status conference would not serve any useful purpose.
- (6) All parties shall be ready to substantively discuss the case. If a party fails to file the documents required by UTCR and the status conference cannot productively proceed due to this failure, and unless good cause is shown for any such failure, the pretrial judge may impose a sanction as described in UTCR 1.090. If sanctions are imposed, a hearing on the sanctions shall be held before or during the trial on the merits.

6.013 FAMILY LAW CASE SETTLEMENT CONFERENCES

- (1) A settlement conference (at which both parties must be present) is held when, at the request of one or more parties and by order of the court, the parties meet with a judge who will actively aid in settlement of the case. Settlement conferences are available in all family law, dissolution, annulment, separation, custody, parenting time, filiation and modification proceedings under ORS chapters 25, 107, 108, 109 and 110. Juvenile Court matters are excluded, unless consolidated with domestic relations matters or approved by a judge. Represented and unrepresented parties are subject to this rule. Settlement conferences, if requested, are mandatory once the case is at issue, providing the court schedule permits.
- (2) If one party requests a settlement conference, that request shall be filed with the judge responsible for that case. The court will then order that a settlement conference be held, and it shall be conducted according to the procedures set forth in this rule. In a case where the court orders a settlement conference, the status conference shall not be held until after the settlement conference unless the court so orders. A party requesting a settlement conference shall certify in writing that reasonable efforts to achieve settlement have been attempted by the parties and that they have been unable to resolve the controversy without the court's assistance.
- (3) Once requested, opposing parties may object for good cause by motion supported by an affidavit. A proposed order shall be submitted with the objection. The request and order shall be served according to UTCR 2.080 and the objection shall be made within 14 days of the receipt of the request. The judge assigned to the case will then rule on the objection.

- (4) Any request for a settlement conference shall state whether the parties stipulate or not to the assigned judge acting as the settlement judge. No judge conducting a settlement conference under this rule shall be permitted to act as trial judge if the case does not settle, absent stipulation of the parties.
- (5) The judge assigned to the case shall designate a judge or judges who shall conduct settlement conferences.
- (6) The settlement conference shall not delay the trial scheduling without the consent of the judge assigned to the case.
- (7) At least one business day prior to the scheduled settlement conference each attorney or party shall submit directly to the settlement judge's office, and not to the court clerks' office, a statement regarding the issues in the case. Submissions shall include where appropriate, a statement pursuant to UTCR 8.010(4), a Uniform Support Affidavit and parenting evaluation, and may include any other helpful information. These documents are not confidential and shall not be placed in the trial court file unless requested.
- (8) With the exception of formal documents to be filed as part of the settlement conference process, no information disclosed shall be revealed by the settlement judge or by any of the parties to the subsequent trial judge, except for evidence of offers made and rejected in connection with the recovery of attorney fees.
- (9) All attorneys and clients, or persons with full authority to settle, must attend the settlement conference. At the request of one party, and for good cause shown, the settlement conference may be held by telephone conference call.
- (10) If a settlement is reached, the parties shall place the settlement on the record. Settlements that occur after the scheduled settlement conference are to be reported as required by other UTCR and local rules.

6.031 RESETS

- (1) A motion to change a court date to an earlier or a later date (Motion to Reset) shall conform to this rule.
- (2) All motions to reset shall be filed with the Calendaring Department except that juvenile matters will be filed with the juvenile court and family law matters will be filed with the judge assigned to the case.
- (3) All motions to reset, except in Juvenile Department and family law cases, shall be decided by the Presiding Judge or a judge designated by the Presiding Judge. No other person or judge shall decide a Motion to Reset, except as specified by this rule.
- (4) Motions to reset shall be decided without hearing, unless the court requires one.
- (5) All motions to reset filed in family law cases must state whether custody or parenting time are at issue.
- (6) An objection to the proposed court date filed within 14 days of the date of the initial notice of court date may be made by letter with copies to all parties. The letter may contain inclusive dates of non-availability of both parties.
- (7) Motions to reset filed more than 14 days after the initial notice of court date:
 - (a) Motions to reset filed more than 14 days after the notice of court date shall be in the form required by UTCR 6.030 and shall be served on the adverse party(ies).
 - (b) Motions will be granted in cases where there is a conflict with an in-custody trial. The party requesting the reset shall certify in writing that both cases will go to trial as scheduled.
 - (c) The following is a non-exclusive list of factors which are granted some weight, but are not controlling on a motion for a reset:
 - (i) serious illness or injury of party, attorney or pivotal witness;
 - (ii) funeral of family or close friend of party, attorney or pivotal witness;
 - (iii) diligence in attempting to resolve complications such as mental disease and defect;

- (iv) calendaring errors by court personnel;
 - (v) likelihood that a judge or courtroom may not be available on the scheduled date;
 - (vi) factors which could not reasonably have been anticipated until at or near the time of making the motion;
 - (vii) any other factor which the court may, in its discretion, deem to be important.
- (d) The following is a non-exclusive list of factors which are unlikely to result in a postponement (absent a showing of good cause):
- (i) failure to complete discovery;
 - (ii) failure to locate and/or schedule witnesses until shortly before trial;
 - (iii) failure to subpoena an independent or adverse witness who now may refuse to appear;
 - (iv) interference with vacations when first brought to court's attention shortly before trial;
 - (v) failure to adequately prepare for trial;
 - (vi) factors which were known or should have been anticipated but were not brought to the court's attention until shortly before trial.
- (8) Nothing contained herein shall be construed to contradict or render moot UTCR 7.020(6). Parties may proceed pursuant to said rule. This rule does not apply to domestic violence cases.

7.021 PROCEDURES FOR UNCONTESTED CIVIL EX PARTE MATTERS AND STIPULATED ORDERS

- (1) In accordance with UTCR 5.060(3), the time when uncontested ex parte matters and stipulated orders may be personally presented to the court in matters other than family law shall be Monday through Friday at 8:15 A.M. in the courtroom designated by the Presiding Judge. In family law matters the ex parte and stipulated orders may be personally presented to the court Monday through Friday at 8:30 A.M. or at other times by arrangement in the courtroom of the judge assigned to the case.
- (2) Petitions for relief under ORS 107.718 or ORS 124.010 through ORS 124.020 shall be heard Monday through Friday at 1:15 P.M. in the courtroom designated.
- (3) Any motion which is to be presented ex parte shall have attached to it a certificate of service which shall include the date, time and manner of service upon the opposing party, the party's attorney, or that no service was made, if appropriate. When service is required and is made by telefacsimile transmission only, as allowed by ORCP, it must be completed by 5:00 P.M. the last judicial day preceding the ex parte appearance. The following shall be added to the Certificate of Service:

"I further certify that I served a copy of said documents on _____ by telefacsimile transmission to him/her at (_____) _____, on _____, at the hour of _____ M."

7.031 ASSIGNMENT OF CRIMINAL AND CIVIL CASES

The following procedure does not apply to small claims cases, FEDs where there are no attorneys involved for either party, domestic relations cases assigned to Family Law Team, probate and name change cases, motions, show causes or probation violation hearings.

The following procedure does apply to all criminal cases and the following list of civil cases only: DMV Appeals, FED's with attorneys, Petitions for Post Conviction Relief, Habeas Appeals from Limited Jurisdiction Courts, and Writs.

- (1) At the time a case is at issue and assigned a trial date, the case will also be given a call date. The call date shall be the Friday immediately preceding the trial date. If that Friday is a legal holiday, then call shall be the Thursday immediately preceding the week of the trial. Call shall begin at 9:00 A.M. and all required individuals must have checked in by that time. All attorneys or their representatives, parties representing themselves, and defendants in criminal matters shall attend call.

- (2) At call, the cases not dismissed will be assigned to a trial judge on the original day scheduled for the trial, assigned to a trial judge a day later in the same week as the original trial date, called back on the original trial date or reset. If appropriate, a default judgment may be entered if only one side in a civil case appears. Failure to attend by a defendant in a criminal matter will result in a bench warrant being issued. Attorneys or their representatives need to be prepared to schedule their cases if the matter is reset. All known conflicts must be brought to the attention of the call judge when a case is reset to avoid trial conflicts. SLR 6.031(6) shall apply to matters reset out of call.
- (3) At call, you should be prepared to respond to the following questions:
 - (a) Actual length expected for trial;
 - (b) Court trial or jury trial;
 - (c) Could any motions filed resolve the case or change the type or length of the trial;
 - (d) Can your case be carried to another day later in the same week?
- (4) Call is not the time to resolve discovery issues or to deal with trial resets unless the reason for the reset request just became known. All other reset requests shall be filed in advance of call by the procedure set in SLR 6.031.
- (5) As soon as the case is assigned to a particular trial judge at call, parties shall orally advise the call judge of the intent to file any affidavit of prejudice and follow with a written motion and affidavit by close of business on the next judicial day following call or they will be denied as untimely. See ORS 14.270.
- (6) If a case is reported settled or a plea date and time is obtained prior to 4:30 PM the day before call, no one will need to appear at call. If the matter is going to be reset out of call, the parties must wait at call until the reset date is given on the record.

8.015 RESETS IN DOMESTIC RELATIONS CASES

Requests for reset of domestic relations cases shall be made in writing to the judge responsible for the case after consulting or attempting to consult with all affected parties and counsel. See Form SLR 8.015.

8.045 PREJUDGMENT OR PENDENTE LITE RELIEF IN DOMESTIC RELATIONS CASES

- (1) All applications for prejudgment relief in domestic relations cases must be by motion for a show cause order with supporting affidavit(s) and the order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by reference to a supporting affidavit.
- (2) All show cause orders for prejudgment relief shall specify a date, time and courtroom for the other party to appear. This information shall come from the judge responsible for the case. Ex parte appearance for the sole purpose of getting a show cause order signed is allowed without notice to the opposing party.

8.071 FAMILY ABUSE PREVENTION ACT PROCEDURES

Violations of restraining orders shall be processed in the following manner:

- (1) Upon receiving into custody an alleged violator (respondent) of a restraining order, the jail personnel shall notify the District Attorney's Office and the court. Such notification shall be no later than 9:00 A.M. the next judicial day following the respondent being taken into custody.
- (2) The respondent shall be arraigned at a convenient time after 1:00 P.M. the next judicial day following respondent being taken into custody.
- (3) At arraignment, the court will advise the respondent of his/her rights, determine whether the respondent will be represented by private or court-appointed counsel or waive rights thereto, and set a date for hearing. The court will thereafter notify counsel, if any, of the hearing date.
- (4) At the hearing on the alleged violation, the District Attorney will represent the interests of the petitioner unless previous arrangements have been made with petitioner's counsel to represent such interests, but in any event may act as co-counsel representing the client's interests.

- (5) Should petitioner's counsel, without good cause shown, fail to appear at the hearing and represent the petitioner's interests, the court, within its discretion, may dismiss the motion for contempt against the respondent.

8.073 FAPA AND OTHER CONTEMPT MATTERS RELEASE HEARINGS

Release hearings for FAPA and other contempt matters shall be held each Monday at 1:30 p.m. in the courtroom of the Family Law Judge for that month, unless otherwise ordered by the Court. Counsel shall contact the Court and opposing counsel informing them of the request for a release hearing and submit a Motion for Release at least three (3) judicial days before the hearing is scheduled. In addition to compliance with UTCR 2.080, counsel shall provide a courtesy copy of the Motion to the Family Law Judge contemporaneously with such request. See Forms SLR 8.073.

8.081 MEDIATION OF DOMESTIC RELATIONS MATTERS

SLR 12.011 through 12.015 set forth specific procedures and requirements with regard to mediation of domestic relations matters.

8.091 APPOINTMENT OF ATTORNEY FOR MINOR CHILDREN

When both parties stipulate to the appointment of an attorney pursuant to ORS 107.425(3), a stipulated order shall be submitted to the judge assigned to the case at ex parte, with prior notice to all parties in the proceeding. This rule in no way affects the provisions of ORS 107.425(3). See Form SLR 8.091.

8.101 CUSTODY AND PARENTING TIME STUDIES

- (1) The Family Law Judge may require that the parties be evaluated by a counselor of Conciliation Services or an independent evaluator to assist the court in a custody or parenting time decision. See Form SLR 8.101(1).
- (2) The counselor assigned to a custody or parenting time study shall not be the same individual who has served as a mediator for the parties, unless the parties give their written consent.
- (3) All orders for studies through Conciliation Services on custody or parenting time shall be filed with the clerk of the court and a copy provided to the staff of Conciliation Services not less than ninety (90) days prior to the date scheduled for trial or hearing.

- (4) The order for a custody or parenting time study shall recite all of the following (See Form SLR 8.101(4)):
 - (a) The date scheduled for trial or hearing before the court on issues of custody or parenting time.
 - (b) The name, address, home telephone number and work telephone number of each of the parties to the proceeding.
 - (c) The name, address, and telephone number of the attorney for the parties represented by legal counsel.
- (5) References of third-party witnesses may be submitted by the parties or their respective attorneys to the evaluator. Collateral contacts with neutral, reliable sources who know both clients (such as teachers, childcare providers) and contribute substantially to the study may be considered at the discretion of the evaluator.
- (6) Each party shall cooperate fully with the evaluator in the scheduling of all appointments of the parties and/or the children of the parties. Further, notwithstanding any visitation and parenting time orders that may be in effect and subject to the terms of any existing FAPA orders, the children shall be made available to the other parent to facilitate meetings of the evaluator with the parent and children, if requested by the evaluator.
- (7) During the course of the study, attorneys for the respective parties shall not contact the evaluator for the purposes of advocating a particular opinion or outcome of the study.
- (8) Upon completion of the study, a written report setting forth the results of the evaluation and a specific custody and parenting time recommendation, when the facts support it, shall be provided to each attorney of record for each party. A summary of unresolved questions will be provided when a recommendation is not possible. That written report is subject to the following restrictions:
 - (a) party shall be allowed the opportunity to read the report. However, no copies of the report, nor any part thereof, shall be given by legal counsel for a party to his/her client.

- (b) In the case of a pro se litigant, the pro se litigant shall be notified by the evaluator of the completion of the report. The pro se litigant shall be provided the opportunity to appear at the Conciliation Services' offices to read the report and may make notes of the report. The litigant shall not be allowed to remove or copy the report supplied to the litigant to read by the Conciliation Services office. The litigant shall be provided a copy of the report at trial to reference.
- (9) The fees established for Conciliation Services' custody and parenting time studies do not include expert witness fees for the testimony of the custody investigator in a deposition setting unless such deposition is taken for the purpose of perpetuation of the testimony. Such testimony shall be subject to the right on the part of Conciliation Services office to charge an expert witness fee as a precondition for the obligation of the expert to express a professional opinion or explain the basis thereof on any issue of custody and/or parenting time.
- (10) The evaluator assigned the custody and parenting time study shall be physical custodian of his or her own records taken in the course of conducting the study, except the written custody and parenting time report issued at the conclusion of the study. Accordingly, any subpoena duces tecum issued for written notes, witness questionnaires or notes of interviews with witnesses, the parties or the children, shall be directed to the custody investigator as the "custodian of records." There shall be no obligation on the part of the evaluator to maintain notes or records of any contact with the parties, their children, or third party references.

8.102 FAMILY EDUCATION PROGRAM

- (1) The following cases (specifically excluding District Attorney support enforcement matters) are subject to this rule, when children under the age of eighteen (18) years are involved in the action:
 - (a) annulment or dissolution of marriage actions filed after February 1, 1999;
 - (b) legal separation actions;
 - (c) petitions to establish custody or parenting time;
 - (d) post-judgment litigation involving custody or parenting time (unless motion filed before February 1, 1999);
 - (e) filiation proceedings.

- (2) All parties shall participate in a program of education for divorcing parents offered by the court-designated providers or a pre-approved alternate education program. The moving party shall register for the program or make application to the court for approval of a comparable alternate program within 14 days of filing the action, and the party against whom the action is filed shall register within 14 days of receipt of service of notice to register. Documentation of completion of the program shall be provided to the court before trial or entry of judgment, except as otherwise provided in paragraph (6) of this rule.
- (3) At the time of filing, the Trial Court Administrator will provide documents and instructions to the petitioner regarding the requirement that the parties complete the education program or alternative education program. Petitioner will be provided a Court's Notice Requiring Registration in a Family Education Program. The copy marked "Copy for Respondent" shall be included with the petition served upon respondent. The petitioner's return of service shall indicate that the respondent was served a copy of the Notice at the same time as the summons and petition or other pleading requiring relief.
- (4) Each party shall pay a fee determined by the program provider to cover program costs. The fee may be deferred if the party presents a verified affidavit of indigence to the Court and the party meets indigence guidelines.
- (5) Each person who successfully completes the Court's program or the pre-approved alternative program shall file a certificate of completion with the court before trial or entry of judgment.
- (6) Upon showing of good cause, a party may request a waiver of this rule or substitution of an equivalent program. The request shall be made by motion in writing directed to the judge assigned to the case with a copy to the other party.
- (7) Court action on a petition shall not be delayed by a party's refusal or delay in completing the program. Upon a party's failure to successfully complete the education program pursuant to the rule, the assigned judge may delay action on any matters presented by that party until successful completion and may take appropriate action including, but not limited to, proceedings for contempt.

9.081 PROTECTIVE PROCEEDINGS OBJECTIONS

Oral objections under ORS 125.075(2) are to be made only in room B-7 of the Courthouse (Probate Department) at 145 NE Second Street, Hillsboro, Oregon, between the hours of 8:00 A.M. to 11:30 A.M. and 12:30 P.M. to 3:00 P.M.

11.080 TERMINATION OF PARENTAL RIGHTS (TPR)

At the First Appearance parents are required to admit or deny the allegations of the petition. If the parents deny the petition, the court will set Best Interest / Settlement Hearing, Pretrial Hearing and Trial dates.

The Best Interest / Settlement Hearing shall be set approximately 45 to 60 days before the scheduled trial to seek any possible means of resolution of the case without trial.

The Pretrial Hearing shall be set approximately 30 days before the trial. The Pretrial Hearing is for the primary purpose of eliminating disputes regarding foundation issues for records and arriving at stipulations relating to the facts and to refine time allocation for trial and discovery issues.

The parties and their attorneys are required to attend both the Best Interest / Settlement Hearing and the Pretrial Hearing.

Parties who are incarcerated may appear at these hearings by telephone.

11.090 PERSONAL APPEARANCE BY PARENT

Pursuant to 2003 HB 2272 Engrossed, Section 3, parents shall respond to a summons for a petition for guardianship or termination of parental rights by a personal appearance before the court at the time specified in the summons to admit or deny the allegations of the petition.

12.005 CUSTODY AND PARENTING TIME MEDIATION COMMISSION

- (1) A Custody and Parenting Time Mediation Commission is established.
 - (a) Function: The Commission's function shall be to provide a forum for communication among judges, conciliation counselors, and the bar, and to advise Conciliation Services on policy and program planning.
 - (b) Composition: The composition of the Commission shall be:
 - (i) The judges from the Family Law team;
 - (ii) Two attorneys.
 - (c) Ex officio members shall be:
 - (i) Supervisor of Conciliation Services;
 - (ii) Presiding Judge of the Twentieth Judicial District.
 - (d) Quorum: Two members of the Commission, including at least one attorney and one judge, shall constitute a quorum.
- (2) The Presiding Judge shall appoint the Commission members who shall serve at the pleasure of the Presiding Judge. The Presiding Judge may appoint additional members.

12.011 DOMESTIC RELATIONS MATTERS SUBJECT TO MEDIATION

- (1) Mandatory Mediation: Any action filed in the court involving a controversy over custody or parenting time of minor children shall be subject to mediation.
- (2) Other Matters: If both parties agree, the mediator may deal with other matters at issue, such as property distribution and support.

12.012 SCOPE OF AUTHORITY

A domestic relations case filed with the court remains under the scope of authority of that court in all phases of the proceedings, including mediation. The court may limit the scope of the mediator's authority in the case. The court shall retain final authority to accept, modify or reject any agreement reached in mediation. In order to preserve and promote the integrity of mediation as a dispute resolution technique, the court will endeavor to include all reasonable agreements reached by the parties in formulating its orders in the case.

12.013 DOMESTIC RELATIONS MEDIATION

- (1) Request and Order for Mediation: If there is a disagreement between the parents concerning custody or parenting time at any stage of a domestic relations proceeding, the parent(s), or attorney(s), must sign and file with any Family Law Judge a request for mediation and affidavit of service in substantially the form as that attached to these rules. Parties must attend at least 2 Family Education classes' program sessions prior to completing mediation. The parents will be referred by the court's order to Conciliation Services for mediation in accordance with these rules, or the parents may agree and stipulate to an independent mediator. This order in no way prohibits parties from voluntarily attending mediation; rather, the purpose is to compel parties to attend. See Form SLR 12.013(1).
- (2) Temporary Custody and Parenting Time Orders: At any point during the mediation, the court may approve a stipulated temporary custody and parenting time order reflecting the parents' agreement as to the issues.
- (3) Unsuccessful Mediation: In the event the parents are not successful in mediating the custody or parenting-time controversy, the mediator shall notify the court. The matter will be scheduled for hearing in the same course and with the same priority on the calendar as though there had been no mediation.
- (4) Unless the judge has waived the requirement for mediation, upon showing of good cause, a party may request a substitution of an equivalent program. The request must be made in writing directed to the judge assigned to the case with a copy to the other party.

12.014 INDEPENDENT MEDIATORS

- (1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of the agreed-upon fee for mediation service.
- (2) If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.
- (3) If a stipulation for independent mediation is not filed at least two weeks before the time set for the hearing on any child custody or parenting time dispute, the parties will be ordered to Conciliation Services for mediation pursuant to SLR 12.011 - 12.013.
- (4) If the parties select an independent mediator pursuant to this rule after a referral has been made to Conciliation Services, they shall comply with SLR 12.014(2) and send a copy of the stipulation to Conciliation Services.

12.015 PRIVACY, CONFIDENTIALITY AND RECORDS

- (1) All mediation proceedings shall be private and all communications made shall be confidential.
- (2) A spouse or any other individual engaged in mediation proceedings shall not be examined in any civil or criminal action as to such communications, and such communications shall not be used in any civil or criminal action without the consent of the parties to the mediation. Exceptions to testimonial privilege otherwise applicable under ORS 40.225 to 40.295 do not apply to communication made confidential under this subsection.

13.005 ARBITRATION PROGRAM

Pursuant to ORS 36.400(3), the Washington County Circuit Court's arbitration program shall include matters up to \$50,000.

IN THE CIRCUIT COURTS OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

Form SLR 6.012(5)

In the Matter of the Marriage of

_____)
_____)
Petitioner,)
and)
_____)
Respondent)

Case No. _____

**CERTIFICATE FOR WAIVER
OF STATUS CONFERENCE
(FAMILY LAW CASE)**

Date of Status Conference: _____

1. Parties who will participate in trial:

Party Name(s):

Trial Attorney for Party:

2. Anticipated length of trial: _____

3. Will any interpreter be required, and if so, for what language? YES NO

Language: _____

4. Will there be any special security requirements for the trial? YES NO

(If yes, please explain.) _____

5. Does any witness, party or other participant have any disability requiring ADA
accommodation? YES NO

(If yes, please explain.) _____

6. Status of family law education program: COMPLETED
 NOT REQUIRED (no children under 18)
 DEFERRED
 WAIVED

7. Status of mediation program: COMPLETED
 NOT REQUIRED (no dispute about custody/parenting time)
 WAIVED
8. I certify that my discovery is complete.
9. I certify that my case is ready for trial.
10. I certify that after good faith consultation with all other parties, in my opinion a pretrial conference would not serve any useful purpose.

NOTICE: The status conference will take place unless this certificate is filed at least 7 days in advance.

| | |
|----------------------|----------------------|
| Date: _____ | Date: _____ |
| Party: _____ | Party: _____ |
| By: _____ | By: _____ |
| Attorney Name: _____ | Attorney Name: _____ |
| OSB No.: _____ | OSB No.: _____ |

(If this certificate is not agreed to and signed by all parties, attach an appropriate certificate of service.)

ORDER

It is hereby ordered that this motion is: ALLOWED DENIED

Dated this _____ day of _____, 20 _____.

 Circuit Court Judge

IN THE CIRCUIT COURTS OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

Form SLR 8.015

In the Matter of the Marriage of

_____)
_____)
Petitioner,)
and)
_____)
Respondent)
)
)
)
)

Case No. _____

MOTION TO RESET:

- Trial
- Show Cause/Motion Hearing
- Other Hearing: _____

**AND ORDER
(FAMILY LAW CASE)**

This is a: post-judgment matter.
 pre-judgment matter. Petition was filed on this date: _____

The pending order was filed by:
 petitioner.
 respondent.
 other: _____

Prior resets of this matter: _____

Date and time of hearing: _____ Length of Hearing: _____

Issues to be resolved at this hearing/trial (Check all that apply): Attorney Fees
 Child Support Spousal Support Custody Parenting Time
 Property/Debt Distribution Other: _____

Reason for reset request: _____

| | NAME | AGREE | OBJECT | DATES NOT AVAILABLE |
|-------------|-------|-------|--------|---------------------|
| Petitioner | _____ | _____ | _____ | _____ |
| Respondent | _____ | _____ | _____ | _____ |
| Other Party | _____ | _____ | _____ | _____ |

Moved this _____ day of _____, 20 _____.

By: _____

Attorney/Party

ORDER

It is hereby ordered that this motion is: ALLOWED DENIED

New hearing date and time: _____

Dated this _____ day of _____, 20 _____.

Circuit Court Judge

IN THE CIRCUIT COURTS OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

Form SLR 8.073

State of Oregon, ex rel,

_____)
_____)
 Petitioner,)
 and)
_____)
 Respondent)
_____)
_____)
_____)
_____)

Case No. _____

**MOTION FOR RELEASE
FAPA CONTEMPT**

Requested Release Hearing Date:

COMES NOW the defendant, by and through counsel, _____,
and moves this Court for an Order for a Hearing to determine whether Defendant may be
released from custody.

This Motion is, in the opinion of counsel, well founded in law and is supported by
Affidavit, attached hereto and incorporated herein by this reference.

Oral argument is requested and is expected to require 10 minutes.

Moved this _____ day of _____, 20 _____.

By: _____
 Attorney Name, OSB #

POINTS AND AUTHORITIES:

IN THE CIRCUIT COURTS OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

Form SLR 8.073

State of Oregon, ex rel,

_____)
)
Petitioner,)
and)
)
_____)
Respondent)
)
)
)

Case No. _____

**AFFIDAVIT IN SUPPORT OF MOTION
FOR RELEASE FAPA CONTEMPT**

Requested Release Hearing Date:

STATE OF OREGON)
) ss.
County of Washington)

I, _____, being first duly sworn, do depose and say that I am the attorney for the Defendant herein and make this Affidavit in Support of Defendant's Motion for Release. This is a contempt proceeding stemming from an allegation of a violation of a family abuse prevention action restraining order.

Protected Person's Position:

- The protected person has contacted me, or my staff, and informed me, or my staff, that he/she supports Defendant's release.
- The protected person has contacted me, or my staff, and informed me, or my staff, that he/she objects to Defendant's release.
- I have not had any contact with the protected person listed in the restraining order and I do not know his/her position regarding Defendant's release.

Benign or Consensual Contact:

- I have reviewed the Complaint for Violation of Restraining Order herein and the police report provided to me in discovery. By review of these documents I believe the violation alleged occurred in a consensual or benign manner. This was not brought to the attention of law enforcement by a call of a domestic disturbance.

No History of Prior Violations or Weapons:

- I do not believe that there have been any prior FAPA violations in this matter.
- I have reviewed the FAPA petition and the discovery provided and there are no allegations of threats of use of a weapon.
- I have reviewed OJIN under defendant's name listed above and I have not discovered any prior cases involving allegations of person crimes (misdemeanor or felonies) nor have I discovered any alleged domestic violence other than that alleged in the FAPA petition. I have no knowledge of any other history of person crimes.

Defendant is Likely to be Released from Custody if this is Granted:

- Defendant does not have any other "holds" preventing his/her release from custody.
- Defendant is being held on other charges; however, I believe that he/she would be released on those charges if this hold were lifted.

Dated this _____ day of _____, 20__ __.

By: _____
Attorney, OSB #

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Notary Public of Oregon
My Commission Expires: _____

IN THE CIRCUIT COURTS OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

Form SLR 8.091

In the Matter of the Marriage of

_____)
_____)
Petitioner, _____)
and _____)
_____)
Respondent _____)
_____)

Case No. _____

**STIPULATED ORDER FOR
APPOINTMENT OF ATTORNEY
FOR MINOR CHILDREN OF PARTIES
(FAMILY LAW CASE)**

THIS MATTER having come before the court upon the parties' stipulation in regard to the appointment of (attorney) _____, OSB No. _____ as attorney for _____, born _____, born _____, born _____, born _____

the minor child/ren of parties, and the files/records herein, and the Court being fully advised,

IT IS HEREBY ORDERED THAT

1. Under the provisions of ORS 107.425(3), _____ (attorney), OSB No. _____, is appointed as attorney for _____, minor child/ren of the parties.
2. The cost of the attorney's services has been agreed to and shall be \$_____.
3. The attorney will issue summary bills only to the parties in order to protect all attorney-client confidences between the attorney and the child/ren.
4. Both parties shall provide any and all information, including, but not limited to, medical, dental and Department of Human Services records requested by _____ (attorney). Each party shall sign any and all releases for obtaining any information requested by attorney.

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

Form SLR 8.101(1)

In the Matter of the Marriage of

_____)
_____)
Petitioner,)
and)
_____)
Respondent)

Case No. _____

PETITIONER'S RESPONDENT'S
MOTION FOR CUSTODY AND/OR
 PARENTING TIME STUDY
AND ORDER (FAMILY LAW CASE)

I, Petitioner Respondent, request that the court order Washington County Conciliation Services to make a study as to the suitability of the parties in the above-entitled cause regarding custody of and/or parenting time with the minor child(ren). This study must be prior to the hearing/trial date. The parties have the right to call the author of the report as a witness for purposes of examination on the report. Likewise, persons interviewed by the author may be called. The admissibility of the report itself is subject to the rules of evidence.

Dated: _____

Petitioner Respondent, Signature

ORDER

It is hereby ordered that this motion is: ALLOWED DENIED

Dated this _____ day of _____, 20 _____.

Circuit Court Judge

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it complete it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

Submitted by: _____

| | | |
|-------------------------------------|--|------------------|
| <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent, Signature | Print Name |
| _____ | | _____ |
| Address or Contact Address | | City, State, Zip |
| _____ | | _____ |
| Telephone or Contact Telephone | | |
| _____ | | |

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

Form SLR 8.101(4)

In the Matter of the Marriage of

_____)
)
Petitioner,)
and)
)
_____)
Respondent)
)
)

Case No. _____

PETITIONER'S RESPONDENT'S
AFFIDAVIT IN SUPPORT OF MOTION FOR
 CUSTODY AND/OR
 PARENTING TIME STUDY
(FAMILY LAW CASE)

I, _____, being first duly sworn, say:
(Print your name)

1. I am the Petitioner Respondent in this proceeding.
2. The pending court action is an initial filing or the first modification.
3. This matter is not set for trial or hearing within 90 days.
4. Both parties have fulfilled the Family Law Education requirement.
5. The parties have attended mediation or mediation has been waived.
6. Department of Human Services is not involved in any of the issues.
7. A private study has not and is not being conducted in the current proceeding.
8. I will provide a copy of the affidavit and signed order to the Conciliation Services staff at least 90 days prior to the trial or hearing.

| | Petitioner | Respondent |
|------------------|------------|------------|
| Address | | |
| Home Phone | | |
| Work Phone | | |
| Attorney Name | | |
| Attorney Address | | |
| Attorney Phone | | |

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document myself and completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

Submitted by: _____
 Petitioner Respondent, Signature Print Name

Address or Contact Address City, State, Zip

Telephone or Contact Telephone

SIGNED AND SWORN to before me this _____ day of _____, 20 _____, by
_____.

Notary Public for _____ / Court Clerk
My Commission Expires: _____

**IN THE CIRCUIT COURTS OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON**

Form SLR 12.013(1)

In the Matter of the Marriage of

| | | |
|-------------|---|--------------------------|
| |) | |
| _____ |) | Case No. _____ |
| Petitioner, |) | |
| and |) | REQUEST AND ORDER |
| _____ |) | FOR MEDIATION |
| |) | (FAMILY LAW CASE) |
| Respondent |) | |
| |) | |

CHECK **ONE** OF THE FOLLOWING THREE OPTIONS:

- Since it appears to both parties that custody and/or parenting time are not agreed upon, the parent(s) request an Order for referral to Conciliation Services for mediation. We will appear together for a Monday orientation to mediation, which lasts from 8:30 to 10:30 a.m. at 222 N. First Avenue, Hillsboro, Oregon.

- Since it appears to both parties that custody and/or parenting time are not agreed upon, the parent(s) request an Order for referral to an independent mediator. The mediator has been contacted and has agreed to mediate, and has also agreed to abide by the mediation rules of this Court. The mediator's name is _____ and the mediator's address and telephone number are _____.

- I, _____, am the Mother Father of the child(ren) in this matter. Since we do not agree on custody and/or parenting time, I am filing this Request for Mediation. I will take responsibility to see that the other parent receives a copy of this Request as indicated in the "notice" section. I will come to mediation at 222 N. First Avenue, Hillsboro, Oregon, from 8:30 to 10:30 a.m. on the

second Monday after I provide a copy of this signed order to the other parent. If the other parent is given or mailed a copy on a Monday, I will come to mediation on the next Monday. NOTE: If the Monday for appearance is a Legal Holiday, the appearance date will be the next Monday at 8:30 a.m. TO BOTH PARENTS: You must BOTH attend mediation orientation from 8:30 to 10:30 a.m. on the Monday set forth above. Children may not come to mediation.

If you need to attend an orientation in Spanish, you must call (503)846-8852 to set an appointment.

Signed: _____ (Mother) Date: _____

Signed: _____ (Father) Date: _____

IT IS HEREBY ORDERED that the parents

- be referred to Conciliation Services for mediation; or
- participate in mediation with an independent mediator as set out in this request.

Dated this _____ day of _____, 20 _____.

Circuit Court Judge

NOTICE TO THE PARENT MAKING THIS REQUEST: The Court requires you to give notice to the other parent.

If special accommodation under the Americans with Disabilities Act is needed, please contact Conciliation Services, 222 N First Avenue, Hillsboro, Oregon 97124, (503)846-3428, at least five business days in advance.

**NOTICE OF MANDATORY MEDIATION
PURSUANT TO LOCAL COURT RULE 12.013 and 12.014**

If you have children who are under the age of eighteen and you are a party to an action for dissolution (divorce), annulment, separation, custody, parenting time, filiation (paternity proceeding), or modification of an existing order or judgment pertaining to your children, THIS NOTICE APPLIES TO YOU.

The Court believes that the best decision about the custody of your children is a decision that you and the other parent make together. IF YOU AND THE OTHER PARENT CANNOT AGREE ON WHO SHOULD HAVE CUSTODY OF THE CHILDREN OR ON WHAT THE PARENTING TIME WITH THE CHILDREN SHOULD BE, YOU AND THE OTHER PARENT MUST PARTICIPATE IN A "MEDIATION PROGRAM."

A mediator is a third person who tries to help the parents come to a decision about custody and parenting time. Mediation is a process of one or more meetings between both parents and the mediator to clarify issues and identify possible solutions in order to come to a mutual agreement about custody and parenting time. Mediation is for the parents. DO NOT BRING YOUR CHILDREN.

YOU MUST COMPLETE THE MEDIATION PROGRAM BEFORE YOU MAY COME TO THE COURT AND HAVE A JUDGE DECIDE THESE ISSUES FOR YOU.

Both parents may agree together about who the mediator should be. If you and the other parent agree to use an independent mediator, in other words, one who is not affiliated with our Court system, you and the other parent must file with the Court a written stipulation indicating the name of the mediator and the date set for the first mediation session. The parents shall directly contract with the independent mediator and are responsible for all fees charged by that mediator.

If you and the other parent are unable to agree upon an independent mediator, the Court will order you both to see a mediator at Conciliation Services. Mediation through Conciliation Services is at no cost to the parties. The Conciliation Services' telephone number is (503)846-3428. The mediator at Conciliation Services is trained to talk with both of you to help you arrive at a solution which is the best one for your family.

What forms are required? You and the other parent, or your attorneys, may together sign and file a Request and Order for Mediation. Your joint request may be for mediation with Conciliation Services, or, as explained above, you may request to use an independent mediator.

Alternatively, because mediation is mandatory, you, or your attorney, may also request mediation even if you cannot get the other parent to join you in making the request. You, or your attorney, must file with the Court and serve on the other parent, or his/ her attorney, a REQUEST AND ORDER FOR MEDIATION. Your request must be for mediation with Conciliation Services.

Whether you and the other parent join together in requesting mediation, or whether you are the only parent making the request, you may sign and file your request using the form attached to this Notice. Be sure to check the appropriate box.

When you are ready to file your request, come to the Circuit Court Clerk's Office in the Justice Services Building, and people there will direct you to the Judge's staff to obtain a Judge's signature. Once the form is signed, return it immediately to the Clerk's Office for filing as an official court document. There, you will receive photocopies. You will need these copies for your records and for service on the other parent in the event you are the only parent making the request for mediation.

Note: If agreement by you and the other parent for an independent mediator is not filed with the Court at least two weeks before the time for the court to hear and rule on your custody or parenting- time dispute, you and the other parent will be ordered to Conciliation Services for mediation.

IN THE CIRCUIT COURTS OF THE STATE OF OREGON
FOR THE COUNTY OF WASHINGTON

Form SLR 12.013(1)

In the Matter of the Marriage of

_____)
_____)
Petitioner, _____)
and _____)
_____)
Respondent _____)
_____)

Case No. _____

**AFFIDAVIT OF SERVICE
(FAMILY LAW CASE)**

**NOTE: Do not sign until in the presence
of a Notary Public**

STATE OF _____

County of _____

I certify that I have served the other parent a true copy of the Request and Order for
Mediation by:

- placing a copy in a stamped envelope in the U.S. Mail on _____ (date of
mailing) addressed to the Mother Father at _____
_____ (address).
- personally delivering a copy on _____ (date of delivery) to the
 Mother Father at _____
_____ (address).

Certificate of Document Preparation. You are required to truthfully complete this
certificate regarding the document you are filing with the court. Check all boxes and complete
all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ (name)
for assistance in preparing this form.

Signature of Server

Print Name

Address or Contact Address

Telephone or Contact Telephone

SIGNED AND SWORN to before me this _____ day of _____, 20 _____, by
_____.

Notary Public for _____ / Court Clerk
My Commission Expires: _____