SUPPLEMENTARY LOCAL COURT RULES

for the

CIRCUIT COURT OF THE STATE OF OREGON

FOR JEFFERSON AND CROOK COUNTIES

22ND JUDICIAL DISTRICT

February 1, 2012 - January 31, 2013

CERTIFICATE OF SUPPLEMENTARY LOCAL COURT RULES OF THE 22ND JUDICIAL DISTRICT

CROOK & JEFFERSON COUNTIES

I, Daniel J. Ahern, Presiding Judge of the 22nd Judicial District of Oregon, hereby certify that attached hereto is a complete, true and correct copy of the Supplemental Trial Court Rules of the Circuit Court for Crook and Jefferson Counties, effective February 1, 2012.

Dated this 29th day of November, 2011.

Daniel J. Ahern, Presiding Judge

Table of Contents

CHAPTER 1 – GENERAL PROVISIONS 5
1.151 Hours Open For Business 5
1.171 Website Address 5
1.173 Physical/Mailing Addresses 5
CHAPTER 2 – STANDARDS FOR PLEADINGS AND DOCUMENTS 5
2.011 Standards For Pleadings And Documents 5
2.012 Addresses and Telephone Numbers 5
CHAPTER 3 – DECORUM IN PROCEEDINGS 6
3.051 Hearing Appearance by Telephone 6
3.181 Public Access Coverage in Areas Outside of The Courtroom 6
3.185 Personal Communication Devices 8
CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES 8
4.006 Testimony by Judge of the Circuit Court or Trial Court Administrator 8
CHAPTER 5 – PROCEEDINGS IN CIVIL CASES 9
5.006 Testimony by Judge of the Circuit Court or Trial Court Administrator 9
5.055 Stamped, Self-Addressed Confirmation Cards Required 9
CHAPTER 6 - TRIALS 9
6.011 Habeas Corpus and Post-Conviction Relief Proceedings Before The Court by Video or Telephonic Conferencing 9
6.012 Optional Settlement Conference 10
6.013 Settlement Conference Statement 11
6.014 Voluntary Settlement Conference 12
6.061 Electronic Requested Jury Instructions 12
6.080 Exhibit Marking For Trials and Hearings 13
6.081 Value of Exhibits 13
6.101 Arguments on Objections or Motions 13
CHAPTER 7 – CASE MANAGEMENT AND CALENDARING 13
7.005 Entry of Guilty Plea By Attorney in Misdemeanor Cases in Defendant's Absence 13
7.015 Pretrial Conferences in Criminal Proceedings 13
7.016 Settlement Conferences in Criminal Proceedings 14
7.025 Setting Trials in Civil Cases 15
7.026 Setting Motions in Civil Cases 15
7.027 Setting Motions and Trial Dates in Criminal Cases 16
7.031 Trial Call 16
7.055 Dismissal of Inactive Cases 18
CHAPTER 8 – DOMESTIC RELATIONS PROCEEDINGS 18
8.001 Domestic Relations Proceedings 18
8.002 Docketing Domestic Relations Proceedings 18
8.041 Temporary Orders, Order Regarding Custody and Parenting Time Orders ... 19

8.042 Orders to Show Cause 19
8.055 Temporary Relief Motions 20
8.075 Parenting Schedule 21
8.101 Education for Divorcing Parents - ORS 3.425 21
CHAPTER 9 – PROBATE AND ADOPTION PROCEEDINGS 22
9.061 Attorney Fees in Estates 22
9.081 Objection to Petition for Appointment of Guardian /Conservator 22
CHAPTER 11 – JUVENILE COURT PROCEEDINGS 23
11.051 Personal Appearance Required 23
CHAPTER 12 - MEDIATION 23
12.011 Mediation in Child Custody and Parenting Time Visitation Issues 23
12.025 Mediation of Civil Disputes 24
12.035 Application of Chapter 24
12.045 Mediation Commission 25
12.055 Mediation Panel Established 25
12.065 Appointment to Mediation Panel 25
12.075 Removal from Mediation Panel 26
12.085 Assignment, Selection, and Compensation of Mediator 26
12.095 Completing the Mediation 26
CHAPTER 13 - ARBITRATION 26
13.048 Arbitration - Indigent Parties 26
13.055 Referring Cases to Arbitration 26
CHAPTER 15 – SMALL CLAIMS 27
15.011 Small Claims Forms 27
CHAPTER 16 - VIOLATIONS 27
16.005 Trial by Affidavit 27
16.015 Reporting Matters 28

APPENDICES

Appendix 1 30
Appendix 2 31
Appendix 3 32
Appendix 4 43
Appendix 5 44

CHAPTER 1 – GENERAL PROVISIONS

1.151 Hours Open For Business

Unless otherwise ordered due to emergency conditions, information regarding business hours for the Twenty-second Judicial District can be found at: www.courts.oregon.gov/Crook or www.courts.oregon.gov/Jefferson .

1.171 Website Address

The internet address for Twenty-second Judicial District's Circuit Courts website is: www.courts.oregon.gov/Crook or www.courts.oregon.gov/Jefferson

1.173 Physical/Mailing Addresses

Unless otherwise ordered due to emergency conditions, the offices of the Twenty-second Judicial District are located as follows:

(1) In Crook County:

300 NE 3rd Street
Prineville, OR 97754

(2) In Jefferson County:

75 SE C Street Suite C
Madras, OR 97741

CHAPTER 2 – STANDARDS FOR PLEADINGS AND DOCUMENTS

2.011 Standards For Pleadings And Documents

Each pleading or similar document submitted for filing with the court that is not electronically filed shall be pre-punched with two (2) holes (approximately ¼" diameter) centered 2-3/4" apart and ½" to 5/8" from the top of the paper.

2.012 Addresses and Telephone Numbers

(1) During the pendency of any case charging an offense, including violations and criminal cases, or while monetary or other obligations imposed by the court in such case remain unsatisfied, defendant must keep the court

advised in writing of defendant's current name, mailing address and telephone or message telephone number.

(2) During the pendency of any criminal, civil or domestic relations case any party who is not represented by an attorney of record must keep the Court advised in writing of the party's current name, mailing address and telephone or message telephone number.

CHAPTER 3 – DECORUM IN PROCEEDINGS

3.051 Hearing Appearance by Telephone

When counsel, parties, or witnesses are granted permission to appear by telephone, they may appear only if:

(1) The cell phone caller is not in a moving vehicle.

(2) Cell phones are used in good reception areas.

(3) If more than one party is appearing by telephone, the moving party, or in the case of pre-trial conferences the plaintiff/petitioner, must contact a telephone operator or service and initiate a conference call to the Court with all telephonic parties connected.

3.181 Public Access Coverage in Areas Outside of The Courtroom

(1) Public Access Coverage is defined by UTCR 3.180(6).

(2) This rule governs public access coverage in public areas outside of the courtrooms under UTCR 3.180(5).

(3) For the purpose of this rule a Public Area is defined as any area within 30 feet of any point of ingress or egress to the courthouse and any hallway, elevator or other area used by the public for access to public offices or facilities within the external walls of the courthouse.

(4) In Jefferson County, Oregon, all public areas are within the control and supervision of the court.

(5) In Crook County, Oregon, all public areas are within the control and supervision of the court.

(6) Subject to UTCR 3.180, no public access coverage shall be permitted in any public area except as provided herein:

(a) Any party seeking to provide public access coverage in any area shall file with the clerk of the court, at least two hours prior to the scheduled proceeding time, a certificate (See Appendix 1) in advance of commencing the coverage.

(b) Upon filing of the certificate described in sub-section (a) above, the clerk shall present the certificate(s) to the judge presiding in the case related to the coverage request.

(c) Upon receiving a request for public access coverage in any area the judge shall promptly:

(1) Permit or deny the public access coverage;

(2) If public access coverage is denied at any location, the judge must make findings of fact on the record setting forth the substantial reasons for the denial.

(3) The judge may prohibit public access coverage in public areas if there is any likelihood that the coverage would:

(a) constitute a material security risk to the public, jurors, witnesses or parties;

(b) interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial; or

(c) cause any cost or increased burden from the coverage that would interfere with the efficient administration of justice.

(4) When public access coverage is permitted, the judge shall, subject to the requirements of this rule, establish the restrictions that apply to the coverage.

(a) Public Access coverage restrictions may include:

(i) pooling coverage as described in UCTR 3.180(2); and

(ii) any restrictions reasonably necessary to preserve the solemnity, decorum and dignity of the court and to protect the parties, witnesses and jurors;

(b) Public Access coverage restrictions shall include:

(i) a prohibition of any coverage of matters described in UTCR 3.180(2)

(c) If Public Access Coverage for public areas is requested, coverage restrictions may include:

(i) the designation of reasonable location no closer than 15 feet from the courtroom where the case related to the request will be heard; and

(ii) a requirement that public access coverage representatives will be required to physically stay within the designated areas.

3.185 Personal Communication Devices

Unless otherwise permitted by the judge presiding over a trial or other proceeding, personal communication devices (any electronic or other equipment capable of communicating with others including, but not limited to cell phones and pagers), shall not be permitted in the courtrooms or jury rooms. Attorneys may possess personal communication devices in the courtrooms, but such devices shall not be turned on without the approval of the judge.

CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES

4.006 Testimony by Judge of the Circuit Court or Trial Court Administrator

Any matter requiring testimony of a judge of the 22nd Judicial District or the trial court administrator will be subject to a pretrial conference to determine scheduling of the witness and what the testimony is intended to elicit. The party seeking the testimony shall request the pretrial conference no later than 5 days before the scheduled trial date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

CHAPTER 5 – PROCEEDINGS IN CIVIL CASES

5.006 Testimony by Judge of the Circuit Court or Trial Court Administrator

Any matter requiring testimony of a judge of the 22nd Judicial District or the trial court administrator will be subject to a pretrial conference to determine scheduling of the witness and what the testimony is intended to elicit. The party seeking the testimony shall request the pretrial conference no later than 5 days before the scheduled trial date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

5.055 Stamped, Self-Addressed Confirmation Cards Required

(1) Any party desiring information of any filing, (e.g. date of filing, date of signature, costs and attorney fees awarded, or name of judge), shall attach a stamped, self-addressed confirmation card. On orders or judgments, confirmation cards shall be attached for all parties. Unless required by law or rule, conformed copies of the order or judgment will not be provided by the Trial Court Administrator's office. Signed copies of orders and judgments may be obtained from the Circuit Court Records Office.

(2) An ex-parte motion for trial set-over shall have confirmation cards attached by the moving party for all parties.

CHAPTER 6 - TRIALS

6.011 Habeas Corpus and Post-Conviction Relief Proceedings Before The Court by Video or Telephonic Conferencing

(1) Unless otherwise ordered by the Court, all hearings and trials in which inmates in the custody of the Oregon Department of Corrections are seeking post-conviction relief pursuant to ORS 138.510- 138.686 or habeas corpus relief pursuant to ORS 34.310 - 34.730 shall be held by video conferencing or, if video conferencing is not available, by telephonic conferencing.

(2) The inmates shall remain at and appear from the Deer Ridge Correctional Institution or other institution in which they are being held.

(3) The inmate's attorney, the attorney for the Oregon Attorney General's

office or an attorney representing any other party to the proceeding, may appear by video or telephone conferencing or may appear in person before the Court.

(4) Regardless of the physical location of the judge hearing the matter, any proceeding shall be recorded by the 22nd Judicial District.

(5) Public access and viewing of the proceeding shall be provided at the Jefferson County Courthouse in Madras, Oregon, and the proceeding shall be deemed to be taking place at said courthouse and city. Unless otherwise ordered by the Court, all witnesses, except original counsel and law enforcement officers, shall appear at that location.

(6) All motions to continue trial/hearings, whether written or verbal, shall be submitted to the Presiding Judge of the 22nd Judicial District, or to another judge of the 22nd Judicial District if the Presiding Judge is not available.

(7) Motions to continue shall not be made to the Plan B or Pro-Tem trial judge except in cases of emergency when the Presiding Judge or another judge of the 22nd Judicial District is not available.

6.012 Optional Settlement Conference

(1) Any civil case assigned a time and place for trial shall be calendared for a settlement conference at least twenty-one (21) days before the trial if requested by a party or required by the Court. Such request must be made in writing and filed in the case with a copy to the other parties not less than forty-two (42) days prior to the scheduled trial date. The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court.

(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 or readily available by telephone.

An out-of-county or out-of-state party may apply to be excused from appearing at the settlement conference. The party seeking to be excused must file a motion with the judge presiding over the conference. Any party seeking to be excused must be available for and prepared to initiate a conference call, or some suitable alternative, to allow participation in the conference. The presiding judge or his designee shall rule on said request and, if appropriate, excuse the party from appearing.

(3) Settlement conferences shall be held informally before a judge at a time and place provided by the presiding judge. The conference may be continued as part of a continuing settlement conference to another day before 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 settlement discussion had under this rule except in subsequent settlement proceedings.

In the event that a settlement is not reached at the settlement conference, a judge other than the one who participated in the settlement proceeding shall be assigned to try the case.

(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. This Court will deny all requests for continuance except in case of emergency or highly unusual circumstances.

6.013 Settlement Conference Statement

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

(1) 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).

(2) 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).

(3) 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.

(4) Settlement conference statements submitted by the parties are confidential documents. They will not be part of the court file. They will be retained by the settlement conference judge. After completion of the settlement conference the statements and any attached material will be returned to the submitting party.

6.014 Voluntary Settlement Conference

A voluntary settlement conference may be requested by all parties for an action at any stage of the proceeding by filing a request for a voluntary settlement conference with the calendar clerk. The presiding judge, or designee, shall rule on said request and, if appropriate, calendar the matter for a voluntary settlement conference.

6.061 Electronic Requested Jury Instructions

(1) In addition to the requirements of UTCR 6.060 concerning providing the trial court with requested jury instructions and verdict forms in writing, an attorney or party requesting any of the instructions described in subsection (2) below, shall provide the trial court with a computer disk or an e-mail with an attachment, containing the requested instructions. If sent in an e-mail as an attachment they shall be e-mailed to "jef-juryinstructions@ojd.state.or.us" for Jefferson County matters or to "cro-juryinstructions@ojd.state.or.us" for Crook County matters.

(2) The following instructions and verdict forms shall be included on the computer disk or in the e-mail attachment.

(a) any uniform instruction which has been modified;

(b) any proposed uniform instruction submitted in complete written form using the available options described in the uniform instruction. Compliance with UTCR 6.060(3) is all that is required, however, if a party submits a uniform instruction in complete written form, that complete instruction must be included on the computer disk;

(c) any proposed non-uniform instruction; and,

(d) any proposed interrogatory verdict form.

(3) Uniform jury instructions requested by number only in accordance with UTCR 6.060(3) and which do not require material or information to be completed do not need to be supplied on a computer disk.

6.080 Exhibit Marking For Trials and Hearings

In addition to marking the exhibits pursuant to UTCR 6.080 Marking Exhibits, the case number shall also be noted on the exhibit label.

6.081 Value of Exhibits

In order for the Trial Court Administrator to comply with Oregon Judicial Department Policy pertaining to the listing and valuing of exhibits offered as evidence, the exhibits will be assigned a value of zero, unless the party submitting the exhibit supplies a written opinion as to their value to the Trial Court Administrator.

6.101 Arguments on Objections or Motions

During the course of the trial no argument will be allowed on an objection or motion except when the trial judge desires to hear counsel.

CHAPTER 7 – CASE MANAGEMENT AND CALENDARING

7.005 Entry of Guilty Plea By Attorney in Misdemeanor Cases in Defendant's Absence

When any attorney enters a guilty plea for a non-appearing defendant charged with a misdemeanor, violation or major traffic offense, the attorney shall submit a guilty plea in writing, signed by the defendant, acknowledging an itemized waiver of appropriate constitutional and statutory rights.

7.015 Pretrial Conferences in Criminal Proceedings

(1) At arraignment all cases will be set for pretrial conference to allow for plea agreement negotiations and the completion of discovery and investigation. Pretrial conferences for in custody cases shall be set within twenty-one (21)

days and out of custody within thirty-five (35) days.

(2) The district attorney or the assigned deputy, the defense attorney and the defendant must appear at the pretrial conference, unless appearance is waived by the Court.

(3) At the pre-trial conference in addition to the information required by UTCR 7.010, the District Attorney or the designee thereof and Defendant, through counsel, if any, shall be prepared to relate:

(a) the status of the plea agreement negotiations, if any;

(b) whether any scheduling or attorney conflicts exist; and

(c) whether there are any discovery problems.

7.016 Settlement Conferences in Criminal Proceedings

(1) After pretrial conference, at the discretion of the Court, a settlement conference may be held at the request of either party on the record or in writing. The settlement conference shall be held at least twenty-one (21) days prior to trial. The purpose of the settlement conference is to provide an opportunity for the early resolution of the case, if appropriate. No settlement conference will be permitted unless the provisions of subsection 2 herein have been met.

(2) No later than 21 days prior to the date of the settlement conference, the district attorney or the assigned deputy shall submit, in writing to the court a detailed settlement offer including, but not limited to, the proposed:

a) Counts of resolution
b) Grid blocks, if any
c) Terms of incarceration
d) Terms and duration of probation

Defense counsel shall, 14 days prior to the date of the settlement conference, submit in writing a certificate that counsel has informed and discussed the offer with his or her client and the District Attorney. Also, Defense counsel shall submit to the Court in writing a detailed settlement offer including all components required herein above of the District Attorney. Defense counsel shall inform his client of the offer. The same attorneys shall attend the settlement conference. The prosecuting attorney shall have at all stages of the proceeding full authority to dispose of the case.

(3) The defendant shall be personally available at the settlement conference and remain present and available for discussion with counsel. If a negotiated disposition has been offered to the defendant, the defendant shall inform the Court of the defendant's decision.

(4) Settlement conference statements submitted by the parties are confidential documents. They will not be part of the court file. They will be retained by the settlement conference judge. After completion of the settlement conference the statements and any attached material will be returned to the submitting party.

7.025 Setting Trials in Civil Cases

(1) Civil trials are set during pretrial conferences in court or in chambers with counsel being required to appear with their calendars either in person or by conference call, and it is customary for the Court to provide written confirmation of the date.

(2) Civil trials are reset by telephone or e-mail at the discretion of the Court and it is customary for the Court to provide written confirmation of the date.

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

7.026 Setting Motions in Civil Cases

(1) Civil motions are set by telephone or e-mail at the discretion of the Court, but are sometimes set in court or in chambers during a pretrial conference. When being set, counsel are required to appear with their calendars either in person or by conference call. In all instances it is customary for the Court to provide written confirmation of the date. On occasion a date will be set at the convenience of the Court and counsel advised only by written notice.

(2) Civil motions are reset by telephone or e-mail at the discretion of the Court and the Court customarily provides written confirmation of the date. On occasion civil motions shall be reset by the Court. At any reset conference, counsel shall be prepared with their respective calendars.

(3) When counsel participates in the setting of the date in court, by telephone, or e-mail a continuance will not be granted if the ground relied upon is that

the Court failed to provide written confirmation.

7.027 Setting Motions and Trial Dates in Criminal Cases

(1) Criminal motions are set in court during pretrial conference, at which time counsel are required to be present with their calendars. Criminal motions are also occasionally set by telephone or e-mail at the discretion of the Court. In all instances, the Court customarily provides written confirmation of the date.

(2) Criminal motions are reset by telephone or e-mail at the discretion of the Court and the Court customarily provides written confirmation of the date. On occasion a date is set at the convenience of the Court and counsel advised only by written notice.

(3) Criminal trials are set during pretrial conferences, at which time counsel are required to be present with their calendars and the Court customarily provides written confirmation of the date. On rare occasions a trial will be set on a date at the convenience of the Court with counsel receiving only a written notice.

(4) Criminal trials are reset by telephone or e-mail at the discretion of the Court, but are occasionally reset in court. If reset in court, counsel are required to be present with their calendars and in all cases it is customary for the Court to provide written confirmation of the date.

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

7.031 Trial Call

(1) A trial call conference shall be scheduled for every case set on the trial docket.

(2) (a) The trial call conference shall be held on a judicial day and time set by the Presiding Judge in the week immediately preceding the week of trial unless the case under consideration involves complex issues.

(b) The trial call conference in any complex case may, at the discretion of the Presiding Judge, be set up to 21 days prior to the date set for trial.

(3) Counsel and client who practice or reside within 25 miles of the courthouse where the case is scheduled shall be personally present at trial call.

(4) If counsel or client practice or reside more than 25 miles from the courthouse where the case is scheduled, either or both may participate by telephone. If a telephonic conference is conducted, then both client and counsel shall participate in the telephone conference at the time of trial call.

(5) If the case has been concluded by negotiation at or prior to the trial call, then the parties should be prepared to tender the paperwork necessary to effectuate the settlement at the trial call. If a settlement has been reached in a criminal case, the plea will be taken at the time of the trial call unless the Court directs otherwise.

(6) If the parties have settled the case and the paperwork has been tendered to the Court or proceedings have been conducted to conclude the case prior to the trial call, then the trial call appearance shall be waived.

(7) Any party may move the Court to waive personal appearance provided elements of subparagraphs 5, 6, and 8 have been met prior to trial call.

(8) If the case is not resolved, counsel shall be prepared to provide the Court with the following information and materials:

(a) the length of trial;

(b) the number of witnesses;

(c) whether witnesses have been subpoenaed;

(d) all pre-trial motions, memoranda and a disclosure of the issues and the expected duration of any necessary hearings related to pre-trial issues;

(e) the time and date of last client contact;

(f) proposed jury instructions if a jury trial is required;

(g) UTCR 8.010 (4) statement if it is a domestic relations case; the Uniform Support Declaration, if support is an issue; and

(h) any trial memorandum the parties intend to rely on for trial.

(9) At the conclusion of the trial call session, the Court will prioritize and set the time and date of the trial.

7.055 Dismissal of Inactive Cases

(1) After the Court has rendered a decision in any civil or domestic relations case if a party does not submit a proposed order or judgment for a period of sixty (60) days the trial court administrator shall send a notice to the parties notifying them that the case will be dismissed if an order or judgment is not received within thirty (30) days.

(2) If an order or judgment is not received within thirty (30) days of the notice sent pursuant to Section (1) of this rule, the case shall be dismissed without prejudice unless otherwise ordered by the Court.

(3) A dismissal pursuant to this rule may be vacated upon showing of good cause supported by affidavit and the proposed judgment.

CHAPTER 8 – DOMESTIC RELATIONS PROCEEDINGS

8.001 Domestic Relations Proceedings

The following types of cases shall be subject to the supplementary local rules contained in Chapter 8: Dissolution and annulment of marriages, separation, child and spousal support, filiation, dissolution of domestic partnerships, family abuse prevention, adoption, habeas corpus of children and such other cases as shall be assigned by the presiding judge.

8.002 Docketing Domestic Relations Proceedings

(1) MATTERS REQUIRING THIRTY MINUTES OR LESS OF HEARING TIME

Unless otherwise ordered by the presiding judge, all matters requiring thirty minutes or less of hearing time shall be specially set and shall be heard on a day designated by the presiding judge.

(2) CASES INVOLVING MORE THAN THIRTY MINUTES OF HEARING TIME

Cases requiring more than thirty minutes of hearing time will be docketed and assigned in accordance with the current docketing and assignment rules of UTCR.

(3) Domestic relations matters may be removed from hearing schedules by order of the Court.

8.041 Temporary Orders, Order Regarding Custody and Parenting Time Orders

(1) All prejudgment and post-judgment custody, parenting time and temporary status quo orders are controlled by ORS 107.097 or ORS 107.138. Any hearings set to consider the entry of such orders must be set in a fashion consistent with ORS 107.097 or ORS 107.138.

(2) Temporary Custody and Parenting Time Orders

At any point during the proceeding the Court may approve a temporary custody and parenting time order reflecting the parties' agreement as to the issues.

8.042 Orders to Show Cause

(1) The procedures outlined in this rule are limited to domestic relations cases. Domestic relations cases shall include legal separations, annulment of marriage, dissolution of marriage and filiations. This rule is not applicable to contempt proceedings related to such actions.

(2) Except for proceedings governed by ORS 107.097, ORS 107.135(13) or ORS 107.138, this rule shall apply to all orders to show cause in domestic relations matters whether or not the issues are pre-trial or post-judgment.

(3) An order to show cause which itemizes the requested relief will be allowed only upon the motion of a party supported by sufficient written affidavit setting forth the justification for the relief requested. The order to show cause will not contain a date for hearing. The motion must contain in bold type in the body of the motion the following notice or a similar notice which contains, at minimum, all of the below requirements:

> "NOTICE TO PARTIES RECEIVING THESE PAPERS: If you object to any of the requests in the attached Motion, you must file a written response:
>
> 1) which itemizes the disputed issues;
> 2) sets forth any additional relief requested; and
> 3) an affidavit in support of any relief requested
>
> You must file the written response no later than thirty (30) days after this order has been served on you. If you

do not file the written response within the time allowed, the Court may order the relief requested without further notice to you."

(a) The Court may allow additional time for a response to any motion and affidavit upon good cause.

(b) If child support or spousal support is an issue then the parties must file and serve upon the opposing party a Uniform Support Declaration as required by UTCR 8.050 (3);

(c) If the Uniform Support Declaration is not completely filled out with all necessary exhibits, it may not be considered by the Court and the party will be required to submit a completed form.

(4) If the opposing party fails to file a written response within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause. The Court may:

(a) Require the taking of testimony of the moving party in such default matters;

(b) Enter the order requested if the opposing party does not file the required written response; and

(c) Enter the order upon its own motion if the moving party fails to present an order.

(5) If the opposing party files a written response, the docket clerk shall set a hearing date to determine the issues raised by the order to show cause and the affidavits. A notice of the hearing date shall be mailed to both parties.

8.055 Temporary Relief Motions

Temporary relief motions for temporary child and 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) shall be determined without testimony (unless otherwise ordered by the Court) based on the affidavits of the parties and their Uniform Support Declarations. Such motions shall be filed separately from other temporary relief motions. In any case involving temporary child support, the affidavits filed by the parties shall include a child support computation worksheet. When the matter is ready for decision, the moving party shall notify the Court by filing a Notice for

Readiness for Decision. (See Appendix 2)

8.075 Parenting Schedule

Unless otherwise directed by the Court, or the parties stipulate to a different schedule of parenting time which is approved by the Court, a non residential parent shall have the right to have parenting time with the minor child(ren) of the parties according to the schedule and guideline which is set forth in the appendices (see Appendix 3) or one of the completed parenting plan templates found on the Oregon Judicial Department's Family Law web page at: http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/parentingplan.page

8.101 Education for Divorcing Parents - ORS 3.425

(1) The following cases are subject to this rule: annulment or dissolution of marriage actions, legal separation actions, petitions to establish custody or parenting time, and post-judgment litigation involving custody or parenting time.

(2) All parties, where the interest of a child under the age of 18 years is involved, shall successfully complete the education for divorcing parents program offered by the court designated providers or a pre-approved alternative education program. Parties shall register for the program or make application for approval of an alternate program within 14 days of receiving notice of this education requirement. All parties shall complete the program before the initial pretrial conference.

(3) Notice and instructions to the petitioner of the requirement that the parties complete the education program or alternative education program will be provided by the trial court administrator when the petition is filed. Petitioner, when serving the respondent with the petition, shall also include a copy of the trial court administrator's notice. The petitioner's return of service on the respondent shall indicate service of the notice with the summons and petition.

(4) Each party shall pay a fee determined by the program provider to cover program costs. The fee may be waived if the party presents a verified affidavit of indigency to the Court, and the party meets indigency guidelines.

(5) Each person who successfully completes the Court's program or the pre-approved alternative program, shall present a certificate of completion to the

judge at the pretrial conference.

(6) Upon a showing of good cause, a party may request a waiver of this rule. The request must be made by motion, supported by affidavit, and filed within 14 days of receipt of the trial court administrator's notice.

(7) Court action on a petition shall not be delayed by a party's refusal or delay in completing the program unless the non-complying party is the petitioner or the moving party. Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned judge may take appropriate action including, but not limited to, proceedings for contempt.

CHAPTER 9 – PROBATE AND ADOPTION PROCEEDINGS

9.061 Attorney Fees in Estates

The attorney for the personal representative shall maintain time records for twelve (12) months and, upon request of the Court, shall furnish a copy of that record to the Court to assist the Court in fixing a reasonable attorney's fee as provided by ORS 116.183.

9.081 Objection to Petition for Appointment of Guardian /Conservator

Any interested person, as described in ORS 125.075(1), who has an objection to a Petition in a protective proceeding should contact a court clerk by telephone at:

-Jefferson County Trial Court (541) 475-3317
-Crook County Trial Court (541) 447-6541

or in person at:

-Jefferson County Trial Court Office
75 SE C Street Suite C, Madras, OR 97741
-Crook County Trial Court Office
300 NE 3rd Street, Prineville, OR 97754.

The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition. The clerk shall make contact with the judicial assistant of the judge assigned to the case. Upon contact the judicial assistant shall immediately:

(1) Determine the name, address and telephone number of the objecting party;

(2) Write out the nature of the oral objection upon the form provided in the appendices (see Appendix 4); and

(3) File the original written material with the court file; and

(4) Immediately send a copy to: a) the opposing party or counsel, if represented; b) any party who has appeared; and c) the judge assigned to the case.

The docketing clerk will schedule a hearing and notify the appropriate parties.

CHAPTER 11 – JUVENILE COURT PROCEEDINGS

11.051 Personal Appearance Required

In all termination and dependency cases, parent(s) and any guardian(s) shall be served a summons to personally appear at a time and place specified to answer the petition. The parent(s) and any guardian(s) must personally appear in court at the time and date specified in the summons. A written appearance shall not be permitted. A parent or guardian may make written application to the Court for their personal appearance by telephone in extraordinary circumstances; however, the written application must be filed with the Court two (2) days prior to the time scheduled for the parent's or guardian's personal appearance. The written application must include the person's current residence address, mailing address, telephone number, and the person's acknowledgment that it is their obligation to initiate/place the telephone call to the Court at the time scheduled for their appearance.

CHAPTER 12 - MEDIATION

12.011 Mediation in Child Custody and Parenting Time Visitation Issues

(1) COMMENCEMENT OF MEDIATION BY STIPULATED REQUEST FOR MEDIATION

Except as provided in the last sentence of this subsection, mediation may be commenced at any stage of a pending domestic relations proceeding by the stipulation of the parties or by Court order. Court orders may be granted in the discretion of the Court, on the motion of either party or on the Court's own motion. If a general judgment of dissolution has been entered in a domestic relations case and the

judgment provided that the parties may mediate any custody or parenting time issue without a motion to show cause or enforce, the parties may do so by filing a stipulated motion for mediation.

(2) MEDIATION AND CUSTODY/PARENTING TIME STUDY BEFORE HEARING

Subject to the provisions of ORS 107.755, 107.097, 107.138 AND 107.718, the Court may decline to hear a custody or parenting time dispute until and unless the parties have participated in mediation in order to resolve the issues between them. The Court may order mediation and require the parties to participate in the mediation upon its own motion even in the absence of a request from one or both of the parties.

(3) GOOD FAITH REQUIRED

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

(4) 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 a hearing in the same course and with the same priority on the docket as though there had been no mediation.

12.025 Mediation of Civil Disputes

The 22nd Judicial District has a mediation referral program pursuant to ORS 36.185 to 36.222. The rules apply to new cases and pending cases which are subject to mandatory arbitration but have not yet been referred to the program.

12.035 Application of Chapter

This SLR chapter applies to mediation by court referral or stipulation under ORS 36.185 to 36.222 but does not apply to any of the following:

(1) Proceedings in child custody and parenting time as provided in ORS

107.510 to 107.610.

(2) Proceedings in small claims court as provided in ORS 46.405 to 46.570.

(3) Proceedings in forcible entry and detainer cases as provided in ORS 105.105 to 105.168.

12.045 Mediation Commission

(1) There is an established mediation commission which includes judges, attorneys, non-attorneys, and the court administrator, at least some of whom have experience as a mediator.

(2) All members shall be appointed by, and serve at the pleasure of, the presiding judge for two year terms.

(3) The function of the mediation commission is to monitor the mediation program, review the qualifications and training of mediators, and advise the Court on other functioning of the mediation program.

12.055 Mediation Panel Established

There shall be a panel of mediators made up of persons who have the minimum qualifications and training prescribed in the "Oregon Judicial Department Court-Connected Mediator Qualifications Rules" and have been appointed at the discretion of the presiding judge.

12.065 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 mediation commission shall review each application and make a recommendation to the presiding judge.

(3) The decision as to whether an individual is qualified to be on the panel of mediators shall be made by the presiding judge.

(4) Failure to submit a confirmation of address and intent to remain on the list shall be cause for removal from the list.

12.075 Removal from Mediation Panel

The presiding judge may remove a listed mediator at the presiding judge's discretion.

12.085 Assignment, Selection, and Compensation of Mediator

(1) A mediator shall be assigned by the presiding judge or selected by the parties within 21 days after the referral to mediation.

(2) The mediation commission may establish a compensation schedule which shall apply only when a mediator is assigned by the Court. If a mediator is selected by the parties, then compensation shall be determined by the parties and the mediator.

12.095 Completing the Mediation

Any mediation under these rules must be completed within 90 days after the entry of an order referring the case to mediation, unless otherwise ordered by the Court.

CHAPTER 13 - ARBITRATION

13.048 Arbitration - Indigent Parties

In the event funds are available under ORS 36.420 for the payment of arbitrator fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the Arbitration Award, and submission of the form approved by the State Court Administrator for such purpose.

13.055 Referring Cases to Arbitration

Cases subject to arbitration will be referred to arbitration as follows:

(1) Within 30 days when the case is at issue unless otherwise ordered by the Presiding Judge;

(2) At any time as specifically directed by the judge to whom the case is assigned, or by the Presiding Judge.

(3) An arbitrator may make written application to the Presiding Judge to

have a referred case removed from arbitration under ORS 36.405(2)(b). A copy of the written request must be served upon the parties.

CHAPTER 15 – SMALL CLAIMS

15.011 Small Claims Forms

All small claims documents submitted for filing to the Court shall be in the formats specified under UTCR 15.010 (1). Forms that are not in compliance with the provisions of UTCR 15.010 (1) will not be accepted for filing.

CHAPTER 16 - VIOLATIONS

16.005 Trial by Affidavit

If the appropriate statutory section allows for an infraction or violation trial to be conducted by affidavit, then the following must occur:

(1) The alleged violator must file the waiver form contained in Appendix 5 at least twenty-one (21) days in advance of the date of trial; and

(2) Any witness affidavit (including, but not limited to, the affidavit of the alleged violator or officer) must be filed with the Court and served upon the opposing party seven (7) days in advance of the trial.

Failure to file the affidavit as required herein without good cause shown may result in the affidavit not being considered by the Court.

16.015 Reporting Matters

If a violation or traffic infraction matter is to be reported, the moving party must file a written request two working days before the scheduled hearing.

Appendices

Appendix 1
SLR 3.181 - CERTIFICATE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 22ND JUDICIAL DISTRICT ❑ CROOK or ❑ JEFFERSON COUNTY

In re Public Access Coverage:

CERTIFICATE

I, _____, represent _____
and I desire to provide public access coverage in the following case:

Case name: _____
Case number: _____

I make the following representations:

1) I have read and will comply with UTCR 3.180.

2) I have read and will comply with 22nd Judicial District SLR 3.181.

3) I understand my permission to provide public access coverage can be immediately withdrawn if:
   a) I violate the above described rules;
   b) I violate any limitations imposed by the Court under the rules; or
   c) The Court orders termination of the coverage.

Dated this _____ day of _____,____.

_____
APPLICANT

Appendix 2
SLR 8.055 - NOTICE OF READINESS FOR DECISION

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 22ND JUDICIAL DISTRICT CROOK/JEFFERSON COUNTIES

In the Matter of the Marriage of	Case No. _____
_____ Petitioner,	NOTICE OF READINESS FOR DECISION
and	
_____ Respondent.	

The pending motion to show cause for temporary 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 on 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 Declaration of Petitioner; and
5. Uniform Support Declaration of Respondent.

DATED this _____ day of _____, 20__.

_____
Attorney for Moving Party

Bar No. _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 22ND JUDICIAL DISTRICT CROOK/JEFFERSON COUNTIES

STANDARD PARENTING PLAN

It is the policy of this court to encourage the parties to work out their own Parenting Plan, either between themselves or through mediation. The court expects parties to participate in mediation with good faith. In the end, the only principle that should determine a Parenting Plan is what is in the child's best interest. The following Standard Parenting Plan is intended to provide a plan to parents who have not been able to agree on their own. If the parents are unable to communicate and work together to reach a parenting plan, they will likely have many ongoing disputes about parenting time. Therefore, if the court is required to impose orders, the parties must strictly comply with these orders. This is only the option when parents cannot agree. This plan does not presume that one parent is superior or inferior to the other. Because each family's circumstances are different, the court may make provisions for more or less parenting time than provided for in this Standard Parenting Plan. This is why the court requires parents to attend mediation when they are not able to agree on their own.

PETITIONER	)	STANDARD PARENTING PLAN
AND	)	CASE #
RESPONDENT	)	DATE

I. GENERAL INFORMATION

A. The parents names are _____and _____.

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

NAMES	AGE
_____	_____
_____	_____
_____	_____
_____	_____

II. RESIDENTIAL SCHEDULE

A. For the purposes of the Standard Parenting Plan, “residential parent” means the parent who provides the primary residence for the child(ren). The “nonresidential parent” refers to the parent who has parenting time with the child(ren) according to the schedule provided in the Parenting Plan.

B. ☐ Mother shall be considered “residential parent”.

C. ☐ Father shall be considered “residential parent”.

III. GUIDELINES FOR PARENTING TIME WITH MINOR CHILDREN IN DOMESTIC RELATIONS CASES

A. Vacation and Holiday Periods: These are the dates set by the public school district in which the child(ren) resides whether or not the child(ren) is attending school or enrolled in that school.

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

C. PARENTING TIME: The non residential parent shall have not less than the following parenting time with the minor child(ren) unless agreed upon by the parents.

1. Children 0-1 years:

a) One day every other week from 9:00 a.m. to 6:00 p.m.

b) Mother’s Day/Father’s Day: Each year, the mother shall have the child(ren) on Mother’s Day and the father shall have the child(ren) on Father’s Day, from 9:00 a.m. to 6:00 p.m.

c) Christmas: Christmas Eve from 9:00 a.m. to 9:00 p.m. in odd numbered years and Christmas Day from 9:00 a.m. to 9:00 p.m. in even numbered years.

d) Three hours, one day per week around work and school schedules.

2. Children 1-3 years:

a) Saturday/Sunday: Every other Saturday from 9:00 a.m. until 9:00 a.m. Sunday or one overnight every other week, scheduled around the non residential parent's work schedule.

b) Mother's Day/Father's Day: Each year, the mother shall have the child(ren)on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.

c) Christmas: Christmas Eve from 9:00 a.m. to 9:00 p.m. in odd numbered years and Christmas Day from 9:00 a.m. to 9:00 p.m. in even numbered years.

d) Summer: In lieu of summer parenting time, there shall be five (5) consecutive days each calendar year quarter upon thirty (30) days advance written notice to the residential parent.

e) Midweek: Three hours, one day per week around work and school schedules.

A. Children 4 years and older:

a) Two days every other week commencing at 6:00 p.m. and ending at 6:00 p.m. on the last day.

b) Inservice/Conference Days: In addition to weekend parenting time, if the child(ren) has a day out of school on either or both the Monday following or the Friday preceding the non residential parent's weekend parenting time, the non residential parent shall also have visitation with the child(ren) on said extra day(s) commencing either 24 hours before or ending 24 hours after the scheduled parenting time.

c) When the non residential parent resides within 15 miles of the child's school or home, the non residential parent shall be entitled to one over night every other week.

d) Summer: Thirty-five consecutive days during the period of school summer vacation. Before May 1 of each year, the non residential parent shall select and notify the residential parent in writing of the specific dates of the thirty-five day parenting time period with the child(ren). If the non residential parent fails to

give such written notice to the residential parent before May 1 of the year of the summer parenting time, the non residential parent nevertheless shall have the right to such summer parenting time with the child(ren). If the non residential parent fails to provide such written notice prior to May 1, the residential parent shall be entitled to designate the specific days (at least two consecutive weeks) by notifying the non residential parent in writing by May 20.

1) When the non residential parent exercises his or her right to a summer parenting time period of more than 19 days with the child(ren), the residential parent shall have the right to a weekend of parenting time with the child(ren) on the second weekend after commencement of the extended parenting time by the non residential parent. Such interim parenting time by the residential parent shall not lengthen the thirty-five day parenting time period allowed to the non residential parent.

2) The residential parent may have one uninterrupted two week vacation period. This would eliminate one weekend of the non residential parents parenting time. The residential parent will notify the non residential parent of the two week block of time in writing no later than May 20.

e) Holidays:

1) Even numbered years:

a) Christmas: From 6:00 p.m. the day school lets out for Christmas vacation until 10:00 a.m. on December 26.

b) Child's Birthday: The birthdays of the child(ren), from 9:00 a.m. to 6:00 p.m. if the birthday falls on a weekend or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday.

c) Thanksgiving holiday: Commencing on Wednesday prior to Thanksgiving at 6:00 p.m. and ending on the Sunday following Thanksgiving at 6:00 p.m.

d) The Fourth of July*:* 6:00 p.m. the previous day through 6:00 p.m. on July 5th.

e) Spring Break: The school spring vacation from 9:00 a.m. the day after school adjourns to 6:00 p.m. the day before school resumes.

2) Odd-numbered years:

a) Christmas: From 10:00 a.m. on December 26 until 6:00 p.m. on the day before school resumes.

b) Child's Birthday: The day before the child(ren)'s birthday, from 9:00 a.m. to 6:00 p.m., if the birthday falls on a weekend, or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday.

c) Memorial Day Weekend: Commencing on the Friday preceding Memorial Day at 6:00 p.m. and ending on the following Monday at 6:00 p.m.

d) Mother's Day/Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.

e) Parent's Birthday: Each parent shall have parenting time with the child(ren) on that parent's birthday from 9:00 a.m. to 6:00 p.m.

IV. RULES OF PARENTING TIME:

A. HOLIDAY AND SUMMER PARENTING TIME: Holiday and summer parenting time supersedes weekend parenting time in the event there is a conflict of dates. (In other words, there are some weekends or alternating Mondays in a year that might be lost due to conflicting vacations or holidays.)

B. CHILD EXCHANGE: All parenting time periods shall be exercised in a prompt manner so that both parties can make their plans accordingly.

Residences 40 miles apart or less: When parents live no more than 40 miles apart, the non residential parent shall pick the child(ren) up from the front steps of the residential parent's residence no earlier than 30 minutes before and no later than 30 minutes after the parenting time period commences. The residential parent shall pick up the child(ren) from the front steps of the non residential parents residence no earlier or later than 30 minutes of when the parenting time ends. The residential parent shall have the child(ren) fed and

ready on time for parenting time with sufficient and proper clothing packed and ready for the parenting time period. The child(ren) shall be returned, fed and with their clothing in the same manner (packed and cleaned) as they were when picked up for the parenting time.

Residences more than 40 miles apart: Unless otherwise agreed between parents or ordered by the court, parents who live more than 40 miles apart shall equally participate in the cost and effort of exchanging the child from one parent to the other. If parents live more than 40 miles from each other, they shall meet half way to exchange the child.

C. MAKEUP OR MISSED PARENTING TIME*:* Make-up parenting time should take place within 30 days of the missed visitation*.* However, if the non residential parent fails to exercise his or her parenting time, for reasons of health or for any other reason, there will be no makeup parenting time period. The child(ren) will not be permitted to determine whether they wish to visit with the non residential parent*.*

a) Personal plans of either parent or of the child, school activities, church activities, and other considerations will not be reasons for failing to follow the parenting time schedule. The child will not be permitted to determine whether or not they wish to be with a parent. Only substantial medical reasons will be considered sufficient for postponement of parenting time. If a child is ill and unable to visit, a makeup parenting time shall occur within the same month. If however the non residential parent fails to exercise their parenting time, there will be no makeup parenting time.

D. COMMUNICATIONS WITH THE CHILD: The non residential parent shall, in addition to the parenting time set forth in this order, have the unlimited right to correspond with the minor child(ren) of the parties, and to telephone the minor child(ren) during reasonable hours without interference or monitoring by the residential parent or anyone else in any way. Unless otherwise agreed to between the parties, telephone conferences between the non residential parent and the child(ren) shall be limited to no more than two per week and shall be limited, each call, to 10 minutes or less in duration. The residential parent shall have the same communication privileges with the child when they are with the non residential parent. Each parent shall notify the other parent of his or her contact phone number and address and shall notify the other parent of any change in that information within 72 hours of such a change.

E. AFFECTION AND RESPECT: The child loves both parents and does not want to be disloyal to either parent. When one parent talks negatively about the other parent, or about the other parent's spouse or family, this is emotionally damaging to the child. When one parent tries to use the child as a source of information about the other parent, this is emotionally damaging to the child. Similarly, the child should NOT be used as a "go-between", to relay messages, or otherwise used as a means of communication between parents. Both parents are forbidden, under ANY circumstance from making or willfully allowing others to make derogatory comments about the other parent or in any way diminishing the love, respect and affection that the child(ren) has for the other parent.

F. SCHOOL INVOLVEMENT: In addition to the parenting time specified above, the non residential parent shall have the right to visit with the child(ren) at school, attend the child(ren)'s school activities, and have full access to school teachers and administrators for complete information about the child(ren) in school. The residential parent shall notify the non residential parent of any parent-teacher conference, school events, or sports activities scheduled.

G. OTHER PARENTAL AUTHORITY (ORS 107.154)

The non residential parent always has the right to:

(a) inspect and receive school records and to consult with school staff concerning the child(ren)s welfare and education, to the same extent as the residential parent may inspect and receive such records and consult with such staff;

(b) inspect and receive governmental agency and law enforcement records concerning the child(ren) to the same extent as the residential parent may inspect and receive such records;

(c) consult with any person who may provide care or treatment for the child(ren) and to inspect and receive the child(ren)s medical, dental and psychological records, to the same extent as the residential parent may consult with such person and inspect and receive such records;

(d) authorize emergency medical, dental, psychological, psychiatric or other health care for the child if the residential parent is, for practical purposes, unavailable; or

(e) apply to be the child(ren)s conservator, guardian ad litem or both.

H. Any relocation of one parent that would disrupt the other parent's scheduled time with the child(ren) will require a modification of the new parenting plan that is mutually agreed upon or is ordered by the court prior to the relocation.

SLR 8.075 - LONG DISTANCE AND OUT-OF-STATE PARENTING PLAN

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 22ND JUDICIAL DISTRICT CROOK/JEFFERSON COUNTIES

LONG DISTANCE AND OUT-OF-STATE
PARENTING PLAN

I. COURT POLICIES:

The Crook/Jefferson County Circuit Court's policies concerning minimum parenting time where the non residential parent resides either out-of-state or more than 120 miles away from the county of the residential parent are as follows:

1. Parents are encouraged to try to reach their own agreements on parenting time. If they are unable to do so without assistance they should seek the assistance of a mediator.

   When parents live long distance from each other, it poses many difficulties for the parents, but more for the child(ren). It is not possible to create a long distance parenting time schedule that allows a child to spend a significant amount of time with the non residential parent. This is especially true for younger children. The court recognizes that the following schedule is limited and encourages the parents to increase the frequency of visits whenever economically possible. It is imperative that the non residential parent maintain regular and meaningful contact with the child between visits and that the residential parent fully cooperate to achieve this goal. The court strongly recommends the use of e-mail, text, and Skype in addition to regular phone calls and letters.

2. The court will use the general guidelines to set parenting time. The specific amount of parenting time will, of course, depend on the age of the child and the parties' ability to pay for transportation costs. There should be sufficient parenting time to allow a meaningful relationship between the non residential parent and the child. It is especially important for the residential parent to allow the non residential parent regular communication with the child. The residential parent must also keep the non residential parent regularly advised of the child's progress in school, social activities and so forth.

3. Absent some special economic or other special circumstances, each parent will share in the cost of transportation for parenting time. The share should be proportional to the parents' respective income but other factors may also be considered such as which parent moved, why they moved, a parent's other expenses, where other relatives live and other such factors.

4. The residential parent will provide a letter/report to the other parent once every 60 days describing the child's progress in school to include school photographs and examples of school work; the child's activities, to include awards, photographs and so forth; and the child's medical and general health condition.

5. A child younger than seven should not fly unaccompanied for parenting time. A child seven and older may fly unaccompanied provided appropriate travel arrangements are made. A child under seven years of age shall not travel long distances for parenting time unless accompanied by a parent or mutually agreed upon adult. A child seven years of age or older may travel alone, provided appropriate travel arrangements have been made.

II. MINIMUM PARENTING TIME:

1. At the non residential parent's option.

IN THE ALTERNATIVE

EITHER:

A. Between September 1 and December 1 of each year, one continuous seven-day period beginning at 9:00 a.m. on the first day and ending at 5:00 p.m. on the seventh day. Between February 1 and June 1 of each year, one continuous seven-day period beginning at 9:00 a.m. on the first day and ending at 5:00 p.m. on the seventh day;

OR

B. For each of the months of September, October, November, January, February, March, April and May, one period of four consecutive days beginning Friday at 3:00 p.m. and ending Monday at 5:00 p.m. Also, the customary school spring vacation from 5:00 p.m. Friday to 5:00 p.m. on the following Sunday in every odd year.

Under either alternative:

a. The non residential parent shall give 30 days advance written notice of the times he/she will exercise parenting time.

b. The parenting time shall be arranged insofar as possible to coincide with school in-service days and holidays.

c. If two periods of parenting time occur in one month (for example, the November four day parenting time and Thanksgiving), unless otherwise agreed by the parties, there shall be just one period - the longest period - of parenting time during that month.

2. In even years:

   A. Thanksgiving Vacation from 7:00 p.m. Wednesday to 7:00 p.m. Sunday.

   B. Winter School Vacation - from 3:00 p.m. on December 24, for a period of five days until 7:00 p.m. on the last day.

3. In odd years:

   Winter School Vacation - from 6:00 p.m. the last school day before the holiday to 3:00 p.m. on December 24.

4. If there is a considerable distance and/or transportation cost, the non residential parent will have full winter school holiday for two years and the residential parent will have the winter school holiday for one year and so forth on an alternating basis.

5. The non residential parent will be entitled to six consecutive weeks between June 15 and August 20. However, where distance or transportation cost make it impossible for the parent to have regular parenting time during the year as described above, then the non residential parent will be awarded parenting time for the entire summer beginning at the start of the school holiday and ending two weeks before school begins.

6. If the non residential parent will be visiting the locality where the child resides, the non residential parent may have two (2) days parenting time to be exercised in that locality, provided he/she gives at least 20 days advance notice in writing, or may have one (1) day parenting time to be exercised in that locality if he/she gives less than 20 days advance notice in writing but at least seven (7) days advance notice in writing.

Appendix 4
SLR 9.081 - PROTECTIVE PROCEEDING OBJECTION FORM

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 22ND JUDICIAL DISTRICT CROOK/JEFFERSON COUNTIES

IN THE MATTER OF:

CASE NO.: _____

_____,
Protected Person.

PROTECTIVE PROCEEDING OBJECTION FORM

(1) Objecting Party -

NAME: _____
ADDRESS: _____
_____

TELEPHONE: _____

(2) Nature of Objection:_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Trial Court Administrator by:

_____

Appendix 5
SLR 16.005 - WAIVER AND AFFIDAVIT

Return to: *Circuit Court* *DUE:*_____
Jefferson County Courthouse
75 SE "C" Street
Madras, OR 97741

OR

Circuit Court
Crook County Courthouse
300 NE Third Street
Prineville, OR 97754

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE 22ND JUDICIAL DISTRICT CROOK/JEFFERSON COUNTIES

STATE OF OREGON	)	
	)	Case No. _____
vs.	)	
	)	WAIVER AND AFFIDAVIT
_____,	)	
Defendant.	)	

WAIVER

I, _____, have pled NOT GUILTY and requested a trial in the above-entitled case.

(A) I am not represented by an attorney in this matter. If I retain counsel, I will advise the Court immediately.
(B) Pursuant to the provisions of ORS 153.080 I tender the following testimony by affidavit in lieu of oral testimony in court.
(C) **[ ](check, if applicable)** I consent to testimony being presented by affidavit in the proceeding;
(D) **[ ](check, if applicable)** I waive my right to have a trial in open court on this matter and I consent to this matter being determined upon the affidavits of the witnesses.

INSTRUCTIONS: If you waive your appearance, please fill out the enclosed Testimony by Affidavit and return all documents to the Court at least twenty-one (21) days prior to the trial date. The Judge will give your affidavit the same consideration as a personal appearance.

TESTIMONY BY AFFIDAVIT

I, _____, being first duly sworn, state that I am the:

_____ Police Officer _____ Defendant
in the above traffic offense. This affidavit represents my sworn testimony concerning the matter.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

I swear that the information contained in this affidavit is the truth.

_____
Signature Date

Subscribed and sworn to before me this _____day of _____, 20____.

_____
NOTARY PUBLIC / TRIAL COURT CLERK