11TH JUDICIAL DISTRICT
DESCHUTES COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES

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11TH JUDICIAL DISTRICT
DESCHUTES COUNTY COURTHOUSE
1100 NW BOND
BEND, OR 97701

SUPPLEMENTARY LOCAL RULES
DESCHUTES COUNTY CIRCUIT COURT

1.151 HOURS OF OPERATION

Unless notified otherwise, court offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

1.171 WEBSITE ADDRESS

The 11th Judicial District's website address is http://courts.oregon.gov/Deschutes/

3.181 PUBLIC ACCESS COVERAGE

Public access coverage is allowed in the common area located on the second floor of the Deschutes County Justice Building. Special effort should be made to reduce any disruption caused by media coverage on the public and/or court proceedings.

4.005 CONFERENCES

In any criminal proceeding the Court may, in its discretion, direct the attorneys for the parties to appear before it for a conference to consider:

(1) the simplification of the issues;

(2) the necessity or desirability of amendments to the pleadings;

(3) the possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;

(4) the limitation of the number of expert witnesses;

(5) such other matters as may aid in the disposition of the action; and

(6) the possible settlement of the case.

4.091 ELECTRONIC FILING OF COMPLAINT FOR TRAFFIC OFFENSES

(1) A law enforcement officer may electronically file a complaint for traffic offenses (hereinafter referred to in this rule as a citation) only if all of the following provisions are met:

(a) The citation must be in substantially the same form as and contain all the information required by the uniform citation and must include the name, e-signature, agency name, and agency number of the officer who issued the citation;

(b) The citation must be numbered by the issuing law enforcement agency using a number series approved by the trial court administrator, and the number assigned to the citation by the agency must be unique and not duplicate any number previously submitted for filing;

(c) No more than three offenses may be electronically filed on a single citation; and

(d) The trial court administrator has given written approval for electronic filing to the officer's law enforcement agency.

(2) The court will not accept criminal citations for electronic filing.

(3) The court may scan uniform traffic citations filed in paper format, along with any supporting documentation and correspondence, and reformat them to an electronic record.

(4) The court may issue judicial decisions and signatures electronically. The court may affix a judge's signature by electronic means.

(5) The trial court administrator must maintain the security and control of the methods for affixing electronic judicial signatures, and those methods shall be accessible by only the signer and the trial court administrator or the trial court administrator's designee.

(6) Citations that are electronically filed or manually scanned, including those to which additional information, judicial orders, judgments, and judicial signatures have been added, are the original and legal court record.

(7) Members of the public may obtain a printed image of a citation electronically filed or manually scanned in the same manner as for a paper record. Fees applicable to court records apply to requests for these images.

5.015 REPORTING CIVIL MATTERS

In addition to the requirements of UTCR 5.050(1), if any civil matter is to be reported, the party that is requesting to have the matter reported must file a written request two working days before the scheduled hearing or trial.

6.012 SETTLEMENT CONFERENCES

(1) If one party requests a pretrial settlement conference, or in cases designated by the court, a mandatory settlement conference shall be held. However, scheduling of a settlement conference is subject to judicial availability and a settlement conference shall not be scheduled so as to delay trial of the case. The pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.

(2) Any request for a judicial settlement conference should be made by written motion supported by an affidavit containing the following information:

(a) The date of filing of the case and, in civil and domestic relations cases, the date each defendant or respondent was served;

(b) In criminal cases, defendant's release status and, if defendant is in custody, whether defendant has waived his or her right to trial within sixty days;

(c) All future court dates, including the trial date, if set;

(d) Anticipated length of trial;

(e) Prior trial dates;

(f) Status of the pleadings, *i.e.* whether all pleadings have been filed and the case is at issue;

(g) Status of discovery and whether the discovery process has been completed;

(h) Whether motions must be heard prior to the settlement conference and whether such motions have been filed;

(i) A detailed description of the efforts the parties have made to date to settle the case without the assistance of the Court (do not disclose any details regarding offers of settlement);

(j) A description of all unsettled matters in the case;

(k) The position of all parties and counsel regarding the motion for a judicial settlement conference;

(l) Whether non-judicial settlement options are available and, if so, why such non-judicial options are not being used; and

(m) Reasons that demonstrate a particular need for a judicial settlement conference.

(3) The decision on the motion for judicial settlement conference will be made by the assigned trial judge. No case will be scheduled for a judicial settlement conference unless the assigned trial judge has ordered that the case be so scheduled. The Court will prepare an appropriate order. A form of order scheduling a settlement conference is attached as set forth in Appendix 6.

(4) The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court. The attendance of all parties and their trial attorneys is required. When a party is insured, a representative of the insurance company with authority to settle the case shall be in attendance. Upon a showing of good cause, the judge conducting the settlement conference may excuse a party from personally appearing, but the party may be required to participate by telecommunication.

(5) Pretrial settlement conferences shall be conducted by a judge other than the assigned trial judge, unless all parties stipulate in writing that the trial judge may also conduct the settlement conference.

(6) For a meaningful settlement conference to occur, all attorneys and parties must participate in good faith. The failure of any person to comply with these rules, appear at, or participate in a settlement conference, unless good cause is shown for any such failure, may result in the court imposing appropriate sanctions as described in UTCR 1.090. Cases set for a settlement conference shall retain their place on the trial docket.

(7) If settlement negotiations are not successful, counsel should be prepared to proceed to trial on the date scheduled. The court will make every effort to ensure the case proceeds to trial on the date scheduled.

(8) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, in accordance with UTCR 6.020.

6.135 ARGUMENTS ON MOTIONS AND OBJECTIONS DURING TRIAL

During the course of a trial, no argument will be allowed on any objection or oral motion except when the trial judge indicates a desire to hear counsel.

7.005 ENTRY OF GUILTY PLEA BY ATTORNEY IN MISDEMEANOR CASES IN DEFENDANT'S ABSENCE

When an attorney enters a guilty plea for a non-appearing defendant charged with a misdemeanor, the attorney shall submit a guilty plea petition filled out and signed by the defendant. The plea petition shall be similar to that provided by this Court.

7.015 SETTING MOTION AND TRIAL DATE IN CRIMINAL CASES

(1) Criminal motions are set in Court during a pre-trial conference with counsel being required to appear with their calendars but may also be set by telephone. In both instances, the Court may provide written confirmation of the date.

(2) Criminal motions are reset by telephone but may also be reset in Court with counsel being required to appear with their calendars. In both instances, the Court may provide written confirmation of the new date.

(3) Criminal trials are set in Court, and counsel is required to be present with their calendars. The Court may provide written confirmation of the date.

(4) When cases are continued under UTCR 6.030, criminal trials are reset in Court with counsel being required to appear with their calendars, but may also be reset by telephone. In both instances, the Court may provide written confirmation of the new date.

7.025 SETTING MOTION AND TRIAL DATE IN CIVIL CASES

(1) Civil motions are set by telephone with the Court customarily not providing written confirmation of the date, or may be set by written notice without prior consultation with counsel. Civil motions may also be set in Court or in chambers during a pre-trial conference with counsel being required to appear in person or by conference call with their calendars.

(2) Civil motions are reset by telephone with the Court customarily not providing written confirmation of the new date, or may be set by written notice without prior consultation with counsel. Civil motions may also be reset in Court or in chambers with counsel being required to appear either in person or by conference call with their calendars.

(3) Civil trials are set in Court or in chambers during a pre-trial conference with counsel being required to appear either in person or by conference call with their calendars and the Court may provide written confirmation of the date.

(4) When cases are continued under UTCR 6.030, civil trials are reset in Court or in chambers during a reset conference with counsel being required to appear either in person or by conference call with their calendars and the Court may provide written confirmation of the date.

7.036 MANDATORY APPEARANCE IN CRIMINAL PROCEEDINGS

Counsel for the defendant, the defendant and counsel for the State with the authority to negotiate, must appear at the following settings unless waived by the Court within 48 hours before the scheduled hearing: plea/set trial hearings, pre trial conferences, trial call, trial.

7.045 SETTING MOTION AND TRIAL DATE IN DISSOLUTION CASES

(1) Dissolution motions are set by telephone and the Court customarily does not provide written confirmation of the date. A dissolution motion may be set in Court or in chambers during a pre-trial conference with counsel being required to appear either in person or by conference call with their calendars, and the Court may provide written confirmation of the date.

(2) Dissolution motions are reset by telephone, and it is not customary for the Court to provide written confirmation. Dissolution motions may also be reset in Court or in chambers during a pre-trial conference with counsel being required to appear either in person or by conference call with their calendars and the Court may provide written confirmation of the date.

(3) Dissolution trials are set in chambers during the pre-trial conference, with counsel being required to appear either in person or by conference call with their calendars. The Court may provide written confirmation of the date.

(4) When cases are continued under UTCR 6.030, dissolution trials are reset in Court or in chambers during reset conferences with counsel being required to appear either in person or by conference call with their calendars. The Court may provide written confirmation of the new date.

7.055 SETTING SHOW CAUSE HEARINGS

(1) Show cause hearings are set by telephone or may also be set by written notice without prior consultation with counsel. The Court may confirm the date on a

pre-stamped postcard or copy of the order, if provided by counsel.

(2) Show cause hearings are reset by telephone. The attorney is instructed to prepare an order postponing the hearing to the new date and time, and that order is served on all other parties. Occasionally a show cause hearing is reset in Court with all parties present and written confirmation is not provided by the Court.

8.041 PREJUDGMENT RELIEF UNDER ORS 107.095(1)

A party presenting an ex parte matter must serve notice of the presentation on all opposing counsel of record or parties that have appeared pro se.

8.045 TEMPORARY PROTECTIVE ORDERS OF RESTRAINT AND EX PARTE CUSTODY/ PARENTING TIME ORDERS

Issuance of a temporary protective order of restraint or an ex parte temporary order providing for the custody of, or parenting time with, a child is governed by ORS 107.095 and ORS 107.097.

8.046 EDUCATION FOR DIVORCING PARENTS

(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 15 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 15 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.

8.055 ORDERS TO SHOW CAUSE

See SLR 7.045 for scheduling matters in domestic relations proceedings.

(1) The procedures of this rule are limited to domestic relations cases. Domestic relations cases shall mean dissolution of marriage, legal separation cases including pre-trial motions and post-judgment motions, filiations and interstate support proceedings. A contempt proceeding arising out of a domestic relations case is not covered by this rule.

(2) An order to show cause will be allowed only upon the motion of a party supported by affidavit. The order to show cause will not contain a date for hearing. It shall provide that the adverse party must file a written response in opposition within fourteen (14) days from the date of service of the order and affidavit, or within such additional time as allowed by the Court upon a showing of good cause. The order must further advise the adverse party that if such written response in opposition is not so filed and served within the fourteen (14) days, the order requested by the motion and show cause order will be granted and entered by the Court. (An example order is attached as set forth in Appendix 1.) Post-judgment motions to set aside, alter or modify any terms of the judgment shall provide that the adverse party must file and serve a written response in opposition to the motion within thirty (30) days from the date of the service of the order and affidavit. The order must further advise the adverse party that if such written response in opposition is not so filed and served within thirty (30) days, the order requested by the motion and show cause order will be granted and entered by the Court.

(3) If the opposing party fails to file the written response in opposition within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause. The Court reserves the right to require the taking of testimony of the moving party in such default matters. The Court reserves the right to enter the order requested if the opposing party does not file the written response in opposition and may do so upon its own motion if the moving party fails to present for signature the order required above.

(4) Except for pendente lite motions for temporary child or spousal support, upon the opposing party filing a written response in opposition, either party shall forthwith, by motion, request a hearing date to be set to determine the issues raised by the order to show cause and the affidavit. A copy of the order setting the date shall be served upon the moving party by the opposing party. If either party fails to submit a motion requesting such hearing date, the Court reserves the right to set such date on its own motion. The first paragraph of motion requesting a hearing date shall include an estimate of the time required for argument and a statement whether official court reporting services are requested.

(5) Except for pendente lite motions for temporary child or spousal support, this procedure shall apply to all orders to show cause in domestic relations matters whether they be pre-trial or post-judgment or any other matters properly raised by the procedure of an order to show cause.

(6) Pendente lite 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, based on the affidavits of the parties and their Uniform Support Declarations. Such motions shall be filed separately from other pendente lite motions. In any case involving temporary child support, the affidavits filed by the parties shall include a child support computation worksheet. When the matter is ready for decision, the moving party shall notify the Court by filing a Notice of Readiness for Decision. (An example notice is attached as set forth in 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 guidelines which are set forth in Appendix 3.

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/ CONSERVATOR

(1) Any interested person, as described in ORS 125.075(1), who has an objection to a petition in a protective proceeding should inform a court clerk at the information counter located in the Justice Building. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the petition. Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the Court will schedule a hearing and notify the appropriate parties.

(2) The court clerk will automatically provide the objection form as set forth in Appendix 4, when requested by the objecting party.

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.

11.095 TIME LINES FOR DISCOVERY/FILING OF PAPERS

Unless good cause is shown:

(1) prior to or at the first appearance, parties must disclose initial available discoverable material. A party must also notify opposing counsel and disclose subsequent discoverable material within 48 hours of receipt. Both parties must complete discovery 24 hours before the pre-hearing conference;

(2) all motions must be filed in writing before the pre-hearing conference;

(3) motions will be considered waived if not filed timely; and

(4) all documents shall be filed with the juvenile court clerk at least one day prior to the hearing and show proof of concurrent service of true copies

upon the other attorneys and unrepresented parties.

12.015 MEDIATION OF CHILD CUSTODY AND PARENTING TIME

(1) In any domestic relations suit involving a contest over custody or parenting time of children, the parties shall make themselves available to the Court's mediation service.

(2) If there is a disagreement between the parents concerning custody or parenting time at any stage of a domestic relations proceeding, both parents, or their attorneys, may sign and file with the Court a stipulated request for Mediation, in substantially the form as provided by the Court. The parents will be referred by the Court to the family team of the Deschutes County Mental Health Services for mediation in accordance with these rules, or the parents may agree and stipulate to an independent mediator in their stipulated request for mediation.

(3) If there is a disagreement between the parties concerning custody or parenting time at any stage of a domestic relations case, either parent seeking to resolve the matter must file with the Court and serve upon the other parent, or his/her attorney, a request for mediation in substantially the form as of that provided by the Court.

(4) If the parties select a mediator independent of the Court system, they shall directly contract with the independent mediator and be responsible for payment of any fee for mediation service.

(5) Parties shall make every effort possible to resolve custody and parenting time issues before the pre-trial conference. Counsel should be prepared to inform the Court of the status of mediation during the pre-trial conference.

(6) 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.

(7) Counsel for either party will not be allowed to attend mediation proceedings.

(8) All mediation proceedings shall be private and all communications made shall be confidential, except as otherwise provided by statute. 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.

12.025 MEDIATION OF CIVIL DISPUTES

The 11th Judicial District has a mediation referral program pursuant to ORS 36.180 to 36.210. These rules are effective upon the presiding judge's approval of a mediation panel consistent with SLR 12.065. On the effective date, the rules apply to new cases and pending cases which are subject to mandatory arbitration but have not yet been referred to the program.

12.035 APPLICATION OF CHAPTER

This SLR chapter applies to mediation by court referral or stipulation under ORS 36.180 to 36.210 but does not apply to any of the following:

(1) Proceedings in small claims court as provided in ORS 46.405 to 46.485.

(2) Proceedings in forcible entry and detainer cases as provided in ORS 105.105 to 105.165.

12.045 MEDIATION COMMISSION

(1) There is established a 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.

13.048 INDIGENT PARTIES

(1) Indigent parties must seek waiver of the arbitrator's fee within 14 days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit, and presented to the Presiding Judge for approval.

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

13.065 EFFECT OF MEDIATION ON MANDATORY ARBITRATION

Arbitration shall not be required if all parties participate in:

(1) a mediation program pursuant to ORS 36.405(3) and SLR 12.025;

(2) a mediation otherwise approved by the presiding judge or his/her designee; or

(3) a pre-trial settlement conference as provided in SLR 6.012.

16.005 TRIAL BY AFFIDAVIT

If a signed waiver is filed by the alleged violator, testimony in a traffic infraction or violation trial is allowable by affidavit. A copy of the affidavit(s) will be made available to the alleged violator before the trial.

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.

20.011 MATTERS SUBJECT TO VOLUNTARY ARBITRATION

(RULES 20.011 THROUGH 20.018 APPLY TO CASES NOT SUBJECT TO MANDATORY ARBITRATION.)

(1) These rules were developed to encourage voluntary alternative dispute resolution techniques, but not mandatory arbitration as intended in UTCR 13.020.

(2) In a civil or dissolution action where all parties have appeared and agreed to binding arbitration by written stipulation, the Court shall refer the action to arbitration. This referral shall be by an order staying the proceedings pending arbitration.

(3) The written stipulation must be filed with the Court, shall be signed by all parties and counsel, and conform substantially to the form required by Court. (An example stipulation and order form is attached as set forth in Appendix 5.)

20.012 AMERICAN ARBITRATION RULES GOVERN

Unless specifically covered by these rules, the American Arbitration Rules (Amended March 1, 1986) shall govern arbitration proceedings ordered by the Court. In addition, the following American Arbitration Rules are adopted specifically to eliminate repeated language: Rule 10, 11, 23 and 40. Copies of the rules may be obtained from the American Arbitration Association, 701 Pike Street, Suite 950, Seattle, Washington 98101 (206-622-6435 or 800-559-3222), website: adr.org.

20.013 ARBITRATION WHERE CASE ALREADY SET FOR TRIAL

Parties shall make every attempt to enter into an arbitration stipulation as soon as possible

after filing of the Court proceeding. Cases will not be transferred to arbitration when they are within seven (7) days of the set trial date, unless authorized by the Court.

20.014 SELECTING ARBITRATORS

(1) Parties may select any person to serve as arbitrator and negotiate appropriate fees.

(2) The Court shall maintain a list of arbitrators. If parties are unable to select an arbitrator, they may request the Court to furnish a list of local lawyers desiring to serve as arbitrators.

20.015 AUTHORITY OF ARBITRATORS

In addition to the authority granted arbitrators under the American Arbitration Rules, arbitrators may:

(1) decide procedural issues arising before or during the arbitration hearing, except issues relating to the qualification of an arbitrator;

(2) invite, with reasonable notice, the parties to submit trial briefs;

(3) after notice to the parties, examine any site or object relevant to the case;

(4) issue a subpoena;

(5) administer oaths or affirmations to witnesses;

(6) rule on the admissibility of evidence;

(7) determine the facts, apply the law and make an award, and perform other acts as authorized by these rules;

(8) determine the place, time and procedure to present a motion before the arbitrator, including motions for summary award as set forth in ORCP;

(9) require a party, an attorney advising a party, or both to pay the reasonable expenses, including attorney fees, caused by the failure of such party or attorney or both, to obey an order of the arbitrator;

(10) award attorney fees as authorized by these rules, by contract or by law; and

(11) rule on objection to cost bill.

20.016 DISCOVERY

Discovery is authorized under these rules. Discovery shall be conducted in accordance with the Oregon Rules of Civil Procedure, except that all motions concerning discovery shall be determined by the arbitrator.

20.017 FORM AND CONTENT OF AWARD

Arbitration awards shall include findings of fact and shall conform to ORCP 62.

20.018 FILING AN AWARD AND APPEAL

Circuit Court shall receive the original copy of the arbitrator's award. All parties, and the Court, shall be served the award at the same time. The entry of the award as a judgment and its appeal shall be governed by statute.

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

In the Matter of the Marriage of _____ Petitioner, and _____ Respondent.	)	Case No. _____ MOTION AND ORDER TO SHOW CAUSE

Petitioner/respondent moves the court for an order granting the following relief:

(Enter Relief Requested)

1. _____
2. _____

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

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

Dated: _____, 2012.

_____
Attorney for Petitioner/Respondent
Bar No._____

The following relief is granted immediately:

1. _____

2. _____

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

1. _____

2. _____

Dated this _____ day of _____, 2012.

_____
Circuit Court Judge

LOCAL RULE 8.055 APPENDIX 2

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

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

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

Motion and Order to Show Cause RE: Temporary Spousal and Child Support;
Affidavit in Support of Motion and Order to Show Cause;
Affidavit in Opposition to Motion and Order to Show Cause;
Uniform Support Declaration of Petitioner; and
Uniform Support Declaration of Respondent.

DATED this ____ day of _____, 2012.

_____
Attorney for Moving Party
Bar No._____

LOCAL RULE 8.075 **EXHIBIT _____**
APPENDIX 3

DESCHUTES COUNTY
BASIC PARENTING PLAN

Petitioner_____)
And

Respondent_____)
( ) Co-Petitioner

BASIC PARENTING PLA N
CASE NO: _____

( ) Proposed by _____
( ) Agreed upon by both parents
( ) Ordered
DATE: _____

It is the policy of this court to encourage parents to work out their own Parenting Plan, either between themselves, with the help of legal professionals or through mediation. The court will generally approve any Parenting Plan agreed upon by the parents.

The intent of the Basic Parenting Plan is to provide an example of a Parenting Plan for parents who have not been able to agree to an alternate, more flexible plan. Because each family's circumstances are different, the court may make provisions for more or less parenting time than provided for in the Basic Parenting Plan.

This parenting plan may not be suitable when there are safety concerns due to substance abuse or domestic violence. When there are safety concerns, parents should develop a Safety Focused Parenting Plan. Information and forms are available at www.ojd.state.or.us/familylaw.

All provisions of this parenting plan will be in effect beginning when this parenting plan is made an order of the court. The provisions of this parenting plan shall override any earlier existing parenting plan.

1. GENERAL INFORMATION

1.1 The parent's names are _____and _____ .

1.2 This Parenting Plan applies to the following Child(ren):

	Year of Birth
_____	_____
_____	_____
_____	_____
_____	_____

2. DESIGNATION OF RESIDENTIAL PARENT

For purposes of the Basic Parenting Plan, the "residential parent" means the parent with whom the children reside the majority of the time.

( ) Mother ( ) Father shall be considered the "residential parent." (Check one.)

3. DECISION MAKING

3.1 Major Decisions (Joint or Sole Custody ORS 107.169)

The terms Sole and Joint Custody indicate how parents will handle major decisions about the children. Major decisions include, but are not limited to, decisions about the children's education, non-emergency health care and religious training. The terms Sole and Joint Custody have nothing to do with the amount of time that children spend with either parent, nor do they affect Child Support calculations. The court cannot order Joint Custody unless both parents agree to it. (Check one.)

( ) **3.1 (a) <u>Sole Custody.</u>** The residential parent shall have sole decision making authority on major decisions about the children.

( ) **3.1 (b) <u>Joint Custody.</u>** Both parents will share in the responsibility for making major decisions about the children.

Note: In order to be valid, the designation of Joint or Sole custody must be the same in both the parenting plan and the Judgment or Order. When it is not the same, the designation in the Judgment or Order will prevail.

3.2 Day-to-Day Decisions

Each parent shall make decisions regarding the day-to-day care and control of the children while the parent is caring for the children. Both parents are authorized to make emergency decisions affecting the health and safety of the children.

3.3 Decisions about the Parenting Time Schedule.

Parents may decide by **mutual** agreement to change the Parenting Time Schedule. One parent cannot decide to change the schedule without the other parent's approval.

4. SPECIAL PROVISIONS FOR PARENTING TIME SCHEDULE

4.1 If there are children who would have different parenting time schedules because they are in different age groups, parenting time for all of the children shall be based upon the schedule for the oldest child that is present for the parenting time, unless a child is younger than 12 months. In that case, the schedule for "Children ages birth to 12 months" shall apply to that child.

4.2 If parents live **no more than 60 miles apart**, parenting time shall be consistent with the parenting time schedule described in Section 5. If parents live **more than 60 miles apart** at the time the order is signed, parenting time shall be consistent with the parenting time schedule for "Medium Distance" or "Long Distance" described in Section 18, whichever applies. The future move of a parent of more than 60 miles further distance from the other parent is addressed in Section 7 of this Parenting Plan.

5. PARENTING TIME SCHEDULE

The non-residential parent is entitled to have the children as follows:

5.1 Weekend and Weekday Schedule

5.1 (a) **Children ages birth to 12 months.** Two times per week for three hours on consistent weekdays selected by the residential parent and on alternate Saturdays from 9 a.m. until 3 p.m.

5.1 (b) **Children ages 12 months to 36 months**. Two times per week for three hours on consistent weekdays selected by the residential parent and on alternate weekends from 6 p.m. on Friday until 6 p.m. on Saturday.

5.1 (c) **Children over age 36 months.** Alternating weekends from 6 p.m. on Friday until 6 p.m. on Sunday, and on alternate Mondays from 6 p.m. until 8 p.m. on the Monday preceding the non-residential parent's alternate weekend with the children. If the Monday following the non-residential parent's weekend is a school closure day, parenting time shall be extended to Monday until 6 p.m. If the Friday preceding the non-residential parent's weekend is a school closure day, parenting time shall begin at 6 p.m. on Thursday.

(____) **5.1 (d)** **Extended weekends for children 5 years and over.** If both parents agree, or the Court
(____) so orders, the non-residential parent's alternating weekend shall be from 6 p.m. on Friday until 9 a.m. on Monday, or when school begins, whichever is earlier. To be in effect, **both** parents
(____) **or** the Judge must initial.

5.1 (e) **Special weekend and weekday provisions.** If both parents agree, or the Court so orders, the following provisions shall apply:

_____

_____

_____

_____

5.2 Summer Schedule

5.2 (a) Prior to May 1, the non-residential parent shall notify the residential parent, in writing, of the summer parenting time schedule. If the non-residential parent fails to provide the summer schedule by May 1st, then the residential parent shall notify the non-residential parent of the summer schedule, in writing, by May 20th. The summer schedule must not conflict with any holiday schedule described in 5.3–5.12.

5.2 (b) Whether or not the children are enrolled in school, the non-residential parent is entitled to have the children for the total amount of time described below during the period of school summer vacation.

5.2 (c) **Children ages birth to 36 months.** Parenting time remains the same as the rest of the year**.**

5.2 (d) Children between the ages 36 months to 60 months (5 years) before June 1st.
Three one week blocks, scheduled to include the non-residential parent's "alternate weekends". One week shall be in June, one in July, and one in August. There shall be at least two weeks between each of the one-week blocks. If parents fail to notify each other as described in 5.2(a) then the non-residential parent is entitled to have the children for the third week of June, the third week of July, and the third week of August. The third week means the third Monday through Friday with the "alternate weekend" attached. "Alternate weekends" continue throughout the summer.

5.2 (e) Children over age 60 months (5 years) by June 1st.
Thirty-five days (5 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. If parents fail to notify each other as described in 5.2 (a) then the non-residential parent is entitled to have the children on alternating weeks from 6 p.m. Friday until the following Friday at 6 p.m. commencing one week after school lets out and continuing until the non-residential parent has had the children for a total of 5 weeks. "Alternate Weekends" are discontinued.

5.2 (f) Special Summer schedule provisions. If both parents agree, or the Court so orders, the following provisions shall apply:

_____
_____
_____
_____

5.3 Holiday Schedule

5.3 (a) The Holiday Schedule described below shall override the Weekend and Weekday Schedule and the Summer Schedule.

5.3 (b) Whenever the Holiday Schedule causes one parent to have the children for two weekends in a row, the alternating weekend pattern will restart, so that the other parent will have the children on the next weekend.

5.3 (c) Special Holiday schedule provisions. If both parents agree, or if the Court so orders, the following provisions shall apply.

_____
_____
_____
_____

AS DESCRIBED IN 5.4-5.12	NON-RESIDENTIAL PARENT	RESIDENTIAL PARENT
Winter Vacation	Even years	Odd years
Thanksgiving	Odd years	Even years
Easter	Even year	Odd years
Memorial Day	Odd years	Even years
Fourth of July	Even years	Odd years
Labor Day	Odd years	Even years
Halloween	Even years	Odd years
Spring Break	Odd years	Even years
Children's Birthday	Even years	Odd years

For the purposes of this Parenting Plan, whether or not the children are enrolled in school, a holiday shall begin and end as follows:

5.4 Winter Vacation

5.4 (a) <u>Children ages birth to 12 months</u>. Parenting time shall be from 9 a.m. until 6 p.m. on December 25th in the even numbered years. In odd numbered years on December 24th from 9 a.m. until 6 p.m.

5.4 (b) <u>Children ages 12 months to 36 months.</u> Parenting time shall be from 6 p.m. on December 24th until 6 p.m. on December 25th in even numbered years and in odd numbered years from 6 p.m. on December 25th until 6 p.m. on December 26th.

5.4 (c) <u>Children over age 36 months.</u> In even numbered years, the non-residential parent is entitled to have the children from noon on the day after school adjourns until noon on December 26th, and the residential parent is entitled to have the children from noon on December 26th until school resumes. In odd numbered years, the residential parent is entitled to have the children from noon on the day after school adjourns until noon on December 26th, and the non-residential parent is entitled to have the children from noon on December 26th until noon on the day before school reconvenes.

5.5 Thanksgiving

5.5 (a) <u>Children ages birth to 36 months.</u> Parenting time shall be from 9 a.m. until 6 p.m. on Thanksgiving Day.

5.5 (b) <u>Children over age 36 months</u>. Parenting time shall be from 6 p.m. on Wednesday evening prior to Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.

5.6 Easter

5.6 (a) <u>Children ages birth to 36 months.</u> Parenting time shall be from 9 a.m. until 6 p.m. on Easter Sunday.

5.6 (b) <u>Children over age 36 months</u>. Parenting time shall be from 6 p.m. Saturday evening prior to Easter Sunday until 6 p.m. on Easter Sunday.

5.7 Memorial Day and Labor Day

5.7 (a) <u>Children ages birth to 36 months.</u> Parenting time shall be on the day of the holiday from 9 a.m. until 6 p.m.

5.7 (b) <u>Children over age 36 months.</u> Parenting time shall be from 6 p.m. on the Friday preceding the holiday until 6 p.m. on the day of the holiday.

5.8 Fourth of July

5.8 (a) <u>Children ages birth to 36 months.</u> Parenting time shall be from 9 a.m. until 6 p.m. on July 4th.

5.8 (b) <u>Children over age 36 months.</u> Parenting time shall be from 9 a.m. on July 4th until 6 p.m. on July 5th.

5.9 Halloween

5.9 (a) Children ages birth to 36 months. Parenting time shall be from 6 p.m. until 8 p.m.

5.9 (b) Children over 36 months. Parenting time shall be from 3 p.m., or when school ends until 8 p.m.

5.10 Spring Break

5.10 (a) Children over age 36 months. Each parent will have the children for his or her normal alternating weekend. Parenting time shall be for the mid-week days of Spring Break from 6 p.m. on Sunday until 6 p.m. on Friday.

5.11 Children's Birthdays

5.11 (a) Children ages birth to 36 months. Parenting time shall be from 9 a.m. until 6 p.m.

5.11 (b) Children over age 36 months. If the birthday falls on a school day, parenting time shall be from 3 p.m. until 8 p.m. If on a non-school day, from 9 a.m. until 6 p.m.

5.11 (c) If the birthday falls on another holiday that is listed in 5.3-5.12, then the parents shall use the schedule for the holiday instead of the schedule for the birthday.

5.12 Mother's Day, Father's Day and Parent's Birthdays

5.12 (a) Children shall spend the day with Mother on Mother's Day and on Mother's birthday from 9 a. m. until 6 p.m.

5.12 (b) Children shall spend the day with Father on Father's Day and on Father's birthday from 9 a.m. until 6 p.m.

5.12 (c) If the parent's birthday falls on a school day, then parent's time shall be from the end of school until 8 p.m. If the parent's birthday falls on a holiday that is listed in 5.3-5.12, then the parents shall use the schedule for the holiday instead of the schedule for the birthday.

5.13 Parenting Time Calculation

5.13 (a) The table below indicates the average number of overnights that each parent will have the children each year. These estimates may be used to calculate each parent's child support obligation. More information is available from the Oregon Child Support Program at http://www.oregonchildsupport.gov/calculator/index.shtml.

Ages of Children	Overnights with the Residential Parent (Parent A)		Overnights with the Non-Residential Parent (Parent B)	
Children ages birth to 12 months	**365**	**100%**	**0**	**0%**
Children ages 12 months to 36 months	**338**	**93%**	**27**	**7%**
Children ages 36 months to 60 months	**287**	**79%**	**78**	**21%**
Children over age 60 months	**280**	**77%**	**85**	**23%**
Extended Weekends (See 5.1(d))	**258**	**71%**	**107**	**29%**
With Special Provisions				

6. INFORMATION SHARING (ORS 107.154 and ORS 107.164)

6.1 Unless otherwise ordered by the court, each parent shall have equal access to important information about the children, including, but not limited to the children's current mailing and street addresses, telephone number, and the name, telephone number and street address of any day care provider.

6.2 Each parent **must** immediately notify the other about any emergency circumstances or substantial changes in the health of the children. Unless otherwise ordered by the court, both parents shall be listed as emergency contacts at Day Care and School.

6.3 If either parent takes the children from that parent's usual residence for 24 hours or more, that parent shall notify the other parent of any emergency contact phone number and where the children will be staying.

6.4 Unless otherwise ordered by the court, both parents always have the right:

6.4 (a) To inspect and receive school records and to consult with school staff concerning the children's welfare and education.

6.4 (b) To inspect and receive governmental agency and law enforcement records concerning the children.

6.4 (c) To consult with any person who may provide care or treatment for the children and to inspect and receive the children's medical, dental and psychological records.

6.4 (d) To authorize emergency medical, dental, psychological, psychiatric or other health care for the child.

7. FUTURE MOVE OF A PARENT (ORS 107.159 and ORS 107.164)

7.1 Parents shall provide each other and the court with at least **45 days written notice** of any planned move more than 60 miles further distance from the other parent.

7.2 Unless otherwise ordered by the court, each parent shall:

7.2 (a) Provide the other parent with his or her contact phone number and contact address.

7.2 (b) Immediately notify the other parent of any change in his or her contact telephone number and contact address.

7.3 If the Parenting Time Schedule would be disrupted because of a parent's intended move, the Parenting Time Schedule must be changed by mutual agreement of the parents, with approval by the court, or by a modification that is ordered by the court.

8. PARENT-CHILD COMMUNICATION

8.1 Both parents and the children shall have the right to communicate by telephone, in writing, by e-mailing, texting, or by tele-cam (if available) during reasonable hours without interference or monitoring by the other parent.

8.2 Unless otherwise agreed by the parents, telephone calls shall be limited to no more than three per week and each call shall last no more than 20 minutes.

9. EXCHANGE OF CHILDREN FROM ONE PARENT TO THE OTHER

9.1 Both parents shall have the children fed and ready on time with sufficient clothing packed and ready at the time of exchange. All clothing that accompanies the children shall be returned to the other parent.

9.2 When parents live no more than 60 miles apart, the non-residential parent shall pick up the children from the residential parent's residence no earlier than, nor later than 15 minutes from the scheduled beginning of the parenting time. The residential parent shall pick up the children from the non-residential parent's residence no earlier than, nor later than 15 minutes from the ending of the non-residential parent's parenting time. If the parents have chosen or the court has ordered extended weekends, the children shall be dropped off at school at the beginning of the school day whenever possible.

9.3 Unless otherwise ordered by the court, parents who live more than 60 miles apart will equally participate in the cost and effort of exchanging the children from one parent to the other.

9.4 Either parent may authorize other individuals who are known to the children to provide the transportation for the exchange of the children. Anyone who drives while transporting the children will have a valid driver's license and vehicle insurance.

9.5 **Special Exchange of Children provisions.** If both parents agree, or the court so orders, the following provisions shall apply:

_____

_____

_____

_____

10. CAR SEATS

Each parent shall use age appropriate car seats or other appropriate safety devices when the children are being transported.

11. MEDICATIONS

If a licensed physician has prescribed medication for the children, both parents shall see that the medications are administered as prescribed.

12. AFFECTION AND RESPECT

Neither parent shall say things or allow others to say things in the children's presence that would interfere with the children's love and respect for the other parent.

13. SCHOOL INVOLVEMENT

Unless otherwise ordered by the court or restricted by a schools policy, both parents are encouraged and allowed to participate in the children's school activities including, but not limited to, visiting the classroom or lunch room, attending parent-teacher conferences, and attending sports and cultural activities.

14. PARENT CONTROL OF CHILDREN'S ACTIVITIES

Parents are encouraged to cooperate when scheduling activities for the children. Neither parent may schedule activities for the children that occur during the other parent's time with the children without the other parent's consent.

15. MISSED PARENTING TIME

15.1 Personal plans of a parent or a child, or school, church, or other activities will not be reasons for failing to follow the Parenting Time Schedule. The children will not be permitted to decide whether or not they wish to be with a parent. The residential parent shall not cancel parenting time without the agreement of the non-residential parent.

15.2 Only substantial medical reasons will be considered sufficient for postponement of parenting time. If a child is ill and unable to visit, a make-up parenting time shall occur on the following weekend. If the non-residential parent fails to exercise his or her parenting time, there will be no make-up parenting time.

16. MEDIATION

The parents will attempt to cooperatively resolve any disagreements that arise over the terms of the Parenting Plan. If the parents are unable to resolve a disagreement, they must use mediation first. Any cost for mediation shall be shared equally by the parents or as determined in the mediation process. A written record shall be prepared of any agreement reached in mediation and shall be provided to each parent. If the parents are unable to resolve a disagreement through any other dispute resolution process, the disagreement shall be resolved through court action.

17. ADDITIONAL PROVISIONS.

If both parents agree, or the court so orders, the following additional provisions shall apply:

_____
_____
_____
_____
_____
_____
_____

18. MEDIUM AND LONG DISTANCE PARENTING TIME

Parents who live far apart will have the children according to the schedule described below. All other provisions of this parenting plan are unchanged except as described below.

When parents live more than 60 miles apart, but less than 180 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled **"Medium Distance."** When parents live more than 180 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled **"Long Distance."**

18.1 Weekend and Weekday Schedule

18.1 (a) Prior to August 15th each year the non-residential parent shall notify the residential parent in writing of the dates of the parenting time weekends to be scheduled during the school year. The selected dates shall include any holidays listed in Section 5.3-5.12. If the non-residential parent fails to provide such written notice prior to August 15th, the residential parent is entitled to designate those weekends, so long as they include any holidays listed in 5.3-5.12. The residential parent shall notify the non-residential parent in writing by August 31st.

18.1 (b) <u>Children ages birth to 12 months</u>

Medium Distance: Two hours every Saturday and two hours every Sunday in the local where the residential parent resides, according to a schedule determined by the residential parent.

Long Distance: Same as for Medium Distance.

18.1 (c) <u>Children ages 12 months to 36 months</u>

Medium Distance: On alternating weekends from 9 a.m. Saturday until 6 p.m. Sunday.

Long Distance: Same as for the Medium Distance except that parenting time will occur at the local where the residential parent resides.

18.1 (d) <u>Children over ages 36 months</u>

Medium Distance: Alternating weekends from 6 p.m. on Friday until 6 p.m. on Sunday. If the Monday following the non-residential parent's weekend is a school closure day, parenting time shall be extended to Monday until 6 p.m. If the Friday preceding the non-residential parent's weekend is a school closure day, parenting time shall begin at 6 p.m. on Thursday.

Long Distance: One weekend per month, which shall include up to two weekdays attached to the weekend, so long as the children are not attending school on those days. Children shall return to the residential parent's home no later than 6 p.m. on the day prior to a school day.

18.1 (e) <u>Special weekend and weekday provisions:</u> If both parents agree, or the Court so orders, the following provisions shall apply:

_____

_____

_____

_____

18.2 Summer Schedule

18.2 (a) Prior to May 1st, the non-residential parent shall notify the residential parent, in writing, of the summer parenting time schedule. If the non-residential parent fails to provide the summer schedule by May 1st, then the residential parent shall notify the non-residential parent of the summer schedule in writing by May 20th.

18.2 (b) The Medium Distance summer schedule must not conflict with any holiday schedule described in 5.3 – 5.12. If the Long Distance summer schedule conflicts with the schedule for Father's local Day, 4th of July or a birthday, the residential parent is entitled to parenting time as described in 5.3 – 5.12 in the local where the non-residential parent resides and at the residential parent's expense.

18.2 (c) Whether or not the children are in school, the non-residential parent is entitled to have the children for the total amount of time described below during the period of school summer vacation.

18.2 (d) <u>Children ages birth to 12 months.</u>

Medium Distance: Parenting time remains the same as the rest of the year, as described in 18.1 (a).

Long Distance: Same as for Medium Distance.

18.2 (e) <u>Children between ages 12 months to 36 months (3 years) before June 1st.</u>

Medium Distance: Parenting time remains the same as the rest of the year, as described in 18.1 (b).

Long Distance: Three "regular" weekends in the local where the residential parent resides from 9 a.m. Saturday until 6 p.m. Sunday, and three "long weekends" in the local where the non-residential parent resides, one in June, one in July and one in August from 6 p.m. Friday until 6 p.m. Sunday. If parents fail to notify each other as described in 18.2(a) then the three "regular weekends" will occur on the second weekend of June, July and August and the "long weekends" will occur on the fourth weekend of June, July and August.

18.2 (f) <u>Children between ages 36 months to 60 months (5 years) before June 1st</u>.

Medium Distance: Three one-week blocks (seven days). One week shall be in June, one in July, and one in August. There shall be at least two weeks between each of the one-week blocks. If parents fail to notify each other as described in 18.2(a) then the non-residential parent is entitled to have the children for the third week of June, the third week of July, and the third week of August. The third week means the third Monday through Friday with the "alternate weekend" attached. "Alternate weekends" continue throughout the summer.

Long Distance: Twenty one consecutive days (3 weeks). If parents fail to notify each other as described in 18.2(a) then the non-residential parent is entitled to have the children for three consecutive weeks commencing noon July 1st in Even Years and for three consecutive weeks commencing noon July 5th in Odd Years.

18.2 (g) <u>Children between ages 60 months to 96 months (8 Years) before June 1st.</u>

Medium Distance: Thirty-five days (5 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. If parents fail to notify each other as described in 18.2(a) then the non-residential parent is entitled to have the children on alternating weeks from 6 p.m. Friday until the following Friday at 6 p.m. commencing one week after school lets out and continuing until the non-residential parent has had the children for a total of 5 weeks. "Alternate weekends" are discontinued.

Long Distance: Thirty-five consecutive days (5 weeks). If parents fail to notify each other as described in 18.2(a) then the non-residential parent is entitled to have the children for thirty-five consecutive days commencing noon July 1st in Even Years and commencing noon July 5th in Odd Years.

18.2 (h) **Children over age 96 months (8 Years) before June 1st.**

Medium Distance: Forty two days (6 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. If parents fail to notify each other as described in 18.2(a) then the non-residential parent is entitled to have the children on alternating weeks from 6 p.m. Friday until the following Friday at 6 p.m. commencing one week after school lets out and continuing until the non-residential parent has had the children for a total of 6 weeks. "Alternate weekends" are discontinued.

Long Distance: Sixty three consecutive days (9 weeks). If parents fail to notify each other as described in 18.2(a) then the non-residential parent is entitled to have the children for sixty-three consecutive days commencing noon July 1st in Even Years and commencing noon July 5th in Odd Years.

18.2 (i) **Special Summer Schedule provisions.** If both parents agree, or the Court so orders, the following provisions shall apply.

_____

_____

_____

_____

18.3 Holiday Schedule

18.3 (a) Parents who live more than 60 miles apart will follow the Holiday Schedule and provisions described in Section 5.3–5.12 except as described below.

18.3 (b **Special Holiday Schedule Provisions.** If both parents agree, or if the court so orders, the following provisions shall apply.

_____

_____

_____

_____

18.4 Winter Vacation

18.4 (a) **Children ages birth to 12 months.**

Medium Distance: Same as described in Section 5.3-5.12 except that parenting time will occur in the local where the residential parent resides.

Long Distance: Same as for Medium Distance.

18.4 (b) **Children ages 12 months to 36 months.**

Medium Distance: Same as described in Section 5.3-5.12.

Long Distance: Same as described in Section 5.3-5.12 except that parenting time will occur in the local where the residential parent resides.

18.4 (c) <u>Children over age 36 months.</u>

Medium Distance: Same as described in Section 5.3-5.12.

Long Distance: Same as for Medium Distance.

18.5 Thanksgiving

18.5 (a) <u>Children ages birth to 12 months.</u>

Medium Distance: Parenting time shall be from 9 a.m. until 6 p.m. on Thanksgiving Day in the local where the residential parent resides.

Long Distance: Same as for Medium Distance.

18.5 (b) <u>Children ages 12 months to 36 months</u>.

Medium Distance: From noon on the day prior to Thanksgiving until 6 p.m. on Thanksgiving Day.

Long Distance: The same as for Medium Distance, except that parenting time will occur in the local where the residential parent resides.

18.5 (c) <u>Children over age 36 months.</u>

Medium Distance: From noon the day prior to Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.

Long Distance: Same as for Medium Distance.

18.6 Easter, Memorial Day, Fourth of July, Halloween, Labor Day, Children's Birthdays, Mother's Day, Father's Day and Parent's Birthday.

18.6 (a) <u>Children ages birth to 12 months.</u>

Medium Distance: The same as described in Section 5.3-5.12 except that parenting time will occur in the local where the residential parent resides.

Long Distance: The same as for Medium Distance.

18.6 (b) <u>Children ages 12 months to 36 months.</u>

Medium Distance: The same as described in Section 5.3-5.12.

Long Distance: The same as for Medium Distance except that parenting time will occur in the local where the residential parent resides.

18.6 (c) <u>Children over age 36 months.</u>

Medium Distance: The same as described in Section 5.3-5.12.

Long Distance: Same as for Medium Distance.

18.7 Spring Break

18.7 (a) <u>Children over 36 months.</u>

Medium Distance: Same as described in Section 5.3-5.12.

Long Distance: From 6 p.m. the day school adjourns until noon on the day before school resumes.

18.8 Parenting Time Calculation

18.8 (a) The table below indicates the average number of overnights that each parent will have the children each year. These estimates may be used to calculate each parent's child support obligation. More information is available from the Oregon Child Support Program at www.oregonchildsupport.gov/calculator/index.shtml.

Ages of Children	Overnights with the Residential Parent (Parent A)		Overnights with the Non-Residential Parent (Parent B)	
Children ages birth to 12 months	**Medium and Long 365 – 100%**		**Medium and Long 0 – 0%**	
Children ages 12 months to 36 months	**Medium: 338 93%**	**Long: 338 93%**	**Medium: 27 7%**	**Long: 27 7%**
Children ages 36 months to 60 months	**Medium: 287 79%**	**Long: 287 79%**	**Medium: 78 21%**	**Long: 78 21%**
Children ages 60 months to 96 months	**Medium: 280 77%**	**Long: 280 77%**	**Medium: 85 23%**	**Long 85 23%**
Children over age 96 months	**Medium: 273 75%**	**Long: 267 73%**	**Medium: 92 25%**	**Long: 98 27%**
With Special Provisions				

19. SIGNATURE

Your signature indicates to the court that you understand and agree to abide by the terms of this Parenting Plan. You are advised to seek legal counsel prior to signing. This Parenting Plan becomes legally binding when it is attached as an Exhibit to a Judgment or Order that is signed by a Judge.

Petitioner

_____ _____

Signature **Date**

Respondent
( ) Co-Petitioner

_____ _____

Signature **Date**

LOCAL RULE 9.081 APPENDIX 4

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

Guardianship/Conservatorship of _____ *(Protected Person)*	)	Case No. _____ OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/ CONSERVATOR

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

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

_____

_____

_____

_____

_____
Signature of Objecting Party Date

_____
Printed or Typed Name of Objecting Party

_____
Address or Contact Address

_____
City State Zip

_____
Telephone or Contact Telephone Number(s)

LOCAL RULE 20.011(3) APPENDIX 5

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

_____

_____
Petitioner/Plaintiff,

STIPULATION AND ORDER FOR BINDING VOLUNTARY ARBITRATION

Case No. _____

vs.

_____

_____
Respondent/Defendant.

The undersigned certifies that each party in this case has filed an appearance and requests that this case be transferred to arbitration. This case is not set for trial during the next seven days.

TYPE OF CASE: ____ Tort; ____ Contract; ____ Domestic Relations

---

The parties stipulate to the following as arbitrator and agree to be bound by the arbitrator=s decision. The arbitrator has agreed to serve.

_____

_____

_____

_____
Name and Address of Arbitrator

IT IS SO STIPULATED:

_____
Signature of Attorney Date

Attorney for: _____

_____
_____
_____
Name and Address of Attorney

Phone: _____

_____
Client=s Signature Date

_____
Signature of Attorney Date

Attorney for: _____

_____
_____
_____
Name and Address of Attorney

Phone: _____

_____
Client=s Signature Date

IT IS HEREBY ORDERED that all Court proceedings are stayed pending arbitration, and that the Court will enter the arbitrator=s decision pursuant to ORCP 70B.

DATE this _____ day of _____, 2012.

_____
Circuit Judge

THIS FORM SHOULD BE FILLED OUT, SIGNED, AND FILED WITH THE COURT MORE THAN SEVEN DAYS PRIOR TO THE SET TRIAL DATE. A COPY OF THE COURT=S ARBITRATOR LIST IS AVAILABLE UPON REQUEST.

LOCAL RULE 6.012(3) APPENDIX 6

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

	)	
	)	Case No.
	)	
Plaintiff/Petitioner,	)	
	)	
vs.	)	SETTLEMENT CONFERENCE ORDER
	)	
	)	
	)	
Defendant/Respondent.	)	

IT IS HEREBY ORDERED that the parties and their counsel shall appear for a settlement conference on _____ 20 _____, at _____ a.m./p.m., before Judge _____.

Each attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the settlement conference.

Each attorney or party shall submit to the settlement judge, no less than one (1) business day prior to the scheduled settlement conference, a settlement memorandum. The memorandum shall contain the following:

1. A brief analysis of the issues involved in the litigation.

2. Status of any settlement negotiation, including the last settlement proposal made by you and received by you.
3. A settlement proposal that you believe would be fair.
4. Any obstacles to settlement.

This document should not exceed three pages in length and does not have to be served on other attorneys or parties. In domestic relations cases each attorney shall also provide to the settlement judge a proposed distribution of assets and liabilities, and if support is involved, a proposal for child and/or spousal support, no less than one (1) business day prior to the scheduled settlement conference. This document shall be served on the opposing attorney or party. All documents and information submitted to the settlement judge shall be presumed confidential unless a copy is provided to the opposing side(s).

The attorneys for the parties shall determine with certainty the amount of any third party liens or subrogated interests to the settlement conference. The third party claims representative shall be available by telephone if such interests need to be considered and resolved as part of any settlement.

Motions for continuance of a settlement conference shall be made in a timely manner to the settlement conference judge. No settlement conference shall be reset if it would interfere with a scheduled trial date without the permission of the assigned trial judge. Any request to depart from this settlement conference order must be made to the settlement conference judge.

DATED this _____ day of _____, 20_____.

_____
Circuit Court Judge