SUPPLEMENTARY LOCAL TRIAL COURT RULES

OF THE CIRCUIT COURT

OF THE STATE OF OREGON

FOR THE TWELFTH JUDICIAL DISTRICT

Polk County

Effective February 1, 2011

SUMMARY OF SUPPLEMENTAL LOCAL RULES CHANGES
Submitted September 1, 2010

Contents

a. Includes page number changes resulting from the addition of new rules.
b. Includes new rules, 4.012, 6.012, and 12.045, as well a modification to rule 7.055 and re-numbering former rule 8.085 to 8.075.

Chapter 4

4.012 PRETRIAL SETTLEMENT CONFERENCES FOR CRIMINAL CASES
This is a new rule describing the purpose of criminal settlement conferences and the procedures for requesting and conducting criminal settlement conferences. The rule also describes the procedures for concluding the case after a criminal settlement conference.

Chapter 6

6.012 PRETRIAL SETTLEMENT CONFERENCES FOR CIVIL CASES
This is a new rule describing the purpose of civil settlement conferences and the procedures for requesting and conducting civil settlement conferences. The rule also describes the procedures for concluding the case after a civil settlement conference.

6.081 EXHIBITS – AUDIO AND VIDEO RECORDINGS
This modification to the existing rule broadens the type of equipment which the court may provide for audio and/or video playback.

Chapter 7

7.055 TRIAL DATE AND STATUS CONFERENCE IN CRIMINAL CASES
This modification to the existing rule changes language related to the requirement for the defendant's appearance at pre-trial conferences.

Chapter 8

8.075 PARENTING TIME
This modification renumbers SLR 8.085 to the new number 8.75

Chapter 12

12.045 APPOINTMENT/REMOVAL OF MEDIATORS
This is a new rule defining the qualifications for a court approved mediator, and the procedures for seeking, making and finalizing appointment to the approved *Polk County Mediators* list. The new rule also describes the process for removal from the approved *Polk County Mediators* list.

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CHAPTER 1 - General Provisions

1.151 HOURS OF COURT OPERATION

Information regarding business hours for the 12th Judicial District can be found at: **http://courts.oregon.gov/Polk**.

1.161 FILING OF DOCUMENTS IN COURT

(1) Filings are accepted, during business hours, in Polk County Circuit Court Records Office located in the Polk County Courthouse, Room 301, 850 Main Street, Dallas, Oregon. Documents delivered by mail shall be addressed to the same address. If a fee is required to be paid prior to filing of a document, then filing may occur only if the fee is satisfied.

(2) Documents filed in a case assigned to a judge may be filed with the assigned judge's staff unless the filing requires a fee. For the purposes of ORS 10.010 and ORCP 9, judicial staff are conferred the powers of the clerk of the court.

1.171 WEBSITE

The website for the Twelfth Judicial District is located at: **http://courts.oregon.gov/Polk**
Links to this website may also be found at the Oregon Judicial Department website: **http://www.courts.oregon.gov.**

CHAPTER 3 - Decorum in Proceedings

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

In facilities occupied by the Court, public access coverage in areas outside of courtrooms, other than the jury assembly rooms when jurors are in attendance, is permitted only with the prior approval of the Presiding Judge. Requests to conduct public access coverage in such areas may be made to the Office of the Presiding Judge at any time during the business day. Public access coverage is not permitted in the Court's jury assembly rooms when the jurors are in attendance.

3.182 USE OF CELL PHONES AND OTHER PERSONAL DATA AND COMMUNICATION DEVICES WHICH HAVE AUDIO RECORDING, PHOTOGRAPHIC OR ANY OTHER VISUAL OR IMAGE RECORDING OR REPRODUCING CAPABILITY.

(1) Cell phones and other personal data or communication devices which have audio recording, photographic or and other visual or image recording or reproduction capability:

(a) constitute public access coverage equipment as defined in UTCR 3.180;

(b) such devices may be used in a facility occupied by the court only as provided by UTCR 3.180, SLR 3.181, and this rule;

(c) must be turned off when entering any courtroom in any facility occupied by the court, and must not be turned on for any use in a courtroom without complying with UTCR 3.180 and this rule.

(2) Cell phones or other communication devices may be used in areas outside of a courtroom, as defined in UTCR 3.180 and SLR 3.181, in a facility occupied by the court without violating this rule or SLR 3.181, provided that such use is restricted to the transmission of the user's oral communication only and does not involve any operation or use of the device's audio recording, photographic or any other visual or image recording or reproduction capability.

(3) In addition to any other consequence permitted under law or court rules, violators of this rule are subject to being ordered by the court to delete from the device any audio recording, photographic or any other visual or image recording or reproduction made in a court facility.

CHAPTER 4 – Proceedings in Criminal Cases

4.012 PRETRIAL SETTLEMENT CONFERENCES FOR CRIMINAL CASES

The purpose of a criminal settlement conference is to resolve a case prior to its trial date.

(1) All settlement conference requests must be made in writing and shall be signed by both attorneys and addressed to the Office of the Presiding Judge of the Twelfth Judicial District, who will designate a judge to oversee the settlement conference. The designated judge's staff will contact the requesting party about scheduling.

(2) The following must be personally present at the settlement conference:
- The defendant
- All trial attorneys

(3) Adequate time for settlement discussion will be allowed.

(4) The settlement conference judge shall not act as trial judge if the case does not settle.

(5) The settlement conference shall not delay scheduling the trial.

(6) Each party shall submit information regarding the case to the assigned settlement judge at least one week prior to the scheduled settlement conference. Any pretrial statements and supporting documents submitted are confidential and will not become part of the case file.

(7) If the matter resolves at the settlement conference, the designated judge will be the sentencing judge.

(8) If the matter does not resolve at the settlement conference, the case will be referred by the designated judge's assistant to the docket clerk for scheduling.

4.081 APPEARANCE AT CRIMINAL PROCEEDINGS BY MEANS OF SIMULTANEOUS ELECTRONIC TRANSMISSION

The court may conduct appearances in any criminal proceedings by simultaneous electronic transmission as provided in UTCR 4.080 (1) and under law, if the technology in the courtroom meets the requirements of the rule.

4.145 COURT APPOINTED COUNSEL

Unless the Court otherwise directs, if there is a Court appointed counsel in a criminal case, except for counsel's obligation to provide information and cooperate with any counsel representing the defendant on appeal, counsel will be considered discharged of his or her duties upon sentencing.

4.155 GUILTY PLEAS

Unless the Court otherwise directs, no plea of guilty in a criminal case shall be heard by the Court without the defendant having first executed and filed an affidavit requesting the plea being received and defense counsel's filing a form of motion in support of the affidavit and certificate. All forms will be supplied by the Court.

4.165 APPROVAL OF JUDGMENT

In all criminal proceedings, unless the Court otherwise directs, any proposed form of Judgment or Order must be served on each of the parties at the time the proposed Judgment or Order is submitted to the Court.

CHAPTER 6 – Trials

6.012 PRETRIAL SETTLEMENT CONFERENCES FOR CIVIL CASES

The purpose of a civil settlement conference is to resolve a case at issue prior to its trial date.

(1) All settlement conference requests must be made in writing and shall be signed by both attorneys and addressed to the Office of the Presiding Judge of the Twelfth Judicial District, who will designate a judge to oversee the settlement conference. All filing fees must be paid prior to the conference being scheduled. The designated judge's staff will contact the requesting party about scheduling once the fees are paid in full.

(2) The following must be personally present at the settlement conference, unless excused in advance by the court for good cause:

- All parties
- All trial attorneys
- Corporate and insurance company representatives with authority to settle the case.
- The judge may permit telephonic appearance for good cause.

(3) Adequate time for settlement discussion will be allowed, including additional settlement conferences as necessary.

(4) The settlement conference judge shall not act as trial judge if the case does not settle.

(5) The settlement conference shall not delay scheduling the trial.

(6) Each party shall submit information regarding the case to the assigned settlement judge at least one week prior to the scheduled settlement conference. Notwithstanding subsection (8) of this rule, any pretrial statements and supporting documents submitted are confidential and will not become part of the case file.

(7) In domestic relations cases, information and documents required under UTCR 8.010(4) and 8.010(5), regarding distribution of assets and support, must be filed and served at the time of the settlement conference.

(8) If the matter resolves at the settlement conference, the designated judge will either schedule the matter for agreement on the record or will designate a party to prepare the stipulated judgment to be submitted within 28 days.

(9) If the matter does not resolve at the settlement conference, the case will be referred by the designated judge's assistant to the docket clerk for scheduling.

6.081 EXHIBITS – AUDIO AND VIDEO RECORDINGS

The proponent of any audio or video exhibit shall be responsible for arranging for playback equipment, with footage counter when required, for use during the trial or other proceeding. The court may provide standard, off-the-shelf, VHS video cassette player or DVD player with monitor for audio and video playback; however, arrangements for such equipment must be made at least one business day in advance of the proceeding or trial by contacting judicial staff or the Polk County Trial Court Administrator. The court will not provide *[a computer, or]* access to its internal technology infrastructure, to any external media or device.

CHAPTER 7 - Case Management and Calendaring

7.012 SET OVERS/CONTINUANCES IN CIVIL AND CRIMINAL CASES

Once a Judge has been assigned to a case for trial purposes, the assigned Judge shall be responsible for all matters pertaining to such case. This includes, but is not limited to, any requests for set-over or continuance.

7.045 MOTION PRACTICE IN CRIMINAL CASES

Criminal motions generally will be set by the court and the parties will be notified in writing of the date and time of the hearing.

7.055 TRIAL DATE AND STATUS CONFERENCE IN CRIMINAL CASES

(1) Pre-trial conferences will be set for a hearing to review the status of the case in advance of the trial. The date will be a Monday or Friday at 11:00 AM and will be set at arraignment. The attorney for each party and the defendant shall appear at the hearing. The defendant is also required to appear unless excused by a judge.

(2) Trial dates will be set at arraignment.

CHAPTER 8 - Domestic Relations Proceedings

NOTE: Rules specifically regarding Mediation are found in SLR Chapter 12.

8.045 TEMPORARY CUSTODY ORDERS

Hearings under subsection (4) (b) of ORS 107.097, shall be scheduled for the second Monday following receipt of the request for hearing, at 1:15 P.M. In the event the second Monday is a holiday, the hearing shall be scheduled for the third Monday following the filing of the request for hearing at 1:15 P.M.

8.055 TEMPORARY CUSTODY ORDERS - MODIFICATIONS

Hearings pursuant to ORS 107.138, shall be scheduled in the same manner as hearings under subsection (4) (b) of ORS 107.097.

8.071 PERSONAL APPEARANCE REQUIRED FOR SHOW CAUSE ORDER OF CONTEMPT; MOVING PARTY'S FAILURE TO APPEAR FOR HEARING; TIME FOR HEARING; CONTENT OF ORDER

(1) A show cause order for contempt of court shall be contained in a separate document from any show cause order or orders for other relief. Such orders shall require the responding party to personally appear in Court at the time established by the Court which shall be at least fourteen (14) days after the date of service of the order on the responding party. The moving party must also appear and be prepared to proceed at the time and date stated in the Order, unless previous arrangements have been made with the court by the parties or

their attorneys to have the matter specially set for hearing.

(2) In the absence of such arrangements, the failure of the moving party to appear at the stated date and time, or to be prepared to proceed at such time, will result in dismissal of the contempt proceeding unless the Court finds extenuating circumstances and orders the continuation of the proceedings.

(3) The hearing will be held at the date and time stated in the order unless the Court orders he matter to be specifically set for hearing at a later date in order for counsel for the responding party to be retained by the responding party or appointed by the Court, or because the hearing will be protracted.

(4) Every show cause order for contempt of court shall contain the following notice:

NOTICE

You must personally appear in the above entitled Court and case at the date and time specified in this Order. If you fail to appear in court at such date and time, you may be arrested and held in custody for the purpose of being brought before the Court to answer the contempt charges which have been made against you.

8.073 SHOW CAUSE ORDERS

(1) Motions for Show Cause Orders (other than for contempt of Court) must separately state each item of relief requested by the moving party. Such orders may not state the requested relief by reference to a supporting affidavit.

(2) Unless otherwise specifically required by statute or ORCP or specifically directed by the Court, Show Cause Orders (other than for contempt of Court) shall not require the personal appearance of the opposing party and shall not set a time certain for response by the opposing party. Instead, when dealing with temporary relief and when served within the State of Oregon, such orders shall require the opposing party to file an Answer in writing to the Order within 30 days from the date of personal service of the Order upon the opposing party, or, if served by mail, within 33 days from the date of the mailing of the Order (which mailing date shall be stated in or endorsed upon the Order). When the Show Cause Order deals with permanent relief or when it is served outside of the State of Oregon or by publication, the order shall require the opposing party to file an answer in writing within 30 days from the date of service or the date of first publication, whichever the case may be.

(3) In the event the opposing party fails to file a written appearance in response to a show cause order within thirty (30) days from the date of service of the order upon the opposing party, then at any time thereafter and while the opposing party remains in default for want of such written appearance, the moving party may present ex parte an order granting the relief sought by the moving party, provided the return of service of the show cause order has been filed of record or is presented with the proposed ex parte order. Upon presentation of the proposed ex parte order, the Court, in its discretion, may

allow the requested relief ex parte or it may direct that a hearing be scheduled for the presentation of a prima facie case in support of the relief sought by the moving party.

8.075 PARENTING TIME

The Twelfth Judicial District has adopted a "standard parenting time schedule" which is a starting point for establishing a time sharing arrangement between parents, subject to other stipulation of the parties or other Order of the Court. The "standard parenting time schedule" is set forth in Appendix 2.

8.081 MANDATORY PARENT EDUCATION PROGRAM

(1) Polk County has established a mandatory parent education class as authorized by ORS 3.425. The program provides information to parents on the impact of family restructuring on children to each person named as a party in the following types of proceedings:

(a) Annulment or dissolution of marriage, where there is a child or children of the marriage;

(b) Legal separation actions, where there is a child or children of the marriage;

(c) Petitions to establish custody or parenting time, including paternity; and

(d) 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 preapproved alternative parent education program. Parties shall be automatically registered for the program by the Court's mediation clerk. Parties shall make application to the Court for approval of an alternate program within 15 days of receiving notice of the appearance date for the parent education class.

(3) Each person who successfully completes the Court's program or the pre approved alternative program, will receive a certificate of completion and shall file the certificate of completion with the Trial Court Administrator. All parties shall file the certificate of completion before the judgment will be signed and entered.

(4) The Court may exempt one or both parties from the program if, after review of the requesting party's Motion and Supporting Affidavit, the Court determines that participation is unnecessary or inappropriate. The Motion and Affidavit must be filed within 15 days of receipt of the program notice from the Court.

(5) The Court shall actively promote each party's completion of the program. Failure to complete the program in a timely manner may be considered by the Court in making its ruling on issues which are in dispute.

(6) A party who has completed the program shall have the right to:

(a) Request that the pleadings of a party who has appeared be stricken if that party has not completed the program in a timely manner without good cause.

(b) Request entry of an order from the Court to compel the non-complying party's completion of the program if good cause is not shown as to why that party has not completed the program in a timely manner.

(c) Request that the Court enter an award of attorney fees in favor of the complying party who utilizes this option to force the non-complying party's compliance with this rule.

CHAPTER 9- Protective Proceedings

9.081 ORAL OBJECTIONS IN PROTECTIVE PROCEEDINGS AND NOTICE OF FREE AND LOW-COST LEGAL SERVICES.

(1) Oral objections made under ORS 125.075 to a petition in a protective proceeding shall be voiced at the place and during the hours of court operations listed in SLR 1.151. The objecting party can reach the court clerk by telephone at 503-623-3154 (voice) or 503-623-0700 (TYY).

If the objecting party wants to file a written objection, the court clerk will provide upon request the objection form contained in APPENDIX 3. Objections must be received by the Court within fifteen (15) days of service of the Petition.

(2) Free or low-cost legal services available in the area shall be posted in at the place where oral objections may be made pursuant to subsection (1) of this rule.

9.161 FORM OF ACCOUNTING

(1) All accountings shall be in substantial format as that contained in UTCR 9.160.

(2) Lawyers shall follow the format listed in Form 9.160

CHAPTER 11 - Juvenile Court Proceedings

11.031 PERSONAL APPEARANCE BY PARENT

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

CHAPTER 12- Mediation

12.015 MEDIATION FOR THE TWELFTH JUDICIAL DISTRICT

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

(1) Matters Subject to Mediation.

(a) Purpose of Mediation. The purpose of the mediation shall be to assist the parties in reaching a workable settlement of those issues before the Court.

(b) Mandatory Mediation. Any dispute involving custody and/or parenting time arising from any of the following types of cases shall, in the Twelfth Judicial District, be subject to mediation under this rule:

(i) Any domestic relations suit, as defined in ORS 107.510 (3).
(ii) Any filiation proceeding pursuant to ORS 109.124 to 109.230.
(iii) Proceedings to determine the custody or support of a child under ORS 109.103.
(iv) Any proceeding to modify custody and/or parenting time previously determined in one of the above types of cases.

(v) Any other matter involving a dispute over custody and/or parenting time upon referral of the Court.
(vi) Other Matters. The mediator may consider issues of property division or spousal or child support with the written approval of both parties or of their counsel.

(2) Authority of Circuit Court not Affected by Mediation.

The authority of the Circuit Court for the Twelfth Judicial District over a domestic relations case filed in the Circuit Court for the Twelfth Judicial District is not affected by referral to mediation. Any agreement of the parties reached as a result of mediation for which Court enforcement may be sought must be presented to the Court and the Court shall retain final authority to accept, modify or reject the agreement.

(3) Mediation Process.

(a) <u>Commencement of Mediation by Stipulated Request for Mediation</u>. If there is a disagreement between the parents concerning custody or parenting time at any stage of a domestic relations proceeding, either parents or their attorneys may sign and file with the Court a stipulated request for mediation. A mediator will be available to the parents in accordance with these rules or the parents may agree

and stipulate to an independent mediator in their stipulated request for mediation. If the parties choose an independent mediator the costs for the mediator will be paid by the parties jointly.

(b) Commencement of Mediation by Request for Mediation by One Parent. If there is a disagreement between the parents concerning custody or parenting time at any stage of a domestic relations proceeding, either parent seeking to resolve the matter may file with the Court and serve upon the other parent or his or her attorney a request for mediation.

(c) Commencement of Mediation when Custody or Parenting Time Appears at Issue. Whenever a respondent generally appears in a domestic relations suit by filing an answer such as "Respondent Appears" or the like, the respondent shall in addition state whether there is any disagreement over child custody and/or parenting time in the case or, alternatively, whether child custody or parenting time is not an issue in the case. In the event no such statement is made, it will be assumed that custody and/or parenting time is in dispute, and the matter shall be referred to mediation.

(d) Mediation Orientation. Whenever mediation is requested as in paragraphs (a) and (b) above or whenever any pleadings indicate that child custody or parenting time is at issue, the parties shall be ordered to appear at a mediation orientation. The parents will be given an opportunity to choose a mediator from those under contract with the Twelfth Judicial District at the orientation or consult with their counsel and report their choice of a mediator to the Court within ten (10) days. If the parties are unable to agree upon a mediator within ten (10) days, the Court will appoint a mediator and notify the parties of the appointment.

Mediation shall consist of an orientation session and a maximum of eight (8) hours of sessions involving the parties and the mediator. Additional sessions may be provided at the parties' expense or upon approval of the Court on recommendation of the mediator. Parents may, upon written request of the parties, be allowed, at any state of the proceeding, or post-judgment, to re-enter mediation to use the balance of session time not previously used.

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

(f) Temporary Custody and Parenting Time Orders. At any point during the

mediation the Court may approve a temporary custody and parenting time order reflecting the parents' agreement as to the issues.

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

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

(3) Custody Studies.

(a) If the parties are unable, after a good faith effort, to resolve custody and/or parenting time issues in mediation, the parties may agree to a custody study. The study must be performed by a duly qualified person, but must not be the mediator assigned to the case.

(b) The parties must agree in advance that the report of the custody study will be admissible at trial or other proceedings without appearance of the person who performed the study. The person who performed the study may, however, be subpoenaed at the expense of the person calling the person as a witness.

(c) When the study report had been received by the parties, the parties may, if both parties agree, resume mediation after the report is made available to the mediator.

(d) The expense of the study shall be the responsibility of the parties in such proportion as the parties may agree or as ordered by the Court. Persons who seek a custody study under this rule may, prior to proceeding with a custody study, petition the Court for partial assistance in the cost of the study, to be paid from funds from the county mediation filing fees. The decision to provide funding shall be based on the abilities of the parties to afford the study. A petition for financial assistance for the custody study shall be accompanied by the name and qualifications of the person to be selected, a recommendation from the mediator as to whether a custody study may be useful and an estimate of cost and affidavits setting forth the financial resources of the parties.

12.045 APPOINTMENT/REMOVAL OF MEDIATORS

(1) To qualify as a court-approved mediator, a person must meet the requirements of ORS 36.200 and OAR 718-30-000 through 718-30-100.

(2) A prospective mediator seeking placement on the *Polk County Mediators* list shall provide a letter to the Presiding Judge requesting placement, along with proof of his or her

qualifications and training. Prospective mediators must meet the minimum qualifications established by the Supplementary Local Rules. Approved placement as a mediator for the Twelfth Judicial District shall be made by the Presiding Judge.

(3) After approval of a prospective mediator, Polk County counsel prepares a service agreement, which must be agreed to and signed by both the new mediator and a member of the Polk County Board of Commissioners.

(4) The original agreement is filed in the Polk County Board of Commissioners' office. A copy of the agreement is sent to the mediator and a copy of the agreement is sent to the Trial Court Administrator for update of the list of approved mediators.

(5) The Presiding Judge of the Twelfth Judicial District may remove a mediator from the approved list of mediators at any time, at his or her discretion.

CHAPTER 13 - Arbitration

13.005 MANDATORY ARBITRATION PROGRAM; COORDINATOR

(1) The courts in the Twelfth Judicial District will operate the arbitration program as set forth in ORS 36.400, et sec, and UTCR Chapter 13.

(2) An arbitration coordinator shall be appointed by the presiding judge.

13.015 REFERRAL TO ARBITRATION; MOTIONS

(1) General civil or domestic relations cases. When a civil case, other than a small claims case, or a domestic relations property division case is referred to arbitration, the arbitration clerk shall send to counsel, or parties pro se, a notice of referral to arbitration along with the names of five proposed arbitrators and a copy of the arbitration procedures adopted by the alternative dispute resolution commission and approved by the court pursuant to UTCR 13.080 (2).

(2) All motions, except those set forth in (3) below, shall be decided by the arbitrator as provided in UTCR 13.040 (3).

(3) Motions to be decided by the court. The following motions shall be decided by a judge:

(a) Waiver or deferral of arbitrator's and/or filing fees.

(b) Exemption or removal from arbitration.

(c) Change of venue.

(d) Resignation of counsel.

(e) Bankruptcy stay.

13.025 COMPENSATION OF ARBITRATORS; WAIVER OR DEFERRAL

(1) Waiver or Deferral of Fees. The court may waive or defer advance payment of fees and/or expenses, in whole or in part, pursuant to ORS 36.420 (3). A party seeking waiver or deferral shall complete and submit to the court the forms provided by the court clerk for waiver or deferral of court filing fees.

(2) General civil or domestic relations. Arbitrators shall be paid directly, in advance, by the parties. The total amount of fees and expenses shall be equally divided, unless otherwise stipulated by the parties.

NOTE: Arbitrator's compensation has been set by the Arbitration Commission at $100.00 per hour with a maximum of five (5) hours.

CHAPTER 16 - Violations

16.015 VIOLATIONS BUREAU

(1) Pursuant to ORS 153.800, the Twelfth Judicial District establishes a Violations Bureau for the handling of violations.

(2) For violations cited into Polk County Circuit Court, the Violations Clerk shall accept written appearances, waiver of trial, plea of **not guilty, guilty** and **no contest**, payment of fines, costs and assessments, and change of plea.

(3) A person may appear at the Violations Bureau located in Room 301, Polk County Courthouse or may pay the Violations Bureau fine and assessment by mail

APPENDIX 1

NOTICE

You must file an answer in writing to this Order, within 30 days from the date this Order is served upon you. If you do not file a written answer within such time, the other side may automatically be given the relief against you which the other side is requesting in the attached motion.

In order to file an answer in writing, you must do the following things:

(1) Your written answer must contain the title and number of this case.

(2) Your written answer must specify the item or items of relief requested by the other side which you oppose. (You do not need to state the reasons why you oppose the relief; you need only to state that you do oppose the relief.)

(3) Your written answer must be signed by you and must contain your current mailing address. All future notices and documents in this case will be sent to you at the address listed on your written answer unless and until you file in this case a written notice of such change of address, and the Court will proceed on the assumption that you have received all communications and documents mailed to you at your most current address on file in this case.

(4) Your written answer must be mailed or presented to the clerk of the court so as to actually reach the clerk of the court within the time stated above.

(5) Your written answer must be accompanied by payment of any filing fee required by law for the filing of the answer, or you must obtain a court order waiving or deferring such filing fee (you should contact the clerk of the court if you have any question concerning the filing fee.)

(6) At or before the time you file your written answer with the clerk of the court, you must mail a copy of the answer to the attorney for the other side, or to the other side personally if the other side is not represented by an attorney, and you must attach to the answer which you file with the clerk a certificate showing that you have mailed a copy of the answer to the attorney for the other side or to the other side personally. If you file a written answer in the manner and within the time stated above, the Court will schedule a hearing to decide whether or not to grant the relief requested by the other side, and you will be notified by mail of the date and time of such hearing. However, you will not be entitled to seek any relief for yourself against the other side. If you wish to seek affirmative relief for yourself against the other side, you must file an appropriate motion or motions for such relief, and, you must mail a copy of such motion or motions to the attorney for the other side or to the other side personally if the other side is not represented by an attorney.

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

APPENDIX 2

1. INTRODUCTION:

The Twelfth Judicial District Local Rule recognizes that both parents are an important part of their child's growth and development. Therefore, the terms "custodial parent" and "non-custodial parent", in reference to these Local Rules, are to be read with the idea and belief that each parent should be afforded the opportunity to play an active role in the child's life.
The purpose of these guidelines is to provide a schedule for parents who have not established another schedule. Parents are encouraged to be flexible and to consider their child's best interests in arranging additional parenting time. The Twelfth Judicial District may be able to provide mediation services to assist you in resolving conflicts regarding custody and parenting time upon the request of a party.

2. DEFINITIONS:

"**Child**" includes all minor children referred to in the Judgment or Order.

"**Custodial**" refers to the party awarded sole custody, or if joint custody is awarded, it refers to the person designated as providing the primary physical residence in the Judgment or Order.

"**Non-custodial**" refers to the party who is not the custodial parent as defined above.

"**Joint Custody**" true joint custody means that the parents have shared authority to make all major decisions concerning the child. Parents who agree on joint custody could, for example, decide that the child will live with one parent for more time than with the other parent. However, if they did so, both parents would still have to agree on significant decisions affecting the child.
IF PARENTS CANNOT AGREE ON JOINT CUSTODY AND HOW JOINT CUSTODY ARRANGEMENTS WILL WORK, THE COURT WILL NOT ORDER JOINT CUSTODY.

3. THINGS TO REMEMBER IN INTERPRETING THIS RULE:

3.1. Personal Plans. Personal plans of the custodial parent or child, (for example, school or church activities) will not be reasons for failing to follow the parenting time schedule set forth in the court's order.

3.2. Addresses and telephone numbers. Unless otherwise ordered by the court, both parties will provide home addresses and home telephone numbers to the other party. In the event the non-custodial parent is taking the child overnight out of the town of the non-custodial parent's residence, the non-custodial parent shall notify the custodial parent of the location and telephone number, if any, of where the child will be sleeping.

3.3. **Non-assigned time.** Unless otherwise agreed, in writing, the CUSTODIAL PARENT is responsible for the CHILD during all times not awarded to NON-CUSTODIAL PARENT.

3.4. **Delivery and Pick-up.** All parenting time shall be exercised in a prompt manner. Unless otherwise agreed, or court ordered, pick up and delivery shall occur no more than 15 minutes before or 15 minutes after the time specified for parenting time to begin and end.

3.4.1. The non-custodial parent shall pick up the child at the beginning of the visit and the custodial parent shall pick up the child at the end of the visit.

3.5. **No shows for scheduled Parenting Time and Make-ups.** Only 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 on the following weekend. However, if the NON-CUSTODIAL PARENT fails to exercise HIS/HER parenting time, there will be no makeup parenting time.

When there is a history where the NON-CUSTODIAL PARENT does not show up for a scheduled weekend parenting time (for example: one "no show" per month for three months), the custodial parent may take the following action: To write the NON-CUSTODIAL PARENT indicating that unless the NON-CUSTODIAL PARENT gives at least three days advance notice that he/she will exercise the scheduled weekend parenting time, the custodial parent will cancel the next following regularly-scheduled parenting time.

Canceling the next regularly-scheduled parenting time should not be done lightly and should not be done by the CUSTODIAL PARENT where, for example, there is no regular history of missed parenting time, or where the missed parenting time was due to an emergency situation such as health or emergency weather conditions.

3.6. **Mutual Respect toward the Other Parent.** Both parties shall not make bad or unflattering comments about the other party or in any way attempt to diminish the love, respect and affection that the child has for the other party.

3.7. **Access to records and events.** In addition to the parenting time specified above, unless otherwise specifically ordered by the court, the non-custodial parent shall have the right to visit with the child at school, attend the child's school activities (such as an open house or sports activities), and have full access to school teachers and administrators for complete information about the child in school. ORS 107.154 also affirms additional rights in the non-custodial parent unless otherwise ordered by the Court. Each parent shall be responsible for keeping themselves advised of the child's activities and events.

3.8. **Conflicting dates**. The holiday schedule takes precedence over the summer parenting time and alternating weekend schedule. Due to the holiday parenting time schedule set out in this Rule, there may be occasions when one or both of the parents will have the child in his or her home for three weekends in a row. This could happen because any holiday defined in this Rule shall replace the normal schedule for a given weekend or time period. In other words, some weekends in a year will be lost due to conflicting vacations and holidays.

3.9. **Daily Care.** The parent with whom the child is staying will be responsible for daily care and will make necessary decisions regarding emergency medical or dental care. The non-custodial parent's rights to make daily care decisions does not include leaving a child unattended in violation of Oregon law, haircuts, permanents, or any substantial changes in the child's appearance (i.e., tattoos, ear piercing, etc.) unless authorized by the custodial parent.

3.10. **Daycare.** The non-custodial parent shall be responsible for arranging and paying for daycare for the child during his or her parenting time periods.

3.11. **Emergencies.** Each party will immediately notify the other party of any emergency circumstances or substantial changes in the health or safety of the child.

4. PARENTING TIME PROVISIONS:

4.1. WEEKEND PARENTING TIME SCHEDULE:

4.1.1. The non-custodial parent shall have the child every other weekend, beginning on Friday night at 7:00 p.m. and ending on Sunday night at 7:00 p.m.

4.1.1.1. By written agreement, the non-custodial parent's visits may end at 7:00 p.m. on Sunday or such other time as the parties may agree.

4.1.1.2. If the non-custodial parent has the child on his/her alternate weekend, and if the following Monday is a recognized holiday or non-school day which is not listed below, then the non-custodial parent's parenting time shall commence at 7:00 p.m. on Friday and end at 7:00 p.m. on Monday (the recognized holiday or non-school day).[1]

4.1.2. The alternate weekend parenting time schedule shall rotate each year as follows:

4.1.2.1. In all **EVEN-NUMBERED YEARS**, the non-custodial parent's first weekend visit shall begin at 7:00 p.m. on the **first Friday after New Year's Day**.[2]

4. 1.2.2. In all **ODD-NUMBERED YEARS**, the non-custodial parent's first weekend shall begin the **second Friday following New Year's Day**. [3]

4.2. WEEKDAY PARENTING TIME SCHEDULE:

4.2.1. The non-custodial parent shall be able to visit his/her child **every other Wednesday**. If the child is in school, the non-custodial parent shall visit the child on Wednesday from 5:00 p.m. until 8:00 p.m. If the child is not in school, the visit shall begin at 10:00 a.m. and end at 7:30 p.m.

4.2.2. The first ALTERNATE WEDNESDAY visit of the new year shall follow the non-custodial parent's first weekend visit in a given new year.[4]

4.3. WINTER VACATION SCHEDULE:[5]

4.3.1. In all **EVEN-NUMBERED YEARS**, the non-custodial parent shall have the child beginning at 7:00 p.m. on the day that school adjourns until 10:00 a.m. on December 25 of each year; the custodial parent shall have the child for the remainder of the child's winter vacation.

4.3.2. In all **ODD-NUMBERED YEARS**, the custodial parent shall have the child beginning at 7:00 p.m. on the day that school adjourns until 10:00 a.m. on December 25 of each year; the non-custodial parent shall have the child for the remainder of the child's winter vacation until 7:00 p.m. the day before school resumes.[6]

4.3.3. The alternate weekend parenting time schedule and alternate Wednesday visits shall not apply during the winter vacation period.

4.4. SUMMER PARENTING TIME:

Unless otherwise agreed upon by the parties in writing, summer parenting time shall be divided into three (3) blocks of time; each block shall consist of a two (2) week visit (i.e., 14 days subject to remaining vacation time), as outlined below. When the child reaches the age of 8 years, the summer parenting time shall be six consecutive weeks provided, however, that the Court can continue the three two-week block of time parenting time if deemed appropriate. **(In part B there are suggestions for special age related provisions. If you feel any provision is appropriate you will need to have the court order address these concerns.)**

4.4.1. Three (3) two (2) week parenting time schedule in EVEN NUMBERED YEARS (unless otherwise agreed upon by the parties).

4.4.1.1. The non-custodial parent's first two week block of time shall begin at 7:00 p.m. on the **first Friday** following the day school adjourns and shall end at 7:00 p.m. two weeks later;

4.4.1.2. The custodial parent's first two week block of time shall begin at 7:00 p.m. on the **third Friday** after school adjourns and end at 7:00 p.m. two weeks later.

4.4.1.3. The non-custodial parent shall then have the child for the next two week period. Once that two weeks is up, the child will once again go back to the custodial parent's residence and so on.

4.4.1.4. The alternate weekend parenting time schedule and alternate Wednesday visits shall not apply during this extended summer vacation period.

4.4.1.5. The "summer" parenting time schedule will end at 7:00 p.m. on the sixth day before school resumes.

4.4.2. Three (3) two (2) week parenting time schedule in ODD NUMBERED YEARS (unless otherwise agreed upon by the parents).

4.4.2.1. The custodial parent's first two week block of time shall begin at 7:00 p.m. on the **first Friday** after school adjourns and end at 7:00 p.m. two weeks later;

4.4.2.2. The non-custodial parent's first two week block of time shall begin at 7:00 p.m. on the **third Friday** after school adjourns and end at 7:00 p.m. two weeks later;

4.4.2.3. The custodial parent shall then have the child for the next two week period. Once that two weeks is up, the child will once again go back to the non-custodial parent's residence and so on**.**

4.4.2.4. The alternate weekend parenting time schedule and alternate Wednesday visits shall not apply during the summer vacation period.

4.4.2.5. The “summer” parenting time schedule will end at 7:00 p.m. on the sixth day before school resumes.

4.4.3. The "summer" parenting time schedule will end at 7:00 p.m. on the sixth day before school resumes.

4.4.4. Six-week visit.

4.4.4.1. Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the inclusive dates of the summer parenting time period which the non-custodial parent chooses to have with the child. The custodial parent shall have the child for the rest of the summer subject to the non-custodial parent's "alternate weekends", provided, however, that the custodial parent shall have the right to keep the child for two uninterrupted weeks during the custodial parent's one-half of the summer which will result in the non-custodial parent losing one "alternate weekend". There shall be no alternate Wednesday visits during the summer. The custodial parent shall have "alternate weekend" visits with the child during the non-custodial parent's six week visit provided, however, that the non-custodial parent shall have the right to keep the child for two uninterrupted weeks during non-custodial parent's six-week visit which will result in the custodial parent losing one "alternate weekend" visit. Such interim parenting time by the custodial parent shall not lengthen the six-week parenting time period allowed to the non-custodial parent. The six week summer parenting time shall not end later than 7:00 p.m. on the sixth day before school resumes. If the non-custodial parent fails to give written notice to the custodial parent before May 1 of the year of the summer parenting time, the non-custodial parent nevertheless shall have the right to such summer parenting time with the child after giving two weeks' written notice to the custodial parent, if and to the extent the time remains for such parenting time; provided, however, that the custodial parent shall have the right to choose the inclusive dates for such parenting time.

4.5 LONG DISTANCE PARENTING TIME.

Where the non-custodial parent lives more than 200 miles from the child the following shall apply.

4.5.1. Extended Parenting Time:

4.5.1.1. **Newborn to less than three years of age:** Three one-week blocks with a break of at least one week between visits at any time during the year, excluding holidays to which the custodial parent is entitled. The non-custodial parent shall notify 90 days advance written notice to the custodial parent of the dates of each of the one-week blocks selected.

4.5.1.2. **At least three years of age and less than six years of age:** Four weeks starting not less than one week and not more than five weeks after school ends. The custodial parent has the option of a weekend (7:00 p.m. Friday until 7:00 p.m. Sunday) after the first two weeks, in the general area of the non-custodial parent's residence.

4.5.1.3 **Six years and older:** The non-custodial parent shall have all but two weeks of the child's summer school vacation, provided, the parenting time shall end not more than six days before school resumes. The custodial parent shall have a two-week period with the child either at the beginning of the summer or after the first one-half of the visit with the non-custodial parent. If the custodial parent chooses to have the two-week period after the first one-half of the parenting time period, the custodial parent shall pay for all transportation costs incurred in transporting the child from the non-custodial parent's home to the custodial parent's home and back to the non-custodial parent's home. The six days before school resumes shall not be considered a part of the custodial parent's two weeks.

4.5.1.3.1. The custodial parent shall by May 1 of each year provide written notice to the non-custodial parent of the dates selected for the custodial parent's two-week period with the child.

4.5.2 School year parenting time:

4.5.2.1. **In even-numbered years:**

4.5.2.1.1. Thanksgiving vacation from Wednesday at the time school adjourns until the following Sunday.

4.5.2.1.2. Spring break from the day after school adjourns until 6:00 PM on the day before school resumes.

4.5.2.2. **In odd-numbered years:**

4.5.2.2.1. Every Christmas vacation from the day after school adjourns until two days before school resumes.

4.5.3. Weekend/Non-school day visits: The non-custodial parent shall have the right to weekend visits or non-school day visits of not more than two weekends per month, excluding holidays to which the custodial parent is entitled, if he/she gives 30 days written notice to the custodial parent.

4.5.4. Transportation: Transportation by plane, train or bus: If the non-custodial parent wants the child to travel by plane, train or bus, then the custodial parent shall deliver and pick up the child at the local international airport, train station or bus station. A child younger than five years shall not travel long distances unless accompanied by a parent or mutually-agreed upon adult known to the child. Approval of a non-parent companion shall not be unreasonably withheld.

5. OTHER HOLIDAYS, EVENTS AND VACATION DAYS:

The residential schedule for the child for the holidays, events and vacation days listed below is as follows:

Thanksgiving Vacation:
Custodial parent - odd years
Non-custodial parent - even years

Halloween:
Custodial parent - even years
Non-custodial parent - odd years

Spring Vacation:
Custodial parent - even years
Non-custodial parent - odd years

Mother's Day: always with mother

Father's Day: always with father

Fourth of July: with the parent whose summer schedule includes July 4th.

Child's Birthday:
Custodial parent - even years
Non-custodial parent - odd years

Mother's Birthday: Always with mother, at mother's option

Father's Birthday: Always with father, at father's option

5.1. Definitions of Holiday Periods:

5.1.1. THANKSGIVING HOLIDAY commencing on Wednesday at 7:00 p.m. and ending on the following Sunday at 7:00 p.m.

5.1.2. HALLOWEEN beginning on October 31st at 5:30 p.m. and ending at 9:00 p.m.

5.1.3. SPRING VACATION whether or not the child is in school, during the period of school spring vacation (measured from the day after school adjourns through the day before school resumes), commencing at 10:00 a.m. and ending at 7:00 p.m.

5.1.4. MOTHER'S DAY the mother shall have parenting time with the child on Mother's Day each year, commencing at 10:00 a.m. and ending at 7:00 p.m.

5.1.5. FATHER'S DAY the father shall have parenting time with the child on Father's Day each year, commencing at 10:00 a.m. and ending at 7:00 p.m.

5.1.6. SUMMER VACATION commencing at 7:00 p.m. on the first Friday school is out and ending at 7:00 p.m. on the Friday before school resumes.

5.1.7. BIRTHDAY'S commencing at 5:00 p.m. and ending at 8:00 p.m. on a school day. Commencing at 10:00 a.m. and ending at 7:00 p.m. on a non-school day.

6. STANDARDS FOR INTERPRETATION OF THE LOCAL RULES.

6.1 Support of parenting time. The custodial parent shall encourage parenting time with the child and the child shall not be permitted to determine whether the child wishes to visit the non-custodial parent unless agreed to, in writing, by both parents.

6.2 Meals & Clothes. The CUSTODIAL PARENT shall have the CHILD fed and ready on time for parenting time with sufficient clothing packed and ready for the parenting time period. The NON-CUSTODIAL PARENT shall return all clothing and feed the CHILD a meal before returning the child from the parenting time period.

6.3. Writing and telephoning. The NON-CUSTODIAL PARENT shall, in addition to the parenting time in this ORDER, have the right to correspond with the CHILD, and to telephone the child during reasonable hours without monitoring by CUSTODIAL PARENT or anyone else. Unless otherwise agreed to between the parties, telephone calls between NON-CUSTODIAL PARENT and the CHILD

shall be limited to no more than 3 per week. The CUSTODIAL PARENT shall also have similar rights during periods of NON-CUSTODIAL PARENT's parenting time. A child over the age of 12 shall have the right to initiate calls to the other parent during reasonable hours. Long distance calls are to be made collect unless other arrangements are made.

6.4. **Decision Making**. The CUSTODIAL PARENT is encouraged to consult with NON-CUSTODIAL PARENT regarding major decisions affecting the child; however, the CUSTODIAL PARENT shall have full decision-making authority. Each parent shall exert his/her best effort to work cooperatively for the best interests of the CHILD.

6.5. **Parenting Time is Independent From Support.** Parenting time is not dependent on payment of child support or on whether or not the other parent does or does not do other things not directly related to parenting time.

7. FLEXIBILITY.

Parents are encouraged to be flexible and to consider their child's best interests in arranging additional parenting time. It is the intent of this parenting time document to provide a schedule to parents who have not been able to agree to an alternate more flexible schedule. This rule is not intended to create an absolute maximum amount of time NON-CUSTODIAL PARENT can be with the CHILD. Nor is it intended to restrict a parent from seeing a child at school or events.

8. PARENT EDUCATION PROGRAMS.

The Twelfth Judicial District provides a mandatory Parent Education Program. (See Supplementary Local Rule 8.080.)

9. SMOKING OR DRINKING ALCOHOL IN THE PRESENCE OF THE CHILD.

An issue frequently occurs when one parent smokes or drinks alcohol in front of the child and the other parent objects. If the parents cannot agree on this issue, neither parent should smoke in the presence of the child (or smoke in any manner so the child is breathing the smoke) and neither parent should drink alcohol to the point where they are affected by the alcohol.

10. INVOLVEMENT AND FLEXIBILITY.

The parenting time schedule should be construed and implemented in a manner which fosters the child's best interest by providing liberal, predictable, and wholesome time between the child and the non-custodial parent. While this schedule promotes stability for the child, each parent acknowledges that reasonable adjustments will be needed from time to time and that an element of flexibility will be required in administering this parenting time schedule. Each parent should be flexible in arranging dates and time with the child so important family events and the child's activities are maintained with minimal disruption or hard feelings. Each parent shall act reasonably in registering the child for activities keeping in mind that neither parent is entitled to require activities for the child which will take place during the other parent's time with the child. On the other hand, there are natural activities which occur (such as school, athletic, music and

other programs) that, by their very nature, take place on the other parent's weekend or scheduled parenting time.

10.1 Although neither parent is required to take a child to any activity, each parent is encouraged to use his or her best effort to keep the child involved in athletic events, school functions, lessons, birthday parties of friends, etc. even though those activities may fall during a parenting time period. To do otherwise would deprive the child of valuable growing opportunities.

10.2. Each parent is encouraged to use a child's activity as an opportunity for that parent to participate with the child, meet the child's friends and other families and to have a quality experience with the child.

11. THE FOLLOWING SUGGESTIONS ARE NOT BINDING UNLESS ADOPTED BY COURT ORDER.

If you feel there are activities of the child or parents, physical, emotional, religious, transportation or work-related concerns, or that there are special needs related to the age of a child and you are unable to mutually resolve those concerns, then you will need to seek the court's assistance to deviate from this rule to address those concerns.

For example, the Twelfth Judicial District Local Rule recognizes that parenting time guidelines should be based upon the needs of a growing child. Parents may wish to ask the Court to consider these age of the child suggestions if they are appropriate.

11.1. Infant, age 0 to less than 1. Frequent two to four hour visits, two or three days per week from CUSTODIAL PARENT's home; also one additional afternoon or evening per week. Single overnight visitations, provided NON-CUSTODIAL PARENT has been actively involved in the care taking role.

11.2. The toddler, age 1 to less than 3 ½. Four weekend days per month, plus one-half (½) day per week (4 to 6 hours). Overnight parenting time, provided NON-CUSTODIAL PARENT has been actively involved in the care taking role and/or is accompanied by an older child. During any visits of 7 days or more, the other parent should have a four hour mid-week visit.

11.3. The pre-schooler, age 3 ½ to less than 6. Alternate weekends from 7:00 p.m. Friday to 7:00 p.m. Sunday, plus either one non-overnight weekday per week during the afternoon or evening. Summer visits should be as per the Rule. During any visits of 7 days or more the other parent should have a four hour mid-week visit.

11.4. The early elementary, age 6 to less than 9. Summer visits should be as per the Rule. The parenting time schedule should be flexible enough to insure the children's participation in ongoing or special activities.

11.5. The later elementary, age 10 and older. The minimum is the same as the early elementary. Flexible parenting time is the basic principle, with the children

having some input to avoid scheduling conflicts. At this age, it seems the quality of time is more important than the quantity but consideration should be given to the child's organized athletics and outside activities.

FOOTNOTE EXAMPLES

1. Effective February 1, 1997. (Revised Edition)

2. For example, the non-custodial parent shall pick the child up from the custodial parent's home at 7:00 p.m. on alternating Fridays, and return the child to the custodial parent's home the following Sunday evening in accordance with the rule. However, if the Monday is a recognized holiday, such as Memorial Day, and the non-custodial parent had the child that weekend, then he/she shall have parenting time with the child until 7:00 p.m. on the Memorial Day.

3. For example, in the year 1998, New Year's Day falls on a Thursday, the non-custodial parent's first weekend visit would begin at 7:00 p.m. on Friday, January 2, and end the following Sunday evening, January 4, at the time specified in Paragraph 4.1.1.

   In accordance with the above example (New Year's day falling on a Monday), if the first alternate weekend visit began on Friday, January 2, 1998, the non-custodial parent's second alternate weekend visit of the new year would begin on a Friday two weeks later, and so on:

First visit: 7:00 p.m. on Friday, January 2, 1998, through 7:00 p.m. the following Sunday;

Second visit: 7:00 p.m. on Friday, January 16, 1998, through 7:00 p.m. the following Sunday;

Third visit: 7:00 p.m. on Friday, January 30, 1998, through 7:00 p.m. the following Sunday.

4. For example, in the year 2001, New Year's Day falls on a Monday, the non-custodial parent's first weekend visit would begin on the second Friday in January, which would be Friday, January 12, 2001.

   In accordance with the above example, if the non-custodial parent's first alternate weekend visit began on Friday, January 12, 2001, the second alternate weekend visit of the new year would commence two weeks later, on Friday, January 26, and end the following Sunday, and so on.

First visit: 7:00 p.m. on Friday, January 12, 2001, through 7:00 p.m. the following Sunday;

Second visit: 7:00 p.m. on Friday, January 26, 2001, through 7:00 p.m. the following Sunday;

Third visit: 7:00 p.m. on Friday, February 9, 2001, through 7:00 p.m. the following Sunday.

5. Using our example above, in the year 2001, if the non-custodial parent's first alternate weekend visit began on Friday, January 12, 2001, then the first alternate Wednesday visit would be on January 17, and so on.

First Wednesday visit: Wednesday, January 17, 2001;

Second Wednesday visit: Wednesday, January 31, 2001;

Third Wednesday visit: Wednesday, February 14, 2001.

6. If the child is not of school age, Winter Vacation shall be considered to begin on the day school would normally let out for the school district in which the child resides.

7. For example, if the child goes back to school on January 8, 2001, the non-custodial parent's visit shall end at 7:00 p.m. on January 7, 2001.

9.081 APPENDIX 3

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF POLK

Guardianship/Conservatorship of	)	Case No.
	)	
_____,	)	Objection to Petition for Appointment
(*Protected Person*)	)	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

_____
Printed or Typed name of Objecting Party

_____
Address or Contact Address

_____
City State Zip

_____