2012

27th JUDICIAL DISTRICT

TILLAMOOK COUNTY CIRCUIT COURT

SUPPLEMENTARY LOCAL RULES

February 1, 2012

TABLE OF CONTENTS

Chapter 1 **Page**

1.151 Court hours for Conducting Business 1
1.171 Website Address 1

Chapter 3

3.051 Appearance by Telephone 1
3.052 Appearance by Cellular Telephone 1
3.142 Attorney of Record 1
3.181 Media or Other Public Access Coverage of Court Events . . 2
3.182 Personal Communication Devices 2

Chapter 4

4.011 Proceedings in Criminal Cases 3
4.021 Change of Plea 3
4.081 Appearance by Simultaneous Electronic Transmission . . 4
4.201 Post Conviction Relief Pleadings 5
4.202 Post Conviction Relief Motions 5
4.203 Post Conviction Relief Exhibits 6
4.204 Post Conviction Relief – Additional Briefing and Exhibits . . 6
4.205 Post Conviction Relief Filing of Documents 6
4.206 Post Conviction Relief Hearings on Motions and Demurrers . 6
4.207 Post Conviction Relief Trial 7

Chapter 5

5.011 Proceedings in Civil Cases 7
5.025 Civil Ex Parte Matters 7
5.031 Appearance by Simultaneous Electronic Transmission . . 8

Chapter 6

6.012 Settlement Conferences 8
6.061 Submission of Jury Instructions 9
6.081 Exhibits 9
6.135 Trial, Hearing and Jury Fees 9

Chapter 7

7.011 Scheduling of Criminal Trials. 9
7.015 Scheduling and Notification of Parties for Trial and Motions . 10

Chapter 8

8.013	Statement of Assets/Liabilities	10
8.015	Parenting Education Program	11
8.045	Pre-Judgment Relief Pursuant to ORS 107.095 (1)	11
8.050	Post Judgment Relief Pursuant to ORS 107.135(1)	12
8.051	Post-Judgment Ex-Parte Temporary Custody or Parenting Time Orders	13
8.052	Parenting Time Enforcement Proceedings	13
8.070	Parenting Time Guidelines	13

Chapter 9

9.045	Guardianships and Conservatorships	13
9.075	Guardianship of a Minor	14
9.081	Objection to Petition for Appointment of Guardian/Conservator	14
9.082	Protective Proceedings – Notice of Services	14
9.161	Form of Accountings	14
9.185	Vouchers and Depository Statements.	14

Chapter 11

11.030	Juvenile Court Proceedings	14
11.045	Judicial Review Hearings	15
11.057	Mandatory Settlement Conferences	15

Chapter 12

12.001	Matters Subject to Mediation	15
12.002	Control, Agreements	15
12.003	Mediation Process	16
12.004	Authority of Mediators	16
12.005	Mediation Orientation	16
12.006	Assignment of Mediator	17
12.007	Scheduling of Mediation Sessions	17
12.008	Mediation Completion	17
12.009	Unsuccessful Mediation	17
12.010	Temporary Custody and Parenting Time Orders	18
12.011	Temporary Support	18
12.012	Custody and Parenting Time Mediation Commission	18
12.013	Mediator Qualifications	18

Chapter 13

13.041	Referral to Arbitration; Motions	19
13.161	Scheduling of Hearing	19

Chapter 19

19.021	Remedial Sanctions for Contempt	19

Appendix

I. Trial Setting Order
II. Joint Property List
III. Notice for Pre-Judgment Relief
IV. Notice for Post-Judgment Modification
V. Guidelines for Parenting time with Minor Child in Domestic Relations Cases (0-175 miles)
VI. Long Distance Parenting Time in Domestic Relations Cases over 175 miles
VII. Objection to Petition for Appointment of Guardian/Conservator

CHAPTER 1

1.151 COURT HOURS FOR CONDUCTING BUSINESS

The Courts are located in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon 97141. Court hours for conducting business and the filing of documents are 8:00 AM to 12:00 Noon and 1:00 PM to 5:00 PM, Monday through Friday, excluding State holidays.

1.171 WEBSITE ADDRESS

The internet address for Tillamook County Circuit Court is:
http://courts.oregon.gov/Tillamook/

CHAPTER 3

3.051 APPEARANCE BY TELEPHONE

(1) Counsel, parties, or witnesses who wish to appear by telephone must do the following:

a) Obtain Permission from the court.
b) Bear the cost of all long distance call charges.
c) Cooperatively arrange with other parties telephonic appearances by three or more parties with the call to the Court placed as specified in subsection d) of this rule.
d) Place the call to the Court's administrative offices. Court staff will transfer the call into the appropriate courtroom.

(2) Failure to call in at the scheduled time of appearance shall be considered failure to appear. The Court may decide the issue before the Court based on the evidence before the Court.

(3) Failure of a criminal defendant to appear by telephone when authorized to do so shall be considered failure to appear and subject to action by the District Attorney.

3.052 APPEARANCE BY CELLULAR TELEPHONE

If telephone appearance is pre-approved by the Court, parties may appear by cellular telephone only if cell phones are used in good reception areas.

3.142 ATTORNEY OF RECORD

(1) Attorneys shall file a Notice of Representation with the Court prior to their first appearance on any case except those attorneys appointed by the Court.

(2) When one attorney is substituted for another, the filed and served notice of substitution is sufficient to change attorney-of-record, except that there shall be no change from one court appointed attorney to another court appointed attorney without prior leave of the Court.

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

(1) Media or Public Access Coverage is prohibited in the hallways outside of any Courtroom or Court Offices without prior authorization by the Judge presiding in the case or the Trial Court Administrator. (Upon request, on a case by case basis, the Court will consider designating an area outside of the courtrooms and prohibited court areas for media and public access coverage).

(2) Any party seeking to provide public access coverage in any area shall file with the Trial Court Administrator (TCA) a written request in advance of commencing coverage. Upon receiving the written request, the TCA shall confer with the Judge presiding in the case. The Judge may prohibit public access coverage in public areas if there is any likelihood that the coverage would:

   (a) constitute a material security risk to the public, jurors, witnesses or parties
   (b) interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial, or
   (c) cause any cost or increased burden from the coverage that would interfere with the efficient administration of justice, or coverage would be in violation of UTCR 3.180(2)

(3) If public access coverage is denied, the Judge must make findings of fact on the record setting forth the substantial reasons for the denial.

(4) If permitted by the Judge, one pool video/film camera, one pool still photographer, and one pool tape recorder will be allowed in the courtroom. The designated pool person will share their films/photos/recordings with other news organizations and shall abide by the limitations set forth in UTCR 3.180.

(5) The TCA or designee will notify court security of plans for media coverage.

3.182 PERSONAL COMMUNICATION DEVICES

(1) Unless otherwise permitted by the Judge presiding over the proceeding, personal communication devices (any electronic or other equipment capable of communicating with others outside a courtroom by transmission of sound or images, including but not limited to cell phones, pagers, BlackBerrys, etc) shall be turned off upon entering the courtroom and shall remain off until after the person has departed from the courtroom. Attorneys who are parties to the case being heard shall be permitted to leave their personal communication devices on, providing said devices are placed in “manner mode” or otherwise placed in silence mode.

(2) 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. Further, the Court may order court security to seize and hold such device pending the completion of the hearing.

(3) Unless otherwise expressly permitted by the Judge presiding over the trial, personal communication devices as described in SLR 3.182 (1) shall not be turned on nor used in a

jury room. Jurors shall be instructed that personal communication devices must be turned off and remain off during their time as a sworn juror for a specific trial while performing juror activities.

CHAPTER 4

4.011 PROCEEDINGS IN CRIMINAL CASES

(1) Attorneys appointed to represent indigent defendants shall meet and confer with their clients prior to the time set for their scheduled appearance in court. Plea petitions and diversion agreements shall be completed and signed prior to the time set for court appearance.
(2) When a 'not guilty' plea is entered and trial is set, counsel shall advise the Court if it is anticipated that motions will be filed. At that time, a deadline for the filing of motions will be set as will a time for hearing the motions, taking into consideration counsels' schedules and the trial date. If unanticipated motions are filed within forty-five (45) days of the scheduled trial date, the Court will set the date and time for hearing the motions at the Court's convenience.
(3) During the pendency of any case charging an offense defendant must keep the Court advised in writing of defendant's current name, mailing address and telephone or message number. Failure to do so could lead to arrest and other sanctions.

4.021 CHANGE OF PLEA

(1) Counsel shall complete any and all forms which the Court requires for entry of plea. The forms shall be completed prior to the entry of plea appearance. The forms can be signed and provided to the Court at the time plea is entered.
(2) In sentencing guidelines cases involving multiple cases, pleas involving multiple departure factors, pleas to lesser included offenses, stipulations to a grid block or other unusual guideline sentencing issues and alternative incarcerations program stipulations, all such plea provisions shall be provided to the Court in writing no later than the time the sentencing is to occur. The written stipulation shall include the following:

    (a) Guidelines classifications for each offense (or lesser included offense) to which a plea will be entered or a statement that all offenses share the same classification.
    (b) Specific statement of the independent departure factors that apply to each departure. A departure factor of "stipulation of the parties" is not sufficient, standing alone, to justify a departure sentence. The parties can stipulate to listed or non-listed factors as long as the record is sufficient to address Blakely issues;
    (c) Disclosure of mandatory sentence terms;
    (d) List of dismissed counts
    (e) Stipulated language for any agreement about the sentence to be imposed if probation is revoked. If stipulated revocation sanctions are consecutive, the record basis for consecutive sentence imposition must be discussed on the record.

4.081 APPEARANCE BY SIMULTANEOUS ELECTRONIC TRANSMISSION

(1) Subject to the Court's approval, an in-custody defendant may appear by simultaneous electronic transmission pursuant to UTCR 4.080 at the following hearings:

(a) Arraignments
(b) Release:
  (i) If the District Attorney does not have a release concern, and the release will be a conditional release, the release hearing will be done by video appearance.
  (ii) If the District Attorney has a concern as to the release of the defendant, the defendant will be transported to the courthouse for the hearing.
  (iii) If the defense attorney is proposing a third party release, the defendant and the third party must be present in the courtroom for the hearing.
  (iv) Attorneys who will be proposing release at a set hearing must notify calendaring by 2:00 p.m. the day prior if the District Attorney opposes release or the release will be a third party release.
(c) Probation Violation:
  (i) If the defendant will be denying the allegations and a denial hearing set, defendant will appear by video.
  (ii) If the defendant will be admitting the allegations, he/she will be transported to the courthouse for the hearing.
  (iii) Attorneys must notify calendaring prior to 2:00 p.m. the day before the Admit/Deny hearing if the defendant will be admitting the allegations.
(d) Entry of Plea/Change of Plea:
  (i) If the defendant is entering a plea of not guilty, they will not be transported, and will appear by video.
  (ii) If the defendant is entering a plea of guilty or no contest, he/she will be transported to the courthouse.
  (iii) Attorneys must notify calendaring prior to 2:00 p.m. the day before the Entry of Plea/Change Of Plea if the defendant will be entering a plea of guilty or no contest.
(e) Sentencing: the court will not use video appearances on a routine basis for sentencing unless the court determines that security concerns warrant an appearance by video.
(f) Set-overs: all set-overs will be done by video. Attorneys must notify calendaring prior to 2:00 p.m. the day before the scheduled hearing.

(2) Appearance by video will be the standard default for jail and court planning purposes. Defense attorneys and the District Attorney are responsible for providing timely notice to the court if the defendant must appear in person in accordance with the above rules.

(a) Subject to the Court's approval, an in-custody defendant may appear by simultaneous electronic transmission pursuant to UTCR 4.080 as a witness in a criminal proceeding other than a jury trial.
(b) Upon written consent of the parties and subject to the Court's approval, a witness may appear by simultaneous electronic transmission pursuant to UTCR 4.080 in a criminal proceeding including a jury trial. In advance of the proceeding, the party responsible for the subpoena of the witness must provide to the Court the IP address and telephone number of the witness.
(c) Subject to the Court's approval, a probation officer may appear by simultaneous electronic transmission pursuant to UTCR 4.080 in a probation violation hearing. A party who believes the personal appearance of a probation officer is necessary at a probation violation hearing must notify the other party, court and probation office no later than forty-eight (48) hours prior to the scheduled probation violation hearing of the request for personal appearance.

4.201 POST CONVICTION RELIEF – PLEADING WHEN COUNSEL IS APPOINTED UPON FILING OF THE PETITION

(1) Counsel appointed for the petitioner shall have 120 days from the date of appointment to either file an amended petition or a written notice that the case will proceed on the original petition.
(2) If counsel is unable to plead a viable claim for relief in an amended petition, counsel shall file an affidavit pursuant to ORS 138.590(5).
(3) The defendant shall not file an answer, motion, or demurrer to the petition until the petitioner has filed a notice that the petitioner will proceed on the original petition, has filed an amended petition, or the 120 days to do so has expired.
(4) Once counsel for the petitioner files an amended petition or notifies the Court in writing that the petitioner will proceed on the original petition, or the 120 days has expired, the defendant shall have 30 days from such filing or notice to file an answer, motion, or demurrer.

4.202 POST CONVICTION RELIEF – MOTIONS

(1) The petitioner shall have 30 days to file a response to the defendant's motion or demurrer.
(2) The defendant shall have 20 days to file a reply to the petitioner's response.
(3) If the Court denies defendant's motion or demurrer, the defendant shall have 20 days to file an answer.
(4) If the Court grants defendant's motion or demurrer and if it appears to the court that there is a reasonable expectation that the petitioner will be able to cure the defect, the petitioner shall be granted 30 days to file an amended petition. Upon a showing of good cause, the Court may, in its discretion, grant the petitioner additional time to file an amended petition.

4.203 POST CONVICTION RELIEF – EXHIBITS

(1) Only the portions of the trial transcript, medical records, or other voluminous documents that are directly relevant to petitioner's claim shall be attached to the petition or amended petition as an exhibit or offered at trial.
(2) All parties are encouraged to put lengthy transcripts, depositions, or other exhibits on CD or DVD in Word or PDF for filing with the court.

4.204 POST CONVICTION RELIEF – ADDITIONAL BRIEFING AND EXHIBITS

(1) The petitioner shall file with the court any legal memoranda and all additional trial exhibits not already attached to the petition or amended petition no later than 30 days before trial.
(2) The defendant shall file with the court any memorandum of law and all trial exhibits no later than 20 days before trial.
(3) The petitioner may respond to the defendant's memorandum of law and exhibits with a further memorandum and additional exhibits, which must be filed with the court no later than 10 days before trial.
(4) For good cause shown, the Court may consider exhibits filed outside the timelines noted above.

4.205 POST CONVICTION RELIEF – FILING OF DOCUMENTS WHEN PETITIONER IS REPRESENTED BY COUNSEL

(1) Counsel's written notification to the Court that the case will proceed on the original petition constitutes counsel's ORCP 17C certifications of the original petition filed by the petitioner pro se.
(2) All matters submitted to the Court for filing shall be submitted only by counsel, and except for the petition or amended petition and any exhibits, signed exclusively by counsel. The only exception to this requirement is for a Church v. Gladden, 244 Or. 308,417 P. 2d 993 (1966), notice filed by the petitioner.

4.206 POST CONVICTION RELIEF – HEARINGS ON MOTIONS AND DEMURRERS

If the court grants oral argument on a motion or demurrer and the petitioner is in custody, the petitioner, if represented by counsel, will not be brought before the court in person, but may appear by video, or by telephone. Counsel for petitioner shall make arrangements for the video or telephone appearance of petitioner.

4.207 POST CONVICTION RELIEF – TRIAL

(1) The petitioner may appear by video or in person. Counsel for petitioner shall make arrangements for the video or in person appearance of petitioner.
(2) Counsel may appear by video conference or in person before the trial judge. Counsel for the petitioner may appear apart from the petitioner only if the facility where petitioner is located enables the petitioner to consult privately with the petitioner's counsel during the proceeding. If appearing by video, Counsel to advise the Court as to his/her IP address prior to the proceeding.
(3) If a party or witness in the case requires the services of a Court interpreter, the party must make a request to the Tillamook Circuit Court Trial Court Administrator's office no later than thirty (30) judicial days before the date set for trial.

CHAPTER 5

5.011 PROCEEDINGS IN CIVIL CASES

During the pendency of any civil or domestic relations case any party who is not represented by an attorney of record must keep the Court advised in writing of the party's current name, mailing address and telephone or message telephone number. Failure to do so could lead to a default judgment and other sanctions.

5.025 CIVIL EX PARTE MATTERS

(1) Ex parte matters shall be heard before a judge at a time designated by docketing or by the assigned judge or by the Presiding Judge. The same scheduling process shall apply to determination of whether a request for the expedited hearing of a civil motion shall be allowed.

(2) Unless required otherwise by law, only the following contested matters may be presented ex parte:

(a) Motion to postpone trial or hearing;
(b) Motion for expedited hearing;
(c) Application for a temporary restraining order under ORCP 79(B)(1), when the adverse party appears and is permitted by the court to address the merits of the request.

(3) Except as otherwise allowed by statute or waived or consented to by the opposing party, any party seeking ex parte relief must provide one judicial days' notice to the opposing party of the date, time and court where the ex parte relief will be sought. A party appearing will be required to advise the court if they have had contact with the opposing party prior to the ex parte appearance, and the opposing party's position on the matter presented to the court.

5.031 APPEARANCE BY SIMULTANEOUS ELECTRONIC TRANSMISSION

Subject to the Court's approval and satisfaction of the requirements of ORS 45.400, a person may appear by simultaneous electronic transmission in a civil proceeding. In advance of the proceeding, the party seeking the testimony must provide to the Court the IP address and telephone number of the person.

CHAPTER 6

6.012 SETTLEMENT CONFERENCES

(1) If one party requests a pre-trial settlement conference, or in cases designated by the Court, the Court will make every effort to hold a mandatory pre-trial settlement conference. 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 pre-trial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.
(2) The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of the parties, counsel and the Court. The attendance of all parties and their trial attorney is required. When a party is insured, a representative of the insurance company with full authority to settle the case shall personally attend, unless good cause is shown. 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 telecommunications.
(3) 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 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.
(4) At least two (2) working days before the settlement conference, each party shall submit to the settlement conference judge a letter, conspicuously labeled a "confidential settlement memorandum" and no longer than three (3) pages that contains the following:

    (a) A brief analysis of key issues involved in the litigation
    (b) A description of the strongest and weakest points in your and your opponents' case, both legal and factual.
    (c) The status of any settlement negotiations, including the last settlement proposal made by you and to you.
    (d) Any settlement proposals you believe would be fair.
    (e) Any obstacles to settlement, such as personality conflicts, outside influences or policy considerations.

(5) Unless the parties agree otherwise, or the law requires otherwise:

(a) all communications made and documents presented in connection with the settlement conference are protected as provided in Oregon Rules of Evidence 408 and 409 and,
(b) any documents submitted for the settlement conference and the judge's notes will not be disclosed and may be destroyed after the settlement conference is concluded.

(6) If a settlement is reached, the parties shall place the settlement on the record and reduce the agreement to a written memorandum from which the lawyers and parties can create a formal settlement document. The trial will be taken off the docket only after a settlement agreement signed by all parties is filed with the Court. The case will go to trial if no settlement agreement signed by all parties is filed with the Court before the date of trial. See also UTCR 6.020.

(7) If the case does not settle, counsel should be prepared to proceed to trial on the date scheduled. The settlement conference judge shall be permitted to act as a trial judge only if all parties so stipulate in writing.

6.061 SUBMISSION OF JURY INSTRUCTIONS

Unless otherwise directed by the Court, jury instructions shall be filed with the Court no later than a minimum of twenty-four (24) hours prior to the start of trial. Depending upon the nature and complexity of a civil case, the Judge may require jury instructions to be submitted on a computer disk.

6.081 EXHIBITS

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

6.135 TRIAL, HEARING AND JURY FEES

Pursuant to ORS 21.270 and 21.275, in all civil cases, the trial fee, hearing fee and jury fee shall be paid to the Court Administrator at the time the trial date is set and in no case less than one full court day prior to the scheduled trial. No jurors shall be directed to report for trial day if the trial fee has not been paid by the close of business day on the prior judicial day. The receipt given for payment of said fees shall be shown to the Courtroom Clerk at the time of trial before the trial will proceed.

CHAPTER 7

7.011 SCHEDULING OF CRIMINAL TRIALS

Criminal trials shall be set in open court in the presence of the defendant, defense attorney and prosecutor so that all interested persons will have actual notice thereof. This will ordinarily occur at the time of a plea entry. Attorneys will be expected to have their personal calendars available for discussion.

7.015 SCHEDULING AND NOTIFICATION OF PARTIES FOR TRIAL AND MOTIONS

(1) Scheduling of civil and domestic relations trials shall be as follows: When a civil or domestic relations case is at issue, the docket clerk will forward to the attorney or the self-represented party, a Trial Setting Order, substantially in the form set forth on Appendix 1, attached hereto and incorporated herein by this reference. Each attorney or self-represented party shall accurately complete each provision of the questionnaire and return it to the Court by the date shown on the questionnaire. The docket clerk will schedule a trial based on the information obtained and give written notice to counsel or self-represented party in accordance with (3) of this rule.
(2) Upon the filing of a motion or response requesting oral argument, in accordance with UTCR 5.050(1), the docket clerk shall schedule the matter for argument. All motions will be scheduled for the time estimated in the request, but not more than thirty (30) minutes. An attorney or self-represented party receiving a notice scheduling an amount of time for argument which the attorney or self-represented party believes is insufficient shall advise the docket clerk of that insufficiency immediately.
(3) Notification of the dates for trial and motions shall be given as follows:

(a) Notice of the date set for trial in a criminal, civil or domestic relations case shall be sent to counsel or self-represented party. The written notice shall inform counsel of the date and hour trial is scheduled to commence, the number of days scheduled and whether it is before the Court or to a Jury.
(b) When a motion is scheduled for argument the docket clerk shall send to counsel for each party a written notice stating the date, the hour and the amount of time scheduled for argument. Unless counsel makes arrangements for a conference call, all arguments will be heard in person in the courtroom. The Court has a speaker phone system which can be set up in the courtroom so the court reporter can make a record of argument made by counsel appearing by conference call. Counsel desiring to proceed in that manner shall advise the docket clerk of their need for a court reporter at least one hour prior to the time for argument.

CHAPTER 8 – DOMESTIC PROCEEDINGS

8.013 STATEMENT OF ASSETS/LIABILITIES

In any contested dissolution of marriage, separate maintenance, annulment or dissolution of a domestic partnership action, if there are any disputes regarding the value or disposition of items of property or liabilities, the parties may confer and jointly prepare a list of all property and liabilities the Court will be asked to distribute. Each party shall indicate their opinion regarding the fair market value for each item listed and their proposed distribution of the property and liability (described individually or by groupings, as counsel may agree). At the bottom of each page there is to be a subtotal for each party based upon their claim for the item and their estimate of fair market value. The last page is to have a total for each party based upon their estimated fair market value. A proposed form is included in the Appendix to these rules as Appendix II.

8.015 PARENTING EDUCATION PROGRAM

(1) The following cases are subject to this rule; annulment, legal separation or dissolution of marriage actions where the parties have a child under the age of eighteen (18) years, petition to establish custody or visitation and post-judgment litigation involving custody or visitation.
(2) All parties to proceedings identified above, shall successfully complete the parenting program offered by the Court designated providers. Parties shall register for the program within fifteen (15) days of receiving notice of this education requirement. All parties shall complete the program before trial or entry of judgment.
(3) Notice and instructions to the petitioner of the requirement that the parties complete the 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 indigence to the Court and the party meets indigence guidelines.
(5) Each person who successfully completes the Court's program shall present a Certificate of Completion to the Judge before trial or entry of judgment.
(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 fifteen (15) days of receipt for the Trial Court Administrator's Notice.
(7) Court action on a petition or request for post judgment relief shall not be delayed by a party's refusal or delay in completing the program unless the non-complying party is a 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.

8.045 PRE-JUDGMENT RELIEF PURSUANT TO ORS 107.095 (1)

(1) All applications for pre-judgment relief under ORS 107.095(1) must be by motion for a show cause order and the said order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by references to a supporting affidavit.
(2) All such show cause orders shall specify a response time not less than thirty (30) days from the date of service thereof upon the opposing party. Such orders shall require the opposing party to respond by filing a response in writing together with opposing affidavits and supporting materials, if any and serving a copy thereof upon the moving party within the aforesaid response time. The said motion, order, and supporting affidavits and materials must be served upon the opposing party and the order must have attached thereto a notice substantially in conformity with the form notice set forth in Appendix III to these rules. However, use of such notice may be dispensed with if such service is made upon an attorney known to be representing the

opposing party. Supporting materials filed under the provisions of SLR 8.045(2) and (3) must comply with the provisions of UTCR 13.190(2), and may not exceed fifteen (15) pages in length per affidavit.

(3) If the opposing party fails to respond to the show cause order as aforesaid, at any time following the response time, and while the opposing party is in default, the moving party may present an order granting the relief sought, provided that proper return of service for the show cause order has been filed.

(4) If the opposing party responds to the show cause order in due course, the moving party shall have fourteen (14) days from the date of service of the response to file a reply with affidavits and supportive materials, if any. The reply shall be limited to addressing matters or contentions in the response. No further pleadings will be considered. Seven (7) days from the date of the Court's receipt of the response the Court shall assume the matter is ripe for disposition and shall then in ordinary course decide the matter on the record by reference to the filed materials and promptly notify the parties of any decision by mail or by telephone conference call, whichever seems necessary or expedient.

(5) However, for good cause shown or upon its own motion, the Court may set such show cause proceedings for determination in open court at a certain time and give notice thereof to both parties.

(6) The Court may consider applications for ex parte temporary custody and/or parenting time orders pursuant to ORS 107.097(3) at 1:00 p.m. each judicial day, subject to the moving party scheduling such application with the Court's Calendar Coordinator not later than 4:00 p.m. of the previous judicial day. The Court may consider application for ex parte immediate temporary orders for such things as support, restraint, etc., if sufficiently supported by affidavit or other appropriate documentation establishing a bona-fide emergency need therefore. Such applications shall be allowed only if done in conjunction with show cause proceedings as provided herein above touching upon the same issues as are contained in the temporary order so that the opposing party is provided an opportunity to respond. An application for a Temporary Protective Order of Restraint shall be in conformance with ORS 107.097(2).

8.050 POST JUDGMENT RELIEF PURSUANT TO ORS 107.135(1)

(1) All applications for post-judgment relief under ORS 107.135(1) must be by motion for a show cause order and the order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by reference to a supporting affidavit. Such orders shall be served pursuant to ORCP 7 along with the form of Notice set forth in Appendix IV.

(2) All such show cause orders shall specify a response time not less than thirty (30) days from the date of service thereof upon the opposing party. Such orders shall require the opposing party to respond by filing a response in writing together with opposing affidavits (and requesting affirmative relief, if any) and serving a copy thereof upon the moving party within the aforesaid response time. The motion, order and supporting affidavits must be served upon the opposing party and the order must have attached thereto a notice substantially in conformity with the form notice set forth in Appendix IV

to these rules. However, use of such notice may be dispensed with if such service is made upon an attorney known to be representing the opposing party.

(3) If the opposing party fails to respond to the show cause order as aforesaid, at any time following the response time, and while the opposing party is in default, the moving party may present an order granting the relief sought, provided that proper return of service for the show cause order has been filed.

(4) If the opposing party responds to the show cause order in due course, the Court shall set the matter for an initial court appearance for the purposes of setting the matter for hearing.

8.051 POST JUDGMENT EX-PARTE TEMPORARY CUSTODY OR PARENTING TIME ORDERS

A party who files an ex-parte temporary custody or parenting time order pursuant to ORS 107.139 must simultaneously file a motion for permanent modification of custody, unless one is pending at the time the ex-parte application is made.

8.052 PARENTING TIME ENFORCEMENT PROCEEDINGS

Proceedings to enforce parenting time pursuant to ORS 107.434 shall be scheduled for hearing within 45 days of filing. The Court will set a single hearing at which the parties shall litigate the issues.

8.070 PARENTING TIME GUIDELINES

Attached as Appendix IV is a recommended schedule for parenting time for proceedings where there are minor children. The schedule is a guideline only and may be modified based upon appropriate circumstances in individual cases.

CHAPTER 9 – PROBATE PROCEEDINGS

9.045 GUARDIANSHIPS AND CONSERVATORSHIPS

(1) When a petition seeks appointment of a guardian for an adult respondent or requests appointment of a visitor, a copy of the petition marked “visitor’s copy”, shall be delivered to the probate clerk and the minimum visitor’s fee of $250 shall be tendered to the court. Petitioner shall also submit a proposed order in the format contained in Appendix V of these rules. Court staff shall fill in the name of the visitor appointed on the blank line in the form. Upon receipt of the visitor’s copy, supporting documentation and visitor’s fee, the proposed Order appointing visitor shall be forwarded to a judge for review.

(2) The visitor shall be compensated as provided in ORS 125.170 and Presiding Judge Order. The visitor is not required to begin an investigation until the fee has been paid to or waived by the court.

(3) The Court Visitor shall also include in the report any information gathered regarding whether the Respondent will need any special accommodation if a court hearing is set.

(4) Upon receipt of the visitor’s report, the court shall process payment for the visitor.

(5) In accordance with ORS 125.155(5), reasonable compensation for a visitor at any hearing on any objection to the appointment of a fiduciary shall be $25.00. The compensation is to be paid by the objecting party prior to any hearing being set regarding the objection.

9.075 GUARDIANSHIP OF A MINOR

Within thirty (30) days after each anniversary of appointment, a guardian of a minor shall file with the Court a written report. Copies of the guardian's report must be given to those persons specified in ORS 125.060(3). The report shall be substantially the same form as that described in ORS 125.325. Information regarding the required contents of the annual guardian report is also available on the Court's website.

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR

(1) Any interested person, as described in ORS 125.075(1), who has an oral objection to a Petition in a protective proceeding should contact a court clerk at (503)842-2596. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition. The objecting party shall appear at the Tillamook County Circuit Court window, main floor of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon to have the objection reduced to writing. Upon receipt of the objection, payment of the applicable fee required by ORS 21.310, the Court will schedule a hearing and notify the appropriate parties.
(2) If the objecting party wishes to file a written objection, the court clerk will provide the objection form contained in Appendix VII.

9.082 PROTECTIVE PROCEEDINGS – NOTICE OF SERVICES

In a proceeding for the appointment of a guardian for an adult respondent, the notice required under ORS 125.060 shall include the following language or its equivalent:

"Free legal services for people at least 60 years of age who are subject to guardianship proceedings may be obtained by calling Oregon Legal Services' Senior Law Program at 1-888-245-4091. Help finding a lawyer and low-cost one-time legal consultation may be obtained by calling the Lawyer Referral Service of the Oregon State Bar at 1-800-452-7636."

9.161 FORM OF ACCOUNTING

All accountings filed with the Court, in estates, conservatorships and trusts shall be in the format as set out in UTCR 9.160.

9.185 VOUCHERS AND DEPOSITORY STATEMENTS

When cancelled checks or vouchers are not available, unless the Court orders otherwise, in lieu of cancelled checks or vouchers, a list of expenditures as reflected by the cancelled checks or vouchers shall accompany all accountings.

CHAPTER 11

11.030 JUVENILE COURT PROCEEDINGS

A Summons issued under ORS 419B.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.

11.045 JUDICIAL REVIEW HEARINGS

Request for judicial review hearings shall be in writing, set forth the reason for the request and be served on all parties.

11.057 MANDATORY SETTLEMENT CONFERENCES

Unless waived by the Presiding Judge, all contested dependency cases shall be set for settlement conference. Settlement conference shall be fifteen (15) to twenty-five (25) days after a denial to the Petition is entered.

CHAPTER 12 – MEDIATION

12.001 MATTERS SUBJECT TO MEDIATION

(1) Mandatory Domestic Relations Custody and Parenting Mediation
Any matter identified in ORS 107.755 or described in ORS 107.765 shall be subject to mediation. The Court will not consider any contested custody or parenting time issue in a proceeding that results in a final judgment or order and the Court may decline to consider any contested custody or parenting time issue in a proceeding that results in a temporary order under ORS 107.095, unless it is notified by the mediator that the matter has proceeded through mediation in accordance with these rules.

(2) Exclusion from Mandatory Mediation
A matter may be excluded from mandatory or ordered mediation upon application by a party and upon a showing of good cause to the Court with service upon the opposing party and after being given the opportunity to be heard in objection.

(3) Other Matters in Custody and Parenting Mediation
A mediator may consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody or parenting time with the written approval of both parties or counsel.

(4) Domestic Relations Financial Mediation
A mediator qualified to mediate financial issues may mediate issues including, but not limited to, property and debt division, spousal support, and child support. Domestic relations financial mediation may be, but is not required, in connection with the mediation of a dispute concerning child custody, parenting time or visitation; however, if mediation is mandatory under Rule 12.001(1), the custody and parenting issues must be resolved before addressing financial issues. If mediation is not mandatory under Rule 12.001(1), the Court may, on its own motion or by motion of one party, order domestic relations financial mediation. Domestic relations financial mediation is subject to SLR 12.001(2) and 12.002-12.013.

12.002 CONTROL, AGREEMENTS

A domestic relations case filed in the Circuit Court remains subject to the control of that Court during mediation. The Court which refers a case to mediation may set in its referral order the limits of the mediator's scope of authority in the case. Any agreements 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. In order to preserve and promote the integrity of mediation as a dispute resolution technique, the Court shall consider and may include all reasonable agreements reached by the parties in formulating its Order in the case.

12.003 MEDIATION PROCESS

(1) Commencement of Mediation by Stipulated Request for Mediation. 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. 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.

(2) 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 relation proceeding, either parent seeking to resolve the matter may file with the Court and serve upon the other parent or his/her attorney a request for mediation.

(3) 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.

(4) Referral by Court to Mediation.
When the parties have not requested mediation but it appears that custody and/or parenting time are issues in a proceeding that results in final judgment or order, the Court shall refer the matter to mediation; and in a proceeding that results in a temporary order, the Court may refer the matter to mediation.

12.004 AUTHORITY OF MEDIATORS

(1) A mediator has authority and control over the mediation process; but a mediator has no control or authority over the parties or over their decisions in this case.

(2) Unless otherwise agreed in writing by the parties, the parties' legal counsel shall not be present at mediation sessions.

(3) A mediator shall encourage disputing parties to obtain individual legal advice and individual legal review of any mediated agreement before signing any agreement.

(4) A mediator shall not act as a lawyer for either party.

12.005 MEDIATION ORIENTATION

(1) Whenever mediation is requested or ordered as in Rule 12.001(4) or Rule 12.003 or whenever any pleadings indicate that child custody or parenting time is at issue, the parties shall be ordered to appear at mediation orientation. The parents will be given an opportunity to choose a mediator from those under contract or agreement with Tillamook County at the orientation or consult with their counsel and report their choice of mediator to the Court within seven (7) days. If the parties are unable to agree upon a mediator within seven (7) days, the Court will

appoint a mediator pursuant to Rule 12.006(b) and notify the parties of the appointment.

(2) Mediation shall consist of an orientation session and a maximum of six hours involving the parties and the mediator. Additional time may be provided at the parties' expense.

(3) Once assigned to mediation, the parties are required to attend the scheduled orientation session, unless by 5:00 p.m. the day of orientation, the parties through their attorneys or personally, request in writing, signed by both parties or their attorneys, excuse from attendance due to settlement or unforeseen emergency. If excused, the parties are required to attend the next mediation orientation unless the Court has received a signed, Stipulated Order or Judgment by 5:00 p.m. of that day.

12.006 ASSIGNMENT OF MEDIATOR

(1) The parties may select a mediator of their own choosing; however, if the mediator is not on the list of mediators approved by the Court, the expense of the mediator shall be the responsibility of the parties.

(2) Court Appointed Mediator - In the absence of a mediator selected by the parties, the mediation clerk shall select at least three individuals from the Court's panel of mediators and shall send their names to legal counsel for the parties, or to a party directly if not represented, with a request that each party strike one name and notify the Court within five (5) judicial days. The mediation clerk, under direction of the Court, shall select as mediator one of the three individuals about whom no timely objection was made. For good cause shown, a party may object to more than one name. In the event there is good cause objection to all of the individual's names, the Court will appoint a mediator from the list of court-approved mediators.

12.007 SCHEDULING OF MEDIATION SESSIONS

(1) Upon receipt of a mediation assignment, a mediator shall immediately notify the parties of a reasonable date and time for the initial mediation session which shall occur in the mediator's office, unless otherwise agreed upon between the mediator and the parties. The initial mediation session should occur within fourteen (14) days of the mediator's receipt of first notice of assignment.

(2) Mediation shall be completed in a prompt manner and so as to not unduly delay the Court and in no event later than any deadline date ordered by the assigned trial judge.

12.008 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 or postponement under such conditions as the Court may require.

12.009 UNSUCCESSFUL MEDIATION

The mediator may notify the Court at any time following the initial mediation sessions 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, if the mediator determines that either parent is using the mediation process in bad faith for the delay of resolution of other issues, or if the parties were ordered to mediation pursuant to Rule 12.001(4) and are unable to resolve the financial controversy.

12.010 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.

12.011 TEMPORARY SUPPORT

If the parents cannot agree on the amount of temporary 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 request of the parents and the consent of the mediator in resolving the support issue as well.

12.012 MEDIATION COMMISSION

A Mediation Commission is established. The Presiding Judge shall appoint the commission members who shall serve at the Presiding Judge's pleasure.

(1) Function – The commission's function shall be to supervise the mediation program to render advisory opinions at the request of a judge, including advisory opinions regarding mediator applicants, and to recommend rule changes to the judges.
(2) Composition – The composition of the Commission shall be two judges and two attorneys whose practices include domestic relations work. If the Commission meets to render a recommendation regarding an application to be a domestic relations financial mediator, the Commission shall include at least one domestic relations financial mediator. Ex officio members shall be the Presiding Judge of the Twenty-Seventh Judicial District and a court mediation coordinator. The Presiding Judge may appoint additional members.
(3) Quorum – Two members of the Commission including at least one attorney and one judge shall constitute a quorum.

12.013 MEDIATOR QUALIFICATIONS

To qualify as a Court-approved mediator, a person must:

(1) Sign and file an application with the Court; and
(2) Receive approval by the Presiding Judge, upon recommendation of the Commission.

Note: The privacy of records and confidentiality of communications in mediation are governed by ORS 107.785.

CHAPTER 13 – ARBITRATION

13.041 REFERRAL TO ARBITRATION: MOTIONS

(1) A case subject to arbitration will be assigned to arbitration when all parties have appeared.
(2) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case to be no longer subject to mandatory arbitration, the party filing such a pleading must so notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk will then remove the case from arbitration.

13.161 SCHEDULING OF HEARING

(1) Except for good cause shown, the hearing must be scheduled to take place no later than ninety (90) days, from the date of assignment of the case to the arbitrator. A hearing may be postponed or continued only with permission of the arbitrator, but it must still take place within the ninety (90) day period. The arbitrator must give notice of any continuance to the Trial Court Administrator.
(2) Continuances and postponements shall not be granted except in the more unusual circumstances. Approximately three months are allocated for the arbitration process. The arbitrator is given the power to enforce the rules and will be required to maintain the schedule.

CHAPTER 19

19.021 REMEDIAL SANCTIONS FOR CONTEMPT

Pursuant to ORS 33.055(5)(a), a Motion and Affidavit to Show Cause for remedial sanctions for contempt of Court Order shall be filed with the court clerk. The proposed Order shall provide for the Court to specify a date and time for the defendant to appear. The date and time set forth shall be for the purpose of a first appearance at which time the defendant shall be arraigned on the allegations specified in the Motion. Subsequent hearings shall be set by the Court's docket clerk.

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

_____	)	
Plaintiff	)	Case No._____
	)	
vs.	)	TRIAL SETTING ORDER
	)	
_____	)	
Defendant	)	

This case is ( ) at issue ( ) must be reset. We wish to schedule it for trial between _____ and _____.

Each attorney whose name is set forth at the foot of this order shall accurately complete each question and return this form to the Court not later than_____.

The undersigned attorney represents that reasonable efforts have been made to obtain accurate information from client and witnesses regarding the following:

1) During the above time period my client or I have conflicts or would have witnesses who are unavailable on the following days:
_____

_____

2) My client ( ) wants a jury; ( ) waives jury; ( ) is not entitled to a jury; ( ) will agree to a trial by a jury of six; three peremptory challenges per party; verdict by five (six in criminal case) jurors.
3) I believe that direct examination of all my witnesses will take _____ hours.
4) I estimate that the entire trial will take _____.
5) The following additional factors may have an effect on the length of the trial:
_____
_____
_____.

6) The party(s) on whose behalf this form is filed is _____.
7) My client's trial attorney will be _____.

Attorney Signature:_____

UTCR 8.010 (8.013) STATEMENT OF JOINT PROPERTY LIST
APPENDIX II

ASSETS			PETITIONER'S OPINION			RESPONDENT'S OPINION			
#	ITEM DESCRIPTION		FAIR MARKET Value/Debt	PET.	RSP.	FAIR MARKET Value/Debt	PET.	RSP.	COMMENTS

Subtotals: _____ _____
Totals: _____ _____ Page: _____

CHAPTER 8 – APPENDIX III

NOTICE FOR PRE-JUDGMENT RELIEF

You must file a response in writing to this Order within thirty (30) days from the date this order is served upon you. If you do not file a written response 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 a response in writing, you must do the following things:

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

(2) Your written response must specify the item or items of relief requested by the other side which you oppose and counter motions, if any. In addition, you will need to file supporting affidavits setting forth the reasons you oppose the requested relief, facts supporting your position and facts supporting your counter motions, if any. You may attach to the supporting affidavits supporting materials that comply with UTCR 13.190(2).

(3) Your written response 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 response unless and until you file in the case a written notice of a change of such 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 response together with supporting affidavits 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 response must be accompanied by payment of any filing fee required by law for the filing of the response, 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 questions concerning a filing fee).

(6) At or before the time you file your written response with the clerk of the Court, you must mail a copy of the response together with a copy of supporting affidavits 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 response which you file with the clerk a certificate showing that you have mailed a copy of the response to the attorney for the other side of to the other side personally. If you file a written response in the manner and within the time stated above, the Court will decide whether or not to grant the relief requested by the other side, and you will be notified by mail of the Court's decision.

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

CHAPTER 8 – APPENDIX IV

NOTICE FOR POST-JUDGMENT MODIFICATION

You must file a response in writing to this Order within thirty (30) days from the date this Order is served upon you. If you do not file a written response 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 a response in writing, you must do the following things:

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

(2) Your written response must specify the item or items of relief requested by the other side which you oppose and, counter motions, if any. In addition, you will need to file supporting affidavits setting forth the reasons you oppose the requested relief, facts supporting your position, and facts supporting your counter motion, if any.

(3) Your written response 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 response unless and until you file in this case a written notice of a change of such 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 response together with supporting materials 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 response must be accompanied by payment of any filing fee required by law for the filing of the response, 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 questions concerning a filing fee).

(6) At or before the time you file your written response with the clerk of the Court, you must mail a copy of the response together with a copy of supporting materials 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 response which you file with the clerk a certificate showing that you have mailed a copy of the response to the attorney for the other side or to the other side personally. If you file a written response in the manner and within the time stated above, the Court will decide whether or not to grant the relief requested by the other side, and you will be notified by mail of the Court's decision.

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

CHAPTER 8 – APPENDIX V

GUIDELINES FOR PARENTING TIME WITH MINOR CHILDREN IN DOMESTIC RELATIONS CASES (0 – 175 MILES)

1. PARENTS CAN AGREE TO A DIFFERENT PLAN

   The parties can arrange any parenting time plan they desire or may vary portions of this plan, but only if both parents agree. If the parents do not agree to a different plan, the non-residential parent will have parenting time as set forth in this plan unless otherwise ordered by the Court.

2. DEFINITIONS

   (a) Weekends: A weekend is defined as commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday. The first weekend of the month is defined as the first weekend that has both a Saturday and a Sunday within the same calendar month. The fifth weekend will be the fifth weekend of any calendar month in which both Saturday and Sunday fall within the same calendar month. The fifth weekend occurs two (2) to four (4) times per year.
   (b) Vacation and Holiday Periods: These are the dates set by the school the child attends or by the public school district in which the child resides if the child is not attending school or is home-schooled.
   (c) Conflicts: If routine parenting time conflicts with holiday and vacation parenting time, then the parent entitled to holiday and vacation time will have the child(ren). Holiday and vacation parenting time will not work to change the routine schedule nor will it "restart" the routine parenting time schedule.

3. <u>ROUTINE SCHEDULE</u>: This schedule is to be utilized so long as the non-residential parent lives within 175 miles of the children.

   The non-residential parent will have parenting time with the child(ren) as follows:

   (a) Children age birth to 6 months. Three times per week for two hours each as follows: Saturday 1:00 p.m. – 3:00 p.m.; Tuesday and Thursday 5:30 p.m. – 7:30 p.m.

   (b) **Children age 6 months to 18 months**. Two times per week for three hours as follows:
   Tuesday and Thursday from 5:30 p.m. – 8:30 p.m.; and on the 1st, 3rd and 5th Saturdays of each month from 9:00a.m. until 3:00 p.m.

   (c) **Children age 18 months to 36 months**. Two times per week for three hours as follows:
   Tuesday and Thursday from 5:30 p.m. to 8:30 p.m.; and on the 1st, 3rd and 5th weekends from 6:00 p.m. Friday until 6:00 p.m. Saturday.

(d) **Children over age 36 months**. 1st, 3rd, and 5th weekends commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on Sunday and every Wednesday from 5:30 p.m. to 8:30 p.m. In the event a school closure day is attached to an alternate weekend, the non-residential parent will have the child(ren) for the additional day.

(e) All times not awarded to the non-residential parent shall the be residential parents parenting time.

4. HOLIDAY AND VACATION PLANNING

(a) **Holiday and Vacation Schedule**:

Whether or not the child(ren) is/are enrolled in school, the child(ren) will spend time with his/her/their parents on holidays according to the following plan:

Holiday	**Non-Residential Parent**	**Residential Parent**
Spring Break	Odd Years	Even Years
Easter	Even Years	Odd Years
Memorial Day Weekend	Every Year	
Summer Vacation	(Split between parents: see following rules)	
4th of July	Even Years	Odd Years
Labor Day Weekend		Every Year
Halloween	Odd Years	Even Years
Thanksgiving	Even Years	Odd Years
Winter Vacation	(Split between parents: see following rules)	
Mother's Day	Mother – Every Year	
Father's Day	Father – Every Year	

For the purposes of this Parenting Plan, a holiday will begin and end as set forth below:

(b) **Non-School/In-Service Days; Martin Luther King Day and Presidents' Day**

In addition to weekend parenting time, if the child(ren) has/have a day out of school on either or both the Monday following and/or the Friday preceding the non-residential parent's weekend parenting time, the non-residential parent shall also have the parenting time with the child(ren) on said extra day(s) commencing either twenty-four (24) hours before and/or ending twenty-four (24) hours after the scheduled parenting time, including Martin Luther King holiday and Presidents' Day.

(c) Winter Vacation

(1) Children age birth to 18 months. The non-residential parent will have the child(ren) on December 25th from 9:00 a.m. until 6:00 p.m. in even numbered years and on December 24th from 9:00 a.m. until 6:00 p.m. in odd numbered years.

(2) Children age 18 months to 36 months. The non-residential parent will have the child(ren) from 6:00 p.m. on December 24th until 6:00 p.m. December 25th in even numbered years and from 6:00 p.m. on December 25th until 6:00 p.m. December 26th in odd numbered years.

(3) Children over the age of 36 months. Whether or not the child(ren) is/are in school during the period of school winter vacation in the district in which they reside, parenting time for the non-residential parent will be from 9:00 a.m. the day after school adjourns through noon on December 26th in even numbered years. In odd numbered years the non-residential parent will have the child(ren) from noon on December 26th until noon the day before school reconvenes.

(d) Thanksgiving

(1) Children age birth to 6 months. No change from ROUTINE SCHEDULE.

(2) Children age 6 months to 36 months. The non-residential parent or residential parent will have the child(ren) from 9:00 a.m. until 6:00 p.m. on Thanksgiving Day according to the odd/even year designation in Section 4(a).

(3) Children over age 36 months. The non-residential or residential parent will have the child(ren) from Wednesday evening prior to Thanksgiving at 6:00 p.m. until the following Sunday at 6:00 p.m. according to the odd/even designation.

(e) Easter

(1) Children age birth to 6 months. The non-residential parent will have the child(ren) from 1:00 p.m. to 3:00 p.m. in even numbered years.

(2) Children age 6 months to 36 months. The non-residential or residential parent will have the child(ren) on Easter Sunday from 9:00 a.m. until 6:00 p.m. according to the odd/even year designation.

(3) Children over age 36 months. The non-residential or residential parent will have the child(ren) from the Saturday preceding Easter Sunday at 5:00 p.m. until Easter Sunday at 7:00 p.m. according to the odd/even year designation.

***(f)* Memorial Day and Labor Day**

(1) Children age birth to 6 months. No change in ROUTINE SCHEDULE.

(2) Children age 6 months to 36 months. The non-residential or residential parent will have the child(ren) from the day of the holiday from 9:00 a.m. until 6:00 p.m. according to the odd/even year designation.

(3) Children over age 36 months. The non-residential parent or residential parent will have the child(ren) from the Friday preceding the holiday at 6:00 p.m. until 6:00 p.m. Monday according to the odd/even year designation.

***(g)* Fourth of July**

(1) Children age birth to 6 months. No change from ROUTINE SCHEDULE.

(2) Children age 6 months to 36 months. The non-residential parent will have the child(ren) on July 4th from 9:00 a.m. until 6:00 p.m. in even numbered years.

(3) Children over age 36 months. The non-residential parent or residential parent will have the child(ren) from noon on July 4th until noon on July 5th according to the odd/even year designation.

(4) July 4th parenting holiday shall supersede summer vacation in the event there is a conflict.

***(h)* Halloween**

(1) Children age birth to 6 months. No change from ROUTINE SCHEDULE.

(2) Children age 6 months to 36 months. The non-residential parent or residential parent will have the child(ren) from 4:00 p.m. to 8:00 p.m. Halloween Day according to the odd/even year designation.

(3) Children over age 36 months. The non-residential parent or the residential parent will have the child(ren) from 4:00 p.m. to 9:00 p.m. Halloween Day according to the odd/even year designation.

***(i)* Child(ren)'s Birthday**

The child's birthday shall be celebrated by the parent who has the child in accordance with these rules. However, the other parent is encouraged to celebrate the child's birthday during that parent's scheduled parenting time with the child.

(j) Spring Break

(1) Children age birth to 36 months. No change from ROUTINE SCHEDULE.

(2) Children over age 36 months. The non-residential or residential parent will have the child(ren) from 9:00 a.m. on the day after school adjourns until 6:00 p.m. on the last Saturday of spring vacation according to the odd/even year designation.

(k) Mother's Day and Father's Day

(1) Children age birth to 6 months. No Change from ROUTINE SCHEDULE.

(2) Children age 6 months to 36 months. The Mother will have the child(ren) on Mother's Day from 9:00 a.m. until 6:00 p.m. The Father will have the child(ren) on Father's Day from 9:00 a.m. until 6:00 p.m.

(3) Children over age 36 months. The Mother will have the child(ren) on Mother's Day weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday. The Father will have the child(ren) on Father's Day weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday.

(l) Summer Vacation

(1) Children age birth to 36 months prior to June 1. No change from ROUTINE SCHEDULE.

(2) Children age 36 months to 6 years prior to June 1. The non-residential parent will have the child(ren) for three (3) one-week blocks, scheduled to include the non-residential parent's 1st, 3rd, or 5th weekend. The non-residential parent shall designate these one-week blocks by May 1st of each year by giving the residential parent written notice of such dates. If the non-residential parent fails to give that written notice before May 1st, she or he is still entitled to exercise their summer parenting time, but the residential parent can then choose the dates in conformance with paragraphs (1)-(3) herein. The residential parent, in choosing the dates, shall schedule the non-residential parent's summer parenting time so as to allow one week in June, one in July and one in August of each summer. There must be at least two weeks between each of the one-week blocks. The 1st, 3rd, and 5th weekends of parenting time continue throughout the summer.

(3) Children over age 6 prior to June 1. The non-residential parent shall have the parenting time on alternating two week periods for the summer vacation from school beginning the time on the first Friday after school lets out for summer vacation. The exchange time shall be every Friday at 6 p.m. The routine weekend and Wednesday evening parenting time shall be suspended during the summer vacation from school.

5. PARENTING TIME ARRANGEMENTS

(a) Scheduling Accommodations.

Parents are encouraged to be flexible with changes in parenting time to accommodate unforeseen events, the children's schedule and the parents work schedules.

(b) Scheduling.

In the event either parent chooses to not exercise their allotted parenting time, that parent shall make a good faith attempt to notify the other parent of this choice. While this schedule promotes stability for the child(ren), each parent shall acknowledge that reasonable adjustments will be needed from time to time and that an element of flexibility will be required in administering this parenting schedule. In the event a parent will be late for any scheduled pick up or return of the child(ren), they will make a good faith effort to telephone or otherwise contact the other parent. Parents should make scheduling arrangements between themselves or through other adults. Children should not be used as messengers.

(c) Transportation.

All parenting time periods must be exercised in a prompt manner so that both parties can make their plans accordingly. The non-residential parent shall pick the child(ren) up from the front steps of the residential parent's residence no earlier than fifteen (15) minutes and not later than thirty (30) minutes after the parenting time period commences. The residential parent shall pick up the child(ren) from the front steps of the non-residential parent's residence no earlier than fifteen (15) minutes before and not later than thirty (30) minutes after the parenting period ends. In the event that a party cannot transport the child(ren), a third party may be allowed to provide transportation for the child(ren). All persons transporting the child(ren) shall be known to the child(ren), have a valid driver's license, have required insurance, have car seats as appropriate and not have consumed alcohol within three hours of driving the child(ren).

(d) Meals and Clothes

The residential parent must have the child(ren) fed and ready on time with sufficient clothing packed and ready for the non-residential parent's parenting time. The non-residential parent must return all the clothing that accompanied the child(ren) and must have the child(ren) fed before the child(ren) return(s) to the residential parent.

(e) Medications

If the child(ren) has/have been prescribed medication that is to be administered during the parenting time, the residential parent should provide the medication(s) to the non-residential parent along with any instructions regarding the medication(s). The non-residential parent shall administer the medication according to the prescription and return any unused medication(s) to the residential parent at the time the child(ren) is/are returned to the residential parent.

(f) Making Up Missed Parenting Time

(1) Only substantial medical reasons of the child(ren) will be considered sufficient for postponement of parenting time. If the child(ren) is/are so ill that parenting time is canceled , makeup parenting time will occur on the following weekend, unless the parties agree otherwise.

(2) If the non-residential parent fails to exercise his/her scheduled parenting time, there will be no makeup time.

(g) Parenting Time Is NOT the Child(ren)'s Decision

The child(ren) will not be permitted to determine whether they wish to visit with the non-residential parent. The residential parent and child(ren)'s personal plans, school activities, church activities, and other considerations are not reasons for failing to adhere to this parenting time schedule. Parents are, however, encouraged to be supportive of the child(ren)'s participation in all extra-curricular activities.

(h) When There Are Children in Different Age Groups

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

(i) Communications

Both parents have the right to written, e-mail or telephone contact with the child(ren) without interference or monitoring during reasonable hours. Reasonable hours are 9:00 a.m. to 8:00 p.m., unless other arrangements are made. Telephone calls shall be no more than one per day.

(j) Contact At School

Unless otherwise ordered by the Court, both parents are encouraged to participate in the child(ren)'s school activities including visiting the classroom, attending parent-teacher conferences, and sports activities. Each parent may have contact with the child(ren) at school provided that such contact does not interfere with the education of the child(ren).

(k) Affection and Respect

Both parents shall be restrained and enjoined from making derogatory comments about the other parent or in any way diminishing the love, respect and affection that the child(ren) has/have for the other parent, nor shall they allow others to do so in the presence of the children.

6. OTHER PARENTAL AUTHORITY (ORS 107.154)

The non-residential parent always has the right to:

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

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

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

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

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

7. PARENTAL NOTIFICATION (ORS 17.164)

Both parents have a continuing responsibility to provide their addresses and contact telephone numbers to the other parent, and to immediately notify the other parent of any emergency circumstances or substantial changes in health of the child(ren). The residential parent shall also provide an address and contact number for the minor child(ren)'s school, physician, dentist and therapist.

8. PARENT'S RELOCATION (ORS 107.159)

Parents must provide each other and the Court with at least thirty (30) days prior notice of any planned residence relocation more than sixty (60) miles further distance from the other parent.

9. FAILURE TO COMPLY WITH THIS PLAN

If a parent fails to comply with a provision of this plan, the other parent's obligation under the plan are not affected. The Tillamook County Circuit Court has information about the expedited parenting time enforcement procedure.

CHAPTER 8 – APPENDIX VI
TILLAMOOK COUNTY LONG DISTANCE PARENTING TIME IN DOMESTIC RELATIONS CASES OVER 175 MILES

(1) PARENTS CAN AGREE TO A DIFFERENT PLAN

This long distance parenting plan is a plan designed for parenting time when the parents reside more than 175 miles from each other. Parents are encouraged to try to reach their own agreements on parenting time. If parents do not agree to a different plan, the non-residential parent shall have parenting time as set forth in this plan, at a minimum. The parties can agree, at any time, to modify this plan in writing.

Both parents are encouraged to be flexible in parenting time arrangements for young children who are being breast-fed.

(2) DEFINITIONS

(a) If routine parenting time conflicts with holiday and vacation parenting time, then the parent entitled to the holiday and vacation time will have the child(ren). Holiday and vacation parenting time will not change the routine schedule nor will it "restart" the routine parenting time schedule.

(b) Weekends: A weekend is defined as commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday. The first weekend of the month is defined as the first weekend that has both a Saturday and Sunday within the same calendar month. The fifth weekend occurs when the fifth weekend with both Saturday and Sunday falls within the same calendar month. The fifth weekend occurs two (2) to four times per year.

(c) Vacation and Holiday Periods: These are the dates set by the school the child(ren) attends or by the public school district in which the child(ren) reside(s) if the child(ren) is/are attending school or is/are home schooled.

(3) ROUTINE SCHEDULE

The non-residential parent will have parenting time with the child(ren) as follows:

(a) **Child(ren) age birth to 18 months prior to June 1**: Every Saturday from 5:00 p.m. to 7:00 p.m., and every Sunday from 10:00 a.m. to noon in the locale where the residential parent lives.

(b) **Child(ren) age 18 months to 36 months prior to June 1**: 1st, 3rd, and 5th Saturdays and Sundays of each month from 10:00 a.m. to 6:00 p.m. in the locale where the residential parent resides.

(c) **Child(ren) 36 months to 6 years of age prior to June 1**: 1st, 3rd, and 5th weekend of each month from 10:00 a.m. Saturday to 6:00 p.m. on Sunday.

(d) **Child(ren) over 6 years of age prior to June 1**: The residential parent shall give the non-residential parent a copy of the child(ren)'s school calendar. The non-residential parent shall have the child(ren) for one weekend per month during the months of September through May of each year. Prior to September 1 of each year, the non-residential parent shall provide to the residential parent, in writing, which weekends during the months of September through May that the non-residential parent has chosen for his/her parenting time. The one weekend per month shall include up to two weekdays attached to the weekend so long as the child(ren) is/are not attending school on those days (such as holidays or school in-service days). The parenting time shall start at 6:00 p.m. Friday or the first day the child(ren) is/are not in school. Child(ren) shall be returned to the residential parent's home no later than 6:00 p.m. on the day prior to a school day. In the event that the non-residential parent does not designate the desired weekends, the non-residential parent shall have the right of parenting time on the first weekend of each calendar month from September through May of each year from 6:00 p.m. Friday to 6:00 p.m. Sunday.

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

(f) All times not awarded to the non-residential parent shall the be residential parents parenting time.

(4) HOLIDAY AND VACATION PLANNING

(a) Summer Vacation

(1) Child(ren) age birth to 12 months prior to June 1. For each of the months of June, July and August of every year, the non-residential parent shall have the child(ren) the 1st and 3rd weekends each month on Saturday and Sunday from 10:00 a.m. to 6:00 p.m. each day.

(2) Child(ren) age 12 months to 36 months prior to June 1. For each of the months of June, July and August of each year, the non-residential parent shall have the child(ren) for the 1st,3rd and 5th weekends of every month from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

(3) Child(ren) age 36 months to 6 years prior to June 1. Whether or not the child(ren) is/are in school, the non-residential parent shall have the child(ren)

for three (3) consecutive nine-day blocks during the months of June, July and August. There must be at least two weeks between each of the parenting time blocks. The child(ren) must be returned to the residential parent at least one week before school recommences. The routine schedule is discontinued during June, July and August each year. Prior to May 1 of each year, the non-residential parent shall select and notify in writing the residential parent as to which dates have been selected for the three (3) consecutive nine-day blocks.

(4) Child(ren) over 6 years of age prior to June 1. During the period of school summer vacation, the non-residential parent shall have the child(ren) for a period of forty-nine (49) days (seven weeks), which may be consecutive, starting not less than one week after school ends. In even years, the parenting time may include the July 4th holiday.

The residential parent shall have a two-day weekend with the child(ren) for the first weekend following nineteen (19) consecutive days of the non-residential parent's summer parenting time. The residential parent's weekend shall not count as part of the non-residential parent's forty-nine (49) days. If the residential parent chooses to have such a weekend with the child(ren), then the residential parent shall pay for all transportation costs incurred in transporting the child(ren) from the non-residential parent's home.

Prior to May 1 of each year, the non-residential parent shall select and notify in writing the residential parent of the dates for the summer parenting time. By June 1, the residential parent will notify in writing the non-residential parent if the residential parent will exercise the mid-parenting time weekend.

(b) Thanksgiving

(1) Child(ren) age birth to 36 months. In odd numbered years, the non-residential parent shall have parenting time with the child(ren) on Thanksgiving Day from 9:00 a.m. to 6:00 p.m. in the locale where the residential parent resides; in even numbered years, the non-residential parent shall have parenting time with the child(ren) from 9:00 a.m. to 6:00 p.m. on the Friday and Saturday after Thanksgiving Day.

(2) Child(ren) over age 36 months. In odd numbered years, the residential parent shall have parenting time with the child(ren) from the Wednesday before Thanksgiving at 6:00 p.m. until the Sunday following Thanksgiving at 6:00 p.m. In even numbered years, the non-residential parent shall have this parenting time with the child(ren).

(c) Spring Break

(1) Child(ren) age birth to 18 months. No change from ROUTINE SCHEDULE.

(2) Child(ren) age 18 months to 36 months. Each year, the non-residential parent shall have the child(ren) from Saturday at 9:00 a.m. to Tuesday at 9:00 a.m. during the week of spring break, according to the school district where the residential parent resides.

(3) Child(ren) over age 36 months. Whether or not the child(ren) is/are in school, in odd years, the non-residential parent shall have the child(ren) from 9:00 a.m. on the day after school adjourns to 6:00 p.m. the day before school resumes. In even years, the residential parent shall have the child(ren).

(d) Winter Break

(1) Child(ren) age birth to 18 months. In even numbered years, the non-residential parent shall have parenting time from 9:00 a.m. to 6:00 p.m. on December 25 in the locale where the residential parent resides. In odd numbered years, the non-residential parent shall have parenting time December 24 from 9:00 a.m. to 6:00 p.m. in the locale where the residential parent resides.

(2) Child(ren) age 18 months to 36 months. In even numbered years, the non-residential parent shall have parenting time from 9 a.m. to 6:00 p.m. on December 25 in the locale where the residential parent resides.

(3) Child(ren) age 36 months to 6 years of age. In even numbered years, the non-residential parent shall have parenting time from 9:00 a.m. December 26 to January 1 at 6:00 p.m. In odd numbered years, the non-residential parent shall have parenting time from 6:00 p.m. December 18 to December 26 at 9:00 a.m.

(4) Child(ren) over 6 years of age. In even numbered years, the non-residential parent shall have parenting time from the day after school adjourns at 9:00 a.m. to the day before school resumes at 6:00 p.m.

(e) **Flex Time**

In addition to the parenting time schedules set forth herein, the non-residential parent shall have parenting time with the child(ren) on a flexible basis conditioned upon at least three (3) days prior notice to the residential parent. This flex time shall not exceed twelve (12) days per year and shall not be taken during the other parent's vacation or holiday time, unless mutually agreed by both parents. The non-residential parent may have up to four (4) consecutive flex-time days at a time, consistent with the age-appropriate time spans found in Section 3(a)-(d).

(5) PARENTING TIME ARRANGEMENTS

(a) Scheduling Accommodation

Parents are encouraged to be flexible with changes in parenting time to accommodate unforeseen events, the children's schedules and the parents' work schedules. While this schedule promotes stability for the child(ren), each parent shall acknowledge that reasonable adjustments will be needed from time to time and that an element of flexibility will be required in administering this parenting schedule.

(b) Scheduling

In the event either parent chooses not to exercise their allotted parenting time, that parent shall make a good faith attempt to notify the other parent of this choice. In the event a parent will be late for any scheduled pick up or return of the child(ren), they will make a good faith effort to telephone or otherwise contact the other parent. Parents should make scheduling arrangements between themselves or through other adults. Children should not be used as messengers.

(c) Transportation

(1) Transportation by plane, train or bus: If the non-residential parent wants the child(ren) to travel by plane, train or bus, then the residential parent shall deliver and pick-up the child(ren) at the nearest local international airport, train station or bus station. A child younger than ten years shall not travel long distances unless accompanied by a parent or mutually agreed-upon suitable adult. The cost of the public transportation for the child(ren) and adult accompaniment shall be split equally between the parties.

(2) Each parent shall share equally in the cost of the child(ren)'s public transportation costs for the parenting time.

(3) Transportation by car: The non-residential parent must pick the child(ren) up from the front steps of the residential parent's residence no earlier than fifteen (15) minutes and not later than thirty (30) minutes after the parenting time period commences. The residential parent shall pick up the child(ren) from the non-residential parent's residence no earlier than fifteen (15) minutes before and not later than thirty (30) minutes after the parenting time period ends. There shall be no cost reimbursement for vehicle travel. The parents are encouraged to meet one-half way between the parties' residences to exchange the child(ren) for parenting time.

(4) Parents may make any other arrangements by mutual agreement.

(d) Meals and Clothes

The residential parent must have the child(ren) fed and ready on time with sufficient clothing packed and ready for the non-residential parent's parenting time. The non-residential parent must return all the clothing that accompanied the child(ren) and must have the child(ren) fed before the child(ren) return to the residential parent.

(e) Medication(s)

If the child(ren) has/have been prescribed medication(s) that is/are to be administered during the parenting time, the residential parent shall provide the medication(s) to the non-residential parent along with any instructions regarding the medication(s). The nonresidential parent shall return any unused medication(s) to the residential parent at the end of the parenting time.

(f) Parenting Time Is Not the Child(ren)'s Decision

The child(ren) shall not be permitted to determine whether they wish to visit with the non-residential parent. The residential parent and child(ren)'s personal plans, school activities, church activities and other considerations are not reasons for failing to adhere to this parenting time schedule. Parents are, however, encouraged to be supportive of the child(ren)'s participation in all extracurricular activities.

(g) When There Are Children In Different Age Groups

If there are children who would have different parenting time schedules under this parenting plan because they are different ages, the non-residential parent will have parenting time with all children together under the schedule that applies to the oldest child, unless a child is 6 months of age or younger. In that case, the youngest child must go by the designated age-appropriate times.

(h) Make-up of Missed Parenting Time

(1) Only substantial medical reasons of the child(ren) will be considered sufficient for postponement of scheduled parenting time. If the child(ren) is/are seriously ill and unable to visit with the non-residential parent, a make-up parenting time must be scheduled within twenty (20) days.

(2) If the non-residential parent is unable to exercise his/her parenting time for any reason, he/she is not entitled to any make-up parenting time unless mutually agreed by both parents.

6. PARENT – CHILD COMMUNICATION

Both parents have the right to written, e-mail and telephone contact with the child(ren) without interference or monitoring during reasonable hours. Reasonable hours are 9:00 a.m. to 8:00 p.m. in the child(ren)'s time zone, unless other arrangements are made. Telephone calls shall be no more than one per day.

7. AFFECTION AND RESPECT

Both parents shall be restrained and enjoined from making derogatory comments about the other parent or in any way diminishing the love, respect and affection that the child(ren) has/have for the other parent nor shall they allow others to do so in the presence of the children.

.

8. PARENTAL NOTIFICATION (ORS 107.164)

Both parents have a continuing responsibility to promptly provide their addresses and contact telephone numbers to the other parent, and to immediately notify the other parent of any emergency circumstances or substantial changes in the health of the child(ren). The residential parent shall also provide an address and contact number for the minor child(ren)'s school, physician, dentist, and therapist. The non-residential parent has the right to contact these people for information about the child(ren).

9. PARENT'S RELOCATION

Parents must provide each other and the Court with written notice at least thirty (30) days prior to any change of residence.

10. FAILURE TO COMPLY WITH THIS PLAN

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected. The Tillamook County Circuit Court has information about the expedited parenting time enforcement procedure.

Chapter 9 – SLR 9.081(2)

APPENDIX VII

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

In the Matter of the Guardianship/Conservatorship	)	
	)	Case No._____
of	)	
	)	
	)	
	)	Objection to Petition for
_____	)	Appointment of Guardian/
Protected Person	)	Conservator

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

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

_____
_____
_____
_____

_____ _____
Date Signature of Objecting Party

_____
Printed Name of Objecting Part y

_____
Address or Contact Address

_____
City State Zip

_____
Telephone or Contact Phone Number(s)