Supplemental Local Rules

Washington County Circuit Court

20th Judicial District

Oregon Judicial Department

Effective February 1, 2012

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Supplemental Local Rules
Washington County Circuit Court

Chapter numbers and titles correspond to Oregon Uniform Trial Court Rules

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1.151 HOURS OF COURT OPERATION

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

1.161 FILING OF DOCUMENTS IN COURT

Filings are accepted by court clerks on the First floor of the Justice Services Building, 150 N. First Avenue, Hillsboro, Oregon, 97124, 8:00 A.M. to 5:00 P.M. Documents pertaining to matters filed in juvenile court shall be filed at the Juvenile Services Building, 222 N. First Avenue, Hillsboro, Oregon 97124, 8:30 A.M. to 5:00 P.M. Motions to reset shall be filed in the Calendaring Department, located in Room 120J of the Justice Services Building. See SLR 8.015 for resets in domestic relations cases.

1.171 WEB SITE ADDRESS

http://courts.oregon.gov/Washington

4.011 SUBSTITUTION OF RETAINED COUNSEL IN PLACE OF COURT-APPOINTED COUNSEL

Any counsel substituting in place of court-appointed counsel must file a Notice of Substitution which includes a certification or notice to the current court-appointed counsel and/or retained counsel, together with an Order Allowing Substitution. These documents are to be filed either at the Law Enforcement Center or with Calendaring.

5.021 JUDGMENT DEBTOR EXAMS

Attorneys may schedule judgment debtor exams at 10:00 A.M. or 2:00 P.M. Tuesday through Friday, at the Civil Filing Counter (located on the first floor of the Justice Services Building). At the designated time, a clerk will swear the judgment debtor for the exam.

5.032 CIVIL PROCESS AND CASE MANAGEMENT INFORMATION

See http://courts.oregon.gov/Washington/Services/Civil/processes.page.

5.041 MOTIONS

Generally, civil motions are heard Monday mornings (or Tuesday mornings following a Monday holiday).

5.051 SCHEDULING CIVIL SHOW CAUSE MOTION HEARINGS

Reserve a hearing date and time with the Calendaring Department and have the order signed by a judge. Proof of Service must be filed with the Court 48 hours prior to the reserved hearing date. Upon receipt of the Proof of Service, the Calendaring Department will schedule the hearing. The official court record in Washington County is electronic recording.

5.055 CONFIRMATION CARDS AND CONFORMED COPIES

(1) Any party requesting information about any filing (e.g., date of filing, date of signature, costs and attorney fees awarded, and name of judge) shall attach a self-addressed, stamped confirmation card.

(2) Unless required by law or rule, conformed copies of orders and judgments will not be provided. Signed copies of orders and judgments may be obtained from the Circuit Court Records Office.

5.061 STIPULATED AND EX PARTE MATTERS

(1) In accordance with UTCR 5.060(3), the time when uncontested ex parte matters and stipulated orders may be personally presented to the court shall be Monday through Friday at 8:30 A.M. in the courtroom designated by the Presiding Judge, or at other times by arrangement in the courtroom of the judge assigned to the case.

(2) Petitions for relief under ORS 107.718 or ORS 124.010 through ORS 124.020 shall be heard Monday through Friday at 1:15 P.M. in the courtroom designated.

(3) Any motion which is to be presented ex parte shall have attached to it a certificate of service which shall include the date, time and manner of service upon the opposing party, the party's attorney, or that no service was made, if appropriate. When service is required, it must be completed at least 24 hours prior to the ex parte appearance unless it is an emergency or service is not possible. The following shall be added to the Certificate of Service:

"I certify that I did / did not (circle one) serve a copy or give notice of said documents to him / her (circle one) on [date] _____ at [time] _____ AM / PM (circle one) by [method of service/notice] _____."

If no service, explain why.

6.011 CRIMINAL PRETRIAL CONFERENCES

(1) Pretrial conferences shall be held in all criminal matters except Measure 11 and aggravated murder cases.

(2) The attorney, if any, and the defendant shall be present in court. The case shall be discussed between the parties. If requested by either party or the court, the case will be discussed with the judge. A form provided by the District Attorney's Office will be completed and signed by the defendant.

6.012 FAMILY LAW CASE STATUS CONFERENCES

(1) The judge assigned to the case will set the date and time for status conferences in family law cases at their discretion. This information will be sent to all parties in the case as a Notice of Scheduled Court Proceeding.

(2) A status conference will be held approximately 120 days after the respondent has been served or at such other times as the judge assigned to the case determines. At this time, all parties and their attorneys meet with the judge in person, or by telephone if allowed by the court, to discuss trial readiness or settlement in the case.

(3) All discovery shall be completed 90 days after respondent was served.

(4) All attorneys must attend the status conference. All parties must attend the status conference unless the court has been notified and approves attendance by telephone.

(5) If a party believes no purpose would be served by a status conference, that party's attorney may file a motion to waive status conference by a certificate which shall contain at least the following information (See Form SLR 6.012(5)):

(a) names of the parties and their attorneys;

(b) an estimate of the length of the trial, issues for court; number of witnesses (together with any scheduling problems);

(c) whether any interpreter will be required and, if so, for what language;

(d) whether there will be any special security requirements for the trial;

(e) whether any witness, party or other participant has any disability requiring ADA accommodation;

(f) whether the party filing the certificate has completed the family education program and mediation program required by the court;

(g) a certification that discovery is complete;

(h) a certification that the case is ready for trial;

(i) a certification that after good-faith consultation with the other party, in the party's opinion, a status conference would not serve any useful purpose.

(6) All parties shall be ready to substantively discuss the case. If a party fails to file the documents required by UTCR and the status conference cannot productively proceed due to this failure, and unless good cause is shown for any such failure, the pretrial judge may impose a sanction as described in UTCR 1.090. If sanctions are imposed, a hearing on the sanctions shall be held before or during the trial on the merits.

6.013 FAMILY LAW CASE SETTLEMENT CONFERENCES

(1) A settlement conference may be held at the request of one or more parties and by order of the court. The parties meet with a judge who will actively aid in settlement of the case. Settlement conferences are available in all family law, dissolution, annulment, separation, custody, parenting time, filiation and modification proceedings under ORS chapters 25, 107, 108, 109 and 110. Juvenile Court matters are excluded, unless consolidated with domestic relations matters or approved by a judge. Represented and unrepresented parties are subject to this rule. Settlement conferences, if requested, are mandatory once the case is at issue, providing the court schedule permits.

(2) If one party requests a settlement conference, that request shall be filed with the judge responsible for that case. The court will then order that a settlement conference be held, and it shall be conducted according to the procedures set forth in this rule. In a case where the court orders a settlement conference, the status conference shall not be held until after the settlement conference, unless the court so orders. A party requesting a settlement conference shall certify in writing that reasonable efforts to achieve settlement have been attempted by the parties and that they have been unable to resolve the controversy without the court's assistance.

(3) Once a settlement conference is requested, opposing parties may object for good cause by motion supported by an affidavit. A proposed order shall be submitted with the objection. The request and order shall be served according to UTCR 2.080, and the objection shall be made within 14 days of the receipt of the request. The judge assigned to the case will rule on the objection.

(4) Any request for a settlement conference shall state whether the parties stipulate or not to the assigned judge acting as the settlement judge. No judge conducting a settlement conference under this rule shall be permitted to act as trial judge unless the parties so stipulate.

(5) The judge assigned to the case shall designate a judge or judges who shall conduct settlement conferences.

(6) The settlement conference shall not delay the trial scheduling without the consent of the judge assigned to the case.

(7) At least one business day prior to the scheduled settlement conference each attorney or party shall submit directly to the settlement judge's office, and not to the court clerks' office, a statement regarding the issues in the case. Submissions shall include, where appropriate, a statement pursuant to UTCR 8.010(4), a Uniform Support Declaration and parenting evaluation, and may include any other helpful information. These documents are not confidential but shall not be placed in the trial court file unless requested.

(8) With the exception of formal documents to be filed as part of the settlement conference process, no information disclosed shall be revealed by the settlement judge or by any of the parties to the subsequent trial judge, except for evidence of offers made and rejected in connection with the recovery of attorney fees.

(9) All attorneys and clients, or persons with full authority to settle, must attend the settlement conference. Appearance by telephone may be permitted by the court.

(10) If a settlement is reached, the parties shall place the settlement on the record.

6.031 RESETS

(1) A motion to change a court date to an earlier or a later date (Motion to Reset) shall conform to this rule.

(2) All motions to reset shall be filed with the Calendaring Department except that juvenile matters will be filed with the juvenile court and family law matters will be filed with the judge assigned to the case.

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

(4) All motions to reset, except in Juvenile Department and family law cases, shall be decided by the Presiding Judge or a judge designated by the Presiding Judge. No other person or judge shall decide a Motion to Reset, except as specified by this rule.

(5) Motions to reset shall be decided without hearing, unless the court requires one.

(6) All motions to reset filed in family law cases must state whether custody or parenting time are at issue, must state the date of filing of the action for which postponement is sought, and must comply with SLR 8.015.

(7) Motions to reset filed after the initial notice of court date:

(a) Motions to reset filed after the notice of court date shall be in the form required by UTCR 6.030 and shall be served on the adverse party(ies).

(b) Motions will be granted in cases where there is a conflict with an in-custody trial. The party requesting the reset shall certify in writing that both cases will go to trial as scheduled.

(c) The following is a non-exclusive list of factors which are granted some weight, but are not controlling on a motion for a reset:

(i) serious illness or injury of party, attorney or pivotal witness;

(ii) funeral of family or close friend of party, attorney or pivotal witness;

(iii) diligence in attempting to resolve complications such as mental disease and defect;

(iv) calendaring errors by court personnel;

(v) likelihood that a judge or courtroom may not be available on the scheduled date;

(vi) factors which could not reasonably have been anticipated until at or near the time of making the motion;

(vii) any other factor which the court may, in its discretion, deem to be important.

(d) The following is a non-exclusive list of factors which are unlikely to result in a postponement (absent a showing of good cause):

(i) failure to complete discovery;

(ii) failure to locate and/or schedule witnesses until shortly before trial;

(iii) failure to subpoena an independent or adverse witness who now may refuse to appear;

(iv) interference with vacations when first brought to court's attention shortly before trial;

(v) failure to adequately prepare for trial;

(vi) factors which were known or should have been anticipated but were not brought to the court's attention until shortly before trial.

6.051 SUBMISSION OF TRIAL MEMORANDA AND JURY INSTRUCTIONS

If a trial memorandum is to be submitted, it must be received by the assigned trial judge by noon prior to the day of trial. Jury instructions must be received by the assigned trial judge on the first day of trial, unless requested earlier.

7.031 ASSIGNMENT OF CRIMINAL CASES

This procedure only applies to criminal cases and appeals of crimes from Limited Jurisdiction (Municipal and Justice) Courts.

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

(2) At case assignment, the cases not dismissed will be assigned to a trial judge on the original day scheduled for the trial, assigned to a trial judge a day later in the same week as the original trial date, called back on the original trial date or reset. Failure to attend by a defendant in a criminal matter will result in a bench warrant being issued. Attorneys or their representatives need to be prepared to schedule their cases if the matter is reset. All known scheduling conflicts must be brought to the attention of the case assignment judge when a case is reset to avoid trial conflicts. SLR 6.031(7) shall apply to matters reset out of case assignment.

(3) At case assignment, you should be prepared to respond to the following questions:

(a) Actual length expected for trial;

(b) Court trial or jury trial;

(c) Could any motions filed resolve the case or change the type or length of the trial;

(d) Can your case be carried to another day later in the same week?

(4) Case assignment is not the time to resolve discovery issues or to deal with trial resets unless the reason for the reset request just became known. All other reset requests shall be filed in advance of case assignment by the procedure set in SLR 6.031.

(5) As soon as the case is assigned to a particular trial judge at case assignment, parties shall orally advise the case assignment judge of the intent to file any affidavit of prejudice and follow with a written motion and affidavit by close of business on the next judicial day following case assignment or they will be denied as untimely. See ORS 14.270.

(6) If a case is reported settled or a plea date and time is obtained prior to 4:30 PM the day before case assignment, no one will need to appear at case assignment. If the matter is going to be reset out of case assignment, the parties must wait at case assignment until the reset date is given on the record.

8.015 RESETS IN DOMESTIC RELATIONS CASES

Requests for reset of domestic relations cases shall be made in writing to the judge responsible for the case after consulting or attempting to consult with all affected parties and counsel. A certificate of service shall be attached including the date, time and manner of service on the opposing party, the party's attorney, or that no service was made, if appropriate. When service is required, it must be completed at least 24 hours prior to the ex parte appearance excepting 5 day contested hearings in Family Abuse Prevention Act cases. See Form SLR 8.015.

8.045 PREJUDGMENT OR PENDENTE LITE RELIEF IN DOMESTIC RELATIONS CASES

(1) All applications for prejudgment relief in domestic relations cases must be by motion for a show cause order with supporting affidavit(s) and the order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by reference to a supporting affidavit.

(2) All show cause orders for prejudgment relief shall specify a date, time and courtroom for the other party to appear. This information shall come from the judge responsible for the case. Ex parte appearance for the sole purpose of getting a show cause order signed is allowed without notice to the opposing party.

8.071 FAMILY ABUSE PREVENTION ACT PROCEDURES

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

(1) Upon receiving into custody an alleged violator (respondent) of a restraining order, the jail personnel shall notify the District Attorney's Office and the court. Such notification shall be no later than 9:00 A.M. the next judicial day following the respondent being taken into custody.

(2) The respondent shall be arraigned at a convenient time after 1:00 P.M. the next judicial day following respondent being taken into custody.

(3) At arraignment, the court will advise the respondent of his/her rights, determine whether the respondent will be represented by private or court-appointed counsel or waive rights thereto, and set a date for hearing. The court will thereafter notify counsel, if any, of the hearing date.

(4) At the hearing on the alleged violation, the District Attorney will represent the interests of the petitioner unless previous arrangements have been made with petitioner's counsel to represent such interests, but in any event may act as co-counsel representing the client's interests.

8.073 FAPA AND OTHER CONTEMPT MATTERS RELEASE HEARINGS

If the Court Release Assistance Office has denied release to a defendant in a contempt action, counsel may schedule a release hearing. Motions for Release are to be filed and served at least three judicial days before the hearing, with a courtesy copy to the judge. See Form SLR 8.073.

The Court will consider a written motion for release at ex parte if the prosecution has indicated in writing that it does not object or that it takes no position.

8.081 MEDIATION OF DOMESTIC RELATIONS MATTERS

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

8.091 APPOINTMENT OF ATTORNEY FOR MINOR CHILDREN

When both parties stipulate to the appointment of an attorney pursuant to ORS 107.425(6), a stipulated order shall be submitted to the judge assigned to the case at ex parte, with prior notice to all parties in the proceeding. This rule in no way affects the provisions of ORS 107.425(6). See Form SLR 8.091.

8.101 CUSTODY AND PARENTING TIME STUDIES

(1) The Family Law Judge may require that the parties be evaluated by a counselor of Conciliation Services or an independent evaluator to assist the court in a custody or parenting time decision. See Form SLR 8.101(1).

(2) The counselor assigned to a custody or parenting time study shall not be the same individual who has served as a mediator for the parties, unless the parties give their written consent.

(3) All orders for studies through Conciliation Services on custody or parenting time shall be filed with the clerk of the court and a copy provided to the staff of Conciliation Services not less than 140 days prior to the date scheduled for trial or hearing.

(a) All parties requesting an order for studies through Conciliation Services must first complete Mediation and the Family Law Education classes.

(b) Upon completion of the above class attendance requirements and receipt of the study fee, Conciliation Services shall begin the evaluation process and will require no less than 120 days prior to the date scheduled for trial or hearing for completion of the study.

(4) The order for a custody or parenting time study shall recite all of the following (See Form SLR 8.101(4)):

(a) The date scheduled for trial or hearing before the court on issues of custody or parenting time.

(b) The name, address, home telephone number and work telephone number of each party to the proceeding.

(c) The name, address, and telephone number of the attorneys for the parties represented by legal counsel.

(5) References of third-party witnesses may be submitted by the parties or their respective attorneys to the evaluator. Collateral contacts with neutral, reliable sources that know both clients (such as teachers, childcare providers) and contribute substantially to the study may be considered at the discretion of the evaluator.

(6) Each party shall cooperate fully with the evaluator in the scheduling of all appointments of the parties and/or the children of the parties. Further, notwithstanding any visitation and parenting time orders that may be in effect and subject to the terms of any existing FAPA orders, the children shall be made available to the other parent to facilitate meetings of the evaluator with the parent and children, if requested by the evaluator.

(7) During the course of the study, attorneys for the respective parties shall not contact the evaluator for the purposes of advocating a particular opinion or outcome of the study.

(8) Upon completion of the study, a written recommendation shall be provided to the parties, or if any is represented by counsel, to that party's attorney. In addition, a written report setting forth the results of the evaluation and a specific custody and parenting time recommendation, when the facts support it, shall be provided to each attorney of record for each party. A summary of unresolved questions will be provided when a recommendation is not possible. The written report is subject to the following restrictions:

(a) Parties shall be allowed the opportunity to read the report. However, no copies of the report, nor any part thereof excepting the recommendation, shall be given by legal counsel for a party to his/her client. The evaluator will mail a copy of the study's recommendations to any self represented party and the attorney for any represented party.

(b) The evaluator shall notify any unrepresented litigant of the report's completion. The pro se litigant shall be afforded the opportunity to read the report and take summary notes by appointment only at the Conciliation Services office. The litigant shall not photograph, photocopy, or copy verbatim the report, but may make summary notes of the report's contents. The litigant shall not remove the report from the Conciliation Services offices. A copy of the report shall be made available at trial or hearing for the litigant's reference; that copy shall be returned to the Court when it is not actually used in witness examination.

(c) The parties shall not share the allegations made against either party with or in the presence of the child/ren without prior court permission. The parties shall not question the child/ren about any statements referenced in the report, including a child's statement, without prior court permission. A pro se litigant may request a waiver of Rule 8.101(8)(b) based on financial hardship. The litigant shall request a waiver in writing to the Conciliation Services office, stating the reason or reasons why reviewing the report at the Conciliation Service office would cause financial hardship to the litigant. If Conciliation Services staff determines that a financial hardship exists and the risk of harm to the children of parties from release of the report is low, Conciliation Services shall mail a written copy of the report to the litigant. The written copy of the report may not be shown to the children nor may it be given to any other person.

(9) The fees established for Conciliation Services' custody and parenting time studies do not include expert witness fees for the testimony of the custody investigator in a deposition setting unless such deposition is taken for the purpose of perpetuation of the testimony. Such testimony shall be subject to the right on the part of Conciliation Services office to charge an expert witness fee as a precondition for the obligation of the expert to express a professional opinion or explain the basis thereof on any issue of custody and/or parenting time.

(10) The evaluator assigned the custody and parenting time study shall be physical custodian of his or her own records taken in the course of conducting the study, except the written custody and parenting time report issued at the conclusion of the study. Accordingly, any subpoena duces tecum issued for written notes, witness questionnaires or notes of interviews with witnesses, the parties or the children, shall be directed to the custody investigator as the "custodian of records." There shall be no obligation on the part of the evaluator to maintain notes or records of any contact with the parties, their children, or third party references.

8.102 FAMILY EDUCATION PROGRAM

(1) The following cases (specifically excluding support enforcement matters) are subject to this rule, when children under the age of 17 are involved in the action:

(a) annulment or dissolution of marriage actions;

(b) legal separation actions;

(c) petitions to establish custody or parenting time;

(d) post-judgment litigation involving custody or parenting time;

(e) filiation matters.

(2) All parties shall participate in a program of education for parents or guardians of children under the age of 17 years offered by the court-designated providers or a pre-approved alternate education program. The moving party shall register for the program or make application to the court for approval of a comparable alternate program within 14 days of filing the action, and the party against whom the action is filed shall register within 14 days of receipt of service of notice to register. Parents who have completed the Kid's Turn program within 5 years of the filing of the pending action are excused from this provision. Documentation of completion of the program shall be provided to the court before trial or

entry of judgment, except as otherwise provided in paragraph (6) of this rule.

(3) At the time of filing, the Trial Court Administrator will provide two sets of documents and instructions to the petitioner regarding the requirement that the parties complete the education program or alternative education program. The copy marked "Copy for Respondent" shall be included with the petition served upon respondent. The petitioner's return of service shall indicate that the respondent was served a copy of the Notice at the same time as the summons and petition or other pleading requiring relief.

(4) Each party shall pay a fee determined by the program provider to cover program costs.

(5) Each person who successfully completes the Court's program or the pre-approved alternative program shall file a certificate of completion with the court before trial or entry of judgment.

(6) Upon showing of good cause, a party may request a waiver of this rule or substitution of an equivalent program. The request shall be made by written motion directed to the judge assigned to the case after service on the other party.

(7) The Court may allow a party to proceed when the other party has failed to complete the program. If both parties fail to complete the program, the Court may take appropriate action including but not limited to delaying action or initiating contempt proceedings. The Court may decline to act upon a parent's subsequent custody or parenting time motion if that parent has failed to complete the program.

8.111 SUPERVISED PARENTING TIME

Commencing July 1, 2007, unless otherwise ordered, for domestic relations and Family Abuse Prevention Act cases in which the Court imposes the requirement of supervised parenting time, the parties to the case and the supervisor must comply with the following:

(1) The purpose of supervised parenting time is to allow interaction with the child for the benefit of the child. Therefore, the supervised parent is prohibited from initiating or engaging in conversation during supervised parenting time which does not further this objective. The supervisor's role is to prevent the child's exposure to "adult issues" in the case and to discourage any inappropriate communications.

(2) The supervisor is required to explain the rules for supervised parenting time to the parent who is being supervised, unless the supervisor knows that the parent was previously informed. This must include an explanation of supervised parenting time rules set forth in any court order or judgment in the case, and any other rules that are necessary due to unique conditions at the designated location or other circumstances that may reasonably impact a successful parenting time experience, as identified by the Judge, the supervisor, or the involved agency.

(3) The custodial parent is not allowed to be present or to impose additional rules or to make additional demands concerning supervised parenting time.

(4) Only if accompanied by the supervisor and with the supervisor's express consent, may the supervised parent and child/ren leave the designated location of the supervised parenting time.

(5) The supervised parent shall not engage in conversation that exposes the child to "adult issues" in the case, especially if the case involves an allegation of verbal abuse or an allegation of attempts to alienate the other parent from the child. The supervisor is required to immediately address the problem with the supervised parent if this rule is violated. If the supervised parent makes additional statements in violation of this rule after the supervisor's admonition, or if the nature of the initial comment is a significant violation of this rule, parenting time on that particular day shall be terminated and the case shall be reviewed by the court to determine whether any further supervised parenting time will be allowed.

(6) Physical discipline of the child/ren during supervised parenting time is prohibited.

(7) The supervisor is required to keep the supervised parent within view and within hearing range for the duration of the supervised parenting time.

9.081 PROTECTIVE PROCEEDINGS OBJECTIONS

Oral objections under ORS 125.075(2) are to be made only in room B-7 of the Courthouse (Probate Department) at 145 NE Second Street, Hillsboro, Oregon.

11.081 TERMINATION OF PARENTAL RIGHTS (TPR)

At the First Appearance Hearing, parents are required to personally appear and admit or deny the allegations of the petition. Parents who are incarcerated will be permitted to appear by telephone with good cause. At the First Appearance Hearing, a Best Interest/Settlement Hearing, Pretrial Conference and Trial will be scheduled for the parents.

Parents and their attorneys are required to attend the Best Interest/Settlement Hearing, Pretrial Conference and Trial. A separate case assignment hearing date will be scheduled for the attorneys to appear without parents.

The Best Interest/Settlement Hearing and Pretrial Conference will be used to discuss trial status and all pretrial issues. Negotiation, trial scheduling and all other pretrial issues shall be resolved prior to trial.

12.005 CUSTODY AND PARENTING TIME MEDIATION COMMISSION

(1) A Custody and Parenting Time Mediation Commission is established.

(a) Function: The Commission's function shall be to provide a forum for communication among judges, conciliation counselors, and the Bar, and to advise Conciliation Services on policy and program planning.

(b) Composition: The composition of the Commission shall be:

(i) The judges from the Family Law team;

(ii) Two attorneys.

(c) Ex officio members shall be:

(i) Supervisor of Conciliation Services;

(ii) Presiding Judge of the Twentieth Judicial District.

(d) Quorum: Two members of the Commission, including at least one attorney and one judge, shall constitute a quorum.

(2) The Presiding Judge shall appoint the Commission members who shall serve at the pleasure of the Presiding Judge. The Presiding Judge may appoint additional members.

12.011 DOMESTIC RELATIONS MATTERS SUBJECT TO MEDIATION

(1) Mandatory Mediation: Any action filed in the court involving a controversy over custody or parenting time of minor children shall be subject to mediation.

(2) Other Matters: If both parties agree, the mediator may deal with other matters at issue, such as property distribution and support.

12.012 SCOPE OF AUTHORITY

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

12.013 DOMESTIC RELATIONS MEDIATION

(1) Request and Order for Mediation: If there is a disagreement between the parents concerning custody or parenting time at any stage of a domestic relations proceeding, the parent(s), or attorney(s), must sign and file with any Family Law Judge a request for mediation and certificate of service in substantially the form as that attached to these rules. Parties must attend at least two family education class program sessions prior to completing mediation. The parents will be referred by the court's order to Conciliation Services for mediation in accordance with these rules, or the parents may agree and stipulate to an independent mediator. This order in no way prohibits parties from voluntarily attending mediation; rather, the purpose is to compel parties to attend. Parties seeking mediation services through Conciliation Services shall notify the Court in writing on their motion of any current FAPA or stalking order. See Form SLR 12.013(1).

(2) Temporary Custody and Parenting Time Orders: At any point during the mediation, the court may approve a stipulated temporary custody and parenting time order reflecting the parents' agreement as to the issues.

(3) Unsuccessful Mediation: In the event the parents are not successful in mediating the custody or parenting-time controversy, the mediator shall notify the court.

(4) In cases in which one party has obtained a Family Abuse Prevention Order against the other party and/or there is a restraining/no contact order within the domestic relations case, unless otherwise ordered by a judge, parties may attend orientation and mediation sessions with Conciliation Services. In cases in which one party has obtained a stalking order against the other party, the Court may allow the parties to attend orientation and

mediation sessions with Conciliation Services upon written motion. The party seeking mediation shall point out the existence of the stalking order to the Court and provide not less than 14 days prior notice of his or her application for mediation services to the other party.

(5) For motions to modify child custody or parenting time, a Mediation Order will be a condition to the setting of a hearing date. If any cases come before the court without completion of mediation, the hearing will be reset and the parties sent to mediation.

12.014 INDEPENDENT MEDIATORS

(1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of the agreed-upon fee for mediation service.

(2) If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.

(3) If a stipulation for independent mediation is not filed at least two weeks before the time set for the hearing on any child custody or parenting time dispute, the parties will be ordered to Conciliation Services for mediation pursuant to SLR 12.011 - 12.013.

(4) If the parties select an independent mediator pursuant to this rule after a referral has been made to Conciliation Services, they shall comply with SLR 12.014(2) and send a copy of the stipulation to Conciliation Services.

12.015 PRIVACY, CONFIDENTIALITY AND RECORDS

(1) All mediation proceedings shall be private and all communications made shall be confidential.

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

18.005 FORCIBLE ENTRY AND DETAINER (FED) RETURNS OF SERVICE

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

18.010 FORCIBLE ENTRY AND DETAINER (FED) TRIAL

In Forcible Entry and Detainer cases and actions to recover personal property taken or retained by a landlord that go to trial, the Defendant must file an Answer and pay the filing fee, unless deferred or waived, by 5:00 p.m. the day of the first appearance. If they do not, the Plaintiff may request, and will be granted, in those respective actions, a Judgment of Restitution or order directing the Sheriff to seize the personal property, effective immediately.

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

Form SLR 6.012(5)

In the Matter of

_____ Petitioner,	)	Case No._____
and	)	**CERTIFICATE FOR WAIVER OF STATUS CONFERENCE (FAMILY LAW CASE)**
_____ Respondent	)	Date of Status Conference:_____

1. Parties who will participate in trial:

Party Name(s): Trial Attorney for Party:

_____

_____

_____

2. Anticipated length of trial:_____

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

   Language:_____

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

   (If yes, please explain.) _____

   _____

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

   (If yes, please explain.) _____

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

7. Status of mediation program:

- ❑ COMPLETED
- ❑ NOT REQUIRED (no dispute about custody/parenting time)
- ❑ WAIVED BY COURT

8. I certify that my discovery is complete.

9. I certify that my case is ready for trial.

10. I certify that after good faith consultation with all other parties, in my opinion a pretrial conference would not serve any useful purpose.

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

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

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

ORDER

It is hereby ordered that this motion is: ❑ ALLOWED ❑ DENIED

Dated this _____ day of _____, 20 _____.

_____

Circuit Court Judge

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

Form SLR 8.015

In the Matter of

_____ Petitioner,	)	Case No._____
and	)	**MOTION TO RESET:**
	☻	❑ Trial
_____ Respondent	)	❑ Show Cause/Motion Hearing
	)	❑ Other Hearing:_____
	)	**AND ORDER**
	)	**(FAMILY LAW CASE)**
	)	

This is a: ❑ post-judgment matter.

❑ pre-judgment matter. Petition was filed on this date:_____

The pending order was filed by:

❑ petitioner.

❑ respondent.

❑ other:_____

Prior resets of this matter:_____

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

Issues to be resolved at this hearing/trial (Check all that apply): ❑ Attorney Fees

❑ Child Support ❑ Spousal Support ❑ Custody ❑ Parenting Time

❑ Property/Debt Distribution ❑ Other:_____

Reason for reset request:_____

_____

_____

_____

_____

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

Moved this _____day of _____, 20 _____.

By: _____

Attorney/Party

ORDER

It is hereby ordered that this motion is: ❑ ALLOWED ❑ DENIED

New hearing date and time:_____

Dated this _____day of _____, 20 _____.

_____

Circuit Court Judge

I certify that on _____, 20 _____, I mailed a true copy of Motion to Reset

❑ to the other party directly, at the following address, because s/he has no attorney:

_____

❑ to the other party's attorney _____

Name of other party's attorney

at the following address: _____

Other party's attorney address

Mailing was done ❑ first class ❑ certified ❑ registered, return receipt, or ❑ express.

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

❑ I selected this document form myself, and I completed it without paid assistance.

❑ I paid or will pay money to _____ for assistance in preparing this form.

Dated this _____day of _____, 20 _____.

_____

Signature Print Name

_____

Street Address or Contact Address City, State, Zip Telephone or Contact Telephone

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

Form SLR 8.073

State of Oregon, ex rel,	)	
_____	)	Case No._____
Petitioner,	)	
and	)	**MOTION FOR RELEASE**
	)	**FAPA CONTEMPT**
_____	)	
Respondent	)	Requested Release Hearing Date:
	)	
	)	_____
	)	

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

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

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

Moved this _____day of _____, 20 _____.

By:_____

Attorney Name, OSB #

POINTS AND AUTHORITIES:

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

Form SLR 8.073

State of Oregon, ex rel,	)	
_____	)	Case No._____
Petitioner,	)	
and	)	**AFFIDAVIT IN SUPPORT OF MOTION FOR RELEASE FAPA CONTEMPT**
	)	
_____	)	
Respondent	)	Requested Release Hearing Date:
	)	
	)	_____
	)	

STATE OF OREGON)
) ss.
County of Washington)

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

Protected Person's Position:

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

Benign or Consensual Contact:

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

No History of Prior Violations or Weapons:

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

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

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

Dated this _____day of _____, 20 ___.

By: _____
Attorney, OSB #

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

_____
Notary Public of Oregon
My Commission Expires: _____

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

Form SLR 8.091

In the Matter of

_____ Petitioner,	)	Case No.
and	)	**STIPULATED ORDER FOR APPOINTMENT OF ATTORNEY FOR MINOR CHILDREN OF PARTIES (FAMILY LAW CASE)**
_____ Respondent	)	

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

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

IT IS HEREBY ORDERED THAT

1. Under the provisions of ORS 107.425(6), _____(attorney), OSB No. _____, is appointed as attorney for _____, minor child/ren of the parties.

2. The cost of the attorney's services has been agreed to and shall be $_____.

3. The attorney will issue summary bills only to the parties in order to protect all attorney-client confidences between the attorney and the child/ren.

4. Both parties shall provide any and all information, including, but not limited to, medical, dental and Department of Human Services records requested by _____ _____(attorney). Each party shall sign any and all releases for obtaining any information requested by attorney.

5. Both parties shall encourage mutual access and communication between the attorney and the child/ren and neither of the parties shall interfere in any way with any communications between the attorney and the child/ren.

6. Both parties are absolutely enjoined from discussing with the child/ren the nature, extent or content of any communication between the child/ren and the(ir) attorney.

7. Both parties shall cooperate completely and fully with_____ (attorney) and his/her requests for information and access to the child/ren. The attorney shall endeavor to accommodate the schedules and needs of the parties in scheduling interviews and appointments. However, _____ (attorney) shall have final authority to schedule interviews and appointments with the parties and the child/ren, notwithstanding the views of either of the parties or the child/ren. The attorney shall provide at least 48 hours notice to the appropriate party of the time and place of such planned interviews or appointments with the child/ren.

8. The child/ren shall not be permitted to avoid contact with or interviews with _____ (attorney), and both parties shall at all times encourage the full and enthusiastic participation of the child/ren in any interactions with the attorney.

Dated this _____day of _____, 20 _____.

_____

Circuit Court Judge

IT IS SO STIPULATED:

_____	_____
Attorney / Petitioner	Attorney / Respondent
Submitted by: _____	OSB No. _____

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

Form SLR 8.101(1)

In the Matter of

_____ Petitioner,	)	Case No.
and	)	❑ **PETITIONER'S** ❑ **RESPONDENT'S**
	)	**MOTION FOR** ❑ **CUSTODY AND/OR**
_____ Respondent	)	❑ **PARENTING TIME STUDY**
	)	**AND ORDER (FAMILY LAW CASE)**

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

Dated: _____ _____

❑ Petitioner ❑ Respondent, Signature

ORDER

It is hereby ordered that this motion is: ❑ ALLOWED ❑ DENIED

Dated this _____day of _____, 20 _____.

_____

Circuit Court Judge

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

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

Submitted by: _____

❑ Petitioner ❑ Respondent, Signature Print Name

_____

Address or Contact Address City, State, Zip

_____

Telephone or Contact Telephone

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

Form SLR 8.101(4)

In the Matter of

_____ Petitioner,	)	Case No._____
and	)	❑ **PETITIONER'S** ❑ **RESPONDENT'S**
_____ Respondent	)	**AFFIDAVIT IN SUPPORT OF MOTION FOR**
	)	❑ **CUSTODY AND/OR**
	)	❑ **PARENTING TIME STUDY**
	)	**(FAMILY LAW CASE)**

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

1. I am the ❑ Petitioner ❑ Respondent in this proceeding.

2. ❑ The pending court action is an initial filing or the first modification.

3. ❑ This matter is not set for trial or hearing within 140 days.

4. ❑ Both parties have fulfilled the Family Law Education requirement.

5. ❑ The parties have attended mediation or ❑ mediation has been waived.

6. ❑ Department of Human Services is not involved in any of the issues.

7. ❑ A private study has not and is not being conducted in the current proceeding.

8. ❑ I will provide a copy of the affidavit and signed order to the Conciliation Services staff at least 140 days prior to the trial or hearing.

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

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

❑ I selected this document for myself, and I completed it without paid assistance.

❑ I paid or will pay money to _____ for assistance in preparing this form.

Submitted by:_____

❑ Petitioner ❑ Respondent, Signature Print Name

_____

Address or Contact Address City, State, Zip

_____

Telephone or Contact Telephone

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

_____

Notary Public for _____/ Court Clerk

My Commission Expires: _____

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

Form SLR 12.013(1)

In the Matter of

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

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

❑ Since it appears there is disagreement regarding custody and/or parenting time, the parents need an order for referral to Conciliation Services for mediation. Both parents must appear together for a Monday orientation to mediation, which lasts from 8:30 a.m. to 10:30 a.m. at 222 N. First Avenue, Hillsboro, Oregon. Children may not come to mediation orientation.

Mediation orientation will be on the second Monday after a copy of this signed order is given to the other party. If the other parent is given or mailed a copy on a Monday, mediation orientation will be on the next Monday. NOTE: If the Monday for appearance is a legal holiday, the appearance date will be the following Monday.

❑ Since it appears there is disagreement regarding custody and/or parenting time the parties have agreed to see a private mediator. The mediator has been contacted and has agreed to mediate, and has also agreed to abide by the mediation rules of this Court. The mediator's name is _____ and the mediator's address and telephone number are _____
_____.

There ❑ is or ❑ is not a Family Abuse Prevention Act (FAPA) Restraining Order between my mediating partner and me.

Case Number:_____

There ❑ is or ❑ is not a Stalking Order between my mediating partner and me.

Case Number: _____

ORDER

IT IS HEREBY ORDERED that the parents

- ❑ Appear at Conciliation Services for mediation.
- ❑ Participate in mediation with a private mediator as set out in this request.
- ❑ The request for mediation is denied.

Dated this _____day of _____, 20 _____.

_____
Circuit Court Judge

_____
Print Name

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

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

Submitted by: _____
❑ Petitioner ❑ Respondent, Signature Print Name

_____
Address or Contact Address City, State, Zip

_____
Telephone or Contact Telephone

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

In the Matter of

_____ Petitioner,	)	Case No._____
and	)	**CERTIFICATE OF SERVICE**
_____ Respondent	)	

STATE OF _____

County of _____

I certify that I have served the other party or the other party's attorney a true copy of the Request for Mediation and Order by:

❑ placing a copy in a stamped envelope in the U.S. Mail on _____ (insert date of mailing) addressed to the ❑ mother ❑ father ❑ attorney at

_____.
(address)

❑ personally delivering a copy on _____ (insert date of delivery) to the ❑ mother ❑ father ❑ attorney at

_____.
(address)

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

❑ I selected this document for myself and I completed it without paid assistance.

❑ I paid or will pay money to _____ (name) for assistance in preparing this form.

_____	_____
Signature of Server	Print Name
_____	_____
Address or Contact Address	Telephone or Contact Telephone