

8TH JUDICIAL DISTRICT
BAKER COUNTY CIRCUIT COURT
SUPPLEMENTARY LOCAL RULES

February 1, 2016

GREGORY L. BAXTER
PRESIDING JUDGE

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CHAPTER 1 - General Provisions

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1.151 HOURS OF COURT OPERATION

- (1) Unless otherwise ordered due to emergency conditions, information regarding business hours for the Eighth Judicial District can be found at: <http://courts.oregon.gov/Baker/>.
- (2) A drop box is available for filings and payments. The drop box is located next to the public service window on the second floor of the courthouse, 1995 3rd Street, Baker City, Oregon. Documents deposited prior to 5 p.m. on a day that the court is open for business will be filed the same day. Documents deposited after 5 p.m. will be filed on the next business day. Receipts for filing fees will be provided if a self-addressed, stamped envelope is attached to the filing. Documents without the appropriate filing fee or a court granted fee waiver or deferral attached will not be accepted for filing and will be returned to the party.

1.171 COURT WEBSITE

The website for Baker County Circuit Court is: <http://courts.oregon.gov/Baker/>.

CHAPTER 2 - Standards For Pleadings And Documents

2.011 ADDRESSES AND TELEPHONE NUMBERS

- (1) Defendants in criminal and violation cases: During the pendency of any case charging an offense, including violations and criminal cases, or while any monetary or other obligations imposed by the court in such case remain unsatisfied, defendant must keep the court advised in writing of defendant's current name, mailing address and telephone or message telephone number.
- (2) Unrepresented parties in criminal, civil and domestic relations cases: During the pendency of any criminal, civil or domestic relations case any party who is not represented by an attorney of record must keep the Court advised in writing of the party's current name, mailing address and telephone or message telephone number.

CHAPTER 3 - Decorum in Proceedings

3.051 HEARING APPEARANCE BY TELEPHONE

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

- (1) Cell phones are used in good reception areas.
- (2) The cell phone caller is not in a moving vehicle.
- (3) If all parties are appearing by telephone, the moving party must contact a telephone operator and initiate a conference call to the Court with all parties connected.

3.181 PUBLIC ACCESS COVERAGE

Public access coverage is allowed in the Circuit Court lobby area located on the second floor of the Baker County Courthouse. The news media may not take films, photographs, audio or video recordings of Court proceedings without special approval from a judge. The public may purchase DVD copies of the recorded Court proceedings at the normal Court charge.

CHAPTER 6 - Trials

6.012 MANDATORY SETTLEMENT CONFERENCE

- (1) Cases on the trial calendar assigned a time and a place for trial may be calendared for a mandatory settlement conference approximately 40 days before trial. The purpose of the mandatory settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court. The settlement conference will not be required if a party demonstrates good cause why the settlement conference should not be held.
- (2) At the mandatory settlement conference, the Court requires the attendance of all parties and their trial attorneys. When a party is insured, a representative of the insurance company who has full authority to settle the case shall be in attendance or readily available by telephone. An out-of-state party may apply to be excused from appearing at the mandatory settlement conference by initiating a conference call to the Presiding Judge in advance of the scheduled settlement conference. The Presiding Judge or his designee shall rule on the request.
- (3) Settlement conferences shall be held informally before a judge at a time and place provided by the Presiding Judge. The conference may be continued by the judge as part of a continuing settlement conference to another day before trial. Each case on settlement

conference calendar shall retain its place on the trial calendar. If the case does not settle at such conference, no reference shall thereafter be made to any settlement discussion had under this rule, except in subsequent settlement proceedings.

- (4) In the event that a settlement is not reached at the settlement conference, a judge other than the one who participated in the settlement proceeding shall be assigned to try the case.
- (5) In the event settlement negotiations are not successful, counsel should expect and be prepared to proceed to trial on the scheduled date. Every effort will be made by the Court to insure that the case proceeds to trial as scheduled. This Court will deny all requests for continuance except in case of emergency or highly unusual circumstances.

6.018 SETTLEMENT AGREEMENT

Unless a settlement agreement signed by all parties is filed before the time set for trial, all parties are required to appear for trial. If settled, appearance may be in person or by telephone. The terms of the settlement agreement shall be read into the record and the parties will announce their agreement with the terms of settlement.

6.082 STIPULATION TO EXHIBITS

All exhibits marked pursuant to UTCR 6.080 shall be shown to opposing counsel before the commencement of trial. Counsel may stipulate to those exhibits which may be admitted and shall deliver the stipulated exhibits to the clerk.

CHAPTER 7 - Case Management and Calendaring

7.025 COURT SCHEDULING

Hearing notices for criminal and civil matters will be sent on prime/alternate trial dates, motions, order to show cause hearings, settlement conferences, sentencing's, and pre-trial conferences, except that short notice matters may be arranged by telephone.

Restraining Orders are scheduled daily at 1:00 pm provided the petition is filed prior to 11:00 am. Trials commence at 9:00 am and continue through 5:00 pm. Juvenile cases are scheduled every 2nd & 4th Friday of each month from 8:30 am to 10:30am.

CHAPTER 8 - Domestic Relations Proceedings

8.011 PARENT EDUCATION CLASS

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- (1) In any domestic relations actions involving the custody or parenting time of minor children, including enforcement or modification proceedings and proceedings involving parties who are non-parents, all parties shall attend a parent education class provided by the Court prior to a judicial determination of the issues. For purposes of this rule, domestic relations actions include dissolution of marriage, separation, annulment, filiation and dissolution of domestic partnership.
- (2) The parent education class provides information to help parents in recognizing how children are put in the middle during the process of separation or divorce and is designed to assist parents in meeting children's needs during this period. If Mediation is court ordered through Baker County Circuit Court there is no fee otherwise there is a \$5.00 fee to attend. To schedule an appointment to attend the class call the court at (541) 523-6303 Ext 14 between the hours of 8:00am to 12:00pm and 1:00pm to 5:00pm.
- (3) Parties may attend a similar parent education class in another Oregon county and file a Certificate of Attendance with the Court. With prior Court approval parties may attend a similar parent education class in another state.

8.055 ORDERS TO SHOW CAUSE

- (1) The procedures of this rule are limited to domestic relations cases. Domestic relations cases are dissolution of marriage, legal separation cases including pre-trial motions and post-judgment motions, filiations and interstate support proceedings. A contempt proceeding arising out of a domestic relations case is not covered by this rule.
- (2) An order to show cause will be allowed only upon the motion of a party supported by an affidavit. The order to show cause will not contain a date for hearing. It shall provide that the adverse party must file and serve a written response in opposition to the motion within twenty- one (21) days from the date of service of the order and affidavit, or within such additional time as allowed by the Court upon a showing of good cause. The order must further advise the adverse party that if such written response in opposition is not filed and served within the twenty-one (21) days, the order requested by the motion and show cause order will be granted and entered by the Court.
- (3) Post-judgment motions to set aside, alter or modify any terms of the judgment shall provide that the adverse party must file and serve a written response in opposition to the motion within thirty (30) days from the date of the service of the order and affidavit. The order must further advise the adverse party that if such written response in opposition is not filed and served within thirty (30) days, the order requested by the motion and show cause order will be granted and entered by the Court.

- (4) If the opposing party fails to file the written response in opposition within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause. The Court reserves the right to require the taking of testimony of the moving party in such default matters. The Court also reserves the right to enter the order requested if the opposing party does not file the required response and it may do so upon its own motion if the moving party fails to present for signature the order required above.
- (5) Except for cases in which mandatory mediation applies, upon the opposing party filing a written response in opposition, the Court will cause a hearing date to be set to determine the issues raised by the order to show cause and affidavit.

8.075 PARENTING TIME AND PARENTING PLAN

The parties are encouraged to work out their own parenting time schedule, either between themselves or through mediation. The Court will generally approve any schedule agreed upon by the parties.

If the parties are unable to agree, the schedule set forth in the appendices (see Appendix A) will be used as a basis for establishing parenting time. Because each family's circumstances are different, the parenting time schedule established by the Court may make provision for more or less parenting time than desired by the parties.

The parenting plan that is agreed upon or imposed by the Court shall be incorporated into the order or judgment.

CHAPTER 9 - Probate and Adoption Proceedings

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 located at the Baker County Courthouse, Circuit Court 1995 3rd Street, Suite 220, Baker City, OR 97814 or

(541) 523- 6303 Ext 11. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition and would like to speak to the judicial assistant. Upon receipt of the objection, 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 the appendices (see Appendix B).

9.085 GUARDIANS

Within 30 days after each anniversary of appointment, a guardian for 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 in substantially the same form as that described in ORS 125.325.

CHAPTER 12 - Mediation

12.015 MEDIATION ON DISPUTES WITH CHILD CUSTODY AND PARENTING TIME

- (1) These rules shall apply to mediation of domestic relations actions pursuant to ORS 107.755 to 107.795 and shall not be applied to restrict the process, but rather to grant considerable discretion to the mediator and mediating parties.
- (2) Mediation of custody/parenting time disputes is commenced when an Answer/Response is filed by an objecting party in a civil action or by order of the Court. The Court may order mediation on the motion of either party or on the Court's own motion. For purposes of this rule, civil actions include dissolution of marriage, separation, annulment, filiation, dissolution of domestic partnership and such other cases shall be assigned by the Presiding Judge.
- (3) The Court may decline to hear a contested custody or parenting time issue until and unless the parties have participated in mediation in a good-faith attempt to resolve the issue between themselves. The mediator must file with the Court the form Report To The Court Regarding Mediation Completion/Results stating if parties have cooperated and if an agreement has been reached (see Appendix C).
- (4) Mediation shall not be used by any party in bad faith for the purposes of delay or undue influence on other issues. If the Court finds at any time that the mediation process is being misused, it may determine that further mediation is inappropriate, have the case removed from the mediation process and impose sanctions, as appropriate.
- (5) In the event the parties are not successful in mediating the custody or parenting time controversy, the mediator shall notify the Court. The matter will be scheduled for hearing as to the remaining unresolved issues, to be held in the same course and with the same priority on the docket as though there had been no mediation.

12.018 MEDIATION WHERE POWER IMBALANCE EXISTS

- (1) Where there is a restraining order between the parties, a history of domestic violence or abuse, an extreme imbalance in the power relationship between the parties or other reason to believe that mediation may be inappropriate, a party may contact the assigned mediator to request that the parties meet with the mediator separately, request the presence of a support person during mediation, telephonic mediation or another remedy. A mediator may exclude a support person from a session if the support person disrupts the process of mediation.

- (2) The mediator may arrange separate sessions, require telephonic mediation or terminate mediation at any time if the mediator believes that issues of violence, abuse, threatening behavior, manipulation or power imbalance make further mediation inappropriate. In any telephonic mediation, one or both parties may participate by telephone.

12.020 CONFIDENTIALITY OF MEDIATION

- (1) Pursuant to ORS 107.785 all communications occurring during the course of mediation are confidential. All mediators shall advise each party prior to commencement of mediation that they are mandated reporters regarding any allegation of child abuse or neglect.

- (2) The mediator may not be subpoenaed or called as a witness regarding any aspect of the mediation other than to state whether an agreement was reached in mediation and the specific terms of the agreement as communicated to the Court.

12.025 EXEMPTION FROM MEDIATION

A matter may be excused from mandatory mediation upon a showing of good cause.

12.045 MEDIATORS

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

- (1) Meet the requirements of the OJD Court-Connected Mediator Qualification Rules.

- (2) Sign and submit an original application to the Baker County Counsel; and

- (3) Receive approval by the Presiding Judge, upon recommendation of the Baker County Family Law Advisory Committee.

12.055 APPOINTMENT OF MEDIATOR

The Court will order mediation and appoint a mediator from a list of approved mediators once a Response/Answer has been filed. The notice will be sent out to the mediator and both parties. If parties are represented by an attorney, their attorney will receive the notice. The mediator will make contact with either the parties directly or their attorney for scheduling a mediation session.

12.075 SCHEDULING OF DOMESTIC RELATIONS MEDIATION SESSIONS

A mediation session must be set within seven to ten days from the date of the Notice of Appointment Of Mediator and the mediation session to be completed and any agreement must be filed within 90 days, however, additional time may be given when the agreement is being incorporated into the General Judgment Of Dissolution, Supplemental Judgment or Stipulated Judgment. All mediation agreements including partial agreements must be signed by the mediator and both parties prior to filing with the Court.

12.095 COMPENSATION OF MEDIATORS

The mediator shall be compensated at an hourly rate set by order of the Presiding Judge, not to exceed eight (8) hours including time spent preparing written memoranda or agreements. It will be the mediator's responsibility to collect the mediation fees from the parties if mediation requires more than eight (8) hours.

CHAPTER 13 - Arbitration

13.061 COURT SHALL DETERMINE WHETHER CASE IS SUBJECT TO ARBITRATION

- (1) Any party may file and serve notice of a request that the court transfer a case to arbitration.
- (2) A case will be assigned to arbitration unless it is excluded as provided in UTCR 13.060(1).

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A case assigned to arbitration will not be removed, except as might occur under Paragraph 3 of this Rule, without an affidavit, motion and order.

- (3) Only in extraordinary circumstances will the court order a case returned from arbitration to the court docket after a case has been assigned to an arbitrator. The Presiding Judge may remove a case from arbitration any time the Presiding Judge is of the opinion that such extraordinary circumstances exist.
- (4) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case to no longer be subject to mandatory arbitration, the party filing such a pleading must notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk shall then remove the case from arbitration.

13.071 EXEMPTION FROM ARBITRATION

A court decision on an exemption filed pursuant to UTCR 13.070 will be rendered within 5 days following the filing of a motion for exemption from arbitration. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the Uniform Trial Court Rules.

13.091 ARBITRATORS

- (1) There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any preference against certain types of cases. A list showing the names of arbitrators available to hear cases will be available for public inspection.
- (2) The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Trial Court Administrator immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges. No arbitrator shall have pending at any given time more than three arbitration cases, subject to the discretion of the Presiding Judge.
- (3) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials in the case to the Trial Court Administrator.

13.101 MOTIONS

If the first appearance of a defendant is not an answer, but is a motion directed to the complaint or a dispositive motion, the motion shall be decided before the case is referred to arbitration. No

case shall be referred to arbitration unless all parties have appeared or have had an order of default entered against them. If a case has been referred to arbitration prior to the filing of a motion directed to the complaint or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.100.

13.111 ARBITRATOR'S COMPENSATION

- (1) If parties do not pay their pro rata share of the preliminary payment for the arbitrator within 14 days from assignment of the arbitrator, the Court may exercise its authority under UTCR 1.090(2).
- (2) All arbitrator fees must be paid in full prior to the arbitrator filing the final award with the Court unless otherwise ordered by the Court.

(Note – The Arbitration Commission has established the following compensation schedule for arbitrators. Prior to the arbitrator beginning work on the case, a \$600 deposit, with each party paying \$300, must be paid directly to the arbitrator. Arbitrator fees are \$150/hr for hearings, \$60/hr for arbitration-related work, and \$60/hr for travel time plus mileage at the current State rate. If the arbitration is cancelled or settled after it has been set for hearing, the arbitrator is entitled to charge for all arbitration-related work performed in preparation of the hearing and for one hour of hearing fees. The arbitrator's fees may be considered as recoverable items of costs thereby creating a judgment in favor of the arbitrator and against any party who has not paid the arbitrator's fees.

13.121 RELIEF FROM PAYMENT OF ARBITRATION FEES

- (1) Parties who are unable to pay the compensation and other expenses of the arbitrator within 14 days from the date the case is transferred to arbitration may request waiver or deferral of such compensation or fees. The request must be submitted by motion and order supported by an affidavit setting forth with specificity the party's income, assets, and expenses and presented to the Presiding Judge for approval.
- (2) In the event funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of the form approved by the State Court Administrator for such purpose.

13.181 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the purport of which is disputed, will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers and parties.

CHAPTER 16 – Violations

16.015 TRIAL BY AFFIDAVIT OR DECLARATION

Testimony by affidavit or declaration shall be allowed in violation cases only upon receiving a signed statement from the defendant waiving the right to have the testimony presented orally in court.

The affidavit or declaration may be filed in the forms set forth in the Appendix of Forms. Appendix D for Affidavits and Appendix E for Declarations.

At the commencement of any violation trial, any and all affidavits or declarations which have been filed by that time with the Trial Court Administrator shall be deemed offered by the party who tendered them to the Court or on whose behalf they were tendered to the Court, and such affidavits or declarations shall then be received and considered by the Court as substantive evidence in that case.

**Appendix A. Standard Parenting Time
See Rule 8.075 Parenting Time and Parenting Plan**

**BAKER COUNTY
STANDARD PARENTING PLAN**

Petitioner _____)	
And _____)	STANDARD PARENTING PLAN
)	CASE NO: _____
)	() Proposed by _____
Respondent _____)	() Agreed upon by both parents
() Co-Petitioner)	() Ordered

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

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

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

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

1.1 The parent's names are

and

_____.

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

Date of Birth

2. DESIGNATION OF RESIDENTIAL PARENT

For purposes of the Standard Parenting Plan, the residential parent means the parent who provides the primary residence for the children. The non-residential parent means the parent who has parenting time with the children according to the schedule provided in the Standard Parenting Plan.

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

3. DECISION MAKING

3.1 Major Decisions (Joint or Sole Custody)

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

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

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

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

3.2 Day-to-Day Decisions

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

3.3 Decisions about the Parenting Time Schedule.

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

4. SPECIAL PROVISIONS FOR PARENTING TIME SCHEDULE

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

4.2 If parents live **no more than 60 miles apart** at the time the order is signed, the non-residential parent is entitled to have the children according to the schedule described in Section 5. If parents live **more than 60 miles apart** at the time the order is signed, the non-residential parent is entitled to have the children according to the schedule described in Section 18.

5. PARENTING TIME SCHEDULE

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

5.1 Weekend and Weekday Schedule

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

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

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

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

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

5.2 Summer Schedule

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

- 5.2 (b)** Whether or not the children are enrolled in school, the non-residential parent is entitled to have the children for the total amount of time described below during the period of school summer vacation.
- 5.2 (c) Children ages birth to 36 months.** Parenting time remains the same as the rest of the year.
- 5.2 (d) Children between the ages 36 months to 60 months (5 years) before June 1st.** Three one week blocks, scheduled to include the non-residential parent's alternate weekends. One week shall be in June, one in July, and one in August. There shall be at least two weeks between each of the one-week blocks. Alternate weekends continue throughout summer.
- 5.2 (e) Children over age 60 months (5 years) by June 1st.** Thirty five days (5 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. Alternate weekends are discontinued.
- 5.2 (f) Special Summer schedule provisions.** If both parents agree, or the Court so orders, the following provisions shall apply:

5.3 Holiday Schedule

- 5.3 (a)** The Holiday Schedule described below shall override the Weekend and Weekday Schedule and the Summer Schedule.
- 5.3 (b)** Whenever the Holiday Schedule causes one parent to have the children for two weekends in a row, the alternating weekend pattern will restart, so that the other parent will have the children on the next weekend.
- 5.3 (c)** If both parents agree, or if the Court so orders, the following **special holiday schedule provisions** shall apply. Whether or not the children are enrolled in school, the Holiday Schedule will be as follows:

	NON-RESIDENTIAL PARENT	RESIDENTIAL PARENT
Winter Vacation	Even years	Odd
Thanksgiving	Odd years	Even years
Easter	Even year	Odd years
Memorial Day	Odd years	Even years

Fourth of July	Even years	Odd years
Labor Day	Odd years	Even years
Halloween	Even years	Odd years
Spring Break	Odd years	Even years
Children's Birthday	Even years	Odd years

For the purposes of the Parenting Plan, a holiday shall begin and end as follows:

5.4 Winter Vacation

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

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

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

5.5 Thanksgiving

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

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

5.6 Easter

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

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

5.7 Memorial Day and Labor Day

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

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

5.8 Fourth of July

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

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

5.9 Halloween

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

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

5.10 Spring Break

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

5.11 Children's Birthdays

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

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

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

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

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

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

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

5.13 Parenting Time Calculation

5.13 (a) The table below indicates the average number of overnights that each parent will have the children each year. Significant non-overnight time with the non-residential parent may influence child support calculations. The Oregon Division of Child Support Online Child Support Calculator is available at www.dcs.state.or.us/calculator.

Ages of Children	Overnights with the Residential Parent (Parent A)	Overnights with the Non-Residential Parent (Parent B)
Children ages birth to 12 months	365	0
Children ages 12 months to 36 months	338	27
Children ages 36 months to 60 months	287	78
Children over age 60 months	280	85
Extended Weekends (See 5.1(d))	258	107
With Special Provisions		

6. INFORMATION SHARING

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

6.2 Each parent **must** immediately notify the other about any emergency circumstances or substantial changes in the health of the children. Unless otherwise ordered by the court,

both parents shall be listed as emergency contacts at Day Care and School.

- 6.3** If either parent takes the children from that parent's usual residence for 24 hours or more, that parent shall notify the other parent of any emergency contact phone number and where the children will be staying.
- 6.4** Unless otherwise ordered by the court, both parents always have the right:
- 6.4 (a)** To inspect and receive school records and to consult with school staff concerning the children's welfare and education.
 - 6.4 (b)** To inspect and receive governmental agency and law enforcement records concerning the children.
 - 6.4 (c)** To consult with any person who may provide care or treatment for the children and to inspect and receive the children's medical, dental and psychological records.
 - 6.4 (d)** To authorize emergency medical, dental, psychological, psychiatric or other health care for the child.

7. FUTURE MOVE OF A PARENT

- 7.1** Parents shall provide each other and the court with at least 45 days written notice of any planned move more than 60 miles further distance from the other parent.
- 7.2** Unless otherwise ordered by the court, each parent shall:
- 7.2 (a)** Provide the other parent with his or her contact phone number and contact address.
 - 7.2 (b)** Notify the other parent of any change in his or her contact telephone number and contact address within 72 hours of the change.
- 7.3** If the Parenting Time Schedule would be disrupted because of a parent's intended move, the Parenting Time Schedule must be changed by mutual agreement of the parents or by a modification that is ordered by the court.

8. PARENT-CHILD COMMUNICATION

- 8.1** Both parents and the children shall have the right to communicate by telephone, in writing, by e-mailing, or by tele-cam (if available) during reasonable hours without interference or monitoring by the other parent.
- 8.2** Unless otherwise agreed by the parents, telephone calls shall be limited to no more than three per week and each call shall last no more than 20 minutes.

9. EXCHANGE OF CHILD FROM ONE PARENT TO THE OTHER

- 9.1 Both parents shall have the children fed and ready on time with sufficient clothing packed and ready at the time of exchange. All clothing that accompanies the children shall be returned to the other parent.
- 9.2 When parents live no more than 60 miles apart, the non-residential parent shall pick up the children from the residential parent’s residence no earlier than, nor later than 15 minutes from the scheduled beginning of the parenting time. The residential parent shall pick up the children from the non-residential parent’s residence no earlier than, nor later than 15 minutes from the ending of the non-residential parent’s parenting time. If the parents have chosen or the court has ordered extended weekends, the children shall be dropped off at school at the beginning of the school day whenever possible.
- 9.3 Unless otherwise ordered by the court, parents who live more than 60 miles apart will equally participate in the cost and effort of exchanging the children from one parent to the other.
- 9.4 Either parent may authorize other individuals who are known to the children to provide the transportation for the exchange of the children. Anyone who drives while transporting the children will have a valid driver's license and vehicle insurance.
- 9.5 Special provisions:

10. CAR SEATS

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

11. MEDICATIONS

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

12. AFFECTION AND RESPECT

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

13. SCHOOL INVOLVEMENT

Unless otherwise ordered by the court, both parents are encouraged to participate in the children’s school activities including, but not limited to, visiting the classroom, attending parent-

teacher conferences, and attending sports and cultural activities.

14. PARENT CONTROL OF CHILDREN’S ACTIVITIES

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

15. MISSED PARENTING TIME

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

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

16. MEDIATION

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

17. ADDITIONAL PROVISIONS:

18. MEDIUM AND LONG DISTANCE PARENTING TIME

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

When parents live more than 60 miles apart, but less than 250 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled **Medium Distance**. When parents live more than 250 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled **Long Distance**.

18.1 Weekend and Weekday Schedule

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

18.1 (b) Children ages birth to 12 months

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

Long Distance: Same as for Medium Distance.

18.1 (c) Children ages 12 months to 36 months

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

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

18.1 (d) Children over ages 36 months

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

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

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

18.2 Summer Schedule

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

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

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

18.2 (d) Children ages birth to 12 months.

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

Long Distance: Same as for Medium Distance.

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

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

Long Distance: Three weekends in the location where the residential parent resides from 9 a.m. Saturday until 6 p.m. Sunday, and three long weekends in the location where the non-residential parent resides, one in June, one in July and one in August from 6 p.m. Friday until 6 p.m. Sunday.

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

Medium Distance: Three one-week blocks (seven days). One week shall be in June, one in July, and one in August. There shall be at least two weeks between each of the one-week blocks. Alternate weekends are discontinued.

Long Distance: Twenty one consecutive days (3 weeks).

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

Medium Distance: Thirty-five days (5 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. Alternate weekends are discontinued.

Long Distance: Thirty-five consecutive days (5 weeks).

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

Medium Distance: Forty two days (6 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. Alternate weekends are discontinued.

Long Distance: Sixty three consecutive days (9 weeks).

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

18.3 Holiday Schedule

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

18.3 (b) If both parents agree, or if the court so orders, the following **special holiday schedule provisions** shall apply.

18.4 Winter Vacation

18.4 (a) Children ages birth to 12 months.

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

Long Distance: Same as for Medium Distance.

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

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

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

18.4 (c) Children over age 36 months.

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

Long Distance: Same as for Medium Distance.

18.5 Thanksgiving

18.5 (a) Children ages birth to 12 months.

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

Long Distance: Same as for Medium Distance.

18.5 (b) Children ages 12 months to 36 months.

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

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

18.5 (c) Children over age 36 months.

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

Long Distance: Same as for Medium Distance.

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

18.6 (a) Children ages birth to 12 months.

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

Long Distance: The same as for Medium Distance.

18.6 (b) Children ages 12 months to 36 months.

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

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

18.6 (c) Children over age 36 months.

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

Long Distance: Same as for Medium Distance.

18.7 Spring Break

18.7 (a) Children over 36 months.

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

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

18.8 Parenting Time Calculation

18.8 (a) The table below indicates the average number of overnights that each parent will have the children each year. These estimates may be used to calculate each parent’s child support obligation by inserting the number into the Oregon Division of Child Support Online Child Support Calculator at www.dcs.state.or.us/calculator.

Ages of Children	Overnights with the	Overnights with the Non-
------------------	---------------------	--------------------------

	Residential Parent (Parent A)	Residential Parent (Parent B)
Children ages birth to 12 months	Medium and Long: 365	Medium and Long 0
Children ages 12 months to 36 months	Medium: 333 Long: 325	Medium: 32 Long: 40
Children ages 36 months to 60 months	Medium: 283 Long: 297	Medium : 95 Long: 68
Children ages 60 months to 96 months	Medium: 270 Long: 280	Medium: 95 Long: 85
Children over age 96 months	Medium: 270 Long: 267	Medium: 95 Long: 98
With Special Provisions		

18.9 Other:

19. SIGNATURE

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

Petitioner

Respondent () Co-Petitioner

Signature Date

Signature Date

**Appendix B. Objection To Petition for Appointment of Guardian/Conservator
See SLR 9.081**

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

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

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

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

Signature of Objecting Party

Printed or Typed Name of Objecting Party

Address or Contact Address

City State Zip

Telephone or Contact Telephone Number(s)

**Appendix C. Report to the Court Regarding Mediation Completion/Results
See SLR 12.015(3)**

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

In the Matter of the Marriage of)
)
Petitioner,) Case No. _____
)
and) REPORT TO THE COURT
) REGARDING MEDIATION
) COMPLETION/RESULTS
Respondent.)
_____)

Petitioner's Attorney

Respondent's Attorney

Both Parties are Pro-Se

Mediation resulted in:

_____ Agreement _____ Partial Agreement _____ No Agreement
_____ Failure to participate by ___ Petitioner ___ Respondent

Mediation session held on _____ from
 ____m to _____m
 Mediation session held on _____ from
 ____m to _____m
 Mediation session held on _____ from
 ____m to _____m
 Mediation session held on _____ from
 ____m to _____m
 Mediation session held on _____ from
 ____m to _____m

Total Mediation sessions: _____ Total hours: _____

Has the mediation agreement been made available to both parties' attorneys? Yes No

Agreement is to become part of the Final Stipulated Judgment/Stipulated Order.

 Date Signature of Mediator

Appendix D. Waiver and Affidavit

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

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

I, _____, have pleaded NOT GUILTY and requested a trial in the above captioned case.

Pursuant to ORS 153.080, I hereby waive my right to have my testimony, the testimony of my witnesses if any, and the testimony of the officer presented orally in Court, and I agree that such testimony may be presented by sworn affidavit. I waive the right to provide opening remarks and closing argument in Court, and the right to raise objections to written testimony on the grounds of hearsay. I waive further appearance and agree to submit this violation to the Court based upon my affidavit and the affidavits of my witnesses, if any, and allow the officer to present his or her testimony in the same fashion.

I am not represented by an attorney in this matter. If I retain counsel, I will notify the Court immediately.

Dated _____.

Signature

TESTIMONY BY AFFIDAVIT

STATE OF OREGON)
County of Baker) ss.

I, _____, being first duly sworn, state that I am the Defendant Police Officer in the above captioned case, and further state that pursuant to ORS 153.080, this affidavit represents my sworn testimony concerning the above violation offense:

(You may attach additional pages if necessary).

I swear or affirm that the information contained in this affidavit is true.

Dated _____.

Signature

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

Notary Public / Court Clerk
My Commission Expires _____

Appendix E. Waiver and Declaration

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

STATE OF OREGON

vs.

Defendant

)
)
)
)
)
)

Case No. _____

WAIVER and DECLARATION

I, _____, have pleaded NOT GUILTY and requested a trial in the above captioned case.

Pursuant to ORS 153.080, I hereby waive my right to have my testimony, the testimony of my witnesses if any, and the testimony of the officer presented orally in Court, and I agree that such testimony may be presented by declaration. I waive the right to provide opening remarks and closing argument in Court, and the right to raise objections to written testimony on the grounds of hearsay. I waive further appearance and agree to submit this violation to the Court based upon my declaration and the declarations of my witnesses, if any, and allow the officer to present his or her testimony in the same fashion.

I am not represented by an attorney in this matter. If I retain counsel, I will notify the Court immediately.

Dated _____.

Signature

TESTIMONY BY DECLARATION

STATE OF OREGON)
County of Baker) ss.

I, _____, being first duly sworn, state that I am the Defendant Police Officer in the above captioned case, and further state that pursuant to ORS 153.080, this declaration represents my testimony concerning the above violation offense:

(You may attach additional pages if necessary).

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

Date _____.

Signature _____