

**SUPPLEMENTARY LOCAL COURT RULES**  
for the  
**CIRCUIT COURT OF THE STATE OF OREGON**  
**FOR JEFFERSON AND CROOK COUNTIES**  
**22<sup>ND</sup> JUDICIAL DISTRICT**

February 1, 2015 - January 31, 2016

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## **CHAPTER 1 – GENERAL PROVISIONS**

### **1.151 Hours Open For Business**

Unless otherwise ordered due to emergency conditions, information regarding business hours for the Twenty-second Judicial District can be found at: <http://cms-courts.oregon.egov.com/crook/pages/index.aspx> or <http://cms-courts.oregon.egov.com/jefferson>

### **1.171 Website Address**

The internet address for Twenty-second Judicial District's Circuit Courts website is: <http://cms-courts.oregon.egov.com/crook/pages/index.aspx> or <http://cms-courts.oregon.egov.com/jefferson>

### **1.173 Physical/Mailing Addresses**

Unless otherwise ordered due to emergency conditions, the offices of the Twenty-second Judicial District are located as follows:

- (1) In Crook County:  
300 NE 3<sup>rd</sup> Street, Prineville, OR 97754
- (2) In Jefferson County:  
75 SE C Street, Suite C, Madras, OR 97741

## **CHAPTER 2 – STANDARDS FOR PLEADINGS AND DOCUMENTS**

### **2.011 Standards for Pleadings and Documents**

All proposed orders submitted to the court shall contain two (2) check boxes; one for allowed and the other for denied. Both check box provisions shall contain sufficient additional space for the court to add conditions, limitation to, or reason for the court's order.

### **2.012 Addresses and Telephone Numbers**

- (1) During the pendency of any case charging an offense, including violations and criminal cases, or while 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) 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) The cell phone caller is not in a moving vehicle.
- (2) Cell phones are used in good reception areas.
- (3) If more than one party is appearing by telephone, the moving party, or in the case of pre-trial conferences the plaintiff/petitioner, must contact a telephone operator or service and initiate a conference call to the Court with all telephonic parties connected.

### **3.181 Public Access Coverage in Areas Outside of The Courtroom**

- (1) Public Access Coverage is defined by UTCR 3.180(6).
- (2) This rule governs public access coverage in public areas outside of the courtrooms under UTCR 3.180(5).
- (3) For the purpose of this rule a Public Area is defined as any area within 30 feet of any point of ingress or egress to the courthouse and any hallway, elevator or other area used by the public for access to public offices or facilities within the external walls of the courthouse.
- (4) In Jefferson County, Oregon, all public areas are within the control and supervision of the court.
- (5) In Crook County, Oregon, all public areas are within the control and supervision of the court.
- (6) Subject to UTCR 3.180, no public access coverage shall be permitted in any public area except as provided herein:
  - (a) Any party seeking to provide public access coverage in any area shall file with the clerk of the court, at least two hours prior to the scheduled proceeding time, a certificate (See Appendix 1) in advance of commencing the coverage.
  - (b) Upon filing of the certificate described in sub-section (a) above, the clerk shall present the certificate(s) to the judge presiding in the case related to the

coverage request.

- (c) Upon receiving a request for public access coverage in any area the judge shall promptly:
  - (1) Permit or deny the public access coverage;
  - (2) If public access coverage is denied at any location, the judge must make findings of fact on the record setting forth the substantial reasons for the denial.
  - (3) The judge may prohibit public access coverage in public areas if there is any likelihood that the coverage would:
    - (a) constitute a material security risk to the public, jurors, witnesses or parties;
    - (b) interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial; or
    - (c) cause any cost or increased burden from the coverage that would interfere with the efficient administration of justice.
  - (4) When public access coverage is permitted, the judge shall, subject to the requirements of this rule, establish the restrictions that apply to the coverage.
    - (a) Public Access coverage restrictions may include:
      - (i) pooling coverage as described in UCTR 3.180(2); and
      - (ii) any restrictions reasonably necessary to preserve the solemnity, decorum and dignity of the court and to protect the parties, witnesses and jurors;
    - (b) Public Access coverage restrictions shall include:
      - (i) a prohibition of any coverage of matters described in UTCR 3.180(2)
    - (c) If Public Access Coverage for public areas is requested, coverage restrictions may include:
      - (i) the designation of a reasonable location no closer than 15 feet from the courtroom where the case related to the request will be heard; and

- (ii) a requirement that public access coverage representatives will be required to physically stay within the designated areas.

### **3.185 Personal Communication Devices**

Unless otherwise permitted by the judge presiding over a trial or other proceeding, personal communication devices (any electronic or other equipment capable of communicating with others including, but not limited to cell phones and pagers), shall not be permitted in the courtrooms or jury rooms. Attorneys may possess personal communication devices in the courtrooms, but such devices shall not be turned on without the approval of the judge.

## **CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES**

### **4.006 Testimony by Judge of the Circuit Court or Trial Court Administrator**

Any matter requiring testimony of a judge of the 22<sup>nd</sup> Judicial District or the trial court administrator will be subject to a pretrial conference to determine scheduling of the witness and what the testimony is intended to elicit. The party seeking the testimony shall request the pretrial conference no later than 5 days before the scheduled trial or hearing date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

## **CHAPTER 5 – PROCEEDINGS IN CIVIL CASES**

### **5.006 Testimony by Judge of the Circuit Court or Trial Court Administrator**

Any matter requiring testimony of a judge of the 22<sup>nd</sup> Judicial District or the trial court administrator will be subject to a pretrial conference to determine scheduling of the witness and what the testimony is intended to elicit. The party seeking the testimony shall request the pretrial conference no later than 5 days before the scheduled trial or hearing date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

### **5.045 No Motions For Reconsideration; Exceptions**

- (1) No Motion for Reconsideration on any pre-trial, trial, or post-trial civil or criminal matter shall be heard, reviewed, or considered by any judge sitting in the Twenty-second Judicial District; nor shall any such judge review a ruling rendered by any other judge except under (2).
- (2) This rule shall not apply to any statutory motion to modify, set aside, vacate, suppress, or rescind; nor shall it obstruct the authority of the assigned trial judge to review any previously-filed motions.



## **5.055 Stamped, Self-Addressed Confirmation Cards Required**

- (1) Any party desiring information of any filing, (e.g. date of filing, date of signature, costs and attorney fees awarded, or name of judge), shall attach a stamped, self-addressed confirmation card. On orders or judgments, confirmation cards shall be attached for all parties. Unless required by law or rule, conformed copies of the order or judgment will not be provided by the Trial Court Administrator's office. Signed copies of orders and judgments may be obtained from the Circuit Court Records Office.
- (2) An ex-parte motion for trial set-over shall have confirmation cards attached by the moving party for all parties.

## **CHAPTER 6 - TRIALS**

### **6.011 Habeas Corpus and Post-Conviction Relief Proceedings Before The Court by Video or Telephonic Conferencing**

- (1) Unless otherwise ordered by the Court, all hearings and trials in which inmates in the custody of the Oregon Department of Corrections are seeking post-conviction relief pursuant to ORS 138.510-138.686 or habeas corpus relief pursuant to ORS 34.310 - 34.730 shall be held by video conferencing or, if video conferencing is not available, by telephonic conferencing.
- (2) The inmates shall remain at and appear from the Deer Ridge Correctional Institution or other institution in which they are being held.
- (3) The inmate's attorney, the attorney for the Oregon Attorney General's office or an attorney representing any other party to the proceeding, may appear by video or telephone conferencing or may appear in person before the Court.
- (4) Regardless of the physical location of the judge hearing the matter, any proceeding shall be recorded by the 22<sup>nd</sup> Judicial District.
- (5) Public access and viewing of the proceeding shall be provided at the Jefferson County Courthouse in Madras, Oregon, and the proceeding shall be deemed to be taking place at said courthouse and city. Unless otherwise ordered by the Court, all witnesses, except original counsel and law enforcement officers, shall appear at that location.
- (6) All motions to continue trial/hearings, whether written or verbal, shall be submitted to the Presiding Judge of the 22<sup>nd</sup> Judicial District, or to another designated judge of the 22<sup>nd</sup> Judicial District if the Presiding Judge is not available.
- (7) Motions to continue shall not be made to the Plan B or Pro-Tem trial judge except in cases of emergency when the Presiding Judge or the designated judge of the 22<sup>nd</sup> Judicial District is not available.

## **6.012 Optional Settlement Conference**

- (1) Any civil case assigned a time and place for trial shall be calendared for a settlement conference at least twenty-one (21) days before the trial if requested by a party or required by the Court. Such request must be made in writing and filed in the case with a copy to the other parties not less than forty-two (42) days prior to the scheduled trial date. The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court.
- (2) At the settlement conference the Court shall require 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-county or out-of-state party may apply to be excused from appearing at the settlement conference. The party seeking to be excused must file a motion with the judge presiding over the conference. Any party seeking to be excused must be available for and prepared to initiate a conference call, or some suitable alternative, to allow participation in the conference. The presiding judge or his designee shall rule on said request and, if appropriate, excuse the party from appearing.

- (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 as part of a continuing settlement conference to another day before trial by the judge. Each case on the settlement conference calendar shall retain its place on the civil active list. 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.

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.

- (4) For a meaningful settlement conference to take place, all attorneys and parties must participate in good faith.
- (5) In the event settlement negotiations are not successful, counsel should expect and be prepared to proceed to trial on the date scheduled. Every effort will be made by the Court to insure that the case proceeds to trial on the date scheduled. This Court will deny all requests for continuance except in case of emergency or highly unusual circumstances.

## **6.013 Settlement Conference Statement**

In a civil case in which a settlement conference is scheduled, the parties shall tender, not less than seven (7) days prior to the date of the settlement conference, a detailed confidential

settlement conference statement with the Court. The date and time of hearing shall be typed on the face sheet of the statement.

- (1) In the case of personal injury/property damage litigation, the plaintiff is directed to prepare a summary of facts, a summary of the injuries and/or damages, a summary of any special legal issues involved, and a settlement demand. Plaintiff shall attach a copy of the most recent medical report(s).
- (2) The defendant is directed to prepare a similar statement setting forth Defendant's version of the facts, the injuries, legal issues, settlement offer, and a copy of the most recent defense medical report(s).
- (3) In other classifications of cases, each side shall prepare an appropriate settlement statement setting forth a summary of the facts, legal issues, damages and relief demanded together with plaintiff's settlement demand or defendant's settlement offer.
- (4) Settlement conference statements submitted by the parties are confidential documents. They will not be part of the court file. They will be retained by the settlement conference judge. After completion of the settlement conference the statements and any attached material will be returned to the submitting party.

#### **6.014 Voluntary Settlement Conference**

A voluntary settlement conference may be requested by all parties for an action at any stage of the proceeding by filing a request for a voluntary settlement conference with the calendar clerk. The presiding judge, or designee, shall rule on said request and, if appropriate, calendar the matter for a voluntary settlement conference.

#### **6.061 Electronic Requested Jury Instructions**

- (1) In addition to the requirements of UTCR 6.060 concerning providing the trial court with requested jury instructions and verdict forms in writing, an attorney or party requesting any of the instructions described in subsection (2) below, shall e-file through File and Serve or send an e-mail to the trial court with an attachment, containing the requested instructions in Microsoft Word or compatible format. If sent in an e-mail as an attachment the proposed instructions shall be e-mailed to "jef-juryinstructions@ojd.state.or.us" for Jefferson County matters or to "cro-juryinstructions@ojd.state.or.us" for Crook County matters.
- (2) The following instructions and verdict forms shall be included:
  - (a) any uniform instruction which has been modified;
  - (b) any proposed uniform instruction submitted in complete written form using the available options described in the uniform instruction. Compliance with UTCR

6.060(3) is all that is required, however, if a party submits a uniform instruction in complete written form, that complete instruction must be included;

- (c) any proposed non-uniform instruction; and,
- (d) any proposed interrogatory verdict form.

### **6.080 Exhibit Marking For Trials and Hearings**

In addition to marking the exhibits pursuant to UTCR 6.080 Marking Exhibits, the case number shall also be noted on the exhibit label by the party offering the exhibit.

### **6.081 Value of Exhibits**

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

### **6.101 Arguments on Objections or Motions**

During the course of the trial no argument will be allowed on an objection or motion except when the trial judge desires to hear counsel.

## **CHAPTER 7 – CASE MANAGEMENT AND CALENDARING**

### **7.005 Entry of Guilty Plea By Attorney in Misdemeanor Cases in Defendant's Absence**

When any attorney enters a guilty plea for a non-appearing defendant charged with a misdemeanor the attorney shall submit a guilty plea in writing, signed by the defendant, acknowledging an itemized waiver of appropriate constitutional and statutory rights.

### **7.015 Pretrial Conferences in Criminal Proceedings**

- (1) At arraignment all cases will be set for pretrial conference to allow for plea agreement negotiations and the completion of discovery and investigation. Pretrial conferences for in custody cases shall be set within twenty-one (21) days and out of custody within thirty-five (35) days.
- (2) The district attorney or the assigned deputy, the defense attorney and the defendant must appear at the pretrial conference, unless appearance is waived by the Court.
- (3) At the pre-trial conference in addition to the information required by UTCR 7.010, the

District Attorney or the designee thereof and Defendant, through counsel, if any, shall be prepared to relate:

- (a) the status of the plea agreement negotiations, if any;
- (b) whether any scheduling or attorney conflicts exist; and
- (c) whether there are any discovery problems.

### **7.016 Settlement Conferences in Criminal Proceedings**

- (1) After pretrial conference, at the discretion of the Court, a settlement conference may be held at the request of either party on the record or in writing. The settlement conference shall be held at least twenty-one (21) days prior to trial. The purpose of the settlement conference is to provide an opportunity for the early resolution of the case, if appropriate. No settlement conference will be permitted unless the provisions of subsection 2 herein have been met.
- (2) No later than 21 days prior to the date of the settlement conference, the district attorney or the assigned deputy shall submit, in writing to the court, a detailed settlement offer including, but not limited to, the proposed:
  - a) Counts of resolution
  - b) Grid blocks, if any
  - c) Terms of incarceration
  - d) Terms and duration of probation

Defense counsel shall, 14 days prior to the date of the settlement conference, submit in writing a certificate that counsel has informed and discussed the offer with his or her client and the District Attorney. Also, Defense counsel shall submit to the Court in writing a detailed settlement offer including all components required herein above of the District Attorney. Defense counsel shall inform his client of the offer. The same attorneys shall attend the settlement conference. The prosecuting attorney appearing shall have at all stages of the proceeding full authority to dispose of the case.

- (3) The defendant shall be personally available at the settlement conference and remain present and available for discussion with counsel. If a negotiated disposition has been offered to the defendant, the defendant shall inform the Court of the defendant's decision.
- (4) Settlement conference statements submitted by the parties are confidential documents. They will not be part of the court file. They will be retained by the settlement conference judge. After completion of the settlement conference the statements and any attached material will be returned to the submitting party.

### **7.025 Setting Motions and Trial Dates in Civil Cases**

- (1) Civil trials are set during pretrial conferences in court or in chambers with counsel being required to appear with their calendars either in person or by conference call, and it is customary for the Court to provide written confirmation of the date.
- (2) Civil trials are reset by telephone or e-mail at the discretion of the Court and it is customary for the Court to provide written confirmation of the date.
- (3) Civil motions are set by telephone or e-mail at the discretion of the Court, but are sometimes set in court or in chambers during a pretrial conference. When being set, counsel are required to appear with their calendars either in person or by conference call. In all instances it is customary for the Court to provide written confirmation of the date. On occasion a date will be set at the convenience of the Court and counsel advised only by written notice.
- (4) Civil motions are reset by telephone or e-mail at the discretion of the Court and the Court customarily provides written confirmation of the date. On occasion civil motions shall be reset by the Court. At any reset conference, counsel shall be prepared with their respective calendars.
- (5) When counsel participates in the setting of the date in court, by telephone, or e-mail a continuance will not be granted if the ground relied upon is that the Court failed to provide written confirmation.
- (6) All pre-trial motions and memoranda, including motions in limine, along with an estimate of the duration of any necessary hearings related to pre-trial issues, shall be submitted to the court and the opposing party or counsel not less than twenty-one (21) days before trial. Pre-trial motions will not be heard on the day of trial, unless the court finds good cause to do so.

### **7.027 Setting Motions and Trial Dates in Criminal Cases**

- (1) Criminal motions are set in court during pretrial conference, at which time counsel are required to be present with their calendars. Criminal motions are also occasionally set by telephone or e-mail at the discretion of the Court. In all instances, the Court customarily provides written confirmation of the date.
- (2) Criminal motions are reset by telephone or e-mail at the discretion of the Court and the Court customarily provides written confirmation of the date. On occasion a date is set at the convenience of the Court and counsel advised only by written notice.
- (3) Criminal trials are set during pretrial conferences, at which time counsel are required to be present with their calendars and the Court customarily provides written confirmation of the date. On rare occasions a trial will be set on a date at the convenience of the Court with counsel receiving only a written notice.

- (4) Criminal trials are reset by telephone or e-mail at the discretion of the Court, but are occasionally reset in court. If reset in court, counsel are required to be present with their calendars and in all cases it is customary for the Court to provide written confirmation of the date.
- (5) When counsel participates in the setting of the date in court, by telephone, or e-mail a continuance will not be granted if the ground relied upon is that the Court failed to provide written confirmation.
- (6) All pre-trial motions and memoranda, including motions in limine, along with an estimate of the duration of any necessary hearings related to pre-trial issues, shall be submitted to the court and the opposing party or counsel not less than twenty-one (21) days before trial. Pre-trial motions will not be heard on the day of trial, unless the court finds good cause to do so.

### **7.031 Trial Call**

- (1) A trial call conference shall be scheduled for every case set on the trial docket.
- (2)
  - (a) The trial call conference shall be held on a judicial day and time set by the Presiding Judge in the week immediately preceding the week of trial unless the case under consideration involves complex issues.
  - (b) The trial call conference in any complex case may, at the discretion of the Presiding Judge, be set up to 21 days prior to the date set for trial.
- (3) Counsel and client who practice or reside within 25 miles of the courthouse where the case is scheduled shall be personally present at trial call.
- (4) If counsel or client practice or reside more than 25 miles from the courthouse where the case is scheduled, either or both may participate by telephone. If a telephonic conference is conducted, then both client and counsel shall participate in the telephone conference at the time of trial call.
- (5) If the case has been concluded by negotiation at or prior to the trial call, then the parties should be prepared to tender the paperwork necessary to effectuate the settlement at the trial call. If a settlement has been reached in a criminal case, the plea will be taken at the time of the trial call unless the Court directs otherwise.
- (6) If the parties have settled the case and the paperwork has been tendered to the Court or proceedings have been conducted to conclude the case prior to the trial call, then the trial call appearance shall be waived.
- (7) Any party may move the Court to waive personal appearance provided elements of subparagraphs 5, 6, and 8 have been met prior to trial call.

- (8) If the case is not resolved, counsel shall be prepared to provide the Court with the following information and materials:
  - (a) the length of trial;
  - (b) the number of witnesses;
  - (c) whether witnesses have been subpoenaed;
  - (d) the time and date of last client contact;
  - (e) proposed jury instructions if a jury trial is required;
  - (f) UTCR 8.010 (4) statement if it is a domestic relations case; the Uniform Support Declaration, if support is an issue; and
  - (g) any trial memorandum the parties intend to rely on for trial.
- (9) At the conclusion of the trial call session, the Court will prioritize and set the time and date of the trial.

#### **7.055 Dismissal of Inactive Cases**

- (1) After the Court has rendered a decision in any civil or domestic relations case if a party does not submit a proposed order or judgment for a period of sixty (60) days the trial court administrator shall send a notice to the parties notifying them that the case will be dismissed if an order or judgment is not received within thirty (30) days.
- (2) If an order or judgment is not received within thirty (30) days of the notice sent pursuant to Section (1) of this rule, the case shall be dismissed without prejudice unless otherwise ordered by the Court.
- (3) A dismissal pursuant to this rule may be vacated upon showing of good cause supported by affidavit and the proposed judgment.

### **CHAPTER 8 – DOMESTIC RELATIONS PROCEEDINGS**

#### **8.001 Domestic Relations Proceedings**

The following types of cases shall be subject to the supplementary local rules contained in Chapter 8: Dissolution and annulment of marriages, separation, child and spousal support, filiation, dissolution of domestic partnerships, family abuse prevention, adoption, habeas corpus of children and such other cases as shall be assigned by the presiding judge.



## **8.002 Docketing Domestic Relations Proceedings**

### **(1) MATTERS REQUIRING THIRTY MINUTES OR LESS OF HEARING TIME**

Unless otherwise ordered by the presiding judge, all matters requiring thirty minutes or less of hearing time shall be specially set and shall be heard on a day designated by the presiding judge.

### **(2) CASES INVOLVING MORE THAN THIRTY MINUTES OF HEARING TIME**

Cases requiring more than thirty minutes of hearing time will be docketed and assigned in accordance with the current docketing and assignment rules of UTCR.

### **(3) Domestic relations matters may be removed from hearing schedules by order of the Court.**

## **8.041 Temporary Orders, Order Regarding Custody and Parenting Time Orders**

### **(1) All pre-judgment and post-judgment custody, parenting time and temporary status quo orders are controlled by ORS 107.097 or ORS 107.138. Any hearings set to consider the entry of such orders must be set in a fashion consistent with ORS 107.097 or ORS 107.138.**

### **(2) Temporary Custody and Parenting Time Orders**

At any point during the proceeding the Court may approve a temporary custody and parenting time order reflecting the parties' agreement as to the issues.

## **8.042 Orders to Show Cause**

### **(1) The procedures outlined in this rule are limited to domestic relations cases. Domestic relations cases shall include legal separations, annulment of marriage, dissolution of marriage and filiations. This rule is not applicable to contempt proceedings related to such actions.**

### **(2) Except for proceedings governed by ORS 107.097, ORS 107.135(13) or ORS 107.138, this rule shall apply to all orders to show cause in domestic relations matters whether or not the issues are pre-trial or post-judgment.**

### **(3) An order to show cause which itemizes the requested relief will be allowed only upon the motion of a party supported by sufficient written affidavit setting forth the justification for the relief requested. The order to show cause will not contain a date for hearing. The motion must contain in bold type in the body of the motion the following notice or a similar notice which contains, at minimum, all of the below requirements:**

“NOTICE TO PARTIES RECEIVING THESE PAPERS:

If you object to any of the requests in the attached Motion, you must file a written response:

- 1) which itemizes the disputed issues;
- 2) sets forth any additional relief requested; and
- 3) an affidavit in support of any relief requested

You must file the written response no later than thirty (30) days after this order has been served on you. If you do not file the written response within the time allowed, the Court may order the relief requested without further notice to you.”

- (a) The Court may allow additional time for a response to any motion and affidavit upon good cause.
  - (b) If child support or spousal support is an issue then the parties must file and serve upon the opposing party a Uniform Support Declaration as required by UTCR 8.050 (3);
  - (c) If the Uniform Support Declaration is not completely filled out with all necessary exhibits, it may not be considered by the Court and the party will be required to submit a completed form.
- (4) If the opposing party fails to file a written response within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause. The Court may:
- (a) Require the taking of testimony of the moving party in such default matters;
  - (b) Enter the order requested if the opposing party does not file the required written response; and
  - (c) Enter the order upon its own motion if the moving party fails to present an order.
- (5) If the opposing party files a written response, the docket clerk shall set a hearing date to determine the issues raised by the order to show cause and the affidavits. A notice of the hearing date shall be mailed to both parties.

### **8.055 Temporary Relief Motions**

Temporary relief motions for temporary child and spousal support filed pursuant to ORS 107.095(1)(a) and (b) and other motions for temporary financial orders filed pursuant to ORS 107.095(1)(f) shall be determined without testimony (unless otherwise ordered by the Court)

based on the affidavits of the parties and their Uniform Support Declarations. Such motions shall be filed separately from other temporary relief motions. In any case involving temporary child support, the affidavits filed by the parties shall include a child support computation worksheet. When the matter is ready for decision, the moving party shall notify the Court by filing a Notice for Readiness for Decision. (See Appendix 2)

### **8.075 Parenting Schedule**

Unless otherwise directed by the Court, or the parties stipulate to a different schedule of parenting time which is approved by the Court, a non residential parent shall have the right to have parenting time with the minor child(ren) of the parties according to the schedule and guidelines which are set forth in the local court's parenting plans which are on the Family Law page on their website at: <http://courts.oregon.gov/Crook> or <http://courts.oregon.gov/Jefferson> then select the "Material & Resources" tab or one of the completed parenting plan templates found on the Oregon Judicial Department's Family Law web page at: <http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/parentingplan.page>

### **8.101 Education for Divorcing Parents - ORS 3.425**

- (1) The following cases are subject to this rule: annulment or dissolution of marriage actions, legal separation actions, petitions to establish custody or parenting time, and post-judgment litigation involving custody or parenting time.
- (2) All parties, where the interest of a child under the age of 18 years is involved, shall successfully complete the education for divorcing parents program offered by the court designated providers or a pre-approved alternative education program. Parties shall register for the program or make application for approval of an alternate program within 14 days of receiving notice of this education requirement. All parties shall complete the program before the initial pretrial conference.
- (3) Notice and instructions to the petitioner of the requirement that the parties complete the education program or alternative education program will be provided by the trial court administrator when the petition is filed. Petitioner, when serving the respondent with the petition, shall also include a copy of the trial court administrator's notice. The petitioner's return of service on the respondent shall indicate service of the notice with the summons and petition.
- (4) Each party shall pay a fee determined by the program provider to cover program costs. The fee may be waived if the party presents a verified affidavit of indigency to the Court, and the party meets indigency guidelines.
- (5) Each person who successfully completes the Court's program or the pre-approved alternative program, shall present a certificate of completion to the judge at the pretrial conference.

- (6) Upon a showing of good cause, a party may request a waiver of this rule. The request must be made by motion, supported by affidavit, and filed within 14 days of receipt of the trial court administrator's notice.
- (7) Court action on a petition shall not be delayed by a party's refusal or delay in completing the program unless the non-complying party is the petitioner or the moving party. Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned judge may take appropriate action including, but not limited to, proceedings for contempt.

## **CHAPTER 9 – PROBATE AND ADOPTION PROCEEDINGS**

### **9.061 Attorney Fees in Estates**

The attorney for the personal representative shall maintain time records for twelve (12) months and, upon request of the Court, shall furnish a copy of that record to the Court to assist the Court in fixing a reasonable attorney's fee as provided by ORS 116.183.

### **9.081 Objection to Petition for Appointment of Guardian /Conservator**

Any interested person, as described in ORS 125.075(1), who has an objection to a Petition in a protective proceeding should contact a court clerk by telephone at:

- Jefferson County Trial Court (541) 475-3317
- Crook County Trial Court (541) 447-6541

or in person at:

- Jefferson County Trial Court Office  
75 SE C Street Suite C, Madras, OR 97741
- Crook County Trial Court Office  
300 NE 3<sup>rd</sup> Street, Prineville, OR 97754.

The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition. The clerk shall make contact with the judicial assistant of the judge assigned to the case. Upon contact the judicial assistant shall immediately:

- (1) Determine the name, address and telephone number of the objecting party;
- (2) Write out the nature of the oral objection upon the form provided in the appendices (see Appendix 3); and
- (3) File the original written material with the court file; and

- (4) Immediately send a copy to: a) the opposing party or counsel, if represented; b) any party who has appeared; and c) the judge assigned to the case.

The docketing clerk will schedule a hearing and notify the appropriate parties.

## **CHAPTER 11 – JUVENILE COURT PROCEEDINGS**

### **11.051 Personal Appearance Required**

In all termination and dependency cases, parent(s) and any guardian(s) shall be served a summons to personally appear at a time and place specified to answer the petition. The parent(s) and any guardian(s) must personally appear in court at the time and date specified in the summons. A written appearance shall not be permitted. A parent or guardian may make written application to the Court for their personal appearance by telephone in extraordinary circumstances; however, the written application must be filed with the Court two (2) days prior to the time scheduled for the parent's or guardian's personal appearance. The written application must include the person's current residence address, mailing address, telephone number, and the person's acknowledgment that it is their obligation to initiate/place the telephone call to the Court at the time scheduled for their appearance.

## **CHAPTER 12 - MEDIATION**

### **12.011 Mediation in Child Custody and Parenting Time Visitation Issues**

#### **(1) COMMENCEMENT OF MEDIATION BY STIPULATED REQUEST FOR MEDIATION**

Except as provided in the last sentence of this subsection, mediation may be commenced at any stage of a pending domestic relations proceeding by the stipulation of the parties or by Court order. Court orders may be granted at the discretion of the Court, on the motion of either party or on the Court's own motion. If a general judgment of dissolution has been entered in a domestic relations case and the judgment provided that the parties may mediate any custody or parenting time issue without a motion to show cause or enforce, the parties may do so by filing a stipulated motion for mediation.

#### **(2) MEDIATION AND CUSTODY/PARENTING TIME STUDY BEFORE HEARING**

Subject to the provisions of ORS 107.755, 107.097, 107.138 AND 107.718, the Court may decline to hear a custody or parenting time dispute until and unless the parties have participated in mediation in order to resolve the issues between them. The Court may order mediation and require the parties to participate in the mediation upon its own motion even in the absence of a request from one or both of the parties.

#### **(3) GOOD FAITH REQUIRED**

Mediation shall not be used by any parent in bad faith for the purposes of delay or resolution of other issues. If the Court finds at any time that the mediation process is being misused in violation of this rule, it may determine that mediation has been unsuccessful.

#### **(4) UNSUCCESSFUL MEDIATION**

In the event the parents are not successful in mediating the custody or parenting time controversy, the mediator shall notify the Court. The matter will be scheduled for a hearing in the same course and with the same priority on the docket as though there had been no mediation.

### **CHAPTER 13 - ARBITRATION**

#### **13.048 Arbitration - Indigent Parties**

In the event funds are available under ORS 36.420 for the payment of arbitrator 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.

#### **13.055 Referring Cases to Arbitration**

Cases subject to arbitration will be referred to arbitration as follows:

- (1) Within 30 days when the case is at issue unless otherwise ordered by the Presiding Judge;
- (2) At any time as specifically directed by the judge to whom the case is assigned, or by the Presiding Judge.
- (3) An arbitrator may make written application to the Presiding Judge to have a referred case removed from arbitration under ORS 36.405(2)(b). A copy of the written request must be served upon the parties.

### **CHAPTER 15 – SMALL CLAIMS**

#### **15.011 Small Claims Forms**

All small claims documents submitted for filing to the Court shall be in the formats specified under UTCR 15.010 (1). Forms that are not in compliance with the provisions of UTCR 15.010 (1) will not be accepted for filing.

## **CHAPTER 16 - VIOLATIONS**

### **16.005 Trial by Affidavit**

If the appropriate statutory section allows for an infraction or violation trial to be conducted by affidavit, then the following must occur:

- (1) The alleged violator must file the waiver form contained in Appendix 4 at least twenty-one (21) days in advance of the date of trial; and,
- (2) Any witness affidavit (including, but not limited to, the affidavit of the alleged violator or officer) must be filed with the Court and served upon the opposing party seven (7) days in advance of the trial.

Failure to file the affidavit as required herein without good cause shown may result in the affidavit not being considered by the Court.

### **16.015 Reporting Matters**

If a violation or traffic infraction matter is to be reported, the moving party must file a written request two working days before the scheduled hearing. The Court provides notice of this requirement on the hearing notice sent to the parties.

## **CHAPTER 24 – OREGON ECOURT IMPLEMENTATION**

### **24.201 Electronic Documents**

- (1) Depending on the context, as used in these rules, “document” refers to an instrument in either paper or electronic form.
- (2) Documents that are electronically filed or manually imaged, including those to which judicial signatures have been added, and documents generated in electronic format by the court are the official court record.

### **24.202 Electronic Court Signatures**

The court may issue judicial decisions electronically and may affix a signature by electronic means.

- (1) The trial court administrator must maintain the security and control of the methods for affixing electronic signatures.
- (2) Only the judge and the trial court administrator, or the judge’s or trial court administrator’s designee, may access the methods for affixing electronic signatures.

#### **24.203 Combined Motion And Order Document Not Permitted**

Notwithstanding UTCR 2.010(12)(c) or any other Supplementary Local Rule, a motion and order may not be submitted as a single document. If a motion and corresponding proposed order are electronically filed, the order must be submitted as a separate document from the motion.

#### **24.205 Binding Documents; Use Of Staples Prohibited**

- (1) Pleadings and documents submitted to the court for filing that are not electronically filed must be bound by paperclip or binder clip and must not contain staples.
- (2) If a document to be filed includes one or more attachments, including but not limited to a documentary exhibit, an affidavit, or a declaration, then
  - (a) the document and each attachment must be separately bound by paperclip or binder clip, and
  - (b) the attachment or attachments must be bound in one packet to the document being filed by paperclip or binder clip.
- (3) Subsection (2)(a) does not apply to an attachment to a motion to strike filed under UTCR 5.020(2) or an attachment to a motion for leave to amend a pleading filed under UTCR 5.070. An attachment of either type must be bound in one packet to the document being filed by paperclip or binder clip.

#### **24.501 Stipulated Or *Ex Parte* Matters May Be Electronically Filed**

- (1) Except as provided in subsection (2) of this rule, any stipulated or *ex parte* matter may be electronically filed for purposes of submitting to a judge for signature.
- (2) SLR 2.501 is reserved for judicial districts to adopt a local rule regarding specific stipulated or *ex parte* matters for which the documents must be presented conventionally and may not be electronically filed.

#### **24.601 Submission Of Requested Jury Instructions And Verdict Forms**

The original of the requested jury instructions and verdict forms must be submitted to the court. The court also may require that a party submit a copy of the jury instructions and verdict forms, in the manner and time that the court specifies.



**24.801 Actions For Dissolution Of Marriage, Separate Maintenance And Annulment, And Child Support; Documentation For Department Of Justice, Division Of Child Support**

Notwithstanding UTCR 8.010(8), parties who have been requested to submit a proposed judgment need not submit a copy of the proposed judgment and the most current confidential information form(s) to the court.

**24.901 Delivering Probate Materials To The Court, No Self-Addressed, Stamped Envelope Or Postcard If Document Electronically Filed**

UTCR 9.010 does not apply to an electronically filed document.

## Appendices

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE 22<sup>ND</sup> JUDICIAL DISTRICT  CROOK or  JEFFERSON COUNTY

In re Public Access Coverage:

CERTIFICATE

I, \_\_\_\_\_, represent \_\_\_\_\_  
and I desire to provide public access coverage in the following case:

Case name: \_\_\_\_\_

Case number: \_\_\_\_\_

I make the following representations:

- 1) I have read and will comply with UTCR 3.180.
- 2) I have read and will comply with 22<sup>nd</sup> Judicial District SLR 3.181.
- 3) I understand my permission to provide public access coverage can be immediately withdrawn if:
  - a) I violate the above described rules;
  - b) I violate any limitations imposed by the Court under the rules; or
  - c) The Court orders termination of the coverage.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
APPLICANT

SLR 8.055 - NOTICE OF READINESS FOR DECISION

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE 22<sup>ND</sup> JUDICIAL DISTRICT CROOK/JEFFERSON COUNTIES

In the Matter of the Marriage of

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

NOTICE OF READINESS FOR  
DECISION

and

\_\_\_\_\_  
Respondent.

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

1. Motion and Order to Show Cause Re: Temporary Spousal and Child Support
2. Affidavit in Support of Motion and Order to Show Cause;
3. Affidavit in Opposition to Motion and Order to Show Cause;
4. Uniform Support Declaration of Petitioner; and
5. Uniform Support Declaration of Respondent.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Attorney for Moving Party

Bar No. \_\_\_\_\_

SLR 9.081 - PROTECTIVE PROCEEDING OBJECTION FORM

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR \_\_\_\_\_ COUNTY

IN THE MATTER OF:

CASE NO.: \_\_\_\_\_

\_\_\_\_\_,  
Protected Person.

PROTECTIVE PROCEEDING OBJECTION FORM

(1) Objecting Party -

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

(2) Nature of Objection: \_\_\_\_\_

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Trial Court Administrator by:

\_\_\_\_\_  
Clerk

**Appendix 4**  
**SLR 16.005 - WAIVER AND AFFIDAVIT**

Return to:           Circuit Court  
                  Jefferson County Courthouse  
                  75 SE "C" Street  
                  Madras, OR 97741

DUE: \_\_\_\_\_

OR

Circuit Court  
Crook County Courthouse  
300 NE Third Street  
Prineville, OR 97754

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR \_\_\_\_\_ COUNTY

STATE OF OREGON

vs.

\_\_\_\_\_,  
Defendant.

)  
) Case No. \_\_\_\_\_  
)  
) WAIVER AND AFFIDAVIT  
)  
)

**WAIVER**

I, \_\_\_\_\_, have pled NOT GUILTY and requested a trial in the above-entitled case.

- (A) I am not represented by an attorney in this matter. If I retain counsel, I will advise the Court immediately.
- (B) Pursuant to the provisions of ORS 153.080 I tender the following testimony by affidavit in lieu of oral testimony in court.
- (C) [  ](check, if applicable) I consent to testimony being presented by affidavit in the proceeding;
- (D) [  ](check, if applicable) I waive my right to have a trial in open court on this matter and I consent to this matter being determined upon the affidavits of the witnesses.

**INSTRUCTIONS:** If you waive your appearance, please fill out the enclosed Testimony by Affidavit and return all documents to the Court at least twenty-one (21) days prior to the trial date. The Judge will give your affidavit the same consideration as a personal appearance.

