

## 8.012 MANDATORY PARENT EDUCATION PROGRAM

(1) APPLICATION: Lane County has established a parent education program of the type authorized by ORS 3.425. The program shall provide information on the impact of family restructuring on children and skills for successful co-parenting after separation for parties in the following types of proceedings:

- (a) Annulment or dissolution of marriage;
- (b) Legal Separation;
- (c) Petitions to establish custody or parenting time, including paternity cases when those issues are present;
- (d) Post-judgment litigation involving custody and/or parenting time.

The parent education program shall provide information regarding the impact of family restructuring on children and skills for successful co-parenting after separation. The class may be held in conjunction with the mandatory mediation orientation class, at the discretion of the program administrator.

(2) PARENT EDUCATION REQUIREMENT: All parents, where the interest of a child under the age of 18 years is involved in a case described in subsection (1) above, shall successfully complete the parent education program offered by the Lane County Family Mediation Program, or an alternative education program preapproved by the Lane County Family Mediation Program.

(3) NOTICE: A copy of a notice regarding this requirement outlined in subsection (2) of this rule and an explanation of the class provided by the Lane County Family Mediation Program shall be given to the initiating party by the trial court clerk accepting the filing at the time the initiating party's documents are filed. The initiating party shall serve a copy of this notice on the opposing party together with the Summons or other initiating document in the manner provided by ORCP 7, and the return of service on the opposing party shall indicate service of this notice as well as the other documents requiring service.

(4) REGISTRATION: Parties shall register for the class or make application for approval of an alternative program within 15 days of receiving notice of the education requirement.

(5) FEE: Each party shall pay a fee determined by the program provider to cover the program costs. The fee may be waived or reduced by the program provider.

(6) CERTIFICATE OF COMPLETION: Each party who successfully completes the court's program or a preapproved alternative program shall file a certificate of completion with the court before trial or judgment.

(7) WAIVER: A party completing the parent education class, or a preapproved alternative, within 90 days prior to the filing of the pending action may request waiver of this rule. The request shall be made to the program supervisor of the parent education program, and the decision of the program supervisor may be reviewed by the court upon request of either party.

(8) FAILURE TO COMPLETE: Court action in these cases shall not be delayed by a party's refusal, failure or delay in registering for or completing this program or the failure to comply with the requirements of this rule, unless the non-complying party is the initiating party. If a party fails to complete the education program or fails to comply with the requirements of this rule, the court may take appropriate action against that party, including but not limited to: (1) denying the relief sought by that party; (2) considering the non-compliance when ruling on issues related to custody and parenting time; or (3) bringing contempt proceedings against that party. Further, a party that has completed the program may request entry of an order from the court to compel the non-complying party's completion of the program.

#### 12.001 MANDATORY MEDIATION

Any matter described in ORS 107.765 and any other proceeding where child custody or parenting time is in issue shall be subject to mediation, except as provided in SLR 8.052. The Court will not consider any contested custody or parenting time issue in a proceeding that results in a final judgment, and the Court may decline to consider any contested custody or parenting time issue in a proceeding that results in a temporary order under ORS 107.095, unless notified by the mediation program, or an independent mediator, that the parties have proceeded through mediation in accordance with these rules.

#### 12.002 COURT CONTROL; AGREEMENTS

A domestic relations case filed in the Circuit Court remains under the control of that Court in all phases of the proceedings, including mediation. The court may limit the scope of the mediator's authority in the case. Any agreements of the parties reached as a result of mediation for which Court enforcement may be sought must be presented to the Court, and the Court shall retain final authority to accept, modify or reject the agreement. In order to preserve and promote the integrity of mediation as a dispute resolution technique, the Court shall consider and may include all reasonable agreements reached by the parties in formulating its order in the case.

#### 12.003 NOTICE

A copy of a notice regarding this requirement and explanation of the mediation orientation provided by the Lane County Mediation Program shall be provided to the moving party by the trial court clerk accepting the filing at the time the moving party's documents are filed. The moving party shall serve a copy of this notice on the opposing party along with the Summons or other initiating documents in the manner provided by ORCP 7, and the return of service on the opposing party shall indicate service of this notice as well as the other documents requiring service.

#### 12.004 MEDIATION PROCESS – COURT-CONNECTED PROGRAM

(1) Each party must contact the mediation program to register for mediation orientation within 15 days of filing or receiving a response, respectively, if the response indicates a

disagreement regarding custody or parenting time. Notwithstanding the foregoing, if a disagreement arises as early as the moving papers being filed or anytime during the proceeding, then each party must immediately contact the mediation program to attend mediation orientation.

(2) Each party will attend mediation orientation within 15 days of contacting the mediation program.

(3) The mediation orientation may be held in conjunction with the mandatory parent education program, at the discretion of the mediation program. The mediation program shall present a certificate of completion to the Court when each party has completed mediation orientation.

(4) If the parties express the desire to mediate after attending both the mediation orientation and the parent education class, the mediation program will schedule a mediation session with both parties.

(5) The parties may attend as many as three mediation sessions with a mediator. Additional mediation sessions may be provided if recommended by the mediator and approved by the program supervisor. Only parents in the case and respective counsel for the parents may attend the mediation sessions.

(6) It is the responsibility of the parties and their attorneys to see that mediation is completed in a timely fashion so the trial of the case is not delayed. Failure to do so may result in dismissal of the case when called for trial, or postponement under such conditions as the Court may decide.

(7) The Court may order mediation on its own motion. Further, a party that has completed the mediation orientation may request entry of an order from the Court to compel the non-complying party to complete the mediation orientation.

(8) A party completing the mediation orientation within 90 days prior to the filing of the pending action may request waiver of this rule. The request shall be made to the program supervisor of the mediation program, and the decision of the program supervisor may be reviewed by the court upon request of either party.

12.005 MEDIATION PROCESS - INDEPENDENT MEDIATORS

- (1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of any agreed-upon fee for mediation service.
- (2) If an independent mediator is selected, the parties or their attorney shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session. The mediator shall then notify the Court when the parties have attended mediation.
- (3) If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or visitation dispute, the parties will be ordered to attend the court's program for mediation pursuant to Rule 12.003.

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT CONSISTING OF 4 PAGES, WHICH IS FILED IN THIS OFFICE AND OF WHICH I AM THE LEGAL CUSTODIAN.

DATED 9/5/13  
Circuit Court  
Lane County, Oregon

By Elizabeth Rando, TCA  
Elizabeth Rando