

## 24TH JUDICIAL DISTRICT

### GRANT AND HARNEY CIRCUIT COURT SUPPLEMENTARY LOCAL RULES

February 1, 2003

#### CHAPTER 1 OFFICE HOURS AND CONTACT

##### 1.151 OFFICE HOURS

- (1) Grant County's office hours are 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding holidays. The office is located on the 2<sup>nd</sup> floor of the Grant County Courthouse, 205 S. Humbolt, Canyon City, Oregon
- (2) Harney County's office hours are 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding holidays. The office is located on the 2<sup>nd</sup> floor of the Harney County Courthouse, 450 N. Buena Vista Ave., Burns, Oregon.

##### 1.171 WEBSITE

- (1) Grant County <http://www.ojd.state.or.us/grant>
- (2) Harney County <http://www.ojd.state.or.us/harney>

#### CHAPTER 7 CASE MANAGEMENT AND CALENDARING

##### 7.001 DATES FOR APPEARANCE

- (1) **Dates For Hearing on Motions:**  
The Trial Court Administrator will set hearing dates and advise the parties in writing.
- (2) **Dates For Hearing on Orders To Show Cause:**  
The initial date set for appearance on orders to show cause shall be set forth therein and the order shall be personally served on the person ordered to appear. If there is no appearance as ordered, the matter may be determined at the time set for hearing in the order. If the person ordered to appear does appear and indicates a desire to contest the issues raised in the order to show cause, and the parties are ready to proceed at that time, the hearing shall

proceed if there is time available. If the parties are not ready to proceed or there is not sufficient time available for a hearing, a hearing will be set for a later time. The Trial Court Administrator will thereafter confirm the hearing date and time by notice in writing.

(3) **Dates for Trials:**

The Trial Court Administrator will set hearing dates and advise the parties in writing.

(4) **Primary and Alternate Trial settings:**

A case given a designation as a primary trial setting will begin at 9:00 am on the date indicated. Cases given an alternate trial setting must be prepared and ready to proceed to trial (as if they were the primary case) until 3:00 pm on the day before the date set for trial. Exceptions to the preceding rule can be granted by the presiding judge if good cause is shown.

## **7.011 PLEA NEGOTIATIONS**

- (1) Except as allowed at arraignment or for good cause shown, after initial entry of plea of not guilty, the only plea or pleas which will be accepted by the Court will be entry of plea or pleas to the charges as set forth in the accusatory instruments. Therefore, pleas to lesser-included charges, or other charges, or to only some of the charges as per offer previously tendered by the State through plea negotiations, will not be accepted.
- (2) The District Attorney's Office will submit a plea offer as soon as practicable, but in any event not later than ten days prior to the scheduled entry of plea.
- (3) Counsel for the defendant shall discuss with his/her client the State's offer, complete negotiations, and finalize written plea petitions prior to the time set for plea.
- (4) Plea petitions are required in all cases involving filed charges of Class A misdemeanors or felonies.
- (5) The Court may find a good cause exception to the above time lines and extend the date for plea. Counsel shall request an extension of the date by written motion supported by affidavit setting forth the basis.

## **CHAPTER 8 DOMESTIC RELATIONS PROCEEDINGS**

### **8.001 PARENTING TIME GUIDELINES**

Attached as Appendix 1 is a recommended schedule for parenting time for proceedings where there are minor children. The schedule is a guideline when the

parents can not otherwise agree. Generally, the court will impose the guideline schedule but will modify it as appropriate in individual cases.

## **8.002 PARENT EDUCATION PROGRAM**

### **(1) Mandatory Parent Education Program**

- (a) A parent education program of the type authorized by ORS 3.425 is established. The program shall provide information on the impact of family restructuring on children to each person named as a party in the following types of proceedings, when such proceedings involve minor children:
  - (i) Annulment or dissolution of marriage,
  - (ii) Legal Separation,
  - (iii) Petition to establish custody or parenting plans (including paternity), and
  - (iv) Post-Judgment litigation involving custody, visitation or parenting plans.
- (b) Each person named as a party in a proceeding of the type described above shall complete the program unless exempted by the Court.
- (c) The party initiating the proceeding shall register for the program within fifteen (15) days after filing the initiating pleading with the Court. A copy of this local rule and instructions on how to register for the program shall be served by the initiating party on all parties against whom relief is sought. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served. All other parties shall have thirty (30) days after service of the notice upon them to register for the program.
- (d) The Court shall provide a copy of this rule to the initiating party for service upon all parties against whom relief is sought, together with a statement describing the program including contact telephone numbers, addresses and statement of costs.
- (e) The program provider shall issue a certificate of completion when the participant has completed the program. The certificate must be filed with the Court.
- (f) The Court may exempt one or both parties from the program if, after reviewing the requesting party's motion and supporting affidavit, the Court determines that participation is unnecessary or inappropriate.

(2) **Sanctions**

- (a) Failure or refusal to complete the program in a timely manner shall be considered by the Court in making its ruling on issues which are in dispute.
- (b) Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned judge may take appropriate action including issuing an order to comply which thereafter may be enforced through proceedings for contempt.

**CHAPTER 9  
PROTECTIVE PROCEEDINGS OBJECTIONS**

**9.081 ORAL OBJECTIONS TO PROTECTIVE PROCEEDINGS**

- (1) Oral objections to protective proceedings that have been filed in the Grant County Circuit Court shall be made to the Trial Court Administrator at the Circuit Court Office, located on the 2<sup>nd</sup> floor of the Grant County Courthouse. Oral objections to protective proceedings that have been filed in the Harney County Circuit Court shall be made to the Trial Court Administrator at the Circuit Court Office, located on the 2<sup>nd</sup> floor of the Harney County Courthouse.
- (2) Probate jurisdiction is in the county courts in Grant and Harney Counties. This SLR only applies to cases that have been transferred to Circuit Court from the county courts.
- (3) Any interested person, as described in ORS 125.075(1), who has an objection to a Petition in a protective proceeding should contact the Trial Court Administrator in Grant County at (541) 575-1438 or the Trial Court Administrator in Harney County at (541) 573-5207. The objecting party should advise the Trial Court Administrator that the objecting party wishes to make oral objections to the Petition. Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the Court will schedule a hearing and notify the appropriate parties
- (4) If the objecting party wishes to file a written objection, the court clerk will provide upon request the Objection form contained in APPENDIX 2
- (5) Objections must be received by the Court within fifteen (15) days of service of the Petition.

**9.082 NOTICE OF FREE LEGAL SERVICES**

This Judicial District shall post a notice of free legal services on the bulletin board outside each Courtroom.

## **CHAPTER 12 MEDIATION**

### **12.001 MATTERS SUBJECT TO MEDIATION**

**(1) Mandatory Mediation:**

Any matter described in ORS 107.765 and any other proceeding where child custody or a parenting plan is in issue, unless otherwise exempted by law, shall be subject to mandatory mediation. The Court will not consider any contested parenting plan issues in a proceeding that results in a final judgment or order unless it is notified by a mediator that the matter has proceeded through mediation in accordance with these rules. Requests for prejudgment custody and parenting plan orders under ORS 107.095 are not subject to mandatory mediation, but mediation will be ordered on the joint request of the parties.

**(2) Exclusion From Mediation:**

The Court may exclude a case from mandatory mediation for good cause shown after hearing on the motion of a party with service on the opposing party. Cases involving domestic violence will be subject to adopted domestic violence protocols. Until such protocols are adopted, such cases are exempt from mediation.

**(3) Other Matters:**

A mediator may consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning parenting plan issues with the written approval of both parties or their counsel, and with the consent of the mediator.

### **12.002 CONTROL AGREEMENTS**

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

### **12.003 MEDIATION PROCESS**

**(1) Commencement of Mediation by Stipulated Request For Mediation:**

If there is a disagreement between the parents concerning parenting plan issues at any stage of a domestic relations proceeding, both parents or their attorneys

may sign and file with the Court a stipulated request for mediation. A mediator will be available to the parents in accordance with these rules or the parents may agree and stipulate to an independent mediator in their stipulated request for mediation. If the parties choose an independent mediator, the costs for the mediator will be borne by the parties pursuant to their agreement, or, if they cannot agree, jointly.

- (2) **Commencement of Mediation by Request For Mediation by One Parent:**  
If there is a disagreement between the parents concerning parenting plan issues at any stage of a domestic relations proceeding, either parent seeking to resolve the matter shall file with the Court and serve upon the other parent or his or her attorney a request for mediation.
- (3) **Commencement of Mediation When Respondent Notifies Court:**  
Whenever a respondent appears in a domestic relations suit by filing a response or answer or by filing a request for prejudgment relief or a response to a request for prejudgment relief, the respondent also shall state whether parenting plan issues are or are not involved in the case. If the respondent reports that parenting plan issues are involved, the Court shall refer the matter to mediation.
- (4) **Referral by Court to Mediation:**  
When the parties have not requested mediation but it appears that parenting plan issues are part of a proceeding that will result in a final judgment or order, the Court shall refer the matter to mediation. In a proceeding that will result in a temporary order, the Court will refer the matter to mediation at the request of both parties or immediately after the prejudgment determination is made.

#### **12.004 AUTHORITY OF MEDIATORS**

- (1) A mediator has authority and control over the mediation process; but a mediator has no control or authority over the parties or over their decisions in the case.
- (2) Unless otherwise agreed in writing by the parties and mediator, the parties' legal counsel shall not be present at mediation sessions.
- (3) A mediator shall encourage disputing parties to obtain individual legal advice and individual legal review of any mediated agreement before signing any agreement.
- (4) A mediator shall not act as a lawyer for either party.

#### **12.005 MEDIATION ORIENTATION**

- (1) Mediation shall consist of an orientation session and a maximum of six hours of sessions involving the parties and the mediator. Additional sessions may be provided at the parties' expense.
- (2) Parties may forego orientation for good cause with the Court's approval.

## **12.006 ASSIGNMENT TO MEDIATOR**

- (1) The parties may select a mediator of their own choosing, but if the mediator is not on the list of mediators approved by the court, the expense of the mediator shall be the responsibility of the parties.
- (2) The parties shall choose a mediator at orientation or within fourteen (14) days of the orientation if a party requests additional time. The parties shall notify the Court of the mediator selected, and the Court shall appoint the mediator and notify the parties of the appointment.
- (3) If the parties do not choose a mediator within fourteen (14) days of orientation, the mediation clerk shall select one or more mediators from the Court's panel of mediators and shall send their names to legal counsel for the parties, or to a party directly if not represented, with a request that each party notify the court within five (5) days if they object to a mediator, and state their basis. If good cause is established, the court will select another mediator.

## **12.007 SCHEDULING OF MEDIATION SESSIONS**

Upon receipt of a mediation assignment, a mediator immediately shall notify the parties of a date and time for the initial mediation session which shall occur in the mediator's office, unless otherwise agreed upon between the mediator and the parties. The initial mediation session should occur within twenty-one (21) days of notice of the assignment to the mediator.

## **12.008 MEDIATION COMPLETION**

- (1) Mediation shall be completed in a prompt manner without undue delay of the court proceedings and in no event later than any deadline set by the judge.
- (2) It is the responsibility of the parties to see that mediation is completed without delay. Failure to do so may result in a dismissal of the case or postponement under such conditions as the Court may require.
- (3) The mediator may notify the Court at any time following the initial mediation session that mediation has been unsuccessful; the case then will proceed to trial. The mediator may determine that the mediation has been unsuccessful if the parents are unable to resolve the custody or parenting plan controversy, if one or both parents are unwilling to participate in mediation, or if the mediator determines that either parent is using the mediation process in bad faith for delay or for other reasons.
- (4) At any point during the mediation the Court may approve a parenting plan order reflecting the parents' agreement as to the issues.

## **12.009 MEDIATOR QUALIFICATIONS**

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

- (1) Meet the requirements of OAR 718-30-000 through 100;
- (2) Sign and file an application with the Court; and
- (3) Be approved by the Presiding Judge.

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

## **CHAPTER 13 ARBITRATION**

### **13.011 MATTERS SUBJECT TO ARBITRATION**

Arbitration is required for actions involving less than \$50,000 filed in Harney and Grant Counties.



APPENDIX 1  
SLR 8.001

**STANDARD PARENTING PLAN**

It is the policy of this court to encourage the parties 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 parties.

The intent of the Standard Parenting Plan is to provide a Parenting Plan to parties 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. The best interest of the child(ren) is the paramount consideration.

PETITIONER ) STANDARD PARENTING PLAN  
AND ) CASE #:  
RESPONDENT ) DATE:

**I. GENERAL INFORMATION**

A. The parents names are: \_\_\_\_\_ and  
\_\_\_\_\_

B. The Parenting Plan applies to the following child(ren):

NAMES	DOB
_____	____/____/____
_____	____/____/____
_____	____/____/____
_____	____/____/____
_____	____/____/____
_____	____/____/____

**II. RESIDENTIAL SCHEDULE**

- A. For the purposes of the Standard Parenting Plan, “residential parent” means the parent who provides the primary residence for the child(ren). The

*Page 2 of 6 - Standard Parenting Plan*

“nonresidential parent” refers to the parent who has parenting time with the child(ren) according to the schedule provided in the Parenting Plan.

- B.  Mother shall be considered “residential parent”  
 Father shall be considered “residential parent”

### **III. OREGON SUPPORT ENFORCEMENT DIVISION TERMS**

- A. According to the Oregon Support Enforcement Division rules, regular custody is when the child(ren) lives primarily, more than sixty-five (65) percent of the time, with one parent.
- B. The residential parent has a regular physical custody of the child(ren). Support Computation Worksheet “B” will be used to calculate child support.

### **IV. GUIDELINES FOR PARENTING TIME WITH MINOR CHILDREN IN DOMESTIC RELATIONS CASES**

#### **A. DEFINITIONS:**

1. Weekends: A weekend is defined as commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday. The first weekend of the month is defined as the first one that has both a Saturday and a Sunday within the same calendar month.
2. Vacation and Holiday Periods: These are the dates set by the public school district in which the child(ren) resides whether or not the child(ren) is attending school or enrolled in that school.

- B. PARENTING TIME: The non-residential parent shall have not less than the following parenting time with the minor child(ren) unless agreed upon by the parents:

1. Children zero (0) - one (1) years:
  - a) Weekends: The first, third and fifth Saturdays of each month from 9:00 a.m. to 6:00 p.m.
  - b) Mother's Day/Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.
  - c) Christmas: Christmas Eve from 9:00 a.m. to 9:00 p.m. in odd

numbered years and Christmas Day from 9:00 a.m. to 9:00 p.m. in even numbered years.

*Page 3 of 6 - Standard Parenting Plan*

d) Midweek. Each Wednesday from 5:00 p.m. to 8:00 p.m.

2. Children one (1) - two (2) years:

a) Weekends. The first, third, and fifth weekends of each month from 9:00 a.m. Saturday to 9:00 a.m. the following Sunday.

b) Mother's Day/Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.

c) Christmas: Christmas Eve from 9:00 a.m. to 9:00 p.m. in odd numbered years and Christmas Day from 9:00 a.m. to 9:00 p.m. in even numbered years.

d) Summer: In lieu of summer parenting time, there shall be five (5) consecutive days each calendar year quarter upon thirty (30) days advance written notice to the primary custodial parent.

e) Midweek: Each Wednesday from 5:00 p.m. to 8:00 p.m.

3. Children over two (2) years:

a) First, third, and fifth weekends of each month.

b) In-service / Conference Days: In addition to weekend parenting time, if the child(ren) has a day out of school on either or both the Monday following and/or the Friday preceding the non-custodial parent's weekend parenting time, the non-custodial parent shall also have visitation with the child(ren) on said extra day(s) commencing either twenty-four (24) hours before and/or ending twenty-four (24) hours after the scheduled parenting time. This provision does not apply if the regular weekly school schedule in that area is Monday through Thursday.

c) Summer: Thirty-five consecutive days during the period of school summer vacation. Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the inclusive dates of the thirty-five day parenting time period with the child(ren). If the non-custodial parent fails to give such written notice to the custodial parent before May 1 of the year of the summer

parenting time, the non-custodial parent nevertheless shall have the right to such summer parenting time with the child(ren), if and

*Page 4 of 6 - Standard Parenting Plan*

to the extent, that the time remains for such parenting time after the custodial parent's parenting time plans of up to two consecutive weeks.

- 1) When the non-custodial parent exercises his or her right to a summer parenting time period of more than nineteen (19) days with the child(ren), the custodial parent shall have the right to a weekend of parenting time with the child(ren) on the third weekend after commencement of the extended parenting time by the non-custodial parent. Such interim parenting time by the custodial parent shall not lengthen the thirty-five day parenting time period allowed to the non-custodial parent.
- 2) The custodial parent shall have the right to designate one weekend each summer when the non-custodial parent's weekend parenting time will not occur in order that the custodial parent can have the child(ren) for an uninterrupted two(2) week period. Before May 15 of each year, the custodial parent shall inform the non-custodial parent of which weekend has been selected. The weekend shall not be on a holiday, birthday, or during the non-custodial parent's summer parenting time period.

d) Holidays:

i. **Even numbered years:**

- [a] Christmas: From 6:00 p.m. the day school lets out for Christmas vacation until 10:00 a.m. on December 26.
- [b] Child's Birthday: The birthdays of the child(ren), from 9:00 a.m. to 6:00 p.m. if the birthday falls on a weekend, or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday.
- [c] Thanksgiving holiday: Commencing on Wednesday prior to Thanksgiving, at 6:00 p.m. and ending on the Sunday following Thanksgiving at 6:00 p.m.
- [d] The Fourth of July: If this holiday does not fall on Friday, Saturday, Sunday, or Monday, parenting time shall commence at 9:00 a.m. and shall end at 10:00 p.m. on July 4th. If this holiday falls on a Saturday, Sunday, or Monday, parenting time shall commence at 6:00 p.m. on the Friday preceding the Fourth of July and shall end on Sunday the 4th, or Monday the 4th, as the case may be, at 6:00 p.m. If

this holiday falls on a Friday, parenting time shall commence

*Page 5 of 6 - Standard Parenting Plan*

at 6:00 p.m. on Thursday and shall end at 6:00 p.m. the following Sunday.

- [e] Spring Break: The school spring vacation from 9:00 a.m. the day after school adjourns to 6:00 p.m. the day before school resumes.

**ii. Odd-numbered years:**

- [a] Christmas: From 10:00 a.m. on December 26 until 6:00 p.m. on the day before school resumes.
- [b] Child's Birthday: The day before the child(ren)'s birthday, from 9:00 a.m. to 6:00 p.m., if the birthday falls on a weekend, or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday.
- [c] Memorial Day Weekend: Commencing on the Friday preceding Memorial Day at 6:00 p.m. and ending on the following Monday at 6:00 p.m.

**iii. Every year:**

- [a] Mother's Day/Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.
- [b] Parent's Birthday: Each parent shall have parenting time with the child(ren) on that parent's birthday from 9:00 a.m. to 6:00 p.m.

**C. RULES OF PARENTING TIME:**

1. Holiday Parenting Time Supersedes: Holiday and summer parenting time supersedes weekend parenting time in the event there is a conflict of dates.
2. Exchange Times: All parenting time periods shall be exercised in a prompt manner so that both parties can make their plans accordingly. The non-residential parent shall pick the child(ren) up from the front steps of the residential parent's residence no earlier than thirty (30) minutes before and no later than thirty (30) minutes after the parenting time period commences. Return of the child(ren) to the front steps of the residential

parent's residence shall also be subject to the thirty (30) minute rule. The residential parent shall have the child(ren) fed and ready on time for

*Page 6 of 6 - Standard Parenting Plan*

parenting time, with sufficient and proper clothing packed and ready for the parenting time period. The child(ren) shall be returned fed and with their clothing in the same manner (packed and cleaned) as they were when picked up for the parenting time.

- (3) Makeup Parenting Time: In the event the child(ren) are ill and unable to visit, a makeup parenting time will be allowed to the non-residential parent on the next succeeding weekend. However, if the non-residential parent fails to exercise his or her parenting time, for reasons of health or for any other reason, there will be no makeup parenting time period. The child(ren) will not be permitted to determine whether they wish to visit with the non-residential parent.
  - a) Personal plans of the residential parent or child(ren), school activities and other considerations will not be reasons for failing to adhere to this parenting time schedule. Only substantial medical reasons will be considered sufficient to postponement of parenting time schedule. Both parties will provide addresses and contact telephone numbers to the other parent and of any emergency circumstances or substantial changes in the health of the child(ren).
4. Correspondence and Telephone Contact: The non-residential parent shall, in addition to the parenting time set forth in this order, have the unlimited right to correspond with the minor child(ren) of the parties, and to telephone the minor child(ren) during reasonable hours without interference or monitoring by the residential parent or anyone else in any way. Unless otherwise agreed to between the parties, telephone conferences between the non-residential parent and the child(ren) shall be limited to no more than two (2) per week and shall be limited, each call, to ten (10) minutes or less in duration.
5. Inappropriate Remarks: Both parents are restrained and enjoined from making derogatory comments about the other parent or in any way diminishing the love, respect and affection that the child(ren) have for the other parent.
6. School Activities: In addition to the parenting time specified above, the non-residential parent shall have the right to visit with the child(ren) at school, attend the child(ren)'s school activities, and have full access to school teachers and administrators for complete information about the child(ren) in school. The residential parent shall notify the non-residential parent of any parent-teacher conferences scheduled.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF GRANT / HARNEY

	]	
	]	Case No. _____
Guardian/Conservatorship of	]	
	]	<b>OBJECTION TO PETITION</b>
	]	<b>FOR APPOINTMENT OF</b>
_____ ,	]	<b>GUARDIAN/CONSERVATOR</b>
<i>(Protected Person)</i>	]	
	]	

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)*:

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\_\_\_\_\_  
Signature of Objecting Party

\_\_\_\_\_  
Printed or Typed Name of Objecting Party

\_\_\_\_\_  
Address or Contact Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone or Contact Telephone Number(s)