

RULES
OF THE
14TH JUDICIAL DISTRICT
OF THE STATE OF OREGON
FOR
JOSEPHINE COUNTY

**CERTIFICATE OF SUPPLEMENTARY LOCAL COURT RULES
OF THE CIRCUIT COURT OF JOSEPHINE COUNTY,
FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON**

I, Gerald C. Neufeld, Presiding Judge of the Fourteenth Judicial District of the State of Oregon, hereby certify that attached hereto is a complete, true, and correct copy of the Supplemental Rules for the Circuit Court of the State of Oregon for Josephine County, effective February 1, 2003.

Dated this 9 day of December, 2002.

/s/ Gerald C. Neufeld
Gerald C. Neufeld
Presiding Judge
Fourteenth Judicial District
State of Oregon

**SUPPLEMENTARY LOCAL RULES OF THE CIRCUIT COURT
OF THE STATE OF OREGON FOR JOSEPHINE COUNTY
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**CHAPTER 1
GENERAL PROVISIONS**

1.151 HOURS OF COURT OPERATION

1. a. Courthouse - 500 N.W. 6th Street, Grants Pass, Oregon 97526
open to the public from 8:00 a.m. to 5:00 p.m. Monday
through Friday.
- b. Family Court - 301 N.W. 'F' Street, Grants Pass, Oregon
97526 - open to the public from 8:00 a.m. to 12:00 p.m. and
from 1:00 p.m. to 4:00 p.m. Monday through Friday.
2. Customer Service Windows
- a. Civil and Criminal - open to the public from 8:00 a.m. to 4:00
p.m. Monday through Friday unless otherwise posted.
- b. Accounting - open to the public from 8:00 a.m. to 5:00 p.m.
Monday through Friday.

3. Filing of Court Documents

When the civil and criminal customer service windows are closed, documents can be filed at the accounting customer service window. Between 12:00 p.m. and 1:00 p.m. and from 4:00 p.m. to 5:00 p.m. Monday through Friday family court documents can be filed at the juvenile department reception area.

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**CHAPTER 5
PROCEEDINGS IN CIVIL CASES**

5.051 MOTION HEARINGS

If oral argument is requested by either party, the matter shall be heard on the first Monday following the time for response and reply has elapsed. The hearing will be scheduled by the court and set on the motion calendar.

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**CHAPTER 7
CASE MANAGEMENT AND CALENDARING**

7.011 COURT NOTIFICATION OF PLEAS OR STIPULATIONS

No agreement or stipulation between the parties and their attorneys concerning any proceeding before the court or disposition thereof, will be regarded or enforced unless the same be made in open court in the presence of the parties and reported or reduced in writing and subscribed by the party or attorney to be bound thereby, unless otherwise ordered by the court. Parties shall enter plea negotiations using the Plea Petition Form supplied by the court and is attached hereto as Appendix 1 and 2.

7.012 STATUS HEARING IN CRIMINAL CASES

1. A status hearing will be held in advance of the trial date. The date and time of the status conference will be set at arraignment.
2. All investigations, discovery, negotiations and plea agreements shall be completed by the status hearing.
3. The attorney for each party and defendant shall appear at the status hearing.
4. Unless the case is resolved, the parties shall provide the court with a completed Status Report Form, bearing the signatures of each attorney. The form will be furnished by the court and is attached hereto as Appendix 3 and 4.
5. The parties shall report to the court the status of the case. In the absence of settlement, the parties shall appear in court and report:
 - a) Whether the case is complex, subject to UTCR 7.030;
 - b) Whether a jury trial is desired;
 - c) Probable length of trial;
 - d) The need for a pretrial hearing;
 - e) Whether the parties will file any motions; and,
 - f) Identify areas remaining at issue or any other matter affecting the case.

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7.013

PRETRIAL CONFERENCES

1. Pretrial conferences will be set for individual cases upon written request of either party, using the State/ Defense Status Report Form supplied by the court and attached hereto as Appendix 3 and 4.
2. All criminal defendants will be required to be present for the pretrial conference unless prior approval is granted by the court excusing defendant's presence.

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CHAPTER 8
DOMESTIC RELATIONS PROCEEDINGS

8.015 MANDATORY PARENT EDUCATION PROGRAM

1. Josephine County Circuit Court has established a parent education program of the type authorized by ORS 3.425.
2. The following cases are subject to this program:
 - a) Annulment or dissolution or marriage actions;
 - b) Legal separation actions;
 - c) Petitions to establish paternity, custody or visitation by unmarried parents;
 - d) Post-decree litigation involving changes in custody or parenting time in which the parties have not previously completed this program.
3. All parents of a child under the age of 16 years shall successfully complete the Josephine County Family Court education for divorcing parents program or a court-approved out-of-county education program.
4. Court action in these cases will 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 program, unless the noncomplying party is the moving party in the action.
 - a) Upon a party's failure to successfully complete the education program or failure to comply with the requirements of this program, the court may take appropriate action, including but not limited to denial of the relief sought by that party, or proceedings for contempt, assessment of costs and attorney fees.
 - b) Failure or refusal to complete the program in a timely manner will be considered by the court when making its ruling on issues which are in dispute and in determining the best interest of a child.
 - c) A party who knowingly fails to comply with the provision of this program may have their pleading stricken and/or a default entered.

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5. The party initiating the proceeding shall register for the program within 15 days after filing the initiating pleading with the court. A statement of the requirements of the program and instructions on how to register for the program (Appendix 5) 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 and a proof of service returned. All other parties shall have 30 days after service of the notice upon them to register for the program.
6. The program provider shall issue a certificate of completion (Appendix 6) to the court when the participant has completed the program, including the date of completion.
7. Each party shall pay a fee at the time of registration as 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.
8. Upon a showing of good cause, a party may request waiver of the requirement of this program. The request must be made by written motion, supported by affidavit, and filed within 15 days of receipt of the notice of requirements of this program.
 - a) "Good cause" includes that the party lives more than 100 miles from Grants Pass, Oregon and a court-approved program is not within their area, or is in poor health and a doctor states, in writing, that they should not attend. A copy of that writing must be provided to the provider.
 - b) Mere inconvenience is not good cause.
9. Parenting classes are provided by the Josephine County Juvenile Department. You can schedule to attend parent education by calling (541) 474-5187.
10. These program requirements apply to all cases filed on or after August 1, 1998.

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MANDATORY DIVORCE EDUCATION PROGRAM

1. Josephine County Circuit Court has established a Divorce Education Program authorized by ORS 3.425.
2. The custodial parent involved in a dissolution of marriage, separation or Chapter 109 proceeding shall enroll himself/herself and the child(ren) in their physical custody who are between the ages of 6 and 13 years into the Divorce Education Program offered by the Josephine County Juvenile Department.
3. The parties shall be notified at the time of filing a petition for dissolution, separation or proceedings for custody under Chapter 109, or any responsive pleading, of the custodial parent's responsibility to register themselves and their child(ren) in the program and insure the family's attendance.
4. A statement of the requirements of the program and instructions on how to register shall be served by the initiating party on the other parent in the same manner as service of notices of the mandatory Parent Education Program SLR 8.015.
5. Registration for the program shall occur within 30 days of the notification. Each party shall pay a fee at the time of registration as 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. The custodial parent shall attend the next class following registration. The parent paying the fee may seek contribution from the other parent as part of any final judgment.
6. A certificate of compliance shall be provided for all attendees. A copy of the certificate shall be filed with the court clerk prior to the entry of any judgment in the case.
7. If either party interferes with other family member's attendance and completion of the program, the court may impose sanctions including but not limited to striking that party's pleading and awarding costs to the other party.
8. Provisions of this order are mandatory unless waived in writing by the court upon a showing of good cause.

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DIVISION OR VALUATION OF PERSONAL PROPERTY

1. Parties to all contested divorce and dissolution of domestic partnerships must prepare a joint exhibit list if there is any dispute as to the division or valuation of personal property.
2. The exhibit list is to contain:
 - a) each item of property
 - b) in columns to the right of the property list there is to be
 - i) each party's estimate of fair-market value
 - ii) each party's proposed distribution
 - iii) any claim as to pre-marital or inherited property
 - c) at the bottom of each page there is to be a subtotal for each party's claimed fair-market value of the property
 - d) the last page is to have a total for each party based upon their claim for the item and their estimated fair-market value
3. Each party must provide the other party with their exhibit list at least seven (7) days prior to the final hearing.
4. The joint property exhibit list is to be prepared pre-trial and submitted to the court at the beginning of the final hearing.

**CHAPTER 9
PROBATE AND ADOPTION PROCEEDINGS**

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 at (541) 476-2309, ext. 210. 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 of the judge assigned to the case. Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the court will schedule a hearing at Josephine County Courthouse and notify the appropriate parties.

If the objecting party wishes to file a written objection, the court clerk will provide upon request the objection form contained in Appendix 7.

Objections must be received by the court within fifteen (15) days of service of the petition.

9.091 VISITOR'S APPOINTMENT AND FEES

1. The Visitor shall not be appointed, nor undertake an investigation until the Visitor's fee has been paid to the court. The fee is payable at the time of filing. The only exception is if the court approves an affidavit of indigency.
2. The amount of the Visitor's fee is \$100.00.

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**CHAPTER 12
MEDIATION**

12.015 MATTERS SUBJECT TO MEDIATION

1. SLR 12.015 through 12.040 apply to Domestic Relations cases
2. SLR 12.045 through 12.100 apply to all other mediation matters.

12.020 MANDATORY MEDIATION

1. Any petition (except those matters filed pursuant to the Family Abuse Prevention Act, ORS 107.700 through 107.730) filed in Circuit Court involving a controversy over custody or parenting time of minor children shall be subject to mediation.
2. The mediator shall not consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody or parenting time. No referrals to arbitration shall be made after a parenting time order is approved or mediation is terminated pursuant to Court Rules.

12.025 SCOPE OF AUTHORITY

A domestic relations case filed in the Circuit Court remains under the scope of authority of that court in all phases of the proceedings including 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 agreement 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.

12.030 MEDIATION

1. Commencement of Mediation by Stipulated Request for Mediation

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If there is a disagreement between the parties concerning custody or parenting time 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, in substantially the form as of that attached to these rules as Appendix 8. The parents will be referred by the court for mediation in accordance with these rules, or the parents may agree and stipulate to an independent mediator in their Stipulated Request for Mediation.

2. Commencement of Mediation by Request for Mediation by One Parent

If there is a disagreement between the parents concerning custody or parenting time at any stage of a divorce proceeding, either parent seeking to resolve the matter must file with the court and serve upon the other parent, or his/her attorney, a Request for Mediation in substantially the form as attached hereto as Appendix 9.

Both parents shall report to the Josephine County Juvenile Department, 301 N.W. 'F' Street, Grants Pass, Oregon 97526 at 8:15 A.M. on the second Monday following the day that the other party is personally served, or has been mailed a copy of the Request for Mediation.

In the event of a Stipulated Request for Mediation, both parents may appear at the next scheduled Monday mediation orientation.

3. Temporary Custody and Parenting Time Orders

At any point during the mediation, the court may approve a Temporary Custody and Parenting Time Order reflecting the parents' agreement as to the issues

4. Good Faith Required

Mediation shall not be used by any parent in bad faith for the purpose of delaying 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.

12.035 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.
2. If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.
3. If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or parenting time dispute, the parties will be required to enter into mediation pursuant to Rule 12.030 herein.
4. If the parties select an independent mediator pursuant to Rule 12.035(1) after a referral has been made to mediation, they shall then comply with Rule 12.035(2) and send a copy of the stipulation to the court.

12.040 LITIGATION OF UNRESOLVED CONFLICT

1. Notice of Unsuccessful Mediation

The mediator shall notify the court in writing of mandatory mediation cases in which further attempts at mediation will prove unsuccessful or detrimental to the interest of either party.

2. Order of Evaluation

The court may order the Juvenile Department to conduct an evaluation of the parties and child or children at issue in a custody decision. The court may order the Juvenile Department to conduct an evaluation of the parties and child or children at issue in a parenting time decision.

3. Counselor

The counselor assigned to a custody or parenting time evaluation shall not be the same individual who served as mediator unless both parties request

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12.040 Continued

assignment of the mediator to conduct a custody or parenting time evaluation.

Requests for the same individual who served as mediator to conduct a custody or parenting time evaluation shall be in writing, signed by both parties and received by the Juvenile Department within seven (7) calendar days of the Court Evaluation Order.

4. Completion of the Evaluation

The evaluation shall be made available by the court to the parties prior to the court hearing.

12.045 MEDIATION FOR MATTERS OTHERWISE SUBJECT TO ARBITRATION

_____ Litigants may satisfy the requirements for mandatory arbitration pursuant to ORS 36.405 by participating in court mediation.

12.050 COMMUNITY DISPUTE RESOLUTION ADVISORY COMMITTEE

_____ In addition to its other duties, the Community Dispute Resolution Advisory Committee shall monitor the court mediation program, advise the court regarding mediation services and review qualifications and training of mediators.

12.055 MEDIATION PANEL ESTABLISHED

_____ There shall be a panel of mediators comprised of individuals who satisfy qualifications and training standards prescribed in OAR Chapter 718, Division 40, and have been appointed by the presiding judge.

12.060 APPOINTMENT OF MEDIATION PANEL

_____ 1. To apply for inclusion on the Josephine County panel of mediators, a person must file a letter with the court outlining mediation training and other qualifications.

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12.060 Continued

- _____ 2. The Community Dispute Resolution Advisory Committee shall review each letter and make a recommendation to the presiding judge.
3. The decision as to whether an individual is qualified to be on the panel of mediators and the number of mediators which comprises the panel shall be made by the presiding judge.

12.065 REMOVAL FROM MEDIATION PANEL

- _____ 1. The Community Dispute Resolution Advisory Committee shall monitor the performance of mediators and report to the presiding judge as appropriate.
2. The presiding judge may remove a mediator from the court panel at his/ her discretion.

12.070 MOTIONS

1. 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 by the court before the case is assigned to mediation.
2. Any motion, other than a Motion for Summary Judgment, filed after assignment of a mediator shall be stayed pending disposition of mediation.

12.075 REFERRAL TO MEDIATION

1. Upon appearance of the parties and determination of the case, the clerk of the court will notify the parties of SLR 13.005 and SLR 12.020 requiring participation in an alternative dispute resolution program.
2. The case shall be assigned to mediation unless a request for arbitration is made by one of the parties

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12.080 EXEMPTION FROM MEDIATION

A party may file a written objection to mediation with the court, the action shall remove the case from mediation and the matter will be referred to arbitration.

12.085 ASSIGNMENT OF MEDIATOR AND SCHEDULING

1. The court shall exercise its authority under ORS 36.200(2) to assign cases subject to SLR 12.100(2) to a mediator.
2. The mediator will assign the date, time and place of the initial mediation session and any additional sessions.
3. The parties may choose, at their option and expense, mediation services other than those suggested by the court, and entering into such private mediation services shall be subject to the same provisions of ORS 36.180 to 36.210.

12.090 COMPENSATION OF MEDIATORS

1. Mediation fees shall be the same as those paid to arbitrators appointed in Josephine County.
2. Payment of the mediation fee is due within 14 calendar days of notice of assignment of a mediator. Each party shall pay the mediator directly.
3. If any party fails to pay the prescribed fee within 14 calendar days of assignment, the court will exercise its authority under UTCR 1.090 to impose an appropriate sanction.
4. If arbitration is requested subsequent to the appointment of a mediator, but prior to any mediation occurring, the parties shall be required to pay the mediator a fee of \$25 each.

12.095 COMPLETING MEDIATION

All cases assigned to mediation must complete mediation within 90 days of assignment, unless otherwise ordered by the court.

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12.095 Continued

1. In all cases assigned to mediation in which a settlement is reached, the parties shall report the settlement to the mediator and the mediator shall file a notice of the settlement with the court.
2. The result of mediation hearings shall be reported to the court as either "settled" or "not settled."
3. If a case is reported as "settled," the terms of the agreement, including a date of final compliance, shall be signed by the parties and within 10 judicial days filed by the mediator with the clerk of the court.
 - a. The mediator shall provide the creditor with a form to report compliance or non-compliance with the terms of the settlement agreement.
 - b. In the event the creditor fails to file a report of compliance or non-compliance within 30 days after the final date for compliance, or reports the terms of the settlement have been met, the clerk of the court shall dismiss the case.
 - c. Upon notice by a creditor of non-compliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.
4. If the parties are not able to settle a mediated case, the case will be set for trial and not be required to arbitrate.

12.100 GOOD FAITH MEDIATION

In the event a party fails to mediate in good faith, the court may exercise its authority under UTCR 1.090 to assess as costs, any party's costs necessarily incurred in mediation in any subsequent judgment.

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**CHAPTER 13
ARBITRATION**

13.005 MANDATORY ARBITRATION PROGRAM

Mandatory arbitration under ORS 36.400 to 36.425 is required for all matters involving less than \$50,000.

13.010 PROCEDURES ESTABLISHED FOR MEDIATION

Upon the agreement of the parties, civil actions otherwise subject to arbitration may be assigned to the court's mediation program (SLR 12).

APPENDIX

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

STATE OF OREGON,	)	Case No. _____
	)	CHARGE(s): _____
vs.)	_____
)	
_____	)	PETITION TO ENTER PLEA OF GUILTY OR NO CONTEST
Defendant.	)	WITHOUT AID OF AN ATTORNEY AND ORDER
	)	PERMITTING THE SAME

The above named Defendant respectfully represents to the Court as follows:

- (1) My true name is _____.
 I am _____ years of age; my Social Security Number *is _____.

***I am providing my social security number on a voluntary basis. I understand that I cannot be compelled to provide it nor be denied consideration solely for failing to provide it. It may be used to verify my identification, credit and employment information, used for collections purposes, or for any court-imposed monetary obligation I owe.**

(Circle one) _____ (Circle one) _____
 I can / cannot read, write and understand the English language, however I have / have not had the assistance of a qualified interpreter for this case and plea.

- (2) I request all proceedings against me to be made in the name which I have hereby declared to be my true name.
- (3) I am not represented by counsel, and it is my decision to knowingly and freely waive my right to representation. I understand that if I would like to speak to an attorney, the Court would give me time for that purpose. I also understand that if I cannot afford to hire an attorney, one may be appointed to represent me at public expense. In spite of these rights it is my wish to proceed and represent myself in these proceedings.
- (4) I am confident that I am aware of all the facts and surrounding circumstances concerning the matters mentioned in the complaint/information/indictment. I understand that if I would like more time to discover additional facts and information, including, but not limited to, police reports and witnesses statements, that the Court would give me additional time for that purpose. I choose not to request additional time.
- (5) I understand that the maximum punishment which the law provides for the offense charged in the complaint/information/indictment, is as follows:

Count 1: \$ _____	Fine _____	_____	Months / Years Imprisonment
Count 2: \$ _____	Fine _____	_____	Months / Years Imprisonment
Count 3: \$ _____	Fine _____	_____	Months / Years Imprisonment
Count 4: \$ _____	Fine _____	_____	Months / Years Imprisonment

Additional Counts: _____.

- (6) I understand that I am not required to plead guilty or no contest and may plead not guilty if I choose. If I plead not guilty, I understand I am entitled to a trial without unreasonable delay before a jury of my peers; that I have the right to call witnesses in my behalf and at no expense to me, and that any such witnesses so called would be compelled to appear and testify; that I have an absolute right to confront any witness that would testify against me and cross examine such witness; that I need not take the witness stand or give any testimony against myself; that the sole burden of proof is upon the State of Oregon to establish my guilt which must be established beyond a reasonable doubt and to a moral certainty; that I have a right to the assistance of a lawyer for my defense at all stages of the proceedings, including a lawyer at State expense if I cannot afford one.
- (7) I also understand that a prior criminal record cannot be used against me except for impeachment purposes; that any admissions, statements or confessions which I may have made or any evidence obtained by virtue of a search and seizure of my property may well be inadmissible against me in evidence unless my constitutional rights have been safeguarded. I understand that if I would like to speak to an attorney concerning my constitutional rights that the Court will grant me time for that purpose.
- (8) I declare that no officer or agent of any branch of government nor any lawyer or any other person has made any promise to me, or within my knowledge to anyone else, that I would receive a lighter sentence or any other form of leniency by pleading guilty or no contest with the exception that: _____
 _____ and I fully understand that I am entitled to no lighter sentence by pleading guilty or no contest than if I stood trial and was convicted. I understand that the Court is not required to accept or comply with any agreement between myself and the District Attorney.
- (9) There is nothing about the proceedings in this case nor the charges pending against me which I do not fully understand.
- (10) I know that the Court will not permit anyone who claims to be innocent to plead guilty and with that in mind and because I am guilty and make no claim of innocence, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. Or, if I am pleading no contest, I am saying that I do not contest that the State has evidence of my guilt and wish to have the conviction entered without admitting guilt.

(11) I have not taken any substance which would in any way impair my judgment at this time, and I feel that I am now fully alert and that in executing this petition I am doing so knowingly and voluntarily and offer my plea of my own free will and accord with a full understanding of all the matters set forth in the complaint/information/indictment and in this petition.

[] (12) (a) I now pray the Court to enter my plea of GUILTY in reliance upon my representations and the fact that I am guilty as stated and I believe it to be in my best interest that I now so declare and plead.

[] (12) (b) I now pray the Court to enter my plea of NO CONTEST in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.

[] (13) (a) I understand that for any felony offense occurring prior to November 1, 1989, I may receive a minimum sentence of up to one-half the total maximum sentence.

[] (13) (b) I understand that for any felony offense occurring on or after November 1, 1989, I could receive the total maximum sentence.

(14) If applicable, I have been advised of the gun enhancement penalty contained in ORS 161.610.

(15) This plea applies to the following counts: _____

(16) I am aware that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.

Signed by me in open Court this _____ day of _____, 20_____.

DEFENDANT

***** ORDER *****

WHEREAS, the allegations contained in the complaint/information/indictment have been read to the Defendant and the Defendant appears to fully understand those allegations; and

WHEREAS, the Defendant's constitutional and statutory rights have been explained to the Defendant and he/she states that he/she understands those rights; and

WHEREAS, the Defendant's plea of guilty or no contest in the foregoing petition stipulates to a factual basis for this plea or is entered pursuant to the Alford case; and

WHEREAS, the Defendant's plea appears to be voluntarily and understandingly made; and

WHEREAS, good cause appearing therefore from the foregoing petition of the Defendant above named, and from all proceedings heretofore had in this case, NOW THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and that the Defendant's plea(s) of:

[] GUILTY be accepted and entered as prayed in the above petition;

[] NO CONTEST be accepted and entered as prayed in the aforesaid petition.

Entered in open Court this _____ day of _____, 20_____.

JUDGE

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

STATE OF OREGON,	)	Case No. _____
	)	CHARGE(s): _____
vs.)	_____
)	
_____	)	PETITION TO ENTER PLEA OF GUILTY OR NO CONTEST
Defendant.	)	AND ORDER PERMITTING THE SAME

The above named Defendant respectfully represents to the Court as follows:

- (1) My true name is _____.
 I am _____ years of age; my Social Security Number is _____.

***I am providing my social security number on a voluntary basis. I understand that I cannot be compelled to provide it nor be denied consideration solely for failing to provide it. It may be used to verify my identification, credit and employment information, used for collections purposes, or for any court-imposed monetary obligation I owe.**

_____ I read, write and understand the English language.

_____ I do not read, write and understand the English language, however I have had the assistance of a qualified interpreter for this case and plea.

- (2) I request all proceedings against me to be had in the name which I have hereby declared to be my true name.
- (3) I am represented by counsel and the name of my attorney is _____.
 I have received a copy of the complaint/information/ indictment before being called upon to plead and have read the same, discussed it with my attorney and fully understand all charges made against me.
- (4) I have told my attorney all the facts and surrounding circumstances as known to me concerning the matters mentioned in the complaint/information/indictment and believe that my attorney is fully informed as to all such matters. My attorney has since informed me and has counseled and advised with me at length as to the nature and cause of each accusation against me as set forth in the complaint/information/indictment and as to any possible defenses I might have in this case.
- (5) My attorney has advised me as to the maximum punishment which the law provides for the offense charged in the complaint/information/indictment as follows:

Count 1: \$ _____	Fine	_____	Months /	Years Imprisonment
Count 2: \$ _____	Fine	_____	Months /	Years Imprisonment
Count 3: \$ _____	Fine	_____	Months /	Years Imprisonment
Count 4: \$ _____	Fine	_____	Months /	Years Imprisonment

Additional Counts: _____.

- (6) I understand that I am not required to plead guilty or no contest and may plead not guilty if I choose. If I plead not guilty, I understand I am entitled to a speedy trial before a jury of my peers; that I have the right to call witnesses in my behalf and at no expense to me, and that any such witnesses so called would be compelled to appear and testify; that I have an absolute right to confront any witness that would testify against me and cross examine such witness; that I need not take the witness stand or give any testimony against myself; that the sole burden of proof is upon the State of Oregon to establish my guilt which must be established beyond a reasonable doubt and to a moral certainty; that I have a right to the assistance of a lawyer for my defense at all stages of the proceedings, including a lawyer at State expense if I cannot afford one.
- (7) I also understand that a prior criminal record could not be used against me except for impeachment purposes; that any admissions, statements or confessions which I may have made or any evidence obtained by virtue of a search and seizure of my property may well be inadmissible against me in evidence unless my constitutional rights have been safeguarded. I understand that if I would like to speak to an attorney concerning my constitutional rights that the Court will grant me time for that purpose.
- (8) I declare that no officer or agent of any branch of government nor any lawyer or any other person has made any promise to me, or within my knowledge to anyone else, that I would receive a lighter sentence or any other form of leniency by pleading guilty or no contest with the exception that: _____
 _____ and I fully understand that I am entitled to no lighter sentence by pleading guilty or no contest than if I stood trial and was convicted. I understand that the Court is not required to accept or comply with any agreement between myself and the District Attorney.
- (9) I believe that my attorney has done all that anyone could do to counsel and assist me and that there is nothing about the proceedings in this case against me which I do not fully understand. I am satisfied with the advise and help my attorney has given me.
- (10) I know that the Court will not permit anyone who claims to be innocent to plead guilty and with that in mind and because I am guilty and make no claim of innocence, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. Or, if I am pleading no contest, I am saying that I do not contest that the State has evidence of my guilt and wish to have the conviction entered without admitting guilt.

(11) I have taken no drink or drug nor anything else which would in any way impair my judgment at this time, and I feel that I am now fully alert and that in executing this petition I am doing so knowingly and voluntarily and offer my plea of my own free will and accord with a full understanding of all the matters set forth in the complaint/information/indictment and in this petition.

[] (12) (a) I now pray the Court to enter my plea of GUILTY in reliance upon my representations and the fact that I am guilty as stated and I believe it to be in my best interest that I now so declare and plead.

[] (12) (b) I now pray the Court to enter my plea of NO CONTEST in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.

[] (13) (a) I understand that for any felony offense occurring prior to November 1, 1989, I may receive a minimum sentence of up to one-half the total maximum sentence.

[] (13) (b) I understand that for any felony offense occurring on or after November 1, 1989, I could receive the total maximum sentence.

(14) If applicable, I have been advised of the gun enhancement penalty contained in ORS 161.610.

(15) This plea applies to the following counts: _____

(16) I have been advised by my attorney that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.

Signed by me in open Court this _____ day of _____, 20_____.

DEFENDANT

CERTIFICATE OF COUNSEL

The undersigned, as attorney for the Defendant above named hereby certifies as follows:

- 1) That I have read and fully explained to the Defendant the allegations contained in the complaint/information/indictment in this case.
- 2) That to the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
- 3) That the plea of guilty or no contest as offered by the Defendant in the foregoing petition and stipulation to a factual basis for this plea as related to me by the Defendant is consistent with my advice to the Defendant.
- 4) That in my opinion the Defendant's plea is voluntarily and understandingly made, and I recommend to the Court that the plea be accepted by the Court, and entered on behalf of the Defendant as requested.

Signed by me in open Court in the presence of the Defendant above named and after full discussion of the contents of this certificate with the Defendant this _____ day of _____, 20_____.

ATTORNEY FOR DEFENDANT

* * * ORDER * * *

Good cause appearing therefore from the foregoing petition of the Defendant above named, and the certificate of Defendant's counsel, and from all proceedings heretofore had in this case,

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and that the Defendant's plea(s) of:

[] GUILTY be accepted and entered as prayed in the above petition and as recommended by the certificate of counsel;

[] NO CONTEST be accepted and entered as prayed in the aforesaid petition and as recommended by the certificate of counsel.

Entered in open Court this _____ day of _____, 20_____.

JUDGE

**FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY**

STATE OF OREGON,)	
	Plaintiff)	
VS.		)	State Status Report
)	
_____	Defendant	)	Criminal Case No. _____

DISCLOSURE

A. Witness List: The State of Oregon presently intends to call the following witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

The State of Oregon presently intends to call the following out of state witnesses at trial:

- | | |
|----------|--------------------|
| 1. _____ | City & State _____ |
| 2. _____ | City & State _____ |
| 3. _____ | City & State _____ |

B. Defense counsel has been provided with the addresses of the above persons:

___ yes ___ no

C. Defense counsel has been provided with a copy of all police reports, presently known by the State, in this case: ___ yes ___ no (If "no" list those not provided).

D. Defense counsel has been provided with copies of all written or recorded statements or memoranda of any oral statements of the above persons and of the defendant or co-defendant: ___ yes ___ no (If "no" list those not provided).

E. The State has complied with ORS 135.815, requiring disclosure to the defense of expert witnesses, reports of experts, documentary evidence or other statutory requirements subject to discovery: ___ yes ___ no (If "no" list those not provided).

F. Defense counsel has been given complete criminal history reports on the following persons:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

G. The State intends to apply to the presiding judge to have this matter designated as a complex case, subject to UTCR 7.030: ___ yes ___ no

H. The State presently intends to file the following motions:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

I. The State requests the court for a pretrial hearing: ___ yes ___ no

J. The State presently estimates the probable length of trial to require _____ judicial days.

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

_____/_____
Deputy District Attorney / Date

**FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY**

State of Oregon,)	
)	
VS.	)	Defense Status Report
)	
_____	)	Criminal Case No. _____
Defendant)	

DISCLOSURE

A. Witness List: The defense presently intends to call the following witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

The defense presently intends to call the following out of state witnesses at trial:

- | | |
|----------|--------------------|
| 1. _____ | City & State _____ |
| 2. _____ | City & State _____ |
| 3. _____ | City & State _____ |

B. The State has been provided with the addresses of the above persons:

___ yes ___ no

C. The State has been provided with a copy of all written or recorded statements or memoranda of any oral statement of the above persons (other than the defendant):

___ yes ___ no (If "no" list those not provided).

D. The defense has complied with ORS 135.835, requiring disclosure to the state of expert witnesses, reports of experts, documentary evidence or other statutory requirements subject to discovery:

___ yes ___ no (If "no" list those not provided).

E. The defense intends to apply to the presiding judge to have this matter designated as a complex case, subject to UTCR 7.030: ___ yes ___ no

F. The defense intends to file the following motions:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

G. The defense requests a jury trial: ___ yes ___ no

(If "yes", the defense request a ___ 6 ___ 12 person jury).

H. The defense requests the court for a pretrial hearing: ___ yes ___ no

I. The defense presently estimates the probable length of trial to require _____ judicial days.

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

_____/_____
Defense Counsel / Date

RESPONDENT'S NOTICE OF PARENTING CLASS

All parents with minor children filing a divorce, dissolution, legal separation or annulment action, a petition to establish paternity, custody, parenting plan or a post-decree motion involving custody or parenting time, in Josephine County, shall participate in parenting education. A \$25 fee is charged for the class.

These classes are provided by the Josephine County Juvenile Department. You can schedule to attend parent education by calling (541) 474-5187.

The law requires that ANY PROCEEDING to establish or modify parenting time with a child must have a parenting plan filed with the court. These classes will provide valuable information that may be helpful to you in developing your plan.

Each parent will receive a Certificate of Completion.

JOSEPHINE COUNTY FAMILY COURT MANDATORY PARENT EDUCATION PROGRAM

1. Josephine County Family Court has established a parent education program of the type authorized by ORS 3.425.
2. The following cases are subject to this program:
 - a. Annulment or dissolution of marriage actions;
 - b. Legal separation actions;
 - c. Petitions to establish paternity, custody or visitation by unmarried parents;
 - d. Post-decree litigation involving changes in custody or parenting time in which the parties have not previously completed this program.
3. All parents of a child under the age of 16 years shall successfully complete the Josephine County Family Court education for divorcing parents' program or a court-approved out-of-county education program.
4. Court action in these cases will 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 program, unless the noncomplying party is the moving party in the action.
 - a. Upon a party's failure to successfully complete the education program or failure to comply with the requirements of this program, the court may take appropriate action, including but not limited to denial of the relief sought by that party, or proceedings for contempt, assessment of costs and attorney fees.
 - b. **Failure or refusal to complete the program in a timely manner will be considered by the court when making its ruling on issues which are in dispute and in determining the best interest of a child.**
 - c. A party who knowingly fails to comply with the provision of this program may have their pleading stricken and/or a default entered.
5. The party initiating the proceeding shall register for the program within 15 days after filing the initiating pleading with the court. A statement of the requirements of the program and instructions on how to register for the program (Appendix "A") 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 and a proof of service returned. All other parties shall have 30 days after service of the notice upon them to register for the program.
6. The program provider shall issue a certificate of completion (Appendix "B") to the court when the participant has completed the program, including the date of completion.
7. Each party shall pay a \$25 program fee to the Josephine County Juvenile Department. Any deferral must be approved in advance by the provider. The fee may be reduced or waived if the party presents a verified affidavit of all assets and legal liabilities showing economic hardship and the party meets indigence guidelines. Payment must be made before the time of class.
8. Upon a showing of good cause, a party may request waiver of the requirement of this program. The request must be made by written motion, supported by affidavit, and filed within 15 days of receipt of the notice of requirements of this program.
 - a. "Good cause" includes that the party lives more than 100 miles from Grants Pass, Oregon and a court-approved program is not within their area, or is in poor health and a doctor states, in writing, that they should not attend. A copy of that writing must be provided to the provider.
 - b. Mere inconvenience is not good cause.
9. Parenting classes are provided by the Josephine County Juvenile Department. You can schedule to attend parent education by calling (541) 474-5187.
10. These program requirements apply to all cases filed on or after August 1, 1998.

Josephine County Family Court
Parent Education Program

CERTIFICATE OF COMPLETION

NAME

Instructor

Date: _____

Court Case No. _____

J. Loyd O'Neal
Family Court Judge

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

Guardianship/Conservatorship of)
)
_____)
)
_____ ,)
A Protected Person.)

Case No. _____

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

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)

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

In the Matter of the Marriage of _____)
 _____,)
 and **Petitioner,**)
 _____,)
Respondent.)

Case No. _____

STIPULATED REQUEST FOR MEDIATION AND ORDER

Since it appears to both parents that custody and parenting time cannot be agreed upon:

- A. The parents request a referral to the Court Mediation Service for mediation.
- B. The parents request the use of an independent mediator. The mediator has been contacted and has agreed to mediate and has also agreed to abide by the mediation rules of this court.

IF YOU REQUEST OPTION A: Please come to the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, for an Orientation Session. Orientation is held **from 8:15 a.m. to 11:15 a.m. every Monday, except for County holidays (if they fall on a Monday) in which case you must come on Tuesday. Call 474-5186 to ask questions** regarding orientation, family abuse restraining orders, personal safety or domestic violence issues, to request a separate orientation session, or to schedule an appointment. You are NOT required to attend a second orientation session. Please do NOT bring children to mediation.

IF YOU REQUEST OPTION B: Please complete the following.

Independent mediator's name: _____
 Independent mediator's address: _____
 Independent mediator's phone no: _____

The first mediation appointment is scheduled for : _____
 Month Day Year

 Wife's signature Husband's signature

 City State/Zip Phone City State/Zip Phone

 Wife's Attorney Bar No. Husband's Attorney Bar No.

ORDER FOR MEDIATION

IT IS HEREBY ORDERED:

- that the parents are referred to the Court Mediation Service.
- that the parents are to participate in mediation with the independent mediator set out above.

Dated this ___ day of _____ 20__.

 Circuit Court Judge

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

In the Matter of the Marriage of _____,
Petitioner,
and _____,
Respondent.

Case No.
REQUEST FOR MEDIATION
BY ONE PARENT AND ORDER

I, _____ am the mother / father of the child(ren) of this marriage. We cannot agree upon custody and/or parenting time, and I am requesting the Court to send us to a mediator by filing this Request for Mediation. I have kept a copy. I have taken the responsibility to see that my spouse receives a copy of this Request and Order as indicated in the Proof of Service attached. I will come to the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, at 8:15 a.m. as directed below.

TO BOTH PARENTS: You must BOTH come to the Juvenile Justice Center, 301 NW "F" Street, Grants Pass, OR 97526, from 8:15 a.m. to 11:15 a.m. on the second Monday following the day of service or mailing of this form (or if the second Monday is a county holiday, on the following Tuesday). If service or mailing is on a Monday, both parties need to come to the Juvenile Justice Center on the next Monday. If you have already attended an orientation, you are NOT required to attend a second orientation session. Please do NOT bring children to mediation. Call 474-5186 to ask questions about orientation, family abuse restraining orders, personal safety issues, or to schedule a separate orientation session.

Dated: _____ Signed: Father / Mother
Phone: _____
Address
City State Zip

ORDER FOR MEDIATION

IT IS HEREBY ORDERED that the parents are referred to the court-sponsored mediation service.

Dated this _____ day of _____, 20 _____.

Circuit Court Judge

PROOF OF SERVICE

DO NOT SIGN UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC

The mother, father or any other adult may GIVE or MAIL a copy of the Mediation Request/Order to the other party and return this completed Proof of Service to the Court.

Case No. _____

PERSONAL SERVICE:

I, _____, hereby swear that I gave an exact and true copy of this Request/Order for Mediation by One Parent to the other parent named _____, who is the mother / father, by personally serving it to her/him on _____ (date).

SIGNED: _____ DATE: _____

MAIL SERVICE:

I, _____, hereby swear that I could not personally hand a copy of this Request / Order for Mediation by One Parent to the other parent, so I mailed a true, exact and full copy of it to her / him on ____/____/____ (date) at _____ a.m. / p.m. in _____ (city of mailing) to the parent's last known address which is: _____.

SIGNED: _____ DATE: _____

STATE OF OREGON)
)ss.
County of _____)

Subscribed and Sworn to before me this _____ day of _____, 20 _____.

Notary Public for the State of Oregon
My Commission Expires: _____