

2005

LAKE COUNTY CIRCUIT COURT  
SUPPLEMENTAL RULES

EFFECTIVE FEBRUARY 1, 2005

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SUPPLEMENTARY RULES**

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SUPPLEMENTAL LOCAL RULES  
TWENTY SIXTH JUDICIAL DISTRICT

**1.151 TIME AND PLACE OF COURT OPERATION**

The court shall accept papers for filing between the hours of 8:00 A.M. and Noon and 1:00 P.M. and 5:00 P.M., Monday through Friday, except holidays, at the Lake County Courthouse, 513 Center Street, Lakeview, Oregon.

**3.181 PUBLIC ACCESS COVERAGE**

Public access coverage is allowed in the common area located on the third floor of the Lake County Courthouse. Special effort should be made to reduce any disruption caused by media coverage on the public and/or court proceedings.

**5.005 MOTION DAYS - CIVIL CASES**

- (1) Motions in civil cases shall be held on Thursday of the first and third full week of each month, at 9:00 A.M., unless otherwise ordered by the Court.
- (2) The time and date shall be stated in the caption of the motion, and in the copy served upon the opposing party.
- (3) Motions, other than Motions to Continue and motions pursuant to ORCP 47, will be heard on the next Motion Day that falls after twenty-one (21) days from the filing of the motion, unless a different hearing date is stipulated by the parties and approved by the Presiding Judge or designee.
- (4) The caption of any motion, memo or brief shall include the date of the next scheduled hearing occurring in the case.

**5.007 SHOW CAUSE ORDERS AND HEARINGS**

Thursday of the first and third full week of each month, at 9:00 A.M., unless otherwise ordered by the Court. The time and date of the hearing shall be stated in the Order to Show Cause and served upon the opposing party. If the matter is to be contested, the attorneys or party(ies) shall notify the Court of the expected length of time. Upon notification, the Court shall determine which case will be called. If the Court determines that a particular case shall be continued, then the Court, after consultation with the attorneys or party(ies), shall move that case and notice the attorneys or party(ies).

**5.061 STIPULATED OR EX PARTE ORDERS**

All stipulated or ex parte matters delivered to the clerk's office by 11:30 A.M., will be presented to the Judge no later than 2:00 P.M. of the same day. If a Judge is not available, then as soon as possible thereafter.

**6.012 MANDATORY SETTLEMENT CONFERENCE**

- (1) All cases on the trial setting conference calendar assigned a time and place for trial shall be calendared for a mandatory settlement conference approximately four (4) weeks prior to the trial unless good cause is shown. The purpose of the mandatory settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court.
- (2) (a) At the mandatory 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.  
  
(b) An attorney, party, or representative of a corporation or insurance company may apply to be excused from appearing at the mandatory settlement conference by initiating a conference call to the Assigned Judge or Presiding Judge in advance of the scheduled settlement conference. The Judge shall rule on said request and, if appropriate, excuse the party from appearing.
- (3) (a) 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.  
  
(b) 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 unless all parties agree to allow the settlement conference judge to try the case. Any notes or materials submitted by the settlement parties or prepared by the settlement Judge shall, following the settlement conference, be sealed and remain so except by order of the Court.
- (4) In any civil case, the Court may require the parties to file, not less than fourteen (14) days prior to the date of the settlement conference or the continuance thereof, a detailed settlement conference statement with the Court and serve a copy on opposing counsel. The date and time of hearing shall be typed on the face sheet of the statement.
- (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 ensure that the case proceeds to trial on the date scheduled.

- (6) A voluntary settlement conference may be requested by any party to 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, unless good cause is shown why such conference is not appropriate, calendar the matter for a voluntary settlement conference.
- (7) When the parties report to the Court that a civil case has been settled, the Calendar Clerk will remove the case from the trial calendar and cause a 63-day conditional notice of dismissal to be sent to all parties.

### **6.031 POSTPONEMENTS**

Time for filing:

A Motion for Postponement of Trial shall be filed not later than 11:00 a.m. Tuesday of the week preceding the scheduled trial date. Exceptions to this rule will be made only for those matters not reasonably known to counsel exercising reasonable diligence in preparing for trial.

### **6.135 TRIAL FEES AND PRELIMINARY MATTERS**

- (1) All Circuit Court matters for which a jury may be called and has not been waived will come on for trial at 1:15 p.m. At that time fees will be collected, the parties will notify the Court of any preliminary matters that need to be resolved, and the approximate time such matters will require. Trial memoranda and requested jury instructions will be submitted at that time. This appearance may be by telecommunication at the party's option.
- (2) Preliminary matters will be resolved and jury selection begin the next business day after the appearance in Paragraph (1) unless otherwise ordered by the Court.

### **7.005 MATTERS INVOLVING CHILDREN**

- (1) In all civil and criminal cases and juvenile fact-finding hearings involving a child victim, witness, or subject of custody, the Court and counsel shall take appropriate action to ensure a speedy trial. Such actions shall be given precedence over all others, except those in which a defendant in a criminal proceeding is being held in pretrial custody, or as may otherwise be required by law. In such actions, continuances shall be granted by the Court only after a hearing and a determination of the necessity thereof. In ruling on any motions or other request for a delay or continuation of a proceeding, the Court shall consider any adverse impact the delay or continuance may have on the child involved in the case.

- (2) Counsel for any party shall, upon determining that a child is involved as a victim, material witness or subject of custody, file with the Court a document captioned "Notice--SLR 7.005 Applicable." Notice shall set forth the child's involvement in the case, and, if known, the age of the child.

**7.011 PRETRIAL CONFERENCES IN CRIMINAL PROCEEDINGS**

- (1) At arraignment, if a guilty plea is not entered, the Court will set the following appearances:
  - (a) A First Appearance, or a Pre-plea, at which the State will make an offer of settlement, or notify the defendant that no offer will be made.
  - (b) A Second Appearance, or a Pre-trial, at which a negotiated settlement will be entered or the matter set for trial after the Court receives the report required by UTCR 7.010(3).
- (2) All defendants must personally appear at the Pre-plea and Pre-trial unless specifically excused.

**7.021 TRIAL SETTING CONFERENCE**

- (1) To facilitate trial date agreement under UTCR 7.020(6), a trial setting conference will be scheduled at the request of any party or as directed by the Assigned Judge in Circuit Court.
- (2) The trial setting conference shall be conducted by the Judge or designee. Insofar as feasible, the Court shall assign the same date for trial setting conferences to those cases in which the same attorney appears.
- (3) Each party appearing in any case shall attend the trial setting conference in person or by counsel. A conference call to set a date for mandatory settlement conference and trial will be sufficient compliance with this rule. The attorneys so attending shall have full authority to act in all matters pertaining to setting the case for trial or settlement conference.
- (4) At the trial setting conference, the Court shall determine the extent of discovery heretofore commenced or completed, what discovery proceedings remain to be performed, and whether the case is or will be ready for trial, and if so, shall set a time and place for trial and mandatory settlement conference, unless the Court is of the opinion a settlement conference would serve no useful purpose.

**8.075 UNIFORM PARENTING SCHEDULE**



The Court will, from time to time, establish a “standard” or “long distance” parenting time schedule. A copy of the current schedules will be available free of charge from the court clerk. (541) 947-6051. The schedules will be adjusted to the needs of the parties and children in each case. The “standard” schedule will be as set out in APPENDIX A, and the “long distance” schedule will be set out in APPENDIX B of these Supplemental Court Rules.

**8.013 DISMISSAL OF DIVORCE CASES**

Divorce cases will not be continued as active cases beyond their trial dates where the parties have reconciled. If no motion to dismiss is filed, the court may, on its own motion, enter an order of dismissal.

**8.041 SHOW CAUSE ORDER FOR TEMPORARY RELIEF**

- (1) An order to show cause will be allowed only upon the motion of a party supported by affidavit. The order to show cause will not contain a date for hearing. Except as otherwise provided in this paragraph, the order to show cause shall provide that the adverse party must file and serve an affidavit in opposition to the motion within 14 days from the date of service of the order and affidavit, or within such additional time as allowed by the Court upon a showing of good cause. The order must further advise the adverse party that if such opposing affidavit is not so filed and served within 14 days the order requested by the motion and show cause order will be granted and entered by the Court. In proceedings to set aside, alter or modify a judgment of dissolution filed pursuant to ORS 107.135, the adverse party shall have 30 days to respond.
- (2) If the adverse party fails to file an opposing affidavit within the time allowed, the moving party shall forthwith submit an order allowing the relief in the order to show cause. The Court may require the taking of testimony of the moving party in such default matters. The Court may enter the order requested if the adverse party does not file the required affidavit and may do so upon its own motion if the moving party fails to present the required order.
- (3) When the adverse party files an opposing affidavit, the clerk shall forthwith set a hearing date and provide notice to the parties.
- (4) A Show Cause Order for temporary relief in domestic relations matters shall require the opposing party to file a written reply within fourteen (14) days of the date the order is served on the opposing party. The order must contain the following or a similar notice:

NOTICE  
READ THESE PAPERS CAREFULLY

YOU ARE TO FILE A WRITTEN REPLY WITH THIS COURT WITHIN FOURTEEN (14) DAYS OF RECEIPT OF THESE PAPERS IF YOU DESIRE TO CONTEST THIS REQUEST. IF YOU DO NOT FILE A WRITTEN REPLY, THE REQUEST WILL BE GRANTED.

**8.042 HEARINGS FOR PENDENTE LITE RELIEF**

- (1) The Court reserves the right, upon notice to the parties, to determine requests for temporary relief pendente lite without testimony, based upon affidavits filed by the parties. The Court also reserves the right, in those matters where it receives evidence in open court, to limit the time for testimony. If the Court proceeds as set forth in this section, the Court will notify the parties of the time within which to file affidavits, or the time allocated for the presentation of evidence.
- (2) Pre-judgment custody and parenting time orders are controlled by ORS 107.095 and ORS 107.097.

**8.050 MANDATORY MEDIATION PROGRAM**

Except for good cause shown, mediation shall be ordered in any civil case filed in Lake County and involving a dispute over custody or parenting time of a minor child or children. However, mediation is not required in any case arising under the Family Abuse Act, ORS 107.700 -.730, or Stalking protective order, ORS 163.738.

**8.051 MODIFICATION OF DOMESTIC RELATIONS PROCEEDINGS -- INITIATING DOCUMENTS**

In any matter wherein a party seeks a modification of a domestic relations judgment, the initiating document shall set forth immediately below the case number, on the first page, the date of the original judgment, and substantially conform to the following: “Date of original judgment:\_\_\_\_\_.”

**9.005 PROBATE PROCEEDINGS**

- (1) The inventory filed pursuant to ORS 113.165 shall list real property by legal description and with the county’s tax account number and lot number in the same manner as required in a deed. All other assets shall be described with sufficient specificity to identify the asset(s).
- (2) In accordance with ORS 125.475(3) and ORS 116.083(2)(d), in lieu of actual vouchers, a list of expenditures as reflected by the actual vouchers shall accompany all accounting.

#### **9.041 ADULT GUARDIANSHIPS; APPOINTMENT OF VISITOR**

- (1) A petition for guardianship shall designate in the caption that it is for guardianship of an adult, whether it is for a temporary or an indefinite time (or both), and whether a conservatorship is also being requested.
- (2) After the proof of service has been filed, copies of the petition, marked “VISITOR’S COPY,” and with supporting documentation and the proof of service attached, should be deposited with the clerk of the court. After receipt of the copies, the court will prepare and enter an order appointing the visitor.
- (3) The visitor shall not be appointed, nor undertake an investigation pursuant to ORS 125.155 or an interview as required for a temporary guardianship, until proof of service of the notice has been filed.
- (4) When a petition seeks appointment of a guardian for an incapacitated person, a copy of the petition marked “visitor’s copy” with supporting documentation and proof of service attached, shall be provided to the clerk and the visitor fee shall be tendered to the court.

#### **9.042 TEMPORARY GUARDIANSHIP/CONSERVATORSHIP**

- (1) Whether or not objections are filed, the order appointing a temporary fiduciary shall set a date and time for a hearing within ten (10) days of the appointment for the purpose of determining whether the temporary appointment shall continue. Notice of the hearing must be given to all persons specified in ORS 125.060(2) in the manner provided by ORS 125.605. Nothing in this subsection shall obviate the need for compliance with ORS 125.605(2).

#### **9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN CONSERVATOR**

- (1) Any interested person, as described in ORS 125.075(1), who has an objection to a Petition in a protective proceeding should either submit a written objection or go to the office of the court clerk at the Courthouse at 513 Center Street, Lakeview, Oregon, or by calling (541) 947-6051. The clerk’s office will make the form set forth as **APPENDIX C** available to those wishing to file objections so the objection(s) can be reduced to writing and filed. Upon receipt of the objection and payment of any applicable fee required by ORS 21.310, the court will schedule a hearing and notify the appropriate parties.

#### **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.

### **13.005 MANDATORY ARBITRATION PROGRAM**

Lake County Circuit Court has a voluntary and mandatory arbitration program in conformity with ORS 36.400 to 36.425 and UTCR Chapter 13. Arbitration is mandatory in any Circuit Court case "in matters involving less than \$25,000," and in any other case where it is mandatory by statute.

### **13.048 INDIGENT PARTIES**

- (1) Indigent parties must seek waiver of the arbitrator's fee within 14 days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit, and must be presented to the Presiding Judge for approval.
- (2) In the event funds are available under ORS 36.420(3) for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the Arbitration Award, and submission of the form approved by the State Court Administrator for such purposes.

### **16.005 TESTIMONY BY AFFIDAVIT**

If a signed waiver APPENDIX D is filed by the alleged violator, testimony in a violation trial is allowable by affidavit pursuant to ORS 153.080. A copy of the witness' affidavit shall be provided to the alleged violator before trial.

## APPENDIX A

### LAKE COUNTY STANDARD PARENTING PLAN

(Pursuant to SLR 8.012)

#### I. PARENTS CAN AGREE TO A DIFFERENT PLAN

The parents can arrange any parenting time plan they desire or may vary portions of this plan, but only if both parents agree. If the parents do not agree to a different plan, the nonresidential parent will have parenting time as set forth in this plan unless otherwise ordered by the Court.

#### II. ROUTINE SCHEDULE

A. The nonresidential parent will have the child(ren) as follows:

*Children aged birth to 6 months.* Three times per week for two hours each as follows: Sunday 1:00 p.m. – 3:00 p.m.; Tuesday and Thursday 5:30 p.m. – 7:30 p.m.

*Children aged 6 months to 18 months.* Two times per week for three hours as follows: Tuesday and Thursday from 5:30 p.m. – 8:30 p.m.; and on alternate Saturdays from 9:00 a.m. until 3:00 p.m.

*Children aged 18 months to 36 months.* Two times per week for three hours as follows: Tuesday and Thursday from 5:30 p.m. – 8:30 p.m.; and on alternate weekends from 6:00 p.m. Friday until 6:00 p.m. Saturday.

*Children over age 36 months.* Alternating weekends commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on Sunday; and every other week from 6:00 p.m. to 8:00 p.m. on the Monday preceding the nonresidential parent's weekend with the child(ren). In the event a school closure day is attached to an alternate weekend, the nonresidential parent will have the child(ren) for the additional day. Each school closure day shall work to extend the scheduled weekend for a period of 24 hours, except that if the school closure day conflicts with a parent's scheduled holiday or vacation time, the parent scheduled for holiday or vacation time shall have the child(ren).

B. If routine parenting time conflicts with holiday and vacation parenting time, then the parent entitled to holiday and vacation time will have the child(ren). Holiday and vacation parenting time will not work to change the routine schedule nor will it "restart" the routine parenting time schedule.

C. If holiday parenting time conflicts with vacation parenting time, then the parent entitled to holiday time shall have the child(ren) unless the parties otherwise agree in writing. If two scheduled holiday parenting times conflict, the conflict will be resolved in favor of the non-residential parent in even years and the residential in odd years.

## HOLIDAY AND VACATION PLANNING

### III. HOLIDAY AND VACATION PLANNING

#### A. *Holiday and vacation Schedule*

Whether or not the child(ren) are enrolled in school, the child(ren) will spend time with his/her/their parents on holidays according to the following plan:

	Nonresidential Parent	Residential Parent
Martin Luther King Day	Odd years	Even years
President's Day	Even years	Odd years
Spring Break	Odd years	Even years
Easter	Even years	Odd years
Memorial Day	Odd years	Even years
Summer Vacation	<i>(Split between parents; see following rules)</i>	
4 <sup>th</sup> of July	Even years	Odd years
Labor Day	Odd years	Even years
Veteran's Day	Odd years	Even years
Thanksgiving	Even years	Odd years
Winter Vacation	<i>(Split between parents; see following rules)</i>	
Child's Birthday	Even years	Odd years
Mother's Day and Mother's Birthday	Mother-every year	
Father's Day and Father's Birthday	Father-every year	

For the purposes of this Parenting Plan, a holiday will begin and end as set forth below:

#### B. *Winter vacation*

***Children aged birth to 18 months.*** The nonresidential parent will have the child(ren) on December 25 from 9:00 a.m. until 6:00 p.m. in even numbered years and on December 24 from 9:00 a.m. until 6:00 p.m. in odd numbered years.

***Children aged 18 months to 36 months.*** The nonresidential parent will have the child(ren) from 6:00 p.m. on December 24 until 6:00 p.m. on December 25 in even numbered years and from 6:00 p.m. on December 25 until 6:00 p.m. December 26 in odd numbered years.

***Children over age 36 months.*** Whether or not the child(ren) is/are in school during the period of school winter vacation in the district in which they reside, parenting

time for the nonresidential parent will be from 9:00 a.m. the day after school adjourns through noon on December 26 in even numbered years. In odd numbered years the nonresidential parent will have the child(ren) from noon on December 26 until noon the day before school reconvenes.

**C. Thanksgiving**

***Children age birth to 6 months.*** No change from ROUTINE SCHEDULE.

***Children aged 6 months to 36 months.*** The nonresidential parent will have the child(ren) from 9:00 a.m. until 6:00 p.m. on Thanksgiving Day in even numbered years.

***Children over age 36 months.*** The nonresidential parent will have the child(ren) from Wednesday evening prior to Thanksgiving at 6:00 p.m. until the following Sunday at 6:00 p.m. in even numbered years.

**D. Easter**

***Children age birth to 6 months.*** No change from ROUTINE SCHEDULE.

***Children aged 6 months to 36 months.*** The nonresidential parent will have the child(ren) on Easter Sunday from 9:00 a.m. to 6:00 p.m. in even numbered years.

***Children over age 36 months.*** The nonresidential parent will have the child(ren) from the Saturday preceding Easter Sunday at 5:00 p.m. until Easter Sunday at 7:00 p.m. in even numbered years.

**E. Memorial Day, Labor Day, Martin Luther King Day and President's Day**

***Children age birth to 6 months.*** No change from ROUTINE SCHEDULE.

***Children aged 6 months to 36 months.*** The nonresidential parent will have the child(ren) from the day of the holiday from 9:00 a.m. until 6:00 p.m. according to the odd/even year designation.

***Children over age 36 months.*** The nonresidential parent will have the child(ren) from the Friday preceding the holiday at 6:00 p.m. until 6:00 p.m. the day of the holiday according to the odd/even numbered year designation.

**F. Fourth of July**

***Children age birth to 6 months.*** No change from ROUTINE SCHEDULE.

***Children aged 6 months to 36 months.*** The nonresidential parent will have the child(ren) on July 4 from 9:00 a.m. until 6:00 p.m. in even numbered years.

***Children over age 36 months.*** The nonresidential parent will have the child(ren) in even numbered years as described in this paragraph. If this holiday does not fall on Friday, Saturday, Sunday, or Monday, parenting time be from 9:00 a.m. on July 4 until 9:00 a.m. on July 5. If this holiday falls on a Friday, parenting time will be from 7:00 p.m. on Thursday July 3 until 7:00 p.m. on the following Sunday. If this holiday falls on a Saturday, parenting time will be from 7:00 p.m. on Friday until 7:00 p.m. on Sunday. If this holiday falls on a Sunday, parenting time will be from 7:00 p.m. on Friday until 9:00 a.m. on Monday. If this holiday falls on a Monday, parenting time will be from 9:00 a.m. on Saturday until 9:00 a.m. on Tuesday.

**G. *Veteran's Day***

***Children age birth to 6 months.*** No change from ROUTINE SCHEDULE.

***Children age 6 months to 36 months.*** The nonresidential parent will have the child(ren) on Veterans' Day from 9:00 a.m. to 6:00 p.m. in odd years.

***Children over age 36 months.*** The nonresidential parent will have the child(ren) on Veterans' Day from 9:00 a.m. to 6:00 p.m.

**H. *Child(ren)'s Birthday***

***Children aged 12 months and 24 months.*** The nonresidential parent will have the child on the child's birthday from 9:00 a.m. until 6:00 p.m. in even numbered years.

***Children aged 36 months and over.*** If on a school day, the nonresidential parent will have the child on the child's birthday from 3:00 p.m. until 9:00 p.m., or from 9:00 a.m. until 6:00 p.m. if on a non-school day, or from Friday at 6:00 p.m. until 6:00 p.m. Sunday if on a weekend, all in even numbered years.

**I. *Spring Break***

***Children age birth to 36 months.*** No change from ROUTINE SCHEDULE.

***Children over age 36 months.*** The nonresidential parent will have the child(ren) from 9:00 a.m. on the day after school adjourns until 6:00 p.m. on the last Saturday of spring vacation in odd years.

**J. *Mother's and Father's Days and Parent's Birthdays***

***Children age birth to 6 months.*** No change from ROUTINE SCHEDULE.

***Children aged 6 months to 36 months.*** The Mother will have the child(ren) with her on Mother's Day and on her birthday from 9:00 a.m. until 6:00 p.m. The Father will have



the child(ren) with him on Father's Day and on his birthday from 9:00 a.m. until 6:00 p.m.

***Children over age 36 months.*** The Mother will have the child(ren) on Mother's Day weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday and on her birthday from 9:00 a.m. until 6:00 p.m. The Father will have the child(ren) on Father's Day weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday and on his birthday from 9:00 a.m. until 6:00 p.m.

#### **K. *Summer Vacation***

Before May 1<sup>st</sup> of each year, the nonresidential parent must notify the residential parent in writing the dates of the summer parenting time periods. If the nonresidential parent fails to give that written notice before May 1<sup>st</sup>, she or he is still entitled to exercise their summer parenting time but the residential parent can then choose the dates. Notwithstanding Paragraph II(C), if the residential parent selects dates that conflict with the nonresidential parent's summer holiday parenting times, the residential parent shall provide an alternate period of the same length as that lost by the nonresidential parent at another mutually agreeable time during the summer vacation period.

***Children aged birth to 36 months prior to June 1.*** No change from ROUTINE SCHEDULE.

***Children aged 36 months to 6 years prior to June 1.*** The nonresidential parent will have the child(ren) for 3 one-week blocks, scheduled to include the nonresidential parent's "alternate weekends". One week will be in June, one in July and one in August of each summer. There must be at least two weeks between each of the one-week blocks. "Alternate weekends" continue throughout the summer. If a holiday such as Father's Day falls within a scheduled one-week block, there will be no adjustment to the one-week schedule.

***Children over age 6 prior to June 1.*** Whether or not the child(ren) is/are in school, the nonresidential parent will have the child(ren) for a period of thirty-five days (5 weeks) during the period of school summer vacation. "Alternate weekends" are discontinued for the school summer vacation. However, in the event that a parent has the child(ren) for more than nineteen (19) consecutive days, the other parent will have the right to have the child(ren) on the third weekend after the commencement of the extended parenting time.

### **IV. PARENTING TIME ARRANGEMENTS**

#### **A. *Transportation***

All parenting time periods must be exercised in a prompt manner so that both parties can make their plans accordingly. The nonresidential parent must pick the child up from the front steps of the residential parent's residence no earlier than 15 minutes before and not

later than 30 minutes after the parenting time period commences. The residential parent must pick up the child at the front steps of the nonresidential parent's residence no later than 15 minutes after the parenting time period ends. By agreement, the parties may change this rule.

***B. Meals And Clothes***

The residential parent must have the child(ren) fed and ready on time with sufficient clothing packed and ready for the nonresidential parent's parenting time. The nonresidential parent must return all the clothing that accompanied the child(ren) and must have them fed before they return to the residential parent.

***C. Medications***

If the child(ren) have been prescribed medication that is to be administered during the parenting time, the residential parent should provide the medication(s) to the nonresidential parent along with any instructions regarding the medication(s).

***D. Making Up Missed Parenting Time***

Only substantial medical reasons will be considered sufficient for postponement of parenting time. If a child is so ill that parenting time is canceled, makeup parenting time will occur on the following weekend. If, however, the nonresidential parent fails to exercise his/her parenting time, there will be no makeup time except as specified in Paragraph III(L).

***E. Parenting Time Is Not the Child(ren)'s Decision***

The child(ren) will not be permitted to determine whether they wish to visit with the nonresidential parent. The residential parent and child(ren)'s personal plans, school activities, church activities and other considerations are not reasons for failing to adhere to this parenting time schedule.

***F. When There Are Children In Different Age Groups***

If there are children who would have different parenting time schedules under this parenting plan because they are different ages, the nonresidential parent will have parenting time with all children together under the schedule that applies to the oldest child.

***G. Holiday Parenting Time***

Holiday parenting time takes precedence over summer parenting time and other parenting time set out in these rules, except for July 4<sup>th</sup> parenting time.

**V. TELEPHONE ACCESS**

Both parents have the right to have written and phone contact with the children without interference or monitoring during reasonable hours. Reasonable hours are at least 1 hour before regularly scheduled bedtimes and no earlier than 9:00 a.m., unless other arrangements are made.

**VI. CONTACT AT SCHOOL**

Unless otherwise ordered by the court, both parents are encouraged to participate in the child(ren)'s school activities including visiting the classroom, attending parent-teacher conferences, and sports activities. Each parent may have contact with the child(ren) at school provided that such contact does not interfere with the education of the child. Whether or not contact interferes is in the sole judgment of school authorities.

**VII. AFFECTION AND RESPECT**

Both parents shall be restrained and enjoined from making derogatory comments about the other parent or in any way diminishing the love, respect and affection that the child has for the other parent.

**VIII. OTHER PARENTAL AUTHORITY (ORS 107.154)**

The nonresidential parent always has the right:

- A. To inspect and receive school records and to consult with school staff concerning the child(ren)'s welfare and education, to the same extent as the residential parent may inspect and receive such records and consult with such staff;
- B. To inspect and receive governmental agency and law enforcement records concerning the child(ren) to the same extent as the residential parent may inspect and receive such records;
- C. To consult with any person who may provide care or treatment for the child(ren) and to inspect and receive the child(ren)'s medical, dental and psychological records, to the same extent as the residential parent may consult with such person and inspect and receive such records;
- D. To authorize emergency medical, dental, psychological, psychiatric or other health care for the child if the residential parent is, for practical purposes, unavailable; or,
- E. To apply to be the child(ren)'s conservator, guardian ad litem or both

**IX. PARENTAL NOTIFICATION (ORS 107.164)**

Both parents have a continuing responsibility to provide their addresses and contact telephone numbers to the other parent, and to immediately notify the other parent of any emergency circumstances or substantial changes in the health of the child. The residential parent shall also provide an address and contact number for the minor child(ren)'s school/teacher, physician, dentist and therapist.

**X. PARENT'S RELOCATION (ORS 107.159)**

Parents must provide each other and the court with at least 30 days prior notice of any planned relocation more than 60 miles.

**XI. FAILURE TO COMPLY WITH THIS PLAN**

If a parent fails to comply with a provision of this plan, the other parent's obligations under the plan are not affected. The Lake County Court clerk has information about the expedited parenting time enforcement procedure.

## **APPENDIX B**

### **LAKE COUNTY STANDARD LONG DISTANCE PARENTING PLAN (Pursuant to SLR 8.012)**

#### **PARENTS CAN AGREE TO DIFFERENT PLAN**

The parents can arrange any parenting time plan they desire or may vary portions of this plan, but only if both parents agree. If the parents do not agree to a different plan, the nonresidential parent will have parenting time as set forth in this plan at a minimum.

#### **ROUTINE SCHEDULE**

The nonresidential parent will have routine parenting time as follows:

Children aged birth to 6 months: Every Saturday and Sunday from noon to 2:00 p.m. in the area where the residential parent resides.

Children aged 6 months to 18 months: Every other Saturday from 9:00 a.m. to 6:00 p.m. in the area where the residential parent resides.

Children 18 months to 36 months: Every other Saturday from 9:00 a.m. to Sunday at 6:00 p.m. in the area where the residential parent resides.

Children over age 36 months: Prior to August 15<sup>th</sup> each year, the nonresidential parent will select and notify the residential parent in writing of which weekends during the months of September through May that the nonresidential parent wishes to have routine parenting time. The nonresidential parent will have the child(ren) for one weekend per month which will include up to two weekdays attached to the weekend so long as the child(ren) are not attending school on those days (such as holidays or school in-service days). Child(ren) must return to the residential parent's home no later than 6:00 p.m. on the day prior to a school day. The residential parent must give the non-residential parent a copy of the child's school calendar.

If routine parenting time conflicts with holiday and vacation parenting time, then the parent entitled to holiday and vacation time will have the child(ren). Holiday and vacation parenting time will not work to change the routine schedule nor will it "restart" the routine parenting time schedule.

#### **HOLIDAY AND VACATION PLANNING**

##### **SUMMER PARENTING TIME**

Children aged birth to 12 months prior to June 1: The non-residential parent may have up to three (3) hours each day for no more than six (6) days each month of June, July, and August. Prior

to May 1<sup>st</sup> the non-residential parent must select and notify in writing the residential parent of the dates for the summer parenting time.

Children aged 12 months to 36 months: For each of the months of June, July and August of every year, the non-residential parent will have the child(ren) for one weekend per month from Friday at 6:00 p.m. until Sunday at 6:00 p.m. Prior to May 1<sup>st</sup> each year, the non-residential parent must select and notify in writing the residential parent which weekend he or she has selected for those three months.

Children aged 36 months to six years of age prior to June 1: The non-residential parent will have the child(ren) for a period of 28 consecutive days, starting not less than two weeks and not more than five weeks after school ends according to the school district where the residential parent lives. The residential parent has the option of a weekend (6:00 p.m. Friday to 6:00 p.m. Sunday) after the first two weeks in the general area of the non-residential parent's residence. Applicable routine schedule is discontinued.

Children six years of age and older prior to June 1: The non-residential parent shall have the child(ren) for a period of 42 days, starting not less than one week after school ends, during the period of school summer vacation, including the 4<sup>th</sup> of July in even years. The residential parent can have a two-week period with the child to be scheduled after the first 19 days of the nonresidential parent's summer parenting time and will not count this time as part of the non-residential parent's 42 days. If the residential parent chooses to have such a two-week period with the child, then the residential parent must pay for all transportation costs. Prior to May 1<sup>st</sup> the non-residential parent must select and notify in writing the residential parent of the dates for the summer parenting time. By June 1<sup>st</sup>, the residential parent must notify in writing the non-residential parent of the selected 2 week period, if that parent chooses to have one.

### **THANKSGIVING**

Children aged birth to 6 months: No change from routine schedule.

Children aged 6 months to 18 months: In odd years, Thanksgiving Day from 9:00 a.m. to 6:00 p.m. in the locale where the residential parent resides.

Children aged 18 months to 36 months: In odd years, Thanksgiving Day from 9:00 a.m. until the following Saturday at 6:00 p.m.

Children 36 months and older: In odd years, from the Wednesday immediately before Thanksgiving at 6:00 p.m. until Sunday at 6:00 p.m.

### **SPRING BREAK/VACATION**

Children aged birth to 18 months: Two hours a day for two days to be scheduled at least one week in advance.

Children aged 18 months to 36 months: Three days attached to a weekend under the routine

schedule to be scheduled at least one week in advance.

Children aged 36 months and older: Whether or not the child is in school, in odd years from 10:00 a.m. on the day after school adjourns to 6:00 p.m. the day before school resumes.

### **WINTER/CHRISTMAS BREAK**

Children aged 6 months to 18 months: In even years December 25<sup>th</sup> from 9:00 a.m. to 6:00 p.m. and in odd years December 24<sup>th</sup> from 9:00 a.m. to 6:00 p.m. in the locale where the residential parent resides.

Children aged 18 months to 36 months: In even years December 25<sup>th</sup> from 9:00 a.m. to December 29<sup>th</sup> at 9:00 a.m. In odd years December 21<sup>st</sup> from 9:00 a.m. to December 25<sup>th</sup> at 9:00 a.m.

Children 36 months to six years of age: In even years from the day after school adjourns at 10:00 a.m. to seven days later at 6:00 p.m.

Children six years of age and older: In even years from the day after school adjourns at 10:00 a.m. to the day before school adjourns at 6:00 p.m.

### **FLEX TIME**

In addition to other specified parenting time, the non-residential parent will have parenting time with the child(ren) on a flexible basis, conditioned upon three days prior notice to the residential parent, and the desired time not conflicting with the child(ren)'s pre-established plans. This flex time shall not exceed 12 days per year, unless mutually agreed by both parents. The non-residential parent may have up to 4 consecutive days at a time, to be scheduled in accordance with the age appropriate time spans given for summer parenting time.

## **PARENTING TIME ARRANGEMENTS**

### **1. TRANSPORTATION**

1. Transportation by plane, train or bus. If the non-residential parent wants the child(ren) to travel by plane, train, or bus, then the residential parent must deliver and pickup the child at the designated airport, train station or bus station. A child younger than ten years can not travel long distances unless accompanied by a parent or mutually agreed upon adult known to the child. Approval of a non-parent companion can not be unreasonable withheld.
2. Unless the court orders or the parties agree otherwise, each parent will equally share the cost of transportation for parenting time.
3. Transportation by car. The non-residential parent must pick up the child(ren) from the front steps of the residential parent's residence no earlier than 15 minutes before and not later than 30 minutes after the parenting time period commences. The residential parent must pick up the child(ren) from the non-

residential parent's residence no earlier than 15 minutes before and not later than 30 minutes after the parenting time period ends.

## **2. MEALS AND CLOTHES**

The residential parent must have the child(ren) fed and ready on time with sufficient clothing packed and ready for the non-residential parent's parenting time. The non-residential parent must return all clothing that accompanied the child(ren) and must have the child(ren) fed before the child(ren) return to the residential parent.

## **3. MEDICATIONS**

If the child(ren) have been prescribed medication that is to be administered during the parenting time, the residential parent should provide the medication(s) to the non-residential parent along with any instructions regarding the medication(s).

## **4. PARENTING TIME IS NOT THE CHILD(REN)'S DECISION**

The child(ren) will not be permitted to determine whether they wish to visit with the non-residential parent. The residential parent and child(ren)'s personal plans, school activities, church activities and other considerations are not reason for failing to adhere to this parenting time schedule.

## **5. WHEN THERE ARE CHILDREN IN DIFFERENT AGE GROUPS**

If there are children who would have different parenting time schedules under this parenting plan because they are different ages, the non-residential parent will have parenting time with all the children together under the schedule that applies to the oldest child, unless a child is 6 months or age or younger. If a child is 6 months of age or younger, parenting time with that child will be according to the schedule for a child of that age.

## **6. SCHEDULING**

Parenting time should be arranged and scheduled to coincide with school in-service days and holidays/vacations if possible.

## **7. MAKING UP MISSED PARENTING TIME**

Only substantial medical reasons will be considered sufficient to postpone scheduled parenting time. If a child is seriously ill and unable to visit with the non-residential parent, a make-up parenting time must be scheduled within 20 days. If, however, the non-residential parent is unable to exercise his/her parenting time for any reason, s/he is not entitled to any make-up parenting time.

## **TELEPHONE ACCESS**



Both parents have the right to have written and phone contact with the child(ren) without interference or monitoring during reasonable hours. Reasonable hours are at least 1 hour before regularly scheduled bedtimes and no earlier than 9:00 a.m. unless other arrangements are made.

### **CONTACT AT SCHOOL**

Unless otherwise ordered by the court, both parents are encouraged to participate in the child(ren)'s school activities including visiting the classroom, attending parent-teacher conferences, and sports activities. Each parent may have contact with the child(ren) at school provided that such contact does not interfere with the education of the child. Whether or not contact interferes is in the sole judgment of school authorities.

### **AFFECTION AND RESPECT**

Neither parent can ever make derogatory comments about the other parent or in any way diminish the love, respect, and affection the child has for the other parent. Both parents must make every effort to make sure that no one else makes negative comments or behaviors about the other parent in the presence of the child(ren).

### **PARENTAL NOTIFICATION (OR 107.164)**

A. Both parents have a continuing responsibility to provide their addresses and contact telephone numbers to the other parent, and to immediately notify the other parent of any emergency circumstances or substantial changes in the health of the child. The residential parent shall also provide an address and contact number for the minor child(ren)'s school/teacher, physician, dentist and therapist. The non-residential parent has the right to contact these people for information about the child(ren).

B. The residential parent will provide a letter/report to the other parent every 30 days, at a minimum, describing the child's progress in school to include school photographs and examples of school work; the child's activities (school, social, sports, cultural, religious, etc), to include awards, photographs and so forth; and the child's medical and general health condition.

### **OTHER PARENTAL AUTHORITY (ORS 107.154)**

The nonresidential parent always has the right:

A. To inspect and receive school records and to consult with school staff concerning the child(ren)'s welfare and education, to the same extent as the residential parent may inspect and receive such records and consult with such staff;

B. To inspect and receive governmental agency and law enforcement records concerning the child(ren) to the same extent as the residential parent may inspect and receive such records;

C. To consult with any person who may provide care or treatment for the child(ren) and to inspect and receive the child(ren)'s medical, dental and psychological records, to the same extent as the residential parent may consult with such person and inspect and receive such records;

D. To authorize emergency medical, dental, psychological, psychiatric or other health care for the child if the residential is, for practical purposes, unavailable; or,

E. To apply to be the child(ren)'s conservator, guardian ad litem or both.

#### **PARENT'S RELOCATION (ORS 107.159)**

Parents must provide each other and the court with at least 60 days prior notice of any planned relocation more than 60 miles.

#### **FAILURE TO COMPLY WITH THIS PLAN**

If a parent fails to comply with a provision of this plan, the other parent's obligation under the plan are not affected. The Lake County Court clerk has information about the expedited parenting time enforcement procedure.

"APPENDIX C"

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LAKE

Guardianship/Conservatorship of: ) Case No. \_\_\_\_\_  
 )  
 )  
 \_\_\_\_\_, ) OBJECTION TO PETITION  
 (*Protected Person*) ) FOR APPOINTMENT OF  
 \_\_\_\_\_ ) GUARDIANSHIP/CONSERVATORSHIP  
 )

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)

"APPENDIX D"

RETURN TO:

LAKE COUNTY CIRCUIT COURT  
513 Center Street  
Lakeview, OR 97630

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

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

STATE OF OREGON,	)	
	)	
Plaintiff,	)	
	)	CASE NO. _____
vs.	)	
	)	
_____	)	
Defendant.	)	
_____	)	

W A I V E R

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

Pursuant to ORS 153.080, I hereby waive my right to have my testimony and the testimony of the officer presented orally in court, and I agree that testimony may be presented by sworn affidavit. I understand that, if I do choose to appear in person for trial after signing this affidavit, a copy of the police officer's affidavit will be presented to me at that time. The police officer may not be present.

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

**INSTRUCTIONS:** If you waive your right to have testimony presented orally in court, please fill out the below *Testimony by Affidavit* and return all documents to the court at least two weeks prior to the trial date. The judge will give your affidavit the same consideration as a personal appearance.

STATE OF \_\_\_\_\_ )  
) ss.  
County of \_\_\_\_\_ )

T E S T I M O N Y   B Y   A F F I D A V I T

I, \_\_\_\_\_, being first duly sworn, state that I am the

Police Officer

Defendant

in the above violation offense. Pursuant to ORS 153.080, this affidavit represents my sworn testimony concerning the above violation offense.

PLEASE WRITE OR TYPE BELOW

