

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

February 1, 2009 - January 31, 2010

**CERTIFICATE OF SUPPLEMENTARY LOCAL COURT
RULES OF THE 22ND JUDICIAL DISTRICT**

CROOK & JEFFERSON COUNTIES

I, George W. Neilson, Presiding Judge of the 22nd Judicial District of Oregon, hereby certify that attached hereto is a complete, true and correct copy of the Supplemental Trial Court rules of the Circuit Court for Crook and Jefferson Counties, effective February 1, 2009.

Dated this 4 day of December, 2008.

/s/ George W. Neilson
George W. Neilson, Presiding Judge

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1.151 HOURS OPEN FOR BUSINESS

Unless otherwise ordered due to emergency conditions, information regarding business hours for the Twenty-second Judicial District can be found at: www.ojd.state.or.us/crook or www.ojd.state.or.us/jefferson .

1.171 WEBSITE ADDRESS

The internet address for Twenty-second Judicial District's Circuit Courts website is: www.ojd.state.or.us/crook or www.ojd.state.or.us/jefferson

1.173 PHYSICAL/MAILING ADDRESSES

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

(1) In Crook County:

300 NE 3rd Street
Prineville, OR 97754

(2) In Jefferson County:

75 SE C Street Suite C
Madras, OR 97741

3.181 PUBLIC ACCESS COVERAGE IN AREAS OUTSIDE OF THE COURTROOM

(1) Public Access Coverage is defined by UTCR 3.180(6).

(2) This rule governs public access coverage in public areas outside of the courtrooms under UTCR 3.180(5).

(3) For the purpose of this rule a Public Area is defined as any area within 30 feet of any point of ingress or egress to the courthouse and any hallway, elevator or other area used by the public for access to public offices or facilities within the external walls of the courthouse.

(4) In Jefferson County, Oregon, all public areas are within the control and supervision of the court.

(5) In Crook County, Oregon, all public areas are within the control and supervision of the court.

(6) Subject to UTCR 3.180, no public access coverage shall be permitted in any public area except as provided herein:

(a) Any party seeking to provide public access coverage in any area shall file with

the clerk of the court a certificate (Appendix 1) in advance of commencing the coverage.

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

the courtroom where the case related to the request will be heard;
and

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

3.185 PERSONAL COMMUNICATION DEVICES

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

5.055 STAMPED, SELF-ADDRESSED CONFIRMATION CARDS REQUIRED

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

6.011 HABEAS CORPUS AND POST-CONVICTION RELIEF PROCEEDING BEFORE THE COURT BY VIDEO OR TELEPHONIC CONFERENCING

- (1) Unless otherwise ordered by the court, all hearings and trials in which inmates in the custody of the Oregon Department of Corrections are seeking post-conviction relief pursuant to ORS 138.510- 138.686 or habeas corpus relief pursuant to ORS 34.310 - 34.730 shall be held by video conferencing or, if video conferencing is not available, by telephonic conferencing.
- (2) The inmates shall remain at and appear from the Deer Ridge Correctional Institution or other institution in which they are being held.
- (3) The inmate's attorney, the attorney for the Oregon Attorney General's office or an attorney representing any other party to the proceeding, may appear by video or telephone conferencing or may appear in person before the Court.
- (4) Regardless of the physical location of the judge hearing the matter, any proceeding shall be recorded by the 22nd Judicial District.
- (5) Public access and viewing of the proceeding shall be provided at the Jefferson County Courthouse in Madras, Oregon, and the proceeding shall be deemed to be

taking place at said courthouse and city.

- (6) All motions to continue trial/hearings, whether written or verbal, shall be submitted to the Presiding Judge of the 22nd Judicial District, or to another judge of the 22nd Judicial District if the Presiding Judge is not available.
- (7) Motions to continue shall not be made to the Plan B or Pro-Tem trial judge except in cases of emergency when the Presiding Judge or other judge of the 22nd Judicial District are not available.

6.012 OPTIONAL SETTLEMENT CONFERENCE

- (1) Any civil case assigned a time and place for trial shall be calendared for a settlement conference at least twenty-one (21) days before the trial if requested by a party or required by the Court. Such request must be made in writing and filed in the case with a copy to the other parties not less than forty-two (42) days prior to the scheduled trial date. The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court.
- (2) At the settlement conference the Court shall require the attendance of all parties and their trial attorneys. When a party is insured, a representative of the insurance company who has full authority to settle the case shall be in attendance or readily available by telephone.

An out-of-county or out-of-state party may apply to be excused from appearing at the settlement conference. The party seeking to be excused must file a motion with the judge presiding over the conference. Any party seeking to be excused must be available for and prepared to initiate a conference call, or some suitable alternative, to allow participation in the conference. The presiding judge or his designee shall rule on said request and, if appropriate, excuse the party from appearing.

- (3) Settlement conferences shall be held informally before a judge at a time and place provided by the presiding judge. The conference may be continued as part of a continuing settlement conference to another day before trial by the judge. Each case on the settlement conference calendar shall retain its place on the civil active list. If the case does not settle at such conference, no reference shall thereafter be made to any settlement discussion had under this rule except in subsequent settlement proceedings.

In the event that a settlement is not reached at the settlement conference, a judge other than the one who participated in the settlement proceeding shall be assigned to try the case.

- (4) For a meaningful settlement conference to take place, all attorneys and parties must participate in good faith.
- (5) In the event settlement negotiations are not successful, counsel should expect and

be prepared to proceed to trial on the date scheduled. Every effort will be made by the Court to insure that the case proceeds to trial on the date scheduled. This Court will deny all requests for continuance except in case of emergency or highly unusual circumstances.

6.013 SETTLEMENT CONFERENCE STATEMENT

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

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

6.014 VOLUNTARY SETTLEMENT CONFERENCE

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

6.101 ARGUMENTS ON OBJECTIONS OR MOTIONS

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

7.005 ENTRY OF GUILTY PLEA BY ATTORNEY IN MISDEMEANOR CASES IN DEFENDANT'S ABSENCE

When any attorney enters a guilty plea for a non-appearing defendant charged with a

misdemeanor, violation or major traffic offense, the attorney shall submit a guilty plea in writing, signed by the defendant, acknowledging an itemized waiver of appropriate constitutional and statutory rights.

7.015 PRETRIAL CONFERENCES IN CRIMINAL PROCEEDINGS

- (1) At arraignment all cases will be set for pretrial conference to allow for plea agreement negotiations and the completion of discovery and investigation. Pretrial conferences for in custody cases shall be set within twenty-one (21) days and out of custody within thirty-five (35) days.
- (2) The district attorney or the assigned deputy, the defense attorney and the defendant must appear at the pretrial conference, unless appearance is waived by the Court.
- (3) At the pretrial conference, in addition to the information required by UTCR 7.010, counsel shall be prepared to relate:
 - (a) the status of the plea agreement negotiations, if any;
 - (b) whether any scheduling or attorney conflicts exist; and,
 - (c) whether there are any discovery problems.

7.016 SETTLEMENT CONFERENCES IN CRIMINAL PROCEEDINGS

- (1) After pretrial conference, at the discretion of the Court, a settlement conference may be held at the request of either party on the record or in writing. The settlement conference shall be held at least twenty-one (21) days prior to trial. The purpose of the settlement conference is to provide an opportunity for the early resolution of the case, if appropriate.
- (2) No later than the date of the settlement conference, the district attorney or the assigned deputy shall submit, where appropriate, a proposed negotiated disposition to defense counsel. Defense counsel shall inform his client of the offer. The same attorneys shall attend the settlement conference. The prosecuting attorney shall have at all stages of the proceeding full authority to dispose of the case.
- (3) The defendant shall be personally available at the settlement conference and remain present and available for discussion with counsel. If a negotiated disposition has been offered to the defendant, the defendant shall inform the Court of the defendant's decision.
- (4) If negotiated disposition has not been offered to the defendant, or the defendant declines to enter a plea of guilty to a negotiated disposition, the defendant should be prepared to proceed to trial.
- (5) Settlement conference statements submitted by the parties are confidential

documents. They will not be part of the court file. They will be retained by the settlement conference judge. After completion of the settlement conference the statements and any attached material will be returned to the submitting party.

7.025 SETTING TRIAL IN CIVIL CASES

- (1) Civil trials are set during pretrial conferences in court or in chambers with counsel being required to appear with their calendars either in person or by conference call, and it is customary for the Court to provide written confirmation of the date.
- (2) Civil trials are reset by telephone and it is customary for the Court to provide written confirmation of the date.
- (3) When counsel participates in the setting of the date in court or by telephone, a continuance will not be granted if the ground relied upon is that the Court failed to provide written confirmation.

7.026 SETTING MOTIONS IN CIVIL CASES

- (1) Civil motions are set by telephone, but are sometimes set in court or in chambers during a pretrial conference. When being set, counsel are required to appear with their calendars either in person or by conference call. In both instances it is customary for the Court to provide written confirmation of the date. On occasion a date will be set at the convenience of the Court and counsel advised only by written notice.
- (2) Civil motions are reset by telephone and the Court customarily provides written confirmation of the date. On occasion civil motions shall be reset by the Court. At any reset conference, counsel shall be prepared with their respective calendars.
- (3) When counsel participates in the setting of the date in court or by telephone, a continuance will not be granted if the ground relied upon is that the Court failed to provide written confirmation.

7.027 SETTING MOTION AND TRIAL DATE IN CRIMINAL CASES

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

the convenience of the Court with counsel receiving only a written notice.

- (4) Criminal trials are reset by telephone, but are occasionally reset in court. If reset in court, counsel are required to be present with their calendars and in both cases it is customary for the Court to provide written confirmation of the date.
- (5) When counsel participates in the setting of the date in court or by telephone, a continuance will not be granted if the ground relied upon is that the Court failed to provide written confirmation.

7.031 TRIAL CALL

- (1) A trial call conference shall be scheduled for every case set on the trial docket.
- (2)
 - (a) The trial call conference shall be held on a judicial day and time set by the Presiding Judge in the week immediately preceding the week of trial unless the case under consideration involves complex issues.
 - (b) The trial call conference in any complex case may, at the discretion of the presiding judge, be set up to 21 days prior to the date set for trial.
- (3) Counsel and client who practice or reside within 25 miles of the courthouse where the case is scheduled shall be personally present at trial call.
- (4) If counsel or client practice or reside more than 25 miles from the courthouse where the case is scheduled, either or both may participate by telephone. If a telephonic conference is conducted, then both client and counsel shall participate in the telephone conference at the time of trial call.
- (5) If the case has been concluded by negotiation at or prior to the trial call, then the parties should be prepared to tender the paperwork necessary to effectuate the settlement at the trial call. If a settlement has been reached in a criminal case, the plea will be taken at the time of the trial call unless the court directs otherwise.
- (6) If the parties have settled the case and the paperwork has been tendered to the court or proceedings have been conducted to conclude the case prior to the trial call, then the trial call appearance shall be waived.
- (7) Any party may move the court to waive personal appearance provided elements of subparagraphs 5, 6, and 8 have been met prior to trial call.
- (8) If the case is not resolved, counsel shall be prepared to provide the court with the following information and materials:
 - (a) the length of trial;
 - (b) the number of witnesses;
 - (c) whether witnesses have been subpoenaed;

- (d) the nature of any pre-trial issues and the expected duration of any necessary hearings related to pre-trial issues;
 - (e) the time and date of last client contact;
 - (f) proposed jury instructions if a jury trial is required;
 - (g) UTCR 8.010 statement if it is a domestic relations case; and
 - (h) any trial memorandum the parties intend to present for trial.
- (9) At the conclusion of the trial call session, the court will prioritize and set the time and date of the trial.

8.001 DOMESTIC RELATIONS PROCEEDINGS

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

8.002 DOCKETING DOMESTIC RELATIONS PROCEEDINGS

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

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

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

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

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

8.041 TEMPORARY ORDERS, ORDER REGARDING CUSTODY AND PARENTING TIME ORDERS

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

(2) Temporary Custody and Parenting Time Orders

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

8.042 ORDERS TO SHOW CAUSE

- (1) The procedures outlined in this rule are limited to domestic relations cases. Domestic relations cases shall include legal separations, annulment of marriage, dissolution of marriage and filiations. This rule is not applicable to contempt proceedings related to such actions.
- (2) Except for proceedings governed by ORS 107.097, ORS 107.135(13) or ORS 107.138, this rule shall apply to all orders to show cause in domestic relations matters whether or not the issues are pre-trial or post-judgment.
- (3) An order to show cause will be allowed only upon the motion of a party supported by sufficient written affidavit. The order to show cause will not contain a date for hearing. It shall provide as follows:
 - (a) The adverse party must file and serve a written response within thirty (30) days from the date of service of the order and initiating affidavit. The Court may allow additional time upon a showing of good cause;
 - (b) If the written response is not filed and served within the thirty (30) days or such other time as allowed by the Court, the Order requested by the Motion and Order to Show Cause may be granted and entered by the Court;
 - (c) If child support or spousal support is an issue then the parties must file and serve upon the opposing party a uniform support affidavit as required by UTCR 8.050 (3);
 - (d) If the Uniform Support Affidavit is not completely filled out with all necessary exhibits, it may not be considered by the court and the party will be required to submit a completed form.
- (4)
 - (a) If the opposing party fails to file a written response within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause.
 - (b) The Court may:
 - (1) Require the taking of testimony of the moving party in such default matters;
 - (2) Enter the order requested if the opposing party does not file the required written response; and,
 - (3) Enter the order upon its own motion if the moving party fails to present an order.

- (5) If the opposing party files a written response, the docket clerk shall set a hearing date to determine the issues raised by the order to show cause and the affidavits. A notice of the hearing date shall be mailed to both parties.

8.055 TEMPORARY RELIEF MOTIONS

Temporary Relief motions for temporary child and spousal support filed pursuant to ORS 107.095(1)(a) and (b) and other motions for temporary financial orders filed pursuant to ORS 107.095(1)(f) shall be determined without testimony (unless otherwise ordered by the court) based on the affidavits of the parties and their Uniform Support Affidavits. Such motions shall be filed separately from other temporary relief motions. In any case involving temporary child support, the affidavits filed by the parties shall include a child support computation worksheet. When the matter is ready for decision, the moving party shall notify the Court by filing a Notice for Readiness for Decision. (An example notice is attached as set forth in Appendix 2.)

8.075 PARENTING SCHEDULE

Unless otherwise directed by the Court, or the parties stipulate to a different schedule of parenting time which is approved by the Court, a non-residential parent shall have the right to have parenting time with the minor child(ren) of the parties according to the schedule and guidelines which are set forth in Appendix 3 or 3A or one of the completed parenting plan templates found on the Oregon Judicial Department's Family Law web page at:

<http://www.ojd.state.or.us/osca/cpsd/courtimprovement/familylaw/parentingplan.htm>

8.101 EDUCATION FOR DIVORCING PARENTS - ORS 3.425

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

indigency to the Court, and the party meets indigency guidelines.

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

9.061 ATTORNEY FEES IN ESTATES

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

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR

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

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

or in person at:

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

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

- (1) Determine the name, address and telephone number of the objecting party;
- (2) Write out the nature of the oral objection upon the form provided in Appendix 4; and
- (3) Unless waived by order of a judge, collect the filing fee required by ORS 21.310. File the original written material with the court file; and
- (4) Immediately send a copy to: a) the opposing party or counsel, if represented; b) any party who has appeared; and c) the judge assigned to the case.

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

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.

12.011 MEDIATION IN CHILD CUSTODY/PARENTING TIME/VISITATION ISSUES

(1) COMMENCEMENT OF MEDIATION BY STIPULATED REQUEST FOR MEDIATION

Except as provided in the last sentence of this subsection, mediation may be commenced at any stage of a pending domestic relations proceeding by the stipulation of the parties or by Court order. Court orders may be granted in the discretion of the Court, on the motion of either party or on the Court's own motion. If a general judgment of dissolution has been entered in a domestic relations case and the judgment provided that the parties may mediate any custody or parenting time issue with out a motion to show cause or enforce the parties may do so by filing a stipulated motion for mediation and paying the appropriate filing fee.

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

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

(3) GOOD FAITH REQUIRED

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

(4) UNSUCCESSFUL MEDIATION

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

12.025 MEDIATION OF CIVIL DISPUTES

The 22nd Judicial District has a mediation referral program pursuant to ORS 36.185 to 36.222. The rules apply to new cases and pending cases which are subject to mandatory arbitration but have not yet been referred to the program.

12.035 APPLICATION OF CHAPTER

This SLR chapter applies to mediation by court referral or stipulation under ORS 36.185 to 36.222 but does not apply to any of the following:

- (1) Proceedings in child custody and parenting time as provided in ORS 107.510 to 107.610.
- (2) Proceedings in small claims court as provided in ORS 46.405 to 46.570.
- (3) Proceedings in forcible entry and detainer cases as provided in ORS 105.105 to 105.168.

12.045 MEDIATION COMMISSION

- (1) There is established a mediation commission which includes judges, attorneys, non-attorneys, and the court administrator, at least some of whom have experience as a mediator.
- (2) All members shall be appointed by, and serve at the pleasure of, the presiding judge for two year terms.
- (3) The function of the mediation commission is to monitor the mediation program, review the qualifications and training of mediators, and advise the court on other functioning of the mediation program.

12.055 MEDIATION PANEL ESTABLISHED

There shall be a panel of mediators made up of persons who have the minimum qualifications and training prescribed in Chief Justice Order #05-028, and have been appointed at the discretion of the presiding judge.

12.065 APPOINTMENT TO MEDIATION PANEL

- (1) To apply to be listed on the panel of mediators, a person must sign and file an application as provided by the court.
- (2) The mediation commission shall review each application 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 shall be made the presiding judge.
- (4) Failure to submit a confirmation of address and intent to remain on the list shall be cause for removal from the list.

12.075 REMOVAL FROM MEDIATION PANEL

The presiding judge may remove a listed mediator at the presiding judges's discretion.

12.085 ASSIGNMENT, SELECTION, AND COMPENSATION OF MEDIATOR

- (1) A mediator shall be assigned by the presiding judge or selected by the parties within 21 days after the referral to mediation.
- (2) The mediation commission may establish a compensation schedule which shall apply only when a mediator is assigned by the court. If a mediator is selected by the parties, then compensation shall be determined by the parties and the mediator.

12.095 COMPLETING THE MEDIATION

Any mediation under these rules must be completed within 90 days after the entry of an order referring the case to mediation, unless otherwise ordered by the court.

13.048 ARBITRATION - INDIGENT PARTIES

- (1) In the event funds are available under ORS 36.420 for the payment of arbitrator fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the Arbitration Award, and submission of the form approved by the State Court Administrator for such purpose.

13.055 REFERRING CASES TO ARBITRATION

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

- (A) Within 30 days when the case is at issue unless otherwise ordered by the court;
- (B) At any time as specifically directed by the judge to whom the case is assigned, or by the Presiding Judge.

15.011 SMALL CLAIMS FORMS

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

16.005 TRIAL BY AFFIDAVIT

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

- (1) The alleged violator must file the waiver form contained in Appendix 5 at least twenty-one (21) days in advance of the date of trial; and,
- (2) Any witness affidavit (including, but not limited to, the affidavit of the alleged violator or officer) must be filed with the court and served upon the opposing party seven (7) days in advance of the trial;
- (3) Failure to file the affidavit as required herein without good cause shown may result in the affidavit not being considered by the Court.

Appendices

SLR 8.055 - NOTICE OF READINESS FOR DECISION

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

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

Case No. _____

NOTICE OF READINESS FOR DECISION

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

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

DATED this ____ day of _____, 20__.

Attorney for Moving Party

Bar No. _____

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

STANDARD PARENTING PLAN

It is the policy of this court to encourage the parties to work out their own Parenting Plan, either between themselves, with the help of legal professionals or through mediation. The court will generally approve any Parenting Plan agreed upon by the parties.

The intent of the Standard Parenting Plan is to provide a Parenting Plan to parties who have not been able to agree to an alternate, more flexible plan. Because each family's circumstances are different, the court may make provisions for more or less parenting time than provided for in the Standard Parenting Plan. The best interest of the child(ren) is the paramount consideration.

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

I. GENERAL INFORMATION

- A. The parents names are _____ and _____.
- B. The Parenting Plan applies to the following child(ren):

NAMES	DOB
_____	_____
_____	_____
_____	_____
_____	_____

II. RESIDENTIAL SCHEDULE

- A. For the purposes of the Standard Parenting Plan, "residential parent" means the parent who provides the primary residence for the child(ren). The "nonresidential parent" refers to the parent who has parenting time with the child(ren) according to the schedule provided in the Parenting Plan.
- B. () Mother shall be considered "residential parent".
- C. () Father shall be considered "residential parent".

III. GUIDELINES FOR PARENTING TIME WITH MINOR CHILDREN IN DOMESTIC RELATIONS CASES

A. DEFINITIONS:

8. Vacation and Holiday Periods: These are the dates set by the public school district in which the child(ren) resides whether or not the child(ren) is attending school or enrolled in that school.

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

1. Children 0-1 years:

- b) Saturdays: Every other Saturday from 9:00 a.m. to 6:00 p.m.
- c) Mother's Day/Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.
- d) Christmas: Christmas Eve from 9:00 a.m. to 9:00 p.m. in odd numbered years and Christmas Day from 9:00 a.m. to 9:00 p.m. in even numbered years.
- e) Midweek: Each Wednesday from 5:00 p.m. to 8:00 p.m.

2. Children 1-2 years:

- a) Saturday/Sunday: Every other Saturday from 9:00 a.m. until 9:00 a.m. Sunday.
- b) Mother's Day/Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.
- c) Christmas: Christmas Eve from 9:00 a.m. to 9:00 p.m. in odd numbered years and Christmas Day from 9:00 a.m. to 9:00 p.m. in even numbered years.
- d) Summer: In lieu of summer parenting time, there shall be five (5) consecutive days each calendar year quarter upon thirty (30) days advance written notice to the primary custodial parent.
- e) Midweek: Each Wednesday from 5:00 p.m. to 8:00 p.m.

3. Children over 3 years:

- a) Weekend: Every other weekend commencing at 6:00 p.m. Friday and ending at 6:00 p.m. Sunday.
- b) Inservice/Conference Days: In addition to weekend parenting time, if the child(ren) has a day out of school on either or both the Monday following and/or the Friday preceding the non-custodial parent's weekend parenting time, the non-custodial parent shall also have visitation with the child(ren) on said extra day(s) commencing either 24 hours before and/or ending 24 hours

after the scheduled parenting time.

- c) Summer: Thirty-five consecutive days during the period of school summer vacation. Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the inclusive dates of the thirty-five day parenting time period with the child(ren). If the non-custodial parent fails to give such written notice to the custodial parent before May 1 of the year of the summer parenting time, the non-custodial parent nevertheless shall have the right to such summer parenting time with the child(ren), if and to the extent, that the time remains for such parenting time after the custodial parent's parenting time plans of up to two consecutive weeks.
 - 1) When the non-custodial parent exercises his or her right to a summer parenting time period of more than 19 days with the child(ren), the custodial parent shall have the right to a weekend of parenting time with the child(ren) on the third weekend after commencement of the extended parenting time by the non-custodial parent. Such interim parenting time by the custodial parent shall not lengthen the thirty-five day parenting time period allowed to the non-custodial parent.
 - 2) The custodial parent shall have the right to designate a weekend each summer when the non-custodial parent's weekend parenting time will not occur in order that the custodial parent can have the child(ren) for an uninterrupted two (2) week period. Before May 15 of each year, the custodial parent shall inform the non-custodial parent of which weekend has been selected. The weekend shall not be on a holiday, birthday, or during the non-custodial parent's summer parenting time period.
- d) Holidays:
 - 1) Even numbered years:
 - a) Christmas: From 6:00 p.m. the day school lets out for Christmas vacation until 10:00 a.m. on December 26.
 - b) Child's Birthday: The birthdays of the child(ren), from 9:00 a.m. to 6:00 p.m. if the birthday falls on a weekend or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday.
 - c) Thanksgiving holiday: Commencing on Wednesday prior to Thanksgiving at 6:00 p.m. and ending on the Sunday following Thanksgiving at 6:00 p.m.
 - d) The Fourth of July: If this holiday does not fall on Friday, Saturday, Sunday, or Monday, parenting time shall commence at 9:00 a.m. and shall end at 10:00 p.m. on July 4th. If this holiday falls on a Saturday, Sunday, or Monday, parenting time shall commence at 6:00 p.m. on the Friday preceding the Fourth of July and shall end on Sunday the 4th, or Monday the 4th, as the case may be, at 6:00 p.m. If this holiday falls on a Friday, parenting time shall commence

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

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

2) Odd-numbered years:

- a) Christmas: From 10:00 a.m. on December 26 until 6:00 p.m. on the day before school resumes.
- b) Child's Birthday: The day before the child(ren)'s birthday, from 9:00 a.m. to 6:00 p.m., if the birthday falls on a weekend, or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday.
- c) Memorial Day Weekend: Commencing on the Friday preceding Memorial Day at 6:00 p.m. and ending on the following Monday at 6:00 p.m.
- d) Mother's Day/Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. To 6:00 p.m.
- e) Parent's Birthday: Each parent shall have parenting time with the child(ren) on that parent's birthday from 9:00 a.m. to 6:00 p.m.

C. RULES OF PARENTING TIME:

1. Holiday Parenting Time Supersedes: Holiday and summer parenting time supersedes weekend parenting time in the event there is a conflict of dates.
2. Exchange Times: All parenting time periods shall be exercised in a prompt manner so that both parties can make their plans accordingly. The non-residential parent shall pick the child(ren) up from the front steps of the residential parent's residence no earlier than 30 minutes before and no later than 30 minutes after the parenting time period commences. Return of the child(ren) to the front steps of the residential parent's residence shall also be subject to the 30 minute rule. The residential parent shall have the child(ren) fed and ready on time for parenting time with sufficient and proper clothing packed and ready for the parenting time period. The child(ren) shall be returned, fed and with their clothing in the same manner (packed and cleaned) as they were when picked up for the parenting time.
3. Makeup Parenting Time: In the event the child(ren) are ill and unable to visit, a makeup parenting time will be allowed to the non-residential parent on the next succeeding weekend. However, if the non-residential parent fails to exercise his or her parenting time, for reasons of health or for any other reason, there will be no makeup parenting time period. The child(ren) will not be permitted to determine whether they wish to visit with the non-residential parent.

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

SLR 8.075 - LONG DISTANCE AND OUT-OF-STATE PARENTING PLAN

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

**LONG DISTANCE AND OUT-OF-STATE
PARENTING PLAN POLICY AND SCHEDULE**

I. COURT POLICIES:

The Crook/Jefferson County Circuit Court's policies concerning minimum parenting time where the non-custodial parent resides either out-of-state or more than 120 miles away from the county of the custodial parent are as follows:

1. Parents are encouraged to try to reach their own agreements on parenting time. If they are unable to do so without assistance they should seek the assistance of a mediator.
2. The court will use the general guidelines to set parenting time. The specific amount of parenting time will, of course, depend on the age of the child and the parties' ability to pay for transportation costs. There should be sufficient parenting time to allow a meaningful relationship between the non-custodial parent and the child. It is especially important for the custodial parent to allow the non-custodial parent regular communication with the child. The custodial parent must also keep the non-custodial parent regularly advised of the child's progress in school, social activities and so forth.
3. Absent some special economic or other special circumstances, each parent should share in the cost of transportation for parenting time. The share should be proportional to the parents' respective income but other factors may also be considered such as which parent moved, why they moved, a parent's other expenses, where other relatives live and other such factors.
4. The custodial parent will provide a letter/report to the other parent once every 60 days describing the child's progress in school to include school photographs and examples of school work; the child's activities, to include awards, photographs and so forth; and the child's medical and general health condition.
5. A child younger than 5 should not fly unaccompanied for parenting time. A child older than 5 may fly unaccompanied provided appropriate travel arrangements are made.

II. MINIMUM PARENTING TIME:

1. At the non-custodial parent's option. IN THE ALTERNATIVE,

EITHER:

- A. Between September 1 and December 1 of each year, one continuous seven-day period beginning at 9:00 a.m. on the first day and ending at 5:00 p.m. on the seventh day. Between February 1 and June 1 of each year, one continuous seven-day period beginning at 9:00 a.m. on the first day and ending at 5:00 p.m. on the seventh day;

OR

- B. For each of the months of September, October, November, January, February, March, April and May, one period of four consecutive days beginning Friday at 3:00 p.m. and ending Monday at 5:00 p.m. Also, the customary school spring vacation from 5:00 p.m. Friday to 5:00 p.m. on the following Sunday in every odd year.

Under either alternative:

- a. The non-custodial parent shall give 30 days advance written notice of the times he/she will exercise parenting time.
 - b. The parenting time shall be arranged insofar as possible to coincide with school in-service days and holidays.
 - c. If two periods of parenting time occur in one month (for example, the November four-day parenting time and Thanksgiving), unless otherwise agreed by the parties, there shall be just one period - the longest period - of parenting time during that month.
2. In even years:
- A. Thanksgiving Vacation from 7:00 p.m. Wednesday to 7:00 p.m. Sunday.
 - B. Winter School Vacation - from 3:00 p.m. on December 24, for a period of five days until 7:00 p.m. on the last day.
3. In odd years:
- A. Winter School Vacation - from 6:00 p.m. the last school day before the holiday to 3:00 p.m. on December 24.
4. If there is a considerable distance and/or transportation cost, the non-custodial parent will have full winter school holiday for two years and the custodial parent will have the winter school holiday for one year and so forth on an alternating basis.
5. The non-custodial parent will be entitled to six consecutive weeks between June 15 and August 20. However, where distance and/or transportation cost make it impossible for the parent to have regular parenting time during the year as described above, then the non-custodial parent will be awarded parenting time for the entire summer beginning at the beginning of the school holiday and ending two weeks before school begins.
6. If the non-custodial parent will be visiting the locality where the child resides, the non-custodial parent may have two (2) days parenting time to be exercised in that locality, provided he/she gives at least 20 days advance notice in writing, or may have one (1) day parenting time to be exercised in that locality if he/she gives less than 20 days advance notice in writing but at least seven (7) days advance notice in writing.

SLR 9.125 - PROTECTIVE PROCEEDING OBJECTION FORM

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

IN THE MATTER OF:)
) CASE NO.: _____
)
_____,)
Protected Person.)

PROTECTIVE PROCEEDING OBJECTION FORM

(1) Objecting Party -

NAME: _____
ADDRESS: _____
TELEPHONE: _____

(2) Nature of Objection: _____

Trial Court Administrator by:

Clerk

APPENDIX 5
SLR 16.005 - WAIVER AND AFFIDAVIT

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

DUE: _____

OR

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

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

STATE OF OREGON

vs.

Defendant.

)
)
)
)
)
)

Case No. _____

WAIVER AND AFFIDAVIT

WAIVER

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

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

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

TESTIMONY BY AFFIDAVIT

I, _____, being first duly sworn, state that I am the:

_____ Police Officer

_____ Defendant

