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Dated This 6th Day of December, 2010
Twenty-seventh Judicial District, State of Oregon
Trial Court Administrator

By Beverly E. Ford

12.001 MATTERS SUBJECT TO MEDIATION

(1) Mandatory Domestic Relations Custody and Parenting Mediation

Any matter identified in ORS 107.755 or described in ORS 107.765 shall be subject to mediation. The Court will not consider any contested custody or parenting time issue in a proceeding that results in a final judgment or order and the Court may decline to consider any contested custody or parenting time issue in a proceeding that results in a temporary order under ORS 107.095, unless it is notified by the mediator that the matter has proceeded through mediation in accordance with these rules.

(2) Exclusion from Mandatory Mediation

A matter may be excluded from mandatory or ordered mediation upon application by a party and upon a showing of good cause to the Court with service upon the opposing party and after being given the opportunity to be heard in objection.

(3) Other Matters in Custody and Parenting Mediation

A mediator may consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody or parenting time with the written approval of both parties or counsel.

(4) Domestic Relations Financial Mediation

A mediator qualified to mediate financial issues may mediate issues including, but not limited to, property and debt division, spousal support, and child support. Domestic relations financial mediation may be, but is not required, in connection with the mediation of a dispute concerning child custody, parenting time or visitation; however, if mediation is mandatory under Rule 12.001(1), the custody and parenting issues must be resolved before addressing financial issues. If mediation is not mandatory under Rule 12.001(1), the Court may, on its own motion or by motion of one party, order domestic relations financial mediation. Domestic relations financial mediation is subject to SLR 12.001(2) and 12.002-12.013.

12.005 MEDIATION ORIENTATION

(1) Whenever mediation is requested or ordered as in Rule 12.001(4) or Rule 12.003 or whenever any pleadings indicate that child custody or parenting time is at issue, the parties shall be ordered to appear at mediation orientation. The parents will be given an opportunity to choose a mediator from those under contract or agreement with Tillamook County at the orientation or consult with their counsel and report their choice of mediator to the Court within seven (7) days. If the parties are unable to agree upon a mediator within seven (7) days, the Court will appoint a mediator pursuant to Rule 12.006(b) and notify the parties of the appointment.

(2) Mediation shall consist of an orientation session and a maximum of six hours involving the parties and the mediator. Additional time may be provided at the parties' expense.

- (3) Once assigned to mediation, the parties are required to attend the scheduled orientation session, unless by 5:00 p.m. the day of orientation, the parties through their attorneys or personally, request in writing, signed by both parties or their attorneys, excuse from attendance due to settlement or unforeseen emergency. If excused, the parties are required to attend the next mediation orientation unless the Court has received a signed, Stipulated Order or Judgment by 5:00 p.m. of that day.

12.009 UNSUCCESSFUL MEDIATION

The mediator may notify the Court at any time following the initial mediation sessions involving the parties and the mediator that mediation has been unsuccessful in which case the proceeding will be scheduled for hearing in the same course and with the same priority as if there had been no mediation. The mediator may determine that the mediation has been unsuccessful if the parents are unable to resolve the custody or parenting time controversy, if one or both parents are unwilling to participate in mediation, if the mediator determines that either parent is using the mediation process in bad faith for the delay of resolution of other issues, or if the parties were ordered to mediation pursuant to Rule 12.001(4) and are unable to resolve the financial controversy.

12.012 MEDIATION COMMISSION

A Mediation Commission is established. The Presiding Judge shall appoint the commission members who shall serve at the Presiding Judge's pleasure.

- (1) Function – The commission's function shall be to supervise the mediation program to render advisory opinions at the request of a judge, including advisory opinions regarding mediator applicants, and to recommend rule changes to the judges.
- (2) Composition – The composition of the Commission shall be two judges and two attorneys whose practices include domestic relations work. If the Commission meets to render a recommendation regarding an application to be a domestic relations financial mediator, the Commission shall include at least one domestic relations financial mediator. Ex officio members shall be the Presiding Judge of the Twenty-Seventh Judicial District and a court mediation coordinator. The Presiding Judge may appoint additional members.
- (3) Quorum – Two members of the Commission including at least one attorney and one judge shall constitute a quorum.