

SIXTH JUDICIAL DISTRICT

Umatilla and Morrow Counties

LOCAL COURT RULES

**Proposed Amendments – Regular Cycle
February 1, 2009**

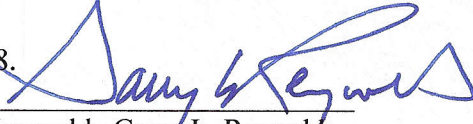
Honorable Garry L. Reynolds, Presiding Judge

Roy N. Blaine, Trial Court Administrator

**CERTIFICATE OF SUPPLEMENTARY LOCAL COURT RULES
OF THE CIRCUIT COURT
OF THE SIXTH JUDICIAL DISTRICT**

I, Garry L. Reynolds, Presiding Judge of the Sixth Judicial District of the State of Oregon, hereby certify that attached hereto is a complete, true and correct copy of the supplemental local rules of the Circuit Courts of the State of Oregon for Umatilla County and Morrow County that will go into effect the 1st day of February, 2009.

DATED this 15 day of December, 2008.



Honorable Garry L. Reynolds
Presiding Judge, Sixth Judicial District
State of Oregon

Table of Contents

Chapter 1 – General Provisions	1.1
1.005 DEFINITIONS.....	1.1
1.151 HOURS OF OPERATION	1.1
1.161 FILING COURT DOCUMENTS	1.1
1.171 SIXTH JUDICIAL DISTRICT WEBSITE.....	1.2
Chapter 2 – Standards for Pleadings and Documents.....	2.1
2.005 FORM OF PLEADINGS	2.1
2.015 RETURN OF DOCUMENTS TO A PARTY	2.1
Chapter 3 – Courtroom Proceedings.....	3.1
3.011 PROPER APPAREL.....	3.1
3.181 PUBLIC ACCESS COVERAGE.....	3.1
Chapter 4 – Criminal Cases	4.1
4.005 DISCOVERY.....	4.1
4.006 IN CAMERA INSPECTIONS AND ORDERS TO PRODUCE.....	4.1
4.015 POSTPONEMENTS; EX PARTE MATTERS	4.1
4.025 SEARCH WARRANTS	4.1
4.035 EXHIBITS	4.2
4.045 SECURITY FORFEITURES.....	4.2
4.075 REFUND PROCEDURES.....	4.2
4.101 POST-CONVICTION RELIEF - pleading when counsel is appointed upon filing of the petition	4.2
4.102 POST-CONVICTION RELIEF - motions	4.2
4.103 POST-CONVICTION RELIEF - exhibits	4.3
4.104 POST-CONVICTION RELIEF - additional briefing and exhibits.....	4.3

4.105 POST-CONVICTION RELIEF - filing of documents when petitioner is represented by counsel 4.3

4.106 POST-CONVICTION RELIEF - hearings on motions and demurrers..... 4.3

4.107 POST-CONVICTION RELIEF - trial 4.4

4.115 APPLICABLE FORMS 4.4

Chapter 5 – Civil Cases.....5.1

5.005 DEPOSITIONS 5.1

5.015 MOTIONS IN CIVIL CASES 5.2

5.025 CIVIL TRIAL DOCUMENTS 5.2

5.075 WARRANTS OF DETENTION 5.2

5.115 APPLICABLE FORMS 5.2

Chapter 6 – Trials.....6.1

6.012 PRETRIAL SETTLEMENT CONFERENCES – Civil cases 6.1

6.013 SETTLEMENT CONFERENCE STATEMENT – Civil cases, excluding domestic relations cases 6.1

6.014 SETTLEMENT CONFERENCES – Domestic Relations Cases 6.2

6.045 CONTINUANCES 6.2

6.115 APPLICABLE FORMS 6.3

Chapter 7 – Case Management and Calendaring.....7.1

7.005 CRIMINAL PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES 7.1

7.015 VIDEO/TELEPHONE APPEARANCES..... 7.2

7.115 APPLICABLE FORMS..... 7.2

Chapter 8 – Domestic Relations Proceedings.....8.1

8.005 FILING OF UTCR 8.010 DOCUMENTS 8.1

8.015 PARENT EDUCATION PROGRAM 8.1

8.025 PARENTING TIME ENFORCEMENT 8.3

8.045 PROPERTY LISTS 8.4

8.055 ORDERS TO SHOW CAUSE.....	8.4
8.075 PARENTING SCHEDULE.....	8.5
8.115 APPLICABLE FORMS.....	8.5
Chapter 9 – Probate and Adoption.....	9.1
9.005 FILING PROBATE MATTERS.....	9.1
9.015 EX PARTE ORDERS IN DECEDENTS’ ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS	9.1
9.025 SCHEDULING.....	9.1
9.035 DELINQUENCIES OR DEFICIENCIES.....	9.1
9.045 REPRESENTATION.....	9.1
9.055 BONDS.....	9.2
9.065 NOTICE TO SURETY	9.2
9.075 GUARDIANS OF MINORS	9.2
9.081 OBJECTIONS TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR....	9.2
9.082 PROBATE AND PROTECTIVE PROCEEDINGS.....	9.2
9.085 PERSONAL INJURY SETTLEMENT PETITIONS.....	9.2
9.095 ATTORNEY AND CORPORATE FIDUCIARY FEES.....	9.3
9.105 DISBURSEMENT VOUCHERS	9.4
9.115 APPLICABLE FORMS.....	9.4
Chapter 10 – Vehicle Laws and Driving Conditions.....	10.1
This chapter is reserved for future expansion.	10.1
Chapter 11 – Juvenile Court Proceedings.....	11.1
This chapter is reserved for future expansion.	11.1
Chapter 12 – Mediation	12.1
12.005 MEDIATION IN GENERAL	12.1
12.015 MEDIATION OF CIVIL DISPUTES.....	12.4

12.025 APPOINTMENT TO MEDIATION PANEL..... 12.4

12.035 REMOVAL FROM MEDIATION PANEL 12.4

12.045 ASSIGNMENT, SELECTION AND COMPENSATION OF MEDIATOR 12.4

12.115 APPLICABLE FORMS 12.4

Chapter 13 – Arbitration13.1

13.005 MATTERS SUBJECT TO ARBITRATION..... 13.1

13.015 COURT DETERMINES WHETHER CASE SUBJECT TO ARBITRATION 13.1

13.025 REFERRAL TO ARBITRATION..... 13.1

13.045 INDIGENT PARTIES 13.1

13.055 ARBITRATORS..... 13.2

13.065 STIPULATIONS 13.2

13.075 AWARD, PROOF OF SERVICE..... 13.2

13.115 APPLICABLE FORMS 13.2

Chapter 14 – Reserved14.1

This chapter is reserved for future expansion. 14.1

Chapter 15 -- Small Claims.....15.1

This chapter is reserved for future expansion. 15.1

Chapter 16 – Violations16.1

16.015 VIOLATIONS BUREAU 16.1

16.021 TRIAL BY AFFIDAVIT 16.1

16.025 POSTPONEMENTS..... 16.1

Arraignment 16.1

Court Trial..... 16.1

Notice..... 16.1

16.115 APPLICABLE FORMS 16.1

Chapter 17 – Parking.....17.1

This chapter is reserved for future expansion. 17.1

Chapter 18 – Forcible Entry and Detainer18.1

This chapter is reserved for future expansion. 18.1

Chapter 19 – Contempt Proceedings19.1

This chapter is reserved for future expansion. 19.1

Appendix of Forms

Motion for Continuance (Rules 4.015 POSTPONEMENTS; EX PARTE MATTERS, 5.015 MOTIONS IN CIVIL CASES, 6.045 CONTINUANCES, Chapter 8 – Domestic Relations Proceedings and Chapter 9 – Probate and Adoption)Page A.1

Affidavit of Counsel in Support of Motion for Continuance (Rules 4.015 POSTPONEMENTS; EX PARTE MATTERS, 5.015 MOTIONS IN CIVIL CASES, 6.045 CONTINUANCES, Chapter 8 – Domestic Relations Proceedings and Chapter 9 – Probate and Adoption)..... Page A.3

Award and General Judgment from Arbitration (Chapter 5 – Civil Cases, Chapter 13 – Arbitration) Page A.5

Petition to Enter Plea of Guilty/No Contest/Conditional Guilty (Rules Chapter 4 – Criminal Cases; 7.005 CRIMINAL PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES) Page A.8

Notice and Advice of Right to Appeal (Rules Chapter 4 – Criminal Cases; 7.005 CRIMINAL PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES)..... Page A.14

Order for Parenting Education (Rule 8.015 PARENT EDUCATION PROGRAM)Page A.15

Order for Parenting Education, Mediation Orientation and Mediation (Rules 8.015 PARENT EDUCATION PROGRAM, 8.025 PARENTING TIME ENFORCEMENT)Page A.16

Notice That Custody and/or Parenting Time is Disputed and Order Referring Case to Mediation and Parenting Education (Rules 8.015 PARENT EDUCATION PROGRAM, 8.025 PARENTING TIME ENFORCEMENT) Page A.17

Certificate of Service (Rules 8.015 PARENT EDUCATION PROGRAM, 8.025 PARENTING TIME ENFORCEMENT) Page A.18

Motion and Order to Show Cause in Matters of Marriage (Rule 8.055 ORDERS TO SHOW CAUSE) Page A.19

Notice of Readiness for Decision (Rule 8.055 ORDERS TO SHOW CAUSE) Page A.21

Joint Personal Property List (Rule 8.055 ORDERS TO SHOW CAUSE)..... Page A.22

Standard Parenting Plan (Within 225 Miles) (Rule 8.075 PARENTING SCHEDULE) Page A.23

Standard Parenting Plan (Beyond 225 Miles) (Rule 8.075 PARENTING SCHEDULE)..... Page A.37

Objection to Petition for Appointment of Guardian/Conservator (Rule 9.081 OBJECTIONS
TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR)Page A.47

Waiver and Affidavit for Traffic Trial by Affidavit (Rule 16.021 TRIAL BY AFFIDAVIT)Page A.48

Chapter 1 – General Provisions

1.005 DEFINITIONS

These definitions are intended to clarify terms used in these rules.

(1) Definitions set out in UTCR 1.110 are incorporated by this reference and apply to these rules.

(2) Confirmation cards are standard-sized, stamped, and addressed US postcards which are to be attached to any filing if signing or filing information is requested. They shall be filled out by the submitting party to allow the Court to provide the information the submitting party desires.

1.151 HOURS OF OPERATION

The Sixth Judicial District presently holds court in three (3) locations: Pendleton, Hermiston and Heppner.

(1) The Umatilla County Circuit Courts in Pendleton are located in the Umatilla County Courthouse at 216 SE Fourth Street in Pendleton. They are open from 8:00am until 12:00pm and 1:00pm to 5:00pm Monday through Friday, except for judicial holidays and except where emergency circumstances may prevent their operation.

(2) The Umatilla County Circuit Court in Hermiston is located at the Stafford Hansel Government Center, 915 SE Columbia Drive in Hermiston. It is open from 8:00am until 12:00pm and 1:00pm to 5:00pm Monday through Friday, except for judicial holidays and except where emergency circumstances may prevent their operation.

(3) The Morrow County Circuit Court is located in the Morrow County Courthouse at 100 Court Street in Heppner. It is open from 8:00am until 12:00pm and 1:00pm to 5:00pm Monday through Friday, except for judicial holidays and except where emergency circumstances may prevent their operation.

(4) The Sixth Judicial District, has more courtrooms than judges and at times judges may not be available in one of the courts for immediate signature of papers. Litigants should make arrangements as necessary with the Trial Court Administrator by telephone, e-mail, fax, or other appropriate form of communication.

1.161 FILING COURT DOCUMENTS

For Umatilla County filings, attorneys and litigants may file documents for any case, at either the Pendleton or the Hermiston court locations during normal hours of operation. For Morrow

County filings, attorneys and litigants may file documents at the Morrow County Circuit Court Office in Heppner during normal hours of operation.

1.171 SIXTH JUDICIAL DISTRICT WEBSITE

The Sixth Judicial District, maintains an informational website on the internet. The address to this website is: <http://www.ojd.state.or.us/uma/index.htm>.

Chapter 2 – Standards for Pleadings and Documents

2.005 FORM OF PLEADINGS

(1) All multi-paged pleadings and documents shall be stapled together, but separated from other pleadings and documents filed simultaneously.

(2) All pleadings and other documents filed with a court shall be two-hole punched at the top.

2.015 RETURN OF DOCUMENTS TO A PARTY

In certain limited situations, a document may be returned to the party who attempted to file it. Those situations are:

(1) A document with an existing case number and case caption from another jurisdiction;

(2) A document which requires a filing fee but the filing fee is not attached;

(3) A document without sufficient identifying information to determine in which case it should be filed or entered.

Chapter 3 - Courtroom Proceedings

3.011 PROPER APPAREL

Male counsel will wear conservative coat and tie with appropriate shirt, slacks and shoes. Female counsel will wear appropriate conservative business clothing. Clothing for counsel should be such as they would wear to an important business meeting.

3.181 PUBLIC ACCESS COVERAGE

In accordance with UTCR 3.180(5) the presiding judge has designated the following areas outside the courtrooms as the proper places for public access coverage:

- (1) For courtrooms 1, 2 and 3 in the Umatilla County Courthouse, the landing at the top of the stairs on the second floor;
- (2) For courtrooms 4 and 5 in Hermiston, the waiting area just inside the front entrance;
- (3) For the courtroom in the Morrow County Courthouse, the landing at the top of the stairs on the second floor.

Chapter 4 – Criminal Cases

4.005 DISCOVERY

Before any motion to compel discovery in a criminal case is filed, a demand must be made on opposing counsel (upon a party if pro se) for the materials. The motion shall be supported by affidavit that such a demand was made, a copy of the demand, the date served, the information furnished and the information not furnished.

4.006 IN CAMERA INSPECTIONS AND ORDERS TO PRODUCE

Motions for in camera inspections must be properly supported by points and authorities, an affidavit reflecting the relevance of the material sought to be inspected, the time frame for relevant production, and a proposed order substantially reflecting that “the documents or copies thereof shall be produced to the court no later than _____, 20____ at _____ o’clock am in Courtroom _____, Umatilla or Morrow Circuit Court, Pendleton, Hermiston or Heppner, as the case may be, to the Judicial Assistant or Court Reporter.” This response date, time and place should be reflected clearly on the first page of the appropriate form of the order upon the party to produce, and the order will so reflect. The moving party will file with the court proof of service promptly upon obtaining service.

4.015 POSTPONEMENTS; EX PARTE MATTERS

Postponements of felony and misdemeanor cases and motions to rescind bench warrants, accompanied by a supporting affidavit, shall be presented only to the trial court clerk. No motion for a continuance shall be submitted without contacting opposing counsel (or a party if unrepresented). Any such motion submitted without contacting opposing counsel will be returned without consideration or action. In the case of a visiting judge, such motions shall only be considered and acted upon by the presiding judge. (Forms: [Motion for Continuance](#), Appendix, page A.1; [Affidavit of Counsel in Support of Motion for Continuance](#), Appendix, page A.3)

4.025 SEARCH WARRANTS

- (1) A request for a search warrant shall be made to a Circuit Court Judge.
- (2) Prior to presenting a request for search warrant, the applicant shall:
 - a) Obtain prior approval from a District Attorney (or one of his/her deputies) who has personally reviewed the facts underlying the application;
 - b) Provide the name of the reviewing District Attorney; and
 - c) Verify that the search warrant application has not been presented to any other judge.

4.035 EXHIBITS

In recognition of the need to ensure the security of criminal exhibits, viewing shall be limited to the attorney of record unless otherwise directed by the Court.

4.045 SECURITY FORFEITURES

(1) A defendant or surety may apply to the court for a remission of a forfeiture of the security amount by:

- a) Filing with the court, and serving upon the District Attorney, a written motion for remission of the judgment or forfeiture, accompanied by an affidavit stating good cause for the remission;
- b) If necessary, appearing at a hearing to further inform the court why the judgment of forfeiture should be rescinded.

(2) If a hearing is necessary, the court will notify the applicant of the date and time of the hearing. In any case, the court may decide to grant or deny the motion without any appearance by the applicant. The court will notify the applicant by mail of its decision.

4.075 REFUND PROCEDURES

All bail or security refunds will be made by mail.

4.101 POST-CONVICTION RELIEF - *pleading when counsel is appointed upon filing of the petition*

(1) Counsel appointed for the petitioner shall have 120 days from the date of appointment to file an amended petition.

(2) If counsel is unable to plead a viable claim for relief in an amended petition, counsel shall file an affidavit pursuant to ORS 138.590(5).

(3) The defendant shall not file an answer, motion, or demurrer to the petition until the petitioner has filed a notice that the petitioner will proceed on the original petition, has filed an amended petition, or the 120 days to do so has expired.

(4) Once counsel for the petitioner files an amended petition or notifies the court in writing that the petitioner will proceed on the original petition, or the 120 days has expired, the defendant shall have 30 days from such filing or notice to file an answer, motion, or demurrer.

4.102 POST-CONVICTION RELIEF - *motions*

(1) The petitioner shall have 30 days to file a response to the defendant's motion or demurrer.

(2) The defendant shall have 20 days to file a reply to the petitioner's response.

(3) If the court denies defendant's motion or demurrer, the defendant shall have 20 days to file an answer.

(4) If the court grants the defendant's motion or demurrer and if it appears to the court that there is a reasonable expectation that the petitioner will be able to cure the defect, the petitioner shall be granted 30 days to file an amended petition. Upon a showing of good cause, the court may, in its discretion, grant the petitioner additional time to file an amended petition.

4.103 POST-CONVICTION RELIEF - exhibits

(1) Only the portions of the trial transcript, medical records, or other voluminous documents that are directly relevant to plaintiff's claim shall be attached to the petition or amended petition as an exhibit or offered at trial.

(2) All parties are encouraged to put lengthy transcripts, depositions, or other exhibits on CD or DVD in Word or PDF for filing with the court.

4.104 POST-CONVICTION RELIEF - additional briefing and exhibits

(1) The petitioner shall file with the court any legal memoranda and all additional trial exhibits not already attached to the petition or amended petition no later than 30 days before trial.

(2) The defendant shall file with the court any memorandum of law and all trial exhibits no later than 20 days before trial.

(3) The petitioner may respond to the defendant's memorandum of law and exhibits with a further memorandum and additional exhibits, which must be filed with the court no later than 10 days before trial.

4.105 POST-CONVICTION RELIEF - filing of documents when petitioner is represented by counsel

(1) Counsel's written notification to the court that the case will proceed on the original petition constitutes counsel's ORCP 17 C certifications of the original petition filed by the petitioner pro se.

(2) All matters submitted to the court for filing shall be submitted only by counsel and, except for the petition or amended petition and any exhibits, signed exclusively by counsel. The only exception to this requirement is for a *Church v. Gladden*, 244 Or. 308, 417 P. 2d 993 (1966), notice filed by the petitioner.

4.106 POST-CONVICTION RELIEF - hearings on motions and demurrers

(1) Unless the court orders otherwise, all oral argument will be conducted by

telephone.

(2) If the court grants oral argument for a motion or demurrer and the petitioner is in custody, the petitioner, if represented by counsel, will not be brought before the court, in person, by video or by telephone, unless counsel for the petitioner notifies the court not less than 10 days before the hearing that the issues to be heard involve more than solely issues of law.

4.107 POST-CONVICTION RELIEF - trial

(1) Unless otherwise ordered by the court, all post-conviction relief trials in which petitioner is in the custody of the Oregon Department of Corrections shall be held by video conference or, if video conference is not available, by telephone conference. The petitioner shall remain in and appear from the correctional facility in which the petitioner is being held.

(2) Counsel may appear by video conference, by telephone conference, or in person before the trial judge. Counsel for the petitioner may appear apart from the petitioner only if the facility where counsel is located enables the petitioner to consult privately with the petitioner's counsel during the proceeding.

(3) Public access and viewing of proceedings shall be provided at the Umatilla County Courthouse in Pendleton, Oregon, and the proceeding shall be deemed to take place at that location. Unless otherwise ordered by the court, all witnesses, except original counsel and law enforcement officers, shall appear at that location.

(4) All motions, whether written or oral, to continue trial or other hearings shall be submitted to the presiding judge of the 6th Judicial District, or to another judge of the 6th Judicial District if the presiding judge is not available.

(5) 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 6th Judicial District is not available.

(6) If the trial of the matter will take longer than the time allotted in the trial notice, or if witnesses other than the petitioner will be called, the parties must make arrangements for additional time through the Umatilla County Trial Court Administrator within 15 days of the date of the trial notice.

(7) If a party requires the services of a court interpreter, the party must make the request to the Umatilla County Trial Court Administrator's office no later than 4 judicial days before the date set for trial.

4.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.1 – Motion for Continuance

Page A.3 – Affidavit of Counsel in Support of Motion to Continue

Page A.8 – Petition to Enter Plea of Guilty/No Contest

Page A.14 – Notice and Advice of Right to Appeal

Chapter 5 – Civil Cases

5.005 DEPOSITIONS

(1) Scope of Deposition

ORCP 36B(1) provides that any matter not privileged may be inquired into during a deposition if reasonably calculated to lead to admissible evidence. This standard will be interpreted broadly by the Sixth Judicial District bench. If unreasonable or bad faith deposition techniques are being used, the deposition may be suspended briefly and a motion to limit pursuant to ORCP 39E may be made and heard by a judge.

(2) Objections

Most objections are typically reserved until trial. Under ORCP 41C, only errors that can be obviated, removed, or cured are waived unless a reasonable objection is made during the deposition. ORCP 39D creates a mechanism so that the attorney whose question is objected to may accept the objection as an invitation to correct an alleged defect in the question. Rejection of the invitation may result in exclusion of the question and answer at trial. Attorneys should not state anything more than the legal grounds for an objection to preserve the record. Objections should be made without comment to avoid contamination of the answers of the witness. Argument in response to the objection is neither necessary nor desirable.

(3) Instructions Not to Answer

The only basis for an instruction not to answer a question reasonably calculated to lead to the discovery of admissible evidence is in response to an attempt by the attorney taking the deposition to inquire into an area of privacy, right, privilege, an area protected by the constitution, statute, work product, or questioning amounting to harassment of the witness. Any objection to the form of the question or responsiveness of the answer can be prevented with a brief objection.

(4) Deposition Disputes

The parties should be able to resolve deposition disputes. If the parties have a problem that cannot be resolved without the assistance of the court, they should briefly suspend the deposition and contact the Presiding Judge, or designee, for hearing, either on or off the record, by phone or at the courthouse.

(5) Pending Questions

If a question is pending, it shall be answered before a break is taken, unless the question involves a matter of privacy right, privilege, an area protected by the Constitution, statute, or work product.

(6) Persons Present

Any party may attend a deposition. Non-party witnesses are excluded at the request of any party.

5.015 MOTIONS IN CIVIL CASES

(1) Civil motions may be set by telephone with the trial judge's judicial assistant, in court, or in chambers during a settlement conference. When being set, counsel are required to appear with their calendars either in person or by conference call. On occasion, a date will be set at the convenience of the court and counsel advised only by written notice.

(2) Civil motions may be reset by following the procedures for postponement of trial dates contained in UTCR 6.030.

(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.

(Forms: [Motion for Continuance](#), Appendix, page A.1; [Affidavit of Counsel in Support of Motion for Continuance](#), Appendix, page A.3)

5.025 CIVIL TRIAL DOCUMENTS

(1) In all civil cases that will be resolved by a trial, all trial memoranda, requested jury instructions and motions in limine shall be served by counsel with the court and opposing counsel at least 24 hours prior to commencement of trial.

(2) In those cases where counsel are aware of pretrial motions that will take more than an hour to be heard counsel shall file such motions not less than 30 days in advance of trial.

5.075 WARRANTS OF DETENTION

(1) A request for a warrant of detention in a mental health proceeding shall be made to a Circuit Court Judge.

(2) Prior to presenting a request for a warrant of detention, the applicant shall:

- a) Obtain prior approval from a District Attorney (or one of his/her deputies) who has personally reviewed the facts underlying the application;
- b) Provide the name of the reviewing District Attorney; and
- c) Verify that the warrant of detention application has not been presented to any other judge.

5.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.1 – Motion for Continuance

Page A.3 – Affidavit of Counsel in Support on Motion to Continue

Page A.5 – Award and Judgment from Arbitration

Chapter 6 – Trials

6.012 PRETRIAL SETTLEMENT CONFERENCES – Civil cases

The Circuit Court, on its own motion or upon request of any party, may set a settlement conference. Parties are encouraged to request a settlement conference in civil cases. The settlement conference judge will not preside at the trial unless all parties agree that the judge may preside. At the settlement conference:

(1) No information disclosed will be revealed by the settlement judge or by any of the parties to the settlement to the judge or jury who will thereafter try the case.

(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.

(3) Settlement conferences shall be held informally before a judge at a time and place provided by the settlement judge. The conference may be continued as part of a 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 a conference, no reference shall thereafter be made to any such settlement discussion had under this rule except in subsequent settlement proceedings.

(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.

(6) Each party shall submit two copies of his UTCR 8.010 statement to the settlement judge at least 48 hours prior to the commencement of the settlement conference.

6.013 SETTLEMENT CONFERENCE STATEMENT – Civil cases, excluding domestic relations cases

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 settlement conference 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) In domestic relations cases, counsel shall include their settlement statement, a copy of the proposed distribution of assets and liabilities and, if support is involved, the proposal for and computation of support.

6.014 SETTLEMENT CONFERENCES – Domestic Relations Cases

(1) The Presiding judge shall appoint a panel of qualified attorneys who shall preside over settlement conferences in all contested domestic relations cases where both parties are represented by counsel. Attorneys shall be selected to preside over settlement conferences in a rotating order. Litigants may not disqualify settlement attorneys, except where there is a conflict of interest as defined by the Oregon Rules of Professional Conduct 1.7 to 1.9.

(2) At the time set for trial readiness, the attorneys may request the case be assigned a settlement conference. The attorneys must firmly believe the conference would be beneficial. The conference shall be held at the office of the settlement attorney unless the settlement attorney and the litigants otherwise agree, and shall be held at least 3 weeks prior to the trial date.

(3) Each party shall submit two copies of his UTCR 8.010 statement to the settlement judge at least 48 hours prior to the commencement of the settlement conference.

(4) When the settlement attorney receives both Rule 8.010 statements, he shall distribute the statements to the parties as soon as practical. In addition, the petitioner shall submit to the settlement attorney all orders and judgments filed in the case, including the mediator's report.

(5) Each party shall participate in the settlement conference in good faith.

(6) As soon as practical, the settlement attorney shall report in writing to the trial judge regarding the outcome of the settlement conference, including any violations of this rule. All agreements shall be reduced to writing and signed by the parties. In the event that settlement negotiations do not result in a complete settlement, counsel should be prepared to proceed to trial on the date scheduled.

(7) All information disclosed in the settlement conference shall be deemed privileged, settlement negotiations.

(8) Any litigant who violates these rules may be subject to sanctions as provided by UTCR 1.090(2).

6.045 CONTINUANCES

All motions for a continuance shall be set forth using and including all the information contained in the local rule form appearing in the SLR Appendix of forms (Forms: [Motion for Continuance](#), Appendix page A.1; [Affidavit of Counsel in Support of Motion for Continuance](#), Appendix page

A.3). No motion for a continuance shall be submitted without contacting opposing counsel (or party if unrepresented). Any such motion submitted without contacting opposing counsel will be returned without consideration or action.

6.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.1 – Motion for Continuance

Page A.3 – Affidavit of Counsel in Support on Motion to Continue

Chapter 7 – Case Management and Calendaring

7.005 CRIMINAL PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES

It is the intent of the 6th Judicial District to effect resolution of criminal cases in conformance with UTCR 7.010.

(1) In Custody Measure 11 Cases.

For all in custody cases involving a measure 11 charge the court may accept a not guilty plea and set a trial date at the time of arraignment. The court will also set a status conference not less than 21 days prior to trial for trial council to report to the court the status of trial matters including but not limited to those matters enumerated in UTCR 4.010 and 7.010(3). Pursuant to UTCR 7.010(2) all plea agreements, negotiations, discovery and investigations must be concluded not later than 21 days prior to the trial date.

(2) All Other In Custody Cases

For all other in custody cases, at the time of arraignment the court may accept a not guilty plea and set a status conference for not less than 21 days following arraignment for trial council to report to the court the status of trial matters including but not limited to those matters enumerated in UTCR 7.010(3). Pursuant to UTCR 7.010(2) all plea agreements, negotiations, discovery and investigations must be concluded by the date set for the status conference.

If defendant is released from custody or waives his 60 day right to trial prior to the status conference the court will set a second status conference for approximately 24 additional days to allow defendant the same time to negotiate, obtain discovery and investigate as is allowed in non-custody cases described in (3) of this rule. If defendant is not prepared to enter a negotiated plea at that time all negotiations will be ended and the court will set a trial date.

(3) All Cases Where Defendant Is Not In Custody

For all defendants who are not in custody at the time of arraignment the court may accept a not guilty plea and set a status conference for approximately 45 days following arraignment for trial council to report to the court the status of trial matters including but not limited to those matters enumerated in UTCR 7.010(3). Pursuant to UTCR 7.010(2) all plea agreements, negotiations, discovery and investigations must be concluded by the date set for the status conference. If defendant is not prepared to enter a negotiated plea at that time all negotiations will be ended and the court will set a trial date.

(4) Changes Of Plea After The End Of Plea Agreements And Negotiations

After the dates set for the end of plea agreements and negotiations set forth above all changes of plea shall be open sentencing.

(5) Forms/Plea Petitions

Counsel shall complete any and all forms required for change of plea prior to the hearing for change of plea including Blakely waivers and notices of sex offender registration if appropriate. Counsel shall

deliver to court staff a photocopy or a faxed copy of all change of plea documents a minimum of 24 hours prior to all change of plea hearings. (Forms: [Plea Petition](#) is attached at Appendix page A.8; [Notice of Right to Appeal](#) is at Appendix page A.14.)

7.015 VIDEO/TELEPHONE APPEARANCES

The Sixth Judicial District presently has telephonic conferencing & video conferencing at the courthouses in Pendleton, Hermiston and Heppner. All matters not prohibited by statute are authorized to be heard by video or telephone conferencing in the locations available.

(1) Criminal Cases

When handled by video conferencing, a completed plea petition document must be filed with the court prior to any change of plea.

(2) Habeas Corpus and Post-Conviction Relief Cases

If a defendant is in the custody of a correctional institution, the defendant's pretrial motions, pretrial hearings, and court trial shall be conducted by video conferencing if available, and at the expense of the Department of Corrections.

(3) Civil Cases

Parties wishing to use video conferencing in civil cases shall, where available, make arrangements with the Trial Court Administrator prior to trial and pay all expenses of the video.

(4) Mental Commitment Cases

If an alleged mentally ill person is in a mental health facility, the motions, hearings, and trial shall be conducted by video conferencing, if available, at the expense of the Mental Health Division.

(5) Exhibits

All exhibits will be presented to the court no later than ten (10) judicial days prior to the scheduled court proceeding. Any party presenting exhibits to the court will also provide a self-addressed, pre-paid postage mailing package to the court for the return of the exhibits.

7.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.8 – Petition to Enter Plea of Guilty/No Contest

Page A.14 – Notice and Advice of Right to Appeal

Chapter 8 – Domestic Relations Proceedings

****Note: Additional rules relating to domestic relations mediation are found in SLR Chapter 12.**

8.005 FILING OF UTCR 8.010 DOCUMENTS

(1) All documents required to be filed under UTCR 8.010 (4) and (5) shall be filed with the clerk of the court with a copy to the trial judge and served on the opposing counsel (or party if pro se) seven (7) days before the trial.

(2) All pleadings shall specify “Subject to Mandatory Mediation” and “Parenting Time at Issue” or “Parenting Time Not at Issue” in the caption. The pleadings will also specify “Subject to Mandatory Arbitration” if appropriate.

(3) Sanctions

Sanctions may be imposed by the Court for failure to file 8.010 statements. These sanctions include:

- a) As provided in UTCR 1.090, the court may enter an appropriate award of attorney fees in favor of the complying party against the non-complying party’s attorney (individually and personally) or the non-complying party if pro se, of a party/attorney not complying with Chapter 8 of this Local Trial Court Rule.
- b) Except for good cause shown, a non-filing party may be deemed to have admitted values of property established by a filing party.
- c) The court may impose a fine on an attorney failing to file 8.010 statements in a timely fashion.

8.015 PARENT EDUCATION PROGRAM

(1) Mandatory Parent Education Program

- a) The Sixth Judicial District, Umatilla & Morrow Counties has established a parent education program authorized by ORS 3.425. This program will provide information on the impact of family restructuring on children when the proceeding involve minor children. This program will apply to the following types of cases:
 - i. Annulment or dissolution of marriage;
 - ii. Legal separation;
 - iii. Petition to establish custody or visitation (including paternity); and
 - iv. Post-judgment litigation involving custody or visitation.

- b) In all cases involving children under the age of 18, all parties shall be complete the parent education program unless exempted by the court. A judgment will not be entered in the proceeding until each party, not otherwise exempted by the court has filed an appearance, had completed the program or appropriate sanctions have been applied.
- c) The party initiating the proceeding shall register for the program within 15 days after filing the initiating pleading with the court. A copy of this local rule and instructions on how to register for the program shall be served by the initiating party on all parties against whom relief is sought. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served. All other parties shall have 30 days after service of notice upon them to register for the program. Petitioners shall have 45 days from the date of filing the initial pleadings to complete the parenting class. The other party shall have 45 days from the date of service of notice to complete the parenting class.
- d) The program provider shall issue a certificate of completion to the participants when they have completed the program. This certificate must be presented to the mediation coordinator. The mediation coordinator shall report in writing to the court notification of participant completion.
- e) The court may exempt one or more of the parties from the program if, after reviewing the requesting party's motion and supporting affidavit, the court determines that participation is unnecessary or inappropriate. It will be very unusual where an exception is granted.
- f) The court may allow one or more of the parties to participate in a comparable court-sanctioned education program.

(2) Sanctions

- a) Failure or refusal to complete the program within the time limits contained in 8.012 (1) may be considered by the court in making its ruling on issues which are in dispute.
- b) A party that fails to successfully complete the parent education program shall not be permitted to file a motion to modify any order of the court.
- c) A party who has completed the program shall have the right to:
 - i. Request that the pleadings of a party who has appeared be stricken if that party has not completed the program in a timely manner without good cause.
 - ii. Request entry of an order from the court to compel the non-complying party's completion of the program should the non-complying party not

have completed the program in a timely manner without good reason. The court may enter an award of attorney fees in favor of the complying party who utilizes this option, to force the non-complying party's compliance with this rule.

- (3) Fees
- a) Each party shall pay a fee, set by order of the Presiding Judge, to the program provider upon registering for the program.
 - b) The program registration may be waived or deferred by the court. The procedure for requesting a fee waiver or deferral shall be the same as that used to request a waiver or deferral of the fee when filing a petition for dissolution.
 - c) Application for fee waiver or deferral, if any, must be made prior to registering for the program. When registering, either the fee must be paid or the order waiving or deferring the fee must be given to the program provider.

(Forms: [Order for Parenting Education](#) at Appendix, page A.15; [Order for Parenting Education, Mediation Orientation and Mediation](#) at Appendix, page A.16; [Notice that Custody and/or Parenting Time is Disputed and Order Referring Case to Mediation and Parenting Education](#) at Appendix, page A.17; and [Certificate of Service](#) at Appendix, page A.18.)

8.025 PARENTING TIME ENFORCEMENT

(1) Proceedings to enforce parenting time pursuant to ORS 107.434 shall be initiated by motion and order to show cause. Unless another time is ordered by the court, the moving party shall serve the other party with the motion and order to show cause and supporting papers at least (21) days prior to the time set for hearing. If timely service is not affected, the moving party shall be deemed to have agreed to a hearing date beyond the 45-day limit.

(2) Generally, unless good cause is shown, the parties will be referred to mediation if modification of parenting time or custody order is sought by the moving party. Upon being referred to mediation, the parties will conform to the Sixth Judicial District, Umatilla & Morrow Counties' Supplementary Local Rules for Mediation. However, the parties may not be referred to mediation if the existing parenting time order was entered in a Family Abuse Prevention Act proceeding.

(3) If the court refers the matter to mediation, the mediator may decline mediation if, for good cause shown, the trial judge, upon written recommendation of the mediator, determines that the proceeding is either inappropriate for mediation, or if mediation cannot reasonable take place before the hearing date. If mediation is so declined, the court shall advise the parties in writing.

(Forms: [Order for Parenting Education, Mediation Orientation and Mediation](#) at Appendix, page A.16; [Notice that Custody and/or Parenting Time is Disputed and Order Referring Case to](#)

[Mediation and Parenting Education](#) at Appendix, page A.17; and [Certificate of Service](#) at Appendix, page A.18.)

8.045 PROPERTY LISTS

(1) If there are any disputes regarding the value or disposition of items of personal property, the parties shall confer and jointly prepare a list of all personal property the court will be asked to distribute and indicate each party's opinion regarding the market value of each item listed and each party's proposed distribution of the property. (A proposed form is attached as SLR Appendix Page 8).

(2) Except for good cause shown, property lists must be filed with each party's Rule 8.010 Statement by 5:00pm the day prior to the settlement conference as provided by SLR 6.014 (3).

(3) Sanctions

As provided in UTCR 1.090, the court may enter an appropriate award of attorney fees in favor of the complying party against the non-complying party's attorney (individually and personally) or the non-complying party if pro se.

8.055 ORDERS TO SHOW CAUSE

(1) The procedures of this rule are limited to domestic relations cases. Domestic relations cases are dissolution of marriage, legal separation cases including pretrial motions and post-judgment motions, filiation and interstate support proceedings. A contempt proceeding arising out of a domestic relations case is not covered by this rule.

(2) An order to show cause will be allowed only upon motion of a party supported by a written affidavit. The order to show cause will not contain a date for hearing. It shall provide that the adverse party must file and serve a written response in opposition to the motion within fourteen (14) days from the date of service of the order, or within such additional time as allowed by the court upon showing of good cause. The order must further advise the adverse party that if such opposing response is not filed and served within the fourteen (14) days, the order requested by the motion and show cause order will be granted and entered by the court. (An [example order](#) is attached Appendix, page A.19) Post-judgment motions to set aside, alter or modify any terms of the judgment shall provide that the adverse party must file and serve a written response in opposition to the motion within thirty (30) days from the date of the service of the order. The order must further advise the adverse party that if such opposing response is not filed and served within thirty (30) days, the order requested by the motion and show cause order will be granted and entered by the court.

(3) If the opposing party fails to file an opposing written response within the time allowed, the moving party shall submit an order allowed, the moving party shall submit an order allowing the relief requested in the order to show cause. The court reserves the right to require the taking of testimony of the moving party in such default matters. The court also reserves the

right to enter the order requested if the opposing party does not file the required response and it may do so upon its own motion if the moving party fails to present for signature the order required above.

(4) *Pendente lite* motions for temporary child and/or 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), may be determined without testimony based on the affidavits of the parties and their Uniform Support Affidavits, unless a request for a summary hearing is requested pursuant to UTCR 5.050. Such motions shall be filed separately from other *pendente lite* motions. In any case involving temporary child support, the affidavits filed by the parties shall include a child support computation worksheet. Absent good cause, agreement by the parties or court order to the contrary, the court shall order the Standard Parenting Plan pending further order of the court and the court shall compute child support accordingly. After the due date for the response of the nonmoving party, the moving party shall notify the court by filing a [Notice of Readiness for Decision](#). An example of the notice is attached at Appendix, page 21. With due regard for other pending matters, the court will attempt to issue a ruling within 14 days of the Notice of Readiness (Other forms: [Motion and Order to Show Cause](#), Appendix, page A.19; [Joint Personal Property List](#), Appendix, page A.22).

8.075 PARENTING SCHEDULE

It is the policy of the court to encourage the parties to work out their own parenting time schedule, either between themselves or through mediation. The court will generally approve any schedule agreed upon by the parties. However, if the parties are unable to agree, the Standard Parenting Plan [less than 225 miles](#) or [over 225 miles](#) set forth in the SLR Appendix of Forms, Pages A.23 and A.37, will be used as the basis for establishing parenting time. Because each family's circumstances are different, the parenting time schedule established by the court may make a provision for more or less parenting time than desired by the parties. Every parenting plan shall specify the percentage of overnights which each parent has with the children.

8.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.1 - Motion for Continuance

Page A.3 - Affidavit of Counsel in Support of Motion to Continue

Page A.15 - Order for Parenting Education

Page A.16 - Order for Parenting Education, Mediation Orientation and Mediation

Page A.17 - Notice that Custody and/or Parenting Time is Disputed and Order Referring Case to
Mediation and Parenting Education

Page A.18 – Certificate of Service

Page A.19 - Motion and Order to Show Cause

Page A.21 - Notice of Readiness for Decision

Page A.22 - Joint Personal Property List

Page A.23 - Standard Parenting Plan (Less Than 225 Miles)

Page A.37 – Standard Parenting Plan (More Than 225 Miles)

Chapter 9 – Probate and Adoption

9.005 FILING PROBATE MATTERS

Probate matters requiring authorization, approval, or signature of the probate judge or designee shall be filed with the Clerk's Office.

9.015 EX PARTE ORDERS IN DECEDENTS' ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS

All ex parte orders in decedents' estates, guardianships and conservatorships may be submitted to the court through the Clerk's Office at any time, without the necessity of the appearance of attorney for the fiduciary.

9.025 SCHEDULING

Conferences and hearings may be scheduled by request to the judge's judicial assistant. Before requesting a conference or hearing, requesting counsel shall confer with other counsel and advise the judicial assistant of the estimated time required and mutually acceptable dates.

9.035 DELINQUENCIES OR DEFICIENCIES

In the event of a delinquency or deficiency in filing any document required by statute, court rule, or court order, the attorney of record, or litigants if there is no attorney of record, shall be sent a courtesy notice. The personal representative, conservator, or guardian, is expected to promptly cure the defect or delinquency. If the deficiency is not corrected within the time specified by the court in its notice, an order to appear and show cause why the personal representative, conservator, guardian, and counsel of record should not be removed shall be issued. The personal representative, conservator, or guardian, together with counsel of record, must appear whether or not the delinquency or deficiency has been subsequently corrected. If the delinquency or deficiency has not been corrected by the time of the hearing, appropriate sanctions, including contempt, may be imposed.

9.045 REPRESENTATION

(1) If a personal representative or conservator intends to appear on behalf of the estate or protected person without an attorney, the personal representative or conservator shall provide notice of that intent to the court and proof of competence to so appear. If the proof is not sufficient to assure the court the estate will be protected and properly administered, the court will take appropriate action.

(2) A person other than a personal representative or conservator, or a corporation, may appear in person without counsel in any matter coming before the probate judge if otherwise allowed by law. The person appearing and counsel for the personal representative shall notify the probate judge if any party to a proceeding is appearing pro se.

9.055 BONDS

Notwithstanding ORS 113.105, the personal representative of an intestate estate may be required to file a bond even if he or she is the sole heir or devisee of the estate, if the court is not satisfied that the creditors will be paid.

9.065 NOTICE TO SURETY

If a bond has been posted, the surety must be notified of the resignation or substitution of counsel, with appropriate proof provided to the court by counsel.

9.075 GUARDIANS OF MINORS

Guardians for minors shall be required to annually make a guardians report in conformance with the provision of ORS 125.325.

9.081 OBJECTIONS TO PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR

(1) Any interested person, as described in ORS 125.075(1), who has an oral objection to a Petition in a protective proceeding should contact a court clerk at (541) 278-0341 x236. In accordance with ORS 125.075(2), the court designates the probate counter as the place where oral objections shall be filed. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition and would like to speak to the judicial assistant of the judge assigned to the case. Upon receipt of the objection and payment of the applicable fee required by ORS 21.310, the Court will schedule a hearing and the Petition will be heard in the courtroom of the judge assigned to the case.

(2) If the objecting party wishes to file a written objection, the court clerk will provide the [Objection form](#) contained in the Appendix at page A.47.

9.082 PROBATE AND PROTECTIVE PROCEEDINGS

(1) The probate counter is designated as the place where notice of free or low cost legal services is posted.

(2) When a petition seeks appointment of a guardian for an incapacitated person, the petitioner shall also nominate a visitor. When a visitor is appointed, the petitioner shall also pay the visitor's fee.

9.085 PERSONAL INJURY SETTLEMENT PETITIONS

A petition for approval of a settlement of a personal injury claim involving minors and/or incapacitated persons shall be accompanied by an affidavit which sets for the following:

- (1) A description of the incident causing the injury;
- (2) A description of the injuries;
- (3) The amount of the prayer and proposed settlement and if a structured settlement is proposed, the present value of the future payments of that settlement;

- (4) The amount of the attorney fees and costs;
- (5) The proposed distribution of the settlement proceeds;
- (6) A concise statement explaining the reasons for the settlement.

9.095 ATTORNEY AND CORPORATE FIDUCIARY FEES

(1) Requests for approval of attorney fee expenses required under ORS 116.183 and 125.095 must be approved by the court.

(a) Such requests must be accompanied by an affidavit that complies with the requirements of UTCR 5.080 showing the number of hours expended, the hourly rate charged and a designation of title for each person performing work.

(b) When attorney fee requests are submitted for approval to the court, the accompanying affidavit must include a description of normal attorney tasks with hours expended. For extraordinary activities, the affidavit must also concisely address the following issues to be resolved and the process and time spent on each.

- i. For establishing and funding trusts, a brief narrative must identify the complexities involved;
- ii. For tax planning, describe objectives and activities required;
- iii. For tax returns, indicate the number filed and the nature of the returns;
- iv. For tax audits and hearings, describe the issues addressed;
- v. For disclaimers, describe the circumstances and complexities;
- vi. For real estate management problems, include issues regarding compliance with local, state and federal authorities;
- vii. Discuss sales of real property;
- viii. Discuss operation or sale of business interests;
- ix. Discuss management of a family-owned corporation or closely held stock;
- x. For contested matters, indicate whether they were of benefit to or in defense of the estate;
- xi. Discuss election of spouse/marital share;
- xii. Discuss disputed creditor's claims.

(c) If tasks performed appear to be the duties of a personal representative, the court will question and possibly reduce attorney fee payments for such activities.

(2) Consent by the parties to the attorney fee requests shall not waive the requirements of this rule.

(3) Any request for approval of corporate fiduciary fees in addition to the basic percentage fee allowed pursuant to applicable statute must be accompanied by an affidavit in compliance with 9.095(1)(a) above.

9.105 DISBURSEMENT VOUCHERS

As provided by ORS 116.083(2), each accounting must contain the information provided for therein, except that original checks or vouchers used to make disbursements during the accounting period need not be included in the accounting file, but may be held by the fiduciary or his/her attorney.

9.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.1 - Motion for Continuance

Page A.3 - Affidavit of Counsel in Support of Motion to Continue

Page A.47 - Objection to Petition for Appointment of Guardian/Conservator

Chapter 10 – Vehicle Laws and Driving Conditions

This chapter is reserved for future expansion.

Chapter 11 – Juvenile Court Proceedings

This chapter is reserved for future expansion.

Chapter 12 – Mediation

**** NOTE: Rules specifically relating to Temporary Custody Orders during Mediation are found in SLR Chapter 8.025(2).**

12.005 MEDIATION IN GENERAL

(1) Matters Subject to Mediation

- (a) Purpose of Mediation. The purpose of mediation shall be to assist the parties in reaching a workable settlement of those issues before the court.
- (b) Mandatory Mediation. Any dispute involving custody and/or visitation/parenting time arising from any of the following types of cases shall be subject to mediation under this rule:
 - i. Any domestic relations suit, as defined in ORS 107.510 (3).
 - ii. Any filiation proceeding pursuant to ORS 109.124 to 109.230.
 - iii. Proceedings to determine the custody or support of a child under ORS 109.103.
 - iv. Any proceeding to modify custody and/or visitation/parenting time previously determined in one of the above types of cases.
 - v. Any other matter involving a dispute over custody and/or visitation/parenting time upon referral by the court.
 - vi. Other Matters. The mediator may consider issues of property division or spousal or child support with the written approval of both parties or their counsel.
- (c) Pleadings. All pleadings shall specify “Subject to Mandatory Mediation” or “Not Subject to Mandatory Mediation” in the title.

(2) Authority of Circuit Court Not Affected by Mediation

The authority of a Circuit Court of the Sixth Judicial District, Umatilla & Morrow Counties over a domestic relations case filed in that Circuit Court is not affected by referral to mediation. Any agreement of the parties reached as a result of mediation for which court enforcement may be sought, must be presented to the court and the court shall retain final authority to accept, modify, or reject the agreement.

(3) Mediation Process

- (a) Commencement of Mediation by Stipulated Request for Mediation. If there is a disagreement between the parties concerning custody and/or visitation/parenting time at any stage of a domestic relations proceeding, both parties or their attorneys, may sign and file with the court a stipulated request for mediation. A mediator will be available to the parties in accordance with these rules, or the

parents may agree and stipulate to an independent mediator in their stipulated request for mediation. If the parties choose an independent mediator, the costs for the mediator will be paid by the parties jointly.

- (b) Commencement of Mediation by Request for Mediation by One Parent. If there is a disagreement between the parents concerning custody or visitation/parenting time at any stage of a domestic relations proceeding, any party seeking to resolve the matter may file with the court and serve upon the other party or his or her attorney a request for mediation.
 - (c) Commencement of Mediation When Custody or Visitation/Parenting Time Appears at Issue. Whenever a respondent generally appears in a domestic relations suit by filing an answer such as “Respondent Appears” or the like, the respondent shall in addition state whether there is any disagreement over child custody and/or visitation/parenting time in the case or, alternatively, whether child custody or visitation/parenting time is not an issue in the case. In the event no such statement is made, it will be assumed that custody and/or visitation/parenting time is in dispute and the matter shall be referred to mediation.
 - (d) Commencement of Mediation by Judicial Order. When parenting time and/or custody is at issue and when either party or both parties fail to register for the parenting education class within the time limits set by 8.015(1)(c), the court may order the party or parties to attend the parenting education class and then to proceed to mediation.
- (4) Mediation.
- (a) Whenever mediation is requested as in paragraphs (1) and (2) above, or whenever any pleadings indicate that child custody or visitation/parenting time is at issue, the parties shall be ordered to appear for mediation. The parties shall register for mediation within fifteen (15) days of the court’s Order.
 - (b) The parties will be given an opportunity to choose a mediator from those under contract with Umatilla County, or consult with their counsel and report their choice of mediator within ten (10) days. If the parties cannot agree on a mediator, the court will appoint a mediator and notify the parties of the appointment.
 - (c) Mediation shall consist of a maximum of six (6) hours of sessions involving the parties and the mediator. Additional sessions may be provided at the parties’ expense or upon approval of the court on recommendation of the mediator. Parties may, upon written request of the parties, be allowed at any state of the proceeding or post-judgment, to reenter mediation to use the balance of session time not previously used.

(5) Temporary Custody and Visitation/Parenting Time Orders.

At any point during the mediation, the court may approve a temporary custody and visitation/parenting time order reflecting the parties' agreement as to the issues.

(6) Completion of Mediation.

It is the responsibility of the parties and their attorneys to see that mediation is completed within such time as to not delay the trial of the case. Failure to do so may result in dismissal of the case when called for trial or postponement under such conditions as the court may require. The mediator shall provide to the court the mediated agreement within 20 days of the agreement. Upon successful completion of mediation, unrepresented persons shall be directed to meet with the Family Law Clerk to finalize a judgment that represents the mediated agreement.

(7) Unsuccessful Mediation.

The mediator shall notify the court within 20 days following the conclusion of mediation that mediation has been unsuccessful. In that case the court may refer the case to a settlement attorney or decide 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 visitation/parenting time controversy, if one or both parties are unwilling to participate in mediation, or if the mediator determines that either party is using the mediation process in bad faith for delay in resolution of other issues.

(8) Sanctions

- (a) Failure or refusal to comply with the mediation program in a timely manner may be considered by the court in making its ruling on issues which are in dispute.
- (b) A party who has complied with the mediation process shall have the right to:
 - i. Request that the pleading of a party who has appeared be stricken, if that party has not completed the program in a timely manner without good cause;
 - ii. Request entry of an order from the court to compel the non-complying party's completion of the program should the non-complying party not have completed the program in a timely manner without good reason. The court may enter an award of attorney fees in favor of the complying party who utilizes this option to force the non-complying party's compliance with this rule.

(9) Custody Studies.

- (a) If the parties are unable, after a good faith effort, to resolve custody and/or visitation/parenting time issues in mediation, the parties may agree to a custody

study. The study must be performed by a duly qualified person, but must not be the mediator assigned to the case.

- (b) If the parties agree in advance that the report of the custody study will be admissible at trial or other proceedings without appearance of the person who performed the study, the report is admissible. The person who performed the study may, however, be subpoenaed at the expense of the person calling the person a witness.
- (c) When the study report had been received by the parties, the parties may, if both parties agree, resume mediation after the report is made available to the mediator.
- (d) The expense of the study shall be the responsibility of the parties in such proportion as the parties may agree or as ordered by the court.

12.015 MEDIATION OF CIVIL DISPUTES

The Sixth Judicial District, Umatilla & Morrow Counties has a mediation referral program pursuant to ORS 36.180 to 36.210. The rules are effective upon the Presiding Judges' approval of a mediation panel consistent with SLR 12.065. On the effective date, the rules apply to new cases and pending cases which are subject to mandatory arbitration but have not yet been referred to arbitration.

12.025 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 decision as to whether an individual is qualified to be on the panel of mediators shall be made by the Presiding Judge.

12.035 REMOVAL FROM MEDIATION PANEL

The Presiding Judge, in his discretion, may remove a mediator from the mediation panel.

12.045 ASSIGNMENT, SELECTION AND COMPENSATION OF MEDIATOR

- (1) A mediator shall be assigned by the Presiding Judge if not selected by the parties within twenty-one (21) days after the referral to mediation.
- (2) The Presiding Judge 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, the compensation shall be determined by the parties and the mediator.

12.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.16 - Order for Parenting Education, Mediation Orientation and Mediation

Page A.17 - Notice That Custody and/or Parenting Time is Disputed and Order Referring Case to Mediation and Parenting Education

Chapter 13 – Arbitration

13.005 MATTERS SUBJECT TO ARBITRATION

(1) Any party to a case may file and serve notice of a request that the Court transfer a case to arbitration.

(2) A court decision on an exemption filed pursuant to UTCR 13.070 will be rendered within ten judicial days following the filing of a motion for exemption from arbitration or the motion is deemed denied. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the UTCR.

13.015 COURT DETERMINES WHETHER CASE SUBJECT TO ARBITRATION

(1) A case assigned to arbitration will not be removed without an affidavit, motion, and order.

(2) Only in extraordinary circumstances will the court order a case returned from arbitration to the court docket after a case has been assigned to an arbitrator.

(3) In the event that amended pleadings are allowed by the arbitrator (e.g., amended complaint, third party complaint, etc.), in which a party or parties will be added to the case, or which causes the case not to be subject to mandatory arbitration, the party filing such an amended pleading must notify the Arbitration Clerk in the Office of the Trial Court Administrator. These cases, when appropriate, may be returned to arbitration. In the event that the case is not thereafter subject to mandatory arbitration, the party requesting removal from arbitration shall file a motion to exempt the case from arbitration, or to remove it if it was previously referred to arbitration.

13.025 REFERRAL TO ARBITRATION

If the first appearance of a defendant is not an answer, but is a motion directed to the complaint or a dispositive motion, the motion shall be decided before the case is referred to arbitration. No case shall be referred to arbitration until all parties have appeared or have had a judgment of default entered against them. If a case has been referred to arbitration prior to the filing of a motion directed to the complaint, or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.040(3).

13.045 INDIGENT PARTIES

(1) In the event that funds are available under ORS 36.420 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 a request for payment to the Trial Court Administrator. Such request shall be in the form of a certificate stating the identity of the case, the total hours of service the arbitrator provided, and the share of those hours chargeable to the indigent party. If funds are available, reimbursement will be provided for up to three (3) hours for each indigent

party. The certificate must be accompanied by a copy of the order deferring or waiving fees of the indigent party.

(2) In the event funds are not available under ORS 36.420 for the payment of fees that are waived by court order, a party may request that the clerk provide to the parties a list of arbitrators who have agreed to serve for no compensation, for compensation from one party only, or at a reduced rate.

(3) The clerk shall provide names of available arbitrators, but no arbitrator is required to serve unless he or she has agreed to such alternate fee arrangement. The parties shall select an arbitrator from such list in the same manner as required in SLR 13.045.

13.055 ARBITRATORS

(1) There shall be a panel of arbitrators in such number as the Presiding Judge may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any preference against certain types of cases (e.g., no family law). A list showing the names of arbitrators available to hear cases will be available for public inspection at the office of the Trial Court Administrator.

(2) The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges. No arbitrator shall have pending at any given time more than three (3) arbitration cases, subject to the discretion of the Presiding Judge.

(3) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials on the case to the Arbitration Clerk in the Office of the Trial Court Administrator.

13.065 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the purport of which is disputed, will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers or parties.

13.075 AWARD, PROOF OF SERVICE

At the conclusion of arbitration, if the arbitrator attempts to file the award with the court without the proof of service of a copy of the decision and award upon each party as required by ORS 36.425(1), the award will not be filed and will be returned to the arbitrator.

13.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.5 - Award and General Judgment from Arbitration

Chapter 14 – Reserved

This chapter is reserved for future expansion.

Chapter 15 -- Small Claims

This chapter is reserved for future expansion.

Chapter 16 – Violations

16.015 VIOLATIONS BUREAU

- (1) The Sixth Judicial District has established a Violations Bureau.
- (2) A person may appear at the Violations Bureau or may pay the Violations Bureau fine and assessment by mail.
- (3) The fine and applicable assessment(s) shall be paid immediately and in full at the Violations Bureau, unless the court approves a deferred payment.

16.021 TRIAL BY AFFIDAVIT

Trial by affidavit, as provided in ORS 153.080 is authorized for all violations unless consolidated with another pending charge. For trial by affidavit, the defendant's submission must clearly waive the right to submit oral testimony in court in favor of written statement by affidavit, and for waiver of personal appearance at trial, specifically waiving trial. Upon submitting matters for trial by affidavit, the state is authorized to also submit matters by affidavit. Unless specifically requested the trial will be by the judge without hearing being set for any further appearance. At the trial, any witness, including the defendant, may have the witness' testimony presented to the Court by affidavit and need not appear personally. (Sample [Waiver and Affidavit](#) is attached in the Appendix at page A.48).

16.025 POSTPONEMENTS

Arraignment

A request for postponement of an arraignment appearance must be made in court or in a written request, which is accompanied by a check or money order for the base fine set on the face of the summons if the alleged offense is a noncriminal offense. If the request is made in writing, the request must be received by the court at least two (2) court days prior to the original arraignment date.

Court Trial

A request for a postponement of a court trial must be made to the court in writing.

Notice

When the court grants a postponement, the court will notify all parties to the action. If the postponement is granted in open court, parties personally present are deemed notified.

16.115 APPLICABLE FORMS

Forms in the Appendix of Forms that are applicable to this chapter are:

Page A.48 – Waiver and Affidavit

Chapter 17 – Parking

This chapter is reserved for future expansion.

Chapter 18 – Forcible Entry and Detainer

This chapter is reserved for future expansion.

Chapter 19 – Contempt Proceedings

This chapter is reserved for future expansion.

Appendix of Forms

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR UMATILLA/MORROW COUNTY

State of Oregon)
)
 Plaintiff,)
) Case No. _____
 vs.)
) MOTION FOR CONTINUANCE
 _____)
)
 Defendant.)
 _____)

OR

Petitioner)
)
 Plaintiff,)
) Case No. _____
 vs.)
) MOTION FOR CONTINUANCE
 Respondent)
)
 Defendant.)
 _____)

COMES NOW _____ and moves the court for
continuance of the (trial/pretrial, etc.) presently set for the
following date and time:

The reason for the continuance is:

The dates previously set for trial:

The dates trial previously postponed:

The position of opposing counsel:

- Objection
- No objection

If counsel has not spoken with opposing counsel, list the dates
and times this was attempted:

This Motion confirms that counsel has advised their client
(if the state, advised the victim) of

The custodial status of any party including the defendant.

[] In custody. How long: _____
If the defendant requests a continuance, a written waiver of
statutory, state and federal constitutional speedy trial
provisions is attached.

[] Not in custody.

The date this case filed:

The date the court set the case:

The relative complexity of the case:

If a witness/victim has a conflict, the date the witness/victim
was notified of the trial:

A list of other attorneys in the office of the attorney
requesting a continuance and their availability:

The relative inconvenience to the parties:

The relative inconvenience to the witnesses:

The relative inconvenience to the court:

Trial dates in which opposing counsel/parties/victim/witnesses
are in agreement:

Other suitable alternatives, e.g., video appearance,
depositions, stipulated testimony, etc.:

DATED this _____ day of _____, 2____.

Counsel
Oregon State Bar #

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR UMATILLA/MORROW COUNTY

State of Oregon)
)
 Plaintiff,)
) Case No. _____
 vs.)
) AFFIDAVIT OF COUNSEL
 _____) IN SUPPORT OF MOTION
) TO CONTINUE
 Defendant.)

County of Umatilla)
) ss.
 STATE OF OREGON)

I am the attorney in the above captioned matter and I hereby certify that I have complied with all state and local rules in requesting this Continuance.

I further certify that the information contained in the Motion for Continuance which I am submitting is true to the best of my knowledge.

If the reason for this request for a continuance is a conflict with another case, the following information concerning the other case is provided.

Name and case number of other case:

Name of other court:

Date of conflict:

Date other case filed:

Date other case set:

Considerations required by UTCR 6.040(2):

- (a) statutory preference;
- (b) the custodial status of a criminal defendant;
- (c) the filing date of the case;
- (d) the dates on which the courts sent notices of the trial
dates;
- (e) the relative complexity of the cases;
- (f) the availability of competent, prepared, substitute counsel;
- (g) the inconvenience to the parties, the witnesses, or the
court;

DATED this _____ day of _____, 2 ____.

Counsel
Oregon State Bar #

Signed and sworn to before me on:
By:

Notary Public for Oregon
My commission expires:

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (or MORROW)

_____)	
)	
Plaintiff,	)	Case No. _____
)	
vs.	)	AWARD AND GENERAL
	)	JUDGMENT FROM ARBITRATION
_____)	
)	
Defendant.)	

THIS MATTER came before the Arbitrator for a hearing on _____,
with Plaintiff represented by _____, Attorney at Law, and Defendant
represented by _____, Attorney at Law. The parties presented
testimony and evidence, with the Arbitrator taking such testimony and evidence. The Arbitrator
makes the following findings:

Specific Findings of Fact

- 1.
- 2.
- 3.

THEREFORE, IT IS ORDERED, ADJUDGED AND AWARDED AS FOLLOWS:

MONEY AWARD SUMMARY

- A. Judgment Creditor:
- B. Judgment Creditor's Attorney:
- C. Judgment Debtor:
- D. Judgment Debtor's Attorney:
- E. Principal Amount of Judgment:
- F. Prejudgment Interest:
- G. Attorney Fees:
- H. Costs:
- I. Post Judgment Interest:

(Name of Arbitrator)
Attorney at Law
Arbitrator

CERTIFICATE, TRUE COPY

I, the undersigned, hereby certify that the foregoing document is a true, accurate and complete copy of the original thereof.

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the date indicated below, that I served the foregoing document on the persons listed below, said document contained in a sealed envelope, with postage prepaid, and addressed to said person(s) at their address reflected below, and that I mailed said envelope with the U.S. Postal Service at _____, Oregon.

Name:

Address:

Name:

Address:

(Name of Arbitrator and Bar #)

Date: _____

PREPARED BY:

(Name)

ATTORNEY AT LAW/ARBITRATOR

(Street and/or Mailing address)

(City, State and Zip Code)

Telephone:

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

STATE OF OREGON,

Case No. _____

Plaintiff,

Citation No. _____

vs.

**PETITION TO PLEAD GUILTY / NO CONTEST /
CONDITIONAL GUILTY PLEA**

_____,
Defendant,

I am the defendant in this case, and my initials and signature below indicate that I have read or have had read to me, understand, and affirm all of the following:

1. My full true name is _____, but I also am known as _____.
2. I am ___ years old. I have gone to school through _____. Within the past 2 days, I (have taken) (have not taken) alcohol, medication, or a drug (whether prescribed for me, over-the-counter, or illegal) that could affect my ability to make decisions. My ability to make decisions is not affected by injury, illness, or disability.
3. My lawyer's name is _____.
 I choose not to have a lawyer (see *Waiver of Counsel*).
4. I have told my lawyer everything I know about the charge(s) against me. My lawyer has talked with me about the charge(s), possible defenses, and legal challenges I may have in this case. I am satisfied with the advice and help my lawyer gave me.
5. I know I have the following rights at trial: (1) to have a jury trial or, if I choose not to have a jury trial, the right to have a trial by a judge; (2) to see, hear, and question all people who testify against me; (3) to remain silent about all facts of the case; (4) to call witnesses and enter evidence; (5) to testify; (6) to have the jury told, if I do not testify, that it cannot hold that decision against me; and (7) to require the district attorney to prove my guilt and all sentence enhancement facts to a jury or court beyond a reasonable doubt.
6. I understand that I give up all of the rights listed in paragraph #5 above when I plead either "Guilty" or "No Contest." I understand that I also give up: (1) any defenses I may have to the charge(s); (2) objections to the consideration of evidence concerning my guilt; and (3) challenges to the accusatory instrument.
7. **I understand that a plea of "Guilty" or "No Contest" will result in a final conviction for the charge(s) listed in paragraph #8 below. I understand that if I plead "Guilty" or "No Contest," the judge may impose the same punishment as if I pleaded "Not Guilty," had a trial, and was convicted. *I understand that I have the right to plead "Not Guilty."***

8. I want to plead:

Guilty No Contest

Count # ____:_____, Violation / Misdemeanor / Felony, Grid Block: ____, Presumptive Sentence: _____, Post-Prison Supervision: _____, Max. Sentence: _____,

Max. Fine:_____, Minimum Sentence:_____, Mandatory Fine: _____.

Guilty No Contest

Count # ____:_____, Violation / Misdemeanor / Felony, Grid Block: ____, Presumptive Sentence: _____, Post-Prison Supervision: _____, Max. Sentence: _____,

Max. Fine:_____, Minimum Sentence:_____, Mandatory Fine: _____.

Guilty No Contest

Count # ____:_____, Violation / Misdemeanor / Felony, Grid Block: ____, Presumptive Sentence: _____, Post-Prison Supervision: _____, Max. Sentence: _____,

Max. Fine:_____, Minimum Sentence:_____, Mandatory Fine: _____.

See attached sheet for additional counts.

I understand that the judge may order me to serve the sentences at the same time (concurrently) or one after the other (consecutively).

9. I agree that my criminal history is accurately reflected on the attached sheet provided by the district attorney. I have noted any convictions with which I disagree on that form. I understand that the judge may use this information to determine and/or enhance my sentence.

10 I understand that, in addition to other fines, the judge may order me to pay restitution or a compensatory fine to the victim totaling \$_____, or an amount to be determined by the judge.

11. I understand that any sentence imposed in this case can be added to any other prison or jail sentence that I have not finished serving.

12. I understand that the conviction(s) for these charges will result in special sentencing provisions marked on Attachment #1.

Initials: _____

13. In addition to the sentence imposed, I understand that there may be other significant consequences if I enter a “Guilty” or “No Contest” plea, including, but not limited to:

- Deportation/removal, exclusion from future entry into the United States, or denial of naturalization, if I am not a United States citizen;
- Revocation of my probation or parole, which may require me to serve any sentence(s) imposed or executed in any such case(s) consecutively to the sentence that is imposed in this case;
- Loss of my right to buy, sell, transport, receive or possess a firearm or ammunition in both personal and professional endeavors;
- Forfeiture of any firearm or deadly weapon that was possessed, used, or available for use during the crime;
- Registration and reporting as a sex offender;
- Providing a DNA sample;
- Suspension, revocation, or permanent loss of my driving privileges (see Attachment #1);
- Test for HIV or other communicable diseases.

14. Other than what is contained in this plea petition, I affirm that no one has promised me anything to enter my plea of “Guilty” or “No Contest.” I also affirm that no one has threatened me or forced me to enter this plea.

15. **I UNDERSTAND THAT THE COURT IS NOT BOUND BY ANY PLEA AGREEMENT I HAVE MADE WITH THE DISTRICT ATTORNEY.** I understand that the district attorney agrees to make the following recommendation to the court about my sentence and/or other pending charges:

This recommendation (is) (is not) made pursuant to ORS 135.432(2) (court approved plea agreement). This recommendation (is) (is not) made pursuant to ORS 135.405(5) (early disposition program). I understand that if this agreement includes recommendations to be made at sentencing, these recommendations may depend upon my true criminal history. I understand that the district attorney will not be bound by this agreement if I willfully fail to appear for sentencing. ***I do not have any questions regarding the terms of the plea agreement, and I acknowledge that everything that has been agreed to is included in this document.***

16. I understand that I may be asked to relate the circumstances surrounding the criminal activity that is the subject of this plea to a pre-sentence investigation writer.

17. I PLEAD "GUILTY" because in _____ County, Oregon, I did the following:

18. I PLEAD "NO CONTEST" because I understand that a jury or judge could find me guilty of the charge(s). I prefer to accept the plea offer or plead to the charge.

19. I am entering a **CONDITIONAL PLEA** pursuant to ORS 135.335(3) and reserve for appeal the following pretrial rulings: _____

20. **APPEAL RIGHTS:** Unless this is a conditional plea, I understand the right to appeal my conviction is limited and that I may appeal only if I can make a colorable showing that the sentence exceeds the maximum allowed by law or is unconstitutionally cruel and unusual. If I am financially eligible for court appointed counsel, I may apply to the court to appoint an attorney to represent me on appeal, to request a transcript of this proceeding, and to have my trial attorney give the Office of Public Defense Services the information necessary to pursue my appeal. I know that I must serve and file the notice of appeal not later than **30 days** after the judgment of conviction is entered in the register, and I may ask my attorney to help me do this. Copies of the notice of appeal must be served on the district attorney, the trial court transcript coordinator (if a transcript is required), and the clerk of the trial court. The original notice and proof of its service must be filed with the clerk of the court to which I am appealing.

21. I agree that if a court later vacates or sets aside my plea of "Guilty" or "No Contest" in this case, the court will reinstate any charge(s) that were dismissed in return for my plea and the district attorney no longer will be bound by any promises made to me in exchange for my plea.

22. I am signing this plea petition and entering this plea voluntarily, intelligently, and knowingly with full understanding of all matters set forth in the charging instrument and in this petition.

23. I declare that:

I can read, speak, and understand English.

This form was read to me by (print name): _____

Date

Reader's Signature

This form was sight translated to me by (print name): _____

Date

Translator's Signature

Date

Defendant's Signature

CERTIFICATE OF COUNSEL

I am the attorney for the defendant in this proceeding and I certify that:

1. I have fully explained to my client the named offenses and lesser-included offenses contained in the charging instrument, and the possible defenses that may apply in this case.
2. I have personally examined the attached *Petition to Plead Guilty/No Contest*, explained all its provisions to my client, and discussed fully with my client all matters described and referred to in the petition.
3. I have explained to my client the maximum penalty and other consequences of entering a guilty or no contest plea, including possible immigration consequences.
4. To the best of my knowledge and belief, my client’s decision to enter this plea is made voluntarily, intelligently, and knowingly.
5. I have told my client that if he or she is eligible for court-appointed counsel and wishes to pursue an appeal, I will transmit the information necessary to perfect the appeal to the Office of Public Defense Services.

Attorney’s Signature

OSB No.

Case No. _____

FINDINGS

The court makes the following findings regarding the defendant’s plea of Guilty No Contest:

Defendant’s plea is made voluntarily, intelligently, and knowingly.

Other: _____

ORDER

DEFENDANT’S PLEA PETITION IS HEREBY ACCEPTED.

Circuit Court Judge

Print, Type, or Stamp Name of Judge

ATTACHMENT 'A'

State vs. _____ CaseNumber: _____

Atty appearing *IN COURT* w/def: . _____ Is case a Conditional Discharge ___Y___N

CASE INFORMATION:

Other cases running concurrent with this case: _____

Other cases to be dismissed as per this plea negotiations:: _____

PLEADING TO:(If more counts attach separate sheet listing information) KIND OF PLEA:

COUNT: CHARGE GUILTY/NO CONTEST/ ALFORD

Counts being dismissed: _____ Counts being merged: _____

Are counts concurrent _____ consecutive _____

COUNT INFORMATION: (must have this section filled out for each count, please attach additional pages)

Count # _____ charge: _____ Plea: _____

Reduced to lesser charge of: _____ at time of sentence ___Upon
successful probation completion and upon petition of the defendant.

_____ treatment ___at time of sentence ___Upon successful prob. completion and petition of the def.

_____ Sentence of discharge

Grid Classification: _____ Sanction Units: ___/___ Disposition Departure: _____ list reasons under conditions

Oregon Drivers License/privilege Suspended for _____ Revoked? _____

Total Incarceration: _____ Suspended: _____ Concurrent with count(s): _____

Incarceration actually served: _____ Dept. Of Corrections: _____ Jail: _____

Alternative Incarceration: ___eligible___ not eligible. Credit for time served ___Y___N _____ days.

Post Prison Supervision: _____

Probation: _____ Bench _____ Formal _____ No Probation.

Package: (circle all that apply)

Formal Bench Alcohol Drug DUII Sex Offender Domestic Anger Management

Community Service: _____ Hours. _____ Sanction Units used for _____ hours Community Service.

Total Fine:\$ _____ Amount Suspended:\$ _____ Assessments: ___Y___N

IF COUNT INVOLVES VICTIM:

No ___Contact___ Offensive physical contact with victim(s); _____

Letter of Apology ___Y___N

Total Restitution Amount FOR THIS COUNT ONLY: \$ _____

Paid to: (if additional victims for this count, please list count & information below on separate sheet and attach)

Name: _____ Amount:\$ _____

Address: _____

Name: _____ Amount:\$ _____

Address: _____

Other Conditions: _____

STATE OF OREGON
_____County
Circuit Court

**NOTICE AND ADVICE OF
RIGHT TO APPEAL**

C a s e N o . _____

STATE OF OREGON	V.	
------------------------	-----------	--

Pursuant to ORS 137.020(5) the Court is advising you of the right to appeal and the procedure for protecting such right. You may only appeal the judgment of this court to the Oregon Court of Appeals.

- If you have PLED GUILTY or NO CONTEST, had your probation or suspended sentence revoked, or been resentenced as ordered by an appellate or post-conviction relief court, the only questions the Court of Appeals will consider is whether you have made a colorable claim of an error in the sentencing proceeding; that the sentence exceeds the maximum allowable by law; or the sentence is unconstitutionally cruel and unusual.
- If you were FOUND GUILTY by trial, the Court of Appeals may review decisions and orders of the court, as to whether any legal errors occurred during proceedings leading to your conviction and whether the sentence exceeds the maximum allowable by law or is unconstitutionally cruel or unusual.
- If you are unable to afford an attorney, you may request this trial court to appoint an attorney to represent you.
- If you choose to appeal, you must follow the procedures below:

PROCEDURES FOR PROTECTING YOUR RIGHT TO APPEAL

1. Your Notice of Appeal must be in writing and must be filed within 30 days from the date of the entry of judgement in the register.

2. You must serve copies of your Notice of Appeal with the District Attorney; Trial Court Clerk; and Trial Court Administrator, Attention: Transcript Coordinator.

3. You must file a signed original of your Notice of Appeal and the proofs of service, from individuals listed in No. 2, with the clerk of the Court of Appeal, Records Section, 1163 State Street, Salem, OR 97310. The Notice of Appeal and proofs of service must be filed within 30 days from the date of entry of judgement in the register.

- Pending appeal, you may be released on bail at the discretion of the sentencing judge.
-

Signature acknowledges receipt of this form:

DATE DEFENDANT

PRINT OR TYPE NAME OF DEFENDANT

DATE DEFENSE ATTORNEY

PRINT OR TYPE NAME OF ATTORNEY

cc: 1) Court 2) Defendant

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (or MORROW)

In the Matter of:)	
)	
_____ ,)	
)	
Petitioner,	)	Case No. _____
)	
vs.	)	ORDER FOR PARENTING
	)	EDUCATION
_____ ,)	
)	
Respondent.)	

COMES NOW THE COURT, upon its own motion and upon consideration of Local Court Rule, Chapter 8, and finding that the above matter has been filed in the Circuit Court of the Sixth Judicial District, Umatilla & Morrow Counties on or after January 1, 1999, and that said matter involves minor children, and is therefore subject to parenting education:

IT IS HEREBY ORDERED that the parties indicated as Petitioner and Respondent in this case are referred to a PARENTING EDUCATION CLASS and Mediation Orientation. Contact the Mediation Coordinator at 541-278-5486 to *register for this class no later than fifteen (15) days after receipt of this Order.*

DATED this ____ day of _____, 20____.

CIRCUIT COURT JUDGE

COPIES OF THIS ORDER provided to Petitioner, Respondent and Attorneys (if any)

THIS IS A MANDATORY COURT APPEARANCE
Failure to register or appear at this court appearance shall be considered by the Court in making its ruling on issues which are in dispute.

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (*or MORROW*)

In the Matter of:)	
)	
_____)	
)	
Petitioner,	)	Case No. _____
)	
vs.	)	ORDER FOR PARENTING
	)	EDUCATION, MEDIATION
_____	)	ORIENTATION and MEDIATION
)	
Respondent.)	

COMES NOW THE COURT, upon its own motion and upon consideration of Local Court Rule, Chapter 8 and Chapter 12, and finding that the above matter has been filed in the Circuit Court of the Sixth Judicial District, Umatilla & Morrow Counties on or after January 1, 1999, and that said matter involves a controversy over custody and/or parenting of minor children, and is therefore subject to parenting education and mediation:

IT IS HEREBY ORDERED that the parties indicated as Petitioner and Respondent in this case are referred to a PARENTING EDUCATION CLASS and MEDIATION. Both parties are to contact the Mediation Services Coordinator at 541-278-5486 to **register for this class no later than fifteen (15) days after receipt of this Order** and notify the court of the mediator they have chosen. If the Petitioner and Respondent cannot agree on a mediator, the Mediation Coordinator will select a mediator for the parties.

DATED this _____ day of _____, 20____.

CIRCUIT COURT JUDGE

COPIES OF THIS ORDER provided to Petitioner, Respondent and Attorneys (if any)

THIS IS A MANDATORY COURT APPEARANCE

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (or MORROW)

In the Matter of:)	
)	
_____)	
)	
Petitioner,	)	Case No. _____
)	
vs.	)	NOTICE THAT CUSTODY AND/OR
	)	PARENTING TIME IS DISPUTED
_____	)	AND ORDER REFERRING CASE
	)	TO MEDIATION AND PARENTING
Respondent.	)	EDUCATION

NOTICE

I, _____, (*circle one*: Petitioner, Respondent, Attorney) hereby serve notice that the parties cannot agree upon custody and/or parenting time. I, therefore, file this notice that custody and/or parenting time is a matter of dispute as required by Chapter 12 of the Local Court Rules.

DATED: _____

SIGNED: _____
Circle One: Petitioner, Respondent, Attorney for Petitioner,
Attorney for Respondent

ORDER

IT IS HEREBY ORDERED that the parties indicated as Petitioner and Respondent in this case are referred to MEDIATION.

DATED: _____

CIRCUIT JUDGE

To comply with this Order, contact the Mediation Coordinator at 541-278-5486 to **register for this Parenting Education and to notify the Program of your mediator choice no later than fifteen (15) days after receipt of this Order.** If both parties cannot agree on a mediator, the Mediation Coordinator will choose a mediator for the case.

COPIES OF THIS ORDER provided to Petitioner, Respondent and Attorneys (if any.)
THIS IS A MANDATORY COURT APPEARANCE

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing _____

on: _____

by the following indicated method(s):

- by **mailing** a full, true, and correct copy in a sealed postage prepaid envelope deposited with the United States Postal Service to the above named person at the last known address on the date indicated below.
- by causing a full, true and correct copy to be **hand-delivered** to the above named person at the last known address on the date indicated below.
- by sending a full, true, and correct copy via **overnight courier** in a sealed postage prepaid envelope to the above named person at the last known address on the date indicated below.
- by **faxing** a full, true and correct copy to the above named person at the fax number indicated above on the date indicated below. The fax machine was operating at the time of service and the transmission was properly completed.

DATED:_____.

Signature of Petitioner Respondent

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (or Morrow)

In the Matter of the Marriage of:)
)
 (Name Petitioner),)
)
 Petitioner,) Case No. _____
)
 and)
)
 (Name of Respondent),) MOTION AND ORDER TO SHOW CAUSE
)
 Respondent.)

Petitioner/respondent moves the Court for an Order granting the following relief:

(Enter Relief Requested)

1. _____
2. _____

A. If you wish to object to the relief requested above, you must file and serve an affidavit in opposition to this motion within 14 days of the date of service of this order (30 days Post-judgment matters), or within such additional time as allowed by the court upon a showing of good cause. If you fail to file the opposing affidavit within the time allowed, the petitioner/respondent shall forthwith submit an order allowing the relief requested in this order to show cause. The court reserves the right to require the taking of testimony of the moving party in such default matters. The court reserves the right to enter the order required if the opposing party does not file the required affidavit and may do so upon its own motion if the moving party fails to present for signature, the order required above.

B. If you file an opposing affidavit, either party shall forthwith, by motion, request a hearing date to be set to determine the issues raised by this order to show cause and the affidavits. A copy of the order setting the date shall be served upon the moving party by the opposing party. If either party fails to submit a motion requesting such hearing, the court reserves the right to set such date on its own motion.

DATED this _____ day of _____, 2_____.

Attorney for Petitioner/Respondent
Bar No. _____

The following relief is granted immediately:

1. _____
2. _____

The following relief will be granted in 14 days (30 days in post judgment matters) if no objection is filed:

1. _____
2. _____

DATED this _____ day of _____, 19_____.

Circuit Court Judge

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (*or Morrow*)

In the Matter of the Marriage of:)	
)	
(<i>Name Petitioner</i>),)	
)	
Petitioner,	)	Case No. _____
)	
and)	
	)	NOTICE OF READINESS FOR DECISION
	)	OF <i>PETITIONER or RESPONDENT</i>
(<i>Name of Respondent</i>),)	
Respondent.)	

The pending motion for show cause for pendente lite relief is at issue, and the moving party requests the Court decide the motion fourteen (14) judicial days after filing this Notice. The motion should be decided upon 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 _____, 19____.

Moving Party or Attorney of Moving Party

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA (*or Morrow*)

In the Matter of the Marriage of:)
)
(*Name Petitioner*),)
)
Petitioner,)
)
and)
)
(*Name of Respondent*),)
)
Respondent.)

Case No. _____

JOINT PERSONAL PROPERTY LIST

ITEM	PETITIONER'S		RESPONDENT'S	
	VALUE	VALUE	DISTRIBUTION	DISTRIBUTION
			<u>Pet</u>	<u>Rsp</u>
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				

**(Only to be used when the parents live less than
225 miles apart.)**

SIXTH JUDICIAL DISTRICT

PARENTING PLAN

HOW TO USE THIS PLAN

This plan is a guide only. It is the policy of the court to encourage the parties to decide their own parenting time schedule, either between themselves or through mediation, as this is beneficial for all involved. The court will generally approve any schedule agreed upon by the parties. However, if the parties are unable to agree, the following schedule may be used as a basis for establishing parenting time. Because each family's circumstances are different, the parenting time schedule established by the court may make provision for more or less parenting time than desired by the parties or as set forth in this rule.

*** NOTICE TO ALL PARENTS ***

Pursuant to ORS 107.101 and 107.149, it is the policy of the State of Oregon to:

- Assure minor children of frequent and continuing contact with parents who have shown the ability to act in the best interests of the child;
- Encourage such parents to share in the rights and responsibilities of raising their children after the parents have separated or dissolved their marriage;
- Encourage parents to develop their own parenting plan with the assistance of legal and mediation professionals, if necessary;
- Grant parents and courts the widest discretion in developing a parenting plan; and
- Consider the best interests of the child and the safety of the parties in developing a parenting plan.

1. GENERAL INFORMATION:

A. The parents' names are:

_____ (Parent A) and

_____ (Parent B).

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

Name	Age
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

C. Parent B shall have parenting time as set forth below and Parent A will have the children at all other times.

D. If the parties live within 70 miles of each other, then each child shall follow the parenting time schedule for his/her age.

E. If the parties live over 70 miles from each other, then each child shall follow the parenting time schedule for the oldest child except summer. For summer parenting, each child shall follow the schedule appropriate for his/her age.

2. DEFINITIONS:

A. The terms “sole custody” and “joint custody” define how parents will handle major decisions about the children. Major decisions include, but are not limited to, decisions about the children’s education, non-emergency health care and religious training. The terms “sole custody” and “joint custody” have nothing to do with the amount of time that children spend with either parent nor do they affect child support calculations. The court cannot order joint custody unless both parties agree.

B. “Weekend parenting time” is the first and third and, when there is one, the fifth weekend of each month from 6:00 p.m. the day school adjourns that week until 6:00 p.m. the day before school resumes the following week.

C. The “weekend” begins with the first Friday of the month.

3. NEWBORN TO SIX MONTHS:

A. Weekly: three days per week for a three-hour block of time which coincides with **Parent B’s** non-work hours.

B. Holidays:

(1) In even-numbered years:

(a) Christmas: December 25 from 9 a.m. until 6 p.m.

(2) In odd-numbered years:

(a) Thanksgiving: Thanksgiving Day from 9 a.m. until 6 p.m.

(b) Christmas: December 24 from 9 a.m. until 6 p.m.

4. SIX MONTHS TO TWENTY-FOUR MONTHS:

A. Weekly:

(1) Two days per week for a three-hour block of time to coincide with **Parent B's** non-work hours; and

(2) One twenty-four hour block of time per week.

B. Holidays:

(1) In even-numbered years:

(a) Fourth of July: July 4th from 9 a.m. until 6 p.m.

(b) Christmas: December 25 from 9 a.m. until 8 p.m.

(2) In odd-numbered years:

(a) Thanksgiving: Thanksgiving day from 9 a.m. until 8 p.m.

(b) Christmas: December 24 from 9 a.m. until 8 p.m.

(c) Child's birthday: from 9 a.m. until 6 p.m.

C. Every year:

(1) Mother's Day: Mother shall have the child(ren) from 9 a.m. until 6 p.m.

(2) Father's Day: Father shall have the child(ren) from 9 a.m. until 6 p.m.

5. TWENTY-FOUR TO THIRTY-SIX MONTHS:

A. Weekly:

(1) A three-hour visit to coincide with Parent B's non-work hours. This visit shall end no later than 8 p.m.

(2) The first and third or second and fourth weekends from 9 a.m. Saturday to 6 p.m. Sunday.

B. Holidays:

(1) In even-numbered years:

(a) Fourth of July: July 4th from 9 a.m. until July 5th at 6 p.m.

(b) Christmas: December 25 at 9 a.m. until December 27 at 6 p.m.

(2) In odd-numbered years:

(a) Child's birthday: from 9 a.m. until 6 p.m.

(b) Thanksgiving: 9 a.m. on Thanksgiving day until Friday at 6 p.m.

(c) Christmas: December 23 at 9 a.m. until December 25 at 6 p.m.

C. Every year:

(1) Mother's Day: Mother shall have the child(ren) from 9 a.m. until 6 p.m.

(2) Father's Day: Father shall have the child(ren) from 9 a.m. until 6 p.m.

6. OVER 36 MONTHS:

A. Weekly:

(1) The first and third, and when applicable, fifth weekends to include all contiguous federal, state or school holidays.

(2) Alternating Mondays on the Monday preceding Parent B's alternating weekend with the child(ren), from either after school or after Parent B is off work, whichever occurs later, and ending at 8 p.m.

B. Holidays and Vacations:

(1) In even-numbered years:

(a) Fourth of July: From July 4th at 9 a.m. until July 5th at 6 p.m.

(b) Christmas: Beginning at 6 p.m. the day school adjourns until noon on December 26.

(2) In odd-numbered years:

(a) Thanksgiving: Commencing on Wednesday at 6 p.m. until the following Sunday at 6 p.m.

(b) Christmas: Beginning at noon on December 26 until noon the day before school resumes.

(c) Spring Vacation: Whether or not the child(ren) is/are enrolled in school, commencing 6 p.m. the day school adjourns and ending at 6 p.m. the day before school resumes.

(d) Child's Birthday: If the child's birthday is not on a school day, parenting time shall commence at 9 a.m. and end at 6 p.m. If the child's birthday falls on a school day, parenting time shall commence from the time school lets out until 8 p.m.

C. Every year:

(1) Summer Vacation:

(a) Age 36 months to 5 years: Parent B shall have four weeks, to be divided into two, two-week blocks, and separated by at least two weeks.

(b) Ages five (5) or six (6): Parent B shall have six weeks, to be divided into two, three-week blocks of time and separated by at least one week.

(c) Age seven (7) and older: Parent B shall have six continuous weeks of summer parenting time; Parent A shall have parenting time with the child(ren) for the remainder of the summer. Each parent is allowed one weekend of parenting time during the other parents' block of summer parenting time.

(d) Before May 1 of each year, Parent B shall notify Parent A, in writing, of the dates of parenting time. Parent A has the right to choose the inclusive dates for the parenting time when Parent B has not given notice before May 1. However, Parent A shall provide Parent B with at least two weeks' notice of Parent B's summer parenting time. Summer parenting time shall end at least seven days prior to the child(ren)'s first day of school.

(2) Mother's Day: Mother shall have the child(ren) beginning at 6 p.m. Friday until 6 p.m. Sunday.

(3) Father's Day: Father shall have the child(ren) beginning at 6 p.m. Friday until 6 p.m. Sunday.

D. Non-assigned times

(1) Regardless of the child's age, Parent A, upon providing 30 days advance written notice to Parent B, shall be permitted one week every six months of uninterrupted time with the child(ren) which does not interfere with Parent B's holiday schedule. This week will supercede Parent B's weekly or weekend parenting time.

7. PARENTING TIME CALCULATION

A. The table below indicates the average number of overnights that each parent will have the children each year. Significant overnight time with Parent B may influence child support calculations. The Oregon Child Support Calculator is available at www.dcs.state.or.us/calculator.

Ages of Children	Overnights with Parent A	Overnights with Parent B
Birth to Six months	365	0
Six months to 24 months	313	52
24 months to 36 months	315	50
36 months to 5 years	276	92
5 years to 6 years	263	102
7 years and up	263	102
7 years and up**	241	124

** (for children with a four-day school week)

RULES AND PROCEDURES

8. TRANSPORTATION

A. Pick up and delivery of the child to and from parenting time shall be prompt so all parties can make plans accordingly. Unless otherwise ordered by the court, Parent B shall pick up the child(ren) from the steps of Parent A's residence, the school, or the childcare provider (which ever is applicable), no earlier than 15 minutes before and not later than 30 minutes after the parenting time starts. Parent A shall pick up the child(ren) at Parent B's residence not later than 15 minutes after the parenting time ends. Should Parent B fail to pick up the child(ren) or call within 60 minutes of the pick up time, Parent A may cancel the visit, except in the event of an unanticipated emergency of Parent B.

B. If one parent has been over 60 minutes late more than three times in one calendar year without prior notification, the non-offending parent has the right to choose that the other parent provide transportation to and from parenting time for the next year.

C. Unless the parties agree otherwise, when parents live more than 70 and less than 225 miles apart, both parents will meet approximately halfway between each parent's residence to exchange the child(ren) or each parent shall pay the costs of transporting the child(ren) to and from parenting time in the same proportion as the "percentage share of income" as listed in the parents' child support computation worksheet. For example, if Parent B's percentage share of income is 70%, then Parent B shall pay 70% of transportation costs and Parent A parent shall pay 30% of transportation costs. The parent with the lower income shall pay no less than 30% of transportation costs. If the parties have agreed to forego child support or if there is no child support computation worksheet, the parents shall equally divide the costs of transportation. Transportation shall be calculated at 45¢ per mile.

D. The parents shall be encouraged to use common sense during inclement weather and shall communicate with each other regarding transportation.

9. PLANNING:

A. Holiday and vacation parenting time occasionally overlap with regular weekly or weekend parenting time. In such instances, the holiday or vacation parenting time shall supersede the conflicting regular weekly or weekend parenting time and may result in a loss of regular weekly or weekend parenting time. The holiday or vacation parenting time does not reduce or eliminate any other parenting time.

B. If Parent B's work schedule does not provide that "weekends" fall on Saturday and Sunday, Parent B's actual days off from work may be substituted at his or her discretion for the otherwise designated "weekend" parenting times. This section only applies to Parent B's regular work schedule. Temporary changes in Parent B's work schedule shall not warrant a substitution.

C. If the child(ren) regularly attends school in a district which is regularly in session Monday through Thursday, Parent B is entitled to weekend parenting time beginning at 6 p.m. on Thursday.

C. If the child(ren) have school on a day following an overnight parenting time with Parent B, the parenting time is conditioned upon Parent B ensuring the child's attendance at school on the aforementioned day.

D. A nursing mother shall be responsible for making necessary arrangements for feeding an infant child in order to accommodate the father's parenting time. The fact that an infant child is being nursed shall not be grounds for cancelling, delaying or in any other way, hindering the father's right to parenting time with the child.

E. Parent A shall have the child(ren) fed and ready on time for parenting time, with sufficient and proper clothes packed and ready for the parenting time.

G. Parent B shall feed the child(ren) the evening meal before returning them from the parenting time. Parent B shall return all clothing that accompanied the child(ren) for the parenting time.

H. In the event a child is ill and unable to visit, Parent A shall allow Parent B a makeup parenting time on the next succeeding weekend.

I. If Parent B fails to exercise parenting time because of illness or any other reason, there will be no makeup parenting time.

J. If a licensed physician has prescribed medication for the children, both parents shall ensure that the medications are delivered and returned with the child and administered as prescribed.

10. PERSONAL PLANS:

A. The child(ren) will not be permitted to determine whether they wish to visit Parent B.

B. Personal plans of Parent A or of the child(ren), school activities, church activities and other similar considerations will not be reasons for failing to follow this parenting time schedule.

11. CHILD'S ACTIVITIES:

A. Each parent shall act reasonably in registering the child(ren) for activities, keeping in mind that neither parent is entitled to schedule activities for the child(ren) which will consistently take place during the other parent's time with the child(ren). However, parents should keep in mind that certain activities, by their nature, may take place during the other parent's weekend.

B. Although neither parent is required to involve a child(ren) in any activity, each parent is encouraged to use his or her best efforts to keep the parties' minor child(ren) involved in athletic events, school functions, lessons, birthday parties, etc., even though those activities may occur during one parent's parenting time. The parents should recognize that limiting the child(ren)'s involvement in activities may deprive the child(ren) of valuable opportunities for growth. Parents are encouraged to use the child(ren)'s activities as an opportunity for the parents to interact with the child(ren), meet the child(ren)'s friends and other families, and have a quality experience with the child(ren).

C. Both parties shall have the unrestricted right to be with the parties' minor child(ren) at school and attend school and extracurricular activities and events. Each parent shall have full access to child(ren)'s school, teachers, school administrators, and leaders of the various activities in which the child(ren) may be involved.

D. Each parent is responsible to keep himself or herself apprised of the child(ren)'s activities.

E. Each parent shall act responsibly and respectfully while attending the child(ren)'s activities and/or events. Neither parent should act in a fashion which would disturb the interaction and relationship of the other parent with the child(ren) and/or other adults present at the activity or event. It is the responsibility of the parent who does not wish to have contact with the other parent at such an activity or event, to remove himself or herself from the activity or event.

12. RELOCATION OF A PARENT:

A. Parents shall provide each other with at least 30 days' prior written notice of any planned relocation more than 70 miles out of the area.

B. Regardless of any decision-making allocation of this Parenting Plan, any relocation of one parent that would disrupt the other parent's scheduled time with the child(ren) shall require a modification of the residential schedule that is mutually agreed upon or is ordered by the court.

C. If the child(ren) shall be staying somewhere other than Parent B's residence, Parent B shall notify Parent A of any emergency contact phone number and where the child will be staying.

13. MEDICAL REASONS:

Substantial medical difficulties of the child(ren) will be considered sufficient for postponement of parenting time.

14. OTHER CONTACT:

A. In addition to parenting time set forth in this parenting time schedule or as otherwise ordered by the court, Parent B has the right to correspond with the child(ren) and to telephone the child(ren) during reasonable hours without interference or monitoring by Parent A or anyone else in any way. Unless otherwise agreed to by the parents, telephone calls between Parent B and the child(ren) shall be limited to:

- (1) No more than three per week; and
- (2) Ten minutes or less for each call.

B. Both parents should be sensitive to the child(ren)'s need to have contact with the other parent as well as the need of the parents to minimize disruptions.

C. Parent A shall be allowed the same communication rights during periods of Parent B's parenting time.

D. If there is a significant bond between the parents and the child(ren), each parent shall have the first option to personally provide child care while the other parent is working when not disruptive of the child's school and/or sleep schedules.

E. Both parents shall allow the child(ren) to initiate contact with the other parent at any time. If it involves a long distance call, the parent the child is contacting shall provide a phone card to or accept collect calls from the child.

15. RESTRAINT:

The court restrains and enjoins parents subject to this parenting time schedule 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.

16. OTHER RIGHTS (ORS 107.154):

Unless otherwise ordered by the court, an order of sole custody to one parent does not deprive the other parent of the following authority:

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

17. PARENTAL NOTIFICATION (ORS 107.164):

Unless otherwise ordered by the court, both parents shall have a continuing responsibility, once a custody or protective order concerning the child is issued, to provide 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.

18. SCHEDULE DEVIATIONS:

Parents shall put mutually agreed changes to the parenting time schedule in writing so there will be no dispute as to the changes.

19. NON-ASSIGNED TIMES:

Unless otherwise agreed in writing, Parent A is responsible for the child during all times not awarded to Parent B.

20. EXCEPTIONS/ADDITIONS: (PLEASE PRINT LEGIBLY OR TYPE)

*** NOTICE TO ALL PARENTS ***

The terms of child support and parenting time (visitation) orders are designed for the child's benefit and not the parents' benefit. You must pay support even if you are not receiving parenting time. You must comply with parenting time orders even if you are not receiving child support.

Violation of child support and parenting time orders is punishable by fine, imprisonment or other penalties.

Publicly funded help is available to establish, enforce and modify child support orders. Services to establish paternity are also available. Contact your local district attorney, domestic relations court clerk or the Department of Human Resources (503) 378-5567 for information.

Publicly funded help may be available to establish, enforce or modify parenting time orders. Forms are available to enforce parenting time orders. Contact the family court specialist in the civil office of the local state circuit court.

LONG DISTANCE PLAN: (Only to be used when the parents live over 225 miles apart.)

SIXTH JUDICIAL DISTRICT
PARENTING PLAN

HOW TO USE THIS PLAN

This plan is a guide only. It is the policy of the court to encourage the parties to decide their own parenting time schedule, either between themselves or through mediation, as this is beneficial for all involved. The court will generally approve any schedule agreed upon by the parties. However, if the parties are unable to agree, the following schedule may be used as a basis for establishing parenting time. Because each family's circumstances are different, the parenting time schedule established by the court may make provision for more or less parenting time than desired by the parties or as set forth in this rule.

*** NOTICE TO ALL PARENTS ***

Pursuant to ORS 107.101 and 107.149, it is the policy of the State of Oregon to:

- Assure minor children of frequent and continuing contact with parents who have shown the ability to act in the best interests of the child;
- Encourage such parents to share in the rights and responsibilities of raising their children after the parents have separated or dissolved their marriage;
- Encourage parents to develop their own parenting plan with the assistance of legal and mediation professionals, if necessary;
- Grant parents and courts the widest discretion in developing a parenting plan; and
- Consider the best interests of the child and the safety of the parties in developing a parenting plan.

1. GENERAL INFORMATION:

A. The parents' names are:

_____ (Parent A) and

_____ (Parent B).

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

Name	Age
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

C. Parent B shall have parenting time as set forth below and Parent A will have the children at all other times.

D. Each child shall follow the parenting time schedule for the oldest child except summer. For summer parenting, each child shall follow the schedule appropriate for his/her age.

2. DEFINITIONS:

A. The terms "sole custody" and "joint custody" define how parents will handle major decisions about the children. Major decisions include, but are not limited to, decisions about the children's education, non-emergency health care and religious training. The terms "sole custody" and "joint custody" have nothing to do with the amount of time that children spend with either parent nor do they affect child support calculations. The court cannot order joint custody unless both parties agree.

B. The "weekend" begins with the first Friday of the month.

3. CHILDREN UNDER 36 MONTHS:

A. Weekend parenting time:

(1) One weekend per month of at least three overnights scheduled in conjunction with school holidays when possible. These weekends are in addition to the holiday parenting time.

(2) The times when the parties exchange the child(ren) may be flexible to allow for transportation. However, the exchange times shall be reasonable and the parties shall use their best efforts to have the child(ren) to either mother's or father's home prior to 8:00 p.m.

B. Holidays and Vacations:

(1) In even-numbered years:

a. Christmas: Beginning the day school adjourns and continuing until December 26.

(2) In odd-numbered years:

a. Thanksgiving: Commencing on Wednesday and continuing until the following Sunday.

b. Christmas: Beginning on December 26 and continuing until the day before school resumes.

C. Every year:

(1) Spring break: Beginning the day after school adjourns until the day before school resumes. This spring break parenting time shall be in lieu of the weekend parenting time for that month.

(2) Summer: For children under 36 months, there is no extended summer parenting time unless the parties otherwise agree in writing. Parenting time should continue during summer months pursuant to paragraph 3(A)(1) above.

4. CHILDREN OVER 36 MONTHS:

A. September through May:

(1) One weekend per month of at least three overnights scheduled in conjunction with school holidays when possible. These weekends are in addition to the holiday parenting time.

(2) To assure Parent B of a three- or four-day weekend each month, the child(ren) may be allowed to miss one Friday of school per month in months in which the children do not have a Monday or Friday out of school.

(3) The times when the parties exchange the child(ren) may be flexible to allow for transportation. However, the exchange times shall be reasonable and the parties shall use their best efforts to have the child(ren) to either mother's or father's home prior to 8:00 p.m.

B. Holidays and Vacations:

(1) In even-numbered years:

Christmas: Beginning the day school adjourns and continuing until December 26.

(2) . In odd-numbered years:

a. Thanksgiving: Commencing on Wednesday and continuing until the following Sunday.

b. Christmas: Beginning on December 26 and continuing until the day before school resumes.

C. Every year:

(1) Spring break: Beginning the day after school adjourns until the day before school resumes. This spring break parenting time shall be in lieu of the weekend parenting time for that month.

(2) Summer Parenting Time:

a. Eight weeks of summer parenting time.

b. Before May 1 of each year, Parent B shall notify Parent A, in writing, of the dates of summer parenting time. Parent A has the right to choose the inclusive dates for the parenting time when Parent B has not given notice before May 1. Parent B's summer parenting time shall end at least seven days prior to the child(ren)'s first day of school.

c. Parent A shall be entitled to a weekend with the child(ren) during Parent B's summer parenting time, in the event that he/she is able to travel to Parent B's residence. Parent A shall give reasonable advance notice to Parent B of when he/she intends to exercise this weekend parenting time.

5. PARENTING TIME CALCULATION

The table below indicates the average number of overnights that each parent will have the children each year. Significant overnight time with Parent B may influence child support calculations. The Oregon Child Support Calculator is available at www.dcs.state.or.us/calculator.

Ages of Children	Overnights with Parent	Overnights with Parent B
Birth to 36-months	317	52
Over 36-Months	272	95

RULES AND PROCEDURES

6. TRANSPORTATION

- A. Parent B shall be responsible for picking up the child(ren) at Parent A's residence at the beginning of the parenting time and Parent A is responsible for picking up the child(ren) at Parent's residence at the end of the parenting time.
- B. For every visit, parents shall alternate responsibility for making travel arrangements. A parent shall not use a method of travel or schedule a time for travel which interferes with the other parent's scheduled parenting time.
- C. Pick up and delivery to and from parenting time shall be prompt so all parties can make plans accordingly.
- D. When making travel arrangements by air, bus, or train, the parent arranging the transportation shall promptly notify the other parent of the travel arrangements.
- E. If traveling by bus or train, a parent or other responsible adult, agreed upon by both parties, must accompany the child if the child is under 14 years of age.
- F. If traveling by air, the child(ren) may be allowed to fly unaccompanied by an adult only if doing so would not violate any airline rules or regulations and would not put the child at a health risk.

G. The cost of transporting the child(ren) to and from parenting time, shall be paid by the parents in the same proportion as the “percentage share of income” as listed in the parents’ child support computation worksheet. For example, if Parent B’s percentage share of income is 70%, then the Parent B shall pay 70% of transportation costs and Parent A shall pay 30% of transportation costs. The parent with the lower income shall pay no less than 30% of transportation costs. If the parties have agreed to forego child support or if there is no child support computation worksheet, the parents shall equally divide the costs of transportation.

H. If the child(ren) is traveling by a commercial carrier, transportation costs shall include the cost of the ticket(s) for the child(ren), plus the cost of the ticket(s) for the individual traveling with the child(ren), if the accompaniment is necessary pursuant to the carrier’s rules, and the cost of transportation to the terminal. If the child(ren) is traveling by car, transportation costs shall be calculated at 45¢ per mile.

I. Parties shall be encouraged to use common sense during inclement weather.

7. PLANNING:

A. If the child(ren) regularly attends school in a district which is regularly in session Monday through Thursday, Parent B is entitled to weekend parenting time beginning at 6 p.m. on Thursday.

B. If the child(ren) have school on a day following an overnight parenting time with Parent B, the parenting time is conditioned upon Parent B ensuring the child’s attendance at school on the aforementioned day.

C. A nursing mother shall be responsible for making necessary arrangements for feeding an infant child in order to accommodate the father’s parenting time. The fact that an infant child is being nursed shall not be grounds for cancelling, delaying or in any other way, hindering the father’s right to parenting time with the child.

D. Parent A shall have the child(ren) fed and ready on time for parenting time, with sufficient and proper clothes packed and ready for the parenting time.

E. Parent B shall feed the child(ren) the evening meal before returning them from the parenting time. Parent B shall return all clothing that accompanied the child(ren) for the parenting time.

F. In the event a child is ill and unable to visit, Parent A shall allow Parent B a makeup parenting time on the next succeeding weekend.

G. If Parent B fails to exercise parenting time because of illness or any other reason, there will be no makeup parenting time. If a licensed physician has prescribed medication for the

children, both parents shall ensure that the medications are delivered and returned with the child and administered as prescribed.

8. PERSONAL PLANS:

- A. The child(ren) will not be permitted to determine whether they wish to visit Parent B.
- B. Personal plans of Parent A or of the child(ren), school activities, church activities and other similar considerations will not be reasons for failing to follow this parenting time schedule.

9. CHILD'S ACTIVITIES:

- A. Each parent shall act reasonably in registering the child(ren) for activities, keeping in mind that neither parent is entitled to schedule activities for the child(ren) which will consistently take place during the other parent's time with the child(ren). However, parents should keep in mind that certain activities, by their nature, may take place during the other parent's weekend.
- B. Although neither parent is required to involve a child(ren) in any activity, each parent is encouraged to use his or her best efforts to keep the parties' minor child(ren) involved in athletic events, school functions, lessons, birthday parties, etc., even though those activities may occur during one parent's parenting time. The parents should recognize that limiting the child(ren)'s involvement in activities may deprive the child(ren) of valuable opportunities for growth. Parents are encouraged to use the child(ren)'s activities as an opportunity for the parents to interact with the child(ren), meet the child(ren)'s friends and other families, and have a quality experience with the child(ren).
- C. Both parties shall have the unrestricted right to be with the parties' minor child(ren) at school and attend school and extracurricular activities and events. Each parent shall have full access to child(ren)'s school, teachers, school administrators, and leaders of the various activities in which the child(ren) may be involved.
- D. Each parent is responsible to keep himself or herself apprised of the child(ren)'s activities.
- E. Each parent shall act responsibly and respectfully while attending the child(ren)'s activities and/or events. Neither parent should act in a fashion which would disturb the interaction and relationship of the other parent with the child(ren) and/or other adults present at the activity or event. It is the responsibility of the parent who does not wish to have contact with the other parent at such an activity or event, to remove himself or herself from the activity or event.

10. RELOCATION OF A PARENT:

A. Parents shall provide each other with at least 30 days' prior written notice of any planned relocation more than 70 miles out of the area.

B. Regardless of any decision-making allocation of this Parenting Plan, any relocation of one parent that would disrupt the other parent's scheduled time with the child(ren) shall require a modification of the residential schedule that is mutually agreed upon or is ordered by the court.

C. If the child(ren) shall be staying somewhere other than Parent B's residence, Parent B shall notify Parent A of any emergency contact phone number and where the child will be staying.

11. MEDICAL REASONS:

Substantial medical difficulties of the child(ren) will be considered sufficient for postponement of parenting time.

12. OTHER CONTACT:

A. In addition to parenting time set forth in this parenting time schedule or as otherwise ordered by the court, Parent B has the right to correspond with the child(ren) and to telephone the child(ren) during reasonable hours without interference or monitoring by Parent A or anyone else in any way. Unless otherwise agreed to by the parents, telephone calls between Parent B and the child(ren) shall be limited to:

- (1) No more than three per week; and
- (2) Ten minutes or less for each call.

B. Both parents should be sensitive to the child(ren)'s need to have contact with the other parent as well as the need of the parents to minimize disruptions.

C. Parent A shall be allowed the same communication rights during periods of Parent B's parenting time.

D. Both parents shall allow the child(ren) to initiate contact with the other parent at any time. If it involves a long distance call, the parent the child is contacting shall provide a phone card to or accept collect calls from the child.

13. RESTRAINT:

The court restrains and enjoins parents subject to this parenting time schedule 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.

14. OTHER RIGHTS (ORS 107.154):

Unless otherwise ordered by the court, an order of sole custody to one parent does not deprive the other parent of the following authority:

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

15. PARENTAL NOTIFICATION (ORS 107.164):

Unless otherwise ordered by the court, both parents shall have a continuing responsibility, once a custody or protective order concerning the child is issued, to provide 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.

16. SCHEDULE DEVIATIONS:

Parents shall put mutually agreed changes to the parenting time schedule in writing so there will be no dispute as to the changes.

17. NON-ASSIGNED TIMES:

Unless otherwise agreed in writing, Parent A is responsible for the child during all times not awarded to Parent B.

18. EXCEPTIONS/ADDITIONS: (PLEASE PRINT LEGIBLY OR TYPE)

* NOTICE TO ALL PARENTS *

The terms of child support and parenting time (visitation) orders are designed for the child's benefit and not the parents' benefit. You must pay support even if you are not receiving parenting time. You must comply with parenting time orders even if you are not receiving child support.

Violation of child support and parenting time orders is punishable by fine, imprisonment or other penalties.

Publicly funded help is available to establish, enforce and modify child support orders. Services to establish paternity are also available. Contact your local district attorney, domestic relations court clerk or the Department of Human Resources (503) 378-5567 for information.

Publicly funded help may be available to establish, enforce or modify parenting time orders. Forms are available to enforce parenting time orders. Contact the family court specialist in the civil office of the local state circuit court.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA/MORROW**

Guardianship/Conservatorship of) Case No. _____
)
) Objection to Petition for
_____) Appointment of Guardian/
(Protected Person)) Conservator

I,

(Objecting party's name and relationship to Protected Person)

hereby object to the Protective Proceeding or the proposed
Guardian or Conservator for the following reasons (state reasons
below and use an additional sheet if necessary):

Signature of Objecting Party

Typed or Printed Name

Address or Contact Address

City State Zip

Telephone Number

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA/MORROW

_____)	
)	
Plaintiff,)	
	)	Case No.
vs.)	
	)	WAIVER AND AFFIDAVIT
_____)	
)	
Defendant.)	

WAIVER

I, _____, have pled NOT GUILTY and request 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 police officer presented orally in court and I agree that testimony may be presented by sworn affidavit. I understand that if I choose to appear in person for trial after signing this affidavit, that a copy of the police officer's affidavit will be presented to me at that time. The police officer may not be present at that time.

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

INSTRUCTIONS: If you waive your right to have testimony presented orally in court, please fill out the Testimony by Affidavit below 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 _____)

TESTIMONY BY AFFIDAVIT

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

Police Officer

Or,

Defendant

in above captioned violation case. Pursuant to ORS 153.080, this affidavit
presents my sworn testimony in this matter.

TESTIMONY BY AFFIDAVIT

(You may attach additional pages if necessary)

RETURN TO: DATE DUE: _____

Umatilla County Circuit Court
P.O. Box 1307, Pendleton OR 97801

Or,

Umatilla County Circuit Court
915 S.E. Columbia Drive
Hermiston, OR 97838

SIGNATURE DATE: _____