

**SUPPLEMENTAL LOCAL RULES**  
**THIRTEENTH JUDICIAL DISTRICT**

**RULE 1.151 *Location and Hours of Court Operations***

The Court is located at 316 Main Street, Klamath Falls, Oregon 97601. Court hours are from 8 a.m. to 5 p.m., Monday through Friday. Court Operations will be open for document filing, receipting, and for other Court business from 8:00 a.m. to 5 p.m., Monday through Thursday and from 8:30 a.m. to 5 p.m. on Friday. The occasional exception will be posted as far in advance as possible.

**RULE 1.171 *Website***

The Court's website may be accessed at <http://klamath-court.ojd.state.or.us/> .

**RULE 5.005 *Motion Days - Civil Cases***

Monday of each week shall be designated as Motion Day. If Monday falls on a legal holiday, no Motion Day will be held that week, and motions will be heard on the next Motion Day following, unless otherwise ordered by the Court.

**RULE 5.006 *Hearing of Motions - Civil Cases***

1) Except as may otherwise be ordered by the Court, all non-criminal Circuit Court motions shall be heard at the times scheduled by the Judge assigned to hear the case.

Judge Osborne	(C-2)	9:00 a.m.
Judge Rambo	(C-5)	9:30 a.m.
Judge Knieps	(C-3)	10:00 a.m.
Judge Wogan	(C-4)	10:30 a.m.
Judge Isaacson	(C-1)	11:00 a.m.

2) The time and date of the hearing shall be stated in the caption of the motion, and in the copy served upon the opposing party.

3) Motions, other than *Motions to Continue* and motions pursuant to ORCP 47, will be heard on the next Motion Day that falls after twenty-one (21) days from the filing of the motion,

unless a different hearing date is stipulated by the parties and approved by the Presiding Judge or designee.

- 4) The caption of any motion, memo or brief shall include the date of the next scheduled hearing occurring in the case.

**RULE 5.007 *Show Cause Orders and Hearings***

All show cause hearings shall be called at 8:30 a.m. on Motion Day by the Judge assigned by the Presiding Judge to call show cause matters. The time and date of hearing shall be stated in the *Order to Show Cause* and served upon the opposing party. If the matter is to be contested, the date and time shall be set by the Court after consultation with the attorneys; or, if any party is unrepresented, with the party(ies).

**RULE 5.061 *Stipulated or Ex Parte Orders***

All stipulated or *ex parte* matters delivered to the clerk's office by 11:30 a.m. will be presented to the Duty Judge no later than 2:00 p.m. of the same day.

**RULE 6.012 *Mandatory Settlement Conference***

- 1) All cases on the trial setting conference calendar assigned a time and place for trial shall be calendared for a mandatory settlement conference approximately four (4) weeks prior to the trial unless good cause is shown. The purpose of the mandatory settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court.
- 2) (a) At the mandatory settlement conference, the Court shall require the attendance of all parties and their trial attorneys. When a party is insured, a representative of the insurance company who has full authority to settle the case shall be in attendance.  
  
(b) An attorney, party, or representative of a corporation or insurance company may apply to be excused from appearing at the mandatory settlement conference by initiating a conference call to the Assigned Judge in advance of the scheduled settlement conference. The Judge shall rule on said request and, if appropriate, excuse the party from appearing.
- 3) (a) Settlement conferences shall be held informally before a Judge at a time and place provided by the Presiding Judge. The conference may be continued as part of a continuing settlement conference to another day before trial by the Judge. Each case on the settlement

conference calendar shall retain its place on the civil active list. If the case does not settle at such conference, no reference shall thereafter be made to any settlement discussion had under this rule, except in subsequent settlement proceedings.

(b) In the event that a settlement is not reached at the settlement conference, a Judge, other than the one who participated in the settlement proceeding, shall be assigned to try the case. Any notes or materials submitted by the settlement parties or prepared by the settlement judge shall, following the settlement conference, be sealed and remain so except by order of the Court.

- 4) A voluntary settlement conference may be requested by any party to an action at any stage of the proceeding by filing a request for a voluntary settlement conference with the Court. The assigned Judge, or designee, shall rule on said request and, unless good cause is shown why such conference is not appropriate, calendar the matter for a voluntary settlement conference.
- 5) When the parties report to the Court that a civil case has been settled, the Court will remove the case from the trial calendar and cause a 63-day conditional notice of dismissal to be sent to all parties.

#### **RULE 6.031 *Postponements***

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

#### **RULE 6.135 *Trial Fees and Preliminary Matters***

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

**RULE 7.005 *Matters Involving Children***

- 1) In all civil and criminal cases and juvenile fact-finding hearings involving a child victim, witness, or subject of custody, the Court and counsel shall take appropriate action to ensure a speedy trial. Such actions shall be given precedence over all others, except those in which a defendant in a criminal proceeding is being held in pretrial custody, or as may otherwise be required by law. In such actions, continuances shall be granted by the Court only after a hearing and a determination of the necessity thereof. In ruling on any motion or other request for a delay or continuation of a proceeding, the Court shall consider any adverse impact the delay or continuance may have on the child involved in the case.
- 2) Counsel for any party shall, upon determining that a child is involved as a victim, material witness or subject of custody, file with the Court a document captioned *Notice—SLR 7.005 Applicable*. Notice shall set forth the child's involvement in the case, and, if known, the age of the child.

**RULE 7.011 *Pretrial Conferences in Criminal Proceedings***

- 1) At arraignment, if a guilty plea is not entered, the Court will set a Second Appearance, at which a negotiated settlement will be entered or the matter set for trial after the Court receives the report required by UTCR 7.010(3).
- 2) All defendants must personally appear at the Second Appearance unless specifically excused.

**RULE 7.021 *Trial Setting Conference***

- 1) To facilitate trial date agreement under UTCR 7.020(6), a trial setting conference will be scheduled at the request of any party or as directed by the Assigned Judge.
- 2) The trial setting conference shall be conducted by the Judge or designee. Insofar as feasible, the Court shall assign the same date for trial setting conferences to those cases in which the same attorney appears.
- 3) Each party appearing in any case shall attend the trial setting conference in person or by counsel. A conference call to set a date for mandatory settlement conference and trial will be sufficient compliance with this rule. The attorneys so attending shall have full authority to act in all matters pertaining to setting the case for trial or settlement conference.

- 4) At the trial setting conference, the Court shall determine the extent of discovery heretofore commenced or completed, what discovery proceedings remain to be performed, and whether the case is or will be ready for trial, and if so, shall set a time and place for trial and mandatory settlement conference, unless the Court is of the opinion a settlement conference would serve no useful purpose.

**RULE 7.022 *Assignment of Cases***

- 1) The Klamath County Circuit Court maintains an Individual Assignment System, with cases being randomly assigned as described below on an equal basis to all judges. Civil, domestic relations and criminal cases are assigned to individual judges for management, control and case processing purposes.
- 2) The civil and domestic relations cases which are assigned to individual trial Judges are randomly assigned at the point of filing. All subsequent hearings and involvement with the Court shall be with the Judge assigned to the individual case.
- 3) Criminal cases shall be assigned to an individual Judge upon arraignment.
- 4) Issues regarding companion cases, Affidavits of Prejudice, reassignment of cases, and similar case management questions, should be raised with the Judge initially assigned. If appropriate, such issues will be referred to the Office of the Court Administrator for subsequent handling or reassignment.
- 5) All issues regarding scheduling of appearances, including motions and trials for assigned cases, shall be resolved through contact directly with staff of the assigned Judge.

**RULE 8.011 *Repealed***

**RULE 8.012 *Uniform Parenting Time/Visitation Schedule***

The Court will, from time to time, establish a "standard" parenting time schedule. A copy of the current schedule will be available free of charge from the Trial Court Administrator, (541) 883-5503, ext. 242. The standard schedule will be adjusted to the needs of the parties and children in each case. The schedule will be as set out in **APPENDIX A** of these Supplemental Court Rules. A long-distance parenting plan template is set out in **APPENDIX A-2**.

**RULE 8.041 *Show Cause Order for Temporary Relief***

- 1) A party opposing a *Show Cause Order* for temporary relief in domestic relations matters shall file a written reply within fourteen (14) days of the date the order was served on the opposing party. The order must contain the following or a similar notice:

NOTICE  
READ THESE PAPERS CAREFULLY

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

- 2) The order shall require the adverse party, if the adverse party desires to appear and be heard or to otherwise contest the issues, either in whole or in part, to file a Responding Affidavit with fourteen (14) days following service or as the Court may otherwise direct. The Responding Affidavit shall respond to the original Affidavit and allege matters to the extent the adverse party wishes to put a matter of fact at issue.
- 3) If the relief requested includes support, a blank Uniform Support Affidavit shall be served on the adverse party with the Order to Show Cause for use of the adverse party should such party desire to respond.
- 4) All *Show Cause Orders* shall be filed and served on the opposing party no less than nineteen (19) days prior to the show cause call date, unless another time is ordered by the Court or provided by law.
- 5) Except where the matter has previously been specially set for hearing, the initial dates for appearance on an *Order to Show Cause* shall be noted in the *Order to Show Cause*, to be served on the person ordered to appear. Except in matters of temporary support, petitioner and respondent must personally appear. If there is no appearance by the respondent, the matter will be determined at the time of initial appearance. If the respondent appears and contests the order, a time for hearing will be set at that time.
- 6) **POLICY STATEMENT:** It will be the policy of the courts to attempt to set all hearings the week of the show cause date. If at the time of the initial call the parties so request, the matter will be set for an immediate settlement conference in lieu of a show cause hearing.

**RULE 8.042 *Hearings for Pendente Lite Relief***

Except for good cause shown by affidavit and as may be permitted by the Court, temporary support *pendente lite* shall be determined without testimony, based on the affidavits filed by the parties. The moving party may respond to the adverse party's Responding Uniform Support Affidavit. In any case involving temporary child support, the financial affidavits filed by the parties with the Court shall include applicable SED child support computation worksheets. When the matter is ready for decision, the moving party shall so notify the Court by filing a Notice of Readiness for Decision, a copy of which is attached to these Rules as **APPENDIX B**.

**RULE 8.051 *Modification of Domestic Relations Proceedings—Initiating Documents***

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

**RULE 8.075 *Parent Education Classes Required***

All individuals who are parties to a case involving child custody or parenting time, whether or not contested, must attend a parent education class once unless otherwise ordered by the court. Requests to waive this requirement must be submitted as a separate document and not as a part of any other pleading. This rule does not apply to juvenile dependency or delinquency proceedings.

**RULE 9.011 *Inventory Requirements: Probate***

The inventory filed pursuant to ORS 113.165 shall list real property by legal description and with the county's tax account number and lot number in the same manner as required in a deed. All other assets shall be described with sufficient specificity to identify the asset(s).

**RULE 9.041 *Adult Guardianships; Appointment of Visitor***

- 1) The court will appoint a visitor when required by ORS 125.150. A petition for guardianship shall designate in the caption that it is for guardianship of an adult, whether it is for a temporary or an indefinite time (or both), and whether a conservatorship is also being requested.

- 2) After the proof of service has been filed, copies of the petition, marked "VISITOR'S COPY," and with supporting documentation and the proof of service attached, should be deposited with the clerk of the court. After receipt of the copies, the court will enter an order appointing the visitor.
- 3) The visitor shall not be appointed, nor undertake an investigation pursuant to ORS 125.155 or an interview as required for a temporary guardianship, until proof of service of the notice has been filed.

**RULE 9.042 *Temporary Guardianship/Conservatorship***

- 1) Whether or not objections are filed to an order granting temporary fiduciary powers, the order appointing the temporary fiduciary shall set a date and time for a hearing within ten (10) days of the appointment for the purpose of determining whether the temporary appointment shall continue. Notice of the hearing must be given to all persons specified in ORS 125.060(2) in the manner provided by ORS 125.605. Nothing in this subsection shall obviate the need for compliance with ORS 125.605(2).
- 2) The court will require a bond for a temporary fiduciary exercising the powers of a conservator, unless the bond is waived upon a showing of good cause.

**RULE 9.051 *Settlement of Personal Injury or Wrongful Death Claims: Requirements***

A petition for approval of a settlement of a personal injury claim shall be accompanied by an affidavit which sets forth the following: A) a description of the incident causing the injury or death; B) a description of the injury; C) the amount of the prayer and settlement (if a structured settlement is requested, the present value of the future payments should be indicated); D) the amount of the attorney fees and costs; E) the proposed disposition of the settlement proceeds, if known; and F) a concise statement (not more than 50 words) explaining the reasons for the settlement.

**RULE 9.061 *Delinquent Filing; Courtesy Notices***

In the event of a delinquency or deficiency in filing any document required by statute or court order, the attorney of record shall be sent a courtesy notice. If there is no attorney of record, then the courtesy notice shall be sent to the personal representative, conservator, or guardian. The personal representative, conservator or guardian is expected to promptly cure the defect or delinquency. If the deficiency is not addressed within 30 days, an order to appear and show

cause why the personal representative, conservator, or guardian, and counsel of record should not be removed or held in contempt shall be issued. The personal representative, conservator, or guardian, together with counsel of record must appear—whether or not the delinquency or defect has been subsequently corrected, unless otherwise ordered by the court. If the delinquency or defect has not been corrected by the time of the hearing, sanctions may be imposed.

**RULE 9.081 *Objection to Petition for Appointment of Guardian/Conservator***

Any interested person, as described in ORS 125.075(1), who has an objection to a Petition in a protective proceeding should either submit a written objection or go to the office of the court clerk at the Courthouse at 316 Main Street, Klamath Falls, Oregon, or by calling (541) 883-5503, ext. 222. The Clerk’s Office will make the form set forth at **APPENDIX C** available to those wishing to file objections so the objection(s) can be reduced to writing and filed. Upon receipt of the objection and payment of any applicable fee required by ORS 21.310, the Court will schedule a hearing and notify the appropriate parties.

Objections must be received by the Court within fifteen (15) days of service of the Petition.

**RULE 9.082 *Alleged Incapacitated Persons—Notice Regarding Free or Low Cost Legal and Other Relevant Services***

In a proceeding for the appointment of a fiduciary for a respondent who is a minor, the notice required under ORS 125.070(2)(c) shall include the following language or its equivalent:

Free legal services for persons who are subject to a protective proceeding may be obtained by calling Legal Aid at 1-800-480-9160. Low cost legal consultation may be obtained by calling the Oregon State Bar, Attorney Referral and Information Service, at 1-800-452-7636.

**Rule 11.005 *Appearance In Juvenile Court Dependency Cases***

- 1) Pursuant to 2003 HB 2272 Engrossed, Section 3, parents shall respond to a summons for a petition for guardianship or termination of parental rights by filing a written answer to the petition within 30 days from the date on which the parent was served with the summons.
- 2) A parent who fails to appear shall be subject to entry of a default order and/or judgment granting the relief sought by the petitioner.

**RULE 12.005 *Mandatory Mediation Program***

Except for good cause shown, mediation shall be ordered in any civil case filed in Klamath County and involving a dispute over custody or visitation of a minor child or children. However, mediation is not required in any case arising under the Family Abuse Act, ORS 107.700–.730.

**RULE 13.005 *Mandatory Arbitration Program***

Klamath County courts have a voluntary and mandatory arbitration program in conformity with ORS 36.400 to 36.425 and UTCR Chapter 13. Arbitration is mandatory in any Circuit Court case involving less than \$25,000 and in any other case where it is mandatory by statute. Litigants may satisfy this requirement by participating to its conclusion in a judicial settlement conference, mediation or arbitration, unless the court orders otherwise.

**RULE 13.048 *Indigent Parties***

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

**RULE 16.005 *Testimony by Affidavit***

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

*Appendix A*  
**KLAMATH COUNTY STANDARD PARENTING PLAN**

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

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

**II. ROUTINE SCHEDULE**

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

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

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

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

Children over age 36 months. Alternating weekends commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on Sunday; and every other week from 6:00 p.m. to 8:00 p.m. on the Monday preceding the nonresidential parent's weekend with the child(ren). In the event a school closure day is attached to an alternate weekend, the nonresidential parent will have the child(ren) for the additional day.

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

### III. HOLIDAY AND VACATION PLANNING

#### A. *Holiday and vacation schedule*

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

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

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

#### B. *Winter vacation*

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

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

Children over age 36 months. Whether or not the child(ren) is/are in school during the period of school winter vacation in the district in which they reside, parenting time for the nonresidential parent will be from 9:00 a.m. the day after school adjourns through noon on December 26 in even numbered years. In odd numbered years the nonresidential parent will have the child(ren) from noon on December 26 until noon the day before school reconvenes.

***C. Thanksgiving***

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

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

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

***D. Easter***

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

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

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

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

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

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

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

***F. Fourth of July***

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

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

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

***G. Halloween***

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

Children aged 6 months to 36 months. The nonresidential parent will have the child(ren) from 4:00 p.m. to 8:00 p.m. Halloween Day in odd years.

Children over age 36 months. The nonresidential parent will have the child(ren) from 4:00 p.m. to 10:00 p.m. Halloween Day in odd years.

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

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

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

*I. Spring Break*

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

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

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

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

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

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

*K. Summer Vacation*

Before May 1<sup>st</sup> of each year, the nonresidential parent must notify the residential parent in writing the dates of the summer parenting time periods. If the nonresidential parent fails to give that written notice before May 1<sup>st</sup>, she or he is still entitled to exercise their summer parenting time but the residential parent can then choose the dates.

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

Children aged 36 months to 6 years prior to June 1. The nonresidential parent will have the child(ren) for 3 one-week blocks, scheduled to include the nonresidential parent's "alternate weekends". One week will be in June, one in July and one in August of each summer. There must be at least two weeks between each of the one-week blocks. "Alternate weekends" continue throughout the summer.

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

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

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

All parenting time periods must be exercised in a prompt manner so that both parties can make their plans accordingly. The nonresidential parent must pick the child up from the front steps of the residential parent’s residence no earlier than 15 minutes before and not later than 30 minutes after the parenting time period commences. The child must be returned to the front steps of the residential parent’s residence no later than 15 minutes after the parenting time period ends. The nonresidential parent is responsible for incidental costs of exercising parenting time, and transportation expenses.

##### ***B. Meals And Clothes***

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

##### ***C. Medications***

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

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

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

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

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

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

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

**V. TELEPHONE ACCESS**

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

**VI. CONTACT AT SCHOOL**

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

**VII. AFFECTION AND RESPECT**

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

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

The nonresidential parent always has the right:

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

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

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

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

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

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

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

*Appendix A-2*

**KLAMATH COUNTY STANDARD LONG-DISTANCE PARENTING PLAN**

**1. PARENTS CAN AGREE TO A DIFFERENT PLAN**

This long-distance parenting plan is a template plan that parents may use “as is” or modify to create their own parenting plan. Parents are encouraged to try to reach their own agreements on parenting time. If parents do not agree to a different plan, the nonresidential parent shall have parenting time as set forth in this plan at a minimum. The parties can agree, at any time, to modify this plan.

**2. ROUTINE SCHEDULE**

Children aged birth to 6 months. Every Saturday from 5:00 pm to 7:00 pm, and every Sunday from 10:00 am to Noon in the locale where the residential parent resides.

Children aged 6 months to 18 months. Every other Saturday and Sunday from 10:00 am to 6:00 pm in the locale where the residential parent resides.

Children aged 18 months to 36 months. Every other Saturday from 9:00 am to Sunday at 6:00 pm in the locale where the residential parent resides.

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

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

The nonresidential parent is encouraged to be flexible in parenting time arrangements for young children who are being breast-fed.

### 3. HOLIDAY AND VACATION PLANNING

#### A. *Summer Parenting Time*

Children age birth to 18 months prior to June 1. For each of the months of June, July and August of every year, the nonresidential parent shall have the child(ren) for one weekend per month on Saturday and Sunday from 10:00 am to 6:00 pm. Prior to May 1 of each year, the nonresidential parent shall select and notify in writing the residential parent as to which weekend he or she has selected for those months.

Children aged 18 months to 36 months. For each of the months of June, July and August of every year, the nonresidential parent shall have the child(ren) for one weekend per month From Friday at 6:00 pm to Sunday at 6:00 pm. Prior to May 1 of each year, the nonresidential parent shall select and notify in writing the residential parent as to which weekend he or she has selected for those months.

Children over age 36 months. Whether or not the child(ren) is/are in school, the nonresidential parent shall have the child(ren) to two (2) twelve–day blocks, starting not less than two weeks and not more than five weeks after school ends according to the school district where the residential parent lives. There must be at least two weeks between each of the blocks. Applicable routine schedule is discontinued. Prior to May 1 of each year, the nonresidential parent shall select and notify in writing the residential parent as to which dates have been selected.

Children six years of age and older prior to June 1: The nonresidential parent shall have the child(ren) for a period of 49 days (seven weeks), starting not less than one week after school ends, during the period of school summer vacation, including the Fourth of July in even years. The residential parent shall have a two–week period with the child, to be scheduled after the first 19 days of the nonresidential parent’s summer parenting time and will not count this time as part of the nonresidential parent’s 49 days. If the residential parent chooses to have such a two–week period with the child, then the residential parent shall pay for all transportation costs incurred in transporting the child from the nonresidential parent’s home to the residential parent’s home and back to the nonresidential parent’s home. Prior to May 1, the nonresidential parent shall select and notify in writing the residential parent of the dates for the summer parenting time. By June 1, the residential parent will notify in writing the nonresidential parent of the selected 2–week period, if that parent chooses to have one.

***B. Thanksgiving***

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

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

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

Children 36 months and older: In odd years, from the Wednesday at 6:00 pm until Sunday at 6:00 pm.

***C. Spring Break/Vacation***

Children age birth to 18 months. No change from ROUTINE SCHEDULE.

Children aged 18 months to 36 months: In odd years, Saturday at 10:00 am to Tuesday at 10:00 am during the week of spring break, according to the school district where the residential parent resides.

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

***D. Winter/Christmas Break***

Children aged 6 months to 18 months: In even years, from 9:00 am to 6:00 pm on December 25 in the locale where the residential parent resides. In odd years, December 24 from 9:00 am to 6:00 pm.

Children aged 18 months to 36 months: In even years, December 25 from 9:00 am to December 29 at 9:00 am. In odd years, December 21 from 9:00 am to December 25 at 9:00 am.

Children 36 months to six years of age: In even years, from 9:00 am December 25 to January 1 at 6:00 pm. In odd years, from 6:00 pm December 18 to December 25 at 9:00 am.

Children 36 months and older: In even years, from the day after school adjourns at 10:00 am to the day before school resumes at 6:00 pm.

*E. Flex Time*

In addition to the parenting time schedule set forth herein, the nonresidential parent shall have parenting time with the child(ren) on a flexible basis conditioned upon at least three (3) days prior notice. This flex time shall not exceed 12 days per year, unless mutually agreed by both parents. The nonresidential parent may have up to 4 consecutive days at a time, consistent with the age-appropriate time spans found in Section 3-A.

**4. PARENTING TIME ARRANGEMENTS**

*A. Transportation*

1. Transportation by plane, train or bus: If the nonresidential parent wants the child(ren) to travel by plane, train or bus, then the residential parent shall deliver and pick-up the child(ren) at the local international airport, train station or bus station. A child younger than ten years shall not travel long distances unless accompanied by a parent or mutually agreed-upon suitable adult.

2. The Court recommends that each parent share equally in the cost of transportation for parenting time.

3. Transportation by car. The nonresidential parent must pick up the child(ren) from the front steps of the residential parent's residence no earlier than 15 minutes before and not later than 30 minutes after the parenting time period commences. The residential parent shall pick up the child(ren) from the nonresidential parent's residence no earlier than 15 minutes before and not later than 30 minutes after the parenting time period ends.

4. Parents may make any other arrangements by mutual agreement.

*B. Meals And Clothes*

The residential parent must have the child(ren) fed and ready on time with sufficient clothing packed and ready for the nonresidential parent's parenting time. The nonresidential parent is responsible for incidental costs of exercising parenting time. The nonresidential parent shall return all clothing that accompanied the child(ren) and shall have the child(ren) fed before the child(ren) return/s to the residential parent.

***C. Medications***

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

***D. Parenting Time is Not the Child(ren)'s Decision***

The child(ren) will not be permitted to determine whether they wish to visit with the nonresidential parent. The residential parent and child(ren)'s personal plans, school activities, church activities and other considerations are not reason for failing to adhere to this parenting time schedule, except to determine flex time scheduling. Parents are, however, encouraged to be supportive of the child(ren)'s participation in all extracurricular activities.

***E. Where There Are Children In Different Age Groups***

If there are children who would have different parenting time schedules under this parenting plan because they are different ages, the nonresidential parent will have parenting time with all children together under the schedule that applies to the oldest child, unless a child is 6 months of age or younger. In that case, the youngest child must go by the designated age-appropriate times.

***F. Scheduling***

Parenting time shall be arranged and scheduled, insofar as possible, to coincide with school in-service days and holidays/vacations.

While this schedule promotes stability for the child(ren), each parent shall acknowledge that reasonable adjustments will be needed from time to time and that an element of flexibility will be required in administering this parenting schedule. Each parent shall be flexible in arranging dates and times for parenting time with the child(ren) so important family events, school and extracurricular activities are maintained with minimal disruption or hard feelings.

Parents should make scheduling arrangements between themselves or through other adults. Children should not be used as messengers.

### ***G. Make-up of Missed Parenting Time***

Only substantial medical reasons will be considered sufficient for postponement of scheduled parenting time. If a child is seriously ill and unable to visit with the nonresidential parent, a make-up parenting time must be scheduled within 20 days. If, however, the nonresidential parent is unable to exercise his/her parenting time for any reason, s/he is not entitled to any make-up parenting time unless mutually agreed by both parents.

## **5. PARENT-CHILD COMMUNICATION**

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

## **6. AFFECTION AND RESPECT**

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

## **7. PARENTAL NOTIFICATION (ORS 107.164)**

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

B. The residential parent will provide a letter/report to the other parent every 90 days, at a minimum, describing the child(ren)'s progress in school to include school photographs and examples of school work; the child(ren)'s activities (school, social sports, cultural, religious, etc.), including awards, photographs and so forth; and the child(ren)'s medical and general health condition.

**8. PARENT’S RELOCATION (ORS 107.159)**

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

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

If a parent fails to comply with a provision of this plan, the other parent’s obligations under the plan are not affected. The Court Clerk for the 13<sup>th</sup> Judicial District for Klamath County has information about the expedited parenting time enforcement procedure.

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

_____ , Petitioner & _____ , Respondent
---

Case No.

**NOTICE OF READINESS  
FOR DECISION OF**

Petitioner       Respondent

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

1. Order to Show Cause regarding Temporary Support, Payment of Debts, and attorney fees.
2. Uniform Support Affidavit of Petitioner.
3. Uniform Support Affidavit of Respondent.
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

\_\_\_\_\_  
Moving Party or Attorney for Moving Party

I certify that I served a true copy of the above notice upon the adverse party in the manner set forth in the Oregon Rules of Civil Procedure on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Moving Party or Attorney for Moving Party

I certify the foregoing is a true copy of the original notice I am filing with the Court.

\_\_\_\_\_  
Moving Party or Attorney for Moving Party

Rule 8.042 Form

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF KLAMATH**

Guardianship/Conservatorship of

\_\_\_\_\_  
*(Protected Person)*

Case No. \_\_\_\_\_

**OBJECTION TO PETITION FOR  
APPOINTMENT OF GUARDIAN/  
CONSERVATOR**

I, \_\_\_\_\_,  
*(Objecting party's name and relationship to the Protected Person)*

hereby object to the Protective proceeding or the proposed guardian or conservator for the following reasons *(state reasons below and use additional sheet if necessary)*:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Objecting Party

\_\_\_\_\_  
Printed or Typed Name of Objecting Party

\_\_\_\_\_  
Address or Contact Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
*Telephone or Contact Telephone Number(s)*

RETURN TO: CRIMINAL/TRAFFIC DIVISION  
13<sup>th</sup> Judicial District  
316 Main Street  
Klamath Falls, Oregon 97601

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

**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF KLAMATH**

STATE OF OREGON,  
Plaintiff,  
v.  
\_\_\_\_\_,  
Defendant.

Case No. \_\_\_\_\_

***Waiver and affidavit***

**WAIVER**

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

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

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

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

STATE OF OREGON  
County of \_\_\_\_\_ | ss.

**TESTIMONY BY AFFIDAVIT**

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

Police Officer       Defendant       Other

in the above traffic offense. Pursuant to ORS 153.080, my presence at trial has been waived. This affidavit represents my sworn testimony concerning the above traffic offense. ***(Continued on reverse side.)***

