SUPPLEMENTARY LOCAL RULES
OF THE CIRCUIT COURT
OF THE STATE OF OREGON FOR LANE COUNTY

Effective February 1, 2013

NOTE: These rules must be read together with applicable provisions of statute, ORCP and UTCR.

RULES OF THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY

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Chapter 1 - General Provisions

1.002 ADDRESSES AND TELEPHONE NUMBERS

(1) Defendants in criminal and violation cases.

During the pendency of any case charging an offense, including traffic, boating, game violation and criminal cases, or while any monetary or other obligations imposed by the court in such case remains unsatisfied, defendant must keep the court advised in writing of defendant's current name, mailing address and telephone or message telephone number.

(2) Unrepresented parties in civil and small claims cases.

During the pendency of any civil or small claims case, any party who is not represented by an attorney of record must keep the court advised in writing of the party's current name, mailing address and any telephone or message telephone number.

1.151 HOURS OF COURT OPERATION

Lane County Circuit Court maintains two locations in the 2nd Judicial District. The hours of operation and when documents may be filed for each location are:

(1) Circuit Court: Monday through Friday, 8:00 a.m. - 5:00 p.m.
125 East 8th Avenue
Eugene, OR 97401

(2) Juvenile Court: Monday through Friday, 8:00 a.m. - Noon, 1:00 p.m. - 5:00 p.m.
2727 Martin Luther King Jr. Boulevard
Eugene, OR 97401

1.161 FILING OF DOCUMENTS

(1) The Office of the Trial Court Administrator receives documents for filing at the court clerk's office. The court clerk's office is located on the 2nd floor of the Lane County Courthouse at 125 East 8th Ave, Eugene, OR 97401.

{(a)} Probate documents may be filed at the probate center located in the basement/archives department**.**

{(b) Juvenile documents may be filed at the juvenile court clerk's office.}

(2) At the direction of a judge, documents may be filed in the courtroom during the pendency of a proceeding, or may be filed at a judge's chambers. Documents requested by a

judge may be filed directly with a judge's chambers. Documents may also be filed at a judge's chambers at the direction of the presiding judge.

(3) Documents delivered by mail to the court are received for filing when delivered in the normal course of distribution of documents from the mail room to the appropriate division of the court clerk's office.

(4) In all cases, if the document requires a fee, the fee must be paid prior to, or simultaneous to submitting the document for filing.

(5) Documents transmitted via facsimile (FAX) will not be received for filing.

1.171 COURT WEB SITE

The Lane County Circuit website is http://courts.oregon.gov/Lane/. A link for this site can be found at the Oregon Judicial Department website http://courts.oregon.gov/OJD/ in the Circuit Courts section.

Chapter 2 - Standards for Pleadings and Documents

2.011 PROPOSED ORDERS

All proposed orders submitted to the court shall contain two (2) check boxes: one for allowed and the other for denied. Both check box provisions shall contain sufficient additional space for the court to add conditions, limitations to, or reasons for the court's order.

Chapter 3 - Decorum in Proceedings; Resignation of Counsel

3.011 APPROPRIATE ATTIRE DEFINED

"Appropriate attire," as used in UTCR 3.010(2), for the male shall be coat and tie, and for the female, correspondingly professional attire.

3.141 RESIGNATION OF COUNSEL**[** - *CRIMINAL, VIOLATION CASES***]**

{(1) Criminal Cases}

{(a)} In criminal cases, including appeals from Justice and Municipal Courts, application for withdrawal or discharge of counsel shall be in open court at 2:30 call or an arraignment, after notice to opposing counsel, and with the defendant present unless the defendant's whereabouts are unknown.

{(b)} A Motion to Withdraw by defense counsel in a criminal case shall begin with a reference to the trial date or a statement that the case has not been set for trial. If the case is set for trial, the motion must recite whether, how and when defendant was notified of the trial date. Upon filing a Motion to Withdraw, it shall be the responsibility of the defense counsel in criminal cases to have the matter placed upon the appropriate court docket for the appearance required by this rule and to give notice of the appearance date and time to the defendant and the District Attorney.

{(2) Civil Cases – Withdrawal as Counsel for Non-Person Parties

In a motion to withdraw as attorney where the client is a corporation or other similarly situated party, the withdrawing lawyer is required to submit an affidavit indicating the following:

(a) That they have notified the client that it is required by law to appear through an attorney and the client cannot proceed self-represented or file documents with the court and;

(b) That upon motion of the opposing party, previous filings may be stricken and;

(c) That an order striking previously filed documents could result in entry of a default judgment against the client following a 10 day notice of intent to take default.}

3.142 ATTORNEY OF RECORD IN PENDING CASES

(1) Telephone calls or statements by a litigant at arraignment or otherwise are not sufficient to designate an attorney-of-record.

(2) When one attorney is substituted for another, the filed and served notice of substitution is sufficient to change the attorney-of-record.

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE IN AREAS OUTSIDE OF COURTROOMS

(1) Media or other public access coverage in areas outside the courtrooms is limited to the space behind and to the south of the yellow lines on the floor of the second, third and fourth floors of the Lane County Courthouse.

(2) No media or public access coverage is allowed in the lobby of Lane County Adult Corrections, 101 W 5th Ave, Eugene, OR for purposes of Circuit Court proceedings being conducted in the jail's courtroom.

3.182 PERSONAL COMMUNICATION DEVICES

(1) Definition: For the purposes of this rule, personal communication devices include, but are not limited to: cellular telephones, pagers, laptop computers, and personal digital assistants (PDAs).

(2) Limitations on Use:

(a) Courtrooms: Unless permitted by the judge presiding over the proceeding, personal communication devices must be turned off while in a courtroom. They may be turned on when not in a courtroom, however, such devices shall not be used to record, receive, or transmit video images, pictures, or audio at any time when inside the courthouse.

(b) Jurors: Unless permitted by the judge presiding over the trial, members of a seated jury shall not possess personal communication devices in the courtroom or jury deliberation room. After the jury is seated, the courtroom clerk will collect all devices and retain them in a secure location. The devices will be returned to jurors for the duration of the noon recess and other recesses as allowed by the judge, and at the conclusion of each day's proceedings.

Chapter 4 -– [*Motions*] {**Proceedings**} in Criminal Cases

4.006 TESTIMONY BY JUDGE OF THE CIRCUIT COURT OR TRIAL COURT ADMINISTRATOR

Any matter requiring testimony of a judge of the Lane County Circuit Court and/or the trial court administrator will be subject to a **[***pretrial***]** **{preliminary}** conference to determine scheduling of the witness and what the testimony is intended to elicit. The party seeking the testimony shall request the **[***pretrial***]** conference no later than 5 days before the scheduled trial **{or hearing}** date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

4.051 MOTIONS AND DEMURRERS IN CRIMINAL CASES

(1) All criminal motions, demurrers, other challenges to an indictment, and matters subject to ORS 135.805 to 135.873 will be considered on the third succeeding Tuesday after the same shall have been filed, unless otherwise ordered by the Court.

(2) Any pretrial motion or demurrer in a case assigned to a judge shall be decided by the judge to whom the case has been assigned, unless the presiding judge designates some other judge to decide it.

(3) Opposing counsel may, on or before Monday of the week preceding the time for consideration, file a memorandum of authorities. The moving party may file in the chambers of the judge assigned to the matter a reply memorandum not later than Friday of the week before the motion or demurrer is to be considered.

Chapter 5 -– [*Motions*] {**Proceedings**} in Civil Cases

5.001 ORAL STIPULATIONS

Oral stipulations between counsel, except those made in open court and on the record, will not be recognized.

5.005 MOTIONS IN CIVIL CASES

(1) All pretrial motions, including motions for summary judgment, will be considered on the fifth succeeding motion day after the motion is filed, unless otherwise ordered by the Court. However, upon written stipulation of counsel filed in the chambers of the judge assigned the matter not later than the Thursday of the week preceding the day for consideration, the consideration may be continued to a later motion day. No motion may be continued more than once, nor additional time to file memoranda allowed, unless ordered by the Court. When a party

requests telephonic argument, the clerk will set a specific time for argument on the customary motion day docket.

(2) If the case has been assigned a trial date at the time of the filing of the motion, that fact and the trial date shall constitute the first sentence of the motion.

(3) Except when a stipulation is filed pursuant to (1) above, a party moving to postpone or accelerate the consideration of matters on the motion docket, including requests for expedited hearing, shall ascertain the position of all other parties regarding the postponement or acceleration, and shall include a statement of those positions in its motion. The statement shall also indicate whether or not the other parties wish to respond to the motion to postpone or accelerate. In the absence of such statement, the motion to postpone or accelerate will be denied and the matter considered in the normal course.

(4) A party moving to amend its pleadings shall ascertain the positions of all other parties regarding amendment, and, if the motion is unopposed, it shall so state in its heading. Unopposed motions to amend shall be immediately considered by the Court. Opposed motions to amend shall be considered by the Court in the normal course.

5.006 TESTIMONY BY JUDGE OF THE CIRCUIT COURT OR TRIAL COURT ADMINISTRATOR

Any matter requiring testimony of a judge of the Lane County Circuit Court and/or the trial court administrator will be subject to a **{preliminary} [***pretrial***]** conference to determine scheduling of the witness and what the testimony is intended to elicit. The party seeking the testimony shall request the **[***pretrial***]** conference no later than 5 days before the scheduled trial **{or hearing}** date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

5.021 POINTS AND AUTHORITIES

Subject to UTCR 1.100, any motion not accompanied by a written statement of points and authorities or memorandum of law shall be stricken at the time such motion comes on for consideration. Points are concise statements of the arguments supporting the motion. Each point shall be followed by citation of authorities for that point.

{5.051 INITIATING CONFERENCE CALL FOR NONEVIDETIARY HEARING

Subject to UTCR 5.050, if a request for teleconference is granted, the first party requesting oral argument by telephone shall be responsible for initiating and bearing the costs of the call. The responsible party shall initiate the call at the time set by the court. The responsible party shall initiate the call in such a manner that the court can receive the call from all of the parties or call in and join the conference call with all the parties. }

5.061 PRESENTATION OF EX PARTE ORDERS

(1) All ex parte orders not specifically otherwise provided for in these rules shall be presented by an attorney of record having knowledge of the subject matter in the designated courtroom Monday through Friday of each week between 8:30 a.m. and 8:50 a.m., and not otherwise except in case of emergency.

(2) Except in domestic relations cases, all ex parte orders in cases where the amount in controversy is $10,000 or less shall be submitted to the court clerk.

(3) Attorneys maintaining their principal offices outside the Eugene-Springfield area may, in lieu of appearing personally as provided above, submit orders to the court by mail, setting forth in an accompanying letter sufficient information to give the Court a complete understanding of the matter.

(4) Ex parte orders postponing trials (including stipulations), shall be presented only to the presiding judge, unless the presiding judge otherwise directs.

(5) Paragraph (4) of this rule applies to ex parte orders postponing trials in decedents' estates, guardianships and conservatorships, as well as to all other ex parte orders postponing trials. The other paragraphs of this rule do not apply to ex parte orders in decedents' estates, guardianships and conservatorships.

(6) Except where otherwise authorized by statute, all motions and affidavits seeking an ex parte order and/or judgment of default shall state the method of service and date and time service was made and perfected. In addition to a declaration in the affidavit this information shall be set forth in the first line of the motion.

Chapter 6 - Trials

6.012 SETTLEMENT CONFERENCES

(1) Any party may request a settlement conference by making a written request to the presiding judge. Early requests are encouraged, and requests for assignment to a particular judge will be honored if possible.

(2) The settlement conference judge shall not act as trial judge if the case does not settle unless agreed to by the parties. The assigned settlement judge will determine whether a pretrial statement or other document must be submitted to the judge prior to the settlement conference, when it should be submitted, and whether it will be confidential or non-confidential. Materials or notes prepared by the pretrial settlement judge will remain confidential and will not be placed in the court file in the event that the case does not settle. The assigned settlement judge will determine the appropriate method for reporting settlement and removing the case from the active trial docket and will determine whether a trial setting conference must be held prior to the pretrial settlement conference.

(3) If one party requests a pretrial settlement conference, the settlement conference must be held and must be conducted according to the procedure set forth in the SLR. However, the pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.

(4) Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the pretrial settlement conference; however, the judge may permit telephone appearances for good cause.

(5) Each settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the judge or by agreement of all attorneys and parties.

(6) The pretrial settlement conference shall not delay the trial scheduling.

6.031 MOTION TO POSTPONE

(1) All motions for postponement including stipulations must be filed more than one week prior to the trial date. However, the presiding judge may allow a motion or stipulation for postponement filed within one week of the trial date upon good cause shown and provided the Court is satisfied with the cause.

(2) The first sentence of the motion must state the current trial or hearing date and in criminal cases whether or not defendant is in custody.

(3) All motions and stipulations for postponement must include a proposed new trial date agreeable to all parties and approved by the court calendar clerk's office.

6.081 EXHIBITS - AUDIO AND VIDEO RECORDINGS

The proponent of any audio or video exhibit shall be responsible for arranging for playback equipment, with footage counter when required, for use during the trial or other proceeding.

6.215 HEARING OF POST-TRIAL MOTIONS

All motions for new trial, for judgment notwithstanding a verdict, and other post-trial motions and objections to cost bills shall be heard by the judge before whom the cause was tried, at a time to be set by that judge.

Chapter 7 - Case Management and Calendaring

7.002 SCHEDULES OF VACATION AND OTHER UNAVAILABLE DAYS

(1) Every attorney practicing in criminal cases in this court must file with the calendar clerk written schedules of unavailable days at least ninety (90) days prior to any court day on which the attorney will not be available for trial in this court for any reason.

(2) Each police agency must file with the calendar clerk written schedules of unavailable days at least ninety (90) days prior to any court day on which the police officer will not be available for traffic violation trials in this court for any reason.

7.004 ASSIGNMENT OF CASES FOR TRIAL

Cases set for trial shall be assigned to a judge for trial at 9:30 a.m. on the day of the trial in the courtroom of the presiding judge. The attorneys who will try the case and the parties shall appear for case assignment.

7.005 SETTLEMENT OF DOMESTIC RELATIONS CASES

(1) Unless settlement documents have been previously tendered to the court, all parties in domestic relations cases and their attorneys must appear on the scheduled trial date at the 9:30 a.m. Trial Call prepared for trial. Settlement agreements and proposed orders or judgments that have been reduced to writing and not previously filed shall be presented to the court at that time. Settlements which have not been reduced to writing must be placed on the record at that time and must be full and complete settlements of all issues. Written documentation of any settlements so placed on the record must be presented to the court within fourteen (14) days thereafter, or the case will be dismissed.

(2) If the parties are unable to place a full and complete settlement on the record at Call, the case will be referred out for trial. Upon request, the calendar clerk will place a case on the 9:30 a.m. Trial Call Docket in advance of the scheduled trial date for the purpose of placing a settlement on the record.

7.006 HOURS OF TRIAL

Unless the trial judge shall otherwise direct, trial of cases takes place Tuesday through Friday and shall commence at the hour of 10:00 a.m. and continue until 12:00 noon, and shall reconvene at 1:30 p.m. and continue until 5:00 p.m.

7.007 MOTION DAYS

(1) Monday is motion day for civil motions. When Monday is a legal holiday, Tuesday will be motion day for civil motions. Tuesday will be motion day for criminal motions described in SLR 4.006.

(2) In cases where oral argument has been requested, argument shall be at 9:00 a.m. in the courtroom of the judge assigned to hear civil or criminal motions.

7.008 SHOW CAUSE HEARINGS

Show cause proceedings except post-judgment modification motions and other miscellaneous hearings shall be heard on Mondays. When Monday is a legal holiday, they will be heard on Tuesday. They will be docketed as follows:

(1)	8:30 a.m.	DA Docket - child support contempt; restraining order contempt
	9:00 a.m.	Stalking order hearings; Judgment debtor exams; Show cause contempt on judgment debtor exams / garnishee show causes, etc.; FAPA contested hearings; Attorney show cause docket
(2)	1:30 p.m.	Claim of exemption hearings; De novo appeals on child support; Registration of foreign judgments and misc.

Any hearing expected to take more than one (1) hour will not be heard on Mondays unless special arrangements are made in advance with the show cause judge or the presiding judge. The parties should contact the calendar clerk and arrange to have lengthy hearings set on the regular trial docket.

7.009 PARENTING TIME ENFORCEMENT PROCEEDINGS

See SLR 8.052

7.011 CRIMINAL CALL

Defendants and their attorneys must appear in person for criminal call at 2:30 p.m. on the date assigned at arraignment for the purpose of making the report required by UTCR 7.010(3). At the proceeding, the parties will report the status of the case to the presiding judge. If a settlement has not been reached, the case will be assigned to a judge for a settlement conference to be held that day. Prior to reporting for the settlement conference, the defendant and the defendant's attorney must go to the calendar clerk's office for a trial date if one has not already been scheduled. A bench warrant will be issued for any defendant who fails to appear.

7.031 COMMERCIAL COURT

(1) Assignment to Commercial Court

A party or the court may move to have a case assigned to the Commercial Court. The presiding judge or the presiding judge's designee shall hear the motion. The ruling on the motion is final

and is not subject to review or appeal, except that the presiding judge or the presiding judge's designee may, for good cause shown, remove a case from Commercial Court. Information on the Commercial Court and on factors that may qualify a case for assignment to the Commercial Court can be found at http://courts.oregon.gov/Lane/ under the services, then programs tabs.

(2) Cases Filed in Other Judicial Districts

A party to a case filed in another judicial district who seeks assignment to the Commercial Court shall first confer with the other parties and the Lane County presiding judge or the Lane County presiding judge's designee to determine whether the case is appropriate for assignment to the Commercial Court. That party shall then apply for change of venue pursuant to ORS 14.110(1)(c). The Lane County Presiding Judge shall consult with the presiding judge of the originating district prior to a ruling on the motion for change of venue. After the change of venue has been completed, that party shall move to have the case assigned to the Commercial Court pursuant to section (1) of this rule.

Chapter 8 - Domestic Relations Proceedings

8.001 SETTLEMENT OF DOMESTIC RELATIONS CASES

See SLR 7.005.

8.002 CONTEMPT SHOW CAUSE PROCEDURES

(1) Contempt proceedings in domestic relations cases shall be initiated by a Motion to Show Cause supported by an Affidavit which sets out the facts constituting the alleged contempt.

(2) Unless otherwise ordered, hearings on contempt proceedings initiated by private attorneys or persons proceeding pro se shall be held pursuant to SLR 7.008.

(3) The proposed Order to Show Cause shall require the opposing party to appear at a specified time and date on the motion docket pursuant to SLR 7.008 that is not less than thirty (30) days after the motion, affidavit, and order have been served. The opposing party shall be required to show cause why the allegations in the motion and supporting affidavit should not be granted.

8.011 CUSTODY OR PARENTING TIME ISSUES IN PATERNITY CASES

(1) Proceedings to establish or modify custody or parenting time where paternity has been established must be brought pursuant to ORS 109.103. If support has been established in a separate proceeding and is an issue, the moving party must file with his/her petition a motion and proposed order to consolidate the cases into the proceeding brought pursuant to ORS 109.103.

Custody or visitation proceedings brought under ORS 109.175 as modifications of administrative orders establishing paternity or support will be dismissed upon application of the opposing party or by the Court on its motion.

(2) The summons associated with a petition filed under (1) above shall require a written appearance within the time prescribed by ORCP for answering a complaint. Thereafter the proceeding shall be conducted in the same manner and form as in non-jury cases.

(3) If paternity has not been established as provided in ORS 109.070 and custody or parenting time is an issue, proceed under ORS 109.124 et seq.

(4) Custody or parenting time proceedings are subject to mediation. See Chapter 12 of these rules.

8.012 MANDATORY PARENT EDUCATION PROGRAM

(1) APPLICATION: Lane County has established a parent education program of the type authorized by ORS 3.425. The program shall provide information on the impact of family restructuring on children and skills for successful co-parenting after separation for parties in the following types of proceedings:

(a) Annulment or dissolution of marriage;

(b) Legal Separation;

(c) Petitions to establish custody or parenting time, including paternity cases when those issues are present.

(2) PARENT EDUCATION REQUIREMENT: Where a child under the age of 18 is involved, each party in a proceeding of a type described above shall successfully complete the parent education class offered through the Lane County Family Mediation program or an approved alternative education program.

(3) NOTICE: A copy of a notice regarding this requirement and an explanation of the program prepared by the Lane County Family Mediation Program shall be provided to the moving party by the trial court clerk accepting the filing at the time the moving party's documents are filed. The moving party shall serve a copy of this notice on the opposing party along with the moving papers in the manner provided by ORCP 7, and the return of service on the opposing party shall indicate service of this notice as well as the other documents requiring service.

(4) REGISTRATION: The moving party shall register for the program or make application for approval of an alternative program within fifteen (15) days of that party's filing. Other parties subject to this rule shall register for the program or make application for approval of an alternative program within thirty (30) days of service of the notice.

All parties shall complete the class within 60 (sixty) days of receiving a copy of the notice described above.

(5) WAIVER: Upon a showing of good cause and within the time required for registration in paragraph 4, a party may request waiver of this rule. The request shall be made to the administrator of the parent education program, and the decision of the administrator may be reviewed by the court upon request of either party. The request shall be granted if the administrator or the court determines that participation is either unnecessary or inappropriate.

(6) FEE: Each party shall pay a fee determined by the program provider to cover the program costs. The fee may be waived or reduced by the program provider, subject to court review.

(7) CERTIFICATE OF COMPLETION: The program provider shall present a certificate of completion to the court when the participant has completed the program.

(8) FAILURE TO COMPLETE: Court action in these cases shall not be delayed by a party's refusal, failure or delay in registering for or completing this program or the failure to comply with the requirements of this rule, unless the non-complying party is the moving party. If a party fails to complete the education program successfully or fails to comply with the requirements of this rule, the court may take appropriate action against that party, including but no limited to: (1) denying the relief sought by that party; (2) considering the noncompliance when ruling on issues related to custody and parenting time; or (3) bringing contempt proceedings against that party. Further, a party that has completed the program may request entry of an order from the court to compel the non-complying party's completion of the program.

8.013 PROPERTY LISTS

If there are any disputes regarding the value or disposition of items of personal property, the parties may 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.

8.041 ORDERS TO SHOW CAUSE PRIOR TO TRIAL

(1) All Orders To Show Cause shall be served not less than twenty-one (21) days prior to the time set for hearing or appearance, unless another time is ordered by the Court or provided by law. Except for Orders For Temporary Support, the Order To Show Cause shall contain a notice plainly and specifically stating the hearing date and time.

(2) Orders To Show Cause shall be filed with the clerk immediately after being signed by a judge.

(3) 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

within 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 matters of fact at issue. Except for good cause shown, no further filings are required or permitted.

(4) If the relief requested includes support, a blank uniform support declaration 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.

(5) 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 declaration. In any case involving temporary child support, the financial affidavits filed by the parties with the court shall include applicable 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 sample of this form is included at the end of these rules.

(6) Except in matters of temporary support, it shall be the duty of counsel for the moving party in a show cause proceeding to be present in court at the time set. If the moving party fails to appear, the matter shall be considered abandoned.

8.042 PRE-JUDGMENT TEMPORARY CUSTODY AND PARENTING TIME

Hearings requested as provided for in ORS 107.097(4), shall be heard at 9 a.m. on the third Monday after the day the requests are filed.

8.043 BIFURCATION OF CUSTODY ISSUE

Upon motion supported by affidavit showing good cause, the custody issue may be segregated and accelerated for trial on the merits.

8.051 POST-JUDGMENT MODIFICATION PROCEEDINGS: STATUS QUO HEARINGS

(1) The Order To Show Cause shall require the adverse party to file a written response in answer to the Motion and Affidavit, with a responding Uniform support declaration if the issue of support is to be contested, within the time prescribed by ORS 107.135(13).

(2) The Order To Show Cause shall be filed with the clerk immediately after being signed by a judge.

(3) The Order To Show Cause shall advise the adverse party that if such written appearance is not timely filed, a Default Order shall be applied for by the moving party. Thereafter, the proceedings shall be conducted in the same manner and form as provided for in non-jury actions.

(4) Hearings on temporary status quo orders entered under ORS 107.138(2), shall be held on Mondays at 9:00 a.m. as a part of the show cause docket.

8.052 PARENTING TIME ENFORCEMENT PROCEEDINGS

(1) Proceedings for expedited parenting time enforcement pursuant to ORS 107.434 shall be initiated by motion and order to show cause. Such proceedings shall be heard on the show cause docket at 9:00 a.m. as provided in SLR 7.008 if the motion seeks only to enforce an existing order establishing parenting time through one or more of the remedies listed in ORS 107.434, section (2)(b), (c),(d) or (e), and the hearing is not expected to exceed one hour. If the motion seeks to enforce parenting time through one or more of the remedies listed in ORS 107.434, section (2) (a), (f), or (g), or if the hearing is expected to exceed one hour, the proceeding shall be heard on the regular trial docket, but is subject to the 45-day timeline.

(2) Unless another time is ordered by the court, the moving party in a proceeding to be set at 9:30 a.m. 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 accomplished, the moving party shall be deemed to have agreed to a hearing date beyond the 45-day limit.

(3) An order to show cause in a proceeding that has been set for 9:00 a.m. shall be served immediately and in any event not less than 10 days before the hearing date.

(4) Generally, unless good cause is shown, the parties will be referred to mediation if modification of a parenting time or custody order is sought by the moving party (ORS 107.434 (2)(a) or (g)). However, the parties will not be referred to mediation if the existing parenting time order was entered in a Family Abuse Prevention Act proceeding. If the court refers the matter to mediation, the mediator may decline mediation if, for good cause, the mediator determines that the proceeding is either inappropriate for mediation, or if mediation cannot reasonably take place before the hearing date. If mediation is so declined, the mediator shall advise the court and the parties in writing,

8.091 CUSTODY AND PARENTING TIME MEDIATION

See SLR Chapter 12 for custody and mediation rules.

Chapter 9 - Probate and Adoption Proceedings

9.001 PROBATE COMMISSIONER

(1) The probate commissioner appointed by the presiding judge of this court shall assist in the administration of decedents' estates, guardianships, conservatorships and other similar proceedings.

(2) The powers of the probate commissioner include the following:

(a) To act upon uncontested petitions for appointment of special administrators, for probate of wills and for appointment of personal administrators, guardians and conservators.

(b) To make and enter orders on behalf of the court appointing court visitors.

(c) To set the amount of the bond for special administrators, personal representatives, guardians and conservators.

(d) To approve such bonds.

9.002 FILING PROBATE MATTERS

Probate matters requiring authorization, approval, or signature of the probate judge or designee shall be filed in the probate center.

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

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

9.004 SCHEDULING CONFERENCES AND HEARINGS

Conferences and hearings may be scheduled by request to the probate commissioner. Before requesting a conference or hearing, requesting counsel shall confer with other counsel and advise the Commissioner of the estimated time required and mutually acceptable dates.

9.005 FILING 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 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, a status hearing requiring personal appearance of the attorney and/or party will be set by the court. If the delinquency or deficiency has not been corrected by the time of the hearing, appropriate sanctions will be imposed. If the attorney and or/party do not appear at the status hearing and the deficiency has not been corrected, an order to show cause may be issued.

9.006 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.

9.022 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.

9.041 PERSONAL INJURY SETTLEMENT PETITIONS

A petition for approval of a settlement of a personal injury claim shall be accompanied by an affidavit which sets forth 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.

9.081 OBJECTION 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 the probate clerk at (541) 682-4033 or appear at the probate center in person. The objecting party should advise the probate clerk that the objecting party wishes to make oral objections to the Petition. Upon receipt of the objection and

payment of the applicable fee required by ORS 23.310, if any, the court will schedule a hearing and notify the appropriate parties.

(2) If the objecting party wishes to file a written objection, the court clerk will provide the Objection form shown at the end of these rules.

9.091 GUARDIANSHIPS

(1) Where the petition seeks appointment of a guardian, a copy of the petition marked "VISITOR'S COPY", with supporting documentation and proof of service attached, shall be delivered to the probate center.

(2) Upon receipt of the "VISITOR'S COPY", the probate staff shall prepare an order appointing a Visitor. The proposed guardian shall tender the Visitor's fee to the Visitor upon receipt of a copy of the appointment. The Visitor will not undertake an investigation pursuant to ORS 125.150 or an interview as required by ORS 125.605(4) until the fee has been tendered to the Visitor, unless the fee has been waived or deferred by the court after receipt and review of an affidavit of indigence.

(3) The Court Visitor's fee shall be $300.00 for a protective proceeding sought pursuant to ORS 125.055; and $350 for a temporary protective proceeding sought pursuant to ORS 125.600, or for a combination of the two.

9.092 GUARDIANS

(1) As an acceptance of the appointment, a guardian shall file in the proceedings his name and residence and post office address, and thereafter shall promptly file with the probate center any change in such data.

(2) Within 30 days after each anniversary of appointment, a guardian for a minor shall file with the court a written report. Copies of the guardian's report must be given to those persons specified in ORS 125.060(3). The report shall be in the form prescribed by the court. A sample Minor Guardianship Report form is provided at the end of these rules.

9.111 ADOPTIONS

(1) The petition for adoption shall be submitted with payment for the required filing fees only. Payment for the amended birth certificate is to be tendered with the proposed judgment in accordance with subparagraph 2 (below).

(2) The proposed judgment for an adoptee who was born in Oregon shall be accompanied by an attorney check or money order payable to the Center for Health Statistics in the amount required by the Center with the issuance of an amended birth certificate for each such adoptee. Judgments submitted without the required check or money order will be returned to the presenter.

9.161 FORM OF ACCOUNTS

All accounts, filed with the court, in estates, conservatorships and trusts shall be in the format as set out in UTCR 9.160.

9.162 PRESENTATION OF ACCOUNTS IN DECEDENTS' ESTATES

(1) All accounts in decedents estates shall be filed with the probate center. The court need not and ordinarily will not enter an order approving an annual accounting.

(2) Objections

(a) If objections to a final account are filed the court will schedule a hearing on a Monday unless it is anticipated to take longer than 2 hours in which case the court will schedule the proceeding on the trial docket.

(b) If no objections to a final account are filed within the time fixed for filing objections, a proposed order approving the final account shall be delivered to the probate center.

9.163 PRESENTATION OF ACCOUNTS IN CONSERVATORSHIPS

(1) All accounts in a conservatorship shall be filed with the probate center.

(2) Objections

(a) If objections to an account are filed the court will schedule a hearing on a Monday unless it is anticipated to take longer than 2 hours in which case the court will schedule the proceeding on the trial docket.

(b) If no objections to the account are filed within the time fixed for filing objections, and an order approving the account is desired, a proposed order shall be delivered to the probate center.

(3) In conservatorships where remaining assets are being held in restricted accounts and annual accountings have been waived, the Conservator shall file an annual statement with copies of the most recent bank statement of the financial institution and the balance in the restricted account.

{Chapter 11 – Juvenile

11.051 APPEARANCE IN JUVENILE COURT FOR TERMINATION OF PARENTAL RIGHTS CASES

(1) A parent who is served with a summons for the first appearance in a petition to terminate parental rights case shall appear personally in court at the time and place specified in the summons. The purpose of the appearance is to deny the allegations of the petition and request a trial.

(2) **<u>At the fist appearance, a parent may request a court appointed attorney to represent the parent at trial.</u>**

(1)**(3)** **<u>A parent who fails to appear as summonsed shall be subject to entry of a default order and/or judgment granting the petition to terminate the parental rights of that parent.</u>**

(4) **<u>A parent who fails to appear at any hearing subsequent to the first appearance may be subject to entry of a default order and/or judgment granting the petition to terminate the parental rights of that parent.</u>}**

Chapter 12 - Mediation

12.001 MANDATORY MEDIATION

Any matter described in ORS 107.765 and any other proceeding where child custody or parenting time is in issue shall be subject to mediation, except as provided in SLR 8.052. The Court will not consider any contested custody or parenting time issue in a proceeding which results in a final judgment, and the Court may decline to consider any contested custody or parenting time issue in a proceeding which results in a temporary order under ORS 107.095, unless it is notified by the mediator that the matter has proceeded through mediation in accordance with these rules.

12.002 COURT CONTROL; AGREEMENTS

A domestic relations case filed in the Circuit Court remains under the control of that Court in all phases of the proceedings, including mediation. The Court which refers a case to mediation may set in its referral order the limits of the mediator's scope of authority in the case. Any agreements 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. In order to preserve and promote the integrity of mediation as a dispute resolution technique, the Court shall consider and may include all reasonable agreements reached by the parties in formulating its order in the case.

12.003 MEDIATION PROCESS

(1) Commencement of mediation by request for mediation by both parents: If there is a disagreement between parents concerning custody or parenting time at any stage of a domestic relations proceeding, both parents, or their attorneys, may sign and file with the court a stipulated request for mediation. The parents will be referred by the court to the mediation program for mediation in accordance with these rules, or the parents may agree and stipulate to an independent mediator in their stipulated request for mediation.

(2) Commencement of mediation by request for mediation by one parent: If there is a disagreement between the parents concerning custody or parenting time at any stage of a domestic relations proceeding, either parent seeking to resolve the matter must file with the court and serve upon the other parent, or his/her attorney, a request for mediation.

(3) The request for mediation described in (1) and (2) above shall be on a form to be provided or prescribed by the court.

(4) At a regular time established by the court, following determination by the Court that the case is appropriate for mediation, both parents shall appear before the court. The parents will be referred by the court to the mediation program for mediation in accordance with these rules unless a stipulated request has been filed pursuant to Rule 12.005.

(5) Mediation shall consist of an orientation session and a maximum of four sessions involving the parties and the mediator. Additional sessions may be provided if recommended by the mediator and approved by the program's supervisor. Counsel for the parties may attend the mediation sessions.

(6) Unsuccessful mediation. The mediator may notify the court at any time following the initial session involving the parties and the mediator that mediation has been unsuccessful, in which case the proceeding will be scheduled for hearing in the same course and with the same priority as if there had been no mediation.

The mediator may determine that the mediation has been unsuccessful if the parents are unable to resolve the custody or parenting time controversy, if one or both parents are unwilling to participate in mediation after the initial session, or if the mediator determines that either parent is using the mediation process in bad faith for delay of resolution of other issues.

(7) It is the responsibility of the parties and their attorneys to see that mediation is completed in a timely fashion so that the trial of the case is not delayed. 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.

12.004 INDEPENDENT MEDIATORS

(1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of any agreed-upon fee for mediation service.

(2) If an independent mediator is selected, the parties or their attorney shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.

(3) If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or visitation dispute, the parties will be ordered to the court's mediation program for mediation pursuant to Rule 12.003.

(4) If the parties select an independent mediator pursuant to Rule 12.004 (2) after referral has been made to the court's mediation program, they shall comply with Rule 12.004 (2) and send a copy of the stipulation to the mediation program coordinator.

Chapter 13 - Arbitration

13.041 REFERRAL TO ARBITRATION; MOTIONS

(1) A case subject to arbitration will be transferred to arbitration when the case is at issue or 150 days have elapsed since its filing, whichever occurs first.

(2) After a case has been transferred to arbitration, the original of any motion must be filed with the arbitrator. Unless otherwise provided by rule or statute, all such motions will be decided by the arbitrator.

(3) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case no longer to be subject to mandatory arbitration, the party filing such a pleading must so notify the arbitration clerk. Unless the parties stipulate otherwise, the clerk will then remove the case from arbitration.

13.121 COMPENSATION OF ARBITRATORS

(1) Any dispute as to the amount of the arbitrator's fee must be submitted to the court in the form of a motion to determine Arbitrator's Fee within seven (7) days of receipt by the complaining party of the arbitrator's itemized statement required by UTCR 13.120(2). The motion shall be supported by an affidavit and a memorandum supporting the party's position.

(2) The arbitrator shall file a response, supported by an affidavit, within seven (7) days of receipt of the motion, and the dispute will be resolved by the court in a summary fashion without further argument.

(3) If seven (7) days after the court's determination the arbitrator's fee has not been paid in full, or funds on deposit with the arbitrator in excess of the fee determined to be reasonable have not been refunded to the party(ies), the party/arbitrator to whom the money is owed may file a request with the court for entry of an appropriate judgment by the way of a Supplemental Judgment in the case.

Chapter 15 - Small Claims

15.001 APPLICABLE SUPPLEMENTARY LOCAL RULES

See rules listed under SLR 1.002.

15.002 MEDIATION

Small claims cases shall be subject to mediation, except for good cause acceptable to the Court. The Small Claims judge will summarize the process and assign cases out for mediation on the date set for trial. The Court may decline to consider any small claims matter until notified by the mediator that the matter has proceeded through the mediation process without resolution. Prior to 11:30 a.m., mediators shall present to the Court any signed mediated agreements on cases which are resolved through the mediation process, or, shall notify the Court concerning cases that have not been resolved. At 1:30 p.m., the Court will proceed to trial on those cases which have not been successfully mediated.

Chapter 16 - Traffic, Boating and Violations

16.001 VIOLATIONS BUREAU

By General Order the Court has established a Violations Bureau for the disposition of all traffic, weighmaster, boating, park and recreation, pedestrian, and parking violations. For further information, contact the violations clerk at 541-682-4020.

16.002 VIOLATION CASES - ATTORNEYS

If a defendant is to be represented by an attorney at trial of a traffic, boating or other violation case, timely notification in writing of such intention together with proof of service on the district attorney must be filed with the clerk of the court.

16.003 PRETRIAL MOTIONS AND DEMURRERS

The rules contained in Chapter 4 of the Lane County Supplementary Local Rules regarding pretrial motions and demurrers in criminal cases, shall apply to violations with respect to any pretrial motion or demurrer applicable by law in a violation case.

16.004 OTHER APPLICABLE SUPPLEMENTARY LOCAL RULES

See rules listed under SLR 1.001 and SLR 1.002

16.005 TRIAL BY AFFIDAVIT - VIOLATIONS

(1) Testimony in violation cases may be allowed by affidavit after defendant has filed a waiver signed by defendant to the following effect:

"I agree that the Court may consider testimony of any witness by affidavit."

(2) Defendant may also waive the right to an oral hearing by adding to the waiver, signed by defendant, a provision to the following effect:

"I give up my right to an oral hearing or to be present at any oral hearing and the Court may decide this case on the basis of any affidavits or oral testimony received by the Court in my absence."

Chapter 19 - Contempt Show Cause Procedure

See SLR 8.002

Forms Appendix

Appendix A	Rule 8.041(5) – Notice of Readiness for Decision
Appendix B	Objection to Petition for Appointment of Guardian / Conservator
Appendix C	Guardian's Report for Minor

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

In the Matter of the Marriage of:	)	
	)	
	)	Case No.
Petitioner,	)	
	)	Rule 8.041(5)
and	)	NOTICE OF READINESS
	)	FOR DECISION OF:
	)	
Respondent.	)	____ 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 re: Temporary Support, Payment of Debts, and attorney fees.
2. Uniform support declaration of Petitioner.
3. Uniform support declaration 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

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

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

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

PROBATE DEPARTMENT

In the Matter of the Guardianship of Protected Person,	Case Number:_____ Guardian's Report for Minor

Minor's Date of Birth:_____

1) The address of the minor is:_____

_____

2) The telephone number of the minor is: _____

_____

3) Is the minor living with you? Yes_____ No_____

4) If not, state who the child is living with, the relationship of that person to the child, and why the child stopped living with you: _____

_____

_____

5) When did the child leave your residence?_____

_____

6) How is the protected person doing in school, including extracurricular activities?_____

_____

7) During the past year I have received $_____ from _____ to help support this child. I spent $_____ of that income on behalf of the child and now I have $_____ remaining.

8) Have you been convicted of a crime since your last report? Yes_____ No_____

9) Have you filed bankruptcy since your last report? Yes_____ No_____

10) Have you had your driver's license suspended or revoked since your last report?
Yes_____ No_____

11) If you answered "Yes" to question 10, please explain: _____
_____
_____

12) I believe I should or should not continue to be the guardian for the minor child because:___
_____
_____
_____
_____

13) Provide any other information you feel should be provided to the Court regarding this child's adjustment to your care (use additional paper if necessary): _____
_____
_____
_____

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Guardian's Signature:_____ Date:_____

Printed Name:_____

If applicable:

Co-guardian's Signature:_____ Date:_____

Printed Name:_____