

SUMMARY DOMESTIC RELATIONS TRIAL

Linn County Circuit Court

In the Linn County Circuit Court you have the option of two different types of trials in “domestic relations cases”: a traditional trial and a **Summary Domestic Relations Trial**. All parties must agree to the Summary Domestic Relations Trial before the Court can proceed in that manner. Absent agreement a traditional trial will be held.

What is a Summary Domestic Relations Trial?

The parties speak to the judge under oath. In most cases only the judge asks questions although the parties can suggest matters that the judge should inquire about. In most cases the only witnesses are the parties but where there is good cause to require it the Court will allow other witnesses. Such witnesses often include expert witnesses.

You can have Summary Domestic Relations Trial whether or not you have an attorney, however if there are attorneys in the case they must agree to proceeding in this way. As a general matter attorneys are only allowed to:

- State what the issue are
- Respond when the judge asks questions of counsel
- Make a short argument at closing including citation of any applicable law

In addition to the parties’ testimony they may give the judge documents to support their requests.

As a general rule the Rules of Evidence do not apply in a Summary Domestic Relations Trial. The Court may however limit or disregard certain evidence if its reliability is severely placed in doubt.

What is a traditional trial?

In a traditional trial parties either represent themselves or they have an attorney to represent them. Each side is allowed to make an opening statement, gets to call witnesses to offer evidence, is allowed to cross examine all witnesses called by the opposing party; and is allowed to make a closing argument. Normally the Rules of Evidence apply.

In traditional trials attorneys do most of the talking and make sure the rules are complied with. If you do not have an attorney you still must comply with all the rules including the complex rules of evidence.

What is a domestic relations case?

A domestic relations case includes all cases involving divorce, legal separation, child custody for non-married persons, parenting time and child support. Domestic relations does not include juvenile cases. However, if there are juvenile and domestic relations cases pending before the court involving the same family they may be consolidated and heard together. The Summary Domestic Relations Trial procedure cannot be used in a regular civil case or a juvenile case.

Pros and Cons of One Form of Trial Over Another

Traditional Trial	Summary Domestic Relations Trial
Attorneys usually dominate the proceedings; advantageous to those with attorneys; disadvantageous to those without attorneys.	Parties without attorneys find it easier to use this system. Attorneys may or may not be willing to use this system.
The Rules of Evidence must be followed by attorneys and those without attorneys.	The Rules of Evidence do not apply.
With certain exceptions hearsay is not allowed.	Hearsay is allowed subject to fewer limits.
The Rules of Evidence are complex and difficult for non lawyers when documents are involved.	Documents may be freely shown to the judge; there are no Rules of Evidence.
Usually longer – two hours to a full day.	Usually shorter – one to two hours.
Oregon Law governing domestic relations cases applies.	Oregon Law governing domestic relations cases applies.

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