

UNIFORM TRIAL COURT RULES

Including Amendments

**Effective
August 1, 2009**

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In the Matter of the Adoption of
Amendments to the Uniform Trial
Court Rules

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CHIEF JUSTICE ORDER
No. 09-035

ADOPTING AMENDMENTS TO THE UNIFORM
TRIAL COURT RULES

I HEREBY ORDER, pursuant to ORS 1.002, UTCR 1.030, and UTCR 1.050, the following:

1. The Uniform Trial Court Rules, as amended below, are adopted and are effective August 1, 2009, pursuant to ORS 1.002.
2. All current local rules inconsistent with the Uniform Trial Court Rules as amended will be deemed ineffective on August 1, 2009, pursuant to UTCR 1.030.
3. Local rules that are consistent with the Uniform Trial Court Rules as amended remain in effect and are subject to review as provided under UTCR 1.050.
4. Those local rules that are not amended or repealed and are not disapproved on review under UTCR 1.050 remain in effect until so amended, repealed, or disapproved.

DATED this 8th day of June, 2009.


Paul J. De Muniz
Chief Justice

AMENDED UNIFORM TRIAL COURT RULES TO TAKE EFFECT AUGUST 1, 2009

PREFACE

The amended Uniform Trial Court Rules (UTCRC) take effect on August 1, 2009. The amendments are the result of suggestions and comments received from the public, bench, bar, and interested agencies. The proposed amendments were posted on the Oregon Judicial Department website and published in the Oregon Appellate Courts Advance Sheets to invite public comment. Additional information on the UTCRC can be viewed at:
<http://www.ojd.state.or.us/programs/utcr/index.htm>.

The UTCRC Committee members and staff who worked on these amendments are listed below. They deserve special recognition for their contribution of time, effort, and energy in performing the committee's work.

Bryant J. Baehr	Trial Court Administrator, Clatsop County
The Hon. Richard L. Barron	Coos County Circuit Court
Larry T. Coady	Attorney, Lake Oswego
Sam Friedenberg	Attorney, Portland
Guy B. Greco	Attorney, Newport
Bryan W. Gruetter	Attorney, Bend
Lindsey H. Hughes	Attorney, Portland
The Hon. Thomas M. Hull	Josephine County Circuit Court
The Hon. Marilyn E. Litzenger	Multnomah County Circuit Court
The Hon. Lorenzo A. Mejia	Jackson County Circuit Court
D. Michael Pugh	Attorney, Eugene
The Hon. Kirsten E. Thompson	Washington County Circuit Court
Richard A. Weill	Attorney, Troutdale
The Hon. Russell B. West	Union County Circuit Court
Bruce C. Miller	UTCRC Reporter

The 2009 UTCRC can be obtained in an 8-1/2" x 11" format for \$19.50 per copy from the OJD Publications Section, 1163 State Street, Salem, Oregon 97301-2563; 503-986-5656. The UTCRC are also available online, in PDF, at:
<http://www.ojd.state.or.us/programs/utcr/utcrrules.htm>.

SUMMARY OF UTCR CHANGES
Effective August 1, 2009

- 1.050(2)(e) Amend to require use of braces when showing additions.
- 1.110(4) Amend to change “person” to “party”.
- 2.010(12) Move the commentary following section (12) to the end of the rule.
- 2.130 Adopt a new rule regarding confidential information in family law proceedings.
- Form 2.130.1 Adopt a new form regarding confidential information in family law proceedings.
- Form 2.130.2 Adopt a new form regarding confidential information in family law proceedings.
- Form 2.130.3 Adopt a new form regarding confidential information in family law proceedings.
- 2.100 Amend to make consistent with new rule 2.130 regarding confidential information in family law proceedings.
- 2.110 Amend to make consistent with new rule 2.130 regarding confidential information in family law proceedings.
- Form 2.100.4c Delete to make consistent with new rule 2.130 regarding confidential information in family law proceedings.
- Form 2.100.4d Delete to make consistent with new rule 2.130 regarding confidential information in family law proceedings.
- 4.090 Amend to replace citations to Oregon Laws with citations to ORS.
- 5.070 Amend to state that the rule also applies to a motion to amend to assert punitive damages.
- 8.070 Amend to allow a court to place its parenting plan on its website in lieu of, or in addition to, the appendix of the SLR.
- Form 8.090 Revise form to remove requirement that copies of orders and judgments submitted with the form must be certified.
- 10.020(2) Amend to replace “hearings officer” with “administrative law judge”.
- Form 10.010.a Revise to replace “hearings officer” with “administrative law judge”.
- Form 15.010.1b Revise to replace “A money award of” with “Money awarded in the amount of”.
- Form 15.010.1c Revise to replace “A money award of” with “Money awarded in the amount of”.
- Form 15.010.1d Revise to replace “Money award of” with “Money awarded in the amount of”.

LIST OF OUT-OF-CYCLE CHANGES
Adopted Between August 1, 2008, and the Present Time

None.

2009 UTCR CHANGES

Future UTCR Committee Meetings

The next meeting of the UTCR Committee is scheduled for October 16, 2009, at the Office of the State Court Administrator, Salem, Oregon. The meeting will be carried over to the following day, October 17, 2009, if the business of the committee is not completed on the first day. The committee will review proposed changes to the UTCR and the Supplementary Local Rules. They will make recommendations to the Chief Justice on those proposals. This is the only meeting in the next UTCR cycle at which the committee intends to accept proposals for UTCR changes that would take effect August 1, 2010. Meeting dates for the following year will be scheduled at this meeting.

Additional information on the UTCR can be found at:

<http://www.ojd.state.or.us/programs/utcr/index.htm>.

Changes to the UTCR are listed below. **{New wording is in braces, underlined, and in bold}** and *[deleted wording is italicized and in brackets]*. Rules and forms that have been completely deleted are not shown. These changes take effect August 1, 2009.

1. Amended UTCR 1.050(2)(e):

1.050 PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES

(1) Promulgation of SLR

* * * * *

(2) Review of SLR

(a) * * *

* * * * *

(e) Proposed local rules submitted to the Chief Justice for review under subsection (2)(b) of this rule must show the proposed changes to the local rule as follows: proposed new *[language]* **{wording}** in the SLR and proposed new SLR will be in bold and underlined **{and have braces placed before and after the new wording {...}}**, *[language]* **{wording}** proposed to be deleted and SLR proposed to be repealed will be in italics and have brackets placed before and after the deleted *[language]* **{wording}** (...). When final SLR are submitted to the State Court Administrator after review under subsection (2)(b) of this rule, changes shall not be indicated as required by this subsection.

(f) * * *

* * * * *

2. Amended UTCR 1.110(4):

1.110 DEFINITIONS

As used in these rules:

- (1) Party means a litigant or the litigant's attorney.
- (2) Trial Court Administrator means the court administrator, the administrative officer of the records section of the court, and where appropriate, means trial court clerk.
- (3) Plaintiff and Petitioner mean any party asserting a claim for relief, whether by way of claim, third-party claim, crossclaim, or counterclaim.
- (4) Defendant and Respondent mean any [*person*] **{party}** against whom a claim for relief is asserted.
- (5) Days mean calendar days, unless otherwise specified in these rules.

3. Amended UTCR 2.010(12):

2.010 FORM OF DOCUMENTS

The form of all documents, including pleadings and motions, except where a different procedure is specified by statute or rule, must be:

(1) * * *

* * * * *

(12) Orders, Judgments or Writs

(a) * * *

(b) If the order, judgment or writ is prepared by a party, the name and identity of the party submitting the order must appear therein, preceded by the words "submitted by." **{See the commentary to this subsection, located at the end of this rule.}**

(c) * * *

* * * * *

[1993 Commentary:

Subsection (b) of Section (12) requires that the information include the author's name (signature not required), followed by an identification of party being represented, plaintiff or defendant.

Example: Submitted by:

A. B. Smith

Attorney for Plaintiff (or Defendant)

An exception to this style would be in cases where there is more than one plaintiff or one defendant. In those situations, the author representing one defendant or plaintiff, but not

all, should include the last name (full name when necessary for proper identification) after the designation of plaintiff or defendant.

Example: Submitted by:
A. B. Smith
Attorney for Plaintiff Clarke]

(13) * * *

* * * * *

(15) * * *

{1993 Commentary to section (12)(b):

Subsection (b) of Section (12) requires that the information include the author's name (signature not required), followed by an identification of party being represented, plaintiff or defendant.

Example: Submitted by:
A. B. Smith
Attorney for Plaintiff (or Defendant)

An exception to this style would be in cases where there is more than one plaintiff or one defendant. In those situations, the author representing one defendant or plaintiff, but not all, should include the last name (full name when necessary for proper identification) after the designation of plaintiff or defendant.

Example: Submitted by:
A. B. Smith
Attorney for Plaintiff Clarke}

1996 Commentary:

The UTCR Committee strongly encourages the use of recycled paper and strongly recommends that all original pleadings, motions, requested instructions, copies, and service copies be on recycled paper having the highest available content of postconsumer waste.

4. New UTCR 2.130:

{UTCR 2.130 FAMILY LAW CONFIDENTIAL INFORMATION FORMS

(1) This rule establishes the required procedure for segregating certain confidential personal information as defined in UTCR 2.130(2) in proceedings brought under ORS chapters 25, 106, 107, 108, 109, 110, and 416. This rule is not the exclusive means for a court to protect personal information from public inspection in such cases.

(2) Confidential Information Form (hereinafter referred to as CIF). As used in this rule, confidential personal information includes the social security number; date of birth; telephone number; email address; residential or mailing address if required by law; employer's name, address, and telephone number; and driver license number of a party or the child of a party.

(a) Mandatory Use of the CIF. When the disclosure of confidential personal information is required by statute or rule in a proceeding

under ORS chapters 25, 106, 107, 108, 109, 110, and 416, a party must file that information with the court in a CIF.

(b) Amending the CIF. A party must file an amended CIF to submit information that has changed or was not submitted in a previous CIF.

(c) Form. Except in a proceeding filed under ORS 416.440, the CIF and amended CIF must be in substantially the form of UTCR Form 2.130.1. In a proceeding filed under ORS 416.440, the CIF must be substantially in the form of UTCR Form 2.130.2.

(3) Segregation. The court must segregate the CIF from documents that are subject to public inspection. Public inspection of a CIF is prohibited except as authorized by this rule or other provision of law.

(4) Access and Confidentiality

(a) A party may inspect a CIF that was filed by that party.

(b) Any other party to a proceeding may inspect a CIF unless prohibited under UTCR 2.130(8).

(c) Unless otherwise ordered or authorized by law, any person inspecting a CIF is prohibited from further disclosure of the confidential personal information. Violation of this provision may subject a party to contempt of court under ORS 33.015 to 33.155.

(d) Parties may stipulate to a written order allowing public inspection of a CIF.

(e) A person other than the party who submitted a CIF may inspect the CIF with a release signed and dated by the party whose information is protected. The release must state the dates during which the release will be effective.

(f) Except as provided in subsection (8) and (9), this rule does not limit a person's legal right to inspect the CIF.

(g) Oregon Judicial Department personnel may have access to the CIF when required by their work.

(h) Courts will share the CIF with the entity primarily responsible for providing support enforcement services under ORS 25.080 and under the requirements of 42 USC 666 without application under subsection (9) of this rule in any case where spousal or child support is ordered. A person receiving information under this section must maintain its confidentiality as required by ORS 25.260(2).

(i) Courts will share the CIF with other government agencies as required or allowed by law, without court order or application under subsection (9) of this rule, for purposes of the business of those agencies. Those agencies are required to maintain the information as confidential as provided under ORS 192.502(10).

- (5) Notation on Documents.** Except as otherwise required by law, when a party provides information in other documents that is contained in a CIF, the party must note on the document that the information has been separately provided under UTCR 2.130.
- (6) Mail or Delivery to Other Party.** Subject to UTCR 2.130(8), a party filing an original or amended CIF must serve a copy on all parties to the proceeding.
- (7) Court Under No Obligation to Review File for Protected Information.** This rule does not require the court to review documents in the court's files to redact information contained in a CIF.
- (8) Request and Order to Limit Disclosure of CIF to Another Party**
- (a)** Except in a proceeding filed under ORS 416.440, a party may request an *ex parte* order that the CIF not be served on or made available to another party, except for the Child Support Program. The request must be in substantially the form set forth in UTCR Form 2.130.1. If the court grants an order under this subsection, the requesting party must mail or deliver notice that an order has been entered to the other party using UTCR Form 2.130.3 and file a certificate of mailing or delivery with the court. The court must enter an *ex parte* order that a CIF not be inspected by another party upon finding that:
- (i)** a Finding of Risk and Order for Nondisclosure of Information has been entered by the Administrator of the Oregon Child Support Program under OAR 137-055-1160 for the requesting party,
- (ii)** a restraining order or protective order is in effect that protects the requesting party or that party's children, or
- (iii)** the health, safety, or liberty of the requesting party or child would be jeopardized or unreasonably put at risk by disclosure of the CIF to another party.
- (b)** In proceedings filed under ORS 416.440, the CIF shall not be served or made available to another party where UTCR Form 2.130.2 indicates that there has been a Finding of Risk and Order for Nondisclosure of Information entered by the Administrator of the Oregon Child Support Program under OAR 137-055-1160. The Child Support Program must mail or deliver notice that an order of nondisclosure has been entered to the other party using UTCR Form 2.130.3 and file a certificate of mailing or delivery with the court.
- (9) Request for Order Permitting Disclosure.** Any person may file a request and supporting affidavit requesting inspection of a CIF that has been filed in a proceeding brought under ORS chapters 107, 108, or 109. The request must be served on all parties to the proceeding in the manner prescribed for service of summons in a civil action or by certified mail, return receipt requested. The court shall allow the requesting person access to the CIF if the court finds, after notice and an opportunity for a hearing, that the requesting person is legally entitled to inspect the CIF. The court may limit the extent of disclosure and may enter such protective orders as are necessary to balance the personal, privacy, and safety interests of the parties or children with the legal interest of the person seeking access.

(10) Other Court Orders

- (a) Nothing in this rule precludes a court from protecting information by appropriate court order.**
- (b) Nothing in this rule limits procedures for identifying and protecting contact information of crime victims that is submitted to courts for processing restitution payments when restitution is sought and the information about a crime victim is kept confidential under ORS 18.048(2)(b).**
- (c) Nothing in this rule affects procedures for making information confidential under ORS 25.020(8)(d), 109.767(5), 110.375, 192.445, or any other law or rule.**

5. New Form 2.130.1:

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

Petitioner,

vs.

Respondent.

) Case No.: _____
)
)
) **FAMILY LAW CONFIDENTIAL INFORMATION**
) **FORM (CIF)**
) Amended
) and Request to Prevent Disclosure
)
)
)
)

This document is not accessible to the public. However, it is accessible to the opposing party (and his/her attorney) unless the order on page 2 has been signed by a judge.

ATTENTION COURT STAFF: THIS IS A RESTRICTED ACCESS DOCUMENT.

The information below is for: Petitioner Respondent Other: _____

Name (Last, First, Middle): _____

The names of the parties and the children are not confidential. The other information you provide in the boxes below is not accessible by the public. If you do not want the opposing party to know your residence or mailing address, you may provide a contact address below instead of a residence or mailing address.

Former Married Name(s) (if applicable):
Date of Birth:
Social Security Number/Tax Identification Number:
Driver License (Number and State):
Telephone or Telephone Contact Number:
Residence, Mailing, or Contact Address in the same state as your home:
Electronic Mail Address or Contact Email Address:
Name, Address, and Telephone Number of Employer:

Children's Names (Last, First, Middle)	Date of Birth	Social Security No.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please attach an additional sheet if there are more than five children involved in the proceeding.

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

Date: _____ Signature: _____

Type or Print Name: _____

REQUEST TO PREVENT DISCLOSURE TO OPPOSING PARTY AND THEIR ATTORNEY, IF ANY
 Fill out *only* if requesting the CIF form be withheld from the opposing party or their attorney.

To the Court: I request that this Confidential Information Form (CIF) be segregated from information otherwise available to the opposing party/attorney, and that I not be required to mail or deliver it to the opposing party/attorney, based on the following:

A Finding of Risk and Order for Nondisclosure of Information has been made by the Administrator of the Oregon Child Support Program under OAR 137-055-1160,

A restraining order or protective order is in effect protecting the petitioner the respondent the children, and/or

The health, safety, or liberty of a party or child would be jeopardized or unreasonably put at risk by disclosure of information because: _____

For Court Use Only:

ORDER:

- The request to prevent disclosure is GRANTED.
- The request to prevent disclosure is DENIED because _____
- _____
- Other: _____
- _____

DATED this _____ day of _____, 20_____.

 Circuit Court Judge

NOTE TO COURT STAFF: Where this ORDER has been granted and signed by a judge, the CONFIDENTIAL INFORMATION FORM is NOT AVAILABLE to the PUBLIC or to the OPPOSING PARTY OR HIS/HER ATTORNEY, except for the STATE.

6. New Form 2.130.2:

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

STATE OF OREGON

vs.

 Obligee Petitioner,

 Obligor Petitioner.

) Child Support No.: _____

) Case No.: _____

) **FAMILY LAW CONFIDENTIAL INFORMATION**
) **FORM (CIF)**

) Amended

) Finding of Risk/Order for Nondisclosure

This document is not accessible to the public. However, it is accessible to the opposing party (and his/her attorney) unless a finding of risk and order for nondisclosure has been marked on page 2 of this form.

ATTENTION COURT STAFF: THIS IS A RESTRICTED ACCESS DOCUMENT.

The information below is for: Obligee Obligor Petitioner Respondent

Other: _____

Name (Last, First, Middle): _____

The names of the parties and the children are not confidential. The other information you provide in the boxes below is not accessible by the public. If you do not want the opposing party to know your residence or mailing address, you may provide a contact address below instead of a residence or mailing address.

Former Married Name(s) (if applicable):
Date of Birth:
Social Security Number/Tax Identification Number:
Driver License (Number and State):
Telephone or Telephone Contact Number:
Residence, Mailing, or Contact Address in the same state as your home:
Electronic Mail Address or Contact Email Address (optional):
Name, Address, and Telephone Number of Employer:

Children's Names (Last, First, Middle)	Date of Birth	Social Security No.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please attach an additional sheet if there are more than five children involved in the proceeding.

<p><i>(For STATE Use Only)</i></p> <p>FINDING OF RISK and ORDER FOR NONDISCLOSURE OF INFORMATION:</p> <p><input type="checkbox"/> A FINDING OF RISK AND ORDER FOR NONDISCLOSURE OF INFORMATION was entered on _____, 20 ____, based on OAR 137-055-1160 by the Administrator as defined in ORS 25.010 and disclosure of the information in this form would unreasonably put at risk the health, safety, or liberty of the <input type="checkbox"/> Obligee <input type="checkbox"/> Obligor <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Other: _____.</p>

Date: _____ Signature: _____
 Authorized Representative, Oregon Child Support Program
 Type or Print Name: _____

<p>NOTE TO COURT STAFF: Where the box "Notice and Finding (or Order) of Nondisclosure" above has been checked, the CONFIDENTIAL INFORMATION FORM is <u>NOT AVAILABLE TO THE PUBLIC</u> or to the <u>OPPOSING PARTY OR HIS/HER ATTORNEY</u>, except for the STATE.</p>
--

8. Amended UTCR 2.100:

2.100 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING

(1) Purpose. [*This rule establishes:*]

- (a) **{This rule establishes}** [*P*]{*p*}rocedures for a person to identify and segregate protected personal information when submitting a document to a court in a case and to request the information be kept from inspection by the general public.
- (b) **{This rule establishes a}** [*A*] process for a court, when it grants a request under this rule, to protect the segregated, protected personal information from nonprotected information in a uniform way with an appropriate record.
- {(c) UTCR 2.130 establishes separate procedures and processes for protecting personal information in proceedings brought under ORS chapters 25, 106, 107, 108, 109, 110, and 416.}**

(2) Information covered. As used in this rule:

- (a) * * *
 - (b) “Protected personal information” includes, but is not limited to:
 - (i) Social security numbers, credit card numbers, bank or other financial account numbers, bank or other financial account locations, driver license numbers, financial account access numbers, or similar information that is used for financial transactions and can be kept confidential under [*ORS 107.840 or*] ORS 192.502(2).
 - (ii) * * *
 - (c) * * *
- * * * * *

(3) Relationship to other law. The following all apply to this rule:

- (a) Parties to proceedings under ORS 107.085 or 107.485 must segregate all social security numbers from all documents they submit related to the proceedings in the manner provided by [*this rule*] **{UTCR 2.130}**. These social security numbers are confidential in the custody of the court as ORS 107.840 provides. Other than as this paragraph{, **UTCR 2.130,**} or SLR 2.101 of a court provides, this rule is not the exclusive means for a court to protect personal information from public inspection.
 - (b) * * *
- * * * * *

(4) Procedure to follow. A person may only request protected personal information be segregated and protected under this rule when submitting it to a court in a case. The procedures under this rule may be used to identify and separately present protected personal information from any submitted document or form that is used to give information to a court. To do so, a person must do the following:

(a) * * *

(b) Complete an affidavit in substantially the form provided in UTCR Form 2.100.4a. *[If the person is requesting segregation of only social security numbers, the person may use the alternative form of affidavit provided in UTCR Form 2.100.4c.]* The affidavit:

(i) * * *

* * * * *

(c) Complete an information sheet in substantially the form provided in UTCR Form 2.100.4b to duplicate the protected personal information sought to be segregated and attach the information sheet to the affidavit. *[If the person is requesting segregation of only social security numbers, the person may use the alternative information sheet form provided in UTCR Form 2.100.4d.]*

(d) * * *

* * * * *

(5) * * *

* * * * *

9. Amended UTCR 2.110:

2.110 PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE

(1) * * *

(2) Information Covered. This rule may be followed to segregate and protect the same information already existing in a case file that could be segregated and protected at the time of submission under UTCR 2.100 **{and UTCR 2.130}**. The definitions in UTCR 2.100 apply to this rule.

(3) * * *

* * * * *

(7) Parts of UTCR 2.100 **{and UTCR 2.130}** that apply to this rule. The following subsections of UTCR 2.100 are applicable to this rule: (2), (5), (7), (8), and (9). **{The following subsections of UTCR 2.130 are applicable to this rule: (2), (4), (7), and (9).}**

10. Deleted Form 2.100.4c:

Deleted.

11. Deleted Form 2.100.4d:

Deleted.

12. Amended UTCR 4.090:

4.090 ELECTRONIC FILING OF VIOLATION COMPLAINTS AND CRIMINAL CITATIONS (E-CITATIONS)

(1) A judicial district, with approval of the Chief Justice of the Oregon Supreme Court (Chief Justice), may authorize electronic filing of violation complaints and criminal citations (referred to collectively in this rule as “e-citations”) in its court(s) as allowed by ORS 153.770 and **{133.073}** [section 15, chapter 566, Oregon Laws 2005, (Enrolled 2005 HB 2282)].

(2) * * *

* * * * *

(4) An SLR authorizing e-citations under this rule shall:

(a) Describe the applicable e-citation procedures required by [section 15(2), chapter 566, Oregon Laws 2005, and] ORS 153.770(2) **{and 133.073(2)}**; and

(b) Set the maximum number of offenses that may be filed with the court as cited on a single citation. Nothing in this rule or SLR authorizes the mixing of offenses as prohibited by ORS 133.066(4).

(5) * * *

* * * * *

13. Amended UTCR 5.070:

5.070 MOTION FOR LEAVE TO AMEND PLEADING

(1) Except as provided in section (2) of this rule, whenever a motion for leave to amend a pleading **{, including a motion to amend to assert a claim for punitive damages,}** is submitted to the court, it must include, as an exhibit attached to the motion, the entire text of the proposed amended pleading. The text of the pleading must be formatted in the following manner:

* * * * *

(2) * * *

* * * * *

14. Amended UTCR 8.070:

8.070 STANDARDIZED PARENTING PLANS

- (1) SLR 8.075 is reserved for judicial districts to announce that they have adopted a standardized parenting plan.
- (2) The [*specifics of such*] {**standardized parenting**} plan[s] shall be placed in an appendix to the SLR {**or on the court's website or both**}.

15. Revised Form 8.090:

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

In the Matter of <input type="checkbox"/> the Marriage of:)	
)	Case No. _____
_____ ,)	
Petitioner,)	CERTIFICATE RE: PENDING CHILD
and)	SUPPORT PROCEEDINGS and/or EXISTING
)	CHILD SUPPORT ORDERS/JUDGMENTS
_____ ,)	
Respondent.)	(UTCR 8.090)

I hereby certify that:

1. PENDING CHILD SUPPORT PROCEEDINGS (*include any child support matter being heard by either a court or agency as part of a dissolution, separation, annulment, paternity, juvenile court, support, or modification case*):

There is no pending child support proceeding in this or any other state involving the parties' child[ren].

There is a pending child support proceeding in Oregon in another state which involves the parties' child[ren] as follows:

Name/County of Court or Agency where pending: _____

Agency Case Number: _____

Court Case Number: _____

2. EXISTING CHILD SUPPORT ORDERS OR JUDGMENTS (*include any order/judgment whether made by an agency or a court in this or any other state, and whether or not currently effective*):

There are no other child support orders/judgments in this or any other state involving the parties' child[ren].

There is/are other child support orders/judgments involving the parties' child[ren], as follows:

ORDER/JUDGMENT #1 (Attach a [certified] copy of the {**signed**} order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #2 (Attach a [certified] copy of the {**signed**} order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #3 (Attach a [certified] copy of the {**signed**} order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

ORDER/JUDGMENT #4 (Attach a [certified] copy of the {**signed**} order)

Name/County of Court or Agency where issued: _____

Case Number: _____

Date of Order: _____

Attach additional sheets if necessary, labeled "Attachment 1 to Certificate Re: Child Support Proceedings and Orders".

Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:

- I selected this document for myself and I completed it without paid assistance.
- I paid or will pay money to _____ for assistance in preparing this form.

DATED this _____ day of _____, 20__.

 Petitioner Respondent, Signature

Print name

Address or Contact Address

City, State, Zip Code

Telephone or Contact Telephone

16. Amended UTCR 10.020(2):

10.020 PREPARATION AND DELIVERY OF THE RECORD ON REVIEW

(1) * * *

(2) The record, preceded by an index of its contents, must be securely fastened in a suitable cover or folder showing on the outside the title and agency number of the case, the name of the [*hearings officer*] {**administrative law judge,**} and the date and location of the hearing. The pages of the record must be consecutively numbered at the bottom center of each page.

(3) * * *

___ (c) The petitioner refused to test under ORS 813.100 or took the test and the test disclosed that the level of alcohol in the petitioner's blood was sufficient to constitute being under the influence of intoxicating liquor under ORS 813.300.

___ (d) The petitioner had been informed under ORS 813.100 of the rights and consequences as described under ORS 813.100.

___ (e) The petitioner was given written notice required under ORS 813.100.

___ (f) If the petitioner submitted to the test, the person administering the test was qualified to administer the test under ORS 813.160.

___ (g) If the petitioner submitted to the test, the methods, procedures and equipment used in the test complied with requirements under ORS 813.160.

___ (h) Other: _____

Dated this _____ day of _____, 20____.

Set out name, OSB number (attorneys only),
address and telephone number

Petitioner

Attorney for Petitioner

(Please check one of the above)

18. Revised Form 15.010.1b:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR _____ COUNTY
Small Claims Division - _____
(court's address and phone number)

Plaintiff

v.

Defendant(s)

CASE No. _____
**REQUEST FOR DEFAULT JUDGMENT;
DEFENDANT STATUS AFFIDAVIT**

(NOTE: Complete this and attach a completed Judgment you propose)

I, _____ request default judgment against _____
Name Other Party's Name
for the following :

- A total judgment award of \$ _____, which total includes:
1. [A money award] {**Money awarded in the amount**} of \$ _____ ,
 2. Prejudgment interest of \$ _____,
 3. Accrued arrearages of \$ _____, if any,
 4. Costs and service expenses of \$ _____,
 5. A prevailing party fee under ORS 20.190 of \$ _____

I request judgment include postjudgment interest at a rate of _____% per _____ based on _____
(authority for interest)

And, I request the following terms in addition to or in lieu of a money award: NONE, or _____

I have attached a completed proposed small claims judgment for purposes of this request.

In furtherance of this request, I state that:

1. The above-named defendant(s) was duly and regularly served with a copy of the claim and failed to pay the claim or demand a hearing or trial within 14 days;
2. The person against whom I seek judgment by this request:
(a) is not one of the following defined by ORS 125.005 and protected by ORCP 69 B: a minor, incapacitated, a protected person, or a respondent;
(b) is is not I am unable to determine whether this person is a person protected by the Servicemembers Civil Relief Act (50 U.S.C. App. 501 to 596). The facts that support this statement are: _____

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.

Plaintiff's Name (print)

DATED: _____

Authorized Signature

19. Revised Form 15.010.1c:

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

Small Claims Division - _____
(court's address and phone number)

Plaintiff

v.

Defendant(s)

)
)
)
)
)

CASE No. _____
**REQUEST FOR JUDGMENT;
NONCOMPLIANCE AFFIDAVIT**

(NOTE: Complete this and attach a completed Judgment you propose)

I, _____ request judgment against _____
Name Other Party's Name
for the following :

- A total judgment award of \$ _____, which total includes:
- 1. [A money award] {**Money awarded in the amount**} of \$ _____,
 - 2. Prejudgment interest of \$ _____,
 - 3. Accrued arrearages of \$ _____, if any,
 - 4. Costs and service expenses of \$ _____,
 - 5. A prevailing party fee under ORS 20.190 of \$ _____

I request judgment include postjudgment interest at a rate of _____% per _____ based on _____
(authority for interest)

And, I request the following terms in addition to or in lieu of a money award: NONE, or _____

I have attached a completed proposed small claims judgment for purposes of this request.

I, _____, hereby swear or affirm that on _____
(date agreement signed)
_____ and I signed a Mediation Agreement which has been entered
(Print other party's name)
in this case and which contained the following terms. _____

_____ has not complied with the agreement by failing to do the following:
(print other party's name)

I did not keep the other party from following the agreement. I certify that on _____ I mailed a copy
(date)
of this request to the party against whom I request judgment at _____
(address)

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.

Plaintiff's Name (print)

Dated: _____

Authorized Signature

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

Small Claims Division - _____
(court's address and phone number)

Plaintiff

v.

Defendant(s)

) CASE No. _____
)
) **SMALL CLAIMS JUDGMENT;**
) **MONEY AWARD**
) General Limited Supplemental
)
) Submitted by: _____ Plaintiff
) Defendant

JUDGMENT. I hereby give judgment in this case for the Judgment Creditor named in the money judgment/money award below and against the judgment debtor(s) named therein.
In addition to or in lieu of the money award below, this judgment establishes the following requirements: NONE, OR _____

MONEY JUDGMENT/MONEY AWARD

1. Judgment Creditor: _____
Name(s)/Address

2. Judgment Creditor's Attorney: None, OR _____
Name/Address/Phone No. _____ in this case.

3. Judgment Debtor(s). Information for any additional debtor(s) is provided in attachments and incorporated herein by reference:

4a. Name: _____ 4b. Name: _____
5a. Address: _____ 5b. Address: _____
6a. DOB: _____ 6b. DOB: _____
7a. SSN or Tax ID: _____ 7b. SSN or Tax ID: _____
8a. Dr Lic. No./State: _____ 8b. Dr Lic. No./State: _____

9. Judgment Debtor's Attorney: None, OR _____ in this case.
Name

10. I know the following person or public body is entitled to a portion of the money award: NO ONE,
OR _____
Name

11. Judgment is for a total judgment award of \$ _____, which includes the following money amounts (and postjudgment interest at rate shown):

12. Money award {ed in the amount} of \$ _____ 15. Accrued arrearages of \$ _____
13. Prejudgment interest of \$ _____ 16. Costs and service expenses of \$ _____
14. Postjudgment interest on "11" will be at _____% per _____. 17. Prevailing party fee of \$ _____

DATED SIGNED: _____
Circuit Court Judge

Print Judge's Name

2009 UNIFORM TRIAL COURT RULES

CONTENTS

	<u>Page</u>
CHAPTER 1 — General Provisions	
1.010	SCOPE OF THESE RULES.....1.1
1.020	AMENDMENT OF THESE RULES; EFFECTIVE DATE.....1.1
1.030	TRANSITION TO THESE RULES.....1.2
1.040	LOCAL RULES OF COURT NOT PERMITTED; EXCEPTION.....1.2
1.050	PROMULGATION OF SLR; REVIEW OF SLR; ENFORCEABILITY OF LOCAL PRACTICES.....1.2
1.060	NUMBERING OF COURT RULES.....1.3
1.070	CITATION OF COURT RULES.....1.4
1.080	FORMAT AND LOCATION OF COURT RULES.....1.4
1.090	SANCTIONS.....1.5
1.100	RELIEF FROM APPLICATION OF COURT RULES.....1.5
1.110	DEFINITIONS.....1.5
1.120	DISBURSING MONIES; MOTION AND ORDER.....1.6
1.130	TIME COMPUTATION.....1.7
1.140	REQUESTS FOR EXTENDED RETENTION OF COURT RECORDS.....1.7
1.150	HOURS OF COURT OPERATION.....1.9
1.160	FILING OF DOCUMENTS IN COURTS; LOCAL SLR.....1.9
1.170	COURT WEBSITES.....1.9
1.200	INFORMATION ON FREE OR LOW-COST LOCAL LEGAL SERVICES.....1.9
CHAPTER 2 — Standards for Pleadings and Documents	
2.010	FORM OF DOCUMENTS.....2.1
2.020	CERTIFICATE OF SERVICE.....2.4
2.030	MATTERS UNDER ADVISEMENT MORE THAN 60 DAYS.....2.4
2.050	ATTORNEY FEES ON WRITTEN INSTRUMENTS.....2.4
2.060	ENTERING JUDGMENT ON FACE OF NEGOTIABLE INSTRUMENT.....2.4
2.070	NOTICE OF ARBITRATION IN PLEADINGS.....2.5
2.080	COMMUNICATION WITH COURT.....2.5
2.090	FILINGS FOR CONSOLIDATED CASES.....2.5
2.100	PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, REQUIREMENTS AND PROCEDURES TO SEGREGATE WHEN SUBMITTING....2.5
2.110	PROTECTED PERSONAL INFORMATION, NOT CONTACT INFORMATION, PROCEDURES TO SEGREGATE WHEN INFORMATION ALREADY EXISTS IN A CASE FILE.....2.9
2.120	AFFIDAVITS.....2.12
2.130	FAMILY LAW CONFIDENTIAL INFORMATION FORMS.....2.12
CHAPTER 3 — Decorum In Proceedings	
3.010	PROPER APPAREL.....3.1
3.020	PROPER APPAREL FOR INCARCERATED WITNESSES AND DEFENDANTS APPEARING IN CRIMINAL PROCEEDINGS.....3.1
3.030	MANNER OF ADDRESS.....3.1
3.040	ADVICE TO CLIENTS AND WITNESSES OF COURTROOM FORMALITIES.....3.1
3.050	PROPER POSITION OF PARTIES BEFORE COURT.....3.1
3.060	DEFENDANT IN CRIMINAL TRIAL.....3.2

CHAPTER 3 — Decorum in Proceedings (continued)

3.070	PERSONS PERMITTED WITHIN BAR OF COURT	3.2
3.080	PROCEDURE FOR SWEARING WITNESSES	3.2
3.090	UNDUE RECOGNITION OR FAMILIARITY BY JUDGE	3.2
3.100	PROPER USE OF COURT CHAMBERS	3.2
3.110	CONFERENCES IN CHAMBERS	3.2
3.120	COMMUNICATION WITH JURORS	3.2
3.130	DISCLOSURE OF RELATED MATTERS WHEN SEEKING COURT ORDER.....	3.3
3.140	RESIGNATION OF ATTORNEYS.....	3.3
3.150	NO REACTION TO JURY VERDICT	3.3
3.160	EXPLANATION OF PROCEEDINGS TO JURORS	3.4
3.170	ASSOCIATION OF OUT-OF-STATE COUNSEL (<i>PRO HAC VICE</i>).....	3.4
3.180	MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS	3.6

CHAPTER 4 — Proceedings in Criminal Cases

4.010	TIME FOR FILING PRETRIAL MOTIONS IN CRIMINAL CASES	4.1
4.030	PROCEDURE FOR ORDER OF TRANSPORTATION	4.1
4.050	ORAL ARGUMENT ON MOTIONS IN CRIMINAL CASES.....	4.1
4.060	MOTION TO SUPPRESS EVIDENCE	4.2
4.070	DISMISSAL OF CHARGES FOLLOWING SUCCESSFUL COMPLETION OF DIVERSION	4.2
4.080	APPEARANCE AT CRIMINAL PROCEEDINGS BY MEANS OF SIMULTANEOUS ELECTRONIC TRANSMISSION.....	4.2
4.090	ELECTRONIC FILING OF VIOLATION COMPLAINTS AND CRIMINAL CITATIONS (E-CITATIONS).....	4.3
4.100	CRIME VICTIMS' RIGHTS – DEFINITIONS FOR UTCR 4.110, 4.120, and 4.130.....	4.4
4.110	CRIME VICTIMS' RIGHTS – PRESENCE OF VICTIM; SCHEDULING REPORT; SUSPENSION OF VICTIM'S RIGHTS	4.4
4.120	CRIME VICTIMS' RIGHTS - PROSECUTOR'S CERTIFICATION.....	4.5
4.130	CRIME VICTIMS' RIGHTS – PROCEDURE FOR ASSERTING A CLAIM IN A PENDING CASE PURSUANT TO SECTIONS 42(1)(a) to (g) AND 43, ARTICLE I OF THE OREGON CONSTITUTION	4.6

CHAPTER 5 — Proceedings in Civil Cases

5.010	CONFERRING ON MOTIONS UNDER ORCP 21, 23 and 36-46.....	5.1
5.020	POINTS AND AUTHORITIES TO ACCOMPANY MOTION AND OTHER REQUIREMENTS	5.1
5.030	OPPOSING PARTY'S RESPONSE; TIME FOR FILING RESPONSE AND REPLY ..	5.1
5.040	MOTIONS TO BE DETERMINED BY THE PRESIDING JUDGE OR DESIGNEE.....	5.1
5.050	ORAL ARGUMENT ON MOTIONS IN CIVIL CASES.....	5.2
5.060	STIPULATED AND <i>EX PARTE</i> MATTERS.....	5.2
5.070	MOTION FOR LEAVE TO AMEND PLEADING	5.2
5.080	STATEMENT FOR ATTORNEY FEES, COSTS, AND DISBURSEMENTS	5.3
5.090	NOTICE TO COURT IN WATER RIGHTS CASES	5.3
5.100	SUBMISSION OF PROPOSED ORDERS OR JUDGMENTS	5.3
5.110	CLASS ACTIONS	5.4
5.120	NOTICE TO THE DEPARTMENT OF JUSTICE, CRIME VICTIMS' ASSISTANCE SECTION, OF PUNITIVE DAMAGES.....	5.4
5.130	INTERSTATE DEPOSITION INSTRUMENTS—OBTAINING AN OREGON COMMISSION	5.4
5.140	INTERSTATE DEPOSITION INSTRUMENTS—REGISTERING A FOREIGN COMMISSION IN OREGON	5.4

CHAPTER 6 — Trials

6.010	CONFERENCES IN CIVIL PROCEEDINGS.....	6.1
6.020	COURT NOTIFICATION ON SETTLEMENT OR CHANGE OF PLEA	6.1
6.030	POSTPONEMENT OF TRIAL.....	6.1
6.040	RESOLVING SCHEDULING CONFLICTS.....	6.3
6.050	SUBMISSION OF TRIAL MEMORANDA	6.3
6.060	PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS	6.3
6.070	JURY INSTRUCTIONS.....	6.4
6.080	MARKING EXHIBITS.....	6.4
6.090	PEREMPTORY CHALLENGES IN CIVIL CASES.....	6.5
6.100	EXAMINATION OF WITNESSES	6.5
6.110	SPECIAL AND GENERAL FINDINGS IN SEPARATE DOCUMENT	6.5
6.120	DISPOSITION OF EXHIBITS.....	6.5
6.130	WAIVER OF JURY TRIAL IN CIVIL CASES	6.6
6.140	PROCEDURES FOR USE OF HAZARDOUS SUBSTANCE	6.6
6.150	WEAPONS AND DANGEROUS INSTRUMENTS IN THE COURTROOM.....	6.7
6.160	CONTROLLED SUBSTANCES IN THE COURTROOM	6.7
6.170	JUROR HANDLING OF CONTROLLED, HAZARDOUS, OR INFECTIOUS SUBSTANCES AND CHEMICALS	6.8
6.180	WEAPONS AND HAZARDOUS SUBSTANCES IN THE COURT FACILITIES	6.8
6.200	PRETRIAL SETTLEMENT CONFERENCES.....	6.8

CHAPTER 7 — Case Management and Calendaring

7.010	PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES	7.1
7.020	SETTING TRIAL DATE IN CIVIL CASES	7.1
7.030	COMPLEX CASES	7.2
7.040	NOTIFY COURT OF SETTLEMENTS AND OTHER MATTERS.....	7.3
7.050	EFFECT OF BANKRUPTCY PETITION	7.3
7.060	AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATION	7.4
7.070	FOREIGN LANGUAGE INTERPRETERS	7.4
7.080	INTERPRETERS' REQUESTS FOR INFORMATION.....	7.5

CHAPTER 8 — Domestic Relations Proceedings

8.010	ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT	8.1
8.020	SUPPORT ORDERS	8.3
8.040	PREJUDGMENT RELIEF UNDER ORS 107.095(1).....	8.3
8.050	JUDGMENT MODIFICATION PROCEEDINGS	8.3
8.060	FILING DCS WORK SHEETS REQUIRED IN CHILD SUPPORT CASES.....	8.4
8.070	STANDARDIZED PARENTING PLANS.....	8.4
8.080	STATUTORY RESTRAINING ORDER TO PREVENT DISSIPATION OF ASSETS IN CERTAIN DOMESTIC RELATIONS ACTIONS.....	8.5
8.090	CERTIFICATE REGARDING PENDING CHILD SUPPORT PROCEEDINGS AND/OR EXISTING CHILD SUPPORT ORDERS AND/OR JUDGMENTS.....	8.5
8.100	PROCEDURE FOR WAIVER OF \$25 MARRIAGE FEE UNDER ORS 106.102	8.5

CHAPTER 9 — Probate and Adoption Proceedings

9.010	MAILING PROBATE MATERIALS TO THE COURT.....	9.1
9.020	APPROVAL OF BONDS.....	9.1
9.030	ADDRESSES AND TELEPHONE NUMBERS REQUIRED.....	9.1
9.040	SETTLEMENT OF PERSONAL INJURY CLAIMS IN PROBATE CASES	9.1
9.050	RESTRICTED ACCOUNTS	9.1
9.060	FEEES IN ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS	9.1
9.070	SUMMARY DETERMINATION OF CLAIM UNDER ORS 115.145(1)(a) AND 115.165.....	9.2

CHAPTER 9 — Probate and Adoption Proceedings (continued)

9.080	ORAL OBJECTIONS IN PROTECTIVE PROCEEDINGS AND NOTICE OF FREE AND LOW-COST LEGAL SERVICES.....	9.2
9.160	FORM OF ACCOUNTINGS.....	9.2
9.170	FIDUCIARY DISCLOSURE IN ACCOUNTINGS.....	9.4
9.180	VOUCHERS AND DEPOSITORY STATEMENTS.....	9.5
9.190	RETURN OF VOUCHERS AND DEPOSITORY STATEMENTS.....	9.5
9.300	APPOINTMENT OF GUARDIANS IN ADOPTIONS.....	9.5
9.310	PRESENTATION OF ADOPTION DECREES.....	9.6
9.320	CHANGE OF NAME AND CHANGE OF SEX PROCEEDINGS.....	9.6

**CHAPTER 10 — Proceedings Relating to Vehicle Laws and Driving Privilege
Suspensions**

10.010	PETITION FOR REVIEW OF ORDER OF SUSPENSION UNDER ORS 813.410 ...	10.1
10.020	PREPARATION AND DELIVERY OF THE RECORD ON REVIEW.....	10.1
10.030	FORM OF TRANSCRIPT OF ORAL PROCEEDINGS.....	10.1
10.040	SETTLEMENT OF THE RECORD.....	10.2
10.050	PETITIONER'S MEMORANDUM OF POINTS AND AUTHORITIES.....	10.2
10.060	OPPOSING PARTY'S RESPONSE.....	10.2
10.070	SETTING HEARING DATE.....	10.2
10.080	ORAL ARGUMENT AT HEARING.....	10.2
10.090	ENTRY OF JUDGMENT.....	10.3

CHAPTER 11 — Juvenile Court Proceedings

11.010	APPLICATION FOR COURT APPOINTED COUNSEL.....	11.1
11.020	COMPENSATION AND APPOINTMENT OF COURT APPOINTED COUNSEL.....	11.1
11.040	ADMISSION OR STIPULATION TO JURISDICTION; DISMISSAL.....	11.1
11.050	TIME REQUIRED FOR HOLDING DISPOSITIONAL HEARING.....	11.1
11.060	PREDISPOSITION INVESTIGATION.....	11.1
11.070	TEMPORARY SUSPENSION OF VISITATION RIGHTS WHEN TERMINATION PETITION FILED.....	11.2

CHAPTER 12 — Mediation

Reporter's Note.....	12.1
----------------------	------

CHAPTER 13 — Arbitration

13.010	APPLICATION OF CHAPTER.....	13.1
13.030	ARBITRATION COMMISSION.....	13.1
13.040	RELATIONSHIP TO COURT JURISDICTION AND APPLICABLE RULES.....	13.1
13.050	ARBITRATION WHEN CASE ALREADY SET FOR TRIAL.....	13.1
13.060	PLEADINGS IN CASES SUBJECT OR NOT SUBJECT TO ARBITRATION.....	13.2
13.070	EXEMPTION FROM ARBITRATION.....	13.2
13.080	ASSIGNMENT TO ARBITRATOR.....	13.2
13.090	ARBITRATORS.....	13.3
13.100	AUTHORITY OF ARBITRATORS.....	13.3
13.110	ARBITRATOR'S OATH.....	13.3
13.120	COMPENSATION OF ARBITRATOR.....	13.4
13.130	RESTRICTIONS ON COMMUNICATION BETWEEN ARBITRATOR, PARTIES AND ATTORNEYS.....	13.4
13.140	DISCOVERY.....	13.4
13.150	SUBPOENA.....	13.5
13.160	SCHEDULING OF THE HEARING.....	13.5
13.170	PREHEARING STATEMENT OF PROOF.....	13.5
13.180	CONDUCT OF HEARING.....	13.6
13.190	CERTAIN DOCUMENTS ADMISSIBLE.....	13.6

CHAPTER 13 — Arbitration (continued)

13.200	ABSENCE OF PARTY AT HEARING	13.7
13.210	FORM AND CONTENT OF AWARD.....	13.7
13.220	FILING OF AN AWARD	13.8
13.240	JUDGMENT ON AWARD	13.8
13.250	REQUEST FOR TRIAL <i>DE NOVO</i>	13.9
13.260	PROCEDURE AT TRIAL <i>DE NOVO</i>	13.9
13.280	TRIAL DOCKET.....	13.9
13.300	PRETRIAL SETTLEMENT CONFERENCES AND ARBITRATION.....	13.9

CHAPTER 14 — Reference Judges

This chapter reserved for future use.....	14.1
---	------

CHAPTER 15 — Small Claims

15.010	SMALL CLAIMS FORMS.....	15.1
--------	-------------------------	------

CHAPTER 16 — Violations

This chapter reserved for future use.....	16.1
---	------

CHAPTER 17 — Local Parking Violations

Reporter's Note.....	17.1
----------------------	------

CHAPTER 18 — Forcible Entry and Detainer (FED) Actions

This chapter reserved for future use.....	18.1
---	------

CHAPTER 19 — Contempt Proceedings

19.010	SCOPE, CONSTRUCTION, APPLICATION	19.1
19.020	INITIATING INSTRUMENT REQUIREMENTS	19.1
19.030	ALLOWING REMEDIAL SANCTIONS	19.1
19.040	APPLICABILITY OF ORCP AND OTHER UTCR	19.1
19.050	EXCEPTIONS TO AND LIMITATIONS ON APPLICABLE ORCP IN REMEDIAL PROCEEDINGS	19.2

CHAPTER 20 — Voluntary Arbitration

This chapter reserved for future use.....	20.1
---	------

CHAPTER 21 — Filing and Service by Electronic Means

21.010	DEFINITIONS.....	21.1
21.020	APPLICABILITY.....	21.1
21.030	FILERS.....	21.1
21.040	FORMAT OF DOCUMENTS TO BE FILED ELECTRONICALLY	21.2
21.050	PAYMENT OF FEES	21.2
21.060	FILES OF THE COURT	21.3
21.070	SPECIAL FILING REQUIREMENTS.....	21.3
21.080	ELECTRONIC FILING DEADLINES	21.4
21.090	ELECTRONIC SIGNATURES.....	21.4
21.100	ELECTRONIC SERVICE	21.5
21.110	HYPERLINKS.....	21.5
21.120	RETENTION OF DOCUMENTS BY FILERS	21.6
21.130	PROTECTED INFORMATION.....	21.6

Appendix of Forms

Form 2.010.7 – CERTIFICATE OF DOCUMENT PREPARATIONApp. 1

Form 2.100.4a – AFFIDAVIT, REQUEST TO SEGREGATE PROTECTED
PERSONAL INFORMATION FROM CONCURRENTLY FILED DOCUMENTApp. 2

Form 2.100.4b – UTCR 2.100 SEGREGATED INFORMATION SHEETApp. 4

Form 2.100.8 – REQUEST TO INSPECT UTCR 2.100 SEGREGATED
INFORMATION SHEETApp. 5

Form 2.110.4a – AFFIDAVIT, REQUEST TO REDACT PROTECTED PERSONAL
INFORMATION FROM EXISTING CASE FILEApp. 7

Form 2.130.1 – FAMILY LAW CONFIDENTIAL INFORMATION FORM (CIF)App. 9

Form 2.130.2 – FAMILY LAW CONFIDENTIAL INFORMATION FORM (CIF)App. 11

Form 2.130.3 – FAMILY LAW NOTICE OF DISCLOSURE OF CONFIDENTIAL
INFORMATION FORM (CIF)App. 13

Form 4.120.1 – PROSECUTING ATTORNEY’S CERTIFICATION OF COMPLIANCE
WITH CRIME VICTIMS’ RIGHTS NOTIFICATION AND CONSULTATION LAWSApp. 14

Form 4.130.1 – MOTION REGARDING CLAIM OF VIOLATION OF CRIME
VICTIM’S RIGHT(S).....App. 16

Form 5.080 – STATEMENT FOR ATTORNEY FEES AND COST BILL.....App. 19

Form 5.120.1 – UNIFORM NOTIFICATION OF ENTRY OF VERDICT/ENTRY
OF JUDGMENT INCLUDING AN AWARD OF PUNITIVE DAMAGESApp. 21

Form 5.130.1a – AFFIDAVIT, MOTION, AND ORDER FOR COMMISSION TO
TAKE FOREIGN DEPOSITION.....App. 22

Form 5.130.1b – COMMISSION TO TAKE FOREIGN DEPOSITION.....App. 23

Form 5.140.1 – PETITION AND ORDER TO REGISTER FOREIGN DEPOSITION
INSTRUMENT AND ISSUE SUBPOENAS.....App. 24

Form 8.010.5 – UNIFORM SUPPORT AFFIDAVITApp. 25

Form 8.080.1 – NOTICE OF STATUTORY RESTRAINING ORDER PREVENTING
THE DISSIPATION OF ASSETS IN DOMESTIC RELATIONS ACTIONS.....App. 31

Form 8.080.2 – REQUEST FOR HEARING RE: STATUTORY RESTRAINING
ORDER.....App. 32

Form 8.090 – CERTIFICATE RE: PENDING CHILD SUPPORT PROCEEDINGS
AND/OR EXISTING CHILD SUPPORT ORDERS.....App. 34

Form 8.100.1a – FORM TO REQUEST WAIVER OF FEE (ORS 106.120)
WHEN MARRIAGE HANDLED BY A COURTApp. 36

Form 9.160 – UTCR 9.160 ACCOUNTING FORMApp. 37

Form 10.010.a – PETITION FOR JUDICIAL REVIEW OF ORDER OF DMVApp. 42

Form 10.010.b – CERTIFICATE OF SERVICEApp. 44

Form 15.010.1a – CLAIM AND NOTICE OF CLAIMApp. 45

Form 15.010.1b – REQUEST FOR DEFAULT JUDGMENT; DEFENDANT STATUS
AFFIDAVITApp. 47

Form 15.010.1c – REQUEST FOR JUDGMENT; NONCOMPLIANCE AFFIDAVIT.....App. 48

Form 15.010.1d – SMALL CLAIMS JUDGMENT; MONEY AWARDApp. 49

Form 15.010.1e – NOTICE OF DEFENDANT’S ELECTIONApp. 50