

SUPPLEMENTARY LOCAL RULES

CIRCUIT COURT
OF THE STATE OF OREGON

TENTH JUDICIAL DISTRICT
UNION AND WALLOWA COUNTIES

Effective February 1, 2011

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CHAPTER 1 GENERAL PROVISIONS

1.034 PAYMENT IN U.S. DOLLARS

All fees, costs, fines, and assessments shall be paid in U.S. Dollars. Unless otherwise ordered by a judge of this Court, or required by law, the Trial Court Administrator shall not accept any foreign currency and shall return any checks payable in foreign currency to the payor for replacement.

1.035 CREDIT CARDS

Credit cards may be used and fees assessed as provided in ORS 1.005.

1.151 HOURS OF COURT OPERATION

The Circuit Court office in La Grande is open to conduct business from 8:00 a.m. to noon and 1:00 to 5:00 p.m. The Circuit Court office in Enterprise is open to conduct business from 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m.

In La Grande the entry to the courtrooms, the traffic and accounting offices, and the criminal records office is at 1007 4th Street. The entry to the civil records office is at 1008 K Avenue. In Enterprise the courtroom and the Court operations office are located on the second floor of the Wallowa County Courthouse, 101 S. River Street.

1.171 COURT WEBSITES

Website addresses for the Circuit Court of Oregon, Tenth Judicial District, are: <http://courts.oregon.gov/Union> and <http://courts.oregon.gov/Wallowa>.

CHAPTER 2 STANDARDS FOR PLEADINGS AND DOCUMENTS

2.012 ADDRESSES AND TELEPHONE NUMBERS

(1) Defendants in criminal, violation and infraction cases. During the pendency of any case charging an offense, including traffic, boating, game, infraction, violation, and criminal cases, or while any monetary or other obligations imposed by the Court in

such case remain 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 telephone or message telephone number.

2.014 FORM OF DOCUMENTS

(1) All documents filed with the Court shall be two-hole punched in advance at the top of each page, by the party submitting the document. Documents shall be stapled in the upper left corner.

(2) Exhibits appended to filed documents shall be affixed to the document with staples or binder clamps.

(3) Documents filed with the Court or submitted for signature by a judge shall not be stamped or marked "original".

CHAPTER 3 DECORUM IN PROCEEDINGS

3.011 DECORUM PROVISIONS FOR 10th JUDICIAL DISTRICT

(1) Proper attire and appropriate behavior is required by everyone entering the Union or Wallowa County Circuit Court and will be strictly enforced. Anyone not properly dressed upon arriving in the courtroom may be sent away until properly dressed.

(2) The following apparel items are unacceptable:

- (a) Tube tops, tank tops, halter tops, bare midriff tops, see-through tops;
- (b) Shorts;
- (c) Dresses shorter than the fingertips of extended arms;
- (d) Skirts or pants with waists that allow undergarments to be seen;
- (e) Clothing with large holes, cut-off sleeves or pants;
- (f) Hats or bandanas/do-rags;
- (g) Clothing that display controlled substances (tobacco, alcohol, drugs), double meanings, hate motivated behavior, illegal activities, obscene gestures or language, profanity, sexual references, or violence;
- (h) Bare feet;
- (i) Chains that could be used as weapons;
- (j) Garments meant to be worn as undergarments, worn as outer garments and sagging, bagging or dragging pants;

3) No chewing gum or tobacco use in the courtroom. If you are chewing tobacco or gum upon arrival to court, you will be required to remove them before entering the courtroom.

(4) Please remember, your choice of clothing reflects an attitude when appearing before the Court. The following attire is suggested for all non-lawyers appearing in Court.:

(a) MALE - long or short sleeve shirts with collars. Slacks or dress denim trousers;

(b) FEMALE - Dresses, skirts, or slacks and blouse.

(5) Attorneys are responsible for making their clients and witnesses aware of the decorum requirements.

3.051 PARTICIPATION IN HEARING BY TELEPHONE

(1) Counsel or a party may be granted permission to appear for a hearing by telephone. A written request must be submitted at least one day prior to the scheduled hearing.

(2) When counsel, parties, or witnesses are granted permission to appear by telephone, they may participate by mobile or cell telephone only:

(a) When the call is made from a location affording good quality communication and

(b) The caller is not operating or a passenger in a moving vehicle.

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the hallways outside of any courtroom or Court office. Upon request, on a case by case basis, the Court will consider designating an area outside of the courtrooms and prohibited Court areas for media and public access coverage.

3.182 PERSONAL COMMUNICATION DEVICES

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

(2) Personal communication devices must be turned off while in the courtroom, except that they may be turned on in silent mode and used at counsel tables for court business purposes only.

5.005 DEPOSITIONS

(1) Scope of Deposition

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

(2) Objections

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

(3) Instructions Not to Answer

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

(4) Deposition Disputes

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

(5) Pending Questions

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

(6) Persons Present

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

CHAPTER 6 TRIALS

6.012 Settlement Conferences:

(1) The Court on its own motion or on the request of any party may set a mandatory settlement conference. Scheduling of a settlement conference is subject to judicial availability and a settlement conference shall not be scheduled so as to delay trial of the case. The pretrial settlement conference will not be required if either party demonstrates good cause why the settlement conference should not be held.

(2) The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the Court. The attendance of all parties and their trial attorneys is required. When a party is insured, a representative of the insurance company with authority to settle the case shall be in attendance or readily available by telephone. Upon a showing of good cause, the judge conducting the settlement conference may excuse a party from personally appearing, but the party may be required to participate by telecommunication.

(3) Pretrial settlement conferences shall be conducted by a judge other than the assigned trial judge unless all parties stipulate in writing that the trial judge may also conduct the settlement conference.

(4) For a meaningful settlement conference to occur, all attorneys and parties must participate in good faith. The failure of any person to comply with these rules, appear at, or participate in a settlement conference, unless good cause is shown for any such failure, may result in the Court imposing appropriate sanctions as described in UTCR 1.090. Cases set for a settlement conference shall retain their place on the trial docket.

(5) If settlement negotiations are not successful, counsel should be prepared to proceed to trial on the date scheduled. The Court will make every effort to ensure the case proceeds to trial on the date scheduled. This Court will deny all requests for continuance except in case of emergency or highly unusual circumstances.

(6) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, in accordance with UTCR 6.020.

(7) Upon a settlement being reached, the Court will enter an order of dismissal on settlement giving the parties 30 days in which to submit the final judgment. A longer period may be allowed if requested by the parties.

(8) In every case, the party shall present directly to the settlement judge, not less than seven (7) days prior to the date of the settlement conference, a detailed settlement conference statement and serve a copy on opposing counsel. The date and time of hearing shall be typed on the face sheet of the statement.

(a) In the case of personal injury/property damage litigation, the plaintiff shall include in the settlement conference statement a summary of facts, the injuries and/or damages, any special legal issues involved, and a settlement demand, and shall attach a copy of the most recent medical report(s).

(b) The defendant shall prepare a similar statement setting forth a summary of the facts, the injuries, legal issues, defendant's settlement offer, and a copy of the most recent defense medical report(s).

(c) In actions for dissolution, annulment, or separation, and actions for modification of judgments therein, the parties shall present directly to the settlement judge seven (7) days prior to the date of the settlement conference, all documents otherwise required by UTCR Chapter 8 pertaining to domestic relations proceedings.

(d) In other cases, each party shall prepare an appropriate settlement statement setting forth a summary of the facts, legal issues, damages and relief demanded, together with all demands and offers.

(9) Statements and other documents submitted to the judge by the parties and materials or notes prepared by the settlement conference judge are confidential and will not be placed in the trial Court file in the event that the case does not settle or upon request of either party, and in that event, the materials or notes shall be destroyed by the settlement conference judge.

6.014 VOLUNTARY SETTLEMENT CONFERENCE

A voluntary settlement conference may be requested by any party to an action at any stage of the proceeding by filing a request for a voluntary settlement conference with the clerk. The Presiding Judge or designee shall consider the request and, if appropriate, calendar the matter for a voluntary settlement conference to be conducted pursuant to SLR 6.012.

6.016 SETTLEMENT AGREEMENT

Unless a settlement agreement signed by all parties is filed before the time set for trial, all parties are required to appear for trial. Appearance may be in person or by telephone. The terms of the settlement agreement shall be read into the record and the parties will announce their agreement with the terms of settlement.

6.035 MOTION TO POSTPONE

(1) No motion for postponement shall be considered unless the motion is filed more than one week before the trial or hearing date; provided, however, an exception may be made if the party seeking such exception shall in addition to any statutory requirements or the requirements of ORCP 52, satisfy the Court that the cause for postponement came to the knowledge of the party and counsel too late to be timely presented.

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

6.055 DELIVERY OF TRIAL MEMORANDA AND OTHER DOCUMENTS

In civil cases, trial memoranda shall be received by the Court and opposing counsel at least two judicial days prior to the commencement of the trial.

6.081 COPIES OF EXHIBITS

One photo-copy of every documentary exhibit required to be marked pursuant to UTCR 6.080 shall be delivered to opposing counsel and one copy to the Court before the commencement of trial.

6.082 STIPULATION TO EXHIBITS

All exhibits marked pursuant to UTCR 6.080 shall be shown to opposing counsel before the commencement of trial. Counsel shall stipulate to those exhibits to which

there are no objections and shall deliver the stipulated exhibits to the clerk. At the commencement of the trial the judge shall state on the record that the stipulated exhibits have been received into evidence.

6.135 TRIAL REPORTER AND JURY FEES

Pursuant to ORS 21.270 and 21.275, in all civil cases, the trial fee, hearing fee and jury fee shall be paid to the Court Administrator prior to the scheduled trial. Failure to pay the fees as set forth in this rule shall be deemed waiver of reporter and jury. No Court or jury trial shall proceed to trial until fees under this rule are paid to the Court Administrator.

CHAPTER 7 CASE MANAGEMENT AND CALENDARING

7.015 VIDEO APPEARANCES

The Tenth Judicial District presently has video capability at the courthouses in La Grande and Enterprise, and the Union County Correctional Facility.

(1) Criminal cases - When handled by video, a completed plea petition document must be filed with the Court prior to any change of plea.

(2) Habeas Corpus and Post-Conviction Relief cases - If a defendant is in the custody of a correctional institution, the defendant's pretrial motions, pretrial hearings, and Court trial shall be conducted by video, if available.

(3) Civil cases - Parties wishing to use video technology in civil cases shall, where available, make arrangements with the Trial Court Administrator prior to trial and pay all expenses of the video.

(4) Mental Commitment cases - If an alleged mentally ill person is in a mental health facility, the motions, hearings, and trial may be conducted by video appearance, if available, at the expense of the Mental Health Division.

(5) Scheduling - Parties requesting appearances by video shall contact the judicial assistant or docketing clerk where their case is filed to obtain permission for appearance via video. That jurisdiction will then coordinate with other judicial assistants on the use and availability of the video system. The first priority for use of video is criminal matters.

(6) Exhibits - All exhibits will be presented to the Court no later than three (3) judicial days prior to the scheduled Court proceeding. Any party presenting exhibits to the Court will also provide a self addressed, pre-paid postage mailing package to the Court for the return of the exhibits. Prior to the hearing, copies of exhibits shall be provided to witnesses appearing by video.

7.111 TIME LINES

The following time lines will be observed in all criminal cases:

(1) Preliminary hearing decision. Defendant shall advise the Court of a preliminary hearing decision/waiver within ten (10) days after arraignment.

(2) Plea hearing. A hearing for entry of plea to felony and misdemeanor charges shall be set approximately eight (8) weeks after the arraignment, notice of appointment or date of representation, whichever is last to occur. This schedule does not apply to 60 day rule cases and complex cases. See ORS 136.290.

(3) Twenty-four hour status conference. This status conference will be held in open Court one day before the scheduled trial.

7.112 PRELIMINARY HEARING DECISION

All requests and waivers of preliminary hearings must be in writing or on the record in open Court. Notice to the Court by telephone will not be accepted. If defendant is in custody a preliminary hearing will be set within five judicial days of the defendant's request. If defendant is not in custody a preliminary hearing will be set within 30 days of the defendant's request. The Court will make reasonable efforts to expedite appointment proceedings when the defendant is in custody. Discovery shall be expedited so that defense counsel will have discovery prior to the preliminary decision date.

7.113 PLEA HEARING

If the defendant enters a plea of not guilty counsel shall report whether a jury trial is desired and advise the Court of the probable length of the trial. The parties will advise the Court of potential motions to suppress evidence and other pretrial motions and will advise the Court of the need to set an omnibus hearing pursuant to ORS 135.037. The Court will fix a date for filing the motions.

7.114 CRIMINAL PRE-TRIAL PROCEDURE

Instead of scheduling pretrial hearings, the lawyers must follow this procedure regarding plea negotiations (except as to in-custody, 60-day rule cases, “complex” cases, and cases for which good cause may be demonstrated):

(1) Felonies, Misdemeanors and violations: The district attorney and the defense attorney(s) must negotiate during the 8 week period immediately following the date of arraignment, notice of appointment, or date of representation, whichever is last to occur.

(2) Reciprocal discovery and investigations must be completed within the above-referenced 8 week period.

(3) Prior to the expiration of the 8 week period, the District Attorney’s Office must notify the court, in writing, of the status of the case regarding settlement, plea(s), dismissal(s), trial, or any requests for extensions of time.

(4) Any request for extension of the 8 week period must be sought, in writing, prior to the expiration of said period.

(5) If a settlement has been reached, the parties must provide the court with a copy of the settlement document (or plea petition), including amounts of restitution and the addresses of victims.

(6) If settlement has not occurred by the conclusion of the 8 week period, or any extension thereof, a plea shall be entered and a trial date set. The Court will not accept a negotiated plea after a trial date has been set except for good cause shown.

7.115 TWENTY-FOUR HOUR STATUS CONFERENCE

Counsel and the defendant must appear at this conference scheduled the full business day prior to the date set for trial. If defendant does not appear, an arrest warrant will issue and no jury will be called. The parties will advise the Court of any unresolved motions, any issues regarding scheduling of witnesses, and any other matters that may facilitate trial by the avoidance of unnecessary proof or by simplification of issues to be tried. The parties will advise the court of any special security considerations or equipment needs.

7.215 SCHEDULING COURT APPEARANCES

(1) Trials, motions and show cause hearings shall be scheduled in writing to the parties, except that short-notice hearings may be arranged telephonically. Trials commence daily at 9:00 a.m. and continue through 5:00 p.m. Non-custodial matters are scheduled every Tuesday at 9:00 a.m. Custodial matters are scheduled daily at 1:15 p.m.

(2) In keeping with SLR 7.111 & 7.114 counsel is required to appear in court with their calendars to facilitate in-court scheduling. The Court may provide written confirmation of dates set.

CHAPTER 8 DOMESTIC RELATIONS PROCEEDINGS

8.005 SETTLEMENT CONFERENCES

In actions for dissolution, annulment, or separation, and actions for modification of judgments therein, the parties shall present directly to the settlement judge fourteen (14) days before a SLR 6.012 and 6.014 settlement conference, all documents otherwise required by UTCR Chapter 8.

8.006 COORDINATION OF CASES

(1) Neither counsel nor parties shall bring an action for custody or parenting time in any civil action without disclosing the existence and status of any other pending or closed case relating to those issues, whether the other case is a governmental action (such as a child support or juvenile matter), a probate action (such as a guardianship), or an out of state action.

(2) Where more than one case filed in this Judicial District relates to the same parties, every attempt will be made to calendar all related cases before the same judge and, where appropriate, at the same time.

8.012 PARENT EDUCATION CLASS AND MEDIATION ORIENTATION

(1) In any domestic relations action involving the custody or parenting time of minor children, including enforcement or modification proceedings and proceedings involving parties who are non-parents, all parties shall attend a parent education class and mediation orientation session provided by the Court prior to a judicial determination of the issues. For purposes of this rule, domestic relations actions include dissolution of marriage, separation, annulment, filiation, dissolution of domestic partnership, guardianship and such other cases as shall be designated by the Presiding Judge.

(2) Attendance at a parent education class and mediation orientation shall not be required in any case arising under the Family Abuse Prevention Act, ORS 107.700-107.730, or the stalking act, ORS 163.730-163.755.

(3) The parent education class shall include information about parenting children during the process of separation or dissolution of marriage, and shall be designed to assist parents and other adults in meeting children's needs during this period. Mediation orientation shall include information about the mediation process, other dispute resolution processes, including litigation, and circumstances in which mediation may not be appropriate. The classes shall be open to the public.

(4) Parties may attend a similar parent education session in another Oregon county and file a certificate of attendance with the Court. With prior Court approval parties may attend a similar parent education session in another state.

(5) The Court, upon the motion of any party or upon its own motion, may order parties in any action identified in subparagraph (1), above, to attend such supplemental education programs as the Court deems to be in the best interest of the minor children.

8.041 TIME FOR FILING UNIFORM SUPPORT DECLARATION

Pursuant to UTCR 8.010(6)(1)(a), the moving party seeking child support or spousal support shall file the Uniform Support Declaration required by UTCR 8.010(5), UTCR 8.040(3), or UTCR 8.050(1) with their initial pleading seeking such support. The responding party shall file their Uniform Support Declaration within 14 days of service of a motion for temporary support, and within 30 days of service of a petition or other pleading which seeks support on other than a temporary basis.

8.042 PROCEDURE FOR SEEKING TEMPORARY CUSTODY AFTER COMMENCEMENT OF SUIT AND PRIOR TO GENERAL JUDGMENT AND FOR TEMPORARY CHILD AND SPOUSAL SUPPORT.

(1) Motions for temporary support and/or custody filed pursuant to ORS 107.095(1)(b) and 107.097 may be determined without testimony. Motions for other types of temporary relief, such as suite money or exclusive use of the home, must be filed separately. Parties shall notify the Court in writing when the motion is ready for decision without hearing. With due regard for other pending matters, the court will attempt to issue a ruling within 14 days of such notice.

(2) Except where otherwise provided by ORS 107.097 regarding ex parte orders, temporary child custody and/or support issues must be resolved through show cause procedures as follows:

(a) Motions for temporary custody, temporary child and/or spousal support must be accompanied by an affidavit setting forth the justification for the requested relief. If temporary support is sought, a Uniform Support Declaration that includes a child support computation worksheet must be filed. The Order to Show Cause shall require the filing of a response within fourteen (14) days following service, if the adverse party wishes to contest the temporary relief sought, except that no respondent shall be required to respond before the time required by law on the summons in the case.

(1) STANDARD FOR TEMPORARY CUSTODY: To prevail under this procedure, the moving party must prove that the child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare.

(b) The Motion, Affidavit, and Order to Show Cause must be filed with the Trial Court Administrator before being submitted to a judge.

(c) A copy of this Supplementary Local Rule must be served on the adverse party along with true copies of the Motion, Affidavit and Order to Show Cause.

(d) The Response must admit or deny each form of relief sought and must set forth any additional motions for temporary relief. The Response must be accompanied by an Affidavit setting forth the justification for the relief opposed or sought by the responding party. If the response contests the amount of temporary support, a Uniform Support Declaration must be filed.

(e) Within ten (10) days following service of the Response and Responding Affidavit on the moving party or their attorney, either or both parties may submit a Supplemental Affidavit in support of their respective positions. If service of the Response is made by mailing, the date of service shall be considered to be three (3) days after the date of mailing. Except for good cause shown, no further pleadings are required or permitted.

(f) Temporary relief will generally be determined without testimony, based upon the affidavits submitted. Oral argument will be allowed if requested by either party pursuant to UTCR 5.050. The court may on its own motion schedule an evidentiary hearing if deemed necessary. Failure to submit the required affidavit may result in an adverse ruling or denial of relief. There is no requirement,

however, to file supplemental affidavits. On matters involving custody and parenting time only, if a party files a written motion for reconsideration within ten (10) days after the Court's ruling, a hearing will be scheduled to review that ruling. If temporary custody and/or support are awarded pursuant to this rule, the Court's determination of permanent custody and/or support shall be made de novo.

(g) Nothing in this rule limits the Court's authority to issue temporary status quo orders pursuant ORS 107.138 and temporary custody or parenting time orders pursuant to ORS 107.139. The Court reserves its authority to refer custody and parenting time disputes to mediation, pursuant to ORS 107.765 and SLR 8.075.

8.075 PARENTING SCHEDULE

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

8.115 STANDARD PARENTING PLAN FORM

Appendix A contains the Standard Parenting Plan form adopted for use in Union and Wallowa Counties.

CHAPTER 9 PROBATE AND ADOPTION PROCEEDINGS

9.052 WRONGFUL DEATH AND PERSONAL INJURY PROCEEDS

When wrongful death and/or personal injury proceeds are assets in probate, conservatorship and guardianship proceedings, that fact shall be alleged by a separate titled paragraph in the initial petition filed with the Court.

9.081 ORAL OBJECTIONS IN PROTECTIVE PROCEEDINGS

Oral objections to petitions in protective proceedings may be made in the following places:

Circuit Court of Oregon for Union County: Civil Records Office, 1008 K Avenue, Third Floor, La Grande, Oregon.

Circuit Court of Oregon for Wallowa County: Circuit Court Office, Second Floor, Room 204, Wallowa County Courthouse, 101 South River Street, Enterprise, Oregon.

9.135 PROBATE COMMISSIONERS

As provided by law, these rules, and where not inconsistent with the Uniform Trial Court Rules, a Probate Commissioner appointed by this Court shall assist in the administration of decedents' estates, guardianships, conservatorships, and other similar proceedings, and is empowered:

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

(2) To make and enter orders on behalf of the Court admitting wills to probate and appointing special administrators, personal representatives, guardians and conservators.

(3) To set the amount of the bond for special administrators, personal representatives, guardians and conservators; and to approve such bonds.

9.145 COURT VISITORS

A Court visitor for any alleged incapacitated person (ORS 125.005, 125.125 et seq) is a designee of the Court. The petitioner shall serve the visitor with all applications, proposed orders and correspondence. The petitioner is responsible for the payment of the visitor's fees in the amount established by the Presiding Judge by General Order. Any request for fees in excess of this amount, or for extraordinary expenses, must be submitted to the Presiding Judge for consideration. The visitor's fee shall be paid to the Court at the time the order appointing visitor is submitted for approval. The fee will be disbursed to the visitor when the visitor's report is received.

9.155 REPORTS

In addition to other matters, the fiduciary of any incapacitated person and the guardian of any minor ward shall file and serve annually the report required by ORS 125.325.

9.165 DECEDENT'S ESTATE CASES PENDING FOR ONE YEAR OR LONGER

When one year has elapsed after the initial filing of a decedent's estate, the Personal Representative shall file, in the annual accounting, a statement advising the Court of the status of the estate. The statement shall indicate the date the Personal Representative anticipates closing the estate.

CHAPTER 11

JUVENILE COURT PROCEEDINGS

11.005 APPEARANCES IN JUVENILE COURT DEPENDENCY CASES

(1) A parent who is served with a summons in a child dependency case shall appear personally in Court at the time and place specified in the summons for a hearing on the allegations of the petition.

(2) A parent who fails to appear shall be subject to entry of a default order and/or judgment granting the relief sought by the petitioner.

CHAPTER 12

MEDIATION

12.013 MEDIATION OF CHILD CUSTODY AND PARENTING TIME DISPUTES

(1) It is the Court's policy that resolution of family issues through good faith participation in competent, professional mediation is in the interest of both the family and the public.

(2) Mediation of custody/parenting time disputes may be commenced at any stage in a civil action by the stipulation of the parties or by the order of the Court. The Court may order mediation on the motion of either party or on the Court's own motion. For purposes of this rule, civil actions include dissolution of marriage, separation, annulment, filiation, dissolution of domestic partnership, guardianship and such other cases as shall be assigned by the Presiding Judge.

(3) The Court may decline to hear a contested custody or parenting time issue until and unless the parties have participated in mediation in a good-faith attempt to resolve the issues between themselves. A notice from the assigned mediator must be filed with the Court stating that the parties have cooperated and that mediation has nevertheless not resulted in an agreement before trial or hearing on the merits will be calendared.

(4) Parties ordered to mediation shall be referred to the Court's Family Mediation Program.

(5) Parties may select, by stipulation, a private mediator. The parties shall directly contract with the private mediator and be responsible for payment of the mediator's fees. If private mediation is selected, a written stipulation indicating the name of the mediator shall be filed with the Court. Private mediators should have education and experience equivalent to the minimum requirements for membership in the Court's family mediation panel.

(6) If the parents cannot agree on the amount of support to be paid by one to the other, and they are also in dispute as to custody or parenting time, upon the request of both parents, the mediator may assist in resolving the support issue as well.

(7) The mediator may only assist in resolving economic issues to the extent they are related to establishing custody and parenting time arrangements, and subject to ORS 107.765(1).

(8) At any point during mediation, the Court may approve a custody and parenting time order reflecting the parents' full or partial agreement as to the issues. If the agreement is reached through the Court's Family Mediation Program and prepared by one of the Court mediators, the mediator shall hold the signed agreement for seven calendar days from the date of the last signature and mail notice of the agreement to the parties and their attorneys, if known to the Program. The mediator shall forward the signed agreement to the Court for approval unless, within that time period, the mediator receives written notice of a party's repudiation of the agreement.

(9) Mediation shall not be used by any party in bad faith for the purposes of delay or undue influence on other issues. If the Court finds at any time that the mediation process is being misused, it may determine that further mediation is inappropriate, have the case removed from the mediation process and impose sanctions, as appropriate.

(10) In the event the parties are not successful in mediating the custody or parenting time controversy, the mediator shall notify the Court. The matter will be scheduled for hearing as to the remaining unresolved issues, to be held in the same course and with the same priority on the docket as though there had been no mediation.

(11) In the following cases, notice of mediation must be filed in the other appropriate court files and provided to all other interested parties:

(a) Where there is a pending Juvenile Court petition regarding the child or children in question; or

(b) Where temporary or permanent custody or wardship of the child or children in question has been granted to the Oregon Department of Human Services or the Oregon Youth Authority; or

(c) Where the Juvenile Court has assumed temporary or permanent jurisdiction over the child or children in question.

12.014 COURT'S AUTHORITY

A civil case filed in the Circuit Court remains under the control of the Court in all phases of the proceedings, including mediation. The Court referring a case to mediation may set, in its referral order, the limits of the mediator's scope of authority in the case. Absent an order to the contrary:

(1) The mediator has authority and control over the mediation process but has no authority over the parties or over their decisions in the case;

(2) Unless otherwise agreed in writing by the parties and mediator, the parties' legal counsel shall not be present at mediation sessions;

(3) The mediator shall encourage disputing parties to obtain individual legal advice at any time during the process and individual legal review of any mediated agreement before signing any agreement;

(4) The mediator shall not act as a lawyer for either party or the children of the parties in the current or any related matter absent the written consent of both parties.

12.015 CONFIDENTIALITY OF MEDIATION

(1) All communications occurring in the course of mediation are confidential pursuant to ORS 107.785. Mediators are mandated reporters regarding any allegation of child abuse or neglect and shall so advise each party prior to commencement of mediation.

(2) Except as provided by rule 12.020(1), above, or as agreed to by both parties after mediation ends, the mediator shall not communicate to any third party regarding the mediation, other than to inform the Court of the terms of the parties' agreement or, if full agreement was not reached, of that fact. The mediator shall not make any recommendation. The mediator may not be subpoenaed or called as a witness regarding any aspect of the mediation other than whether the mediation resulted in agreement and, if so, the specific terms of the agreement as communicated to the Court.

12.016 MEDIATION WHERE A POWER IMBALANCE EXISTS

(1) Where there is a restraining order between the parties, a history of domestic violence or abuse, an extreme imbalance in the power relationship between the parties or other reason to believe that mediation may be inappropriate, a party may contact the assigned mediator to request that the parties meet with the mediator separately, the presence of a support person during mediation, telephonic mediation or another remedy. A mediator may exclude a support person from a session if the support person disrupts the process of mediation.

(2) The mediator may arrange separate sessions, require telephonic mediation or terminate mediation at any time if the mediator believes that issues of violence, abuse, threatening behavior, manipulation or power imbalance make further mediation inappropriate. In any telephonic mediation, both parties will participate by telephone.

12.017 NON-RESIDENT PARTICIPANTS

If one of the parties is not a resident of the county in which mediation is scheduled, that party may request that mediation occur by telephone. If the needs of both parties would be better served by telephonic mediation, they may agree to such mediation. If telephonic mediation occurs, both parties will appear by telephone and will arrange to be available in a quiet place, not in the presence of the parties' children. All others present at the time of telephone mediation must be identified. Costs of telephonic mediation will be paid proportionately by the party(ies) appearing by telephone.

12.018 DISPUTED PARENTAGE

If parentage is disputed, the issue need not be resolved by the Court prior to mediation. Mediation shall not be denied to the parties on the basis that parentage is an issue in the proceeding before the Court. The Court may make a temporary order granting parenting time to a non-custodial parent absent a parentage determination upon a finding that the granting of such visitation would be in the best interest of the child.

12.020 [Not used - See UTCR 1.080(3)]

12.021 MEDIATOR QUALIFICATIONS

To qualify as a Court Family Mediation Program panel member, person must:

(1) Meet the requirements of the OJD Court-Connected Mediator Qualification Rules for mediation of custody-parenting disputes; if the mediator is assigned additional responsibility per rules 8.013(6) and 8.013(7), the mediator shall meet the minimum

requirements set by the OJD Court-Connected Mediator Qualification Rules for those additional responsibilities.

(2) Sign and file an application with the Court; and

(3) Be approved by the Presiding Judge.

12.022 OBJECTION TO MEDIATOR

Within 5 days of notice of the identity of the appointed mediator and prior to the conduct of the first mediation session, a party may, one time only, object in writing to the assignment of the mediator, without giving a reason, and request assignment of another mediator. Thereafter, any objection must be for cause and must be resolved by the Court.

12.015 SMALL CLAIMS MEDIATIONS

See Supplementary Local Rule 15.015 below.

CHAPTER 13 ARBITRATION

13.015 ACTION TRIED TO COURT EXEMPTED

Civil cases may be exempted or removed from arbitration in accordance with ORS 36.405(2).

13.025 REQUEST FOR AND OBJECTIONS TO ARBITRATION

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

(2) A Court decision on an exemption filed pursuant to ORS 36.405(2) will be rendered within 5 days following the filing of a motion for exemption from arbitration. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the UTCR.

13.035 COURT SHALL DETERMINE WHETHER CASE IS SUBJECT TO ARBITRATION

(1) A case assigned to arbitration will not be removed, except as might occur under (2) of this Rule, without an affidavit, motion and order.

(2) Only in extraordinary circumstances will the Court order a case returned from arbitration to the Court docket after a case has been assigned to an arbitrator. The Presiding Judge of the judicial district in which the case was filed does retain the authority to remove a case from arbitration any time the Presiding Judge is of the opinion that such extraordinary circumstances exist.

(3) In the event that amended pleadings are allowed by the arbitrator (e.g. amended complaint, third party complaint, etc.) in which a party or parties will be added to the case, or which causes the case not to be subject to mandatory arbitration, the party filing such an amended pleading must notify the Trial Court Administrator. Unless the parties stipulate otherwise, the court shall then remove the case from arbitration.

13.042 REFERRAL TO ARBITRATION

If the first appearance of a defendant is not an answer, but is a motion directed to the complaint or a dispositive motion, the motion shall be decided before the case is referred to arbitration. No case shall be referred to arbitration unless all parties have appeared or have had a judgment of default entered against them. If a case has been referred to arbitration prior to the filing of a motion directed by the complaint or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.100.

13.048 WAIVER OR DEFERRAL OF FEE

(1) Indigent parties must seek waiver or deferral of the arbitrator's fee within 14 days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit setting forth with specificity the party's income, assets, and expenses, and presented to the Presiding Judge for approval.

(2) In the event funds are available under ORS 36.420 for the payment of fees that are waived or deferred, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of the form approved by the State Court Administrator for such purpose.

13.055 ARBITRATORS

(1) To qualify as an arbitrator, a person must sign and file an application as arbitrator and, if not a retired or senior judge or stipulated non-lawyer arbitrator, be an active member of the Oregon State Bar at the time of each appointment. During any

period of suspension or disbarment from the practice of law by the Oregon State Bar or the Supreme Court, an arbitrator will be removed from the Court's list of arbitrators and may re-apply when the attorney is reinstated or readmitted to the Bar.

(2) There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any preference against certain types of cases. A list showing the names of arbitrators to hear cases will be available for public inspection with the Trial Court Administrator for each individual county.

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

(4) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials in the case to the Court.

13.065 STIPULATIONS

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

13.066 MOTIONS

Motion practice is discouraged in cases assigned to arbitration.

13.075 ALTERNATE MEDIATION PROCEDURE

On the parties' written stipulation, filed with the Court at any time prior to the commencement of the arbitration hearing, the parties may elect to mediate rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration.

13.085 NO AWARD FILED WITHOUT PROOF OF NOTICE

At the conclusion of arbitration, if the arbitrator attempts to file the award with the Court without the proof of service of a copy of the decision and award upon each party as required by ORS 35.425(1), the award will not be filed and will be returned to the arbitrator.

13.125 ARBITRATOR'S COMPENSATION

(1) Plaintiff(s) shall be responsible for one-half of arbitrator's fee. Defendant(s) shall be responsible for one-half of the arbitrator's fee. [Note: Per the Arbitration Commission, Arbitrators can set their own fees, but must disclose their hourly rate including their staff's hourly rate (the arbitrator is to provide fee information when chosen by litigants). An arbitrator's compensation is capped at \$200 per hour (or any greater sum agreed upon by the parties) with a maximum of ten hours per case except for good cause shown and approved by the Presiding Judge. Travel time shall not be compensated unless an arbitrator must travel from one county to another county for hearing, in which case the arbitrator will be paid \$50 per hour while traveling, with a maximum payment for travel time of \$200.]

(2) The parties shall pay the arbitrator a fee deposit of \$500 before the arbitrator begins work on a case. If the plaintiff fails to pay plaintiff's share of the deposit within fourteen (14) calendar days of assignment to the arbitrator, the Court may exercise its authority to strike plaintiff's complaint. If the defendant fails to pay defendant's share of the deposit within fourteen (14) calendar days of assignment to the arbitrator, the Court may exercise its authority under UTCR 1.090.

(3) The parties must pay the arbitrator's fee in full before the arbitrator files the award with the Court. This requirement is waived for any portion of the fee payable under ORS 36.420.

CHAPTER 15 SMALL CLAIMS

15.015 APPLICABLE SUPPLEMENTARY LOCAL RULES

Supplementary Local Rules 2.012(2) and 2.014 apply in small claims cases.

15.025 SMALL CLAIMS MEDIATION

(1) All contested small claims cases shall be subject to mediation, pursuant to ORS 36.185. A case will be removed from mediation and proceed in the normal fashion if either party files a written objection to mediation.

(2) These mediation services shall be provided by the Court without cost to the litigants through the use of volunteer mediators.

(3) All parties must appear for mediation. A party not appearing for mediation may have a judgment entered against them subsequent to an opportunity for hearing before the court.

(4) An authorized representative may appear on behalf of a business but must be familiar with the facts of the case and must have full authority to settle.

(5) Attorneys shall not be permitted to attend a small claim mediation session unless they are parties to the case, or with permission of the Court.

(6) Agreements reached while in mediation shall be signed by the parties and filed as stipulated orders.

(7) Failure of either party to abide by the stipulated order will be grounds for the opposing party to file an Affidavit of Non-Compliance and obtain a judgment on the original claim.

CHAPTER 16

VIOLATION OFFENSES

16.005 VIOLATIONS BUREAU

(1) A Violations Bureau is established pursuant to ORS 153.800.

(2) The Trial Court Administrator is appointed as Violations Clerk, and duly appointed deputies of the Administrator are further appointed as Deputy Violations Clerks.

(3) The Violations Bureau may exercise authority over all offenses authorized by ORS 153.800.

(4) Appearances before the Violations Bureau shall be permitted on any authorized offenses to a maximum of two (2) occurrences within any 12-month period.

16.015 TRIAL BY AFFIDAVIT

If a signed waiver is filed by the alleged violator, testimony in a violation trial is allowable by affidavit. ORS 153.080. **See SLR Appendix B.** Copies of affidavits by either party will be available if requested in writing at least five days before trial.

- (5) Consider the best interests of the child and the safety of the parties in developing a parenting plan.

The intent of the Standard Parenting Plan is to provide a Parenting Plan to parents who have not been able to agree to an alternate, more flexible plan. Because each family's circumstances are different, the court may make provisions for more or less parenting time than provided for in the Standard Parenting Plan. The court reserves the authority, pursuant to ORS 107.425, to investigate and resolve parenting time disputes in the best interests of the children.

This parenting plan may not be suitable when there are safety concerns due to substance abuse or domestic violence. When there are safety concerns, parents should develop a Safety Focused Parenting Plan. Information and forms are available at www.ojd.state.or.us/familylaw and at the court's public counter.

All provisions of this parenting plan will be in effect beginning when this parenting plan is made an order of the court. The provisions of this parenting plan shall override any earlier existing parenting plan.

The child(ren) will not be permitted to determine whether they wish to visit the nonresidential parent.

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

Parents are encouraged to:

- Support your children's love and need to interact with both parents;
- In planning for your children's success, become business like; you are the adults--manage your conflicts out of view of your children;
- Do not put each other down in front of your children; do not make them spies or messengers; do not demand their loyalty only to one of you;
- Develop consistency in parenting and discipline from both of you;
- Keep your children out of the middle of any of your disputes or disagreements; as much as possible model cooperative, problem solving behavior.

1. GENERAL INFORMATION

1.1 The parent's names are _____ and _____.

1.2 This Parenting Plan applies to the following Child(ren):

Date of Birth

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. DESIGNATION OF RESIDENTIAL PARENT

For purposes of the Standard Parenting Plan, the “residential parent” means the parent who provides the primary residence for the children. The “non-residential parent” means the parent who has parenting time with the children according to the schedule provided in the Standard Parenting Plan.

Mother Father shall be considered the “residential parent.” (Check one.)

3. DECISION MAKING

3.1 Major Decisions (Joint or Sole Custody)

The terms Sole and Joint Custody indicate how parents will handle major decisions about the children. Major decisions include, but are not limited to, decisions about the children's education, non-emergency health care and religious training. The terms Sole and Joint Custody have nothing to do with the amount of time that children spend with either parent, nor do they affect Child Support calculations. The court cannot order Joint Custody unless both parents agree to it. (Check one.)

3.1 (a) Sole Custody. The residential parent shall have sole decision making authority on major decisions about the children.

- () 3.1 (b) Joint Custody. Both parents will share in the responsibility for making major decisions about the children.

Note: In order to be valid, the designation of Joint or Sole custody must be the same in both the parenting plan and the Judgment or Order. When it is not the same, the designation in the Judgment or Order will prevail.

3.2 Day-to-Day Decisions

Each parent shall make decisions regarding the day-to-day care and control of the children while the parent is caring for the children. Both parents are authorized to make emergency decisions affecting the health and safety of the children.

3.3 Decisions about the Parenting Time Schedule.

Parents may decide by mutual agreement to change the Parenting Time Schedule. However, one parent cannot decide to change the schedule without the other parent's approval.

4. SPECIAL PROVISIONS FOR PARENTING TIME SCHEDULE

- 4.1 If there are children who would have different parenting time schedules because they are in different age groups, parenting time for all of the children shall be based upon the schedule for the oldest child that is present for the parenting time, unless a child is younger than 12 months. In that case, the schedule for "Children ages birth to 12 months" shall apply to that child.
- 4.2 If parents live no more than 75 miles apart at the time the order is signed, the non-residential parent is entitled to have the children according to the schedule described in Section 16. If parents live more than 75 miles apart at the time the order is signed, the non-residential parent is entitled to have the children according to the schedule described in Section 17.

5. INFORMATION SHARING

- 5.1 Unless otherwise ordered by the court, each parent shall have equal access to important information about the children, including, but not limited to the children's current mailing and street addresses, telephone number, and the name, telephone number and street address of any day care provider.
- 5.2 Each parent must immediately notify the other about any emergency circumstances or substantial changes in the health of the children. Unless otherwise ordered by the court, both parents shall be listed as emergency contacts at Day Care and School.
- 5.3 If either parent takes the children from that parent's usual residence for 24 hours or more, that parent shall notify the other parent of any emergency contact phone number and where the children will be staying.
- 5.4 Unless otherwise ordered by the court, both parents always have the right:
 - 5.4 (a) To inspect and receive school records and to consult with school staff concerning the children's welfare and education.
 - 5.4 (b) To inspect and receive governmental agency and law enforcement records concerning the children.
 - 5.4 (c) To consult with any person who may provide care or treatment for the children and to inspect and receive the children's medical, dental and psychological records.
 - 5.4 (d) To authorize emergency medical, dental, psychological, psychiatric or other health care for the child.

6. FUTURE MOVE OF A PARENT

- 6.1 Parents shall provide each other and the court with at least 45 days written notice of any planned move more than 60 miles further distance from the other parent.
- 6.2 Unless otherwise ordered by the court, each parent shall:

6.2 (a) Provide the other parent with his or her contact phone number and contact address.

6.2 (b) Notify the other parent of any change in his or her contact telephone number and contact address within 72 hours of the change.

6.3 If the Parenting Time Schedule would be disrupted because of a parent's intended move, the Parenting Time Schedule must be changed by mutual agreement of the parents or by a modification that is ordered by the court.

7. PARENT-CHILD COMMUNICATION

7.1 Both parents and the children shall have the right to communicate by telephone, in writing, by e-mailing, by text messaging or by tele-cam (if available) during reasonable hours without interference or monitoring by the other parent.

7.2 Unless otherwise agreed by the parents, telephone calls shall be limited to no more than three per week and each call shall last no more than 20 minutes. These calls shall not be made during or extend past the child's normal bed time.

8. EXCHANGE OF CHILD FROM ONE PARENT TO THE OTHER

8.1 Both parents shall have the children fed and ready on time with sufficient clothing packed and ready at the time of exchange. All clothing that accompanies the children shall be returned to the other parent.

8.2 When parents live no more than 75 miles apart, the non-residential parent shall pick up the children from the residential parent's residence no earlier than, nor later than 15 minutes from the scheduled beginning of the parenting time. The residential parent shall pick up the children from the non-residential parent's residence no earlier than, nor later than 15 minutes from the ending of the non-residential parent's parenting time. If the parents have chosen or the court has

ordered extended weekends, the children shall be dropped off at school at the beginning of the school day whenever possible.

8.3 Unless otherwise ordered by the court, parents who live more than 75 miles apart will equally participate in the cost and effort of exchanging the children from one parent to the other.

8.4 Either parent may authorize other individuals who are known to the children to provide the transportation for the exchange of the children. Anyone who drives while transporting the children will have a valid driver's license and vehicle insurance. Anyone who transports children will not be under the influence of drugs or alcohol and must not have consumed alcohol within six hours of picking up the children. Anyone who transports the children shall use age appropriate car seats or other appropriate safety devices when the children are being transported.

8.5 Special provisions:

9. CAR SEATS

Anyone who transports the children shall use age appropriate car seats or other appropriate safety devices when the children are being transported.

10. MEDICATIONS

If a licensed physician has prescribed medication for the children, both parents shall see that the medications are administered as prescribed. Any unused medication shall be returned at the end of the visit.

11. AFFECTION AND RESPECT

Neither parent shall say things or allow others to say things in the children's presence that would interfere with the children's love and respect for the other parent.

12. SCHOOL INVOLVEMENT

Unless otherwise ordered by the court, both parents are encouraged to participate in the children's school activities including, but not limited to, visiting the classroom, attending parent-teacher conferences, and attending sports and cultural activities.

13. PARENT CONTROL OF CHILDREN'S ACTIVITIES

Parents are encouraged to cooperate when scheduling activities for the children. Neither parent may schedule activities for the children that occur during the other parent's time with the children without the other parent's consent.

14. MISSED PARENTING TIME

- 14.1 Personal plans of a parent or a child, or school, church, or other activities will not be reasons for failing to follow the Parenting Time Schedule. The children will not be permitted to decide whether or not they wish to be with a parent. The residential parent shall not cancel parenting time for any reason without the agreement of the non-residential parent.
- 14.2 Only substantial medical reasons will be considered sufficient for postponement of parenting time. If a child is ill and unable to visit, a make-up parenting time shall occur on the following weekend unless otherwise agreed upon. If the non-residential parent fails to exercise his or her parenting time, there will be no make-up parenting time.

15. MEDIATION

The parents will attempt to cooperatively resolve any disagreements that arise over the terms of the Parenting Plan. If the parents are unable to resolve a disagreement, they must use mediation first. Any cost for mediation shall be shared equally by the parents. A written record shall be prepared of any agreement reached in mediation and shall be filed with the court along with

copies provided to each parent. If the parents are unable to resolve a disagreement through any other dispute resolution process, the disagreement shall be resolved through court action.

16. PARENTING TIME SCHEDULE for parents who live within 75 miles of each other

The non-residential parent is entitled to have the children as follows:

16.1 Weekend and Weekday Schedule

16.1 (a) Children ages birth to 12 months. Two times per week for three hours on consistent weekdays selected by the residential parent and on alternate Saturdays from 9 a.m. until 3 p.m.

16.1(b) Children ages 12 months to 36 months. Two times per week for three hours on consistent weekdays selected by the residential parent and on alternate weekends from 6 p.m. on Friday until 6 p.m. on Saturday.

16.1 (c) Children over age 36 months. Alternating weekends from 6 p.m. on Friday until 6 p.m. on Sunday, and on alternate Mondays from 6 p.m. until 8 p.m. on the Monday preceding the non-residential parent's alternate weekend with the children. If the Monday following the non-residential parent's weekend is a school closure day, parenting time shall be extended to Monday until 6 p.m. If the Friday preceding the non-residential parent's weekend is a school closure day, parenting time shall begin at 6 p.m. on Thursday.

16.1 (d) Extended weekends for children 5 years and over. If both parents agree, or the court so orders, the non-residential parent's alternating weekend shall be from 6 p.m. on Friday or 1 p.m. if the child's school gets out at noon on Fridays * and the non-residential parent is available to pick up the child until 6:00 p.m. Sunday. To be in effect, both parents or the Judge must initial. _____ Mom _____ Dad or _____ Judge

* Currently Imbler and Elgin schools get out at noon on Friday.

16.1 (e) Extended weekends for children 5 years and over with 4 day school week If both parents agree, or the court so orders, the non-residential parent’s alternating weekend shall be from 6 p.m. on Thursday if the child’s school is not open on Friday (currently North Powder, Union and Cove in Union County and Wallowa, Enterprise and Joseph in Wallowa County do not have school on Friday) until 6:00 p.m. on Sunday. To be in effect, both parents or the Judge must initial.
_____ Mom _____ Dad or _____ Judge

16.1 (f) Special weekend and weekday provisions. If both parents agree, or the Court so orders, the following provisions shall apply:

16.2 Summer Schedule

16.2 (a) Prior to May 1, the non-residential parent shall notify the residential parent, in writing, of the summer parenting time schedule. If the non-residential parent fails to provide the summer schedule by May 1st, then the residential parent shall notify the non-residential parent of the summer schedule, in writing, by May 20th. The summer schedule must not conflict with any holiday schedule described in 16.3–16.12. The child must be returned to the residential parent two weeks before school starts if the child is participating in a fall sport and practice starts 1 to 2 weeks before schools resumes in the fall. In any event, the child shall be returned to the custodial parent at least one week before school resumes unless otherwise agreed upon. This one week period is intended to allow time for school shopping, and to get the children into a stable consistent schedule before school starts.

16.2 (b) Whether or not the children are enrolled in school, the non-residential parent is entitled to have the children for the total amount of time described below during the period of school summer vacation.

16.2 (c) Children ages birth to 36 months. Parenting time remains the same as the rest of the year.

16.2 (d) Children between the ages 36 months to 60 months (5 years) before June 1st. Three one week blocks, scheduled to include the non-residential parent's "alternate weekends". One week shall be in June, one in July, and one in August. There shall be at least two weeks between each of the one-week blocks. "Alternate Weekends" continue throughout summer.

16.2 (e) Children over age 60 months (5 years) by June 1st. Thirty five days (5 weeks) scheduled so that neither parent has the children for more than 21 consecutive days (3 weeks). If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. "Alternate Weekends" are discontinued.

16.2 (f) Children ten years or older. Each parent shall get the children for a six week block. During the six week block the other parent shall have the children for alternate weekends from 6 p.m. on Friday to 6 p.m. on Sunday.

16.2 (g) Special summer schedule provisions. If both parents agree, or the Court so orders, the following provisions shall apply:

16.3 Holiday Schedule

16.3 (a) The Holiday Schedule described below shall override the Weekend and Weekday Schedule and the Summer Schedule.

16.3 (b) Whenever the Holiday Schedule causes one parent to have the children for two weekends in a row, the alternating weekend

pattern will restart, so that the other parent will have the children on the next weekend.

16.3 (c) If both parents agree, or if the Court so orders, the following special holiday schedule provisions shall apply. Whether or not the children are enrolled in school, the Holiday Schedule will be as follows:

	NON-RESIDENTIAL PARENT	RESIDENTIAL PARENT
Winter Vacation *	Even years	Odd years
Thanksgiving	Odd years	Even years
Spring Break	Even years	Odd years
Easter	Even year	Odd years
Memorial Day	Odd years	Even years
Fourth of July	Even years	Odd years
Labor Day	Odd years	Even years
Halloween	Even years	Odd years
Spring Break	Odd years	Even years
Children’s Birthday	Even years	Odd years

For the purposes of the Parenting Plan, a holiday shall begin and end as follows:

16.4* Winter Vacation

16.4 (a) Children ages birth to 12 months. Parenting time shall be from 9 a.m. until 6 p.m. on December 25th in the even numbered years. In odd numbered years on December 24th from 9 a.m. until 6 p.m.

16.4 (b) Children ages 12 months to 36 months. Parenting time shall be from 6 p.m. on December 24th until 6 p.m. on December 25th in even numbered years and in odd numbered years from 6 p.m. on December 25th until 6 p.m. on December 26th.

16.4 (c) Children over age 36 months. In even numbered years, the non-residential parent shall have the children from noon on the day after school adjourns until noon on December 26th, and the residential parent shall have the children from noon on December 26th until school resumes. In odd numbered years, the residential parent shall have the children from noon on the day after school adjourns until noon on December 26th, and the non-residential parent shall have the children from noon on December 26th until noon on the day before school reconvenes.

16.5 Thanksgiving

16.5 (a) Children ages birth to 36 months. Parenting time shall be from 9 a.m. until 6 p.m. on Thanksgiving Day.

16.5 (b) Children over age 36 months. Parenting time shall be from 6 p.m. on Wednesday evening prior to Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.

16.6 Spring Break

16.6 (a) Children over age 36 months. Parenting time shall begin at 6 p.m. on Friday at the beginning of spring break and end at 6 p.m. the next Friday unless both parents agree or the judge order this alternative Spring Break

Schedule: _____

_____ Mom _____ Dad or _____ Judge

16.7 Easter

16.7 (a) Children ages birth to 36 months. Parenting time shall be from 9 a.m. until 6 p.m. on Easter Sunday.

16.7 (b) Children over age 36 months. Parenting time shall be from 6 p.m. Saturday evening prior to Easter Sunday until 6 p.m. on Easter Sunday.

16.8 Memorial Day and Labor Day

16.8 (a) Children ages birth to 36 months. Parenting time shall be on the day of the holiday from 9 a.m. until 6 p.m.

16.8 (b) Children over age 36 months. Parenting time shall be from 6 p.m. on the Friday preceding the holiday until 6 p.m. on the day of the holiday.

16.9 Fourth of July

16.9 (a) Children ages birth to 36 months. Parenting time shall be from 9 a.m. until 6 p.m. on July 4th.

16.9 (b) Children over age 36 months. Parenting time shall be from 9 a.m. on July 4th until 6 p.m. on July 5th.

16.10 Halloween

16.10 (a) Children ages birth to 36 months. Parenting time shall be from 6 p.m. until 8 p.m.

16.10 (b) Children over 36 months. Parenting time shall be from 3 p.m., or when school ends until 8 p.m.

16.11 Children's Birthdays

16.11 (a) Children ages birth to 36 months. Parenting time shall be from 9 a.m. until 6 p.m.

16.11 (b) Children over age 36 months. If the birthday falls on a school day, parenting time shall be from when school activities are over until 8 p.m. If on a non-school day, from 9 a.m. until 6 p.m.

16.11 (c) If the birthday falls on another holiday that is listed in 16.3, then the parent shall use the schedule for the holiday instead of the schedule for the birthday.

16.12 Mother's Day, Father's Day and Parent's Birthdays

16.12 (a) Children shall spend the day with Mother on Mother's Day and on Mother's birthday from 9 a.m. until 6 p.m.

16.12 (b) Children shall spend the day with Father on Father's Day and on Father's birthday from 9 a.m. until 6 p.m.

16.12 (c) If the parent's birthday falls on a school day, then parent's time shall be from the end of school until 8 p.m. If the parent's birthday falls on a holiday that is listed in 16.3, then parents will follow the schedule as described 16.3-16.12.

17. MEDIUM AND LONG DISTANCE PARENTING TIME

Parents who live far apart will have the children according to the schedule described below. All other provisions of this parenting plan are unchanged except as described below.

When parents live more than 75 miles apart, but less than 275 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled "Medium Distance." When parents live more than 275 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled "Long Distance."

17.1 Weekend and Weekday Schedule

17.1 (a) Prior to August 15th each year the non-residential parent shall notify the residential parent in writing of the dates of the parenting time weekends to be scheduled during the school year. The selected dates shall include any holidays listed in Section 16.3-16.12. If the non-residential parent fails to provide such written notice prior to August 15th, the residential parent is entitled to designate those weekends, so long as they include any holidays listed in 16.3-16.12. The residential parent shall notify the nonresidential parent in writing by August 31st.

17.1 (b) Children ages birth to 12 months

Medium Distance: Two hours every Saturday and two hours every Sunday in the location where the residential parent resides, according to a schedule determined by the residential parent.

Long Distance: Same as for Medium Distance.

17.1 (c) Children ages 12 months to 36 months

Medium Distance: On alternating weekends from 9 a.m. Saturday until 6 p.m. Sunday.

Long Distance: Same as for the Medium Distance except that parenting time will occur at the location where the residential parent resides.

17.1 (d) Children over ages 36 months

Medium Distance: Alternating weekends from 6 p.m. on Friday until 6 p.m. on Sunday. If the Monday following the non-residential parent's weekend is a school closure day, parenting time shall be extended to Monday until 6 p.m. If the Friday preceding the non-residential parent's weekend is a school closure day, parenting time shall begin at 6 p.m. on Thursday.

Long Distance: One weekend per month, which shall include up to two weekdays attached to the weekend, so long as the children are not attending school on those days. Children shall return to the residential parent's home no later than 6 p.m. on the day prior to a school day.

17.1 (e) Special weekend and weekday provisions: If both parents agree, or the Court so orders, the following provisions shall apply:

17.2 Summer Schedule

- 17.2 (a) Prior to May 1st, the non-residential parent shall notify the residential parent, in writing, of the summer parenting time schedule. If the non-residential parent fails to provide the summer schedule by May 1st, then the residential parent shall notify the non-residential parent of the summer schedule in writing by May 20th.
- 17.2 (b) The Medium Distance summer schedule must not conflict with any holiday schedule described in 16.3 – 16.12. If the Long Distance summer schedule conflicts with the schedule for Father’s Day, 4th of July or a birthday, the residential parent may have parenting time as described in 16.3 – 16.12 in the location where the non- residential parent resides and at the residential parent’s expense.
- 17.2 (c) Whether or not the children are in school, the non-residential parent is entitled to have the children for the total amount of time described below during the period of school summer vacation.
- 17.2 (d) Children ages birth to 12 months.
Medium Distance: Parenting time remains the same as the rest of the year, as described in 17.1 (a).
Long Distance: Same as for Medium Distance.
- 17.2 (e) Children between ages 12 months to 36 months (3 years) before June 1st. Medium Distance: Parenting time remains the same as the rest of the year, as described in 17.1 (b).
Long Distance: Three weekends in the location where the residential parent resides from 9 a.m. Saturday until 6 p.m. Sunday, and three “long weekends” in the location where the non-residential parent resides, one in June, one in July and one in August from 6 p.m. Friday until 6 p.m. Sunday.
- 17.2 (f) Children between ages 36 months to 60 months (5 years) before June 1st.
Medium Distance: Three one-week blocks (seven days). One week shall be in June, one in July, and one in August. There shall be at least two weeks between each of the one-week blocks. “Alternate weekends” are discontinued.

Long Distance: Twenty one consecutive days (3 weeks).

17.2 (g) Children between ages 60 months to 10 Years before June 1st.
Medium Distance: Thirty-five days (5 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. "Alternate weekends" are discontinued.
Long Distance: Thirty-five consecutive days (5 weeks).

17.2 (h) Children over age 10 Years before June 1st.
Medium Distance: Each parent shall get the children for a six week block. During the six week block the other parent shall have the children for a three day weekend half way through the six week block from 6 p.m. on Thursday to 6 p.m. on Sunday.
Long Distance: Sixty three consecutive days (9 weeks). The custodial parent may visit the children for up to 4 days at the non-custodial parents area at a time to be arranged during the nine week block. .

17.2 (i) Special Summer Schedule provisions. If both parents agree, or the Court so orders, the following provisions shall apply.

17.3 Holiday Schedule

17.3 (a) Parents who live more than 60 miles apart will follow the Holiday Schedule and provisions described in Section 16.3–16.12 except as described below.

17.3 (b) If both parents agree, or if the court so orders, the following special holiday schedule provisions shall apply.

17.4 Winter Vacation

17.4 (a) Children ages birth to 12 months.

Medium Distance: Same as described in Section 16.3-16.12 except that parenting time will occur in the location where the residential parent resides.

Long Distance: Same as for Medium Distance.

17.4 (b) Children ages 12 months to 36 months.

Medium Distance: Same as described in Section 16.3-16.12.

Long Distance: Same as described in Section 16.3-16.12 except that parenting time will occur in the location where the residential parent resides.

17.4 (c) Children over age 36 months.

Medium Distance: Same as described in Section 16.3-16.12.

Long Distance: Same as for Medium Distance.

17.5 Thanksgiving

17.5 (a) Children ages birth to 12 months.

Medium Distance: Parenting time shall be from 9 a.m. until 6 p.m. on Thanksgiving Day in the location where the residential parent resides.

Long Distance: Same as for Medium Distance.

17.5 (b) Children ages 12 months to 36 months.

Medium Distance: From noon on the day prior to Thanksgiving until 6 p.m. on Thanksgiving Day.

Long Distance: The same as for Medium Distance, except that parenting time will occur in the location where the residential parent resides.

17.5 (c) Children over age 36 months.

Medium Distance: From noon the day prior to Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.

Long Distance: Same as for Medium Distance.

17.6 Easter, Memorial Day, Fourth of July, Halloween, Labor Day, Children’s Birthdays, Mother’s Day, Father’s Day and Parent’s Birthday.

17.6 (a) Children ages birth to 12 months.

Medium Distance: The same as described in Section 16.3-16.12 except that parenting time will occur in the location where the residential parent resides.

Long Distance: The same as for Medium Distance.

17.6 (b) Children ages 12 months to 36 months.

Medium Distance: The same as described in Section 16.3-16.12.

Long Distance: The same as for Medium Distance except that parenting time will occur in the location where the residential parent resides.

17.6 (c) Children over age 36 months.

Medium Distance: The same as described in Section 16.3-16.12.

Long Distance: Same as for Medium Distance.

17.7 Spring Break

17.7 (a) Children over 36 months.

Medium Distance: Same as described in Section 16.3-16.12.

Long Distance: From 6 p.m. the day school adjourns until noon on the day before school resumes.

18. ADDITIONAL PROVISIONS:

If the parties do not agree to the standard parenting plan, the judge can nonetheless order it.

THE ABOVE STANDARD PARENTING PLAN IS ORDERED IN THIS CASE on this _____ day of _____, 20_____.

Circuit Court Judge

APPENDIX "B"
TRAFFIC TRIAL BY AFFIDAVIT

DUE _____

RETURN TO:

Traffic Division
Union County Circuit Court
1008 K Avenue
La Grande, OR 97850

Traffic Division
Wallowa County Circuit Co
101 S River, Room 204
Enterprise, OR 97828

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UNION/WALLOWA

State of Oregon,

Plaintiff,

Case No. _____

v.

Defendant.

WAIVER

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

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

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

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

STATE OF OREGON

ss.

COUNTY OF _____

TESTIMONY BY AFFIDAVIT

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

___ Police Officer

___ Defendant

___ Other

