

*CLACKAMAS COUNTY  
CIRCUIT COURT  
REFERENCE GUIDE*

*2020*



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**Checklists and other best practice tips found in this packet are guidelines only; it is the responsibility of the attorney, not the court, to ensure that statutory procedures are followed and paperwork is filed properly**

Reference Guide Revision Date: **November 5, 2020**



# OVERVIEW: PURPOSE OF THE CLACKAMAS COURT REFERENCE GUIDE

The overarching objective of the Reference Guide is to create a resource on process and procedure for those who appear in Clackamas County Circuit Court. Throughout this Guide, we have provided information on our processes and procedures; new and existing, as well as links to other information that may be helpful to you.

This Guide is not intended to replace or to be a substitute for any Oregon rules, only to provide additional information into processes and procedures at this court. This guide is typically updated in November of each year but may be updated throughout the year as changes are made. If you have comments or questions about this Guide or about process and procedure, please do not hesitate to contact us at **503-655-8447**.

We are dedicated to serving those who appear in our court and hope that this Guide is a useful tool for navigating the court system.



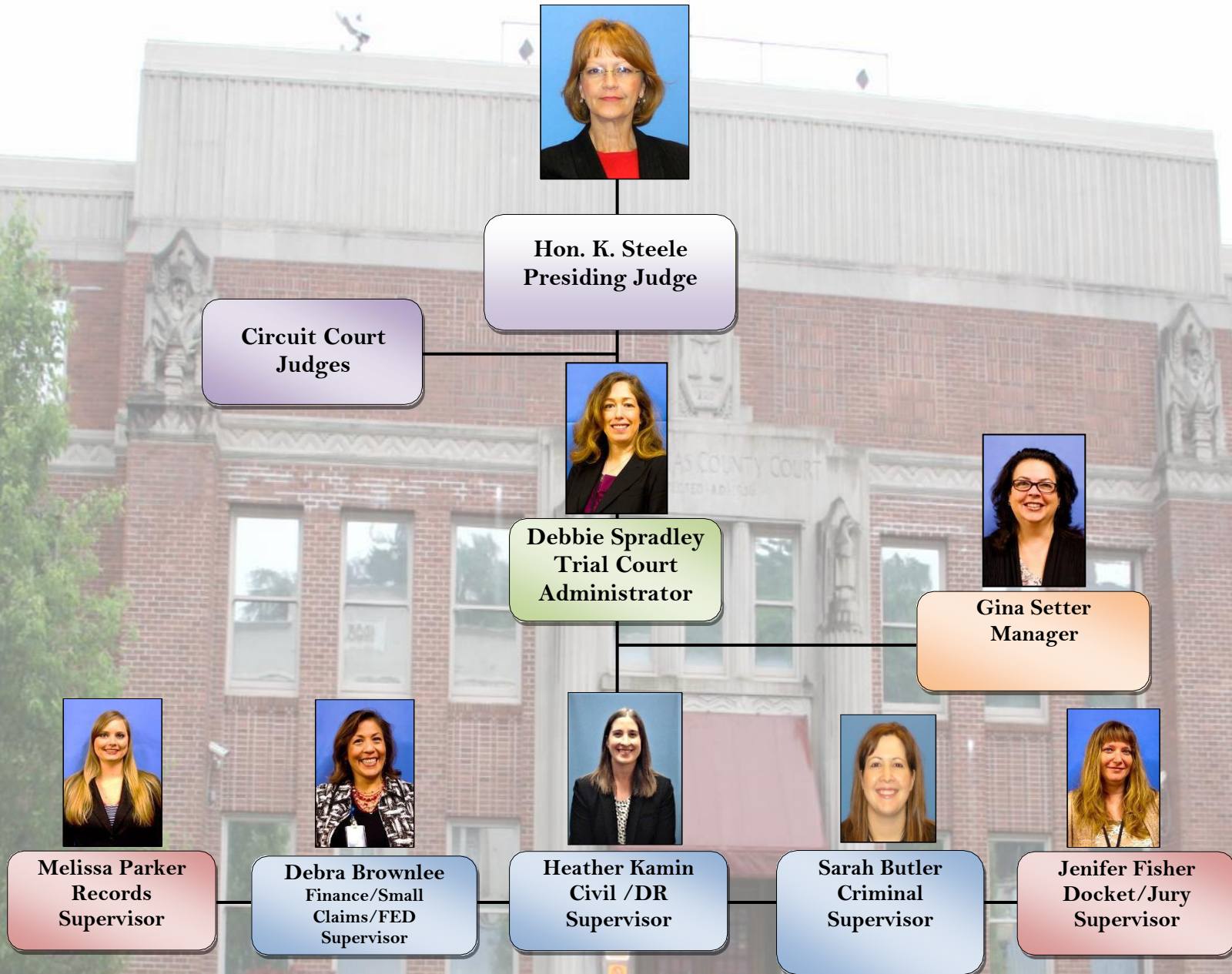
For recommendations on subject matter to include in this guide, please email:

[Debbie.D.Spradley@oid.state.or.us](mailto:Debbie.D.Spradley@oid.state.or.us)  
Trial Court Administrator

(OR)

[Gina.L.Setter@oid.state.or.us](mailto:Gina.L.Setter@oid.state.or.us)  
Court Operations Manager

# ADMINISTRATIVE STRUCTURE





### **COPING WITH COVID-19**

The year 2020 brought with it many challenges, and the OJD and Clackamas Court went to work learning how to carry out critical responsibilities while protecting public safety in our community. We continue to learn more efficient ways to have remote hearings and provide and receive information electronically. We do this while also staying up to date on any and all ways to keep our staff, court visitors and facilities as safe as possible.

### **ACCESS TO COVID-19 ORDERS & INFORMATION**

**LOCAL Orders & Information:**

[CLICK HERE](#) for current Presiding Judge Orders and More

- Press Releases
- New Hours of Operation
- Requirements Before Entering Courthouse
- Types of Proceedings Currently Taking Place
- Guides for Remote Hearings
  - [Click Here](#) for a Quick General Guide
  - [Click Here](#) for an Attorney Guide
  - [Click Here](#) for a Witness Guide
  - [Click Here](#) for a Guide to eFiling Exhibits



**The OJD uses Webex for our remote hearing needs. Click on the links to the left for guides to its use.**

**STATEWIDE Orders and Information:**

[CLICK HERE](#) for current Chief Justice Orders and Additional information from the State Court Administrator’s Office

### **Best Way to Reach Us**

Right now a great way to reach us is to send an email. Here is a list of a few good ways to reach us:

**Questions for all operational areas:** [cla.court.info@Ojd.state.or.us](mailto:cla.court.info@Ojd.state.or.us)

**Arbitration:** [Regina.M.Watkins@Ojd.state.or.us](mailto:Regina.M.Watkins@Ojd.state.or.us)

**Family Law Self Help Program\*:** [cla.familylaw@ojd.state.or.us](mailto:cla.familylaw@ojd.state.or.us)

**Jury Services:** [cla.jury@ojd.state.or.us](mailto:cla.jury@ojd.state.or.us)

*\*Note: The Family Law Self Help Program email to be used by self-represented litigants only.*

### **How to Reach our IT Team:**

Our IT Team at the courthouse can assist you with technical questions related to Webex and other courthouse technology.

IT Tech Lead - [Justin.M.Haner@ojd.state.or.us](mailto:Justin.M.Haner@ojd.state.or.us)

IT Tech - [Adryan.L.Suson@ojd.state.or.us](mailto:Adryan.L.Suson@ojd.state.or.us)

IT Tech - [Jesse.W.Wilhelm@ojd.state.or.us](mailto:Jesse.W.Wilhelm@ojd.state.or.us)



# OREGON eCOURT

Our court implemented Oregon eCourt on December 7, 2015. Since that time, we still continue to review and make changes to our court processes and procedures. As of June 2016, Oregon eCourt was implemented in all Oregon circuit courts, which has allowed for a new focus on statewide business processes and procedures.

Additional information regarding Oregon eCourt is available online at <http://www.courts.oregon.gov/services/online/Pages/default.aspx>

## Oregon eCourt Resources

The resources listed below provide access to the web-based court system. **Click on the image** to open up the resource.



OJCIN OnLine (Oregon Judicial Case Information Network) is the official website of Register of Actions and judgment records for the State of Oregon Judicial Department. OJCIN OnLine includes **OECI** (Oregon eCourt Case Information Network) and **ACMS** (Appellate Case Management System). OJCIN OnLine is a valuable *paid subscription* resource for court case information from all 36 of Oregon's circuit courts, in addition to the Tax & Appellate courts. It allows you to search for civil, small claims, tax, domestic, and criminal (including misdemeanor and felony) cases. Some cases are confidential and protected statutorily; therefore, not available to the public.

Oregon eCourt Case Information  
A service of OJCIN OnLine



**To Contact the Court by Phone: 503-655-8447**  
Opt. 3-Criminal/Calendaring Opt. 4-Probate Opt. 5-Civil/Family Law/FAPA  
Opt. 6-Finance/Collections/Small Claims/Landlord-Tenant Opt. 7-Records



[Court Calendars & Online  
Record Search](#)

**OJD iForms**  
Interactive Forms  
using Odyssey Guide & File

**Please note: Our web-based systems are occasionally down for system upgrades and maintenance. Normally, the last weekend of each month has been set aside for system maintenance from Friday at 6:00 PM to Sunday at 12:00 noon. All systems will be down during that period.**

## Rules

There are rules that specifically address how to operate in our new environment that you should be familiar with as they provide guidelines for preparing and processing documents electronically or conventionally (in paper).

### Uniform Trial Court Rules (UTCRC)

UTCRC Chapter 21 provides many of the rules and requirements regarding electronic filing and service and other rules that apply to the electronic files of the court. Throughout this guide, we will point out areas where UTCRC Chapter 21 applies to process and procedure.

To view the most **current Uniform Trial Court Rules (UTCRC), including any rules amended out of cycle**, please [click here](#).

### Supplementary Local Rules (SLRs)

The Clackamas Court adopted several supplementary local rules that apply directly to Oregon eCourt. Pay specific attention to:

- SLR 2.501 Stipulated or *Ex Parte* Matters for Which the Documents Must be Presented Conventionally and May not be Electronically Filed
- SLR 5.061 *Ex Parte* Matters

To view the most current **Supplementary Local Rules**, please [click here](#).

### Other Rules

Oregon Judicial Department's website has a page with commonly used rules and laws. Please [click here](#) to go to that page.

## Support – Technical and Process / Procedure

### File and Serve

#### **Process and Procedure Support:**

Call Clackamas County Circuit Court at  
503.655.8447

Office hours: M-F 9 am - 12 pm and 1- 4 pm  
except legal holidays

#### **Technical Support:**

Tyler Technologies may be contacted through e-mail, online chat, or by phone.

Monday – Friday 7 am to 9 pm Central Time  
1.800.297.5377

Please go to their website for all contact information by [clicking here](#).

### OJCIN / OECI

#### **Subscriber Support:**

E-mail: [ojcin.online@ojd.state.or.us](mailto:ojcin.online@ojd.state.or.us)

Call: 800.858.9658

Office hours: M-F 8 am - 5 pm PST

[Click here](#) to access the OJCIN webpage

#### **Technical Support:**

E-mail: [ETSDHelp@ojd.state.or.us](mailto:ETSDHelp@ojd.state.or.us)

Call: 503.986.5582 or 877.826.5010

Office hours: M-F 7 am - 5 pm PST

### OJD ePay

#### **Process and Procedure Support:**

Call Clackamas County Circuit Court at  
503.655.8447 Option 6

Office hours: M-F 9 am - 12 pm and 1 - 4 pm  
except legal holidays

#### **Technical Support:**

Call: 503.986.5582 or toll free 877.826.5010

Submit: [OJD Court ePay Support Form](#)

Office Hours: M-F 7 am - 6 pm, except legal holidays.

## RECORDS CENTER

**Melissa Parker – Supervisor; Lead Worker – Melissa Rose; 503-655-8447, Option 7**

*Note: The Records Center is currently closed to walk in customers as a result of COVID-19 restrictions.*

Records staff are available to assist the public with questions and requests for both paper and electronic files either by phone or by email.

Records requests can easily be filled via email and if you need assistance which requires you to come to the court for paper copies, a Records Management Staff will arrange for this with a pickup from our main filing windows on the first floor of the courthouse—Room 104.

➤ [CLA.Records.Management@ojd.state.or.us](mailto:CLA.Records.Management@ojd.state.or.us)

➤ [Click Here](#) to go to our **Court Records Web page**.

### Helpful Reminders

- The court no longer maintains paper files on site. All case files not available electronically need to be ordered from the courts off-site storage facility by contacting the records team.
- Most documents entered/imaged into Odyssey from our Go-Live date of December 7, 2015 and forward are viewable in OECI (unless the documents are confidential, sealed or a filing type that is not made available through OECI).
- Cases that originated in paper, but later had matters come before the court after our Go-Live date of December 7, 2015 also have documents that are viewable in OECI.
- Records staff are not able to provide a verbal quote regarding the number of pages in a file or total cost for copies.

### Equipment Available to the Public

*Note: This equipment is currently unavailable until COVID-19 restrictions are lifted.*

The following equipment is available to assist with viewing of case records, documents, or eFiling documents with the court:

- 6 Public viewing terminals
- 1 File and Serve Kiosk
- 1 Microfilm viewer

### Request an Offsite File

Requests for files maintained at our offsite facility must be ordered in advance and are generally available within three (3) judicial days. Once the file has been retrieved from our offsite storage facility, it will be held for three (3) judicial days after which the file will be returned to our offsite storage facility.

To request an off-site file:

- Fill out a request form in the Records Center (Room 12, ground floor of the courthouse), or
- Make a verbal request by calling (503) 655-8447, option 6

The following information is required in order to process your request for copies from a Clackamas County Circuit Court case file:

- Case name;



**To Contact the Court by Phone: 503-655-8447**  
Opt. 3-Criminal/Calendaring Opt. 4-Probate Opt. 5-Civil/Family Law/FAPA  
Opt. 6-Finance/Collections/Small Claims/Landlord-Tenant Opt. 7-Records

- Case number;
- List of document(s) you want copied and whether certification and/or exemplification is requested and for which document(s);
- Check to cover the cost of copying;
- Self-addressed stamped envelope large enough to return the copies to you (a #10 envelope can hold approximately 5 pages; 6”x 9” envelope can hold approximately 25 pages);
- E-mail address; and
- Mail your request to Clackamas County Circuit Court, 807 Main Street, Room 12, Oregon City, OR 97045.

**Note: This information is included in the form and the procedure.**

## Copy Costs

The following are a list of the most common copy costs:

- Paper copies of document are \$.25 per page;
- Digitizing an archived file is \$.20 per page;
- Certified Copy is \$5.00 plus \$.25 per page; and
- Exemplification is \$10.00 plus \$.25 per page.

**Note: This information is included in the Public Records Request Procedure**

We may charge additional amounts for staff time and other actual costs when responding to requests that require additional services or more than normal and reasonable time for routine requests, including:

- Time spent to locate, compile, and sort requested records, even if we find no records that respond to your request or the records we do find are exempt from disclosure;
- Time spent to review requested records and redact any exempt material;
- Time spent to copy requested records;
- Time spent returning documents to files;
- Time spent to supervise inspection by the requestor;
- Necessary research time spent preparing correspondence related to your request; and
- Special copy services and mailing services for documents that are not of standard size or for voluminous requests.

## Payment Options for Copies of Documents

Clackamas County Circuit Court will accept the following forms of payment:

**Currently recommending this option, if possible, because of current COVID-19 restrictions.**

- Credit or debit card (Visa, MasterCard or Discover) in person or by telephone;
- Personal check, in person or by mail;
- Cashier check, in person or by mail;
- Money order, in person or by mail; or
- Cash, **in person only.**

**Please note:** The court does not accept second or third-party checks.

## EXHIBITS

Handling and retention of exhibits is governed by Oregon Revised Statutes 7.120 and 133.623, and Uniform Trial Court Rules, Chapter 6. If you still have procedural questions after reviewing statute and rules, please contact the Records Supervisor, at 503-655-8447, press 5.

### Exhibits Retained by the Court

[Click Here](#) to find UTCR 6.120

The Court follows UTCR 6.120(1) in determining when an exhibit must be retained by the Court pending final disposition of the case, as follows:

- **Parties represented by Counsel:** Pursuant to UTCR 6.120(1), “Unless otherwise ordered, all **exhibits** shall be returned to the custody of counsel for the submitting parties upon conclusion of the trial or hearing. Such counsel must sign an acknowledgment of receipt for exhibits returned. Counsel to whom any exhibits have been returned must retain custody and control until final disposition of the case unless the exhibits are returned to the trial court pursuant to subsections (2) or (3) of this rule.”
- **Parties representing themselves:** Pursuant to UTCR 6.120 (1), “...Both documentary and non-documentary exhibits submitted by parties not represented by counsel shall be retained by the trial court, subject to subsection (4) of this rule.”

UTCR 6.120 does not apply to small claims and violation cases. Exhibits offered during small claims and violation trials / hearings will be returned to the party submitting the exhibit(s).

### Disposition of Exhibits Retained by the Court

The court case must have reached a final determination and notice mailed to the attorneys or parties of record before exhibits that have been retained by the court can be destroyed or otherwise disposed of. Once notice is mailed, the parties or their attorneys have 30 days to withdraw or retrieve the exhibits from the Court’s custody. The exhibits will be disposed of if not retrieved.

## IN-CAMERA REVIEW PROCESS

The Motion for In-Camera Review, necessary supporting documents and Order, are electronically filed if you are an attorney, or may be filed traditionally if you are self-represented. Once received, they will be forwarded to the appropriate Judge for review and signature.

Once the subpoenaed documents or other materials have been received by the court, the Presiding Judge will assign the inspection. Once the review is complete, the judicial office assigned to the review will contact the parties to arrange for payment and schedule a time to pick up copies. Copies will not be released without payment. Copies are 25¢ per page (ORS 21.258; CJO 14-066(1)).

**Important Note:** All subpoenaed records **MUST** be delivered to Room 12 of the Courthouse, attention the Record Supervisor. **DO NOT** have records delivered directly to a unit or to a judicial office.

## REQUEST FOR DIGITAL RECORDING OF COURT PROCEEDINGS

**We can send FTR Recordings electronically!**

### Request Forms / Letter

Requests must be made in writing either by letter or using the FTR Recording “Request for Copies of Court Proceedings” form and “Request for a Copy of FTR Recording – Juvenile Court Proceedings,” form located on the Court’s website.

Forms, payment information and more on court audio transcript requests can be found at <http://www.courts.oregon.gov/courts/clackamas/records/Pages/atr.aspx>

#### **Please Note:**

- We will not take requests over the telephone.
- \*\*\*All juvenile recording requests must have judicial approval\*\*\*

### Requests

**Written/E-mailed Requests for FTR Copies MUST Contain:**

1. Date of the proceeding
2. Judge who heard the case
3. Courtroom number (if known)
4. Case name AND number
5. Name, address and phone number of person making request
6. Email address to where electronic records can be sent
7. Indication whether to mail, e-mail or call for pick-up when copy is ready

**Written requests should be made in one of the following three ways:**

- **Mail:**

FTR Coordinator  
807 Main Street, Room 12  
Oregon City, OR 97045

- **Hand Delivery:**

Deliver to the Records Management Unit, Room 12 (Ground Floor) of the Clackamas County Courthouse.

- **E-Mail:**

Send e-mail to [cla-sftp@ojd.state.or.us](mailto:cla-sftp@ojd.state.or.us) ← **Recommended method during COVID-19 Restrictions**

### Information Line

The FTR information line number is **503-655-8447 opt. 7** if you have any questions.

## Transcripts

The Court **DOES NOT** provide written transcripts. If you need a written transcript, you can take your recording to a certified transcriber. You should be able to find a list of transcribers or court reporters in the yellow pages of the phonebook or on-line yellow pages.

## Payment

The cost of a digital recording (FTR) is \$10 per CD/hearing/Day (Example: 4 day trial = \$40) plus applicable postage (there is no postage if you are receiving digital recordings electronically).

The cost of an electronically delivered digital recording (FTR) is \$9 per Hearing/Day (Example: 4 day trial = \$36)

Your FTR request will not be processed until payment has been received in full.

You may pay as follows:

- **Mail:** Please make checks payable to the State of Oregon.
- **Phone:** Pay by phone by calling 503-655-8453
- **In person:** hand in your request and make payment at the Court Cashier Window located at 807 Main Street, Room 104, Oregon City, OR 97045.

**Currently recommending payment by phone or mail until COVID-19 restrictions are lifted.**

## Completion of Request

Allow 10 business days after receipt of request for request to be processed.

## Transcripts on Appeal

Transcripts to be prepared on appeal are assigned by the transcript coordinator. Patricia Clark, Judicial Assistant to Judge Thomas Rastetter is the transcript coordinator; she can be contacted at 971-718-4375.

Once a Notice of Appeal has been served on the transcript coordinator, she will assign a transcriber to the case. The transcriber will contact the attorney for payment arrangements.



## INFORMATION TECHNOLOGY

**Justin Haner, Lead IT Tech** - [Justin.M.Haner@ojd.state.or.us](mailto:Justin.M.Haner@ojd.state.or.us)

Adryan Susan, IT Tech - [Adryan.L.Suson@ojd.state.or.us](mailto:Adryan.L.Suson@ojd.state.or.us)

Jesse Wilhelm, IT Tech - [Jesse.W.Wilhelm@ojd.state.or.us](mailto:Jesse.W.Wilhelm@ojd.state.or.us)

### Website

The Court's website address is <http://courts.oregon.gov/courts/clackamas/>. It is important to us that the website contains information that is useful to you, so it is regularly reviewed and updated to include new information and forms. We encourage you to view the site as it offers information on a variety of topics. Please take some time to familiarize yourself with what information is available.

We welcome comments on the website and are interested to hear from our customers regarding any problems you may be experiencing in using the website as well as any suggestions you may have for improving it. To provide comments please contact the Technical Support Team at (503) 723-2938 or provide feedback using the "[Website Feedback](#)" form that is available on our website.

### Integrated Courtroom Technology

In 2007 state of the art integrated courtroom technologies were installed in Courtrooms 1, 5 and 10. Courtroom 11, a high security courtroom was added in 2013. This technology improves litigants' access to justice, reduces costs, and increases efficiency of court operations. For example, one feature of the integrated courtroom technology is video conferencing. Video conferencing can be used in criminal cases where the defendant or witness is in custody, which reduces inmate transportation costs, eliminates security problems, reduces the number of sheriff personnel needed for inmate movement, and saves travel time and costs. In civil cases, the benefits of video conferencing can include the reduction in cost for travel expenses when expert testimony is conducted by video conference rather than having the expert appear in person.

Integrated Courtroom Technology system features are:

- IP video conference
- Laptop connectivity at counsel tables for presentation of photos, PowerPoint and other evidence or information
- Digital audio evidence
- Digital video evidence
- Integrated phone system
- Integrated ADA hearing assistance
- Elmo (or other document presentation equipment) digitally interfaced
- Vortex technology to filter unwanted background noise
- Large plasma monitor displays

Before an attorney or self-represented party can use the integrated courtroom technology in Courtrooms 1, 5, 10 or 11, he or she must attend a free, one-time court training program. Courtroom technology seminars are scheduled as needed and class size is limited. To participate in the courtroom technology-training program, please contact the Technical Support Department at **503-723-2938 or 503-723-2990**.

If you want to request to have your case assigned to a courtroom with integrated courtroom technology, you must contact the Calendaring Department a minimum of two (2) weeks in advance of the hearing or trial date at **(503) 655-8643, select option #2**. Requests should be made as early as possible as assignments are made in the order they are received.

## **TV/VCR/DVD Mobile Carts**

The Court also has three mobile big screen television units that are capable of playing DVDs and VHS tapes. These carts also have the ability to connect to a Webex Video Conference. A/V equipment may be reserved through the Calendaring Unit on a first-come, first serve basis. There are four courtrooms with integrated courtroom technology (as noted on the previous page) and three carts with TV/DVD/VCR combination that are available for use. Please contact Calendaring at **503-655-8643**, **select option #2**, with your request at least two weeks prior to trial or hearing to ensure availability.

## **Video Conferencing**

The Court has the ability to schedule appearances by video conference via Webex. Please follow the guidelines below when requesting that a video conference be scheduled.

### **Video Conference Service Request**

Contact the Clackamas County Circuit Courts Calendaring Unit, located in Room 200, at least two weeks in advance to request a video conference. You may also make that request by phone at **503-655-8643**, **select option 2**.

### **Video Conference Service Level Agreement**

Clackamas County Circuit Courts video conference infrastructure consists of professional mainstream video conferencing equipment supporting the industry standard H.323 IP Video protocol. Recommended video conference systems include Polycom, Tandberg, VTel, VCon or other H.323 systems. Courtrooms 1, 5,10, and 11 also have the ability to connect to Webex Video Conference Events.

### **Video Conference Policy**

The video conference system is for Clackamas County Courts official use only. It is Technical Support Department policy that a test call be conducted between sites at least 48 hours prior to the video conference. Decisions regarding the suitability of the video conference broadcast will be at the sole discretion of the Judicial Authority.

### **Webex Video Conference Options**

As of 2020, Clackamas County Circuit Court has the ability to connect integrated courtroom technology to Webex Video Conference Events, hosted by the courthouse. Additionally, all three mobile video carts also have this ability. This functionality provides a more flexible option for video conferencing. Plans to bring this capability to the remaining courtrooms, that don't have integrated technology, is under way and is expected to be completed before the end of 2020.

### **IP Video Conference Options**

Clackamas County Circuit Court maintains IP video conferencing capabilities with the Oregon Judicial Department and the Oregon Department of Administrative Services (DAS) video conference network. Virtually every secondary and higher educational facility in the state as well as most Department of Human Services, Department of Justice and Department of Corrections facilities maintain functional video conferencing capabilities within the DAS network. To arrange a video appearance between one of these locations and the court, call **503-655-8688**.

Tested site connections include (sorted alphabetically):

- Baker County Jail
- Clackamas County Jail
- Camp Florence,
- Clatsop County Jail
- Coffee Creek Correctional Facility
- Columbia River Correctional Facility
- Coos County Jail
- Deer Ridge Correctional Institution
- DHS Eugene
- Eastern Oregon Correctional Institution
- Inverness Jail
- Jefferson County Jail
- Lincoln County Courthouse, Lincoln County Jail
- Linn County Jail
- Oregon State Penitentiary
- NORCOR
- Powder River Correctional Facility
- Snake River Correctional Institution
- Tillamook County Jail
- Two Rivers Correctional Institution
- Union County Jail
- Warner Creek Correctional Facility

This is not a comprehensive list of all sites we have tested. For more information about video conference options contact the Clackamas County Courts Technical Support Department at **503-723-2938**.

## ACCOUNTING

Supervisor – Debra Brownlee; Lead Workers – Rebecca Torchia & Heidi Atwood

### Accounting Reminders

#### Filing Fees

- “Filings fees are not refundable under any circumstances.” ORS 21.100

#### Payment of Trial Fees

- Must be paid in advance of the trial and are due and payable when the action, suit or proceeding is set for trial.
- The additional fee(s) for subsequent days of trial shall be collected on the day the trial concludes. ORS 21.225

#### Refund of Trial Fees

- If all claims in the action or proceeding are decided without commencement of a trial, the trial fees may be refunded. A request for a refund of trial fees must be made in the form of a motion, affidavit and order requesting refund of the paid trial fee not more than 15 days after entry of judgment disposing of the action or proceeding. ORS 21.225(7)

#### Requests for Disbursement

If you have filed paperwork with the court requesting the return of funds on deposit with the court, please follow the procedure below:

1. To confirm if the paperwork has been signed by the Judge please search for the case in OEI and locate the imaged document.
2. If the order/judgment has been signed, you may call the disbursement clerk in the Accounting unit, (503) 655-8453.
3. If the order/judgment has not been signed **and** it has been at least five judicial days since e-filing the document (add 1 or 2 days if there was a recent court holiday), you may then call the appropriate court unit to check the status of the order/judgment.
4. In most cases, fees are deposited with the Court in advance of an Order for Disbursement. Requests for disbursement for funds received by the Court in the form of a check may take up to 14 days to clear a financial institution before a disbursement check is sent out to the payee. The original receipt must accompany requests for reversal of credit card transactions. For cash and money order disbursements, please allow two weeks for the request to be processed.

#### Interest-Bearing Accounts

ORS 293.293(2) allows trust amounts of \$10,000 or more to be transferred into an interest-bearing account pending the outcome of a court action if:

1. A motion has been filed; and
2. A signed court order has been received.



**To Contact the Court by Phone: 503-655-8447**

Opt. 3-Criminal/Calendaring Opt. 4-Probate Opt. 5-Civil/Family Law/FAPA

Opt. 6-Finance/Collections/Small Claims/Landlord-Tenant Opt. 7-Records

If you are tendering funds for transfer to an interest-bearing account with the court, you must file the necessary paperwork with the Court Finance Supervisor to ensure that your funds receive interest due. Please bring a copy of the signed order along with the funds to the Court Finance Supervisor. This will ensure that funds are tendered and your case is appropriately monitored. Do not process this transaction with the court cashier.

The release and disbursement of funds from an interest-bearing account must have a motion and signed order. Please identify the requested amount to be disbursed and if the funds will be disbursed from the principal and/or from accrued interest.

### **Security Release**

Requests for return of security release will not be issued the same day as the request. Once the signed court order for return of security release has been received by the accounting department, the funds will be disbursed within 30 days.

The following payments will first be deducted prior to any refund of security release:

Security Release Fee: 15%, but not less the \$5.00, nor more than \$750.00. Any court fines or fees, owed by the defendant on any case(s) within the State of Oregon. ORS 135.265

### **Drop Box and Payments**

Payment envelopes are available at the drop box located on the door to Room 104. The payment envelopes may be used to submit payments for FTR requests, criminal, traffic, civil, or other court fines, fees or assessments. Payments may be made in the form of cash, check or money order. All payments placed in the “drop box” no later than 5:00 PM, Monday through Friday, excluding legal holidays, will be date stamped and deemed received and filed on that day. A receipt will not be mailed out unless a self-addressed stamped envelope is included with your payment.

### **Recurring Payments**

The Court offers free and easy ways for debtors to make monthly payments to the Court using a Visa or MasterCard, or Discover debit or credit card. Establishing a recurring payment plan eliminates the call to the court each month to make your monthly payments. There is no monthly transaction fee or sign up cost.

To sign up for a recurring payment plan pick up an authorization form, complete it and return the form to the Court either in person or by mail. The form may be picked up at the Court or is available online on our website <https://www.courts.oregon.gov/courts/clackamas/payments/Pages/accounting-payment.aspx>. For questions, please contact the court at 503-655-8456 and let the clerk know you are calling about the “recurring payment plan.”

### **ePay Online**

ePay is an online electronic payment service that allows you to make payments on most court cases, citations, and accounts. *ePay does not allow for payments on new Civil cases.* ePay accepts MasterCard, Visa credit cards, and debit cards. Payments are processed and recorded on the case within one business day. There is a \$1.50 processing fee that is assessed on each transaction to cover the costs of processing the online payment.

(see next page for Forms and Package Prices)

## FORMS / PACKETS AVAILABLE

State and Local Court forms are available for free and downloadable. You may access those forms at the following web addresses.

- State Court Forms: <http://courts.oregon.gov/forms> or
- Clackamas Court Forms:  
<http://www.courts.oregon.gov/courts/clackamas/help/Pages/forms.aspx>

**The following forms are available for purchase at the Information Center located on the first floor of the Courthouse.**

### ADOPTION

Type	Cost
Adoption Checklists	No Fee
Adoption Report (Vital Statistics form)	No Fee
Fee Deferral or Waiver	No Fee
Request to Open Adoption File	No Fee

### CIVIL

Type	Cost
Fee Deferral or Waiver	<b>No Fee</b>
Judicial Satisfaction	\$1.00
Landlord/Tenant – Commercial and Residential	\$2.00
Landlord/Tenant – Answer	No Fee
Landlord/Tenant – Notice of Restitution	No Fee
Landlord/Tenant – Return of Personal Property	\$2.00
Landlord/Tenant – Writ of Execution of Judgment of Restitution	No Fee
Preacipe	No Fee
Satisfaction of Judgment	No Fee
Small Claims	\$1.00
Small Claims Answer	No Fee
Writ of Garnishment Information Sheet	No Fee

### CRIMINAL

Type	Cost
Expungement Packet	\$2.00
Modification of No Contact Order	No Fee
Request to Open Sealed File (Expunged or Set Aside and Sealed)	\$1.00
Satisfaction of a Criminal Judgment	\$1.00
Subpoena	No Fee

<b>FAMILY LAW</b>	
<b>Type</b>	<b>Cost</b>
Alternative Method of Service	\$2.00
Certificate of Required Dispute Resolution	No Fee
Change of Venue/ Transfer of Case	\$2.00
Contempt	\$5.00
Converting Legal Separation to Dissolution	\$2.00
Co-Petition Dissolution no Children	\$5.00
Co-Petition Dissolution with Children	\$5.00
Custody for Unmarried Parents	\$5.00
Dissolution with or without Children	\$5.00
Elder Person/Person with Disabilities Abuse Prevention Application	No Fee
Family Abuse Prevention Act (FAPA)	No Fee
Fee Deferral or Waiver	No Fee
Firearm Dispossession Packet (for protective orders)	No Fee
General Judgment of Dismissal	\$2.00
Generic Motion and Order to Show Cause	\$1.00
Immediate Danger – Post Judgment	No Fee
Immediate Danger – Pre Judgment	No Fee
Legal Separation with or without Children	\$5.00
Modification	\$5.00
Motion and Order to Postpone Family Law Hearing	No Fee
Motion and Order to Set Aside Judgment of Dismissal	\$1.00
Motion and Order to Waive Mediation	No Fee
Order for Mediation	No Fee
Order of Assistance (In State or Out of State Custody Enforcement)	No Fee
Parenting Enforcement Packet	No Fee
Petition for Hearing De Novo (Appeal of Admin Child Support Order)	No Fee
Registration of a Foreign Custody/Parenting Time Judgment	\$2.00
Response Packets	\$2.00
Satisfaction of Child Support (Full or Partial)	No Fee
Sexual Abuse Prevention Application	No Fee
Stalking Protective Order Application	No Fee
Status Quo – Post Judgment	\$2.00
Status Quo – Pre Judgment	\$2.00
<b>PROBATE</b>	
<b>Type</b>	<b>Cost</b>
Annual Report	No Fee
Fee Deferral or Waiver	No Fee
Name Change – Adult	\$5.00
Name Change – Minor	\$5.00
Objection to Petition and Request for Hearing	No Fee
Small Estate	\$2.00

## EX PARTE

### SLR 5.061: *Ex Parte* Matters

1. *Ex parte* matters will be heard Monday through Friday, excluding legal state holidays, at 1:00 P.M.
2. An in-person *ex parte* appearance may be required in those stipulated and *ex parte* matters for which the documents must be presented conventionally and may not be electronically filed as designated in SLR 2.501. An in-person *ex parte* appearance is not required for Orders to Show Cause. If an Order to Show Cause is being filed in conjunction with documents that require an in-person *ex parte* appearance, all documents may be presented at *ex parte*.
3. Except as provided in subsection (2) of this rule, any stipulated or *ex parte* matter may be electronically filed for purpose of submitting to a judge for signature. No appearance is required.
4. Motions for *ex parte* order must be accompanied by a separate proposed order.
5. When service is required by law, any motion that is to be presented *ex parte* shall have attached to it a certificate of service, which shall include the date, time, manner of service upon the opposing party, and the name of the person served. If no service was made, the moving party shall submit a statement documenting the reasons that no service was made. **Note:** *Certificate of Readiness, UTCR 5.100, is required.*
6. Extreme Risk Protection Orders, Family Abuse Prevention Act, Sexual Abuse Prevention Order, and Elderly Persons and Persons with Disabilities Abuse Prevention Act petitions filed pursuant to ORS 107.718, ORS 163.760, or ORS 124.010 through ORS 124.020 are heard Monday through Friday at 1:00 P.M. in the courtroom designated. All required documents must be filed in the Civil / DR Case Unit, Room 104, 807 Main Street, Oregon City, Oregon, 97045 no later than 11:00 A.M. on the day of the *ex parte*.

Oregon Judicial Department iForms are currently available for Family Abuse Prevention Act Application, Challenge, Modification, Less Restrictive Terms and Renewals. Forms can be generated using Odyssey Guide and File. The same timelines apply for hearings and filing.

7. Matters that MAY NOT be submitted *ex parte* are as follows:
  - a. Motion to Continue Trial or Hearing Date
  - b. Motion to Continue UTCR 7 Dismissal Date
  - c. Motion to Set Aside
  - d. Motion for Attorney Withdrawal
  - e. Civil Default Judgments
  - f. Motion for Telephonic Testimony
  - g. Motion for Alternative Service
  - h. Motion for In Camera Review
  - i. All foreclosure matters
  - j. All probate matters, unless prior approval has been given

## Helpful Tips – Ex Parte

### What MAY and MAY NOT Be Filed at Ex Parte

#### **MAY** be filed at *Ex Parte*

**Note:** *The Initial Case Filing must be filed before you go to ex parte.*

- Assurance of Voluntary Compliance
- Inspection Warrant
- Temporary Protective Order of Restraint (status quo)
- Order of Assistance (enforcement of custody)
- Emergency Custody and Parenting Relief; Immediate Danger Order
- Fee Deferral and Waiver Application (after clerk recommendation)
- Commission for Out of State Deposition
- Distrain Warrant
- Provisional Process Show Cause
- Receivership Show Cause
- Preliminary Injunction Show Cause / Temporary Restraining Order
- Pre-Judgment Temporary Protective Orders of Restraint (Status Quo)

#### **MAY NOT** be filed at *Ex Parte*

- Writ of Assistance
- Writ of Mandamus
- Writ of Review
- Limited/General/Supplemental Judgments (default and/or stipulated)
- Family Law Motions to Show Cause – unless being filed in conjunction with documents that require an in-person *ex parte* appearance.
- See SLR 5.061(7)(a-j) above

**NOTE: Restriction does not apply to any document filed simultaneously with pleadings that are required to be conventionally filed at *ex parte*.**



## **Hearing Dates**

If you need to schedule a hearing date, notify the clerk staffing *ex parte* and they will contact the calendaring department for you to obtain a court date if your order is granted.

**NOTE: You must have filed your initial papers and received a case number prior to receiving a hearing date or going to *ex parte*.**

## **Pleading Review**

- **Motions and Proposed Orders to Continue** must be electronically filed and will be submitted to the Presiding Judge for determination.

## **Payment of Fees**

Civil / DR Case Unit staff will appear at *ex parte* and determine what, if any, fees are currently owed on a case. All fees must be paid prior to the Judge considering the pleadings. Parties / Counsel should come to court prepared to pay all fees that may be owed on the case (example: first appearance fees, motion fees, etc.). If fees are due, Parties/Counsel will be referred to the Court Cashier to make payment prior to the Judge considering the pleadings. All forms of payment are accepted; cash, check, money order, Visa, MasterCard, or Discover debit or credit cards.

## **Conforming Copies**

Civil / DR Case Unit staff will accept the original pleadings for filing and will conform copies in the courtroom. Parties / Counsel must come prepared with copies to be conformed. If you need service copies and do not have them with you, you will need to wait for the *ex-parte* clerk at the Civil / DR Case Unit filing windows, Room 104 and purchase copies there. A copy fee of \$.25 per page will be charged.

## **Witnessing Signature**

The Civil / DR Case Unit staff can witness signatures in the *ex parte* courtroom for documents being filed with the Court.

## CALENDARING

**Supervisor – Jenifer Fisher; Lead Worker – Barbara Brink**

### Primary Phone Number

503-655-8643, option 2

### Hours of Operation

9:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. Monday through Friday, except holidays.

### Reporting In for Trial/Hearing Status

Clackamas County Circuit Court has no formal “docket call”. Parties are required to call Calendaring at 503-655-8643, option 2, by 11:00 a.m. two days prior to your trial or hearing to report the status of your case. This information can also be emailed to [cla.call.docket@ojd.state.or.us](mailto:cla.call.docket@ojd.state.or.us)

Be sure to communicate special circumstances when calling Calendaring to report on the status of your case, such as:

- Out-of-state witnesses or expert witnesses;
- Time requirements for your hearing or trial; and
- Information and time requirements on outstanding motions that need to be heard the day of trial.

### Motions to Continue/Postpone

All Motions and Proposed Orders to Continue/Postpone are to be filed electronically through the File and Serve program. Pleadings to Continue/Postpone should be filed at least 72 hours in advance of the hearing you are requesting to continue or postpone so that the processing units have an opportunity to process and forward the paperwork to the Presiding Judge prior to the hearing date. If not submitted at least 72 hours in advance of the hearing there is a possibility that the motion will not be ruled on before the hearing date, but will instead be referred to the trial judge. If this occurs, pending a ruling on the motion to continue or postpone, please appear on the date and time of the hearing or trial prepared to proceed.

### When Motions to Continue are required and when hearings can be continued by other means:

- Motions to Continue are required for all trial settings.
- Motions to Continue are required for all stalking and abuse prevention hearings.
- Show cause hearings may be reset by agreement of the parties. You must contact Calendaring at 503-655-8643 to report that both parties agree to reset the hearing and obtain future dates from a Calendaring clerk.
- Settlement conferences may be reset by agreement of the parties, contingent upon the availability of a new settlement conference date prior to the current trial date.
- Criminal motions may be reset by agreement of the parties, contingent upon the availability of a new motion hearing date prior to the current trial date. Criminal motions may be continued to the day of trial unless a Motion to Continue has been submitted and granted by the Presiding Judge.

## Show Cause Hearings

No show cause dates will be assigned by phone. Please see the Family Law Motion Processing Guide for direction on how to file your Motions ([see guide at end of Calendaring section-pages 27-29](#)). If you do not pay your filing fees, your hearing will be flagged and Calendaring will not assign your case out to a judge for hearing. Cases that are not assigned remain on the “holding docket.” Cases on this docket are assigned upon the availability of a judge. If your case is on the holding docket, please call after 11:00 a.m. the day of the hearing for assignment.

- **Show Cause Motions should include the time needed for the hearing**

## Settlement Conferences

Settlement conferences are mandatory for all civil cases **excluding foreclosures**. The following parties must be personally present at the settlement conference unless excused in advance by the Court for good cause:

1. The parties
2. The trial attorneys
3. The insurance company representatives
  - a. An insured party may appear by such party’s trial counsel and insurance carrier.
  - b. Failure to comply with any of the above may result in sanctions being imposed, including an award of attorney fees.

Settlement conferences for domestic relations cases may be requested. It is required that both parties be represented by counsel and both parties must join in requesting that a settlement conference be scheduled. All information regarding custody, support, parenting and distribution of assets must be exchanged at least one day prior to the scheduled conference.

A settlement conference fee of \$223.00 per participant on all civil cases and \$111.00 per participant on all domestic relations cases must be paid prior to the commencement of the settlement conference.

Example of how to calculate fees due:

Party / Name	Represented By	Fee
<b>Plaintiff/Petitioner</b>		
Plaintiff 1, Jane Smith	Attorney A	\$223.00/ <b>C</b> \$111.00 <b>D</b>
Plaintiff 2, John Smith	Attorney A	\$223.00/ <b>C</b> \$111.00 <b>D</b>
3 <sup>rd</sup> Party Plaintiff, Lisa Doe	Attorney B	\$223.00/ <b>C</b> \$111.00 <b>D</b>
<b>Defendant/Respondent</b>		
Defendant 1, John Doe	Attorney B	\$223.00/ <b>C</b> \$111.00 <b>D</b>
Defendant 2, James Doe	Attorney B	\$223.00/ <b>C</b> \$111.00 <b>D</b>
3 <sup>rd</sup> Party Defendant, James Johnson	Attorney C	\$223.00/ <b>C</b> \$111.00 <b>D</b>
<b>TOTAL FEE OWING</b>		<b>\$669.00/ \$333.00</b>

**C= Civil**  
**D= Domestic**

## Expedited Hearings

If an expedited hearing is necessary, a Motion to Compel hearing may be scheduled with the Presiding Judge's office. All other hearings must be scheduled through Calendaring and will be scheduled in the normal course on the Civil Motion docket. Calendaring will work with the parties to set the hearing as soon as possible, taking into consideration the parties' schedules.

## Civil Motions

Civil motions are heard Mondays at 9:00 a.m. Hearing dates are assigned approximately one to one and a half (1 - 1½) weeks after the motion is received and entered by the court. Motions are scheduled approximately 30 days out with the exception of Motions to Compel, which will be scheduled more quickly. Only 30 minutes is allotted for each civil motion, so if more time is required, you need to include that information on your motion.

If you receive a notice of a hearing and you have a conflict, please contact the other party(ies) and choose another Monday. A Motion to Continue is not needed as long as the parties agree to reset the date. Contact Calendaring at 503-655-8643 for a new date. Orders must be submitted within 21 days of the assigned hearing date.

## Access to Audio/Visual (A/V) Equipment

A/V equipment may be reserved through the Calendaring Unit on a first-come, first-served basis. There are four courtrooms with integrated courtroom technology capability ([see page 12](#) for "Integrated Courtroom Technology" information under the Information Technology section) and two carts with a TV/DVD/VCR combination available for use. Please contact Calendaring at 503-655-8643 with your request a minimum of two weeks prior to trial or hearing to ensure availability.

## Depositions

The court does not schedule depositions, nor are any court facilities available for depositions. Contact the law library to schedule a conference room for depositions. [See page 98](#) for scheduling procedures.

## Camera /Tape Recorder Permits

Prior permission is required to bring a camera or tape recorder into the courthouse. Permit request forms are to be submitted directly to the assigned judge. Tape recorders are allowed only for playing back or for recording a deposition. You must contact Calendaring or the assigned judge's office to obtain a permit request form. Please see the Courts "[Guidelines for Media Coverage](#)" that is available on our website.

## Resetting Criminal and Calendaring Trials

Defendants are required to appear, in person, on all Measure 11 cases to sign a new trial notice. There are no exceptions. On all other cases, once a motion to continue is granted, defendants may sign a notice prior to the trial date to be excused from the appearance. New dates must be agreed upon by the DA and defense counsel and are subject to the courts availability. The court must receive the new signed notice by 11:00 am the day prior to the original appearance in order for the appearance to be excused.

## Case Manager Hearings

Case manager hearings may be reset to any available date that is earlier than the original date. Case managers can also be reset administratively, one time, up to two weeks. Resets will be accepted as the docket allows. If you wish to continue a hearing past the timeframe allowed, a motion to continue must

be filed. Once the motion to continue is granted, the court must receive the new signed notice by 11:00 am the day prior to the original appearance in order for the appearance to be excused.

## Dockets Posted Online

Dockets are posted online via the OJD Website after 3:00 p.m. each day at:

Click on this link <http://courts.oregon.gov/courts/clackamas/go/Pages/calendars.aspx> and then click on the *Circuit Court Calendars* within the blue box.

## Oregon Standards of Timely Disposition in Oregon Circuit Courts

The circuit court manages pre-judgment actions to meet the Standards for Timely Disposition adopted by the Oregon Judicial Conference. The Oregon Judicial Conference is a plenary body of all state judges. The standards adopted by the Judicial Conference apply to all circuit courts and have been in effect since 1990. When requesting a postponement of any proceeding, bear in mind that the court's obligation is to meet these standards. Please click here to view the [Oregon Judicial Department Standards for Timely Disposition](#).

## Continuances

(Please refer to [page 30](#) for checklist)

## Postponement of a Trial Date UTCRC 6.030

1. A request to postpone a trial date must be by motion, affidavit and separately filed order.
2. A motion to postpone a trial date must be signed by the attorney of record.
3. A motion to postpone a trial date must contain a certificate stating that counsel has advised the client of the request and must set forth:
  - a. The date scheduled for trial,
  - b. The reason for the requested postponement,
  - c. The dates previously set for trial,
  - d. The date of each previous postponement, and
  - e. Whether any parties to the proceeding object to the requested postponement.
4. If the motion to postpone is based upon a conflicting proceeding in another court, it must set forth in addition to the information required by subsection (2) of this section (Postponement of Trial Date):
  - a. The name of the court in which the conflict exists,
  - b. The date of the conflict,
  - c. The date on which the other proceeding is to begin,
  - d. The case number and date of filing of the conflicting case,
  - e. The date on which the conflicting case was set for trial, and
  - f. The information required by UTCRC 6.040(2).
5. If a motion to postpone a civil trial is based upon stipulation of the parties:
  - a. The new trial date must be within the time periods set forth in UTCRC 7.020(5),
  - b. The motion must be filed at least 28 days before the date then set for trial,
  - c. The motion must be signed by the attorneys of record,



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- d. The motion must contain a certificate stating that the attorneys have advised their clients of the stipulation and the clients agree to the postponement, and
  - e. The motion must set forth the date scheduled for trial, the new trial date requested, and that the new date is available on the court's Trial Docket.
  - f. If the request for a continuance is beyond the provisions of the Oregon Standards of Timely Disposition in Oregon Circuit Courts, in addition to the above, include:
    - g. A short synopsis of the case,
    - h. Why the case is not ready for trial,
    - i. What efforts were made to prepare the case since the case was filed.
6. Oral Argument  
UTCR 6.030 (5) provides that a Motion to Continue can be decided by summary determination without a hearing

## Family Law Motion Processing Guide

Name	Only Conventionally Filed	Ex Parte Appearance Required	Hearing Date Set at Initial Filing	Processing
<b>Order of Assistance (Enforcement of Custody)</b>  <b>ORS 107.437</b>	Yes	Yes	No	<ol style="list-style-type: none"> <li>*Customer goes to <i>Ex Parte</i> at 1:00 pm, where judicial staff will review documents for judge to consider.</li> <li>At conclusion, customer and documents will be taken to Room 104 for certified copies.</li> <li>Party directed to Sheriff in appropriate jurisdiction for service (Sheriff fee applies).</li> </ol> <p>*If order/judgment is from out-of-state, customer will have to file their Petition for Order of Assistance in Room 104 to get a case number before they go to <i>Ex Parte</i>.</p>
<b>Show Cause</b>				
<b>Contempt</b>  <b>ORS 33.055</b>	Yes  <i>Note: 2/1/19, Contempt was removed from SLR 2.501, but is still required by UTCR 21.070(3) to be conventionally filed.</i>	No	Yes	<ol style="list-style-type: none"> <li>Customer goes to Room 200 to file documents and get hearing date.</li> <li>Room 200 will enter Remedial Contempt case. Clerk will fill out charge slip and have customer go to Room 104 to pay fee while clerk schedules hearing and makes service copies.</li> <li>After paying fee, customer will return to Room 200 for copies and instruction on service.</li> </ol>
<b>Enforcement of Parenting Time Orders</b>  <b>ORS 107.434</b>	No  <b>Attorneys MUST e-file</b>	No	Yes	<ol style="list-style-type: none"> <li>Civil clerk will process documents electronically, sending them to Calendaring for a court date and then entering and stamping with Presiding Judge's signature.</li> <li>Electronic notification will be sent to any attorneys on the case once the Order to Show Cause has been entered.</li> </ol>

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Name	Only Conventionally Filed	Ex Parte Appearance Required	Hearing Date Set at Initial Filing	Processing
<b>Governing Child Support Judgment</b>  <b>ORS 25.091</b>	No  <b>Attorneys MUST e-file</b>	No	Yes/No  Statute is unclear. Could be handled by Motion docket or by Motion and Order to Show Cause.	<ol style="list-style-type: none"> <li>Civil clerk will process documents electronically, sending them to Calendaring for a court date and then entering and stamping with Presiding Judge’s signature.</li> <li>Electronic notification will be sent to any attorneys on the case once the Order to Show Cause has been entered.</li> </ol>
<b>Modification of Judgment</b>  <b>ORS 107.135</b>	No  <b>Attorneys MUST e-file</b>  <i>Note: If filing in conjunction with documents that require an in-person Ex Parte appearance this may be conventionally filed.</i>	No	No	<ol style="list-style-type: none"> <li>Civil clerk will process documents electronically and stamp with Presiding Judge’s signature.</li> <li>Electronic notification will be sent to any attorneys on the case once the Order to Show Cause has been entered.</li> <li>Hearing will be set once a written response is filed.</li> </ol>
<b>Temporary Orders - Pre-Judgment (pendite lite)</b>  <b>ORS 107.095</b>	No  <b>Attorneys MUST e-file</b>	No	Yes	<ol style="list-style-type: none"> <li>Civil clerk will process documents electronically, sending them to Calendaring for a court date and then entering and stamping with Presiding Judge’s signature.</li> <li>Electronic notification will be sent to any attorneys on the case once the Order to Show Cause has been entered.</li> </ol>
<b>Status Quo Order (Post-Judgment)</b>  <b>ORS 107.138</b>	No  <b>Attorneys MUST e-file</b>	No	Yes	<ol style="list-style-type: none"> <li>Civil clerk will process documents electronically, sending them to Calendaring for a court date and then entering and stamping with Presiding Judge’s signature.</li> <li>Electronic notification will be sent to any attorneys on the case once the Order to Show Cause has been entered.</li> </ol> <p>*Actual Status Quo Order won’t be signed until after hearing, unless the order is stipulated. Stipulated Status Quo Orders may be e-filed.</p>

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Name	Only Conventionally Filed	Ex Parte Appearance Required	Hearing Date Set at Initial Filing	Processing
<b>Pre-Judgment Temporary Protective Orders of Restraint (Status Quo)</b>  <b>ORS 107.097(2)</b>	Yes	Yes	No	<ol style="list-style-type: none"> <li>Customer goes to <i>Ex Parte</i> at 1:00 pm, where judicial staff will review documents for judge to consider.</li> <li>At conclusion, customer and documents will be taken to Room 104 for certified copies.</li> </ol>
<b>Temporary Pre-Judgment Custody and Parenting Time – “Immediate Danger”</b>  <b>ORS 107.097(3)</b>	Yes	Yes	No*	<ol style="list-style-type: none"> <li>Customer goes to <i>Ex Parte</i> at 1:00 pm, where judicial staff will review documents for judge to consider.</li> <li>At conclusion, customer and documents will be taken to Room 104 for certified copies.</li> <li>Other parent must request a hearing (unless a hearing is set by the court – see <i>note</i> below). Once requested, the court will set the date within 14 – 21 days.</li> </ol> <p><i>*Note: If the judge orders that a hearing date should be set at the ex parte hearing, send the document to Calendaring for the date to be set.</i></p>
<b>Temporary Post-Judgment Custody and Parenting Time – “Immediate Danger” &amp; Modification of Judgment</b>  <b>ORS 107.139</b>	Yes	Yes	No*	<ol style="list-style-type: none"> <li>Customer goes to <i>Ex Parte</i> at 1:00 pm, where judicial staff will review documents for judge to consider.</li> <li>At conclusion, customer and documents will be taken to Room 104 for certified copies.</li> <li>Other parent must request a hearing (unless a hearing is set by the court – see <i>note</i> below). Once requested, the court will set the date within 14 days.</li> </ol> <p><i>*Note: If the judge orders that a hearing date should be set at the ex parte hearing, send the document to Calendaring for the date to be set.</i></p>

## Continuance Checklist

[Click here to access UTCRs](#)

### Postponement of Trial UTCR 6.030

- 1) A request to postpone a trial must be by motion and contain the following:
  - be signed by the attorney of record,
  - contain a certificate stating that counsel has advised the client of the request and must set forth:
    - the date scheduled for trial,
    - the reason for the requested postponement,
    - the dates previously set for trial,
    - the date of each previous postponement, and
    - whether any parties to the proceeding object to the requested postponement.
  
- 2) If the motion to postpone is based upon a conflicting proceeding in another court, it must set forth, in addition to the information required above:
  - the name of the court in which the conflict exists,
  - the date of the conflict,
  - the date on which the other proceeding is to begin,
  - the case number and the date of filing of the conflicting case,
  - the date on which the conflicting case was set for trial, and
  - the information required by UTCR 6.040(2).
  
- 3) If a motion to postpone a civil trial is based upon stipulation of the parties:
  - the new trial date must be within the time periods set forth in UTCR 7.020(5),
  - the motion must be filed at least 28 days before the date then set for trial,
  - the motion must be signed by the attorneys of record,
  - the motion must contain a certificate stating that the attorneys have advised their clients of the stipulation and the clients agree to the postponement,
  - the motion must set forth the date scheduled for trial, the new trial date requested, and that the new date is available on the court's trial docket.
  
- 4) If the request for continuance is beyond the provisions of the Oregon Standards of Timely Disposition, include:
  - why the case is not ready for trial,
  - what efforts were made to prepare the case since date of filing.



## **TRIAL PROCEDURAL TIPS**

### **Day of Trial**

#### **1. Come prepared with:**

- a. Witness list.
- b. Exhibit list.
- c. Requested jury instructions.
  - i. “Clean copies” are expected; and
  - ii. Requested instructions on disk, Microsoft Word, will allow for quicker revisions by court staff in the event any are necessary.
- d. Exhibits pre-marked.
  - i. Plaintiff exhibits numbered 1,2,3...;
  - ii. Defendant exhibits numbered 101, 102, 103...
- e. Mark and exchange exhibits in advance, stipulating to as many as possible.
  - i. Prepare a “pocket memo” with points and authorities to address evidentiary issues.
- f. Receipt showing trial fee paid.

#### **2. “Settlement conference” day of trial.**

- a. Not unusual for the trial judge to inquire about settlement the day of trial.
  - i. Allows the court to ask questions of attorneys not addressed / expounded upon in the memorandum; and
  - ii. Often will result in resolution of case without need of trial.

### **Practical matters that bear repeating.**

- b. Turn off cell phone and other electronics.
- c. Stand when addressing the judge.
- d. Make a clear record.
  - i. Speak distinctly;
  - ii. Only one person at a time may speak; and
  - iii. Instruct witnesses to answer “yes” or “no” versus “uh-huh” or “uh-uh.”
- e. Hand exhibits to Courtroom Clerk. **(Do NOT take back to counsel table)**
  - i. Courtroom Clerk marks if exhibits admitted or objection if sustained;
  - ii. If admitted, Courtroom Clerk will forward exhibits to the judge; and
  - iii. Allows for better accountability of the exhibits.
- f. Client / witness communication.
  - i. Client to communicate with counsel via written notes;
  - ii. Instruct witnesses and/or supporters of your client seated in the gallery not to make verbal comments/sighs; and
  - iii. Eye rolling, head nodding or other gesticulations will not be tolerated, and those persons will be asked to leave the courtroom.

### **Conclusion of trial.**

- g. Sign release form and take exhibits; and
- h. Wait for a photocopy of the verdict if you want one immediately after the conclusion of trial.

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## **CRIMINAL CASE PROCESSING**

**Supervisor – Sarah Butler; Lead Worker – Amy McKee**

Pursuant to [UTCR 21](#), all **initial** criminal pleadings must be filed conventionally (in paper) in Room 200.

Any **subsequently filed** documents must be filed electronically through the File and Serve system unless the documents being filed fall into the category of “Documents that Must Be Filed Conventionally,” found in UTCR 21.070(2). In addition, if you are self-represented you may file documents conventionally, rather than through the eFiling system.

[Click Here](#) to access OJD’s information and access to the File and Serve program.

### **Related Citations**

If you are aware your client may have citations related to a criminal case, please inform a criminal clerk as soon as possible. (Example: A DUI case that has a citation for driving while suspended and no insurance.)

## **CIVIL /DOMESTIC RELATIONS (DR) CASE UNIT**

**Heather Kamin – Supervisor**

**Chris Tise – Lead Worker**

**Elizabeth Vaughn – DR Lead Worker**

### **Location and Hours**

The Civil / DR Case Unit is located on the first floor of the Courthouse, Room 104.

Public hours of operation are 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding holidays.

### **Information and Self-Help Center**

The Information Center is located on the first floor of the courthouse. The Family Law Self Help Center is located on the ground floor of the courthouse. At the Information Center, a visitor to the court ask for assistance in locating services within the courthouse, or in identifying which courtroom a hearing will be held in and may request/purchase form packets for some domestic relations matters, small claims, landlord/tenant, name and sex changes and small estates.

Elizabeth Vaughn is our Family Court Self-Help Coordinator. This position is authorized by statute to assist self-represented litigants to review domestic relation forms, maneuver through the court maze and to provide procedural information. Elizabeth currently assists litigants by appointment only and has a full schedule daily. Her duties also include participating in Family Law trainings, being a member of the Clackamas County Resolution Services Advisory Committee, updating self-help information in the area of family law and communicating with community partners to assist or refer unrepresented litigants to additional resources.

The Family Court Self-Help Coordinator assists self-represented litigants only. The Self Help Center does not assist parties who are represented by counsel, and does not assist attorneys or their staff with questions on process and procedure. For those types of questions, please contact the Civil / DR Case Unit at 503-655-8447 option 5.

The Information and Self Help Center public hours of operation are generally 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. Monday through Friday, except holidays. Appointments with the Family Court Self-Help Coordinator may be scheduled in person at the Information Center on the first floor or by calling 503-650-3046.

### **UTCRC Rule 7**

[Uniform Trial Court Rules \(UTCRC\)](#) 7.020, or “Rule 7,” is the process trial courts use to dismiss civil cases for lack of progress. It is the responsibility of the parties to track their case progress and attorneys should not rely on the Courts “Rule 7” process to keep their case proceeding timely.

If the case is not at issue by the 91<sup>st</sup> day from the filing of the complaint, the court will send the parties or attorney a Notice of Dismissal. At the conclusion of 30 days from the date of the Notice of Dismissal, a General Judgment of Dismissal will be entered, unless one of the following has occurred:

- An order of default has been filed and entry of judgment has been applied for;
- Good cause to continue the case is shown to the court on motion supported by affidavit; or
- The respondent/defendant has appeared.

You will only receive one Notice of Dismissal from the Court.

You may request that the Court extend the dismissal date by filing a Motion, Declaration/Affidavit and Order.

If a dismissal has been processed, a Motion/Order to Set Aside or Relief from Judgement of dismissal is required in order to proceed with the case.

If you have questions, please contact the Civil / DR Case Unit at 503-655-8447, option 5.

## Reference Judge Cases

If your case is being heard by a Reference Judge, please eFile original pleadings into the appropriate case category and forward copies to the Reference Judge. When eFiling the pleadings, please indicate that you have copied the Reference Judge. At the time of disposition of the case, please forward the original order/judgment to the Reference Judge for signature. The Reference Judge will then forward the original signed pleading to the Court. If you wish to keep the Court informed of the time of forwarding orders/judgments to the Reference Judge, you may eFile a letter into the appropriate case category using filing code "LT."

## Default Judgments

Default Judgments are sent in after service has been affected and the statutory time for responsive action has elapsed. The requirements and process for a default judgment are found on [page 40](#).

The number one reason default judgments are not entered timely is due to error in preparing the default judgment paperwork. We monitor whether corrected judgments are re-submitted within 21 days of the party being notified of an error. If corrected pleadings are not filed within that time limit, a dismissal may be issued.

The most common errors are:

1. Errors in the Money Award. You must provide all information required in statute (ORS 18.042) and indicate "unknown", if unknown (SLR 5.105).
2. The Affidavit of Amount Due is not submitted or is not accurate.
3. The copy of the contract is not clear and readable and the clerk is not able to verify that the contract supports the information in the Affidavit of Amount Due. The judicial clerks who process this paperwork ask that the contract be complete and that the requested interest rate be clearly indicated on the copy of the contract.
4. The non-military affidavit or declaration required by Service Members Civil Relief Act (2003) must address the following:
  - The defendant or respondent is or is not in military service and state supporting facts; or
  - If unable to determine if the defendant or respondent is in military service, state that the plaintiff or petitioner is unable to determine if the defendant or respondent is in military service and what reasonable efforts were made to make a determination.

If you are unable to determine if the defendant or respondent is in military service, the court may require additional proof of the defendant's military status [pursuant to the Service members Civil Relief Act (SCRA), 50 USC app.521, 201(b)(3)].

Requests for determining the military status of parties to an action can be made through the Department of Defense by clicking on this link: [https://www.dmdc.osd.mil/appj/dwp/status\\_finder.jsp](https://www.dmdc.osd.mil/appj/dwp/status_finder.jsp)

## Form of Judgment

Pursuant to ORS 18.038 the title of a judgment document must indicate whether the judgment is a limited judgment, a general judgment or a supplemental judgment. The judgment document is separate from any other document in the case (but may have attached to it affidavits, stipulations, motions and exhibits as necessary to support the judgment).

If a judgment document does not have one of the required labels (general, limited, supplemental) and is not signed by a judge or court administrator, the court staff person will not enter the judgment in the register. If a judgment document does not have one of the required labels and has been signed by a judge or court administrator, the staff person will return the judgment document to the judge or court administrator who signed it. Neither ORS 18.052 nor other law explicitly requires the Court to return unsigned judgment documents to the attorney who filed it.

## Payment of Fees

### Insufficient or no fees submitted

Per ORS 21.110(5), a pleading or other document shall be filed by the clerk **only if the fee required is paid** by the person filing the document, or if a request for a fee waiver or deferral is granted by the Court.

### No fee or request for waiver/deferral

Any pleading or document which requires a fee that is submitted without payment or an approved fee waiver/deferral, will be returned to your office not filed.

### Insufficient fees--[Click here](#) to access the current Fee Schedule online

The Civil / DR Case Unit clerk will place one (1) courtesy call to your office requesting additional fees be submitted. If additional fees are not submitted within 5 days, the pleading or document will be returned to your office. In the instance where additional fees are needed on an already signed pleading or document, the Civil / DR Case Unit will place one (1) courtesy call to your office and if additional fees are not submitted within five days, the Presiding Judge will vacate the signature and the pleading or document will be returned to your office.

### Pleadings or documents with hearing date set

The Civil / DR Case Unit clerk will place one (1) courtesy call to your office requesting fees be paid on all pleadings or documents that have already been filed with a hearing date set, such as an Order to Show Cause. At the time of notification to your office, the clerk will also notify the Calendaring Unit. If fees are not submitted, the Calendaring Unit will be notified to address this issue prior to an assignment to a courtroom and the motion may or may not be assigned to a courtroom for hearing.

**Note:** This only applies to documents that are filed conventionally or dropped in Court Drop Box.

## Where to File Pleadings

All pleadings are to be filed electronically through Odyssey's File & Serve program unless the documents being filed are those that must be filed conventionally pursuant to UTCR 21.

If the documents you are filing must be filed conventionally, then you will file them at the Civil Unit's public window in front of Room 104 on the first floor of the courthouse.

**Please note:** If any documents you are filing must be filed conventionally, then any supporting documents may also be filed conventionally at the same time.



## Tips from the Clackamas County Court Civil Team

**Please be patient** – The Court is only open about a third of the time that you are allowed to file electronically. Please check OECI before calling the clerks to see if something was signed. Also, check OECI prior to filing a second set of pleadings. Duplicate filings will be rejected.

- The named individuals in the pleadings and the names entered in the File & Serve envelope should match; i.e. – if Petitioner is Melissa B. Young on the pleading you should also enter Melissa B. Young on the envelope. The information from the envelope is what transfers to Odyssey to start the case, not the pleading.
- Odyssey is proper case formatted for names unlike OJIN that was all UPPERCASE. Please be aware of this when entering the envelope details. This is true for party names and addresses.
- Please read the entire rejection comment entered by staff. There should always be initials after the comments so that you can contact the individual who rejected your filings if you have questions.
- If you are filing a matter that must be conventionally filed, pursuant to SLR 2.501, any documents that will be served simultaneously with a document that must be conventionally filed must also be conventionally filed; i.e. Contempt Show Cause and a Show Cause for Modification.
- When filing proposed orders or judgments, please indicate the name of the judge who heard the matter (if any) underneath the caption on the first page. This will ensure that it is routed to the correct judge for review and signature.
- If you have an Expedited Filing – Include the words “EXPEDITED CONSIDERATION REQUESTED” in the Filing Comments field in File and Serve when submitting the filing. Call the Civil Case Unit at 503-655-8447 option 5 to alert us that there is an expedited filing in our queue.
- Use the correct document code when electronically filing. Some codes have a generic code such as MO for Motion, however selecting this code limits the ability to see documents full details until the document is reviewed. Using the code that most accurately reflects the document type being filed will assist with efficiencies in processing the filing.
- Helpful Codes to use instead of just MO:
  - MOPN – Motion-Postponement
  - MOCB – Motion-Continue as pending case (UTCR 7.020)
  - MOSH – Motion-Show Cause
  - MOCO – Motion-Continuance
  - MODJ – Motion-Debtor Exam

Also: DD – Declaration and AF – Affidavit are different codes and should not be used interchangeably

- DDUS – Declaration-Uniform Support
- ADMA – Affidavit/Declaration – Mailing
- ADNC – Affidavit/Declaration – Non-Compliance
- ADPU – Affidavit/Declaration – Publication
- ADNMM – Affidavit/Declaration – Non-Military

## File & Serve (e-filing) FAQs

[CLICK HERE for UTCRs & SLRs](#)

### **Q: Which court rules apply to e-filing using File & Serve?**

A: Uniform Trial Court Rule Chapter 21 (UTCR 21) sets out court rules for filing and service by electronic means. It is highly recommended that anyone who is responsible for submitting documents through Odyssey's File and Serve program become familiar with this UTCR.

### **Q: How do I determine the case type if I am initiating a new case through File & Serve?**

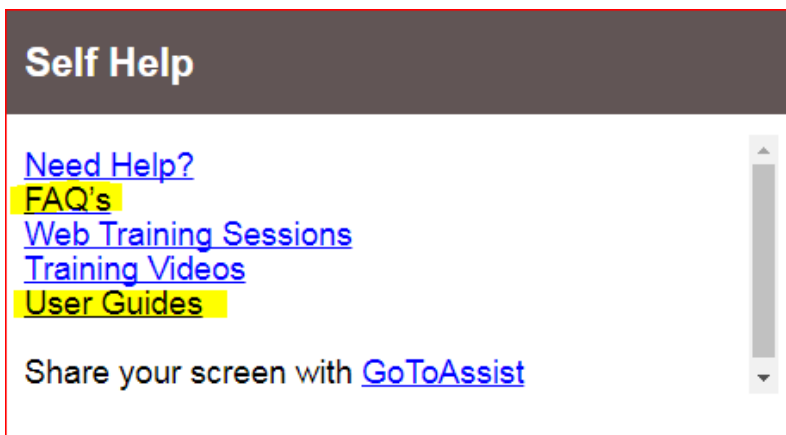
A: If you cannot determine the correct case type from the available drop-down choices, check the *Filing Code Quick Reference Guide* or contact the Civil Unit for assistance in determining the correct case type.

503-655-8447 option 5.

**Helpful hint:** If you cannot find the correct filing fee, you may be using an incorrect case type and/or filing code.

### **Q: Where do I find File and Serve guides and help?**

A: [Click here](#) to access Quick Links to various eFiling Guides including the *Filing Code Quick Reference Guide* mentioned above. Look for User Guides in the Quick Links section of the page.



### **Q: What is a Certificate of Readiness and when must I file one? UTCR 5.100**

A: A Certificate of Readiness is a document that indicates a proposed order or judgment is ready for judicial signature. A Certificate of Readiness must be filed with any proposed order or judgment and served on each counsel or self-represented litigant, or be accompanied by a stipulation by each counsel that no objection exists as to the judgment or order. A Certificate of Readiness is NOT the same thing as a Certificate of Service.

Please refer to UTCR 5.100 for what must be included in a Certificate of Readiness.

➤ **Although Certificate of Readiness is required, Service of Notice is NOT required for:**

- A proposed order or judgment presented in open court with the parties present;
- A proposed order or judgment for which service is not required by statute, rule, or otherwise;
- A proposed judgment subject to UTCR 10.090;
- Uncontested probate and protective proceedings; and
- Matters certified to the court under ORS 416.422, ORS 416.430, ORS 416.435, and ORS 416.448, unless the proposed order or judgment is ready for judicial signature without hearing.

**Q: Is my e-filing automatically accepted into Odyssey when it is received?**

A: No, a court clerk must first review the documents you file prior to acceptance. While an attorney's office may file 24 hours a day, 7 days a week; court staff can only review the File & Served documents during court working hours. Most filings are reviewed on a "First In, First Out" (FIFO) basis. The court tries to adhere to a 48-hour turn-around time, however; there are occasions where that timeframe cannot be adhered to, based upon the complexity of the filings, an increased volume of filings, staffing shortages and/or court holidays.

**Helpful Tip:** Do not expect your filing to be available in Odyssey for 9 am court if you filed it the previous day.

**Q: What is date of filing of my efiled document? UTCR 21.080.**

A: Once the court accepts the filing, the date of filing is the date that the document was submitted to File & Serve for review. If a rejected document is corrected, resubmitted and accepted within 3 days, the file date may be the original submitted date if requested using the guidelines set forth in UTCR 21.080(5)(a).

**Please note:** When the court accepts a proposed order or judgment or any other document that requires court signature through File and Serve, the document is deemed submitted for judge review.

**Q: What if I need to withdraw an e-filing?**

A: After a filing has been submitted, but before the court's review has begun, a **Cancel** button is available for that filing in your **Filings** queue.

As long as the **Cancel** button is present, the filing has been submitted, but has not yet been reviewed by a court clerk. If the **Cancel** button is not available, contact your local court clerk's office to request a rejection of your filing.

**Civil/Family Law Office: 503-655-8447 Option 5**

**Criminal Office: 503-655-8643 Option 1**

**Q: I have several documents to file. Should they be e-filed together or separately? UTCR 21.040**

A: It is important to e-file the following documents as separate PDF documents (in the same envelope) through File & Serve:

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- Proposed Orders
- Proposed Judgments
- Any documents requiring a court signature
- Any confidential documents being filed into a case that is not confidential by statute or rule
  - Remember to select the confidential security status for these documents

(See UTCR 21.040(2)(a)(b) for proper descriptions for these documents)

If you are e-filing documents other than those mentioned above, and your documents incorporate an affidavit, a declaration, a certificate of service, or another supporting document, you should submit your e-filing as a unified single PDF file, rather than as separately e-filed documents, to the extent practicable. If any of the incorporated documents above have their own case caption, they may be e-filed as separate PDF documents.

**Note:** Exhibits must always be attached to the pleading in which they are referenced.

**Q: I have a very large document to eFile. What is the maximum number of pages a document can have and still be accepted?**

A: A document that exceeds the size limit of 25 megabytes must be broken down and submitted as separate files. It is not possible to determine exactly how many pages is equivalent to 25 megabytes because it depends upon the type of information in the documents. If the pages in the document contain text only, it could be anywhere from 350 to 400 pages before that document reaches 25 megabytes. If the pages in the document contain photos, charts, graphs, or other non-text content, it will take fewer pages before that document reaches 25 megabytes.

**Please note:** A filer submitting separate files because a document exceeds 25 megabytes must include in the Filing Comments field for each submission a description that clearly identifies the part of the document that the file represents, for example, “Motion for Summary Judgment, part 1 of 2.”

**Q: How do I file documents into a consolidated case?**

A: Cases are consolidated for purposes of hearing or trial only (UTCR 2.090). When filing documents relevant to all consolidated cases, original documents must be submitted into a separate envelope for each case. The documents must include complete case captions and the case number should be highlighted per SLR 2.095.

## Checklist for Default Judgment Process

- Order of Default:
  - Complaint filed, no Answer filed w/ in 30 days of service
  - Motion for Order of Default and supporting affidavit
  - Proof of Service (file an original affidavit per ORCP 7F):
    - Personal
    - Substitute w/ follow-up mailing [ORCP 7D(2)(b)]
    - Office (working hours, person apparently in charge; follow-up mailing to dwelling or office) [ORCP 7D(2)(c)]
    - Certificate of Mailing with follow-up mailing [ORCP 7D(2)(d)]
- Default Judgment
  - Money Award [ORS 18.042]
    - Creditor's name and address
    - Creditor's attorney's name, phone number and address
    - Debtor's information:** If information is unknown, list it and indicate "unknown" per SLR 5.105 (requiring affirmative indication of "unknown" if information is unknown).
      - Name
      - Address
      - YEAR of birth (not full birth date)
      - LAST 4-digits of debtor's SSN or tax ID
      - LAST 4-digits of debtor's driver's license and issuing state
      - Debtor's attorney
    - Whether any person/public body is entitled to part of money award
    - Principal amount matches amount prayed for in complaint
    - Pre-judgment interest
    - Post-judgment interest
    - Costs/Disbursements
    - Attorney fees
  - Affidavit of Non-Military Service and that defendant is not a minor/incapacitated person [ORCP 69B(1)(d) & (4)]
  - Affidavit of Amount Due [ORCP 69B(1)(e)]
  - Statement of Costs/Disbursements [ORCP 69B & C(3)-(4)]
  - Statement of Attorney Fees [UTCR 5.080 & ORCP 68C]
  - Other documents if necessary:
    - Contract/Note supporting attorney fee interest > 9%
    - Contract/Note supporting principal interest > 9%
    - Original Negotiable Instrument [UTCR 2.060]

If submitting a contract/note supporting a specific interest rate, it must be LEGIBLE and please HIGHLIGHT the portion of the document supporting the interest percentage. Clerks will not read the entirety of a contract to find the information and may reject the Judgment if they cannot find/read the information.

## Clackamas County Circuit Court **Construction Litigation Procedures**

### **REFEREE PROGRAM PROCEDURE**

The Clackamas County Circuit Court will allow parties to opt out of the normal 12-month trial system in construction litigation cases by participating in a new Referee system based on ORCP 65. The Referee system is a procedure that was designed to deal with complex construction litigation (especially construction defect cases). If the parties do not choose to participate in this program, they will not be granted trial extensions beyond the 12-month period designated in UTCR 7.020(5) absent extenuating circumstances upon application. Cases in the Referee system will be designated complex cases under UTCR 7.030 for purpose of trial scheduling. The parties will be responsible for the Referee's fees.

### **REFEREE AUTHORITY**

Under the Referee system, the Referee will have the authority to manage discovery and case scheduling, including submitting a recommended trial date all parties agree to which is within 18 months of initial filing date. Any request for trial extension beyond 18 months will require the Referee's recommendation to do so and approval by Presiding Court. In no event will a trial date setting be allowed beyond 24 months. The Referee will have the authority to rule on discovery motions. The Referee will also have the authority to hear and decide motions to join parties beyond the 90 days specified in ORCP 22, however, the Referee may only allow the joinder of additional parties during the one-year period following the initial filing date. The Referee shall have authority to rule on Rule 21 motions as well as motions relating to discovery issues, and conduct settlement conferences. The Referee shall also have authority to rule on summary judgment motions with the consent of the parties. All decisions rendered by, or orders issued by, the Referee may be reviewed by Presiding Court or its designee upon application under ORCP 65E(3).

### **REFEREE SELECTION**

The parties can stipulate to being part of the new Referee system. Absent a stipulation, any party can file a Motion to Designate as Complex Litigation and Appoint Referee (motion) asking the Court to rule on whether the case will be allowed to go into the new system. The motion must be filed with the Presiding Court, or designee, no later than 30 days after the date the party is served with Summons and Complaint.

The plaintiff must file the motion no later than 30 days after the last party is joined or within 180 days of filing, whichever is sooner.

The parties have two options for selecting a Referee: 1) pick a Referee from a list provided by the



Presiding Judge and stipulate to one Referee (with that Referee’s approval); or 2) the Attorneys for each side submit their two choices and then the Presiding Court will select a Referee at a scheduling conference if the parties do not select one by a date certain.

The Presiding Judge’s office will maintain a list of pre-qualified Referees. Referees will be required to meet the qualifications established for court appointed arbitrators under UTCR 13.090, except that a Referee shall also have a minimum of 7 years of experience handling construction matters or be a Senior Judge for the State of Oregon. The rule is to be applied to the Referee system by substituting the term “Referee” for the term “arbitrator”.

The rights, obligations, and procedures established for arbitrators and conciliators and parties under ORS 36.476 (Disclosure by Proposed Arbitrators and Conciliators; Waiver of Disclosure; Grounds for Challenge), ORS 36.478 (Procedure for Challenging Arbitrator), ORS 36.480 (Withdrawal of Arbitrator; Termination of Mandate) and ORS 36.482 (Substitute Arbitrator; Effect of Substitution) will apply equally to Referees and the parties under the Referee system, including without limitation, parties brought into the suit after the Referee is appointed. The statutes are to be applied to the Referee system by substituting the term “Referee” for the term “arbitrator”. In addition, a party which anticipates bringing third party practice claims under ORCP Rule 22C will provide the Referee a list naming all the potential third/fourth/etc. party defendants so that the Referee can make the disclosure required under ORS 36.476.

#### **CRITERIA FOR REFERENCE**

In addition to the criteria contained in UTCR 7.030(2) the Court will also consider: 1) the amount(s) in controversy; and 2) the involvement of insurance carriers and insurance coverage issues.

#### **CONTENTS OF ORDER APPOINTING REFEREE; TWO TRACK SYSTEM**

The Referee will operate on two simultaneous “tracks”. The first track is the core case. As part of the core case, once a Referee has been agreed upon or appointed the parties will submit a recommended Order Confirming Appointment of Referee in Complex Construction Case (Order) to the Court for review, approval, and execution. A generic form of Order is attached for reference. The second track will address any applicable insurance coverage issues.

The Order will contain mandatory provisions and optional (but encouraged) provisions. The mandatory provisions will include: 1) discovery deadlines; 2) dispositive motion deadlines; 3) alternative dispute resolution deadlines (including a deadline for selection of a mediator - who may be someone other than the Referee); 4) a presentation by the Plaintiff(s) of a defect list, a.k.a. Bill of Particulars; 5) a Defendant’s statement of which of its third/fourth/etc. party defendants performed the work being

**To Contact the Court by Phone: 503-655-8447**  
Opt. 3-Criminal/Calendaring Opt. 4-Probate Opt. 5-Civil/Family Law/FAPA  
Opt. 6-Finance/Collections/Small Claims/Landlord-Tenant Opt. 7-Records

complained of in the Third/Fourth/etc. Party Complaint; and 6) a trial date. The optional provisions may include: 1) the response of each party to the claims against it; 2) the preparation of and a timeline for the scope of repair proposed by Plaintiff(s); 3) a demand by a Third/Fourth/etc. Party Plaintiff to those defendants it sued in the case; 4) a joint defense response to the statement of claims, defects and damages of Plaintiff(s); 5) a joint defense scope of repairs; 6) disclosure of experts; 7) exchange of expert reports; 8) depositions of experts; 9) depositions of other witnesses; and 10) any other collaborate effort to expedite and streamline the litigation.

On the second coverage track, the Referee may require each party to submit the following: 1) the names of all potential insurance carriers for each party; 2) copies of the Reservation of Rights letters from each carrier; 3) the name and contact information for the adjuster for each carrier; 4) copies of each carrier’s policy for each party. The Referee will have the ability to advise the parties to retain coverage counsel. Regardless of whether or not the Referee chooses to provide this advice, the Referee shall not be deemed to be providing legal advice.

The Referee will have the ability to require the parties to engage in mediation on either or both of the two “tracks”. For insurance-related mediation, the Referee may require insurance adjusters to physically attend the mediation and that the adjuster have complete authority to settle the claim. The mediator will be someone other than the Referee. However, the mediator will report any non-compliance to the Referee, who will have the power to hear show cause motions for remedial contempt.

If mediation does not resolve the case, the Referee will prepare a report discussing the value of each of the claims (both monetarily and legally) and an allocation of responsibility among the parties. The Referee will submit a copy of this report under seal to the court to be used only after trial on the merits, and the trial judge may consider the Referee’s report as a factor in considering the reasonableness of attorneys’ fee awards, if attorneys’ fees are at issue in the case.

If you have any questions regarding the new Referee system you may call the Presiding Court Judge’s office at 503-655-8678

Dated: \_\_\_\_\_

/s/ Kathie F. Steele  
Clackamas County Presiding Judge

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

	)	
	)	
	)	Case No. _____
Plaintiff(s),	)	
vs.	)	ORDER DESIGNATING CASE COMPLEX
	)	LITIGATION AND APPOINTING
	)	REFEREE REGARDING
	)	_____
	)	(THE "PROJECT")
Defendant(s),	)	

THIS MATTER coming before the Court on Motion of \_\_\_\_\_  
 [MOVING PARTY], \_\_\_\_\_ [NAME], \_\_\_\_\_  
 \_\_\_\_\_ [ADDRESS], \_\_\_\_\_ [PHONE], \_\_\_\_\_

[FAX], shall be appointed Referee pursuant to ORCP 65 on the above referenced matter,  
 which is hereby designated a complex case under UTCR 7.030, on a showing that exceptional  
 conditions require it, to hear and determine certain pre-trial matters including motions  
 regarding pleadings, discovery, discovery motions, case management and settlement negotiations  
 and to report findings and make recommendations to the Court, and good cause appearing.

Scope of Order. This Order Appointing Referee, as may be modified and supplemented  
 by further orders of this Court, shall govern all further discovery, case management, and  
 settlement matters in this action. All such matters shall be set for hearing and heard before the  
 Referee. Before setting such matters, available dates must be verified.

1 with the Referee. Before setting such matters, available dates must be verified with the Referee.

2 The Referee shall be responsible for hearing ORCP 21 motions but shall not hear motions for summary  
3 judgment, or other substantive motions as addressed in the Hearings Review paragraph, unless by  
4 unanimous consent by all parties. The Referee may not rule upon the admissibility of evidence. Further,  
5 the Referee does not have the authority to put witnesses on oath nor may the Referee personally examine  
6 witnesses.

7 Scheduling Teleconference. Counsel for all parties shall conduct a telephone conference  
8 no later than 90 days after service of the Complaint, or 30 days after Third-Party Complaint or final  
9 "third-party practice" pleadings under ORCP 22, whichever occurs last, to establish a schedule for:

10 1) discovery deadlines including a deadline for Plaintiff to submit a defect list, aka Bill of  
11 Particulars and for Defendant(s) to submit a statement of which of its third/fourth/etc. party defendants  
12 performed the work complained of in the third/fourth/etc. party complaint; 2) dispositive motion  
13 deadlines; 3) alternative dispute resolution date; and 4) trial date. In the event this Scheduling  
14 Teleconference does not occur within the time prescribed in this Order or if the parties cannot agree on  
15 the required deadlines or dates, counsel for any party may request the Referee to conduct a Scheduling  
16 Teleconference with all counsel and the Referee shall do so on a schedule convenient to the Referee. The  
17 Referee shall be the final arbiter of the schedule subject to a party's opportunity to apply for *de novo*  
18 review pursuant to the Hearings Review paragraph. The Referee shall have the discretion to schedule  
19 additional teleconferences with the parties' counsel for case scheduling or other purposes and will notify  
20 counsel of the call-in number and the confirmation number for such teleconferences.

21 Service of this Order. A copy of this Order and all subsequent Orders regarding this reference  
22 shall be served with any third-party practice pleading under ORCP 22C bringing in a new party for any  
23 claims related to or arising from the Project. Failure to comply with this paragraph may result in a  
24 discovery sanction, at the discretion of the Referee, upon motion to the Referee.  
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1 Hearings: Review. All matters of any kind pertaining to pleadings, discovery, case management and  
2 settlement matters shall be noticed to be heard before the Referee. The time limitations applicable to  
3 serving the Referee with a motion to compel or to produce, and oppositions and replies thereto shall be as  
4 set forth in all court rules with respect to timely filings of similar motions with the Court, unless  
5 shortened by the Referee. Such motions may be heard by the Referee, at the discretion of the Referee,  
6 for good cause shown, on a shortened time and on an informal basis. Matters involving substantive legal  
7 issues not related to discovery, case management, pleading issues or settlement matters, shall be  
8 submitted to the Court upon proper motion and notice, unless by unanimous consent of all parties to  
9 submit such matters to the Referee. Rulings of the Referee may be reviewed by applying to the Presiding  
10 Court or its designee. A party must file its motion for review within 10 days of service of the ruling  
11 from the Referee. If the request is not filed within that time period, the ruling of the Referee will become  
12 final and subject to enforcement by order of the Court confirming the ruling.

13 Investigation and/or Destructive Testing by Plaintiff(s). Absent a stipulation by all parties'  
14 counsel, Plaintiff(s) shall provide prior written notice of the dates of all "investigation and/or destructing  
15 testing" to all counsel. "Investigation and/or destructive testing" means the dismantling of any of the  
16 components or materials related to the Project for the purpose of analyzing, testing, inspection or other  
17 evaluation, the results or outcome of which are intended to be used at trial or any other legal proceeding  
18 (including but not limited to use in connection with summary judgment motions). Such notice must be  
19 sent by fax, overnight mail or hand delivered not less than fifteen (15) business days prior to the first date  
20 of any testing. Notice of the specific location(s) and time(s) for all inspections and testing shall be  
21 provided to all counsel not less than seven (7) working days prior to each inspection date, with  
22 subsequent updates of the location(s) and/or schedule(s) to be provided as these change. Counsel and  
23 experts for each party in the case may attend to observe. The Referee shall resolve any dispute arising  
24 out of the time, place and manner of investigation and/or  
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1 motion of a party. If timely notice is not given, all evidence obtained by Plaintiff(s), including any and  
2 all findings, analyses and opinions of Plaintiff(s) and its consultant(s) and expert(s) based or derived  
3 from such investigation and/or testing will be barred from use in the trial of this action upon motion of  
4 the aggrieved party.

5 Repairs by Plaintiff(s). Plaintiff(s) shall provide seven (7) working days prior written notice to  
6 all counsel before performing any repairs involving the Project, except that Plaintiff(s) may perform  
7 “emergency repairs”, so long as written notice is given to all parties within twenty-four (24) hours after  
8 counsel for Plaintiff(s) has actual notice of such repairs. “Emergency repairs” are those repairs which,  
9 in accordance with recognized engineering or construction practices, are deemed immediately  
10 necessary to prevent imminent injury to persons or property. If timely notice is not given, all evidence  
11 obtained by Plaintiff(s), including any and all findings, analyses, and opinions of Plaintiff(s) and it  
12 consultant(s) and expert(s) based on or derived from such repairs may be barred in the Court’s  
13 discretion from use at trial. In deciding whether such evidence is excluded on this basis, the Court may  
14 consider the prejudicial effect of the lack of notice to Defendants, and whether such actions were  
15 intentional, resulted from mistake, inadvertence, surprise or excusable neglect. However, the Court  
16 may also consider any other factors it may deem as relevant in deciding whether to exclude evidence  
17 that was procured by Plaintiff(s) without proper notice to Defendants as described in this paragraph.  
18 Plaintiff(s) will make all best efforts to save any removed materials, if practical and if requested by one  
19 of the Defendants. Defendants will have access to such materials upon request.

21 Investigation and/or Destructive Testing by Defendants. Absent a stipulation by all parties, all  
22 defense investigation and/or destructive testing will be completed 180 days from service of the last  
23 third-party practice pleading under ORCP 22C unless otherwise ordered by the Referee. Defendants  
24 shall give notice to all parties not less than 15 business days prior to the first date of any investigation  
25 and/or destructive testing.  
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To the extent practicable, Defendants shall coordinate their respective investigation and/or destructive testing with other Defendants so as to minimize the impact to the Project and its occupants. All arrangements for investigation and/or destructive testing shall be made through counsel for Plaintiff(s). Notice of the specific location(s) and time(s) for all investigation and/or destructive testing shall be provided to all counsel not less than seven (7) working days prior to each inspection date, with subsequent updates of the location(s) and schedule(s) to be provided as these change. Counsel and experts for each party in the case may attend to observe. The Referee shall resolve any dispute arising out of the time, place and manner of investigation and/or destructive testing, upon motion of a party. If timely notice is not given, all evidence obtained by the investigating/testing party, including any and all findings, analyses and opinions of its consultant(s) and expert(s) based or derived from such investigation and/or testing will be barred from use in the trial of this action upon motion of the aggrieved party.

Optional Provisions. Upon stipulation by all parties, the Referee may facilitate an expedited and streamlined discovery process that may include:

1. The response of each party to the claims against it;
2. The preparation of and a timeline for the scope of repairs proposed by Plaintiff(s);
3. A demand by a Third/Fourth/etc. Party Plaintiff to those defendants it sued in this case;
4. A joint defense response to the Plaintiff(s)' statement of claims, defects, and damages;
5. A joint defense scope of repairs;
6. Disclosure of experts;
7. Exchange of expert reports;
8. Depositions of experts; and/or
9. Depositions of other witnesses.

1 The parties may also stipulate to any other collaborate effort to expedite and streamline the litigation.  
2 At the request of any party's counsel, the Referee shall conduct a teleconference among all counsel, at  
3 the Referee's convenience, to inquire whether and to what extent all counsel are willing to agree to  
4 these optional activities. Conversations and documents produced and exchanged in the course of these  
5 optional expediting/streamlining activities shall be considered confidential settlement communications  
6 under Oregon Evidence Code Rule 408. They cannot be used for any purpose connected with the trial  
7 nor does the party's voluntary participation in these optional activities subject that party, its clients or  
8 expert to any discovery requirements beyond what is required in the ORCP, including, without  
9 limitation, that no party shall be required to produce its expert witness for deposition.

10 Insurance Issues. Where applicable, the Referee may require each party to submit within 45  
11 days from the Referee's order, the following: 1) the names of all potential insurance carriers for each  
12 party; 2) copies of all reservations of rights letters from each carrier; 3) the name and contact  
13 information for the adjusters for each carrier; and 4) copies of each carrier's insurance policy for each  
14 party. The Referee may increase the time for production of insurance information upon the *ex parte*  
15 motion of a party. If these documents are ordered to be produced, they shall be provided to any other  
16 party that requests them at the requesting party's own copying expense.

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18 The Referee has the ability to advise a party that, she or it may want to retain independent  
19 insurance coverage counsel, at that party's sole expense. Regardless of whether or not the Referee  
20 chooses to provide this advice, the Referee shall not be deemed to be providing legal advice.

21 Further Status Conferences. At such time as the Referee may find it necessary, all parties shall  
22 attend further status conferences before the Referee.



1            Settlement Discussions. On date(s) to be determined by the Referee, the Referee may order  
2 the parties to commence Mandatory Settlement Conferences with a separate mediator, which shall  
3 continue from time to time thereafter at the discretion of the Referee. If all parties agree the Referee  
4 may serve as the mediator for settlement conference purposes. All counsel and their principals and  
5 insurance representatives where applicable will be required to personally attend with full settlement  
6 authority.

7 The parties' experts and/or consultants may be required to attend at the discretion of the Referee. The  
8 mediator will report any non-attendance at the Mandatory Settlement Conference to the Referee. The  
9 Referee is authorized to hear show cause motions for contempt brought by any party against another  
10 Who failed to appear with counsel, principals and insurance representatives where applicable at the  
11 Mandatory Settlement Conferences. Said show cause motion shall be briefed under the timeline  
12 prescribed in UTCR 5.030. The Referee may excuse a party's attorney, principal, and/or insurance  
13 representative upon the *ex parte* request of the party's counsel. The cost of the mediator's services will  
14 be split in the same manner as prescribed in the paragraph below for the Referee Fees.

15  
16            After the last Mandatory Settlement Conference, if the case does not settle, the Referee shall  
17 prepare a report discussing the value of each of the claims, counter-claims, cross-claims and third-party  
18 claims, both monetarily and legally, and shall prepare an allocation of responsibility among the parties.  
19 The Referee will submit a copy of this report to the parties' counsel prior to the trial of the case.  
20 Counsel shall deliver a copy of the Referee's report to their respective clients and insurance  
21 representatives.

22 The Referee will also submit a copy of this report to the trial judge after trial on the merits if the Court  
23 is considering the issue of attorney fee awards. The Court may use the Referee's report to assist in its  
24 determination of reasonableness of attorneys' fees.

25            Ex Parte Orders. All applications to the Referee for *Ex Parte* Orders require twenty-four (24)  
26 hour telephone or fax notice to all parties affected by the motion.

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Referee Fees. The Referee's fees and costs will be billed from time to time during the pendency of this action. Each party shall pay an equal share of the Referee's fees and costs, however, on a party's application to the Referee, the Referee, as justice requires in the Referee's sole discretion, may order a different allocation of fees and costs.

APPROVED and recommended:

Dated: \_\_\_\_\_  
Referee

IT IS SO ORDERED:

Dated: \_\_\_\_\_  
Presiding Judge

**To Contact the Court by Phone: 503-655-8447**  
 Opt. 3-Criminal/Calendaring Opt. 4-Probate Opt. 5-Civil/Family Law/FAPA  
 Opt. 6-Finance/Collections/Small Claims/Landlord-Tenant Opt. 7-Records

**Clackamas County Circuit Court**

**Fifth Judicial District  
 807 Main Street  
 Oregon City, OR 97045**



**Application for Referee  
 Specially-Designated Construction Cases**

Name	
Business Address	
Phone / Fax	
OSB No.	
E-mail	
List Bar Memberships and dates of admission	
Years practicing in construction law	

Describe construction practice and experience:

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Describe construction trade organization and construction bar activities:

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Describe ADR experience:

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Describe other activities, which might bear on ability to perform referee duties (prior work history, degrees, etc):

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## DOMESTIC RELATIONS TIPS

**Heather Kamin – Civil / DR Unit Supervisor**

**Elizabeth Vaughn – Family Court Coordinator and Lead Worker**

**Troy Holt – Judicial Assistant to Judge VanRysselberghe**

### Default Judgments

Pursuant to the Service members Civil Relief Act (SCRA), 50 USC app.521, 201(b)(3), the Affidavit in Support of Motion for Order of Default or declaration required by Service Members Civil Relief Act (2003) must address the following:

1. Whether the respondent is or is not in active military service and state supporting facts;
- OR**
2. If unable to determine if the respondent is in active military service, state that the petitioner is unable to determine if the respondent is in active military service and what reasonable efforts were made to make a determination.

If you are unable to determine if the respondent is in active military service, the court may require additional proof of the respondent's military status.

Requests for determining the military status of parties to an action can be made through the Department of Defense by clicking this link: [https://www.dmdc.osd.mil/appj/dwp/status\\_finder.jsp](https://www.dmdc.osd.mil/appj/dwp/status_finder.jsp)

See [page 66](#) for General Judgment Checklist.

### Orders to Show Cause

In Clackamas County, many domestic relations Orders to Show Cause are set for hearing and require a personal appearance by the parties. Pursuant to SLR 8.051, modifications under ORS 107.135; however, shall require a written response. For orders that require a personal appearance, the court will not grant a default order/judgment based on the opposing party's failure to file a written response with the court within 30 days of service.

See [pages 27-29](#) for the Family Law Motion Processing Guide. See [page 63](#) for "How to get an Order to Show Cause for Personal Appearance (Non-Modifications) Signed in Clackamas County Circuit Court".

### Modifications of Judgment (ORS 107.135)

Effective December 2015, pursuant to SLR 8.051, Orders to Show Cause re Modification of Judgment require the opposing party to file a written response in answer to the Motion within 30 days of service. A hearing date will be set by the court upon receipt of the opposing party's response and fee (or approved deferral/waiver). [Click here](#) to review SLRs.

Pursuant to UTCR 8.050(1), the initiating documents must contain summons language in the form set out in ORCP 7 ([click here](#) to review ORCPs). This notice may be a separate document or included in the Order to Show Cause or Motion. Additionally, if support is to be an issue, a Uniform Support



Declaration, as set out in Form 8.010.5 (UTCR Appendix of Forms) must also be filed with the Motion and completed as provided under subsection (4) of UTCR 8.010. [Click here](#) to review UTCRs.

Lastly, SLR 8.051(2) requires the Order to Show Cause include the local Notice about a Written Response to a Petition or Motion to Modify Filed in Clackamas County Circuit Court. This notice is available on the Court’s website [click here](#), under the Modification packet heading.

See [pages 64](#) for How to get an Order to Show Cause (Modification) Signed in Clackamas County Circuit Court.

## Remedial Contempt

Though statute and rule indicate if a party initiates a contempt proceeding, and if a related circuit court cases exists, the motion for contempt must be filed in the related case, UTCR 19.020(2)(a) clarifies that “For the purposes of the court’s electronic case management system, the trial court administrator will treat the contempt proceeding as a separate case. That means the motion, once filed, will be assigned a Procedural Matters – Remedial Case number. The subsection (b) requires that any subsequent filing in the contempt proceeding must include both the new contempt case number, and the related case number, with the contempt number being listed first. The clerk will scan your motion to determine how many alleged violations there are, and enter them as separate charges with an on or about offense date.

- Filing party will be entered as the Plaintiff, and other party will be entered as the “Defendant.”
- Odyssey sees this as a new case, so caption will not necessarily match underlying case.
- Motions for Remedial Contempt are filed in Room 200.

See [pages 65](#) for How to File An Order To Show Cause Re: Remedial Contempt In Clackamas County Court

- Only **one** defendant can be added per contempt case
  - Multiple defendants require multiple case filings and fees.
- Case will be related in Odyssey to the underlying case.
- **IMPORTANT:** It is imperative when you submit a judgment to the court to conclude the case, that you address ALL charges that were alleged in the motion. To be able to close the case, there must be findings of “dismissed,” “in contempt,” or “not in contempt” as to EACH charge. If your judgment doesn’t include the appropriate findings, it is likely that it will be returned to you.
  - Occasionally, we see judgments that indicate parties have reached an agreement, and rather than finding someone in contempt, they agree to modify the terms of the underlying case. That’s fine, but the court will need a General Judgment of Dismissal for the contempt case, and a Supplemental Judgment for the related underlying case.

## Child Support Guidelines and Calculator

Oregon’s minimum wage changed on July 1, 2020. There is now a three-tiered structure of minimum wages applicable to employers in different areas of Oregon.

[Click here](#) for information related to Oregon Child Support Laws.  
[Click here](#) to access all of the Child Support Guideline Rules 137.050.  
[Click here](#) to access the Oregon Child Support Guidelines Calculator.

**NOTE:** If private insurance is not available to either party, and the paying support obligor earns more than full-time minimum wage for Oregon, you can select “YES” from the pull-down menu on the second screen when it asks if there is a reason not to include it. If you do not select “YES”, cash medical support will be added to your child support obligation.

## Health Insurance

ORS 25.323 requires that one or both parents provide **private** health care coverage for a child that is **appropriate** and **available** at the time the order is entered. The judgment needs to indicate what type (private or public) of health insurance is currently being provided. If appropriate **private** health care coverage is not available to one or both of the parents at the time the order is entered:

1. The order must require that one or both parents provide **private** health care coverage at any time when such coverage becomes available; and
2. Either require the payment of cash medical support or include finding as to why cash medical should not be required.

## Cash Medical Support

ORS 25.323(4)(b) requires that payment of cash medical support be ordered in every order/judgment where private health care coverage for a child is not appropriate and available at the time the order is entered...**OR, the order/judgment must include findings as to why cash medical support is not ordered.**

The purpose of cash medical support is for the non-custodial parent to help reimburse the state for the cost of public insurance. In April of 2015, the Department of Justice informed the Trial Courts that the linkage between Oregon Health Authority’s computer system and DOJ-Division of Child Support’s computer system stopped working. OHA cannot reliably refer cases to DCS when parties have their children enrolled in the Oregon Health Plan. It seems this may take a little longer to fix. DCS stopped accepting OHP referrals in December 2014.

Without the referrals, there is no way for DCS to collect cash medical support so that it can be reimbursed to OHA.

- For new cases, **this means any order for cash medical will be paid to the child support OBLIGEE** (not the state).
- For existing cases that had a proper referral prior to December 2014), payment of cash medical support will still be collected and reimbursed to OHA.

Even if the children are NOT covered by private insurance, you can still opt NOT to order cash medical support on the child support calculator. You will need to select “Yes” from the pull-down menu when it asks if there is a reason not to include cash medical support.

Oregon Child Support Guidelines Calculator

**Cash Medical Support**

Cash medical support is required when health care coverage is not available unless there is a reason not to include it. Yes   
Is there a reason cash medical support should not be included? [more](#)

< Previous    Continue >

Doing this will result in a \$0 obligation for cash medical support.

	<u>Jane</u>	<u>John</u>
Cash Child Support for Minor Children	\$ 0.00	\$ 259.00
Cash Child Support for Children Attending School	\$ 0.00	\$ 0.00
Cash Medical Support for Minor Children	\$ 0.00	\$ 0.00
Cash Medical Support for Children Attending School	\$ 0.00	\$ 0.00
<b>Total Child Support</b>	<b>\$ 0.00</b>	<b>\$ 259.00</b>

- **You MUST remember to include a finding in your order/judgment as to why child support should not be ordered.** Typical findings are:
  - Paying who would pay support is presumed unable to pay because he/she receives cash payments from a public assistance program, including TANF or SSI, or is incarcerated and has income less than \$200 per month.
  - The child support obligor has income that is at or below Oregon’s minimum wage for full-time employment.
  - The child/ren’s medical needs will be met by a provision in the order/judgment for uninsured medical expenses.

**Certificates of Pending or Existing Child Support Cases**

A Certificate Regarding Pending and/or Existing Child Support Orders and/or Judgments, in substantially the same form as specified in Form 8.090 in the UTCR Appendix of Forms, shall be included with motions and petitions filed pursuant to ORS 107.085, 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, and 125.025, as required by ORS 107.085(3), 107.135(2)(b), 107.431(2)(b), 108.110(4), 109.100(3), 109.103(3), 109.165(3), and 125.025(4)(b).

Please make sure that you are filing this certificate in any case that involves minor children, whether support will be ordered or not. Please note that a copy of the pending or existing child support case should be attached to the certificate.

**When to Serve Petition to Department of Justice**

In any domestic relations case involving minor children, wherein the child support rights of one or both of the parties are assigned to the state (defined in ORS 25.010), a true copy of the petition shall be served by mail or personal delivery on the Administrator of the Division of Child Support of the Department of Justice or on the branch office providing support services to the county in which the suit is filed. ORS 107.087, 109.103(4), and ORS 109.125(4).

In cases where a child is a ward of the state, or if a parent is or has received TANF (cash assistance), the state has an interest in collecting support as reimbursement for public assistance. A certificate of service should be completed and included in the file to verify that this requirement has been complied with.

**Child Attending School/Adult Child**

Any domestic relations case involving any unmarried child between the ages of 18 and 21, whether or not the child qualifies as a “child attending school” (CAS) per ORS 107.108, should be included as a party to the action. When reviewing judgments, the judicial assistant is looking for proof of service or an acceptance of service from the CAS or adult child, as well as a signature on the judgment from the CAS or adult child, stipulating to the terms of the judgment, default order, or waiver of further appearance form signed by the CAS or adult child. In addition, if the child is attending school and support will be ordered for that child, the judgment should include a child support calculation worksheet as required by [UTCR 8.060](#).

## Money Awards

Pursuant to ORS 18.042(1), judgments containing an award of money must contain a “separate section” clearly labeled as a Money Award. This separate section should be placed directly above the judge’s signature line and indicate if it includes a support award. The separate section must include all of the following:

- Name and address of each judgment creditor and name, address and phone number of any attorney for the judgment creditor
- Name of each judgment debtor, and to the extent known by the judgment creditor:
  - Address of each judgment debtor
  - Year of birth of each judgment debtor
  - Final four digits of the tax ID number or Social Security number of each debtor
  - Final four digits of the driver license number and name of the issuing state for each debtor
  - Name of any attorney for each debtor
  - Name of any person or public body other than the creditor’s attorney, that is known by the creditor to be entitled to any portion of the money award
  - Amount of the award
  - Any interest owed
  - Information about interest
  - Information about arrearage or required further payments and/or payment dates for obligations payable on a periodic basis
  - Required information/statement about attorney fees

Clackamas County SLR 5.105 states, “Any information that is required to be provided to the extent known by the judgment creditor, must either be provided in the money award section, or the section must state affirmatively that the information required by the statute is unknown.” Any judgment that includes a money award but does not contain all required information or a statement that the required information is unknown, may be returned to the submitting party for compliance with the SLR. Alternatively, a judgment with non-compliant money award may still be entered in Odyssey but may **NOT** be docketed in the register to create a lien. Additionally, proposed SLR 5.105(2) allows the court to notify the filer to resubmit a corrected judgment that is in compliance with the rule.

**NOTE:** The court has noticed many attorneys including employer name and address for both creditor and debtor in the money award section. This is considered confidential, personal identification information that is covered by the CIF rule (UTCR 2.130). Please note that employer information is not required by ORS 18.042, but if you wish to include it for some reason, please follow the CIF rule and include a reference that “information is separately provided in CIF,” instead of including the confidential information itself. It should be noted that the CIF rule alleviates the court of any responsibility to redact this information from the judgment.

## Segregation Rules

[Click here](#) for link to UTCR to read UTCR 2.130 and UTCR 2.100

### UTCR 2.130 Confidential Personal Information

UTCR 2.130 is the required procedure to segregate “confidential information” in cases under ORS chapters 25, 106, 107, 108, 109, 110, or 416, or initiated under ORS 24.190, ORS 30.866, ORS 124.010,

or ORS 163.763. As used in this rule, confidential personal information includes a party's or a party's child's social security number; date of birth; driver license number; former legal names; and employer's name, address and telephone number.

**Use of the Confidential Information Form (CIF) is mandatory** when the disclosure of such confidential personal information, as defined above, is required by statute or rule in a domestic relations pleading. If a new case is being filed, or documents that would normally require the disclosure of confidential information are being filed into a case where a CIF has not previously been filed, **the filing party must file a separate CIF for each person about whom the party is required to provide confidential personal information.**

The filing party need only include information of joint minor children on his or her CIF. There should be a separate CIF for any joint children between the ages of 18 and 21 since they are a party to the case.

The CIF is a restricted access document; it is available for inspection by court staff, other government agencies for the purpose of their work and the Child Support Program. These agencies must not further disclose the confidential personal information, unless otherwise ordered or authorized by law. The party filing the CIF must complete and deliver/mail a copy of the Notice of Filing Confidential Information Form to all other parties in the case. A certificate of delivery/ mailing must be filed with the court. These forms can be found in the UTCR Appendix of Forms.

The CIF and Notice of Filing CIF should be in substantially the same form as UTCR 2.130.1 and 2.130.2 respectively.

UTCR 2.130 applies to any document, including exhibits and attachments, which are filed family law cases under the applicable chapters of the ORS. **\*Please remember to redact confidential information from the tax returns and other documents you attach to your Uniform Support Declarations. Once filed, it is public information.** Where the confidential personal information would otherwise appear, the filing party would redact (black out) the information and make a notation that the information is separately provided in UTCR 2.130.1. This does not apply to documents that are required to be court certified copies. The rule also does not apply to the truncated information required to be included in a money award under ORS 18.042.

### **Court's Responsibility**

The **court has no obligation** to, and will not, review documents in the court's files to redact information contained in a CIF. Please note that to redact confidential information or personal identification information from a document on file with the court; you will need to follow the procedure outlined in UTCR 2.110 (see below).

### **UTCR 2.100 Segregated Information**

UTCR 2.100, though no longer the "required" method of segregating social security numbers in domestic relations cases, still has its place as a valuable segregation tool. Parties may choose to utilize the UTCR 2.100 Long Form to segregate "protected personal information" not covered under UTCR 2.130, such as: credit card numbers, bank or other financial account, numbers, bank or other financial account locations financial account access numbers, or similar information that is used for financial transactions and can be kept confidential under ORS 192.502(2).



Entire documents, such as tax returns or pay stubs, are not included; only the identifying information described above that appears in the document.

The Affidavit Requesting Segregation and Segregated Information Sheet filed with the court should be in substantially the same form as UTCR 2.100.4a and 2.100.4b respectively.  
**There are no fees to file either UTCR 2.130 CIF or UTCR 2.100 documents.**

## Redacting Information

[Click here](#) for link to UTCR to read UTCR 2.110

UTCR 2.110 establishes a procedure for a person to identify and segregate protected personal information when the information already exists in a document in a court case file and to request the information be kept from inspection by the public.

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; the definitions in UTCR 2.100 (see above) apply to this rule. The party filing this request will be required to **pay a required fee of \$25.00 per case plus \$1.00 per page**

## Parent Education Class

Supplementary Local Court Rule 8.015 requires **all parties** (including psychological parents and intervenors/grandparents) in a family law case, where the interest of a minor child is involved, to complete the divorcing parents education program offered by Clackamas County Resolution Services (formerly known as Family Court Services).

Judge Van Rysselberghe's office operates under the following policy, regarding the parent education requirement:

- All parties shall complete the program before trial or entry of judgment. This includes grandparents, intervenors, and/or psychological parents, in addition to the legal parents. A copy the Certificate of Completion must be filed with the proposed judgment, or already be on file in the affected case, before the judgment will be signed. The judgment will be returned as insufficient to the submitting party if there is no record of completion.
- If the proposed judgment is by default, and the respondent is the non-custodial parent, the court will defer the requirement for Respondent, contingent on Petitioner having completed the class. The document preparer should include language in the body of the judgment that Petitioner has successfully completed the requirement per SLR 8.015, and the respondent will not be allowed to modify or enforce any of the terms of the custody and parenting plan until he/she has successfully completed the required parent education class.
- Upon showing of good cause, a party may request a deferral or waiver of this rule. The request must be made by motion, supported by affidavit/declaration, and filed prior to, or with, the proposed judgment. This would apply to any case where Petitioner has not completed the class, or any case where Respondent or other parties have stipulated and have not completed the class.
- Alternative classes, including on-line classes, are available. However, you **MUST** contact Judge Van Rysselberghe's office (503-655-8644) for pre-approval before having your client take any alternative class. The alternative class must cover the same material and include alternative dispute resolution information as is covered by the required local class.



- Here is a list of acceptable on-line classes:
  - [www.onlineparentingclass.com](http://www.onlineparentingclass.com)
  - [www.parentingchoice.com](http://www.parentingchoice.com)
  - [www.parentclassonline.com](http://www.parentclassonline.com)
  - [www.divorce-education.com](http://www.divorce-education.com)
  - [www.childreninbetweenonline.com](http://www.childreninbetweenonline.com)
  - [www.childreninthemiddle.com](http://www.childreninthemiddle.com)
  - [www.onlineparentingprograms.com](http://www.onlineparentingprograms.com)

**NOTE:** Pre-approval is not necessary for any court-connected class offered in other jurisdictions. Additionally, parties who have already completed the required class and have proof of completion need not take the class again but must simply file a copy of the Certificate of Completion in the affected case.

## Resignation of Attorney

Judge Van Rysselberghe's judicial clerk reviews all withdrawal of attorney motions and orders in domestic relations cases before being routed to Judge Van Rysselberghe for review and signature. A checklist is used to determine if all requirements have been met. Please use the checklist in preparing your documents. If your pleadings do not meet the requirements on the checklist, your documents will not be signed. Judge Van Rysselberghe's judicial clerk will notify the filing party of any deficiencies via email. You will need to electronically file your corrected documents.

See [page 67](#) for the Resignation of Attorney checklist.

## Petitions for Appeal de Novo on Administrative Child Support Order

- The filing fee to request an appeal of an administrative child support order can be found in the courts fee schedule. The current fee schedule may be found on the OJD's website. [Click here](#) to view.
- A Petition filed under ORS 416.427(6) should not be combined with any other request for relief. It must be filed within 60 days of the administrative child support order being entered by the Circuit Court.
- A copy of the Petition must be mailed to all parties, including the administrative agency who filed the order or judgment with the court. A certificate of service should be filed with the court to avoid dismissal of the Petition.

## Vital Statistics Health Record Form

The Department of Human Services, Vital Records office has created an on-line form for use in dissolution of marriage/registered domestic partnership and annulment cases. This one form replaces the two old NCR forms – the dissolution of marriage/annulment form with an orange stripe, and the dissolution of registered domestic partnership with the brown stripe. You are welcome to use up your old *original* NCR forms, but please DO NOT make copies of the old form. DHS does not recognize copies of the NCR forms to be originals, and as such, while the court may accept the document to meet our requirements, the agency will not. Parties may end up being divorced without having any records of the dissolution at the state agency. Because the new form is electronic, but not everyone has the ability to use it electronically, it is perfectly ok to download the form and make as many copies as you need. The form is available on the OJD's website.

Please [click here](#) to access the *Record of Dissolution of Marriage, Annulment, or Registered Domestic Partnership Form*.

## Mandatory Mediation

[Click here](#) to view SLR 8.017(2)

Effective February 1, 2017, parties involved in a domestic relations case not exempted under SLR 8.017(2), are required to participate in some form of appropriate dispute resolution, including mediation, arbitration, judicial settlement conference, or a neutral-assisted settlement conference, regarding the following contested issues:

- Child custody;
- Parenting time or visitation issues (other than enforcement);
- Spousal support; and
- Allocation of assets and debts.

Parties who are exempt under subsection 2 of the rule, or parties who feel they have good cause to not be required to attend mediation may file a Motion, Declaration, and Order Requesting Waiver of Mediation. Forms to request a waiver are available at the Information Center on the first floor of the courthouse, and on the Court’s website, under local forms. To access these forms, [Click Here](#).

## Compliance with Dispute Resolution Requirements

[Click here](#) to view SLR 8.046

Proof of compliance with this requirement must be filed with the court at least 7 days before trial/hearing assignment. If mediation is completed through Clackamas County Resolution Services, CCRS will file a notice with the court, showing the status of mediation (no agreement reached, partial agreement reached, agreement reached, or failed to appear for mediation). If parties use any other resource for alternative dispute resolution, they must complete a Certificate of Required Dispute Resolution in substantial conformity with the form that is available on the Court’s website:

## Informal Domestic Relations Trial

UTCRC 8.120 went into effect August 1, 2017, regarding Informal Domestic Relations Trials. When both parties to a case agree, they can submit a Trial Process Selection and Waiver for Informal Domestic Relations Trial form to the court within 14 days of the case being “at issue.” This applies to original domestic actions or modifications filed under ORS chapter 107, ORS chapter 108, ORS 109.103, and ORS 109.701 through 109.834. The selection and waiver form must be in substantially the form specified in Form 8.120.1 in the UTCRC Appendix of Forms.

The court has discretion whether or not to allow the IDRT request and can direct the case to proceed with the traditional trial format, at any time prior to a judgment being entered.

Even if previously requested, a party can file a motion to opt out of the IDRT process, so long as the motion is filed at least ten calendar days prior to trial. Changes to the type of trial requested may result in a change to the trial date.

**For more information and access to forms on the IDRT process, [Click Here](#).**

## **Domestic Relations Fees-- [Click here](#) for a link to the current fee schedule.**

Pursuant to ORS 21.110(5), a pleading or other document shall be filed by the clerk only if the fee required under this section is paid by the person filing the document, or if a request for a fee waiver or deferral is granted by the court.

This means that the court will not enter or sign any pleading submitted without the appropriate filing fee.

### **No fee or request for waiver/deferral**

Any pleading or document that requires a fee that is submitted without payment or an approved fee waiver/deferral will be returned to your office “not filed”.

### **Insufficient fees**

The Civil / DR Case Unit clerk will place one (1) courtesy call to your office requesting additional fees be submitted. If additional fees are not submitted within 5 days, the pleading or document will be returned to your office.

In the instance where additional fees are needed on an already signed pleading or document, the Civil / DR Case Unit will place one (1) courtesy call to your office and if additional fees are not submitted within 5 days, the Presiding Judge will vacate the signature and the pleading or document will be returned to your office.

### **Pleadings or documents with hearing date set**

The Civil / DR Case Unit clerk will place one (1) courtesy call to your office requesting fees be paid on all pleadings or documents that have already been filed with a hearing date set, such as an Order to Show Cause. At the time of notification to your office, the clerk will also notify the Calendaring Unit and the Motion may or may not be assigned to a courtroom for a hearing.

**Note:** This only applies to documents that are filed conventionally or dropped in the Court’s Drop Box.

### **First Appearance Fees**

The first appearance fee will be charged to any party filing a motion or other responsive pleading with the court for the first time. This means that if the respondent in a default judgment later moves the court for modification, he/she will be charged the current first appearance fee plus any applicable motion fees.

Petitions to open a domestic relations case are subject to their own filing fees and shall not be filed in Administrative Child Support Cases that are already open and involve the same family.

### **Consolidated Domestic Relations and Restraining Order Cases**

When a Family Abuse Prevention Act Restraining Order (FAPA) is consolidated with another domestic relations case, any orders vacating the Restraining Order should be filed separately in the FAPA case, in the county in which the original FAPA was granted. This will ensure that the court clerk sends a copy of the order to the Sheriff for entry into the Law Enforcement Data System (LEDS).

Please do not include language inside a domestic relations case attempting to dismiss a restraining order filed in a FAPA, SAPO, Stalking, or EPPDAPA case. If your client wants to dismiss a restraining order from another case, please conventionally file the appropriate motion, declaration and proposed order in the affected case prior to 11 am, and have your client appear in the scheduled courtroom at 1 pm. This will ensure the clerk faxes records to LEDS and completes the appropriate data entry in the restraining order case.

## DOMESTIC RELATIONS TIPS – CALENDARING

**Reporting “Ready” Tips** (i.e. report actual time you need, not what you think will get a hearing) Call 503-655-8643, option 2, two business days prior to the hearing. Tell the clerk how much time you anticipate the hearing will take, if there are any out of town witnesses, the total number of witnesses, and whether or not there will be any expert witnesses. Reporting “not ready” is not an option. If you feel you will not be ready for the hearing, you must file the appropriate motion with the Civil / DR Case Unit.

**NOTE:** If you have a hearing that was originally set on the short docket, but now needs longer than 30 minutes, Calendaring will move it to the long docket, **if space is available**. If space is not available, Calendaring will reset your hearing **normal course**.

### Reserving a High-Technology Courtroom

You may request a high-tech courtroom, but it cannot be guaranteed. If you do not get a high-tech courtroom, you will need to provide for your own technological needs.

- Our courtrooms are being upgraded as quickly as possible; soon all courtrooms will be capable of handling any high-tech needs and remote hearings with audio and video capabilities.

### Procedure for Motions to Exclude Judges (beginning and in middle of case)

Calendaring will not consider any communication other than an Affidavit Disqualifying Judge when assigning cases. If an affidavit is filed the day of the hearing/trial, and the case has been assigned to the judge you would like to affidavit, Calendaring will try to move the case to another judge. This may result in the case being reset in normal course. You must file the affidavit by 5:00 p.m. the day of the hearing. Filing your affidavit in advance of assignment is the only way to ensure you will not be assigned to the judge upon whom you have filed an affidavit.

**NOTE:** If a specific judge has already made a significant ruling on a case, the court may not consider an affidavit.

## Docketing Procedures and Docket Descriptions

### Short Docket

If you need 30 minutes or less for your Order to Show Cause hearing, and the issue is NOT modification of custody, it may be set on the short docket. There is less wait time for this docket, and the hearings are not bumped. These matters are heard by Pro Tem judges. However, if you have a hearing originally set on the short docket that ends up needing longer than 30 minutes, Calendaring will move it to the long docket, **if space is available**. If there is no space available, Calendaring will reset your hearing **normal course**.

### Long Docket

If your Order to Show Cause needs more than 30 minutes, up to one-half day, or is a modification issue, it will be set on the long docket at 1:30 p.m.

If your Order to Show Cause needs more than one-half day, it will be placed on the 9:00 a.m. docket.

## Motion Docket

Motions must conform to the requirements set forth in UTCR 5.050-Motion must request oral argument, if desired, and include an estimate of the time required for argument and a statement whether official court reporting services are requested. If oral argument is not requested, the motion will be ruled on in chambers and placed on the 8:45 a.m. “non-oral” motion docket. In addition, please provide a Certificate of Service showing when the opposing party was served a copy of the motion.

**NOTE:** You do not need to appear for the 8:45 a.m. non-oral motion docket.

## How to Get an Order to Show Cause for Personal Appearance (Non-Modifications) Signed In Clackamas County Circuit Court

Orders to Show Cause may be signed between the hours of 9 am and noon, and 1 pm and 4 pm, on any day that the court is open.

### Schedule Hearing Date

Please go to **Room 200** on the second floor of the courthouse to schedule your hearing date on your Order to Show Cause. Write in the date you are given on your Order to Show Cause. The other party must be served at least 30 days prior to your hearing date. Make sure that the date you are given allows you enough time to complete service prior to the hearing.

### File Documents and Get Service Copies

File your documents at the Civil Cases window on the first floor of the courthouse. The clerk will authorize your Order to Show cause and will keep all your original documents. He/she will make you service copies and an additional copy for forwarding to DOJ/DCS if child support is an issue.

### Pay Fees

Unless you have a Fee Waiver Order, all fees are due in full and must be paid at the time of filing your documents. Fees are subject to change. Please verify the current filing fees by visiting the Court’s website at [www.courts.oregon.gov/pages/fees.aspx](http://www.courts.oregon.gov/pages/fees.aspx) or contact the Civil / DR Case Unit at (503) 655-8447, ext. 5. If using a sheriff for service, please contact the Sheriff’s Office in the county where the other party will be served to ask about their current service fees.

**NOTE:** If you are the respondent in this case and have never before paid a first appearance fee, you will be required to pay a current first appearance fee in addition to the appropriate fee for the action you are presently filing.

### Have the Other Party Served

Once you have completed these steps, you must immediately arrange to have the other party served with a true copy of the papers you just filed (refer to step three). Service may be done either by the **Civil Sheriff** in the county and state where the other party works or resides, or by a third party. If using a Sheriff for service, please contact the Sheriff’s Office in the county where the other party will be served to ask about their current fees. In Oregon, the Sheriff will file a Certificate of Service with the Court. A third party is someone who is **not** a party to this case. Make sure that the third party fills out the Declaration of Service form, and that you file it with the Court after service is complete.

### IMPORTANT INFORMATION

You must call the CALENDARING UNIT two business days before your hearing to confirm the date and time. Please call (503) 655-8643, Opt 2 for Civil and Domestic Calendaring.

## How to File a Modification in Clackamas County Circuit Court

Orders to Show Cause Re Modification may be filed between the hours of 9 am to noon, and 1 pm to 4 pm, any day of the week that the court is open. When you are ready to have the court sign your Order to Show Cause, please follow these steps:

### File your papers

Present the Motion, Affidavit, and Order to Show Cause, along with other necessary documents to the clerk at the Civil Cases window on the first floor of the courthouse. The clerk will take your documents for filing, provide you with a service copy, and give you a payment slip to take to the Cashier.

### Pay Fees

Unless you have a Fee Waiver Order, all fees, are due in full and must be paid at the time you file your paperwork with the court. Fees are subject to change. Please verify the current filing fees by visiting the Court's website at <http://www.courts.oregon.gov/pages/fees.aspx> and clicking on the "Circuit court fees" link, or by calling the Civil / DR Case Unit at (503) 655-8447, ext. 5. If using a sheriff for service, please contact the Sheriff's Office in the county where you will have the other party served to ask about their current service fees.

**NOTE:** If you are the respondent in this case and have never before paid a first appearance fee, you will be required to pay a current first appearance fee in addition to the appropriate fee for the action you are presently filing.

### Extra Copy for Child Support

If child support is involved, be sure to request an additional copy of your paperwork from the Civil Cases window clerk, for forwarding to DOJ/DCS.

### Have the Other Party Served

Once you have completed these steps, you must immediately arrange to have the other party served with a true copy of the papers you just filed. Service may be done either by the **Civil Sheriff** in the county and state where the other party works or resides, or by a **third party**. If using a Sheriff for service, please contact the Sheriff's Office in the county where the party will be served to ask about their current fees. In Oregon, the Sheriff will file a Certificate of Service with the Court. A third party is someone who is **not** a party to this case. Make sure that the third party fills out the Affidavit of Service form (found in your packet) and then file it with the Court after service is completed.

### IMPORTANT INFORMATION

If the other party files a written response with the court within 30 days from the date he/she is served with the paperwork, or anytime thereafter, so long as he/she has not yet been found in default, the court will schedule the case for hearing. A Notice of Scheduled Court Proceeding will be mailed to you at the address you have on file. It is your responsibility to update your address with the court directly. Mail will not be forwarded.

If a hearing is scheduled, you must call the CALENDARING UNIT two business days before your hearing to confirm the date and time. Please call (503) 655-8643, Opt 2 for Civil and Domestic Calendaring.



## **How to File an Order to Show Cause Re: Remedial Contempt in Clackamas County Court**

Orders to Show Cause may be signed between the hours of 9 am and noon, and 1 pm and 4 pm, on any day that the court is open.

### **File your Motion**

File your Motion for Order to Show Cause, with Declaration and any attachments on the second floor of the courthouse, in **Room 200**.

### **Pay Fees**

Go to the first floor, **Room 104** to pay your fee. Unless you have a Fee Waiver Order, all fees are due in full and must be paid at the time of filing your documents. Fees are subject to change. Please verify the current filing fees by visiting the Oregon Court's website at: <http://www.courts.oregon.gov/Pages/fees.aspx>. If using a sheriff for service, please contact the Sheriff's Office in the county where you will have the other party served to ask about their current service fees.

**NOTE:** If you are the respondent in this case and have never before paid a first appearance fee, you will be required to pay a current first appearance fee in addition to the appropriate fee for the action you are presently filing.

### **Schedule Hearing Date, File Documents, and Get Copies**

Please go back to **Room 200** on the second floor of the courthouse to have find out when your hearing date will be, and to get copies of your filed documents. You will receive two sets of copies; one copy is for your records, and the other is for service.

### **Have the Other Party Served**

Once you have completed these steps, you must immediately arrange to have the other party served with a true copy of the papers you just filed. Service may be done either by the **Civil Sheriff** in the county and state where the other party works or resides, or by a third party. The Sheriff will file a Certificate of Service with the Court. A third party is an adult who is **not** a party to this case. Make sure that the third party fills out the Certificate of Service form and that you file it with the Court after service is complete.

**NOTE:** Oregon law requires that the defendant in this case **MUST BE PERSONALLY SERVED**. Service cannot be done by mail or by any other method unless previously authorized by court order.

**IMPORTANT INFORMATION:** You must call the **Calendaring Unit** two business days before your hearing to confirm the date and time. Please call (503) 655-8643 Opt 2 for Civil and Domestic Calendaring.

# General Judgment Checklist

**IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF CLACKAMAS**  
**807 MAIN ST. OREGON CITY, OR 97045**

- DR \_\_\_\_\_
- \_\_\_\_\_ Fees have been paid, waived or deferred, including trial fee.
  - \_\_\_\_\_ Vital Statistics form (Dissolution/Annulment cases only) UTCR 8.010(7)(d)
  - \_\_\_\_\_ Certificate of Pending Child Support Cases w/ copy of order(s) UTCR 8.090
  - \_\_\_\_\_ Certificate of Mailing to DOJ when parties' child support rights assigned to State (TANF or child in state custody) ORS 107.087, 109.103(4), and ORS 109.125(4).
  - \_\_\_\_\_ UTCR 2.130 Confidential Information Forms filed for \_\_\_\_\_ PET \_\_\_\_\_ RSP \_\_\_\_\_ Adult Child
  - \_\_\_\_\_ Proof of Service pursuant to ORCP 7(F) including mailing on Substitute Service ORCP 7(D)(2)(b)
  - \_\_\_\_\_ \*Service made on adult child party to action
  - \_\_\_\_\_ Default Order/Affidavit ORCP 69(A) and ORCP 7(C)(2)
  - \_\_\_\_\_ Adult child party to action (or signed Waiver of Appearance by Adult Child)
  - \_\_\_\_\_ Affidavit/Declaration of Non-military Service per ORCP 69(B)(4) with additional proof of Respondent's military status per the SCRA, 50 USC app.521, 201(b)(3)
  - \_\_\_\_\_ Affidavit/Declaration in Support of Judgment Without Hearing including where and with whom children currently reside, and for how long ORS 107.095(4)
  - \_\_\_\_\_ Attorney's/Author's information on pleading UTCR 2.010(6)(7)
  - \_\_\_\_\_ Mandatory Parenting Class taken pursuant to certificate or Order to Defer/Waive per SLR 8.015 \_\_\_\_\_ PET \_\_\_\_\_ RSP \_\_\_\_\_ Other Party. To schedule, contact Clackamas County Resolutions Services (503) 655-8415
  - \_\_\_\_\_ General Judgment must be signed, and if stipulated, must be signed by all parties; including adult child who is party to action ORCP 67(F)(2)
  - \_\_\_\_\_ Legal description of real property if interest in property being transferred (you may get this info from the County Recorder or your Deed)
  - \_\_\_\_\_ Spousal Support shall be identified as Transitional, Compensatory and/or Maintenance and have findings ORS 107.105(d)(A)-(C)
  - \_\_\_\_\_ Provisions addressing medical support (ORS 25.321-25.343), uninsured medical expenses, and maintenance of life insurance as security for support ORS 107.106(1)(a)(A)(B)&(C)
  - \_\_\_\_\_ Custody information and minimum parenting plan (visitation) ORS 107.102(2)
  - \_\_\_\_\_ Support Computation Worksheet pursuant to ORS 25.270 to 25.290
  - \_\_\_\_\_ Notice of residency change (60 miles) ORS 107.159(1)
  - \_\_\_\_\_ Notice to parties to inform DOJ of change in information ORS 25.020(8)(b)(A)
  - \_\_\_\_\_ Notice of Income Withholding ORS 25.384(1)
  - \_\_\_\_\_ Income withholding exceptions if applicable ORS 25.396
  - \_\_\_\_\_ Support/Visitation Responsibility Language ORS 107.106(1)(b)
  - \_\_\_\_\_ Notice of Periodic Review ORS 25.020(8)(b)(B)
  - \_\_\_\_\_ Separate section labeled, "Money Award" in compliance with ORS 18.042, including truncated personal information, or statement as to "unknown" if required info is unknown to creditor.
  - \_\_\_\_\_ Motion, Order and Affidavit to Set Aside or Relief from Judgment if case has been dismissed
  - \_\_\_\_\_ UTCR 5.100 Certificate of Readiness on all proposed Orders/Judgments
  - \_\_\_\_\_ "Court Findings of Paternity" form for Dept. of Health Records (only in paternity cases)
  - \_\_\_\_\_ Corroborating evidence of paternity from witnesses (if paternity by default ORS 109.145)
  - \_\_\_\_\_ Other:

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## Resignation of Attorney Checklist

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EMAIL  
Todd Van Rysselberghe  
Circuit Court Judge  
807 Main St.,  
Oregon City, OR 97045  
503-655-8644 Phone

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Date:  
To:  
Email: [Troy.M.Holt@ojd.state.or.us](mailto:Troy.M.Holt@ojd.state.or.us)  
From: Judicial Clerk to Todd VanRysselberghe  
Subject: Motion for Attorney Withdrawal  
RE:

**\*\*PLEASE E-FILE REVISED DOCUMENT(S) OR  
REQUESTED INFORMATION. MAILING ORIGINAL OF E-  
FILED DOCUMENT IS NOT NECESSARY\*\***

Based upon UTCR 3.140 and the policy of this court, your Motion to Withdraw as attorney of record cannot be signed at this time for the following reason:

- It does not contain the name, address and telephone number of your client and the new attorney, if substituted.
- It has not been served on  your client  the opposing party's attorney or  If there is no attorney for the opposing party, the application must be served on the opposing party.
- It does not contain the date of scheduled trial/hearing or state that no trial/hearing is scheduled.
- It does not state good and sufficient cause.
- Pursuant to UTCR 2.010, on or after August 1, 2005, the attorney's fax number and e-mail address, if any, must also be included.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **PROBATE DEPARTMENT INFORMATION AND TIPS**

### **Probate Judges**

Hon. Susie Norby (Head Probate Judge)  
Hon. Thomas Rastetter  
Hon. Jeffrey Jones  
Hon. Michael Wetzel

### **Probate Staff**

Gina Setter	Court Mgr/Probate Sup	(503) 655-8361	<a href="mailto:gina.l.setter@ojd.state.or.us">gina.l.setter@ojd.state.or.us</a>
Rebecca Vance	Probate Coordinator	(503) 655-8623	<a href="mailto:rebecca.m.vance@ojd.state.or.us">rebecca.m.vance@ojd.state.or.us</a>
Brenda Shelley	Probate Clerk-Auditor	(503) 655-8447 opt.4	<a href="mailto:brenda.l.shelley@ojd.state.or.us">brenda.l.shelley@ojd.state.or.us</a>
Christy Poole	Probate Clerk	(503) 655-8447 opt.4	<a href="mailto:christy.l.poole@ojd.state.or.us">christy.l.poole@ojd.state.or.us</a>

General Probate Email to Contact All Probate Staff: [CLA.Probate@ojd.state.or.us](mailto:CLA.Probate@ojd.state.or.us)

For general questions, please call 503-655-8447 option 4.

During this time, some of the probate department is working remotely. One staff member is typically at the court to issue letters and review pro se filing of small estates. Typically, the probate coordinator and auditor are working remotely and can still be reached for questions. Email is preferred, but we are available by phone:

Probate Coordinator Work Cell: 971-718-6399  
Probate Auditor Work Cell: 971-718-4054

For questions about hearings and the probate docket, temporary protective proceedings, and expedited filings please contact the probate coordinator.

For questions about accountings, please contact the auditor.

For questions about how to file a small estate, get an issued letter, or general probate questions, please contact the clerk.

### **Frequently Asked Probate Questions**

#### **Q: What does the Probate Department workflow look like?**

**A:** The Probate Department currently consists of three full time positions that complete the review and maintenance of estates, trusts, and protective proceedings. Four judges rotate responsibility for the probate-calendared hearings.

Unless you are self-represented, most filings by an attorney will be submitted electronically using File and Serve, which became mandatory on February 29, 2016. Here is a direct link to the OJD e-Filing site:

<https://oregon.tylerhost.net/ofswb>.

Court staff do not have extensive training about e-Filing issues. If you need assistance with File and Serve, please contact Tyler Technologies 1-800-297-5377.

After submitting a probate document within an envelope in File and Serve, it goes into a *Probate Initial* or a *Probate Subsequent* queue for review and acceptance or rejection. Small estate affidavits are substantively reviewed in File and Serve before being accepted or rejected, following the requirements set forth in UTCR 21. Documents being reviewed by court staff change status from “submitted” to “under review.” Once a document has been accepted into a case, the document cannot be rejected. The probate department’s goal is to review and process all documents in File and Serve within 48 hours of submission (excluding weekends), but please note that staff are also answering phones, processing case documents in Odyssey, and working with judges and customers, so delays beyond that goal may occur.

Once a document is accepted from File and Serve, it will typically appear in OECI shortly thereafter, as long as it is not a protected document type (e.g. proposed or confidential document). If the document needs subsequent review or processing it is routed to staff or judicial workflows. The queues are generally processed “First In, First Out.” but due to some “batch processing” that is done to minimize system wait times, it is possible a more recent document will be processed ahead of an older document.

**Q: Who should I talk to if I have an urgent matter?**

**A:** As previously mentioned, cases are generally worked in a “First In, First Out” order, but if there is an exceptional need to have a document processed ahead of other submissions you should contact the Probate Coordinator directly because there is no way to overtly flag a submission with a priority designation, but you may leave a comment about why it is urgent in the envelope so staff can see that once they open it for review. Court staff cannot prioritize a filing if they do not know to look for it. You may also email: [CLA.Probate@ojd.state.or.us](mailto:CLA.Probate@ojd.state.or.us)

**Q: Where do I get probate forms?**

**A:** The Probate Department provides a limited number of forms on our website, which is located at <http://www.courts.oregon.gov/courts/clackamas/help/Pages/probate-foms.aspx>. Forms located there are periodically updated to comply with current statutory requirements. If the form you are looking for is not provided, you may need to consult with an attorney to draft a form or document. Alternatively, the Clackamas County Law Library, various websites with legal forms, or a legal stationary store may be able to furnish the desired form. Court staff cannot offer recommendations of any specific provider.

Included in the materials presented here are checklists and forms that the Court may utilize to process and track probate cases. These materials are provided for convenience and transparency but should not be relied upon as Court policy or legal advice.

Although a party is allowed to appear in a case without legal representation, Clackamas County enforces Supplemental Local Rule [\(SLR\) 9.085](#) that requires the unrepresented party to demonstrate competency. In addition, failure to adequately administer the estate could result in the fiduciary’s removal or replacement.

**Q: I am pro se (without legal representation), may I electronically file a document or case?**

**A:** The probate department encourages electronic filing. Electronically filing (e-filing) is **not** the same circumstance as emailing probate staff a document. If this occurs, you will receive a response informing you that the document must be filed either conventionally (in paper) or electronically through the e-filing system. A small number of documents must be filed conventionally as required by UTCR 21.070(3)(h)(i).

If you have access to the internet, please see this link to create an account and electronically file your documents (for free unless a filing fee is required due to the type of document being submitted):

<https://www.courts.oregon.gov/services/online/Pages/efile.aspx>

Be sure to carefully monitor your email address because if documents are rejected (e.g. if the documents are unsigned), you will be notified through the e-file system electronically with further instructions.

If you use the electronic filing system, it is your responsibility to make sure your documents are filed. You can review the case summary on the court website here:

<https://webportal.courts.oregon.gov/portal/Home/Dashboard/29>

If you have questions about how to use the e-file system, please contact Tyler Technologies at 1-800-297-5377.

**Q: Why were my documents rejected from File and Serve?**

**A:** There is a variety of reasons that your documents may be rejected in File and Serve, and almost every reason can be found in [UTCR 21](#), the new UTCR governing electronically submitted documents. The most common reason is for failure to include a required filing fee. For submissions that vary in the amount of fee due (initiating petitions, annual accountings, etc.) there is an “Optional Service” button that will allow you to select the correct filing fee associated with the document.

Please remember that motions and orders must now be filed as separate documents and cannot be filed as one consolidated document. *See* UTCR 21.010(12)(c).

To comply with the statutory rejection reasons and statewide processes, probate staff are no longer rejecting documents (including initial filings) for substantive reasons other than the UTCR 21 requirements. This does not apply to small estate affidavits.

To potentially avoid a delay in the signing of an order or judgment in a protective proceeding, an electronic notice has been generated that will be sent to the attorney to indicate that a further review of the petition may be necessary. This letter is not legal advice. It is the filer’s sole duty to identify and correct issues in pleadings. Court staff’s ability to spot check documents for potential flaws is limited by staff time and availability. Some issues may also be noted in the case register. Filers are encouraged to review OECI after acceptance of documents to review the case summary and address any concerns before a review of an order or judgment. These tools must not be relied on exclusively to identify or correct pleading errors. This change has resulted in numerous denied orders and judgments that may be re-addressed with an amended filing to correct the omission or deficiency.

**Q: Can I submit confidential documents?**

**A:** Yes, so long as it is a form of document that is allowed to be filed confidentially, and justification for the confidential filing has been provided as required by statute or rule. Certain document types, such as death certificates (CEDT) and segregated information sheets (IFSI), are automatically filed confidentially; others, like vouchers (VC), are permitted to be filed confidentially. If a document was submitted confidentially but should not have been, court staff will likely correct the designation without notification.

**Q: My petition was accepted; Now what?**



**A:** The filing party will receive an acceptance email notification that the filing has been accepted.

For estate cases if there is no bond required, the probate clerk will immediately issue letters of administration or letters testamentary after the limited judgment of appointment has been signed. If bond is required, a proposed bond (PPBD) must be submitted and approved prior to issuance of letters. The proposed bond is typically signed by the probate coordinator. At the time of appointment (entry of the judgment) the probate clerk will also set due dates for statutorily required filings (inventory, accountings, etc.) and for SLR-based obligations (like the non-professional fiduciary requirement SLR 9.076). If the proposed fiduciary would like to request that the class is waived (usually for attorneys that are appointed as the fiduciary and have extensive probate experience), a motion, declaration, and order for a Judge to review should be filed or the language may be included in the petition and limited judgment of appointment.

For testate estates, the original last will must be submitted to the Court within seven days of acceptance of the petition (UTCRC 21.070(3)(h)(i)). Hard copies of bonds and death certificates are not required to be submitted unless requested by the Court (not including small estates).

For protective proceeding cases, the Court will await submission of copies of notices required under ORS 125.070 and proof of notice as required by [ORS 125.060 and 125.065](#). If a Court Visitor is required, court staff will generate a form of order appointing the visitor after the visitor fee has been paid to the Court. Once all preliminary requirements have been fulfilled, the Court will approve a proposed limited judgment of appointment that has been submitted by the petitioner. If a bond is required, letters of appointment will not be issued until the bond has been approved.

Letters of appointment will be generated and issued by the Court, and the filer should not submit proposed forms of letters. When letters are to be issued in any type of case, the Court will mail a courtesy set to the filing attorney's Oregon State Bar mailing address. The computer system automatically updates attorney contact information, once a month, from the Oregon State Bar website. If you are an attorney that has recently moved, please flag this change for the court staff so letters of appointment will be directed to the new address and not the system address. Please file a short letter with the proposed judgment or petition to request that letters be sent to a new address. Court staff do not have the ability to manually update an attorney's contact information.

Additional issued letters or certified copies of limited judgments can be requested and paid for according to Record Request procedures.

**Q: How do I get a Court Visitor appointed?**

**A:** The list of Court Visitors is posted on our website:  
<http://courts.oregon.gov/Clackamas/Pages/formsProbate.aspx>

As of July 1, 2019, probate visitors are appointed on a rotation and the court collects the fee on behalf of the visitor. An electronic notification will be emailed to the attorney with instructions for payment because the fee cannot be added to an envelope through File and Serve. The accounting unit will take the fee over the phone with a credit card. Probate staff do not have the ability to tender funds. Accounting can be contacted at 503-655-8453. As explained in the Presiding Judge Order 2019-03, the visitor fees are:

- \$400 for a Temporary Guardianship
- \$550 for an Indefinite Guardianship
- \$150 for an Indefinite Guardianship when a Temporary Guardianship is already filed (within one calendar year for a total fee of \$550)

\$550 for a Temporary and Indefinite Guardianship (when filed contemporaneously)

Once the visitor fee has been paid, court staff will draft the order to appoint the visitor. The visitor will receive an emailed copy of the order. However, it is the filer's responsibility to follow-up with the visitor to provide any other necessary information.

**Q: How do I get a hearing?**

**A:** It depends on the purpose of the hearing.

Generally, the Court will schedule all hearings on probate matters on one of three calendars: probate, citation, or general civil. Certain types of filings precipitate a hearing automatically: objections, will contests, requests for summary determination, and petitions for certain actions, etc. The amount of time requested for the hearing should be included in the document requesting the hearing. If it is not included, the probate coordinator may contact the parties to request they confer and agree on an estimate for the time required. Please note that some hearings, such as will contests, have a mandatory settlement conference that will be scheduled by the probate coordinator prior to the date set for hearing. If a hearing is scheduled and additional time is needed, please contact the probate department as soon as possible. Normally, the length of the hearing will be included in the hearing comment that is listed on the hearing notice and case summary.

Generally, if the hearing is estimated to take less than 3-4 hours, it will be scheduled on the probate calendar, which is normally held on alternating Fridays. The morning probate calendar typically begins at 9:30 AM, resumes at 1:30 PM, and is heard by a rotation of probate judges. Cases are generally not assigned to a specific Judge. If the hearing is estimated to exceed 4 hours, it will generally be scheduled by the probate coordinator, working with the calendaring unit, to place the matter on the civil docket when there is judicial availability. The calendaring unit handles the scheduling of *many* cases, and certain types of cases take priority over certain probate matters.

The third probate calendar is the citation docket, which is almost exclusively used to hear citations resulting from deficient or delinquent filings and other Court-raised concerns. It begins at 9:00 AM immediately before the probate calendar. If a deficiency or delinquency in a filing is remedied, **with adequate time for review before the hearing**, the citation may be canceled. If you know that there is a conflict with the date, please file a motion, declaration, and order for postponement as soon as possible.

Keep in mind, the probate coordinator manages the probate dockets so questions about citations or other hearings should be directed to that individual. The coordinator generally prepares the cases for hearing the week of the hearing. Please be patient if a hearing is scheduled and you have filed a document to remedy the hearing. If the hearing is still scheduled Wednesday afternoon, the week of the hearing, please reach out to the coordinator if you believe the matter for citation has been remedied.

Rarely, a party in a probate case may need a show cause hearing date. To request this type of hearing, please submit the motion electronically with the proposed order. Then contact the probate coordinator to arrange for a prospective date or leave the dates blank for the probate coordinator to annotate the information where space is available on the calendar. Once the date has been provided, the moving party will then serve the show cause notice on the opposing party. A placeholder hearing date is entered, but the Court does not issue notice of the hearing; that is the responsibility of the moving party.

**Q: I have a hearing and would like to appear by phone or electronically – what are my options?**

**A:** Currently, the probate coordinator can approve telephonic appearances. This is subject to change based on the Chief Justice Orders and Presiding Judge Orders.

The current procedure, at the time of the guide's update, is: Email the probate coordinator **at least** 48 hours before the hearing. If you are requesting telephonic appearances less than 48 hours before the hearing, you must file a motion, declaration, and order for a Judge to review. In the email to the coordinator, include the party's name, preferred contact information, and party type.

Hearings can potentially be held by Webex, but there are a limited number of cases that can be accommodated due to the number of high-tech courtrooms. Requests for Webex appearances should be made as early as possible and must comply with the Presiding Judge Orders.

This section will likely change and may transition from the expectation of in person appearances to virtual/telephonic appearances unless an in-person appearance is requested.

[Click Here](#) to go to our current **COVID-19** information, including guide sheets on remote hearings (bottom of page).

**Q: Is there probate ex parte?**

**A:** No - There is no designated probate ex parte time.

If there is an urgent matter that the filing party believes requires immediate attention, please contact the Probate Coordinator directly. In most circumstances, the ex parte submissions can be submitted through File and Serve and reviewed promptly. If a temporary or emergency petition for appointment is submitted, please contact the Probate Coordinator to alert the Court that there is an urgent matter. Court Staff aims to process all File and Serve filings within 48 hours of submission, but if a document needs immediate attention, emailing or calling to notify staff is prudent.

**Q: Why do I have to be bonded, and what does an asset restriction involve?**

**A:** The Court generally requires any fiduciary to be bonded for the full amount of the assets to be administered plus the annual income expected to be received. The bond protects both the beneficiaries (or protected person in conservatorships) and the creditors of the estate from breach of the fiduciary's duties. Unless statute prescribes the circumstances in which bond may be waived, the Court requires consent and adequate assurance of protection for all interested parties prior to waiver. Thus, in an intestate estate, consents from all heirs plus assurance that creditors will not be prejudiced by waiver would be required. The latter is usually submitted in the form of an affidavit regarding the creditors of the estate. *See also* [SLR 9.055](#).

An alternative to bonding is restriction of assets. If property is to be restricted, the language of restriction must be included in the judgment setting the restriction. *See* UTCR 9.050. The form of acknowledgment of restriction, which must be filed within 30 days of the entry of the judgment, should be substantially similar to the form provided by the Court, available here:

<http://www.courts.oregon.gov/courts/clackamas/help/Pages/probate-foms.aspx>

Court approval by order or judgment must be obtained before any disbursement, release, or sale of any restricted asset or account.

**Q: What is Guardian Partners, and why do I have to take a class?**

**A:** Guardian Partners is a non-profit organization that administers the non-professional fiduciary class

required under [SLR 9.076](#). The class requirement was approved by the presiding judge after an unfortunate history of appointed fiduciaries intentionally or accidentally breaching their fiduciary obligations. Most attendees find the class helpful and worth the registration fee, which is a cost of administration. The attendee should register directly with Guardian Partners, whose contact information is available at [www.guardian-partners.org](http://www.guardian-partners.org). Once the class has been completed, Guardian Partners will file a certificate of completion into the case on behalf of the attendee.

**Q: What is the Guardian Monitor Program?**

**A:** Clackamas County Courts has adopted the **Guardian Monitor Program**. An appointment of a monitor through the Guardian Partners Monitor program would most likely be made on the court's own motion under [ORS 125.120](#). For additional information on the Guardian Monitor Program and the most recent report on cases of abuse against elders and adults with disabilities by the Oregon Dept. of Human Services, Click Here: <http://www.guardian-partners.org/monitoring/>

**Q: I have an estate case where the only asset is a wrongful death claim. Do I have to fully administer the estate?**

**A:** Since proceeds from a wrongful death case are not considered an asset of the estate, and thus subject to probate administration, you are not required to complete all requirements of a typical estate administration. If any of the standard requirements of a probate administration are requested to be waived, such request must be presented in the petition and limited judgment of appointment. All of the requirements of a petition under [ORS 113.035](#) must still be included in the petition seeking appointment; if the decedent died testate, the original will must be submitted.

If the only asset of the estate is proceeds from a personal injury claim, none of the above waivers will apply since personal injury proceeds are considered an asset of the estate. If a personal representative needs to be appointed for some other reason (i.e., to receive service on a claim to subrogate an insurer), the facts and circumstances of such appointment must be thoroughly explained in the petition. The requirements on this type of personal representative are handled by the Court on a case-by-case basis.

For all case types discussed in this section, the Court requires a semi-annual status letter as to the underlying action or claim. The letter does not need to be extensive, but merely a check-in with the Court to keep the case open and active. The letter should be electronically filed (code LT).

**Q: Why am I no longer receiving courtesy notices?**

**A:** Probate staff are no longer sending courtesy notices. Deficient or delinquent filings will be set for hearing, often the day after the missed due date. Filers are encouraged to calendar their own statutory time obligations and to not rely on the court as a calendar.

**Q: Can I have an extension on the due date?**

**A:** Possibly.

Statutorily prescribed deadlines for filings should be adhered to in order to effectuate efficient administration of the case. Nevertheless, the Court recognizes that unforeseen circumstances may hinder timeliness.

When good cause exists to allow for an extension, a request for extension should be submitted through File and Serve or in paper if filed by a pro se individual. The request may be in the form of a letter and must be

electronically submitted (RQEX). The Probate Coordinator has authority to approve (or deny) the first request of up to 60 days. If an extension has previously been allowed or a request seeks more than 60 days, the extension request must be in the form of a motion, affidavit, and order for review by a judge.

Any granted extension runs from the original due date of the filing.

**Q: Can I get a set over on my court date?**

**A:** A set over on a calendared hearing date requires a written request. If the parties stipulate to a set over, they may submit a stipulated order for approval by the judge. If the parties do not stipulate, a motion, declaration, and order with service on the opposing party is required.

The Court can rarely accommodate special requests for dates since our Probate calendar and judicial resources are limited. An order for set over will likely lead to a reset hearing in due course, when there is calendar availability.

The Court will not set over citation hearings without extenuating circumstances. Any request for a set over of a citation hearing date requires an affidavit in support of the request for review by the judge.

Keep in mind, SLR 9.035(3) requires all matters for citation to be remedied **at least three days before the citation hearing or personal appearance is required by the attorney and the fiduciary.**

**Q: How do I get copies of documents or fiduciary letters from my probate case?**

**A:** The Court encourages you to subscribe to OJCIN, the publicly accessible case viewing system that allows you to view the case register and open .PDF versions of case documents. You can register here: <http://www.courts.oregon.gov/services/online/Pages/ojcin.aspx>

Court-certified copies of documents from the case can be requested through the Clackamas County Court Records Unit. Instructions for records requests are available on-line at <http://www.courts.oregon.gov/courts/clackamas/records/Pages/default.aspx> or on [pages 6-7](#) of this guide. Copy and certification costs apply. Certified copies of fiduciary letters will only be issued to the appointed fiduciary or their attorney of record. The Probate department issues fiduciary letters and questions regarding copies of letters should be directed to the Probate Clerks.

**Q: I stopped representing my client, but the court keeps sending hearing notices. Why?**

**A:** You are likely still listed as the attorney of record for the appointed fiduciary. Especially in guardianship cases, where the appointed fiduciary can normally complete their annual report without the assistance of counsel, the Court has found that many attorneys stop actively representing their client. **If an attorney has stopped representing the fiduciary, the individual should withdraw as counsel.** Otherwise, the attorney will be issued notices and treated as the active counsel for the fiduciary.

If there is a required filing overdue or coming due within the subsequent 90 days, withdrawal must be requested by motion and order. If the case is current and there is no filing coming due within the above timeframe, a notice of withdrawal is acceptable. [SLR 9.045](#) requires notice to the bonding company if you plan to withdraw while a bond is in place.

If you are withdrawing from a conservatorship or an estate proceeding, pursuant to SLR 9.085, a citation hearing will likely be set to address court concerns with the withdrawal of counsel.

## Requests For Fees In Probate Cases

[Link to UTCRs & SLRs](#)

### Attorney Fees

Requests for payment of attorney fees must be approved by the Court prior to payment from estate or the protected person's assets. Fee requests must comply with [ORS 116.783](#), 125.095, 125.098 and UTCR 5.080, 9.060, *and* be accompanied by an itemized affidavit. *See* SLR 9.091. Attorney fees are not allowed in Estate proceedings prior to General Judgment of Final Distribution unless they are necessary for tax purposes and such necessity is so stated or explained in the petition.

### Fiduciary Fees

Requests for payment of fiduciary fees must also be accompanied by an itemized affidavit. SLR 9.091(4).

The fiduciary *must* obtain approval from the Court prior to paying a family member or individual with whom he or she has a pecuniary or financial interest to perform management duties. The fiduciary disclosures section of the annual accounting must explain in detail any interested transactions.

*\*\*Attorneys, please discuss reasonable fiduciary fees with your clients. \*\**

## Probate Practice Reminders

Links to: [UTCRs, SLRs & ORSs](#)

1. All pleadings must comply with UTCR 9.030 - (Address, telephone number, etc.).
2. All orders must comply with UTCR 2.010(12)(a) - (Two lines of text above Judge's name on orders).
3. Estates must comply with Department of Human Resources, Estate Administration Unit notification, ORS 113.145(6).
4. Estate petitions must include reference to **both ORS 113.035(8) and (9)** – omission of mention of these statutory subsections is not interpreted as inapplicability.
5. Remember to notify Long Term Care Ombudsman when respondents are residents of a nursing home or residential facility, ORS 125.060(7)(b).
6. Semi-annual status letters must be filed to keep the Court apprised of the status of underlying wrongful death or personal injury claims.
7. Remember that it is the responsibility of the attorney to have the Acknowledgment of Restrictions signed by the institution. The probate judges insist on the language in the restriction requiring the depository institution to pay the value of funds disbursed without prior court authorization. *See* UTCR 9.050 and the form of Acknowledgment of Restriction below.



8. Accountings *must* comply with UTCR 9.160. Asset schedules are required pursuant to UTCR 9.160(2). Although the Court thoroughly audits accountings, the auditor *is not a replacement for diligent and attentive accounting practices*. Compliance with the UTCR accounting requirements is mandatory; if the auditor cannot properly audit the accounting, it will not be presented to the judge for approval.
  - a. Auditor's Reminders:
    - When creating your accounting, please keep in mind that the auditor is not privileged to the same information that you have as the attorney when speaking with your client
    - The auditor will not make assumptions based on the filing
    - To prevent follow-up from the Auditor, the accounting should be as transparent as possible
    - Include well-detailed receipts and disbursements – “who, for what, how much, and when”
    - Vouchers will not be waived before the auditor knows whether they will be necessary
    - Thorough descriptions must be provided in the narratives relating to fee statements – itemization does not provide a complete picture of the work
    - Comprehensive narratives may help to expedite review and approval of accountings
    - If reimbursements for expenses are requested, they must be itemized and corroborating documentation must be included
    - The prayer of the accounting or verified statement and proposed order or judgment (see below) must match in substance and content (including the proposed distribution)
9. The Court will not approve an order for waiver of the requirement to submit vouchers and depository statements. Staff do not know whether all vouchers and depository statements need to be submitted until the Auditor has preliminarily reviewed the accounting. If the Auditor requests vouchers, depository statements, or other documents related to the accounting, the documents should be promptly submitted to the Court (not emailed). A citation hearing may be set if no response is received or the documents are not filed in a timely manner.
10. An Annual Report of Restricted Funds with a depository statement corroborating the ending balance will be accepted in lieu of an annual accounting in conservatorship cases where the only asset is a restricted depository account.
11. If parties are acting as co-guardians, each guardian *must* sign the annual report of guardianship.
12. Practice varies from county to county and these differences may not be addressed within the Supplemental Local Rules. Please contact the probate staff if you have questions about our local practice.

## Judgments and Orders in Probate Court

Court Action	Probate Estates	Conservatorships	Guardianships
Decision on a petition for appointment of fiduciary.	Limited judgment. ORS 111.275.*†○ Usually also admits will to probate.	Limited judgment. ORS 125.030 (1).† See ORS 125.400.	Limited judgment. ORS 125.030 (1).† See ORS 125.305.
Admitting will to probate.	Limited judgment, if it also appoints a personal representative. ORS 111.275. *†○		
Decision on a petition for removal of fiduciary.	Limited judgment, whether granting or denying removal. ORS 111.275 (1).*○	Limited judgment, if it appoints a new fiduciary. ORS 125.030 (1).†	Limited judgment, if it appoints a new fiduciary. ORS 125.030 (1).†
Decisions in will contests.	Limited judgment. ORS 111.275 (1).*○		
Placement of a protected person.			Limited judgment. ORS 125.030.*○
Sale of residence of protected person.		Limited judgment. ORS 125.030 (2).*○	
Declaratory judgment decisions.	Limited judgment. ORS 111.275 (1).*○	Order.	Order.
Decisions awarding fees and/or expenses (see below for final accountings).	Limited judgment. ORS 111.275 (1). *○	Limited judgment. ORS 125.030 (2).*○	Limited judgment. ORS 125.030 (2).*○
Approving an interim accounting without objection and without awarding fees or expenses.	Order.	Order. ORS 125.480.	
Decisions on interim accountings after objection, or awarding fees or expenses	Limited judgment. ORS 111.275 (1).*○	Limited judgment. ORS 125.030 (2).*○	
Decisions on petitions for final accounting, approving distribution, and awarding fees and expenses, or after an objection	General judgment approving final accounting and approving final distribution. ORS 111.275 (1);*○ ORS 116.113; ORS 18.005 (7)	Limited Judgment approving final accounting. ORS 125.030 (2).*○	
Decisions on petitions for final accounting and approving distribution without objection, but <u>not</u> awarding fees or expenses.	Order approving final account and general judgment of final distribution. ORS 116.113; ORS 18.005(7).	Order approving final account and general judgment closing the proceeding. ORS 125.090; ORS 125.480; ORS 18.005(7).	
Termination of a protective proceeding.		General judgment. ORS 125.090; ORS 18.005(17)	General judgment. ORS 125.090; ORS 18.005(17)
Discharging fiduciary after general judgment on final account.	Supplemental judgment. ORS 116.213; ORS 18.005(17).		
Additional decisions after entry of general judgment.	Supplemental judgment. ORS 18.005(17).	Supplemental judgment. ORS 18.005(17).	Supplemental judgment. ORS 18.005(17).

[Click here for current ORSs](#)

### Footnotes:

\* ORS 111.275(2) and ORS 125.030(3) both required that the court must determine “that there is no just reason for delay” before entering a limited judgment under ORS 111.275(1) and ORS 125.030(2). However, the limited judgment document need not reflect that determination.

*Interstate Roofing v. Springville*, 347 Or. 144 (2009). The safest practice would be to include that representation in the petition and then to include that determination in the limited judgment. It is also not necessary to use the word “adjudged” in a limited judgment, *Interstate Roofing v. Springville*, 347 Or. 144 (2009).

○ ORS 111.275(1) and ORS 125.030(2) provide that a limited judgment “may” be used in these situations. Most courts now require the use of a limited judgment, even though the use of an order appears to be permissive in the statute. An order would be appropriate in these situations if there is a reason for delaying entry of an appealable judgment, such as when a proceeding is close to being terminated and a general judgment can be used to combine all of the rulings of the court. Note, however, that a limited judgment is always used to appoint a fiduciary in a protective proceeding. ORS 125.030(1). When appointing a personal representative, ORS 125.030(2) states that a limited judgment “may” be used.

† The use of the phrase “limited judgment” may be confusing to financial institutions and others dealing with a fiduciary operating pursuant to an appointment under a limited judgment. To clarify that the fiduciary has full powers to act as fiduciary, it is suggested that both the caption and the body of the limited judgment reflect those full powers. For example, the document appointing a personal representative might be labeled as a “limited judgment admitting will to probate and appointing personal representative with full powers.”

### General Notes:

1. The provisions summarized above were enacted by HB 2359 (2005 Oregon Laws Ch. 568). That act has been codified as part of ORS Chapters 111 (general provisions), 116 (probate estates), and 125 (protective proceedings). Additional changes were made by SB 370 (2009 Oregon Laws Chapter 50).
2. ORS 112.205(4) states that the probate court operates through orders and judgments. ORS 111.275(1) and 125.030(2) provide that limited judgments may be used only in certain enumerated situations. In estates, ORS 116.113 states that a general judgment will be used to direct the distribution of assets. In protective proceedings, ORS 125.090 states that a general judgment will be used to terminate a proceeding. The statutes do not authorize limited or general judgments in other situations. Accordingly, this chart (see above) indicates that an order should be used in all situations where the statute is silent as to the type of document to employ. For the same reason, court decisions should be in the form of orders in situations not described in this chart.
3. For the definition of general judgments and limited judgments, see ORS 18.005. A general judgment is defined as a judgment which disposes of all the remaining issues (requests for relief) that have not previously been decided by a limited judgment. ORS 18.005(7). However, a proceeding might result in interim rulings on various issues, and those interim rulings will be entered as limited judgments if they dispose of one or more issues (open or more requests for relief), but less than all of the issues. ORS 18.005(13). They will be entered as orders if they do not dispose of a request for relief. ORS 18.005(13). A limited judgment may not be used to dispose of a “portion of a claim...; rather, a limited judgment must dispose of a whole claim or of

all claims against a party.” *Steele v. Mayoral*, 231 Or. App. 60 (11/4/09). Supplemental judgments are entered after the entry of a general judgment; they usually deal with the discharge of the fiduciary and other matters specifically authorized by statute. ORS 18.005(17). Limited judgments, general judgments, and supplemental judgments are appealable, assuming the appealing party preserved their right to appeal by timely objecting to the entry of the judgment, and filed their notice of appeal within the applicable time period. ORS 19.205. The time period for appeal is generally 30 days from entry of the judgment. ORS 19.255.

4. In trust proceedings, a general judgment is usually entered at the conclusion of the proceeding. However, a proceeding might result in interim rulings on various issues, which are discussed above. In those situations, ORS 111.275 (which governs probates) does not apply, and ORS 18.005(7)(a) and ORS 18.005(13(d)) do apply. That latter statute authorizes limited judgments only when a legal authority specifically authorizes the use of a limited judgment. As a result, limited judgments are available to a lesser degree in trust matters than in probates and orders should be used for most interim rulings in trust proceedings.
5. In wrongful death probates, an order should be used to approve a settlement and/or an apportionment of the proceeds of the wrongful death action pursuant to ORS 30.040 and 30.050. After the order is entered and the proceeds distributed, file receipts with the court and request a general judgment incorporating the prior orders(s), discharging the personal representative, exonerating the bond (if any), and closing the estate.
6. In a proceeding to appoint a successor custodian under ORS 126.862(6), petition the probate court and then enter a general judgment appointing the successor. A limited judgment is not necessary because the court will not have continuing supervision over the fiduciary.
7. This is a summary only; please review the text of the statutes regarding the application of the law to particular situations. Statutes not cited here may also be relevant.

## **Probate E-Filing Guide**

See the table below to determine the preferred method of filing probate documents. The probate clerks will modify many of the filing events after acceptance (e.g. to add a comment). Documents will not be rejected that do not follow this procedure, but it makes it much more efficient on the judges and staff to have documents submitted using the method described below.

Please see the current fee chart for filing fees and first appearance fees. If it is necessary to pay a higher filing fee upon the submission of an inventory, and the filing fee difference is no longer an option in File and Serve due to the fee changes, please contact the probate department to pay the requisite fee over the phone or send a check with a cover letter. Please contact the probate department before contacting accounting so that the appropriate notes can be entered into the case for accounting to process the fee. It is likely the inventory will not be accepted until the appropriate fee has been received.

Certain documents must be wet-signed by the fiduciary. Generally, this is any document where the fiduciary is acting in a fiduciary capacity (e.g. declaration of compliance regarding creditors and annual reports or accountings). Initial petitions must also be wet-signed by the petitioner.

<b>Document</b>	<b>Code</b>	<b>Link to Party</b>	<b>Fees</b>
Accounting – Annual	ACAN	Filing Party/Parties and Attorney	Yes
Accounting – Final	ACFN	Filing Party/Parties and Attorney	Yes
Acknowledgement	ACKN	Filing Party/Parties and Attorney	No
Acknowledgement of Restricted Assets	AKRA	None	No
Address Change	ADCH	Party Referenced by Address Change	No
Affidavit	AF	Filing Party/Parties and Attorney	No
Affidavit of Attesting Witnesses	AFWT	None	No
Affidavit of Compliance (e.g. Search for Claims)	AFCP	Filing Party/Parties and Attorney	No
Affidavit of Counsel	AFCN	Attorney	No
Affidavit of Mailing	ADMA	None	No
Affidavit of Publication	ADPU	None	No
Affidavit – Request to Segregate Information	AFSI	Filing Party/Parties and Attorney	No
Affidavit – Small Estate (and Amended Small Estate)	AFSE	Filing Party/Parties and Attorney	Yes (for Initial Filing)
Affidavit – Support Attorney Fees	AFSA	Attorney	No
Agreement	AG	Filing Party/Parties and Attorney	No
Answer	AN	Filing Party/Parties and Attorney	Possibly
Annual Report of a Guardian (or Final Report)	REGD	Filing Party/Parties and Attorney	No
Annual Report of Restricted Funds (or Final Report)	REAN	Filing Party/Parties and Attorney	No
Bond (Proposed)	PPBD	None	No
Certificate (e.g. Guardian Partners)	CE	Party Referenced by Certificate	No
Death Certificate	CEDT	Deceased Party or None if Not a Party to the Case	No
Claim Against the Estate	CCES	None	No
Claim Amended	CCAM	None	No
Claim Disallowance	CCDS	Filing Party/Parties and Attorney	No
Codicil	CX	None	No
Consent	CN	Filing Party/Parties and Attorney if Consenting Individual or None if Different Party	No
Consent to Accounting	CNAC	Filing Party/Parties and Attorney if Consenting Individual or None if Different Party	No
Consent to Appointment	CNAP	Filing Party/Parties and Attorney if Consenting Individual or None if Different Party	No

Consent to Serve	CNSV	Filing Party/Parties and Attorney if Consenting Individual or None if Different Party	No
Declaration	DD	Filing Party/Parties and Attorney	No
Disclaimer	DL	Filing Party/Parties and Attorney if Disclaiming Individual or None if Different Party	No
Information	IF	Filing Party/Parties and Attorney	No
Information to Heirs	IFHR	Filing Party/Parties and Attorney	No
Information Estate Administration	IFEA	Filing Party/Parties and Attorney	No
Inventory	IT	Filing Party/Parties and Attorney	Possibly
Inventory Amended	ITAM	Filing Party/Parties and Attorney	Possibly
Judgment Proposed	PPJG	None	No
Last Will and Testament	LWTR	None	No
Letter	LT	Filing Party/Parties and Attorney	No
Memorandum	MM	Filing Party/Parties and Attorney	No
Memorandum Trial	MMTL	Filing Party/Parties and Attorney	No
Motion	MO	Filing Party/Parties and Attorney	No
Motion to Amend	MOAM	Filing Party/Parties and Attorney	No
Motion to Appoint Counsel	MOCL	Filing Party/Parties and Attorney	No
Motion Attorney Fees	MOAF	Filing Party/Parties and Attorney	No
Motion Attorney Withdrawal	MOWA	Filing Party/Parties and Attorney	No
Motion to Change Venue	MOCV	Filing Party/Parties and Attorney	No
Motion to Compel Production	MOCP	Filing Party/Parties and Attorney	No
Motion Continuance	MOCO	Filing Party/Parties and Attorney	No
Motion Dismissal	MODM	Filing Party/Parties and Attorney	No
Motion for Judgment	MOJG	Filing Party/Parties and Attorney	No
Motion Postponement	MOPN	Filing Party/Parties and Attorney	No
Motion Extension of Time	MOET	Filing Party/Parties and Attorney	No
Motion – Show Cause	MOSH	Filing Party/Parties and Attorney	No
Motion – Telephonic Testimony/Appearance	MOTT	Filing Party/Parties and Attorney	No
Notice	NO	Filing Party/Parties and Attorney	No
Notice of Attorney Withdrawal	NOWA	Filing Party/Parties and Attorney	No
Notice of Representation	NORP	Filing Party/Parties and Attorney	No
Notice of Substitution of Attorney	NOSA	Filing Party/Parties and Attorney	No
Notice of Time to File Objections	NOTO	Filing Party/Parties and Attorney	No
Objection	OB	Filing Party/Parties and Attorney	Yes (unless objector is the respondent)
Petition	PT	Filing Party/Parties and Attorney	No
Petition – Amended	PTAM	Filing Party/Parties and Attorney	Possibly
Petition for Attorney Fees	PTAF	Filing Party/Parties and Attorney	No
Petition for Partial Distribution	PTPD	Filing Party/Parties and Attorney	No



Petition to Admit an Intestate Estate	PTIE	Filing Party/Parties and Attorney	Yes
Petition to Appoint a Conservator	PTAI	Filing Party/Parties and Attorney	Yes
Petition to Appoint a Conservator and Guardian	PTCG	Filing Party/Parties and Attorney	Yes
Petition to Appoint a Guardian	PTAH	Filing Party/Parties and Attorney	Yes
Petition to Appoint a Guardian ad Litem	PTAG	Filing Party/Parties and Attorney	No
Petition to Appoint a Personal Representative	PTWL	None	Yes
Petition to Appoint a Successor (Fiduciary)	PTAS	Filing Party/Parties and Attorney	Possibly
Petition to Appoint a Temporary Fiduciary	PTTM	Filing Party/Parties and Attorney	Possibly
Petition to Authorize Sale of Real Property	PTAP	Filing Party/Parties and Attorney	No
Petition to Authorize Settlement	PTAE	Filing Party/Parties and Attorney	No
Proof of Service	PRSV	Party Receiving Service or None if Different Party	No
Receipt	RPT	None	No
Release	RL	None	No
Reply	RY	Filing Party/Parties and Attorney	Possibly
Request	RQ	Filing Party/Parties and Attorney	No
Request for Extension	RQEX	Filing Party/Parties and Attorney (Only if requesting sixty days from the original due date)	No
Request for Notice	RQNO	Filing Party/Parties and Attorney	Yes
Request for Summary Determination	RQSD	Filing Party/Parties and Attorney	Yes
Response	RN	Filing Party/Parties and Attorney	Possibly
Satisfaction	SA	None	No
Statement (e.g. Professional Fiduciary Disclosure)	ST	Filing Party/Parties and Attorney	No
Statement of Attorney Fees	STAT	Attorney Requesting Fees	No
Verified Statement	STVF	Filing Party/Parties and Attorney	No
Voucher	VC	None	No
Waiver	WV	Filing Party/Parties and Attorney if Individual who Signed Waived or None if Different Party	No
Withdrawal	WD	Filing Party/Parties and Attorney	No

## **2021 Probate Changes – Pending Supplemental Local Rules**

If you have any questions, please speak to the probate coordinator to discuss policy changes.

### **SLR 9.020 Probate Estate Filings:**

- (1) All petitioners in estate proceedings shall state their full legal name in the petition.
- (2) Petitions to open estate proceedings must clarify the relation of each heir to the deceased following consanguinity and passage by representation as described in ORS 112.045 and ORS 112.065, to enable the court to confirm that distribution of estate assets is just and proper.
- (3) Petitions to open estate proceedings that include requests to waive bonds shall clearly explain the reason waiver is just and proper in light of all known assets and creditors and shall be supported by contemporaneously filing consents from all known heirs.
- (4) Petitions to open estate proceedings shall disclose whether any devisee's bequest will fail, and the reasons that the failure is inevitable.

### **SLR 9.075: Protective Proceeding Filings**

- (1) A petition for guardianship shall state in the caption whether it is for guardianship of a minor or an adult, whether it is for a temporary or indefinite time (or both), and whether a conservatorship will also be requested. All petitioners shall state their full legal name in their petition. If a petition for guardianship includes a request for waiver of two (2) day notice, then the caption shall also designate that it is an "Emergency Protective Proceeding." For adult guardianships, the deposit for the visitor's investigation fee shall be paid within one (1) business day of filing the Petition unless the party has secured a fee waiver or deferral.
- (2) When an order appointing a court visitor is issued, the petitioner's attorney shall provide copies of the petition, marked "VISITOR'S COPY" with supporting documentation and copies of proposed notices and the ORS 125.070(4) respondent's objection (the blue form) to the designated court visitor by e-mail.
- (3) Petitions for appointment of a temporary guardian shall be accompanied by appropriate affidavits and medical reports and filed with the Probate Department.
- (4) If a guardian intends to use a protected person's funds for room and board that the guardian or guardian's spouse, parent or child will provide to the protected person, then the petition for guardianship must include a monthly budget showing the total cost for all occupants' room and board, the proportion of the total room and board proposed to be paid by the protected person's funds, and the amount of the protected person's funds that will remain for other necessary expenses. A limited judgment granting a petition for guardianship that includes such a budget satisfies the ORS 125.320(2) requirement for an advance order. The protected person's contribution to room and board shall not be increased without a new court order that allows it.
- (5) Within thirty (30) days after each anniversary of appointment, a guardian of a minor shall file a written report with the court. Copies of the guardian's report must be given to those people specified in ORS 125.060(3). The report shall be in substantially the same form as that described in ORS 125.325.
- (6) If a guardian uses a protected person's funds for room and board that the guardian or guardian's spouse, parent or child has provided to the protected person without having had a budget approved with the

petition, then a budget as described in section (4) must be included with the next annual guardian's report. Approval of the annual guardian's report with the budget satisfies the ORS 125.320(2) requirement for an advance order. Thereafter, the protected person's contribution to room and board shall not be increased without a new court order that allows it.

- (7) When the protected person in a Clackamas County guardianship case moves to a residence outside of Clackamas County, a motion, declaration and order to transfer the case must be filed to move it to the court where the protected person lives. This is presumed to serve the protected person's best interest under ORS 125.020(4) unless the guardian explains good reasons for the case to remain in Clackamas County in a declaration filed with the Probate Department.

## **Probate Checklists and Forms**

The following pages contain checklists and forms that the Court may utilize to process and track probate cases. These materials are provided for convenience and transparency and should not be relied on as Court policy or legal advice.

Please see the court website for probate pleadings that may potentially be used by filers:

<https://www.courts.oregon.gov/courts/clackamas/help/Pages/probate-foms.aspx>

**ESTATE PETITION (ORS 113.035)**

**(Requirements that apply ONLY to testate estate are in bold)**

**Decedent's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

\_\_\_\_\_ Out of State Estate Exists \_\_\_ Yes or \_\_\_ No  
 \_\_\_\_\_ Proof of Primary Probate - certified copies of **Will & Order** (113.065)

\_\_\_\_\_ Wrongful Death Only? No (Circle One)  
 \_\_\_ ORS 114.453(1) Statement wrongful death only  
 \_\_\_ ORS 114.453(2) Names, relationship, and addresses of beneficiaries

\_\_\_\_\_ **Original Will (date \_\_\_\_\_) Codicil?** \_\_\_ yes \_\_\_ no (date \_\_\_\_\_)  
 \_\_\_ Intestate Estate

\_\_\_\_\_ **Affidavit of Witness**

\_\_\_\_\_ Venue

\_\_\_\_\_ Information re: \_\_\_ decedent \_\_\_ PR \_\_\_ heirs \_\_\_ **devises**

\_\_\_\_\_ Statement that reasonable efforts have been made to locate heirs [113.035(6)] and beneficiaries if wrongful death only (ORS 114.453(3))

\_\_\_\_\_ ORS 113.035(8): persons asserting interest based on will ineffective, another will exists, or promise to make/revoke will, not make/revoke will, or die intestate

\_\_\_\_\_ ORS 113.035(9): person asserting interest based on contention that a parent willfully deserted or neglected decedent

\_\_\_\_\_ Personal Representative(s) \_\_\_ **per Will** or \_\_\_ per ORS 113.085: \_\_\_\_\_  
 \_\_\_ PR is Sole Heir

\_\_\_\_\_ **Alternate Personal Representative(s):** \_\_\_\_\_  
 \_\_\_\_\_ **Consents/Declinations**

\_\_\_\_\_ Bond/Restrictions  
 \_\_\_\_\_ Amount of Bond: \$ \_\_\_\_\_  
 \_\_\_\_\_ Amount of Restricted Property: \$ \_\_\_\_\_  
 \_\_\_\_\_ Verification of Restriction?  
 \_\_\_\_\_ **Bond Waived in Will? Yes (Circle One)**  
 \_\_\_\_\_ Bond Waived by Consent? Yes / No (Circle One)  
 \_\_\_\_\_ If yes, statement of no creditors?

\_\_\_\_\_ Initial Estate Value: \$ \_\_\_\_\_

**Notes:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Date of Initial Review:** \_\_\_\_\_ **By:** \_\_\_\_\_ **(Initials)**



**Partial Distribution Checklist**

Case Number and Decedent's Name: \_\_\_\_\_

\_\_\_ Affidavit of Publication (ORS 113.155)

Expiration date \_\_\_\_\_

\_\_\_ Affidavit of Publication Expired (ORS 113.155) [Unless Liability]

\_\_\_ Liability Explained

\_\_\_ Affidavit of Mailing Notice ORS 113.145(4)

\_\_\_ DHS Notification ORS 113.145(6)

\_\_\_ Affidavit of Compliance ORS 115.003

\_\_\_ Distribution Equal to All Heirs/Devises (Exception: Burdensome Asset)

\_\_\_ Affidavit Mailing Notice of Distribution (ORS 116.013)

Notice to required parties \_\_\_\_\_ (and)

Notice period end date \_\_\_\_\_

(or) Waiver/consents \_\_\_\_\_

Inventory (ORS 113.165): \_\_\_\_\_

Amended Inventory: \_\_\_\_\_

Claims:

\_\_\_ Statement All Claims Paid

Who	Amount of Claim	Disallowed/Explanation
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name	Distribution (Percentage of Real or Personal Property) (ORS 116.013)
_____	_____
_____	_____
_____	_____
_____	_____

**Date of Review and Auditor Name:** \_\_\_\_\_



**Verified Statement and Final Estate Accounting Checklist**

Case Number and Decedent's Name: \_\_\_\_\_

\_\_\_ Affidavit of Publication (ORS 113.155)

Expiration date \_\_\_\_\_

\_\_\_ Affidavit of Mailing Notice ORS 113.145(4)

\_\_\_ DHS Notification ORS 113.145(6)

\_\_\_ Affidavit of Compliance ORS 115.003

\_\_\_ Tax Language ORS 116.083 (3a)

\_\_\_ Affidavit Mailing Notice of FA ORS 116.093

Notice to required parties \_\_\_\_\_ (and)

Notice period end date \_\_\_\_\_

(or) Waiver/consents \_\_\_\_\_

\_\_\_ Affidavit of Attorney Fees UTCR 09-060

Itemized? \_\_\_\_\_

Fees: Attorney: \_\_\_\_\_ Fiduciary: \_\_\_\_\_ Requested Reserve \$ \_\_\_\_\_

Inventory: \_\_\_\_\_ Purpose: \_\_\_\_\_

Amended: \_\_\_\_\_

Claims:

\_\_\_ Statement All Claims Paid

Who	Amount of Claim	Disallowed/Explanation
_____	_____	_____
_____	_____	_____
_____	_____	_____

Distribution:

\_\_\_ Special Agreement

Name	Distribution (Percentage of Real or Personal Property)
_____	_____
_____	_____
_____	_____

Date of Review and Auditor Name: \_\_\_\_\_

**Small Estate Checklist**

Name of Decedent: \_\_\_\_\_ Envelope Number: \_\_\_\_\_

Clerk Initials and Date: \_\_\_\_\_

\_\_\_\_\_ Affidavit (ORS 114.525) \_\_\_\_\_ If amended, fee included and complies with ORS 114.515(6)-(7)

\_\_\_\_\_ No probate filed

\_\_\_\_\_ Notice of duty language directly under case caption (ORS 114.525(1)(a))

\_\_\_\_\_ Statement re: correctional facility 15 years prior to death (ORS 114.525(1)(t))

\_\_\_\_\_ If yes, statement will mail copy to department of corrections

\_\_\_\_\_ Statement re: application/petition for appointment of PR (ORS 114.525(4))

\_\_\_\_\_ Venue (Place of death, domicile, location of property)

\_\_\_\_\_ Name and address of affiant (heir, devisee, creditor, personal representative)

\_\_\_\_\_ Affiant case history/criminal background

\_\_\_\_\_ Statement re: affiant has not been convicted of a felony (ORS 114.525(1)(r) and ORS 114.515(2)(b))

\_\_\_\_\_ Decedent's information (name, age, last four digits of social security number, home or mailing address, date of death, and place of death [ORS 114.525(1)(e)-(f)])

\_\_\_\_\_ Time of Filing (30 days from date of death [ORS 114.515(3)] or 60 days if creditor)

\_\_\_\_\_ Date of death is before **January 1, 2020**

\_\_\_\_\_ Decedent's Estate

\_\_\_\_\_ Real Property under \$200,000 (ORS 114.510)

\_\_\_\_\_ Legal description of real property (ORS 114.525(1)(g))

\_\_\_\_\_ Verification of property value/statement of real market value at death

\_\_\_\_\_ Personal Property under \$75,000 (ORS 114.510)

\_\_\_\_\_ Items over \$500 separately itemized

\_\_\_\_\_ Vehicles (year, make, model, and estimate of fair market value)

\_\_\_\_\_ Bank account (bank name, type of account, estimated value)

\_\_\_\_\_ Bond (type and fair market value at death)

\_\_\_\_\_ Stocks (company name, number of shares, and fair market value)

\_\_\_\_\_ Safety Deposit Box (inventory with contents and value [ORS 114.537])

\_\_\_\_\_ Inventory due date (required 30 days after filing)

\_\_\_\_\_ Manufactured home if not real property (year, make, model, location, license plate)

\_\_\_\_\_ Other (e.g. life insurance or pension – clear description)

\_\_\_\_\_ Heirs (name, relationship to decedent, and last known address [ORS 114.525(1)(j)])

\_\_\_\_\_ Distribution surviving spouse and non-joint children (ORS 112.065 and ORS 112.025)

\_\_\_\_\_ Devises (name and address [ORS 114.525(1)(k)])

\_\_\_\_\_ Heirs and devisees age of majority

\_\_\_\_\_ Statement of notice to heirs by mail (ORS 114.525(1)(j))

\_\_\_\_\_ Statement of notice to devisees by mail (ORS 114.525(1)(k))

\_\_\_\_\_ Distribution (ORS 114.525(1)(L))

\_\_\_\_\_ Statement re: reasonable efforts to ascertain creditors (ORS 114.525(1)(m))

\_\_\_\_\_ Known creditors (name, address, amount owed [ORS 114.525(1)(n)])

\_\_\_\_\_ Disputed claims (name, address, and amount [ORS 114.525(1)(o)])

\_\_\_\_\_ Mailing address for presentment of claim and preferred method of notification (ORS 114.525(1)(p))

\_\_\_\_\_ Notice to creditors (ORS 114.525(1)(n)-(o))

\_\_\_\_\_ Notice to Department of Human Services and Oregon Health Authority (ORS 114.525(1)(s))

\_\_\_\_\_ Statement re: barred claims (ORS 114.525(1)(v))

\_\_\_\_\_ Anticipated administrative expenses and attorney fees (if any) (ORS 114.525(2)(q))

\_\_\_\_\_ Notarized document/witness signature

\_\_\_\_\_ Certified Copy of Death Certificate (ORS 114.525(2))

\_\_\_\_\_ If e-filed, death certificate is a separate document (not attached to the affidavit because it must be filed confidentially) – CEDT code automatically makes the document confidential if e-filed.

\_\_\_\_\_ Testate or Intestate

\_\_\_\_\_ Original Will (ORS 114.525(3))

\_\_\_\_\_ Affidavit of Attesting Witnesses (ORS 114.525(3))

\_\_\_\_\_ Codicils and Affidavit of Attesting Witnesses (ORS 114.525(3)) \_\_\_\_\_ Filing Fee (ORS 114.515(5))



**GUARDIANSHIP/CONSERVATORSHIP-ADULT/MINOR**

**Name of Respondent:** \_\_\_\_\_ **Age:** \_\_\_\_\_.

\_\_\_\_\_ Venue [ORS 125.020]

\_\_\_\_\_ Petition [ORS 125.055]                      Case Number:                      Envelope Number:

\_\_ Respondent's information (name, age, residence address & current location) [(2)(a)]

\_\_ Proposed guardian & conservator information (relationship to respondent, name, age, address) [(2)(c)]

\_\_ If professional, must submit disclosure statement and information under ORS 125.240

\_\_ If fiduciary is not the petitioner, name, age, address and interest of petitioner [(2)(b) and (c)]

\_\_ If fiduciary is not the petitioner, statement of fiduciary regarding willingness to serve [(2)(f)]

\_\_ A statement if proposed GRD or CSVR has been convicted of a crime, has filed for or received protection under the bankruptcy laws or has had a license revoked or canceled that was required by the laws of any state - if yes, explanation [(2)(d) and (e)]

\_\_ Name and address of any fiduciary that has been appointed by any Court, any Trustee for an established or testamentary Trust, any appointed health care representative and any person acting as attorney-in-fact under a Power of Attorney [(2)(g)]

\_\_ Name and address of the respondent's treating physician and care providers [(2)(h)]

\_\_ Factual information that supports the request, less restrictive means that have been considered, and names/addresses of all persons with information regarding incapacity [(2)(i)]

\_\_ Statement of intent regarding placement [(2)(j)]

\_\_ Petitioner's estimate of the estate value and statement of control over assets [ORS 125.055(2)(k), (3), and (4)]

\_\_ UCCJEA

Assets:
Income:

\_\_ Statement that indicates whether Petitioner is requesting plenary authority or specified limited authority [(2)(m)]

\_\_ Statement regarding fiduciary as public or private agency providing services to respondent or employee of such [(2)(L)]

\_\_ Bond amount: \$ \_\_\_\_\_ Restriction of assets? \_\_\_\_\_ (unrestricted assets + annual income)

\_\_ If funds restricted, limited judgment must state that acknowledgment of restriction to be received within 30 days. Attorney's responsibility to see that it gets filed. [UTCR 9.050]

\_\_ If for purpose of lawsuit or settlement and requesting no bond, limited judgment must require court to review and approve settlement

\_\_ Settlement of personal injury claim must comply with UTCR 9.040

\_\_\_\_\_ OJIN/OECI background check

\_\_\_\_\_ If fiduciary is not the petitioner, acceptance by fiduciary [125.215(1)]

\_\_\_\_\_ Orders and Judgments comply with UTCR 2.010(12) and UTCR 9.030

NOTES: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date of Initial Review: \_\_\_\_\_ By: \_\_\_\_\_ (Initials)

## **TREATMENT AND ALTERNATIVE SENTENCING COURTS**

Treatment and Alternative Sentencing programs provide an alternative to normal case processing. These Specialty Courts serve specific populations of defendants with the goal of decreasing recidivism, increasing public safety and providing defendants with the tools to change their lives and become productive citizens.

Clackamas County has the most diverse group of Treatment and Alternative Sentencing Courts in the state of Oregon and is known for its innovation on a statewide level. If you have questions about defendant eligibility or program requirements, please contact one of the people listed below:

### **Contact Information**

#### **Adult Drug Court**

Judge Ann Lininger administers the Adult Drug Court program.

Any questions regarding the program can be addressed to the Treatment Court Coordinator, at 503-655-8495.

#### **Driving Under Influence of Intoxicants (DUII) Treatment Court**

Judge Todd Van Rysselberghe administers the DUII Treatment Court program.

Any questions regarding the program can be addressed to the Treatment Court Coordinator, at 503-655-8495.

#### **Clackamas County Overland Park Community Court**

Judge Colleen Gilmartin administers this program.

Any questions can be addressed to Bill Stewart, Deputy District Attorney at 503-722-2786.

#### **Domestic Violence Deferred Sentencing Program**

Judge Ulanda Watkins administers the DVDSP program.

Any questions regarding this program can be addressed to Crystal Kohl, Judicial Assistant at 503-655-8686.

#### **Mental Health Court**

Judge Heather Karabeika administers the Mental Health Court.

Any questions regarding the program can be addressed to Chelsea Jones, Deputy DA @ 503-722-2743 or to the Treatment Court Coordinator, at 503-655-8495.

**To Contact the Court by Phone: 503-655-8447**  
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## COURT-MANDATED ARBITRATION

[Oregon Revised Statutes 36.400-425](#), and [Uniform Trial Court Rules](#), Chapter 13, and Clackamas Circuit Court's [Supplementary Local Rules](#) (SLRs) govern Court-mandated arbitration. Refer to both sections of SLR 13 if you have questions, but if you still have an inquiry please contact Regina Watkins, Judge Susie L. Norby's Judicial Assistant.

Regina Watkins is the Arbitration Coordinator for Clackamas County. She can be contacted at:

E-Mail: [Regina.M.Watkins@ojd.state.or.us](mailto:Regina.M.Watkins@ojd.state.or.us)

Fax: 503-650-8909

Phone: 503-650-8902

## Serving as an Arbitrator

**NOTE:** The court is currently accepting applications to serve as an arbitrator. As of March 30, 2010, there are new requirements for current arbitrators and those applying to serve as an arbitrator.

Please [CLICK HERE](#) to access the following information re: **Serving as an Arbitrator:**

- Order Regarding Rules for Training and Continuing Legal Education for Clackamas County Arbitrators,
- April 6, 2010 Letter to Arbitrators, and
- Order Establishing Policy or Removal of Arbitrators from Court Approved List, signed by Judge Norby on August 14, 2014.

## eFiling & Arbitration

Beginning February 29, 2016 it became mandatory for all OSB attorneys to file electronically through the File and Serve program. There are a few exceptions to what MUST be filed electronically and those exceptions may be found in UTCR 21.

## Arbitration Forms available on Clackamas Circuit Court's Website:

Form Name/Packet
<a href="#">Arbitrator's Itemization of Time Utilized</a>
<a href="#">Arbitrator's Award, Settlement or Bankruptcy Notice</a>
<a href="#">Arbitrator's Notice/Request</a>
<a href="#">Arbitrator's Request for Payment of Arbitrator Fee (Fee Deferral Certificate)</a>
<a href="#">General Judgment</a>
<a href="#">Notice of Appeal from Arbitrator's Award and Request for Trial de Novo</a>
<a href="#">Renewal Application to Serve as Arbitrator</a>
<a href="#">Motion to Remove from Arbitration</a>

[CLICK HERE](#) to access the forms listed above.



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Opt. 6-Finance/Collections/Small Claims/Landlord-Tenant Opt. 7-Records

## Pleadings

The title of a pleading must contain the language: “SUBJECT TO MANDATORY ARBITRATION” or “CLAIM NOT SUBJECT TO MANDATORY ARBITRATION” per UTCR 13.060(3).

**IMPORTANT NOTE:** If the language above is not on your pleading, your case will NOT be placed into arbitration.

UTCR 13.040(3) requires that once a case has been assigned to arbitration pleadings shall be filed with the arbitrator. Please file the original pleading with Civil / DR Case Unit, Room 104 and provide a copy to the arbitrator.

## Transfer to Arbitration

### Referral to Mandatory Arbitration:

ORS 36.405(1) requires that a civil case be transferred to arbitration where all parties have appeared if:

- (a) The only relief claimed is recovery of money or damages: not exceeding \$50,000, exclusive of attorney fees, costs and disbursements and interest on judgment; or
- (b) A domestic relations suit in which the only contested issue is the division or other disposition of property between the parties.

### Special Circumstances for Referral to Arbitration:

- Stipulation for Arbitration, pursuant to ORS 36.410
- Waiver of Amount of Claim Exceeding \$50,000 for arbitration purposes pursuant to ORS 36.415(1)
- Motion for Referral to Arbitration: pursuant to ORS 36.415(2)

[Click Here for current ORS](#)

**IMPORTANT NOTE:** Parties have 14 days to motion for exemption from arbitration once assigned.

### Exempt/Remove From Arbitration:

ORS 36.405(2) states that the Presiding Judge may exempt or remove a case from arbitration if good cause exists.

### Assignment to Arbitrator

Upon receipt of notice that the case has been transferred to arbitration, plaintiff’s attorney (or self-represented litigant) must contact the defendant’s attorney (or self-represented litigant) and:

- Agree on an arbitrator;
- Contact the arbitrator and schedule the hearing; and
- Notify the court of arbitrator selection

### Within 2 weeks:

- Plaintiff must notify the court. Upon receipt, the court will assign a stipulated arbitrator; or
- If plaintiff does not report to the court within 2 weeks, the court will assign an arbitrator.
- The Court will send out an Assignment of Arbitrator and then parties have 49 days to hold a hearing
  - **This SHALL be the arbitrator unless the court is presented extenuating circumstances**

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When notified of appointment by either method outlined above, the arbitrator will schedule the hearing and notify the parties of the hearing date.

A Notice of Hearing Shall be submitted according to Rules of Arbitration. If no Notice of Hearing is submitted, a Notice of Dismissal will be sent to all parties.

**IMPORTANT NOTE:** The arbitrator is not required to consult the parties before setting the hearing and failure to appear at the arbitration hearing may result in a judgment against the absent party.

## **Time for Arbitration**

### **Pursuant to UTCR 13.160(3) and(4)**

- “...the hearing must be scheduled to take place not sooner than 14 days or later than 49 days, from the date of assignment of the case to the arbitrator...Any continuances or postponements beyond such period require the arbitrator to obtain approval of the Presiding Arbitration Judge.”
- “Continuances and postponements shall not be granted except in the more unusual circumstances. Approximately 2 months are allocated for the arbitration process. The arbitrator is given the power to enforce the rules and will be required to maintain the schedule.

[CLICK HERE for UTCRs & SLRs](#)

## **Setting Cases for Settlement Conference and Trial**

In addition to arbitration dates and deadlines, arbitration cases will be set for trial and settlement conference. You must arbitrate the case before the trial date (UTCR 13.280). There should be a minimum of 62 days between the arbitration hearing date and the settlement conference date in order for the arbiter to submit his/her Award to the court for processing, and the 20-day appellate time to run. If there is an appeal, the case is expected to be tried on the date set for trial. If you are unable to try your case on the date set, eFile a Motion to Continue, Affidavit, Proposed Order and Certificate of Readiness to the appropriate case category and document type. The judge will then rule on the motion in the normal course. An arbitration hearing will not be set beyond the settlement conference date unless the Presiding Judge allows the Motion to Continue the trial date.

### **NOTE --SLR 13.051 TRIAL DATE**

In all cases subject to mandatory arbitration, a trial date will be set in accordance with the Court’s regular trial setting procedure and UTCR 7.020(5). All arbitration hearings must occur no later than sixty-two (62) calendar days prior to the judicial settlement conference date set in the case. All requests to reset a trial date must comply with UTCR 6.030 and SLR 6.031.

## **Awards and General Judgments**

An arbitrator’s Award is not a General Judgment. The arbitrator shall designate which party will prepare and submit the General Judgment. General Judgments must comply with ORS 18.042 and be eFiled to the court for a judge’s approval and signature, unless the filing party is unrepresented. General Judgments that do not comply with applicable statutes will not be acted on.

If a General Judgment is not eFiled to the court, or it is rejected, the Court will send a 28-day dismissal notice to all parties and at the conclusion of that time period will dismiss the case unless a General Judgment or an extension request has been submitted.

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**Note:** When eFiling an Award to the court for processing, it must be accompanied by a Proof of Service.

## Arbitration Due Dates

Motion for Exemption Due	Transfer Date + 14 days
Arbitrator Assigned By	Transfer Date + 21 days
Hearing Notice Due	Arbitrator Assigned Date + 14 days
Hearing Date By	Arbitrator Assigned Date + 49 days
Award Due (Civil & Dissolution)	Hearing Date + 42 days
Request Extension to File Award (MUST file within 14 days of hearing)	Hearing Date + 14 days
Appeal Due	Award File Date + 20 days

[Click Here for current ORSs](#)

## Time Within Which Appeal Must be Filed

### Notice to All Parties re: Appeal of Arbitration Award ORS 36.425 (2)

(a) Within 20 days after the filing of a decision and award with the clerk of the court under subsection (1) of this section, a party against whom relief is granted by the decision and award or a party whose claim for relief was greater than the relief granted to the party by the decision and award, but no other party, may file with the clerk a written notice of appeal and request for a trial de novo of the action in the court on all issues of law and fact. A copy of the notice of appeal and request for a trial de novo must be served on all other parties to the proceeding. After the filing of the written notice a trial de novo of the action shall be held. If the action is triable by right to a jury and a jury is demanded by a party having the right of trial by jury, the trial de novo shall include a jury.

### Fees and Deposit Required:

ORS 36.425 (2)

(b) If a party files a written notice under paragraph (a) of this subsection, a trial fee or jury trial fee, as applicable, shall be collected as provided in ORS 21.270.

(c) A party filing a written notice under paragraph (a) of this subsection shall deposit with the clerk of the court the sum of \$150. If the position under the arbitration decision and award of the party filing the written notice is not improved as a result of a judgment in the action on the trial de novo, the clerk shall dispose of the sum deposited in the same manner as a fee collected by the clerk. If the position of the party is improved as a result of a judgment, the clerk shall return the sum deposited to the party. If the court finds that the party filing the written notice is then unable to pay all or any part of the sum to be deposited, the court may waive in whole or in part, defer in whole or in part, or both, the sum. If the sum or any part thereof is so deferred and the position of the party is not improved as a result of a judgment, the deferred amount shall be paid by the party according to the terms of the deferral.

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## **Ralph Holman Law Center Conference Rooms**

*821 Main Street, Oregon City, OR 97045*  
*lawlibrary@co.clackamas.or.us, 503-655-8248*

### ***POLICY AND PROCEDURES***

#### **POLICY**

The Clackamas County Circuit Court has three conference rooms available in the Ralph M. Holman Law Center located at 821 Main Street, Oregon City, Oregon. These conference rooms are shared by the Clackamas County Circuit Court (Court) and the Alden E. Miller Law Library of Clackamas County (Law Library). The Law Library schedules the use of the conference rooms. Room 116, the Media Conference Room, is configured for media use and members of the media are given priority for the usage of this room. Members of the Clackamas County Bar Association are given priority for the usage of Room 114, the Ailsa Werner Conference Room. All of the conference rooms can be used and/or reserved by anyone conducting Court-related or Law Library-related business. The Court reserves the right to refuse and/or terminate usage of the conference rooms to any person(s) at any time for any stated reason upon the recommendation of the Law Library or otherwise.

#### **PROCEDURES**

##### **Conference Room Availability**

The conference rooms are available for use from 8:00 a.m. through 5 p.m., Monday through Friday unless special arrangements have been made with the Trial Court Administrator (e.g., trial continues after 5:00 p.m. and media needs access to room 116).

The conference rooms remain locked when not in use.

Preference will be given to people with reservations.

The conference rooms can also be used on a “first-come” or “as available” basis. Each conference room has the following approximate room capacity:

- Room 114, the Ailsa Werner Conference Room: 6 people
- Room 115, the Justice Holman Conference Room: 6 people
- Room 116, the Media Conference Room: 10 people

##### **Conference Room Reservations and Use**

The Law Library maintains statistics on conference room usage. In order to use a conference room, the user must supply their name, contact information, approximate length of use, and reason for use.

The conference rooms can be reserved in person, through email, or by telephoning the Law Library (503-655-8248).

The conference rooms can be reserved up to three months in advance. Standing reservations can be made up to six months in advance.

**To Contact the Court by Phone: 503-655-8447**

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In order to use a conference room, a person other than court staff may obtain a key from a staff member at the front desk in the Law Library (Room 101). Prior to 8:30 a.m., the security guard can unlock the conference rooms if the person has already reserved the room.

If a Law Library staff member or security guard is not available when a conference room needs to be used, please contact the Trial Court Administrator's Office, Room 310 in the Courthouse.

The conference room key must be returned to a Law Library staff member when usage is complete.

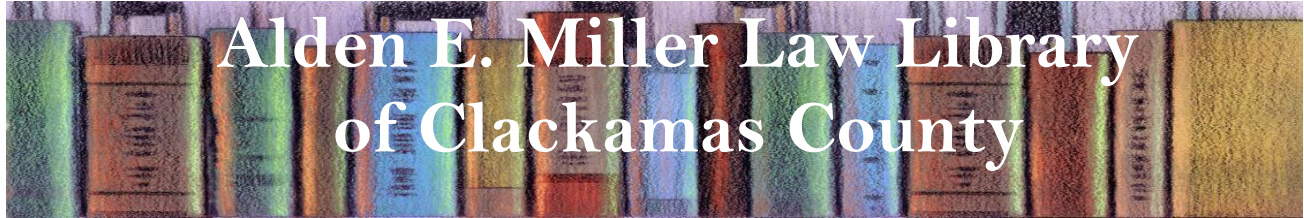
A Law Library staff member will check each conference room after each use to ensure proper maintenance and order of the rooms.

The Law Library and Court do not provide food, drink, office supplies, or secretarial services to conference room users.

Food and non-alcoholic beverages in covered containers are permitted in the conference rooms.

Users are responsible for depositing trash in proper receptacles, removing personal belongings, and returning tables and chairs to their proper positions.

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Opt. 6-Finance/Collections/Small Claims/Landlord-Tenant Opt. 7-Records



**821 Main Street, Room 101, Oregon City, OR 97045**

[lawlibrary@clackamas.us](mailto:lawlibrary@clackamas.us), 503-655-8248

## **Attorney Resources and Services**

### **COLLECTION**

#### **PRINT**

- Select Oregon and Federal primary and secondary materials that meet the minimum Oregon Council of County Law Libraries Core Collection Standards and American Association of Law Libraries Government Law Libraries County Public Law Library Standards
- Wide selection of legal texts and treatises that are not available online or not available online for free or low cost
- Oregon, California and Washington practice materials
- ORS from 1953, Oregon Laws from 1845 and OARs from 1980
- Oregon legislative history materials online, in print, and microform
- Oregon Law Reviews, Bar Association newsletters and other legal periodicals

*Attorneys can check out materials with a call number for up to 10 business days.*

#### **ELECTRONIC**

- LexisNexis, including Shepard's
- Westlaw, including Keycite
- OJIN-OJCIN Online, public access to court records
- Research Institute of America Checkpoint, tax database
- Access to PACER, Fastcase, HeinOnline and other miscellaneous legal research databases

*Computer terminals, laptop and iPad are available for performing legal research.*

### **CONTINUING LEGAL EDUCATION**

- All OSB CLE BarBooks™ in print and online
- OSB and OLI CLE program handbooks with cd's or dvd's available to check out for credit

### **OTHER SERVICES**

- 24-hour access with cardkey
- Conference/Study/Reading Rooms
- Billing services for fees and fines
- Electronic and in-person legal research assistance
- Photocopy, print, scan, email, conference phone and fax

*Please contact the Law Library for more information or to obtain copies of our policies and procedures.*



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## **Law Library Access During COVID-19 Mandates**

The Alden E. Miller Law Library of Clackamas County is scheduled for Tier 3 reopening to the general public (date remains unknown at this point in time). On-site physical access has not been interrupted for users with cardkey access - attorneys, court and county staff.

Conference rooms have also been available uninterrupted for attorneys, court and county staff to use independently any time or to meet with others Monday - Friday between the hours of 8:00 a.m. and 5:00 p.m.

Law Library staff have been regularly checking on and managing the physical space, as well as assisting patrons and performing administrative duties.

Fees and fines continue to be suspended, but circulation is no longer halted with curbside pick-up available to the legal community. It is CLE season, and due to our quarantine procedures, the selection is even more limited than usual. Please let me know if you are in need of anything in particular and we'll get you on the waiting list. If you currently have CLE's checked out, please mail them back to the Law Library or drop them off in the book box at the front desk.

All of the Law Library's electronic legal research subscription services are temporarily available online through remote access to everyone <https://www.clackamas.us/lawlibrary#populardatabases>.

Law Library staff are available to provide legal research and reference assistance by phone, email, video or online chat <https://www.clackamas.us/lawlibrary/ask-a-law-librarian> (email) and <https://docs.google.com/forms/d/e/1FAIpQLScw3ehz5XYBHvbk5Mxb8Ugx66CmDFUzImXOUsh5DZ8c9Po7aw/viewform> (schedule an appointment).

Please let me know if you have any questions at [JenniferDal@clackamas.us](mailto:JenniferDal@clackamas.us).

Remember, even during this time, the Law Library can help you get clients and connect with other attorneys! For example, our Lawyer in the Library Clinic is still up and running. We are referring potential clients to attorneys listed with the Clinic for remote initial consultations. For more information about the creation and maintenance of our pro bono programs:

<https://dochub.clackamas.us/documents/drupal/af9d9db4-1342-432e-8edb-4ca66e9bcb36>.

**Jennifer Dalglish, J.D., M.L.I.S**

Director, Law Librarian

Alden E. Miller Law Library of Clackamas County

821 Main St., Room 101, Oregon City, OR 97045

503-655-8248 (ph) 503-650-8229 (fax)

<http://www.clackamas.us/lawlibrary/>

[www.clackamas.us](http://www.clackamas.us)

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## **CLACKAMAS COUNTY SHERIFF – CIVIL SECTION**

### **Primary Phone Number**

(503) 655-8351

### **Hours of Operation**

9:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. Monday through Friday, except holidays.

### **Location**

Clackamas County Sheriff Civil Section is located in the Courthouse on the First Floor, Room 100.

### **Attorney Courthouse Identification Badge**

If you are interested in applying for an Attorney Courthouse Identification Badge, please contact the Clackamas County Sheriff's Office Civil Section at the phone number above for the application.

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For recommendations on subject matter to include in this guide, please email:

[Debbie.D.Spradley@oid.state.or.us](mailto:Debbie.D.Spradley@oid.state.or.us)  
Trial Court Administrator

(and/or)

[Gina.L.Setter@oid.state.or.us](mailto:Gina.L.Setter@oid.state.or.us)  
Court Operations Manager