

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

Case No. _____

Petitioner

and

**MOTION RE: MEDIATION
and DECLARATION IN
SUPPORT**

Amended

Respondent

Unmarried children age 18, 19, or 20 years old (per ORS 107.108)

I am the Petitioner Respondent in this case

Motion

Based on the *Declaration* below, I ask that this court:

ORDER mediation in this case

or

WAIVE mediation in this case

Statement of Points and Authorities

- ORS 107.765 allows the court to order mediation in a domestic relations suit when custody or parenting time is contested
 - ORS 36.185 allows the court to order any civil dispute to mediation except proceedings brought under ORS 107.700-107.735 (the Family Abuse Prevention Act) and other specified statutes not relevant to this case
 - ORS 36.185 requires the court to withdraw a case from mediation upon receipt of a written objection by a party
 - ORS 107.755(1)(b) allows the court to waive required mediation for good cause or for matters brought under ORS 107.097 and 107.138 (temporary orders)
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Declaration

Mediation should be Ordered Waived because:

A restraining order, protective order, or no-contact order is currently in effect between the parties in (*court*) _____ under case number: _____

If mediation is being ordered, it is my responsibility to see that all parties receive a copy of this Motion and Order at least ten (10) days prior to the date stated in the Order and to file a Declaration of Service with the Court.

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

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

Certificate of Mailing

(Mail before filing *Motion to Waive Mediation only*)

I certify that on (*date*): _____ I placed a true and complete copy of this Motion in the United States mail to (*name*): _____ at (*address*): _____

Date _____

Signature _____

Name (printed) _____

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
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Case No. _____

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and

**DECLARATION OF SERVICE OF
MOTION AND ORDER RE:
MEDIATION**

Respondent

Unmarried children age 18, 19, or 20 years old (per ORS 107.108)

I, _____, declare I am a resident of the
County of _____ State of _____.

SERVICE BY MAIL: I declare that on _____ (date), I mailed a true copy of
the Motion RE: Mediation and Order, by First Class Mail with the United States Postal
Service to:

the other party directly at his/her last known address of: _____

the party's attorney of record, _____ (name)
at the following address: _____.

or, PERSONAL SERVICE: I am a competent person 18 years of age or older and not a party
or an attorney in this proceeding. I declare that on _____ (date) at _____ (time),
I served a true copy of the Motion RE: Mediation and Order, to _____ (name)
at the following address: _____
within the County of _____, State of _____.

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

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

Mediation Appointment Questionnaire

Petitioner: _____ **Case File Number** _____
(Person who filed first)

Respondent: _____ **Today's Date** _____
(Person responding to the Petitioner's filing)

Mediation appointment: _____ **Date** _____ **Time** _____

PENDING COURT DATE _____ Are you modifying an existing court order? _____

PARENT OR OTHER PERSON REQUESTING MEDIATION APPT. _____

INTERPRETER NEEDED AT APPOINTMENT?: _____ Y _____ N Which language? _____

Will either parent need to participate by phone? _____ Y _____ N Which parent? _____

Petitioner (print): _____ **Respondent (print):** _____

Address: _____ Address: _____

City: _____ ZIP _____ City: _____ ZIP _____

Phone#: _____ Alt # _____ Phone: _____ Alt # _____

Email: _____ Email: _____

Attorney (if known): _____ Attorney (if known): _____

CHILDREN'S NAMES/AGE: Our Joint Children:

Name(s):	Age:	Living with whom:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Health problems of the child/children: _____

Are children wards of the court/under state supervision/or is there a juvenile case pending: ___ Yes ___ No

ARE THERE ANY DOMESTIC VIOLENCE ISSUES? Please Summarize: _____

___ No Contact Order ___ R/O/FAPA ___ Dom. Violence Criminal Case ___ Stalking Order ___ None

If yes, was the Order specifically modified to allow for Mediation _____

Do Safety Issues Prompt Separate Waiting Rooms or Separate Room For Mediation ___ Yes ___ NO

(If you have such concerns, please contact the mediator prior to scheduled mediation to discuss them.)

APPROX. DATE OF LAST MEDIATION SESSION (if any): _____ AGREEMENT REACHED: ___ Yes ___ No

CONSENT TO PARTICIPATE IN FAMILY LAW MEDIATION I Agree:

- To inform the mediator of any concerns I may have about my personal safety and the existence (past or present) of a restraining order, stalking order, or no contact order - prior to the session, if possible.
- To participate in mediation to try to resolve the issues of my case.
- To listen respectfully to the other person's concerns and allow them to speak without interruption.
- To come to all scheduled meetings, to call ahead if late or rescheduling, and to notify the mediator if either party decides to end participating in mediation.
- To not hold the mediator liable for the outcome of any agreements that may be reached in this process since whether or not I sign a written agreement is my own choice.

Date: _____ Signature: _____

NOTICE

PARENT EDUCATION AND MEDIATION REQUIREMENTS

You are required to serve this Notice on the other party with your initiating documents pursuant to SLR 8.013(4)

Mediation Requirements:

- **Mediation is mandatory** if you and the other parent cannot agree on custody and parenting time and the Respondent (other parent) has filed a response to a case with children or a modification is being requested.
- **When required, parties must attempt mediation BEFORE a Judge will hear your case.**

Mediation:

- Either party can file the Motion RE: Mediation. If you file, you will receive an Order for Mediation with an assigned date and time to mediate.
- You **MUST SERVE** the Motion and Order for Mediation on the other party and file the Declaration of Service.
- Mediation occurs by phone or video. The mediator will call to confirm details at least 24 hours before your appointment. Please provide phone numbers for both parties on the case.
- You must watch the Mediation Orientation video PRIOR to your Mediation appointment pursuant to ORS 107.755.

<https://www.courts.oregon.gov/courts/jackson/programs-services/Pages/mediation-seminars.aspx>



- If you need an interpreter or accommodations under the Americans with Disabilities Act, please contact the mediation program in advance.

Court Mediation Program

Mediation Services main: (541) 776-7171 ext. 35043

Gloria Kastenbergl Cell: 541-690-8009 Email: kastenbergmediation@gmail.com

Monty Walters Cell: 541-708-1262 Email: mediationservices@jeffnet.org

NOTICE

PARENT EDUCATION AND MEDIATION REQUIREMENTS

You are required to serve this Notice on the other party with your initiating documents pursuant to SLR 8.013(4)

Mandatory Parenting Class:

- If you have a case with children, you must successfully complete a parent education class, meeting the requirements of ORS 3.425 for Parent Education and Local Rules.
- The parties shall successfully complete the parent education program prior to any court hearing, trial or **BEFORE ENTRY OF JUDGMENT**. (SLR 8.013(2)).

Children in Between Online: (Offered in both English and Spanish)

1. What you will need:

- a. Access to the Internet
- b. Valid email address
- c. Google Chrome
- d. If eligible, your fee waiver/deferral waiving the parenting class fees.
(See webpage listed below for instructions on how to redeem waiver)

2. **Go to:** <http://online.divorce-education.com> to complete course.



What to do with your CERTIFICATE OF COMPLETION:

After completing the course, it is your responsibility to provide a copy of your certificate to the court. You may print and file a copy with the court; or you may use the website to email the certificate to jacparentclass@oid.state.or.us.

NOTE: the court's e-mail address is for receiving certificates only, not for correspondence.

We will not accept emails from your personal email address