

RULES
OF THE
CIRCUIT COURT
OF THE STATE OF OREGON
FOR
DOUGLAS COUNTY
(16TH Judicial District)

STATE OF OREGON – DOUGLAS COUNTY



I certify that this is a true and correct copy of a document in the possession
of the court administrator for the Douglas County Circuit Court.

DATED: December 26, 2024

Court Administrator for Douglas County Circuit Court (or designee):

Christina Parazoo

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DOUGLAS COUNTY CIRCUIT COURT

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TERMS OF COURT
Terms of Court Commence on the
First Court Day of Each Month

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CHAPTER 1 – GENERAL PROVISIONS

1.151 HOURS OF COURT OPERATION

The hours of operation for the 16th Judicial District, Trial Court Administration offices will be open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

The court is located behind the courthouse in the Justice Building at 1036 SE Douglas, Roseburg, Oregon.

1.161 FACSIMILE FILINGS

Douglas County Circuit Court does not accept facsimiles for filing with the court. Counsel may fax documents to the judge as bench copies; but only original documents will be accepted for filing with the court.

1.171 COURT WEBSITE

Douglas County Circuit Court website address is: <http://courts.oregon.gov/Douglas>.

1.181 FORMS REQUIRED BY SLR ON COURT WEBSITE

Court forms are available at <https://www.courts.oregon.gov/courts/Douglas/help/Pages/Forms.aspx>.

CHAPTER 3 – DECORUM IN PROCEEDINGS

3.181 MEDIA COVERAGE IN THE COURTROOM & NON-COURTROOM AREAS

(1) Authorization

All requests for media coverage in the courtroom and non-courtroom areas as well as requests for information shall be directed to:

Office of the Trial Court Administrator
Douglas County Circuit Court
Justice Building, Room 201
1036 SE Douglas Ave.
Roseburg, OR 97470
(541) 957-2409

(2) Procedures

- (a) Media representatives requesting coverage shall be responsible for delivering a copy of the “Request to Cover Courtroom Proceedings” to all attorneys or parties prior to the scheduled event. The request and an affidavit of notice shall be submitted to the Office of the Trial Court Administrator prior to the court event. Any response or objection to the request must be presented to the court prior to the scheduled event. The request should allow the court as much advance notice as possible. In the event the request is submitted without sufficient time for the judge to review prior to the scheduled event, the request shall be considered denied. The request should be in writing on a form provided by the court. The form is found on pages 49-50 in the “Appendix of Forms”.
- (b) The Trial Court Administrator or designee shall report the request to the assigned judge. The judge will approve or deny the request in accordance with UTCR 3.180. The Trial Court Administrator or designee will report the judge’s decision to the media. If approved, the Trial Court Administrator or designee will also notify court security of plans for media coverage.

- (c) The following procedures are set forth to ensure coverage will not unduly detract from the solemnity, decorum or dignity of the court or place unreasonable demands on court operation resources.
- (d) Media representatives are encouraged to work out agreements in advance for sharing photographs, audio or TV tapes of specific trials or hearings.

(3) Photographic Coverage

Photographers are to conduct themselves according to UTCR 3.180 and cannot be located inside the bar.

(4) Audio Coverage

Reporters making audio recordings shall conduct themselves according to UTCR 3.180. All audio coverage shall be done from a seat in the gallery. No equipment or microphones may be placed in or around the courtroom. All recording equipment must be operated and maintained at the reporters' seat in the gallery.

(5) Television Coverage

Reporters must set up or remove TV equipment from the courtroom when court is not in session. The camera cannot be located inside the bar or be moved while court is in session.

(6) Coverage of Non-Courtroom Areas

The public or media wanting to film, photograph or record including use of cell phones or other electronic devices in non-courtroom areas such as court operations offices, judges' chambers, jury rooms, non-public/public corridors and offices must obtain prior approval from the Presiding Judge, Trial Court Administrator or designee.

3.185 PERSONAL COMMUNICATION DEVICES IN JURY ROOMS DURING DELIBERATIONS AND IN COURTROOM PROCEEDINGS

- (1) Unless otherwise permitted by UTCR 3.180(6) or the judge presiding over the proceeding, personal communication devices (any electronic equipment capable of communicating with others outside a courtroom by transmission of sound or images, including, but not limited to cell phones and pagers) taken into a courtroom by any person shall be turned off upon entering the courtroom and shall remain

off until after the person has departed from the courtroom.

- (2) Unless otherwise permitted by the judge presiding over the trial, personal communication devices (any electronic or other equipment capable of communication with others outside a jury room, including, but not limited to cell phones and pagers) are not allowed in a jury room.
- (3) In addition to any other consequence permitted under law or court rules, violators of this rule are subject to being ordered by the court to delete any audio recording, photographic or any other visual or image recording or reproduction made in a court facility.

CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES

4.007 WRITTEN PETITION REQUIRED TO BE FILED BY VICTIM OR PERSONAL APPEARANCE OF VICTIM FOR HEARING TO REMOVE NO CONTACT ORDER IMPOSED UNDER ORS 135.250 OR ORS 135.247

- (1) A written petition is required to be signed and filed or presented at the hearing for filing in the criminal action by the victim or by a district attorney who has agreed to assert this right for the victim. In the alternative, an appearance by the victim at the hearing to modify or remove the no-contact conditions and stating on the record orally the petition to waive the no-contact conditions satisfies this requirement.
- (2) Absent a written petition or appearance by the victim at the hearing as set out in section (1) of this rule, the court will continue the no-contact order imposed under ORS 135.250(2)(a) or ORS 135.247 pending a petition by the victim.
- (3) A written petition under section (1) of this rule may be filed on a form provided by the court or in a document that is in the same format and contains the same heading, caption and content.
- (4) In a case with domestic violence allegations, prior to the hearing, the alleged victim must meet with a program that provides services to battered individuals, to set up a safety plan which the court will consider when considering whether or not to remove the no contact order imposed.})

4.081 APPEARANCE BY SIMULTANEOUS ELECTRONIC TRANSMISSION IN CRIMINAL CASES – COMPLIANCE WITH UTCR 4.080

An in-custody defendant may appear by simultaneous electronic transmission pursuant to UTCR 4.080 at the following hearings:

- (1) Arraignment
- (2) Release
- (3) Probation Violation
- (4) Plea on a misdemeanor
- (5) Sentencing

CHAPTER 5 – MOTIONS IN CIVIL CASES

5.035 ORDERS BY PREVAILING PARTY; PRESENTING JUDGMENTS AND ORDERS FOR JUDICIAL SIGNATURE

- (1) Every motion submitted by stipulation or *ex parte* – including motions for default, motions for temporary restraining order, orders to show cause, or other provisional process – must be submitted with a corresponding order for judicial signature. Contested motions should not be submitted with a proposed order at the time of filing. Instead, a proposed order should be submitted after the judge’s ruling on the motion. Unless otherwise ordered, after a motion ruling it is the responsibility of the prevailing party to draft an order incorporating the ruling and to submit it to the court, accompanied by proof of service on all other parties not in default in compliance with UTCR 5.100.

5.045 NO MOTIONS FOR RECONSIDERATION; EXCEPTIONS

- (1) Except as provided under (2), no motion for reconsideration on any pretrial, trial, or post-trial criminal matter may be considered or heard by any judge sitting in the 16th Judicial District.
- (2) Exceptions:
 - (a) Reconsideration may, at the court’s discretion, be allowed upon motion if the moving party specifically identifies newly-decided or newly-enacted legal authority.
 - (b) The provisions of paragraph (1) do not apply to any statutory motion to modify, set aside, vacate, suppress, or rescind.
 - (c) Nothing in this rule limits the authority of a judge to review any previously decided matters on the court’s own motion.

5.061 SCHEDULING AND COMMUNICATIONS WITH THE JUDGE IN *EX PARTE* MATTERS

- (1) All *ex parte* matters of any nature or kind whatsoever may be left in the office of the Trial Court Administrator for consideration and signature.
- (2) After a case has finally been submitted to the court, no attorney shall submit further evidence, arguments, memoranda or authorities to the court without prior approval of the court and notice to the opposing counsel (or party if the party is not represented by counsel).

5.075 SCHEDULING HEARINGS

- (1) Monday of each week shall be known as motion day. If Monday is a legal holiday, then motion day will be the next judicial day following the Monday holiday.
- (2) All civil motions requesting oral argument will be set by the court. Each party will receive written notice of the date and time. Civil motions will be set on motion day. Matters reported as requiring an hour or less of court time may be set on any judicial day between 8:00 a.m. and 9:30 a.m.
- (3) Custody matters in Domestic Relation cases involving unsuccessful mediation will be set in accordance with SLR 12.025(1)(e).

CHAPTER 6 – TRIALS

6.012 SETTLEMENT CONFERENCES IN CIVIL CASES

- (1) Cases designated by the court shall be scheduled for a mandatory settlement conference approximately 60 days before trial. The purpose of the mandatory settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the court.
- (2) The court shall require the attendance of all parties and their trial attorneys. When a party is insured, a representative of the insurance company with authority to settle the case shall be in attendance or readily available by telephone. An out-of-county or out-of-state party may request in writing to be excused from appearing at a settlement conference. The judge conducting the settlement conference may excuse the party from appearing, although the party may be required to participate by telecommunication.
- (3) Cases set for a settlement conference shall retain their place on the trial docket. If a case does not settle, no reference shall be made to any settlement discussion except in any subsequent settlement proceeding and a judge other than the one who participated in the settlement conference shall be assigned to try the case.
- (4) For a meaningful settlement conference to take place, all attorneys and parties must participate in good faith. The failure of any person to comply with these rules, appear at, or participate in a settlement conference, unless good cause is shown for any such failure, may result in the court imposing appropriate sanctions as described in UTCR 1.090.
- (5) Parties are required to file, not less than seven (7) days prior to the date of the settlement conference, a detailed settlement conference statement with the court. The date and time of hearing shall be typed on the face sheet of the statement.

- (a) In the case of personal injury/property damage litigation, the plaintiff is directed to prepare a summary of facts, a summary of the injuries and/or damages, a summary of any special legal issues involved, and a settlement demand. Plaintiff shall attach a copy of the most recent medical report(s).

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

- (b) In other classifications of cases each side shall prepare an appropriate settlement statement setting forth a summary of the facts, legal issues, damages, and relief demanded, together with a plaintiff's demand or defendant's offer.
- (c) The purpose of the statement is to inform and assist the settlement judge and it should be sent directly to that judge. The statement should not be sent to opposing counsel and will not be filed in the case.

- (6) In the event settlement negotiations are not successful, counsel should expect and be prepared to proceed to trial on the date scheduled. Every effort will be made by the court to ensure that the case proceeds to trial on the date scheduled.
- (7) If a settlement is reached, the parties shall place notice of the settlement on the record. Settlements that occur after the scheduled conference are to be reported as required by UTCR 6.020 and SLR 6.015.

6.015 COURT NOTIFICATION OF AGREEMENTS OR STIPULATIONS IN CRIMINAL AND CIVIL CASES

No agreement or stipulation between the parties and their attorneys concerning any proceeding before the court or disposition thereof will be regarded or enforced unless the same be made in open court in the presence of the parties and reported or reduced to writing and subscribed by the party or attorney to be bound thereby, unless otherwise ordered by the court.

6.061 ELECTRONIC COPY OF JURY INSTRUCTIONS REQUIRED IN CIVIL CASES

Not later than the commencement of trial, each party in a civil case must submit to the court an electronic copy of all proposed or requested jury instructions. The electronic copy must be in jury ready form. The electronic copy should be in Microsoft Word format. This rule applies to all Oregon Uniform Jury Instructions requested as well as any special instructions requested. This rule is in addition to the requirements of ORCP 59A, UTCR 6.060, and UTCR 6.070. For good cause shown, a party may request relief from the requirements of this rule.

CHAPTER 7 – CASE MANAGEMENT AND CALENDARING

7.045 MOTION PRACTICE IN CRIMINAL CASES

Criminal motions generally will be heard on Monday of each week. If Monday is a legal holiday, then motion day will be the next judicial day following the Monday holiday. All criminal motions will be set by the court as soon as the court calendar will allow.

7.055 TRIAL DATE AND STATUS CONFERENCE IN CRIMINAL CASES

(1) Schedule

All criminal cases will be set for a hearing to review the status of the case in advance of trial. The date and time of the status check hearing will be set at arraignment, except for murder, aggravated murder, and cases accepted into specialty court.

(2) Appearances

The attorney for each party and the defendant shall appear at the hearing, except in misdemeanor cases, a defendant need not appear if a waiver of appearance signed by the defendant is filed with the court.

(3) Trial Dates

Trial dates will be set in court at the status conference.

7.061 REQUESTS FOR ACCOMODATIONS BY PERSONS WITH DISABILITIES

(1) Process for requesting accommodations

(d) Who may request. Accommodations may be requested from any lawyer, party, witness, juror, person with an interest in attending any proceeding open to the public or other person seeking to use the services, programs, or materials provided by this judicial district.

(e) Form of Request. Requests for accommodation under this rule may be presented ex parte on the form designated by court administration for such requests, in another written format such as e-mail to the court's ADA Coordinator, or orally to any court personnel. In all cases, however, the request shall be documented in writing and forwarded to the ADA Coordinator or designee

within the time frame provided in (1)(d) of this rule.

- (f) Content of Request. Requests for accommodations must contain the information required by UTCR 7.060(2). These requirements may be met by using the court's accommodations request form, available from any of the court's public service counters, from the trial court administration office, or the court's website. Medical and other health information submitted in support of the accommodation request, if any, shall be submitted under the cover sheet accompanying the request form designated "SEALED MEDICAL AND HEALTH INFORMATION." Such information shall be accessible only to the court and the person requesting accommodation unless disclosure is otherwise expressly ordered or required by law.
- (g) Timing of the request. Pursuant to UTCR 7.060, requests for accommodation must be made as far in advance as possible, but no fewer than 4 judicial days before the requested implementation date. The court may, in its discretion, waive this requirement.
- (h) Informal practices encouraged. Where the need for accommodation is obvious and the accommodation can be easily implemented, informal practices for responding to and implementing the accommodation are permitted and encouraged. However, informal practices shall not be utilized if an accommodation request would impact court procedures within a specific case, as described in (2)(a) below.

(2) Consideration, determination, and responses to requests

- (a) Administrative versus judicial consideration. The ADA Coordinator shall not administratively grant accommodation requests that impact court procedures within a specific case. Examples include requests for an extension of time, a setover, or a continuance; changes of venue; and telephonic or videoconference appearances. Such requests shall be forwarded by the ADA Coordinator in writing to the judicial officer handling the case for consideration and determination. In all cases, however, a denial of an accommodation request in whole or in part shall comply with (2)(c) of this rule and shall be in writing.
- (b) Response. The court shall promptly inform the requestor of the determination to grant or deny an accommodation request. If the accommodation request is denied, in whole or in part, the response shall be in writing. On the request the court shall provide an additional response in an alternative format. The response to the applicant must indicate:

- (i) Whether the request for accommodation is granted or denied, in whole or part. If denied, the response shall also include a description of an alternative accommodation that does not implicate any of the basis for denial under (2)(c) if this rule;
 - (ii) If the request for accommodation is denied, in whole or in part, the reason therefor;
 - (iii) The nature of the accommodation(s) to be provided;
 - (iv) The duration of the accommodation(s) to be provided; and
 - (v) If the response is in writing, the date the response was delivered in person or sent to the applicant.
- (c) Denial of request. A request for accommodation may be denied only when it is determined that one or more of the following apply:
- (i) The requestor has failed to satisfy the substantive requirements of this rule;
 - (ii) The court is unable to provide the requested accommodation on the date of the proceeding and the proceeding cannot be continued without significant prejudice to a party;
 - (iii) Permitting the requestor to participate in the proceedings with the requested accommodation would create a direct threat to the safety or well-being of the requestor or other participants;
 - (iv) The requested accommodation would create an undue financial or administrative burden for the court or would fundamentally alter the nature of the court service, program or activity under (1) or (2):
 1. An accommodation may be denied based on a fundamental alteration or undue burden only after considering all resources available for the funding and operation of the service, program or activity, and shall be accompanied by written statement of the reasons for reaching that conclusion.
 2. If a fundamental alteration or undue burden would result from fulfilling the request, the court shall nevertheless ensure that, to the maximum extent possible using alternative accommodations, individuals with disabilities receive the benefits or services provided by the court.
- (3) Handling of confidential medical information. The court shall keep confidential all information of the requestor concerning the request for accommodation, unless confidentiality is waived in writing by the requestor or disclosure is required by law or order of the court. The requestor's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information pertaining to the requestor, and all oral or written communication for the requestor concerning the request for

accommodation.

7.065 SENTENCING

Counsel shall advise the docket clerk if, in the opinion of counsel, the hearing will be in excess of 15 minutes.

7.075 PRETRIAL CONFERENCES IN CIVIL CASES

- (1) A pretrial conference shall be scheduled in all civil cases four (4) to six (6) weeks before the trial date. Counsel for each party shall appear personally, or by phone or simultaneous electronic transmission, if prearranged; and parties may, but are not required to, appear or participate unless so directed by the court.
- (2) A party and that party's counsel may appear at the pretrial conference by telephone, unless otherwise directed by the court. A party or an attorney intending to appear at the pretrial conference by telephone must do all of the following:
 - (a) Notify the court in writing at least seven days prior to the date scheduled for the pretrial conference.
 - (b) Arrange for and place the call to the court at the times scheduled for the pretrial conference.
 - (c) Arrange for all other parties and their counsel to participate in the same telephone call.
 - (d) Pay for the expense of the telephone call or conference call.
- (3) Prior to commencement of the Pretrial Conference, each party shall be prepared to report to the court regarding:
 - (a) Whether any further amendments need to be made to the pleadings;
 - (b) Whether discovery has been completed, and if not, the parties' plan to complete any outstanding discovery in advance of trial;
 - (c) Whether the parties have made good faith effort to confer regarding settlement;

- (d) Whether the parties have made a good faith effort to stipulate to undisputed matters so that evidence will not have to be produced unnecessarily;
- (e) Whether all necessary witnesses have been advised of the trial date; and
- (f) Any other matters that may affect the ability of the parties to proceed to trial as scheduled.

CHAPTER 8 – DOMESTIC RELATIONS PROCEEDINGS

8.015 MANDATORY PARENT EDUCATION PROGRAM

- (1) APPLICATION: Douglas County has established a parent education program requirement as authorized by ORS 3.425. The program shall provide information on the impact of family restructuring on children to each person named as a party in the following types of proceedings:
 - Annulment or dissolution of marriage;
 - Legal separation;
 - Custody or parenting time involving unmarried parents;
 - Post-judgment litigation involving custody or parenting time; and
 - Proceedings involving dissolution of Domestic Partnerships.
- (2) PARENT EDUCATION REQUIREMENT: When custody or parenting time of a child under the age of 18 is at issue each party in the proceeding shall successfully complete the parent education class offered through a court approved parent education program.
- (3) NOTICE: A copy of a notice regarding this requirement and an explanation of the program shall be provided to the moving party by the circuit court clerk accepting the filing at the time the moving party's documents are filed. The moving party shall serve a copy of this notice on the opposing party along with the moving papers in the manner provided in ORCP 7. The return of service on the opposing party shall indicate service of this notice as well as the other documents requiring service.
- (4) REGISTRATION: The parties shall register for the program or make application for approval of an alternative program within thirty (30) days after the case is at issue and shall complete the class within sixty (60) days thereafter.
- (5) WAIVER: Upon a showing of good cause and within 30 days after the case is at issue, either party may request waiver of this rule. The request shall be made to the court. The request shall be granted if the court determines that participation is either unnecessary or inappropriate.
- (6) FEE: Each party shall pay a fee determined by the program provider to cover the program costs. The fee may be waived or modified by the program provider, subject to court review.

- (7) NOTICE OF COMPLETION: The parties are responsible for providing the court case title and number to the provider. The program provider shall file a notice of completion with the court when the participant has completed the program.
- (8) FAILURE TO COMPLETE: Failure to complete the program in a timely manner may be considered by the court in making its custody and parenting time rulings.

8.016 STATEMENT OF ASSETS AND LIABILITES

- (1) Prior to filing statements of assets and liabilities pursuant to UTCR 8.010(3), the parties shall confer in an effort to agree on the following, except where there is a court order prohibiting contact between the parties:
 - (a) Terminology to be used to describe each asset and liability;
 - (b) Values of each asset and liability;
 - (c) The order in which each asset and liability is to be listed and
 - (d) Which assets and liabilities are part of the marital property and which are non-marital assets.
- (2) In lieu of filing separate statements of assets and liabilities, the parties may file one joint statement of assets and liabilities which either or both parties claim to be subject to distribution by the court.
- (3) In the event parties file separate statements, such statements must include all assets and liabilities which either or both parties claim to be subject to distribution by the court. Each party's statement of assets and liabilities shall use the agreed-upon terminology for each asset and liability. If the parties are unable to agree on terminology for any particular asset or liability, each party shall refer to each such asset or liability with their own preferred terminology, followed immediately by the opposing party's terminology for that item in parentheses.
- (4) Assets and liabilities shall be listed in the same order. If the parties are unable to agree upon the listing order, petitioner's listing order shall prevail and respondent's statement and any other party's statement shall follow petitioner's listing order.
- (5) Each party's statement of assets and liabilities shall first list all items the parties agree are part of the marital estate. Any assets or liabilities that the parties do not agree are part of the marital estate shall be separately listed at the end of the statement.
- (6) Statements of assets and liabilities shall be filed with the court at least two (2) judicial days prior to the date set for trial and a copy faxed, emailed or delivered to the assigned judge as soon after the assignment is made as possible.

8.017 CUSTODY EVALUATIONS

- (1) If the parties agree, a private custody and/or parenting time evaluation may be conducted and the parties shall be responsible for the costs of the evaluation.
- (2) Upon motion made by a party or upon the court's own motion, the court may order custody and/or parenting time evaluation. The costs of the evaluation may be apportioned between or among the parties at any time during the proceeding, including (but not limited to) when the order for evaluation is made or upon final judgment.
- (3) The court shall be notified by the evaluator or by a party if a party refuses to cooperate with the evaluation process. The evaluator or a party shall also notify the court if the evaluator cannot complete a report and indicate why the report cannot be completed.
- (4) The court may consider a party's lack of cooperation or refusal to cooperate in a custody evaluation when making a custody decision.
- (5) This rule shall apply to any proceeding before the court in which custody or parenting time is an issue.

8.019 PARENTING TIME COORDINATORS

- (1) A Parenting Time Coordinator may be appointed upon stipulation of the parties, upon motion of a party, or upon the court's own motion (ORS 107.425(3)(a)).
- (2) A form of model order appointing a Parenting Time Coordinator may be found on the Douglas County Circuit Court website at: <http://courts.oregon.gov/Douglas>.

8.041 PREJUDGMENT RELIEF

- (1) Prejudgment relief motions, excepting motions for temporary child custody or parenting time, shall be submitted to the Trial Court Administrator supported by affidavits and other documentation necessary to justify the requested relief. The prejudgment relief motion(s), affidavit(s), and supporting documentation, shall be served upon the opposing party, together with a notice to appear in accordance with sections (3) and (4) below.
- (2) If the opposing party has not appeared in the proceeding, Prejudgment Relief Motion(s), supporting documentation, and the Notice to Appear, shall be served upon the opposing party in the manner prescribed by ORCP 7. If the opposing party has appeared in the proceeding, Prejudgment Relief Motion(s), affidavit(s), supporting documentation, and Notice to Appear, shall be served in the manner prescribed by ORCP 9.
- (3) The original Notice to Appear shall be filed with the Trial Court Administrator. The Notice to Appear shall contain a notice in substantial conformity with the following:

PETITIONER/RESPONDENT HAS REQUESTED CERTAIN PREJUDGMENT RELIEF MOTIONS, PURSUANT TO ORS 107.095 AND SLR 8.041.

YOU ARE HEREBY GIVEN NOTICE THAT IF IT IS YOUR INTENT TO CONTEST THE REQUESTED PREJUDGMENT RELIEF, THEN NOT LATER THAN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE OF THIS NOTICE UPON YOU, THE FOLLOWING MUST BE DONE:

- (A) YOU MUST FILE A COUNTER AFFIDAVIT AND ANY SUPPORTING DOCUMENTATION WITH THE TRIAL COURT ADMINISTRATOR, AND,
- (B) YOU MUST SERVE YOUR COUNTER AFFIDAVIT AND ANY SUPPORTING DOCUMENTATION UPON YOUR SPOUSE'S ATTORNEY OR, IF YOUR SPOUSE IS NOT REPRESENTED BY AN ATTORNEY, THEN UPON YOUR SPOUSE IN THE MANNER PRESCRIBED BY ORCP 9.
- (C) IF YOU WISH TO SEEK AFFIRMATIVE RELIEF IN ADDITION TO OR INSTEAD OF CONTESTING THE RELIEF SOUGHT HEREIN, YOU MUST FILE YOUR OWN MOTION PURSUANT TO SLR 8.041.

AFTER FOURTEEN (14) DAYS FROM THE DATE OF SERVICE OF THIS NOTICE UPON YOU, THE COURT SHALL RULE ON THE REQUESTED PREJUDGMENT RELIEF MOTION(S) WITHOUT A HEARING AND SHALL ENTER AN ORDER WHICH SHALL BECOME EFFECTIVE IMMEDIATELY.

- (4) Any motion or counter affidavit regarding temporary support, debt payment, or attorney fees shall be accompanied by a Uniform Support Declaration in the form available at <https://www.courts.oregon.gov/forms> and a completed Division of Child Support computation worksheet as set forth in Oregon Administrative Rules 137-050-320 through 137-050-490 (Child Support Guidelines). In any case involving parties to which a Family Abuse Prevention Act Order (ORS 107.700-730) applies, a copy of said order shall be attached to any affidavit or counter affidavit. Except for the initiating motion, affidavit (and supporting matter) and the counter affidavit (and supporting matter), no other pleading shall be allowed or permitted, except as permitted by the court for good cause shown.
- (5) To the extent relevant to the prejudgment relief requests, each Prejudgment Relief Affidavit and counter affidavit shall address the following matters in the following order using the following suggested subheadings:
 - (a) EMPLOYABILITY: If different than the present employment as set forth in the Uniform Support Affidavit, the past employment circumstances and employability of each party.
 - (b) FAMILY HOME: Circumstances concerning the family home and any request for exclusive use thereof. A party making a specific request for exclusive use, possession, or control of the family home shall address the factors set out in ORS 107.095(1)(d) and (1)(g).
 - (c) DEBTS/INSURANCE: Debt and liability repayment obligations and needs, and requests for maintenance of insurance.
 - (d) RESTRAINING ORDERS: Reasons for any requested restraining orders, except for a temporary protective order of restraint as allowed by ORS 107.097(2) and SLR 8.042.
 - (e) PERSONAL PROPERTY: Circumstances concerning a request by a party for exclusive use of a vehicle or other personal property.

(f) ATTORNEY FEES: Sources of and need for attorney and expert witness fees.

(g) OTHER: Any other matter(s) relevant to the court's consideration. Provided, however, in accordance with ORS 107.036, no affidavit shall recite nor shall the court consider any statement of alleged specific acts of misconduct by either party. Matters concerning child custody shall be considered under SLR Chapter 12 and SLR 8.042.

(6) If either party desires to contest the relief granted by the court in the Temporary Relief Order, that party must file a motion requesting a hearing within 14 days of the date the order is entered specifying the modification requested. A copy of that request must be served upon the opposing attorney or if not represented, upon the party. Upon receipt of the request for hearing, the docket clerk shall promptly schedule a hearing. The court will consider the evidence in the trial court file and any additional evidence relevant to the issues at the hearing.

(7) Except as allowed by the Abuse Prevention Act, ORS 107.700, et seq, no *ex parte* order denying access to the marital home will be granted by the court. The court may consider denying a party access to the marital home as otherwise allowed under the procedures prescribed in this rule, but only under the circumstances permitted by ORS 107.095(1)(d) and (1)(g).

(8) After an initial ruling on the record or a ruling resulting from a request for hearing under (6) above, except for a contempt proceeding, no further motion(s) for Prejudgment Relief by the same party may be allowed or considered by the court except upon a showing of an emergency. As used in this subparagraph, the term "emergency" means unforeseen, extraordinary and extreme circumstances, or a substantial change of circumstances arising after the entry of the court's last Prejudgment Relief Order.

8.042 EX PARTE TEMPORARY RESTRAINT, CUSTODY AND PARENTING TIME ORDERS

(1) Temporary Order of Restraint

Either party may apply to the court for an *ex parte* temporary order of restraint as allowed by ORS 107.097(2). Only orders as set forth below will be entered pending mediation. The order shall provide as follows:

The parties are restrained and enjoined from changing the children's usual place of residence, from interfering with the present placement and daily schedule of the children, from hiding or secreting the

children from either parent, from interfering with each parent's usual contact and parenting time with the children, from leaving the State of Oregon with the children without the written permission of the other parent or the permission of the court, or from in any manner disturbing the current schedule and daily routine of the children until custody or parenting time has been determined by mediation or by further order of this court.

(2) Referral to Mediation

If custody and/or parenting time are at issue, the parties will immediately be ordered to mediation pursuant to SLR Chapter 12. In the event that mediation is unsuccessful, temporary custody and parenting time pursuant to ORS 107.095(1)(b) shall be determined pursuant to SLR 12.025(1)(e).

(3) Limitations on *Ex Parte* Orders

No *ex parte* order involving custody or parenting time will be entered in a case where either party has obtained a Family Abuse Prevention Act order pursuant to ORS 107.700 – 107.735.

8.051 POST JUDGMENT MODIFICATION (ORS 107.139, 109.119 and 107.730)

(1) Motions for modification of orders or judgments described in subsection (2) shall be submitted to the court supported by affidavits, uniform support declaration and other documentation necessary to justify the requested relief. The motion shall be served upon the opposing party together with an order to show cause containing the notice described in subsection (3).

(2) Except as provided below, this rule shall apply to any and all modifications of custody or parenting time decisions, including (but not limited to) domestic relations judgments (ORS 107.135, ORS 107.139); modifications of a judgment entered pursuant to ORS 109.119 (establishing emotional ties); and modification of custody and parenting time provisions requested pursuant to or to be made under the authority of ORS 107.730 [FAPA proceedings]. This rule does not apply to temporary custody or parenting time decisions, including temporary custody or parenting time decisions made pursuant to ORS 107.095, ORS 107.710, ORS 107.718. This rule does not apply to juvenile dependency proceedings.

(3) The notice given shall state:

PURSUANT TO DOUGLAS COUNTY CIRCUIT COURT RULE 8.051, THE
PETITIONER/RESPONDENT HEREIN SHOULD TAKE NOTICE THAT IF IT IS YOUR INTENT

TO CONTEST THE MATTERS INVOLVED HEREIN, A WRITTEN RESPONSE SPECIFYING THE MATTERS TO BE CONTESTED MUST BE FILED BY YOU WITH THE TRIAL COURT ADMINISTRATOR WITH PROOF OF SERVICE OF A COPY THEREOF ON PETITIONER'S/RESPONDENT'S ATTORNEY NOT LATER THAN THIRTY (30) DAYS FROM THE DATE OF SERVICE OF THIS ORDER UPON YOU. ABSENT GOOD CAUSE SHOWN, NO CONTEST TO A SHOW CAUSE SHALL BE PERMITTED UNLESS THE CONTESTANT HAS FILED A WRITTEN RESPONSE.

- (4) The written response shall respond to the original affidavit. Upon the filing of a written response, the matter will be set for trial pursuant to UTCR 7.020. Further proceedings will not be permitted except for good cause shown. If the respondent is seeking affirmative relief rather than or in addition to opposing relief requested by the other party, respondent must file a separate motion pursuant to this rule.
- (5) Where no written response is filed, the court may rule on the motion without a hearing upon the expiration of thirty (30) days from the date of service, or the court may request additional documents or may set the matter for hearing.

CHAPTER 9 – PROBATE, PROTECTIVE AND ADOPTION PROCEEDINGS

9.015 NON-PROFESSIONAL FIDUCIARY EDUCATIONAL PROGRAM

- (1) The following court appointed non-professional fiduciaries are subject to this rule:
 - (a) Any guardian or conservator appointed pursuant to ORS Chapter 125 on or after the effective date of this Rule.
 - (b) Any personal representative appointed pursuant to ORS Chapter 113 on or after the effective date of the Rule.
 - (c) Any trustee appointed pursuant to ORS Chapter 130 on or after the effective date of the Rule.
 - (d) Any non-professional fiduciary cited for a deficiency in the handling of fiduciary duties pursuant to the show cause or citation for removal process.
- (2) All non-professional fiduciaries involved in a case described under subsection (1) above, shall:
 - (a) Successfully complete an education class for non-professional fiduciaries with a curriculum as prescribed by the Presiding Judge of Douglas County within 90 days of appointment as fiduciary by the court; and
 - (b) Register for the program no later than fifteen (15) days from appointment as fiduciary by the court.
- (3) A professional fiduciary, for purposes of this Rule, is defined in ORS 125.240(5). Professional fiduciaries are exempt from this Rule.
- (4) A non-professional fiduciary's obligations under this rule may be waived under the following circumstances:
 - (a) The fiduciary is represented by an attorney licensed in the State of Oregon; and

- (b) The fiduciary's attorney files with the court, within 30 days of the appointment of the fiduciary, a certification that the attorney has personally advised the fiduciary of his/her obligations with respect to the management of estate assets, reporting obligations, and statutory notice requirements.

- (5) The court will send notice and instructions of this requirement to the non- professional fiduciary at the time of appointment as guardian, conservator, or personal representative. The attorney representing a trustee shall provide notice and instruction to the trustee of this requirement.

- (6) Fees for the court-required class shall be considered a cost of administration of the protective proceeding, estate or trust. The fee for the court-required class may be waived or deferred in the court's discretion, in keeping with the court's policy of fee waiver and deferrals.

- (7) Upon successful completion of the court-required class, the non-professional fiduciary shall file a certificate of completion with the Probate Department stating the date and time the class was taken as well as the provider of the class.

- (8) Upon a showing of good cause, a non-professional fiduciary may request a waiver of the requirements of this Rule. The request must be made by motion, supported by affidavit, and filed within fifteen (15) days of receipt of notice.

- (9) The court may, in its discretion, require a non-professional fiduciary to retake the class.

- (10) Failure to timely comply with this Rule may result in removal of the non-professional fiduciary by the court.

9.021 GUARDIANS

- (1) All guardians shall promptly notify the court in writing of any change of name or address.
- (2) A guardian for a minor shall, within 30 days after each anniversary of appointment, file with the court a written report. Copies of the guardian's report must be given to those persons specified in ORS 125.060(3). The report shall be in the form prescribed by the court. A sample Minor Guardianship Report form is provided at the end of these rules.

9.081 OBJECTIONS IN PROTECTIVE PROCEEDINGS AND NOTICE OF INFORMATION

- (1) Any person who wishes to file an oral or written objection to a petition in a protective proceeding under ORS 125.075 may contact a court clerk {in person} at Room 201, Douglas County Justice Building, 1036 SE Douglas Avenue, Roseburg, Oregon, telephone (541) 957-2451. Oral objections may be made with the court clerk or the court visitor. If the person wishes to file a written objection, the court clerk will provide the objection form found on page 40 in the "Appendix of Forms". If the person wishes to make an oral objection, the clerk will note the objection on the above referenced form and ask the objector to sign the form confirming the oral objection. The court shall not charge or collect any fee from a respondent or protected person for the filing of objections under the provisions of this section or for the filing of any motion by a respondent or protected person.
- (2) Information about free or low-cost legal services may be obtained from the court clerk in Room 201, Douglas County Justice Building, 1036 SE Douglas Avenue, Roseburg, Oregon.
- (3) All contested adult guardianship and/or adult conservatorship cases may be referred to mediation or settlement conference as described in SLR 12.105.

9.161 FORM OF ACCOUNTINGS

Accountings in estates and conservatorships must be submitted in the format specified in UTCR 9.160.

CHAPTER 11 – JUVENILE COURT PROCEEDINGS

11.005 APPEARANCE IN JUVENILE COURT FOR TERMINATION OF PARENTAL RIGHTS CASES

- (1) A parent who is served with a summons for the first appearance in a petition to terminate parental rights case shall appear personally in court at the time and place specified in the summons. The purpose of the appearance is to admit or deny the allegations of the petition and to schedule a trial.
- (2) At the first appearance, a parent may request a court appointed attorney to represent the parent at trial.
- (3) A parent who fails to appear as summoned may be subject to entry of judgment granting the petition to terminate the parental rights of that parent, following the prima facie hearing.
- (4) A parent who fails to appear at any hearing subsequent to the first appearance may be subject to entry of judgment granting the petition to terminate the parental rights of that parent, following the prima facie hearing.

CHAPTER 12 – MEDIATION/ALTERNATIVE DISPUTE RESOLUTION

12.015 MATTERS SUBJECT TO MEDIATION

(1) Mandatory Mediation

Except as provided, any matter involving a controversy over custody or parenting time of minor children shall be subject to mediation. This rule applies to and mediation is required for all custody or parenting proceedings, including (but not limited to) proceedings pursuant to ORS 109.119 (emotional ties). Provided however, mediation shall not be required for custody or parenting time determinations made pursuant to ORS 107.700 to 107.735 (FAPA). See ORS 107.755 (2). In addition, this rule does not apply to juvenile dependency proceedings.

(2) The court which refers a case to mediation may set in its referral order the limits of the mediator's scope of authority in the case. Any agreement of the parties reached as a result of mediation for which court enforcement may be sought must be presented to the court, and the court shall retain final authority to accept, modify or reject the agreement. In order to preserve and promote the integrity of mediation as a dispute-resolution technique, the court will endeavor to include all reasonable agreements reached by the parties in formulating its order in the case.

(3) Other Matters

The parties and mediator may agree that the mediator may deal additionally with any other matter, including (but not limited to) child support.

12.025 MEDIATION AND TEMPORARY SUPPORT

(1) Mediation

(a) Commencement of Mediation by Stipulated Request for Mediation

If there is a disagreement between the parties concerning custody or parenting time either prior to or after a judgment, both parties, or their attorneys, may sign and file with the court a stipulated request for mediation, in substantially the form as of that attached to these rules. The parties will be referred by the court to ADAPT for mediation in accordance with these rules, or the parties may agree and stipulate to an independent mediator in their stipulated request for mediation. Form found on pages 41-42 in the "Appendix of Forms".

(b) Custody or Parenting Time is at Issue & Mediation Orientation

Whenever a respondent appears in a domestic relations case and child custody or parenting time is at issue, the court shall refer the parties to ADAPT for Mediation Orientation. Form found on pages 43-45 in the "Appendix of Forms".

(c) Temporary Custody and Parenting Time Orders

At any point during the mediation, the court may approve a temporary custody and parenting time order reflecting the parents' agreement as to the issues.

(d) Good Faith Required

Mediation shall not be used by any party in bad faith for the purposes of delay of resolution of other issues. If the court finds at any time that the mediation process is being misused in violation of this rule, it may determine that mediation has been unsuccessful. The court may consider a party's bad faith and/or failure to cooperate when determining custody or parenting time.

(e) Unsuccessful Mediation and Procedure

(i) The mediator shall notify the court regarding the success or lack of success of mediation.

(ii) In the event mediation of custody or parenting time is not successful, any party (in writing) may, by motion, request a temporary custody and/or parenting time hearing. Any motion for hearing shall be accompanied by a supporting affidavit/declaration. The motion shall: (a) identify the issues to be resolved; and (b) the length of time required for a hearing. The accompanying supporting affidavit/declaration must provide information and documentation necessary to justify the relief requested. The motion and accompanying supporting affidavit/declaration shall be served upon the opposing party, together with a notice to appear in accordance with section (vii) below.

- (iii) If the opposing party intends to request relief different from or in opposition to the relief requested by his/her opponent, the opposing party must file with the court a motion and counter affidavit/counter declaration within 14 days from the date of service of the notice. The opposing party's motion must (a) identify the issues to be resolved; and (b) the length of time required for a hearing. The accompanying supporting counter affidavit/declaration must provide information and documentation necessary to justify or oppose the relief requested.
- (iv) The party initiating the request for temporary custody and/or parenting time hearing need not file with the court further documents in opposition to the opposing party's motion and counter affidavit/counter declaration.
- (v) All documents must be served upon all parties not in default pursuant to and in accordance with ORCP 9.
- (vi) The court will schedule a hearing only in the event a party opposes the initial request for temporary custody and/or parenting time in accordance with subsection (iii) above. Otherwise, the court shall not hold a hearing and shall make a ruling on the record.
- (vii) The original Notice to Appear shall be filed with the Trial Court Administrator. The Notice to Appear shall contain a notice substantially conforming with the following:

PETITIONER/RESPONDENT HAS REQUESTED CERTAIN TEMPORARY CUSTODY AND/OR PARENTING TIME MOTIONS PURSUANT TO ORS 107.095 AND SLR 12.025.

YOU ARE HEREBY GIVEN NOTICE THAT IF IT IS YOUR INTENT TO REQUEST RELIEF DIFFERENT FROM OR IN OPPOSITION TO THE RELIEF REQUESTED BY YOUR OPPOSING PARTY, THEN NOT LATER THAN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE OF THIS NOTICE UPON YOU, THE FOLLOWING MUST BE DONE:

- (A) YOU MUST FILE WITH THE COURT A MOTION AND COUNTER AFFIDAVIT/COUNTER DECLARATION WHICH:
- (1) IDENTIFIES THE ISSUES TO BE RESOLVED;
 - (2) INCLUDES THE LENGTH OF TIME REQUIRED FOR HEARING; AND
 - (3) INCLUDES THE ACCOMPANYING SUPPORTING COUNTER AFFIDAVIT/DECLARATION WHICH MUST PROVIDE INFORMATION AND DOCUMENTATION NECESSARY TO JUSTIFY OR OPPOSE THE RELIEF REQUESTED.
- (B) YOU MUST SERVE YOUR MOTION AND COUNTER AFFIDAVIT/COUNTER DECLARATION AND ANY SUPPORTING DOCUMENTATION UPON YOUR OPPOSING PARTY'S ATTORNEY, OR IF THE OPPOSING PARTY IS NOT REPRESENTED BY AN ATTORNEY, THEN UPON THE OPPOSING PARTY IN THE MANNER PRESCRIBED BY ORCP 9.

THE PARTY INITIATING THE REQUEST FOR TEMPORARY CUSTODY AND/OR PARENTING TIME HEARING NEED NOT FILE ANY FURTHER DOCUMENTS WITH THE COURT IN OPPOSITION TO YOUR MOTION AND COUNTER AFFIDAVIT/COUNTER DECLARATION.

THE COURT WILL SCHEDULE A HEARING ONLY IN THE EVENT A PARTY OPPOSES THE INITIAL REQUEST FOR TEMPORARY CUSTODY AND/OR PARENTING TIME.

IF YOU DO NOT FILE A MOTION AND COUNTER AFFIDAVIT/COUNTER DECLARATION WITH THE COURT WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE OF THIS NOTICE UPON YOU, THE COURT WILL NOT HOLD A HEARING AND WILL MAKE A RULING ON THE RECORD.

(2) Temporary Support

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

12.035 PRIVATE MEDIATION

- (1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of any agreed-upon fee for mediation service.
- (2) If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.
- (3) If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or parenting time dispute, the parties will be referred to ADAPT for mediation pursuant to Rule 12.025.
- (4) If the parties select an independent mediator pursuant to Rule 12.035(2), after a referral has been made to ADAPT, they shall comply with Rule 12.035(2) and send a copy of the stipulation to ADAPT.

12.045 REQUESTS FOR REMOVAL FROM MEDIATION

Either the mediator or a party may request that a matter be removed from mediation on the grounds that mediation will prove to be unsuccessful or mediation will be detrimental to the interests of a party of child/children of the parties.

12.065 SMALL CLAIMS MEDIATION

- (1) All contested small claims actions shall be referred to mediation orientation.
- (2) Agreements reached while in mediation shall be signed by the parties and filed as stipulated orders.

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

12.075 FED MEDIATION

- (1) All contested FED actions shall be referred for mediation orientation at first appearance.
- (2) Agreements reached while in mediation shall be signed by the parties and filed as stipulated orders.

12.105 COURT ANNEXED MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE PROGRAM

- (1) The 16th Judicial District has a mediation referral program pursuant to ORS 36.185 to ORS 36.210.
- (2) Any contested adult guardianship or adult conservatorship case may be referred to mandatory mediation or settlement conference. The court may provide a court-appointed mediator or person to conduct settlement conferences, or the parties may agree to a mediator or person to conduct the settlement conference of their own choice and at their own expense. If an agreement is not reached, the case will proceed to trial.
- (3) Unless the context requires otherwise, as used in the Douglas County Supplemental Local Rules, terms and rules applicable to mediators and mediation also are applicable to settlement conferences and those conducting settlement conferences. A settlement conference may be chosen by the parties or ordered by the court, in lieu of mediation or arbitration.
- (4) When ORS 36.400 (Mandatory Arbitration) applies, the parties shall be sent a Notice of Assignment to Alternative Dispute Resolution (ADR) wherein the available ADR programs will be described and the parties shall be required to choose among the then-available ADR programs.

12.125 ARBITRATION AND MEDIATION COMMISSION

- (1) There is established an Arbitration and Mediation Commission which includes judges, attorneys, non-attorneys, and as ex officio, the Trial Court Administrator, at least some of whom have experience as mediators. The Arbitration and Mediation Commission is the “determining authority” as this term is used in Section 1.3 of the Oregon Judicial Department’s Court-Connected Mediator Qualifications Rules, adopted through Chief Justice Order No. 05-028.

- (2) All members shall be appointed by, and serve at the pleasure of, the Presiding Judge for a period determined by the Presiding Judge.
- (3) The function of the Arbitration and Mediation Commission is to:
 - (a) Monitor the mediation, arbitration and settlement conference program.
 - (b) Review the applications of mediators, arbitrators, and those conducting settlement conferences.
 - (c) Review the qualifications and training of mediators, arbitrators, and those conducting settlement conferences.
 - (d) Advise the court on the functioning of the mediation, arbitration and settlement conference programs.
 - (e) The Presiding Judge retains and shall have final authority over all matters described in subsections (a), (b), (c) and (d) above.

12.135 MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE PANEL ESTABLISHED

There shall be a panel of mediators, arbitrators and persons to conduct settlement conferences made up of persons appointed to serve for a period at the discretion of the Presiding Judge.

12.137 SETTLEMENT CONFERENCES LIABILITY/CONFIDENTIALITY

As settlement conferences are a form of alternative dispute resolution, the following provisions apply and are applicable to Settlement Conference and persons conducting Settlement Conferences, in the same way and with the same force and effect as applicable to mediators and mediation programs:

ORS 36.210 (Liability of mediators and programs); ORS 36.220 (Confidentiality of mediation communications and agreements; exceptions); ORS 36.222 (Admissibility and disclosure of mediation communications and agreements in subsequent adjudicatory proceedings).

12.145 APPOINTMENT TO MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE PANEL

- (1) To apply to be listed on the panel of mediators, arbitrators or persons conducting settlement conferences, a person must sign and file an application as provided by the court.
- (2) The Arbitration and Mediation Commission shall review each applicant and make a recommendation to the Presiding Judge.
- (3) The decision as to whether an individual is qualified to be on the panel of mediators, arbitrators and/or persons conducting settlement conferences shall be made by and in the discretion of the Presiding Judge in accordance with the Oregon Judicial Department's Court-Connected Mediator Qualifications Rules, adopted through Chief Justice Order No. 05-028.

12.155 REMOVAL FROM MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE PANEL

- (1) The Arbitration and Mediation Commission shall monitor the performance of mediators, arbitrators and persons conducting settlement conferences.
- (2) The Presiding Judge may remove a mediator, arbitrator or person conducting settlement conferences at the Presiding Judge's discretion.

12.165 ASSIGNMENTS, SELECTION, AND COMPENSATION OF MEDIATOR/ARBITRATOR/SETTLEMENT CONFERENCE PANEL

- (1) A mediator, arbitrator or person to conduct settlement conferences shall be assigned by the court or selected by the parties within 21 days after the referral to mediation, arbitration or settlement conference.
- (2) The Arbitration and Mediation Commission may establish a compensation schedule which shall apply when a mediator, arbitrator or person conducting a settlement conference is assigned by the court. If a mediator, arbitrator or person conducting a settlement conference is selected by the parties, then compensation shall be determined by the parties and the mediator, arbitrator or person conducting a settlement conference.

12.175 COMPLETING THE MEDIATION/ARBITRATION/SETTLEMENT CONFERENCE

Any mediation, arbitration or settlement conference under these rules must be completed within 90 days after the entry of an order referring the case to mediation, arbitration or settlement conference, unless otherwise ordered by the court.

12.185 TOLLING OF TRIAL AND DISCOVERY TIME LINES AND REQUIREMENTS

- (1) For purposes of ORS 36.190(3), tolling of trial and discovery time lines and requirements commences on the date of the entry of an order referring a case to mediation/settlement conference.
- (2) For purposes of ORS 36.190(3), tolling of trial and discovery time lines and requirements ends on the earliest of the following:
 - (a) The date the court is notified in writing of the termination of the mediation/settlement conference.
 - (b) The date a party files a written objection to mediation/settlement conference together with proof of service on all other parties.
 - (c) 90 days after the entry of an order referring the case to mediation/settlement conference, unless otherwise ordered by the court.

12.195 EFFECT ON MANDATORY ARBITRATION

In any case which otherwise is subject to mandatory arbitration:

- (a) Arbitration shall not be required if all parties participate in a mediation session or a settlement conference.
- (b) If one or more parties file a written objection to mediation or a settlement conference together with a proof of service on all other parties, then the case shall be transferred to or continued in arbitration.

12.215 SANCTIONS

The court may impose sanctions pursuant to UTCR 1.090 against any attorney or party who fails to comply with the requirements of SLR Chapter 12 by:

- (1) Failing to attend a scheduled mediation session, arbitration, settlement conference or judicial settlement conference; or,
- (2) Failing to act in good faith during the mediation, arbitration, settlement conference or judicial settlement conference; or,
- (3) Failing to submit on a timely basis paperwork required as a part of the mediation, arbitration, settlement conference or judicial settlement conference; or,
- (4) Failing to have a principal necessary to approve the resolution of the case present or readily available, by telephone or other means, at the time of the mediation, arbitration, settlement conference, or judicial settlement conference, unless, in advance, the court grants the party or attorney leave from compliance with this subsection of the rule.

CHAPTER 13 – ARBITRATION

13.015 OTHER APPLICABLE PROVISIONS

Other provisions regarding alternative dispute resolution, arbitration and arbitrators are found in SLR Chapter 12.

13.065 ARBITRATION HEARING

The arbitrator shall schedule the arbitration hearing to take place no later than 90 days from the date of assignment of the case to the arbitrator.

13.095 ARBITRATOR/MEDIATOR APPLICATION

To qualify as an arbitrator, mediator or a person to conduct settlement conferences, the applicant must complete and sign an application approved by the Arbitration and Mediation Commission.

13.195 UNINSURED MOTORIST COVERAGE/ARBITRATIONS

Arbitration proceedings related to Uninsured Motorist Coverage/Arbitrations pursuant to ORS Chapter 742 (742.504 & 742.505) should allow the Claimant to proceed under either a Tort Claim protocol as to the Uninsured/Underinsured Motorist; and/or proceed, under Contract Claims and/or Breach of the Covenant of Good Faith Claims; and, the Declaration Page setting forth UM/UIM Policy Limits and the Insurance Policy shall be admissible in Evidence for consideration by the Arbitrator(s) along with the amount of Insurance Premiums paid by or in behalf of the Claimant for the amount of UM/UIM Coverage.

CHAPTER 16 – VIOLATIONS

16.005 VIOLATIONS BUREAU

By local Presiding Judge’s Order, a Violations Bureau is established pursuant to ORS 153.800. All circuit court employees of Douglas County are appointed as violation clerks and are directed to enter judgment pursuant to ORS 153.090.

16.015 TRIAL BY DECLARATION

If a signed waiver and testimony by declaration found in “Appendix of Forms”, pages 46-48 is filed by the defendant, testimony in a traffic violation trial is allowable by declaration pursuant to ORS 153.080. A copy of the witness’ declaration shall be provided to the alleged violator before trial.

CHAPTER 18 – FORCIBLE ENTRY AND DETAINER (FED)/LANDLORD TENANT

18.021: FORCIBLE ENTRY AND DETAINER (FED) LANDLORD TENANT TRIALS; DISCOVERY PROCEDURES

Pursuant to ORS 105.130, the statutory timelines for FED cases are inconsistent with the discovery practices of ORCP 36. Under ORS 1.010(3), courts may provide for the orderly conduct of proceedings generally. Therefore, in all FED cases, both parties must exchange all documents, photographs, videos and other tangible evidence that they intend to use at trial, prior to the time schedule for trial, unless a party's attorney secures court approval of a different discovery method for a particular case. If a party attempts to use evidence at an FED trial that was not exchanged prior to the time of trial as required by this rule, then the court may exclude that evidence in its sole discretion.

18.024: FORCIBLE ENTRY AND DETAINER (FED) LANDLORD TENANT TRIAL; ENTERING STIPULATED AGREEMENTS

The parties in FED cases are encouraged to consider entering into Stipulated Agreements as provided in the Oregon Revised Statutes. The Douglas County Court has a Stipulated Agreement form that contains all statutorily required language, which is available to print from our court website. This court approved form includes prompts that remind the parties of options and limitations the law imposes. Therefore:

Any Stipulated Agreement that is not on the Douglas County's court approved form may be rejected solely because it is not on our court approved form

Circumventing meaningful use of the court approved form by stapling another document to it and writing the words "See Attached" on the court approved form without explanation may result in court rejection of an FED Stipulated Agreement.

CHAPTER 21 – EXPEDITED FILINGS

21.071 NOTIFICATION OF EXPEDITED E-FILINGS

A filer who submits an expedited filing through the e-filing system shall notify the court of the filing by email addressed to the court at DOU.Urgent@orjudicial.onmicrosoft.com. Both the e-filing comments field and the email must include the words “EXPEDITED CONSIDERATION REQUESTED.”

APPENDIX OF FORMS

APPENDIX A

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

		Plaintiff,	Case No.
v.			PRETRIAL CONFERENCE
			STATEMENT OF
			PLAINTIFF/DEFENDANT
		Defendant.	(SLR 7.075(3))

1. A pretrial conference has been scheduled in this case on the _____ day of _____, _____ at _____ m. I certify that I have reviewed the pleadings and that no further amendments have to be made. I cannot certify that all the necessary amendments to my client's pleadings have been made because:

(Note: All pretrial amendments must be completed sufficiently in advance of the trial date to avoid any delay in the proceedings or the amendment will not be allowed.)

2. I certify that all discovery has been completed. I cannot certify that all discovery has been completed because:

(Note: All discovery must be completed promptly to avoid a delay in the proceedings. Failure to complete discovery in a diligent manner will not be grounds for a postponement.)

3. I certify that I have notified my clients and all of my material witnesses of the trial date. I cannot so certify because:

Appendix
(Per SLR 7.075(3))

4. I have made a good faith effort to confer with the opposing side concerning settlement. I have not done so because:

5. I have asked the opposing side to stipulate to undisputed matters so that evidence will not have to be produced unnecessarily. I have not done so because:

6. General comments: I wish to apprise the court of the following which will have to be discussed with the court and opposing counsel at the time of the pretrial conference.

7. NOTE: A copy of this statement must be furnished to the court and opposing counsel not less than seven (7) days before the date of the pretrial conference.

Attorney for (Plaintiff) / (Defendant)

Appendix
(Per SLR 7.075(3))



APPENDIX B
GUARDIANS REPORT FOR A MINOR

Douglas County Circuit Court
1036 SE Douglas Ave #JB201, Roseburg, OR 97470

(541) 957-2471
dou.court@ojd.state.or.us

In the Matter of the Guardianship of

Case Number:

Guardian's Report for Minor

Protected Person,

Minor's Date of Birth:

1) Guardian's Address:

2) The Guardian's telephone number is:

3) Is the minor living with you? Yes No

4) If you answered "No" to question 3:

a) What is the minor's current address:

b) When did the minor leave your residence?

c) Who is the minor currently living with, the relationship of that person to the minor, and why did the minor stop living with you?

5) How is the protected person doing in school, including extracurricular activities?

6) During the past year I have received \$ _____ from _____ to help support this child. I spent \$ _____ of that income on behalf of the child and now I have \$ _____ remaining.

7) Have you been convicted of a crime since your last report? Yes No

8) Have you filed bankruptcy since your last report? Yes No

9) Have you had your driver's license suspended or revoked since your last report? Yes No

10) If you answered "Yes" to questions 7-9, please explain:

11) I believe I should or should not continue to be the guardian for the minor child because:

12) Provide any other information you feel should be provided to the Court regarding this child's adjustment to your care (use additional paper if necessary):

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

Guardian's Signature:

Date:

Printed Name:

If applicable:

Co-guardian's Signature:

Date:

Printed Name:

APPENDIX C

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR DOUGLAS COUNTY
ROOM 201 JUSTICE BUILDING
ROSEBURG, OR 97470
PROBATE DEPARTMENT

In the Matter of

Case No.

OBJECTION TO
PETITION/MOTION ON
PROTECTED PERSON
(SLR 9.081(1))

I, _____, am objecting to the Motion _____, Petition _____, in this protective proceeding. My reasons are as follows:

Address/Mailing Address

Phone:

Objector's Signature

SUBSCRIBED AND SWORN TO before me this

day of _____, 20

CLERK/NOTARY PUBLIC FOR OREGON

My Commission expires:

DOU*PB-26:11/00 - Objection to Petition/Motion on Protected Person

Appendix
(Per SLR9.081(1))

APPENDIX D

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

In the Matter of the Marriage of)	
)	
	,)	Case No.
Petitioner,)	
and)	STIPULATED REQUEST FOR
)	MEDIATION AND ORDER
	,)	(SLR12.025(1)(a))
Respondent.)	

Since it appears to both parents that custody and parenting time cannot be agreed upon:

- () The parents request a referral to ADAPT for mediation.
- () The parents request the use of an independent mediator. The mediator has been contacted and has agreed to mediate, and has also agreed to abide by the Mediation Rules of this court.

The mediator's name is _____ . The mediator's address and telephone number is:

The first mediation appointment is scheduled for:

(Month/Day/Year)

Petitioner's Signature

Respondent's Signature

Address

Address

APPENDIX E

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

In the Matter of the Marriage of:

Case No.

And

Petitioner,

REQUEST FOR MEDIATION BY ONE PARENT

(SLR 12.025 (1)(b))

Respondent.

I, _____, am the (mother) (father) of the child(ren) of this marriage.

We cannot agree upon custody and/or parenting time, and I am requesting that the court send us to a mediator. I am, therefore, filing this Request for Mediation by One Parent. I have kept a copy. I have taken the responsibility to see that my spouse receives a copy of this request as indicated in the "NOTICE" section below. The other parent's current address is:

DATED:

SIGNED:

(Mother) (Father), Pro se

Address

City/State

Zip

Telephone

PAGE 1 - REQUEST FOR MEDIATION BY ONE PARENT

Appendix(Per SLR
12.025(1)(b))

APPENDIX F

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DOUGLAS
1036 SE Douglas St. Roseburg, Oregon 97470

State of Oregon
v.

Case No:

DEFENDANT'S DECLARATION

Defendant

(Trial by Declaration)

I waive my right to appear personally at trial and submit my evidence by this Declaration to the court. I understand that I will be notified by mail of the court's decision.

Additional page attached

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

Date

(signature)

Print Name

Contact Address

City, State, Zip

Contact Phone

Appendix
(Per SLR 16.015)

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

1036 SE Douglas St.
Roseburg, Oregon 97470

541.957.2471

<http://courts.oregon.gov/Douglas>

[Date]

[Defendant's Name]

[Mailing Address]

[City, State Zip]

Trial by Declaration Information

You have pled Not Guilty and requested a Trial by Declaration. Please complete the enclosed form.

The declarations must be signed and submitted to the court clerk by

By submitting the Defendant's Declaration form you waive both your and the officer's presence at trial. It allows you and the officer to appear by submitting a declaration of what happened, the same as you would tell the judge if you appeared in person.

The judge will make a decision based on all of the declarations. The declarations will be considered the same as a personal appearance. The court will notify you of the decision by mail.

If you do not submit your declaration by the deadline, a default judgment will be entered against you, which means that you will be convicted and charged a fine.

Witnesses: If you want a witness to testify, you can make a separate copy of this form for the witness to fill out. The witness' declaration must be received by the court by the date above. If not, it will not be considered by the judge.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DOUGLAS
1036 SE Douglas St. Roseburg, Oregon 97470

State of Oregon
v.

Case No:
Citation No:

REPORTING OFFICER'S
DECLARATION
(Trial by Declaration)

Defendant

The Defendant has entered a plea of Not Guilty and requested a Trial by Declaration. Please submit your Declaration of the facts to the court before .

I am the Reporting Officer in this case and I submit the following facts to the court:

Additional page attached

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

Date

[Name] , Officer (signature)
[Agency]

Contact Address

City, State, Zip

Contact Phone

Appendix
(Per SLR 16.015)

APPENDIX G

Request to Cover Courtroom Proceedings

Name of Radio/TV Station or Newspaper:

Address: _____

Name of Contact Person:

Phone:

Names of Authorized Representatives:

Type of Coverage: Audio Recording
 Photographic
 Television

Case:

Judge:

Date(s) Coverage Requested:

I have read, understood and agree that any authorized representative of my station/newspaper will abide by the Uniform Trial Court Rules 3.180 & the Local Supplementary Rule 3.181 for Douglas County Circuit Court relating to media coverage in the courtroom.

Signature

Approved: _____
Date

Disapproved:

Signature of Judge

Date

Affidavit of Notice

STATE OF OREGON)
) SS.
County of Douglas)

I, _____ first duly sworn say that I am

I delivered a true copy of Request to Cover Courtroom Proceedings on _____ (Date)

(Case Name and Number)

(Name and address of attorneys or parties served)

By enclosing said copy in an envelope addressed as above and depositing in the United State Post Office on _____ (Date)

By handing said copy of the Request to Cover Courtroom proceedings to _____ on _____ (Date)
(Name of attorney(s) or parties served)

Signature

Subscribed and sworn to before me this day of _____, 20__ .

Notary Public of Oregon
My Commission Expires: