

RULES
OF THE
14TH JUDICIAL DISTRICT
OF THE STATE OF OREGON
FOR
JOSEPHINE COUNTY

STATE OF OREGON – COUNTY OF JOSEPHINE

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

DATED: December 19th, 2024
Presiding Judge for Josephine County Circuit Court (or designee)

s/Robert S. Bain
Robert S. Bain – Presiding Circuit Court Judge



**SUPPLEMENTARY LOCAL RULES OF THE CIRCUIT COURT
OF THE STATE OF OREGON FOR JOSEPHINE COUNTY
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CHAPTER 1 GENERAL PROVISIONS

1.002 ADDRESS AND TELEPHONE NUMBERS

- (1) Defendants in Criminal and Violation Cases. During the pendency of any case charging an offense, during any period of probation, or while any monetary or other obligation imposed by the court in such case remains unsatisfied, defendant must keep the court advised in writing of defendant's current name, mailing address and telephone or message telephone number.
- (2) Unrepresented Parties in Cases. During the pendency of any case, any party who is not represented by an attorney of record must keep the court advised in writing of the party's current name, mailing address, and any telephone or message telephone number.
- (3) Parties can update their information on the court website defined in SLR 1.171 under Court Contact Information Update or in person at a court service window.

1.161 FILING OF DOCUMENTS WITH COURT

- (1) A drop box will be available until 5:00 pm for filings and payments at both the main courthouse and the Juvenile Justice Center. A drop box is located next to Courtroom 4 on the second floor of the main courthouse, 510 NW 6th Street, Grants Pass, Oregon and on the second floor of the Juvenile Justice Center, 301 NW F Street, Grants Pass, Oregon. Documents deposited prior to 5:00 PM will be filed the same day. Documents deposited after 5:00 PM will be filed on the next business day. Receipts for filing fees will be provided if a self-addressed, stamped envelope is attached to the filing. Documents failing to meet requirements outlined in ORCP 9E and Josephine County SLR 2.015 will not be accepted for filing and will be returned to the party.
- (2) Documents transmitted via facsimile (FAX), or by email will not be received for filing except as set out in SLR 4.081(2) and 5.052(2).
- (3) Mandatory electronic filing is required for members of the Oregon State Bar per UTCR 21.140.

1.171 COURT WEBSITE

Josephine County Circuit Court has a website that lists information about our court. The website address is: courts.oregon.gov/Josephine.

1.172 COURT FORMS WEBPAGE

Court forms are available at courts.oregon.gov/courts/josephine/help/Pages/forms.aspx.

1.173 PHYSICAL/MAILING ADDRESSES

- (1) Unless otherwise ordered due to emergency conditions, the offices of Josephine County Circuit Court are located as follows:
 - (a) Main Courthouse Entrance
510 NW 6th Street, Grants Pass, Oregon 97526.
 - (b) Family Court Entrance
301 NW F Street, Grants Pass, Oregon 97526.
 - (c) Jail Courtroom Entrance
1901 NE F Street, Grants Pass, Oregon 97526.
- (2) The mailing address for Josephine County Circuit Court is 500 NW 6th Street, Department 17, Grants Pass, Oregon 97526.

CHAPTER 2 STANDARDS FOR PLEADINGS AND DOCUMENTS

2.015 RETURN OF A DOCUMENT TO A PARTY

In addition to the authority to decline to receive or file a document under ORCP 9E, a document may be returned to the party who submitted it in the following situations:

- (1) A document with an existing case number and case caption from another jurisdiction unless filed pursuant to an order signed by a judge allowing a change of venue or authorizing the filing on some other basis;
- (2) A document which required a fee but the fee payment or an order to waive or defer the fee is not provided;
- (3) A document without sufficient identifying information to determine in which case it should be filed or entered;
- (4) A document with a case caption from a jurisdiction not recognized by the Oregon constitution or established by the Oregon Legislature, or a judgment or decree purportedly issued by a nonexistent court; and
- (5) A document submitted by fax transmission except as set out in SLR 4.081(2) and 5.052(2).

2.095 FILINGS FOR CONSOLIDATED CASES

- (1) Pleadings, memoranda, or other documents filed pursuant to UTCR 2.090, which affect each of the consolidated cases, must include complete case captions listing all parties and consolidated case numbers.
- (2) When submitted by electronic filing, the document(s) shall be submitted in each consolidated case number.
- (3) Pleadings, memoranda, and other documents filed in cases that are related but not consolidated shall contain only the case caption and case number for the case to which it applies. Original documents must be submitted in each case for the document to be filed in each of the related cases.

**CHAPTER 3
MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS**

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the public hallways outside of any courtroom or court office. Public or media wanting to film outside courtrooms or court offices must obtain approval from the Public Information Officer or Trial Court Administrator.

3.182 USE OF CELL PHONES AND OTHER COMMUNICATION DEVICES WHICH HAVE AUDIO RECORDING, PHOTOGRAPHIC OR ANY OTHER VISUAL OR IMAGE RECORDING OR REPRODUCING CAPABILITY

- (1) Cell phones and other personal data or communication devices which have audio recording, photographic or other visual image recording or reproduction capability:
 - (a) constitute public access coverage equipment as defined in UTCR 3.180;
 - (b) may be used in a facility occupied by the court only as provided by UTCR 3.180, SLR 3.181, and this rule;
 - (c) must be turned off when entering any courtroom or any jury room in any facility occupied by the court, while conducting business at court service counters and must not be turned on for any use in a courtroom without complying with UTCR 3.180 and this rule.
- (2) Cell phones or other communication devices may be used in areas outside of a courtroom, as defined in UTCR 3.180 and SLR 3.181, in a facility occupied by the court without violating this rule or SLR 3.181, provided that such use is restricted to the transmission of the user's oral communication only and does not involve any operation or use of the device's audio recording, photographic or any other visual or image recording or reproduction capability.
- (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 from the device any audio recording, photographic or any other visual or image recording or reproduction made in a court facility.

CHAPTER 4 PROCEEDINGS IN CRIMINAL CASES

4.011 MOTIONS TO WITHDRAW

When a motion is brought before the court requesting that an attorney be allowed to withdraw from representation of a defendant prior to disposition and the effect of the withdrawal will leave the defendant in self-represented status, the court will require the following:

- (1) Both the attorney and the defendant must appear before the court for determination of the motion, regardless of whether the request to withdraw was filed by the defendant or by counsel. The only exception will be if the defendant is on abscond status. A hearing notice will be sent to counsel by the calendar clerk.
- (2) A current mailing address for defendant must be provided to the court at this appearance.

4.015 MOTIONS TO CONSOLIDATE

- (1) Motions to Consolidate will be held for objections for three (3) court days with a ruling by the court on the fourth (4th) day or thereafter. If the proof of service attached to the motion indicates that service was done by mail, an additional three (3) days will be added to the holding period.
- (2) If opposing counsel objects, the objection shall be in writing and submitted to the court within the holding period established in (1). Upon receipt of a written objection, the matter will be set on the next available Motion Docket.
- (3) If the motion indicates all parties are in agreement to the consolidation, the holding period established in (1) will be waived.

4.081 REMOTE APPEARANCE AT CRIMINAL PROCEEDINGS

- (1) Defendants, attorneys, and other witnesses in a criminal proceeding are required to appear in-person. If a party desires to attend a non-contested proceeding by remote means, a motion shall be filed with the court in substantially the same form as the form motion available on the court forms webpage defined in SLR 1.172 under Remote Appearance.

If the judge determines good cause to grant the motion for the party to appear remotely and an order is entered to that effect, it shall be the responsibility of the party requesting remote to assure their ability to

appear remotely by video so as not to cause an undue disruption or delay in the proceeding.

- (2) If a party has been granted a remote appearance, all parties to the case submitting exhibits for the hearing must do so 24-hours prior to their court appearance or as soon as practicable and must use the court form Remote Exhibit and Witness List available on the court forms webpage defined in SLR 1.172 under Remote Appearance.

CHAPTER 5 PROCEEDINGS IN CIVIL CASES

5.051 MOTION HEARINGS

- (1) Oral argument must be clearly requested in the caption of the motion or response pursuant to UTCR 5.050. If oral argument is requested by either party, the matter shall be set for hearing. Motions requiring twenty (20) minutes or less will be scheduled on the motion docket which is heard on Mondays at 9:00 AM. Motions requiring more than twenty (20) minutes will be set for a time certain hearing.

5.052 REMOTE APPEARANCE AT CIVIL PROCEEDINGS

- (1) If a party desires to attend a non-contested proceeding by remote means, a motion shall be filed with the court in substantially the same form as the form motion available on the court forms webpage defined in SLR 1.172 under Remote Appearance.

If the judge determines good cause to grant the motion for the party to appear remotely and an order is entered to that effect, it shall be the responsibility of the party requesting remote appearance to assure their ability to appear remotely by video so as not to cause an undue disruption or delay in the proceeding.

- (2) If a party has been granted a remote appearance, all parties to the case submitting exhibits for the hearing must do so 24-hours prior to their court appearance or as soon as practicable and must use the court form Remote Exhibit and Witness List available on the court forms webpage defined in SLR 1.172 under Remote Appearance.

5.061 PRESENTATION OF *EX PARTE* ORDERS

- (1) Civil and Criminal Matters

Stipulated or *ex parte* matters are heard daily at the main courthouse from 8:00 – 8:15 AM, and not otherwise except in case of emergency. The court must be notified by 2:00 pm the judicial day prior to the date the party wishes to present a matter *ex parte*. Notification to the court shall be made by email to JOS.Exparte.Notice@ojd.state.or.us. If the party is represented by an attorney, the notice shall include a PDF of the document(s) that will be presented along with a brief statement of the relief sought *ex parte*. If the party is self-represented, the notice shall include a brief statement of the relief sought *ex parte* and may also include a PDF of the document(s) to be presented to the court *ex parte*.

If the matter has been assigned to a judge, the notification shall include that information for a determination by the court on whether the party or attorney of record should either deliver the *ex parte* order to the assigned judge or contact the judicial assistant to make arrangements to make presentation to the assigned judge.

(2) Domestic Relations Matters

Domestic relations stipulated or *ex parte* orders as appropriate pursuant to SLR 8.041 may be presented by a party or attorney of record having knowledge of the subject matter at the family court service window. On Monday *ex parte* is held at 8:30 AM, Tuesday through Friday of each week at 8:15 AM, and not otherwise except in case of emergency.

(3) Except where otherwise authorized by statute, all motions and declarations seeking an *ex parte* order and/or judgment of default, shall state the method of service and date and time service was made and perfected.

CHAPTER 6 TRIAL PROCEDURES

6.012 PRETRIAL SETTLEMENT CONFERENCE PROCEDURES

The following procedures shall apply to pretrial settlement conferences in all pending civil and domestic relations cases when ordered by the court pursuant to UTCR 6.010 or 6.200 or when requested by a party or the party's attorney:

- (1) If one party requests a pretrial settlement conference, the settlement conference shall be held unless the opposing party demonstrates good cause why the settlement conference should not be held.
- (2) Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the pretrial settlement conference. However, the assigned judge may permit telephone appearances in lieu of personal appearance for good cause.
- (3) Each pretrial settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the assigned judge or by agreement of all attorneys and parties.
- (4) The pretrial settlement conference shall not delay the trial scheduling.
- (5) It will not be required that a trial setting conference be held prior to the pretrial settlement conference.
- (6) Pretrial settlement conferences shall be conducted by a judge other than the assigned trial judge unless all parties stipulate in writing that the trial judge may also conduct the settlement conference.
- (7) A pretrial settlement conference statement must be submitted to the court 48-hours prior to the scheduled settlement conference. Pretrial settlement conference statements shall be submitted to the court as a confidential document.
- (8) No notes or material prepared by the pretrial settlement conference judge will be placed in the court file.
- (9) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, unless otherwise ordered by the court, in accordance with UTCR 6.020.

6.021 SUBMISSION AND COPIES OF MOTIONS, BRIEFS, MEMORANDA, AND POINTS AND AUTHORITIES; COPIES TO BE DESIGNATED TRIAL COURT COPY

- (1) In civil and domestic relations cases, motions, briefs, trial memoranda, and exhibit lists shall be filed with the court and served on opposing counsel/party at least two (2) judicial days prior to the commencement of the scheduled proceeding and in compliance with UTCR 6.050.

6.031 MOTIONS TO CONTINUE TRIALS

- (1) All motions for continuance of trial must be in writing and follow UTCR 6.030. Additionally, if the motion is based on a conflicting proceeding in another court, it must follow UTCR 6.030(3). Non-compliance may be grounds for denial. In addition to the requirements outlined in UTCR 6.030, motions to continue must also state the custodial status of the defendant.
- (2) All criminal, civil and domestic relations motions to continue will be sent to the Presiding Judge except the following:
 - (a) Motions to continue filed in a case assigned to a specific judge will be directed to that judge;
 - (b) Motions to continue requesting oral argument will be set for a hearing at the discretion of the court, if time allows;
 - (c) Motions to continue shall not be presented or ruled on during ex parte time.

6.051 TRIAL FEES

In civil and domestic relations cases, the amount of the fee for the first day of trial shall be collected in advance and is due and payable when the action, suit, or proceeding is set for trial.

6.061 SUBMISSION OF JURY INSTRUCTIONS

Not later than the Friday prior to the commencement of trial, each party in a civil or criminal case must submit to the court through File & Serve on the case and by electronic means to JOS.JAs@ojd.state.or.us their proposed special jury instructions and all modified uniform jury instructions. If the Friday prior to the commencement of trial is a court observed holiday or court closure, the proposed special jury instructions and/or modified uniform jury instructions are due the previous judicial day. The electronic copy must be in jury ready form. The electronic copy must be in Microsoft Word format. 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

7.011 COURT NOTIFICATION OF PLEAS OR STIPULATIONS

No agreement or stipulation between the parties and their attorneys concerning any proceeding before the court or disposition thereof will be considered or enforced unless the same be made in open court in the presence of the parties and reported or reduced in writing and subscribed by the party or attorney to be bound thereby, unless otherwise ordered by the court. Parties shall submit pleas using the plea petitions available on the court forms webpage defined in SLR 1.172 under Criminal.

7.012 STATUS HEARING IN CRIMINAL CASES

- (1) A status hearing will be held in advance of the trial date. The date and time of the status conference will be set at arraignment.
- (2) All investigations, discovery, negotiations, and plea agreements shall be completed by the third status hearing unless good cause is shown; otherwise, a trial will be set
- (3) The attorney for each party and defendant shall appear at the status hearing.
- (4) Upon request of a trial date, the parties shall provide the court with a completed status report form bearing the signatures of each attorney. The form will be furnished by the court and is available on court forms webpage defined in SLR 1.172 under Criminal.
- (5) The parties shall report to the court the status of the case. In the absence of settlement, the parties shall appear in court and report:
 - (a) Whether the case is complex, subject to UTCR 7.030;
 - (b) Whether a jury trial is desired;
 - (c) Probable length of trial;
 - (d) The need for a pretrial hearing;
 - (e) Whether the parties will file any motions; and,
 - (f) Identify areas remaining at issue or any other matter affecting the case.
- (6) Status hearings may be reset in a different manner than other criminal proceedings:
 - (a) If the status hearing being continued has 2 or less reset requests from the parties, the requesting party/attorney may request a continuance by emailing the criminal unit at JOS.Arraign@ojd.state.or.us any time before the hearing. The

email must contain the position of the other party and good cause for the set over. If stipulated, the criminal clerk is authorized to set the matter over to an available criminal block session not to exceed 6 weeks.

- (b) If the status hearing is on its 3rd or subsequent set, the attorney may still seek the set over by requesting it in an email to the criminal unit that contains the other party's position and good cause. At that time, the criminal clerk will seek approval from the Presiding Judge. The judge may authorize the set over or require the parties to appear. The criminal clerk will communicate the decision to both the District Attorney's Office as well as the defense attorney/self-represented defendant.

7.013 PRETRIAL CONFERENCES

- (1) Pretrial conferences will be set for individual cases upon written request of either party, using the state/defense status report form available on the court forms webpage defined in SLR 1.172 under Criminal.
- (2) All criminal defendants will be required to be present for the pretrial conference unless prior approval is granted by the court excusing defendant's presence.
- (3) A pretrial conference order may be prepared by the court at the conclusion of each conference.

7.014 MOTIONS TO CONTINUE HEARINGS

- (1) Hearings of two hours or less other than sentencing hearings may be continued by stipulation without a written motion if the court is notified more than forty-eight (48) hours before the scheduled hearing.
- (2) All motions for continuances must be in writing and follow UTCR 6.030. Non-compliance may be grounds for denial.
- (3) All motions will go to the Presiding Judge except those that are filed forty-eight (48) hours or less prior to hearing. Those motions will be sent to the scheduled hearing judge.
- (4) For attorneys that are double set, a written motion to continue following UTCR 6.030 will be required unless the attorney contacts the calendaring clerk within fourteen (14) calendar days of the hearing notice and all parties stipulate to the request.

7.015 MOTIONS TO CONTINUE PENDING CASES ON COURT DOCKET

- (1) Motions and proposed orders to continue a matter as pending on the court docket must be submitted in writing. Telephone requests will not be accepted.
- (2) All requests to continue a matter as pending on the court docket, if allowed, will be granted in up to sixty (60) day increments.

7.016 DOCKET CALL

- (1) Criminal, civil, and domestic relations trials scheduled to be held at the main courthouse shall attend docket call at the main courthouse at 8:15 AM on the Wednesday before the scheduled trial. There is no docket call for domestic relations trials scheduled to be held at the Family Court facility.
 - (a) Attorneys of record and unrepresented parties in any case shall appear in person for docket call. Attorneys may appear by WebEx if arrangements are made with the docket clerk prior to docket call.
 - (b) Defendants in criminal matters that are out of custody shall appear in person at docket call unless the court authorizes a waiver of appearance in advance.
 - (c) In custody defendants will not be required to appear for docket call. Self-represented in custody defendants will be permitted to appear by WebEx for docket call appearances.
- (2) See SLR 11.021 for rule on juvenile docket call.

7.017 DISMISSAL OF INACTIVE CASES

- (1) After the court has rendered a decision in any civil or domestic relations case, if a party does not submit a proposed order or judgment for a period of thirty (30) days or more, the Trial Court Administrator shall send a notice to the parties notifying them that the case will be dismissed if an order or judgment is not received within thirty (30) days.
- (2) If an order or judgment is not received within thirty (30) days of the notice sent pursuant to section (1) of this rule, the case shall be dismissed without prejudice unless otherwise ordered by the court.

**CHAPTER 8
DOMESTIC RELATIONS PROCEEDINGS**

8.015 FAMILY LAW CO-PARENTING EDUCATION PROGRAMS

- (1) Josephine County Circuit Court has established family law education programs when a party to the action is the parent of a child as authorized by ORS 3.425.
- (2) The following cases are subject to these programs:
 - (a) annulment or dissolution of marriage actions;
 - (b) legal separation actions;
 - (c) petitions to establish paternity, custody, parenting time, or visitation by unmarried parents;
 - (d) petitions to establish custody, parenting time, or visitation by any party; and
 - (e) post-judgment litigation involving changes in custody, parenting time, or visitation in which the parties have not previously completed these programs.
- (3) Co-Parenting Education Program
 - (a) All parties involved in a case that include children under the age of seventeen (17) years shall successfully complete a court-approved Co-Parenting Education Program.
 - (b) Court action in these cases will not be delayed by a party's refusal, failure, or delay in registering for or completing this program or the failure to comply with the requirements of this program, unless the noncomplying party is the moving party in the action.
 - (c) Upon a party's failure to successfully complete the program or failure to comply with the requirements of this program, the court may take appropriate action, including but not limited to denial of the relief sought by that party, or proceedings for contempt, assessment of costs and attorney fees.
 - (d) Failure or refusal to complete the program in a timely manner will be considered by the court when making its ruling on issues which are in dispute and in determining the best interest of a child.

- (e) A party who knowingly fails to comply with the provision of this program may have their pleading stricken and/or a default entered.
- (f) The party initiating the proceeding shall register for the program within fifteen (15) days after filing the initiating pleading with the court. A copy of the court's form Notice of Co-Parenting Education Program shall be served by the initiating party on all parties against whom relief is sought. Service shall be accomplished as provided in ORCP 7 at the time the initiating documents are served. The form is available on the court forms webpage defined in SLR 1.172 under Family Law.

All parties other than the initiating party shall register for the program within thirty (30) days after service of the notice upon them.

- (g) Court-approved co-parenting education program providers will provide a certificate of completion to all participants who have successfully completed the program. It is the responsibility of the participant to file the certificate of completion with the court. The certificate must include the case number, participant name, and date of completion before filing with the court.
- (h) Upon a showing of good cause, a party may request waiver of the attendance requirement of this program. The request must be made by written motion, supported by affidavit / declaration, and filed within thirty (30) days of receipt of the notice of requirements of this program.

(4) Service Provider

- (a) Co-Parenting Education service providers shall be designated by the Presiding Judge or Family Court Judge.
- (b) Each party shall pay a fee at the time of registration for the Co-Parenting Education Program as determined by the program provider to cover the costs for the Co-Parenting Education Program.
- (c) The fee may be deferred by the service provider. A party seeking deferral must contact the service provider directly. In cases of extreme hardship, and after attempting to resolve the issue with the service provider, a party may request the court to waive the requirement to attend the Co-Parenting Education Program.

8.025

DIVISION OR VALUATION OF PERSONAL PROPERTY

- (1) Parties to all contested dissolution of marriage and dissolution of domestic partnerships may prepare a joint property exhibit list if there is any dispute as to the division or valuation of personal property. A form Property Exhibit List is available on the court forms webpage defined in SLR 1.172 under Family Law.
- (2) The exhibit list is to contain:
 - (a) each item of property;
 - (b) in columns to the right of the property list there is to be each party's estimate of fair market value, each party's proposed distribution, and any claim as to pre-marital or inherited property;
 - (c) at the bottom of each page there is to be a subtotal for each party's claimed fair-market value of the property;
 - (d) the last page shall have a total for each party based upon their claim for the item and their estimated fair-market value;
 - (e) Disputed property shall be summarized on an additional sheet.
- (3) Each party must provide the other party with their exhibit list at least seven (7) days prior to the final hearing.
- (4) The exhibit list is to be prepared pretrial and submitted to the court at the beginning of the final hearing.

8.041

PREJUDGMENT RELIEF

- (1) No motion shall be filed *ex parte* (i.e., without notice to the other side) unless specifically authorized by Oregon Statute or court rule, except a motion for show cause, motion for mediation, and motion to enforce parenting time. Any motion filed *ex parte* shall comply with UTCR 5.060(2) (contain the words "*ex parte*" in the caption) and shall also cite the specific statute or rule that allows the motion to be filed without notice. A proposed order may be submitted along with a motion filed under this subsection without notice to the other side.
- (2) Except where a statute or rule explicitly allows an appearance without notice to the other party, a party seeking relief at scheduled or specially arranged *ex parte* times must provide one (1) judicial days' notice to the opposing party of the date, time and court where the relief will be sought.

The party seeking relief at *ex parte* time must provide written certification of the date, time, and manner in which the opposing party was provided notice of the planned appearance as well as the opposing party's position on the matter to be presented.

- (3) Pursuant to ORS 107.095(1)(a) and (b), and UTCR 8.040, temporary child and spousal support and suit funding may be determined without testimony, based on the Uniform Support Declarations and supplemental declarations/affidavits filed by the parties using the following procedure:
 - (a) The moving party must file a Uniform Support Declaration concurrently with the motion and declaration/affidavit for an order of temporary support. The motion must include, prominently displayed on the first page, a notice to the responding party stating, in substance, the responding party's obligations under paragraph (b) of this subsection. The notice also must state: "If you do not respond, the court may take action based on this motion. You may be ordered to pay support in the amount requested. Refer to SLR 8.041(3) for further information."
 - (b) The adverse party must file a Uniform Support Declaration within fourteen (14) days of being served with the moving party's motion and documentation but shall not be required to file a Uniform Support Declaration or responsive document less than thirty (30) days after being served with the petition and summons. The adverse party may also submit a supplemental declaration/affidavit responding to specific statements made in the moving party's documentation. The adverse party's supplemental declaration/affidavit, if any, must be filed along with the Uniform Support Declaration.
 - (c) The moving party may respond to the adverse party's responding documentation by supplemental declaration/affidavit within fourteen (14) days of being served with the adverse party's documentation. In any case involving temporary child support, the documents filed by the parties with the court shall include applicable child support computation worksheets.
 - (d) The court will determine the matter within fourteen (14) days after the last filing by a party. The court may, on its own motion, order that the matter be determined through an evidentiary hearing.
 - (e) The moving party may submit a form of proposed order in blank,

for the court's convenience, as part of the party's submittals under this subsection. Submitting a blank form of proposed order does not require compliance with UTCR 5.100, as it is not an "order" as described in that rule. The court may fill in the specific provisions of the order in conjunction with its determination, or alternatively may direct a party to submit an order.

- (4) Notwithstanding the provisions of subsection (3), a party may request that temporary support be established through an evidentiary hearing. The request must show good cause and state why the procedure of subsection (3) would lead to an unjust or inequitable result. If a request for hearing is filed by the adverse party, the adverse party must still comply with the requirements of SLR 8.041(3).
- (5) A temporary support order may be modified under the procedure of subsection (3) or (4). The moving party must show good cause and state why the temporary support obligation should be reconsidered by the court instead of awaiting final determination at the trial.
- (6) Motions for exclusive use and possession of property filed pursuant to ORS 107.095 will be set for a show cause hearing unless the motion is stipulated or unopposed.

8.051

POST JUDGMENT ORDER TO SHOW CAUSE FOR MODIFICATION OF JUDGMENTS

- (1) The Order to Show Cause shall require the opposing party to file a written response in answer to the motion and declaration, with a responding Uniform Support Declaration if the issue of support is to be contested, within the time prescribed by ORS 107.135(14). The court will schedule a hearing on the motion at the time a written response is filed by the opposing party.
- (2) The court will prepare the Order to Show Cause that will include the "Notice About a Written Response to a Motion to Modify Judgment Filed in Josephine County Circuit Court."
- (3) If the opposing party fails to file the written response in opposition within the time allowed in ORS 107.135(14), the moving party shall file with the court, a motion, declaration, and order for default with the supplemental judgment allowing the relief requested in the Motion to Show Cause. The court reserves the right to require the taking of testimony of the moving party in such default matters.

8.075 PARENTING PLAN

- (1) Josephine County has adopted standardized parenting plans per UTCR 8.070, which can be found on the court forms webpage defined in SLR 1.172.
- (2) Unless otherwise directed by the court, or the parties stipulate to a different schedule of parenting time which is approved by the court, a parent shall have the right to have parenting time with the minor child(ren) of the parties according to the schedule and guidelines which are set forth in the Josephine County Circuit Court Standard Parenting Plan form referred to in paragraph (1) above.

8.091 APPOINTMENT OF COUNSEL FOR CHILD(REN)

The procedure for appointment of counsel for children in cases arising under ORS 107-109 shall be as follows:

- (1) In its sole discretion, the court may appoint counsel for the children on its own motion with or without prior notice to the parties.
- (2) A party who seeks such appointment on the party's own motion or who forwards the request from a child shall ensure that the motion or request is filed with the court and served on all parties.
- (3) In the event an attorney is appointed to represent a child, the child will be considered a party.
- (4) The court will define whether the representation is "traditional advocacy" or "best interests" representation. The child's attorney is expected to be familiar with the contents of the ABA Standards for Representation of Children, and the Oregon State Bar "Specific Standards for Representation in Juvenile Dependency Cases."
- (5) The parties are encouraged to stipulate to an identified attorney, type of representation, and method of compensation. If the parties are unable to agree, the court will set the matter for a hearing to address those issues.
- (6) Orders appointing counsel issued by the court may contain provisions for payment of attorney fees and terms for payment. No appointment order will be issued until the child's counsel has agreed to accept such appointment upon the fee terms set forth.
- (7) The parents or person having physical custody of the child shall make the child reasonably available to the attorney as requested and are not to monitor the child's communication with the attorney or to question the child about the nature or substance of the communication.

8.121 INFORMAL DOMESTIC RELATIONS TRIAL (IDRT)

Pursuant to UTCR 8.120, parties to a domestic relations case may choose to have an IDRT or a traditional trial. Each party shall file a Trial Selection and Waiver for Informal Domestic Relations Trial (IDRT). The form can be found on the state court website on the Programs & Committees page under Family Law courts.oregon.gov/programs/family/forms/Pages/Informal-Domestic-Relations-Trial.aspx. If any party to the case does not elect IDRT in writing, the court will set a traditional trial.

- (1) If parties elect to proceed with IDRT, the court will set a pre-trial conference with the trial judge prior to the scheduled trial date.
 - (a) In person appearance at the pre-trial conference is mandatory. Failure by either party to attend the pre-trial conference may result in the IDRT returning to a traditional trial.
 - (b) Expert reports will be received as exhibits. At the pre-trial conference if a party requests that an expert be allowed to testify, the judge may determine a traditional trial is necessary to allow cross-examination.
 - (c) At any point prior to or during the IDRT, but before a judgment has been entered, the trial judge may determine the matter is not suitable for IDRT and the matter shall be reset for a traditional trial.
 - (d) Information on the IDRT process is available in UTCR 8.120 and on the state court website on the Programs & Committees page under Family Law courts.oregon.gov/programs/family/forms/Pages/Informal-Domestic-Relations-Trial.aspx

8.135 DISMISSAL OF RESTRAINING ORDERS (FAMILY ABUSE PREVENTION ACT)

- (1) Petitioners seeking a dismissal of a restraining order under the Family Abuse Prevention Act (FAPA) must:
 - (a) File a motion that complies with ORS 107.720(2);
 - (b) Provide a certificate of completion of a court-approved “Abuse Awareness” course.
- (2) A list of court-approved “Abuse Awareness” course providers is available in person at the family court service window and on the court

website defined in SLR 1.171 under Protective Orders, Abuse Awareness Course Information.

- (3) Upon a showing of good cause, a petitioner may request waiver of the attendance requirement of this program. The request must be made by written motion, supported by declaration / affidavit, and filed with the court.
- (4) Upon filing of the motion to dismiss restraining order, the party requesting dismissal will be scheduled in for hearing before the Family Court Judge.

**CHAPTER 9
PROBATE AND ADOPTION PROCEEDINGS**

9.051 RESTRICTION OF ASSETS

Any assets restricted by court order require filing of an Acknowledgment of Restriction of Assets. The form can be found on the court forms webpage defined in SLR 1.172 under Probate.

9.076 NONPROFESSIONAL FIDUCIARY EDUCATIONAL PROGRAM

- (1) The following court-appointed nonprofessional fiduciaries are subject to this rule:
 - (a) All nonprofessional guardians and conservators appointed pursuant to ORS chapter 125 on or after the effective date of this rule.
 - (b) Any personal representative appointed pursuant to ORS chapters 113 and 114 on or after the effective date of this rule.
 - (c) Any trustee appointed pursuant to ORS chapter 130 on or after the effective date of this rule.
 - (d) Any nonprofessional fiduciary cited for a deficiency in the handling of fiduciary duties pursuant to the show cause process.
- (2) All nonprofessional fiduciaries involved in a case described under subsection (1) above shall:
 - (a) Successfully complete an education class for nonprofessional fiduciaries with a curriculum as described by the Presiding Judge of the Fourteenth Judicial District within 60 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, includes those persons described in ORS 125.240(5), and attorneys. Professional fiduciaries are exempt from this rule. Financial institutions as defined by ORS 706.008 or a trust company as defined by ORS 706.008 are also exempt from this rule.
- (4) A nonprofessional 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 declaration 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 nonprofessional fiduciary at the time of appointment as guardian, conservator, trustee, 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.
 - (7) Upon successful completion of the court-required class, the nonprofessional fiduciary education program provider shall eFile a certificate of completion with the Probate Department stating the date and time the class was taken and the provider of the class.
 - (8) Upon a showing of good cause, a nonprofessional 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, at its discretion, require a nonprofessional fiduciary to retake the class.
 - (10) Failure to timely comply with this rule may result in removal of the nonprofessional fiduciary by the court.

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN /
CONSERVATOR

Oral objections, where permitted in probate matters under ORS 125.075(1), shall be presented at the civil service window in the Main Courthouse, 510 NW 6th Street, Grants Pass, Oregon 97526 during normal business hours. The clerk will receive the oral objections from the respondent or protected person. The respondent or protected person may also make objections orally to an appointed court visitor. Court visitors are to include any objections by the respondent or protected person in the visitor report. The objection should be in bold and underlined to call attention to the court when reviewing the report. Upon receipt of an objection, the court will schedule a hearing and notify the appropriate parties. The Objection form can be found on the court

forms webpage defined in SLR 1.172 under Probate.

9.091 VISITOR'S APPOINTMENT AND FEES

- (1) The visitor shall not undertake an investigation until the visitor's fee has been paid. The fee is payable at the time of filing. The only exception is if the court approves an affidavit of indigency.
- (2) The visitor shall be compensated as provided in ORS 125.170 and the court's Presiding Judge Order.

CHAPTER 11
JUVENILE COURT PROCEEDINGS

11.005 APPEARANCE IN JUVENILE COURT DEPENDENCY CASES

- (1) A parent who is served with a summons in a child dependency case shall appear personally in court at the time and place specified in the summons for hearings on the allegations of the petition.
- (2) A parent who fails to appear at a hearing specified in the summons, or one that they received proper notice of shall be subject to a prima facie hearing which may result in entry of a jurisdictional, dispositional, or other order and/or judgment granting the relief and/or services recommended by the petitioning party and/or agency.

11.021 JUVENILE DOCKET CALL

Juvenile docket call is held Mondays at 1:45 PM at family court. It is expected that all attorneys will appear for docket call, irrespective of case type or party representation. Parents in dependency cases must be present. Juveniles in delinquency cases must be present.

**CHAPTER 12
MEDIATION**

12.015 MATTERS SUBJECT TO MEDIATION

- (1) SLR 12.021 through 12.041 apply to domestic relations cases.
- (2) SLR 12.045 through 12.101 apply to all other mediation matters.

12.021 MANDATORY MEDIATION

- (1) Any matter described in ORS 107.765 and any other proceeding where child custody, parenting time, or visitation is at issue, unless otherwise exempted by law, shall be subject to mandatory mediation. (Except those matters filed pursuant to the Family Abuse Prevention Act, ORS 107.700 through 107.730.)
- (2) The mediator shall not consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody, parenting time, or visitation. No referrals to arbitration shall be made after a parenting time order is approved or mediation is terminated pursuant to court rules.

12.025 SCOPE OF AUTHORITY

A domestic relations case filed in the circuit court remains under the scope of authority of that court in all phases of the proceedings, including mediation. 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.

12.031 MEDIATION

- (1) Order for Mediation

In any prejudgment case involving child custody, parenting time, or visitation, at the time a response is filed on the case, the court will generate an Order for Mediation and mail the signed Order for Mediation to all parties to the case. The Order for Mediation will direct the parties to attend mediation orientation and will provide the necessary information as to process.

In any post-judgment case involving child custody, parenting time, or visitation, the court will generate an Order for Mediation at the same

time the court signs and processes the order which grants the post-judgment motion to show cause. The moving party will receive the signed copy of the Order for Mediation and shall serve it on the non-moving party(ies).

Failure to attend mediation may result in the court ordering the parties to participate in mediation and a postponement of a scheduled court proceeding.

All parties appearing for mediation orientation shall report to the Josephine County Juvenile Department, 301 NW F Street, Grants Pass, Oregon 97526 at 8:15 AM on the Monday following the day that the Order for Mediation is received.

(2) Motion for Mediation

If there is a disagreement between the parties at any stage of a case involving child custody, parenting time, or visitation, any party seeking to resolve the matter must file with the court and serve upon the other party(ies) or his/her attorney, a Motion for Mediation. The form can be found on the court forms webpage defined in SLR 1.172 under Family Law. The court will generate an Order for Mediation which the moving party will receive and shall serve on the non-moving party(ies).

(3) 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 parties' agreement as to the issues.

(4) Good Faith Required

Mediation shall not be used by any party in bad faith for the purpose of delaying 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.

12.035 INDEPENDENT MEDIATORS

- (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.
- (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 required to enter into mediation pursuant to rule 12.031 herein.
- (4) If the parties select an independent mediator pursuant to rule 12.035(1) after a referral has been made to mediation, they shall then comply with rule 12.035(2) and send a copy of the stipulation to the court.

12.041 LITIGATION OF UNRESOLVED CONFLICT

(1) Notice of Unsuccessful Mediation

The mediator shall notify the court in writing of mandatory mediation cases in which further attempts at mediation will prove unsuccessful or detrimental to the interest of either party.

12.045 MEDIATION FOR MATTERS OTHERWISE SUBJECT TO ARBITRATION

Litigants may satisfy the requirements for mandatory arbitration pursuant to ORS 36.405 by participating in court mediation if an applicable program has been established.

12.051 MEDIATION PROGRAM MONITORING

In addition to his/her other duties, the Trial Court Administrator shall monitor the court mediation program, advise the court regarding mediation services and review qualifications and training of mediators.

12.055 MEDIATION PANEL ESTABLISHED

There shall be a panel of mediators comprised of individuals who satisfy qualifications and training standards prescribed in the OJD Court-Connected Mediator Qualification Rules and have been appointed by the presiding judge.

12.061 APPOINTMENT OF MEDIATION PANEL

- (1) To apply for inclusion on the Josephine County panel of mediators, a person must submit a letter with the court outlining mediation training and other qualifications.
- (2) The Trial Court Administrator shall review each letter 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 and the number of mediators which comprises the panel shall be made by the presiding judge.

12.065 REMOVAL FROM MEDIATION PANEL

- (1) The Trial Court Administrator shall monitor the performance of mediators and report to the presiding judge as appropriate.
- (2) The presiding judge may remove a mediator from the court panel at his/her discretion.

12.071 MOTIONS

- (1) If the first appearance of a defendant is not an answer but is a motion directed to the complaint or a dispositive motion, the motion shall be decided by the court before the case is assigned to mediation.
- (2) Any motion, other than a Motion for Summary Judgment, filed after assignment of a mediator shall be stayed pending disposition of mediation.

12.075 REFERRAL TO MEDIATION

- (1) Upon appearance of the parties and determination of the case, the clerk of the court will notify the parties of SLR 12.021 requiring participation in an alternative dispute resolution program.
- (2) The case shall be assigned to mediation unless a request for arbitration is made by one of the parties.

12.081 EXEMPTION FROM MEDIATION

A party may file a written objection to mediation with the court, the action shall remove the case from mediation and the matter will be referred to arbitration.

12.085 ASSIGNMENT OF MEDIATOR AND SCHEDULING

- (1) The court shall exercise its authority under ORS 36.200(2) to assign cases subject to SLR 12.021 to a mediator.
- (2) The mediator will assign the date, time and place of the initial mediation session and any additional sessions.

- (3) The parties may choose, at their option and expense, mediation services other than those suggested by the court, and entering into such private mediation services shall be subject to the same provisions of ORS 36.185 to 36.210.

12.091 COMPENSATION OF MEDIATORS

- (1) Mediation fees shall be the same as those paid to arbitrators appointed in Josephine County.
- (2) Payment of the mediation fee is due within fourteen (14) calendar days of notice of assignment of a mediator. Each party shall pay the mediator directly.
- (3) If any party fails to pay the prescribed fee within fourteen (14) calendar days of assignment, the court will exercise its authority under UTCR 1.090 to impose an appropriate sanction.
- (4) If arbitration is requested subsequent to the appointment of a mediator, but prior to any mediation occurring, the parties shall be required to pay the mediator a fee of \$25 each.

12.095 COMPLETING MEDIATION

All cases assigned to mediation must complete mediation within ninety (90) days of assignment, unless otherwise ordered by the court.

- (1) In all cases assigned to mediation in which a settlement is reached, the parties shall report the settlement to the mediator and the mediator shall file a notice of the settlement with the court.
- (2) The result of mediation hearings shall be reported to the court as either “settled” or “not settled.”
- (3) If a case is reported as “settled,” the terms of the agreement, including a date of final compliance, shall be signed by the parties and within ten (10) judicial days filed by the mediator with the clerk of the court.
 - (a) The mediator shall provide the creditor with a form to report compliance or noncompliance with the terms of the settlement agreement.
 - (b) In the event the creditor fails to file a report of compliance or noncompliance within 30 days after the final date for compliance or reports the terms of the settlement have been met, the clerk of the court shall dismiss the case.

- (c) Upon notice by a creditor of noncompliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.
- (4) If the parties are not able to settle a mediated case, the case will be set for trial and not be required to arbitrate.

12.101 GOOD FAITH MEDIATION

In the event a party fails to mediate in good faith, the court may exercise its authority under UTCR 1.090 to assess as costs, any party's costs necessarily incurred in mediation in any subsequent judgment.

**CHAPTER 13
ARBITRATION**

13.005 ARBITRATION

Josephine County Circuit Court maintains an arbitration program in accordance with UTCR Chapter 13.

13.011 PROCEDURES ESTABLISHED FOR MEDIATION

Upon the agreement of the parties, civil actions otherwise subject to arbitration may be assigned to the court's mediation program (SLR Chapter 12).

13.021 COMPENSATION OF ARBITRATORS

Each party in a case subject to arbitration shall pay the arbitration fee within fourteen (14) calendar days of receipt of Notice of Assignment of Arbitrator. Each party must pay the assigned arbitrator directly.

13.121 TIME FOR ARBITRATION HEARING – 91 DAY TIME PERIOD PURSUANT TO UTCR 13.160(2)

Pursuant to UTCR 13.160(2), except for good cause shown, the hearing must be scheduled to take place not later than 91 days, measured from the date of assignment to arbitration. With the exception of applying this 91-day time period in place of the 49-day time period set in UTCR 13.160(3), all other requirements of UTCR 13.160(3) and (4) apply to the scheduling, postponement or continuance of an arbitration hearing.

**CHAPTER 15
SMALL CLAIMS**

15.005 SMALL CLAIMS MEDIATION

- (1) All contested small claims cases shall be subject to mediation, pursuant to ORS 36.185. A case will be removed from mediation and proceed in the normal fashion if either party makes the request to the mediator following the orientation session.
- (2) Mediation services shall be provided by the court without cost to the litigants. Parties to the case will be notified in writing of their scheduled mediation date.
- (3) An authorized representative may appear on behalf of a business but must be familiar with the facts of the case and must have full authority to settle.
- (4) Agreements reached while in mediation shall be signed by the parties and filed with the court.
- (5) Failure of either party to abide by the agreement will be grounds for the opposing party to file with the court a properly served Declaration of Non-Compliance and Request for Judgment, Notice to Defendant on How to Request a Hearing and Defendant's Request for Hearing to Contest Declaration of Non-Compliance. The form can be found on the court forms webpage defined in SLR 1.172 under Civil/Small Claims.
 - (a) The opposing party will have seven days from service of the Declaration of Non-Compliance and Request for Judgment to file Defendant's Request for Hearing to Contest Declaration of Non-Compliance with the court. The Defendant's Request for Hearing to Contest Declaration of Non-Compliance shall be served on the plaintiff. The court will schedule a half-hour hearing on the issue of non-compliance only.

CHAPTER 16 VIOLATIONS

16.015 VIOLATIONS BUREAU

- (1) Pursuant to ORS 153.800, the Fourteenth Judicial District establishes a Violations Bureau.
- (2) The Violations Clerk shall accept written appearance, waiver of trial, plea of not guilty, guilty and no contest, payment of fines, costs and assessments, and change of plea.
- (3) A person may appear at the Violations Bureau or may pay the Violations Bureau fine and assessment by mail. Additionally, the defendant may plead no contest and pay the fine specified as the presumptive fine amount on the summons by going to our website defined in SLR 1.171 and following the direction on the OJD ePay link.

16.025 SETTING ASIDE DEFAULT JUDGMENTS

A defendant against whom a default judgment is entered in a violation matter may file a request for relief from default judgment within a reasonable time, not to exceed one (1) year. A request for relief must be in writing and set forth facts which demonstrate that the failure to appear or to exercise one of the options described in SLR 16.015, was due to mistake, inadvertence, surprise or excusable neglect. The request may be decided without a hearing or may require the defendant to appear and present oral argument. The decision of the Administrative Authority is final.

16.035 TRIAL BY DECLARATION

If a signed waiver is filed by the alleged violator, testimony in a violation trial is allowable by declaration pursuant to ORS 153.080. The form can be found on the court forms webpage defined in SLR 1.172 under Traffic/Violations.

CHAPTER 19
CRIMINAL CONTEMPT PROCEEDINGS FILED BY DISTRICT ATTORNEY

19.061 **ADMISSION OR NOT CONTESTING CRIMINAL CONTEMPT**

Any person who intends to admit or not contest an allegation of contempt under this section shall complete, sign, and submit the Petition to Admit/Not Contest Contempt of Court. The form can be found on the court forms webpage defined in SLR 1.172 under Criminal.