

STATE OF OREGON

13th JUDICIAL DISTRICT
Circuit Court for Klamath County

SUPPLEMENTARY LOCAL RULES

February 1, 2025



STATE OF OREGON – KLAMATH COUNTY

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

DATED: December 27, 2024

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

John Powell

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SUPPLEMENTARY LOCAL RULES

CHAPTER ONE—GENERAL PROVISIONS

1.151 Location and Hours of Court Operations

The court is located at 316 Main Street, Klamath Falls, Oregon 97601. Unless otherwise ordered due to emergency conditions, information regarding business hours for the Thirteenth Judicial District may be found at <http://courts.oregon.gov/Klamath/>. The occasional exception will be posted at the courthouse as far in advance as possible.

1.171 Website

The court's website may be accessed at <http://courts.oregon.gov/Klamath/>. Forms required by these rules are available on the court website under the forms page.

CHAPTER TWO—STANDARDS FOR PLEADINGS AND DOCUMENTS

2.011 Filing of Documents in Court

(1) The Klamath County Circuit Court accepts filings and documents pursuant to Uniform Trial Court Rule (UTCRC) Chapter 21, which governs filing and service by electronic means.

(2) When conventional filing is permitted or required by UTCRC Chapter 21, filings are accepted at the Klamath County Circuit Court, 316 Main Street, Klamath Falls, OR 97601. If a fee must be paid prior to the filing of a document, then filing may occur only when the fee is satisfied.

2.012 Addresses and Telephone Numbers

(1) During the pendency of any case charging an offense, including traffic, boating, game, infraction, violation, and criminal cases, or while any monetary or other obligations imposed by the court in such case remain unsatisfied, the defendant must keep the court advised in writing of the defendant's current name, mailing address, and telephone or message telephone number.

(2) During the pendency of any case, matter or proceeding any party who is not represented by an attorney of record must keep the court advised in writing of the party's current name, mailing address and telephone number.

2.091 Pleadings, Memoranda and Other Documents in Consolidated Cases

(1) Pleadings, memoranda and other documents must be filed in each consolidated case pursuant to UTCRC 2.090. Each filing must include:

- (a) Complete case captions for all consolidated cases using existing case numbers and parties; and
- (b) An original pleading, memoranda or other document for each case that highlights the case number in which the pleading, memoranda or other document should be filed.

(2) Pleadings, memoranda and other documents that do not apply to each of the consolidated cases shall contain only the case caption and case number for the applicable case.

2.101 Designation of Procedure to Identify Submitted Specific Protected Personal Information

The forms and procedures set forth in UTCR 2.100 provides the exclusive way to identify submitted specific protected personal information so that the court can segregate the information and protect it from public inspection.

2.111 Designation of Procedure to Identify Existing Specific Protected Personal Information

The forms and procedures set forth in UTCR 2.110 provides the exclusive way to identify existing specific protected personal information so that the court can segregate the information and protect it from public inspection.

2.141 Waiver or Deferral of Court Costs and Fees

Applications for waiver or deferral of fees shall be accompanied by an affidavit or declaration executed by the party seeking such waiver or deferment. Applications shall be reviewed by court staff applying standards set by the Oregon Judicial Department. An application for fee waiver or deferment must be filed concurrently with an initiating document.

2.151 Return of Documents to Party

In addition to the authority to decline to receive or file a document under Oregon Rules of Civil Procedure 9 E (ORCP 9 E), 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 requires a fee but the fee, or an order to waive or defer such fee, is not provided and the fee requirement has not been satisfied;
- (3) A document without sufficient identifying information to determine in which case it should be filed or entered;
- (4) A document which requires court action, but the court action cannot be taken without the filing of statutorily required preceding documents;
- (5) A document with a case caption from a jurisdiction not recognized by the Oregon Constitution or established by the Oregon Legislature, or a judgment purportedly issued by a nonexistent court; and
- (6) A document submitted by facsimile transmission, unless expressly authorized by the court.

CHAPTER THREE—DECORUM IN PROCEEDINGS

3.181 *Electronic Recording and Writing on Courthouse Premises*

- (1) “Electronic recording” and “electronic writing” are defined by UTCR 3.180(1).
- (2) This rule governs electronic recording and writing in public areas outside of the courtrooms, other than the jury assembly room when jurors are in attendance, that are under the supervision and control of the Klamath County Circuit Court.
- (3) Electronic recording and electronic writing are prohibited in any public area under the supervision and control of the Klamath County Circuit Court except as allowed by law, statute, rule or court order.
- (4) Unless otherwise ordered in a particular instance, electronic recording and writing are allowed without prior permission in the designated media area in the first floor lobby of the Klamath County Courthouse.
- (5) A request for electronic recording or electronic writing in a courtroom or other public area under the supervision and control of the Klamath County Courthouse that is beyond the boundaries of the designated media area must be filed with the court clerk in the form provided in Appendix A at least two hours before commencement of the requested recording or writing. Notice of this request must be given to all parties.

CHAPTER FOUR—PROCEEDINGS IN CRIMINAL CASES

4.011 *(Repealed 2025)*

4.012 *Pretrial Motions/Demurrers*

- (1) All pre-trial motions and memoranda, including motions *in limine*, along with an estimate of the duration of any necessary hearings related to pre-trial issues, shall be submitted to the court and the opposing party or counsel no later than twenty-one (21) days before trial. Pre-trial motions will not be heard on the day of trial, unless good cause is shown.
- (2) The court shall set a hearing on the motion and shall notify the parties in writing of the date of the hearing. Unless for good cause shown, no such hearing shall be scheduled fewer than fourteen (14) days after the filing of said motion.
- (3) Every motion shall be accompanied by a memorandum of law or a statement of points and authorities explaining how any relevant authorities support the contentions of the moving party.
- (4) Opposing counsel may, on or before the Monday of the week preceding the time for the hearing, file a memorandum of authorities. The moving party may file a reply memorandum not later than Friday of the week before the motion or demurrer is to be considered.
- (5) Any party may motion the court to receive the jury questionnaire no earlier than forty-eight (48) hours before the trial is set to begin. If a party motions the court to receive the jury questionnaire before the day of trial, it must state whether the other party objects to the motion. If the motion is granted, the jury questionnaire shall be released to the moving and non-moving party.

4.013 Postponements

(1) Motions to postpone or continue any hearing may be presented to the assigned judge by setting a scheduling conference with the assigned judge. Both the defense attorney and assigned district attorney must be present at the scheduling conference. Motions to postpone or continue will not be allowed by the judge absent good cause shown if received less than three judicial days before the next appearance in that court.

(2) Motions to postpone or continue shall be accompanied by a supporting declaration and a proposed form of order. No motion shall be submitted without contacting opposing counsel (or a party, if unrepresented). Any such motion submitted without contacting the opposing counsel will be denied by the court.

(3) Hearings of two hours or less may be postponed or continued by stipulation without a written motion if the court is notified more than forty-eight (48) hours before the scheduled hearing.

(4) All motions should be submitted as soon as the party is aware of the need for a postponement or continuance, but no later than noon the day before the hearing. Except for good cause shown, noncompliance may be grounds for denial.

4.014 (Repealed)

4.015 (Repealed)

4.016 Motions to Postpone Trial

(1) Set-overs and postponements shall be discouraged and will not be allowed unless there are particular circumstances that justify the additional time.

(2) Motions and proposed orders must be submitted in writing. Telephone requests will not be accepted.

(3) The first request, if allowed, will be granted for sixty (60) days. Subsequent requests, if allowed, will be in sixty (60) day increments.

(4) Absent exceptional good cause, postponement requests or motions brought to the court less than three (3) days before the date set for trial will be denied.

4.017 Scheduling Conflicts

(1) Attorneys are responsible for keeping their calendars and for scheduling cases appropriately. An attorney who schedules a trial in two or more courtrooms on the same day shall be responsible to communicate the scheduling conflict to the assigned judges at the trial readiness call or within five days of trial if no trial call has been scheduled. Attorneys are responsible for resolving their scheduling conflicts. If the scheduling conflict involves in-custody defendants, 60-day trials, or other scenarios whereby case priority is not apparent, attorneys shall inform the assigned judges, who will then confer and set the priority case. Under no circumstances, however, will the setting of a priority case by a judge relieve an attorney from moving to postpone any other case that cannot be tried as scheduled.

(2) If the attorney does not have sufficient time to comply with subsection (1) of this rule or fails to comply, the attorney must appear on the matter at the earliest date on the court's docketing notices. The attorney will not leave that proceeding until it has been concluded or they have been released by the judge handling the matter. The attorney must notify the judge and the other attorneys in the second matter, as soon as possible but not later than twenty-four (24) hours before the conflicting time, of the reason for their inability to appear in the conflicting case at the time scheduled.

4.081 Appearance by Simultaneous Electronic Transmission

(1) An in-custody defendant may appear by simultaneous electronic transmission pursuant to UTCR 4.080 at the following hearings, unless otherwise prohibited by law:

- (a) Arraignment;
- (b) Release;
- (c) Pretrial motions;
- (d) Probation violation;
- (e) Plea on a misdemeanor or at arraignment;
- (f) Sentencing;
- (g) Restitution hearings; and
- (h) Post-judgment hearings.

(2) Unless otherwise ordered, if an appearance by simultaneous electronic transmission cannot occur due to technical difficulties, the court may reschedule the appearance for a later date or order an alternative type of simultaneous electronic transmission.

CHAPTER FIVE—PROCEEDINGS IN CIVIL CASES

5.005 (Repealed 2012)

5.006 Hearing of Motions - Civil Cases

(1) Unless otherwise ordered by the court, all civil motions shall be heard according to the schedule of the assigned judge. The civil motions schedule will be posted on the court's website annually.

(2) The time and date of the hearing shall be stated in the caption of the motion and in the copy served upon the adverse party.

(3) Motions, other than motions to postpone or continue and motions for summary judgment, will be heard on the next motion day that falls after twenty-one (21) days from the filing of the motion, unless a different hearing date is stipulated to by the parties and approved by the assigned judge.

5.007 Show Cause Orders and Hearings

Show cause hearings in any case that is required by statute, rule or law and not otherwise included in these rules, shall be heard in accordance with the assigned judge's motion schedule as set forth in SLR 5.006. Any hearing expected to take more than one hour will not be heard on this show cause hearing schedule unless special arrangements are made in advance with the assigned judge. For those show cause hearings expected to take more than one hour, the court clerk must be contacted and a hearing will be set on the trial docket of the assigned judge.

5.061 (Repealed)

5.101 Submission of Proposed Orders or Judgments After a Hearing or Trial

In accordance with ORS 18.035, the party preparing a civil order or judgment must submit the proposed order or judgment within 28 days of the court's ruling. Nothing in this rule precludes the application of UTCR 5.100.

CHAPTER SIX—TRIALS

6.012 Mandatory Settlement Conference

- (1) A settlement conference must be held if requested by a party. However, a settlement conference will not be required if a party demonstrates good cause why the settlement conference should not be held. Each settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions.
- (2)(a) At the mandatory settlement conference, the court shall require the attendance of all parties and their trial attorneys. A representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the mandatory settlement conference, unless the judge permits telephonic appearance for good cause.

(b) An attorney, party, or representative of a corporation or insurance company may apply to be excused from appearing at the mandatory settlement conference by initiating a conference call to the assigned judge in advance of the scheduled settlement conference. The judge shall rule on the request and, upon good cause shown, excuse the party from appearing.
- (3)(a) Settlement conferences shall be held informally before a judge other than the assigned trial judge at a time and place provided by the presiding judge. The conference may be continued by the judge or by agreement of all attorneys and parties. Each case on the settlement conference calendar shall retain its place on the civil active trial list. If the case does not settle at the settlement conference, no reference shall thereafter be made to any settlement discussion had under this rule, except in subsequent settlement proceedings.

(b) In the event that a settlement is not reached at the settlement conference, a judge, other than the one who participated in the settlement proceeding, shall be assigned to try the case. Any notes or materials submitted by the settlement parties or prepared by the settlement judge shall be sealed and remain so except by order of the court.
- (4) Settlement conference statements submitted by the parties are confidential documents. They will not be part of the court file. They will be retained by the settlement conference judge. After completion of the settlement conference, the statements and any attached material will be returned to the submitting party.
- (5)(a) A voluntary settlement conference may be requested by any party to an action at any stage of the proceeding by filing a request for a voluntary settlement conference with the court. The settlement conference shall be held at least twenty-one (21) days prior to trial. In criminal cases, no later than twenty-one (21) days prior to the date of the settlement conference, the district attorney shall submit to the court in writing a detailed settlement offer including: the counts of resolution; grid blocks, if any; terms and duration of incarceration; and terms and duration of probation.

(b) In criminal cases, defense counsel shall, fourteen (14) days prior to the date of the settlement conference, submit in writing a certificate that counsel has informed and discussed the offer with the defendant and the district attorney. If defense counsel is prepared to make an offer, defense counsel shall submit to the court in writing a detailed settlement offer including all components required in paragraph (5)(a) of this rule. Defense counsel shall inform his client of the offer. The same attorneys shall attend the settlement conference. The prosecuting attorney appearing shall have at all stages of the proceeding full authority to dispose of the case.

(6) In civil cases, once the parties report to the court that the case has been settled, the court will remove the case from the trial calendar and cause a sixty-three (63) day conditional notice of dismissal to be sent to all parties.

(7) In the event settlement negotiations are not successful, counsel should expect and be prepared to proceed to trial on the scheduled date. Every effort will be made by the court to ensure that the case proceeds to trial as scheduled. The court will deny all requests for continuance except for good cause shown.

(8) In civil cases, five (5) days before the settlement conference, each party shall submit to the settlement conference judge a confidential statement that contains:

- (a) A brief summary and analysis of the key issues involved in the litigation; and
- (b) The status of any settlement negotiation.

6.031 (Repealed 2013)

6.135 Trial Fees and Preliminary Matters

(1) All civil matters for which a jury may be called and has not been waived will appear at 1:15 p.m. the judicial day prior to the date the jury is to be called. At that time, the parties will notify the court of any preliminary matters that need to be resolved and the approximate time such matters will require. Trial memoranda and requested jury instructions will be submitted at that time. This appearance may be by telecommunication at the parties' option.

(2) Preliminary matters shall be resolved and jury selection shall begin on the scheduled trial date unless otherwise ordered by the court.

(3) Trial and jury fees will be payable in accordance with ORS 21.225.

(4) No trial or settlement conference will proceed until the fees under this rule are paid to the trial court administrator at least twenty-four (24) hours prior to trial or hearing. The court shall verify that payment has been made or that fees have been waived or deferred prior to the commencement of trial or hearing where a fee is required to be paid under ORS Chapter 21 or ORS 105.130. If the court is unable to verify that payment has been made, a fee receipt, fee waiver or fee deferral must be presented to the courtroom clerk prior to the commencement of a trial or hearing.

(5) Fees payable at the conclusion of the trial shall be paid by 5:00 p.m. on the day trial concludes unless the fee is waived or deferred. If the trial concludes after the close of business, the fees shall be paid the

morning of the first judicial day thereafter. For purposes of this rule, a jury trial shall be deemed concluded when the jury returns a verdict.

(6) The trial judge may elect to delay commencement of the case until the fees are paid, but failure to pay the fees, as required by law, shall not be grounds for a postponement.

CHAPTER SEVEN—CASE MANAGEMENT AND CALENDARING

7.005 Matters Involving Children

In all civil and criminal cases and juvenile fact-finding hearings involving a child, who is a victim, witness, or subject of custody, the court and counsel shall take appropriate action to ensure a speedy trial. Such actions shall be given precedence over all others, except those in which a defendant in a criminal proceeding is being held in pretrial custody, or as may otherwise be required by law. In such actions, continuances shall be granted by the court only after a hearing and a determination of the necessity thereof. In ruling on any motion or other request for a postponement, delay or continuation of a proceeding, the court shall consider any adverse impact it may have on the child involved in the case.

7.011 Pretrial Conferences in Criminal Proceedings

(1) At arraignment, if a guilty plea is not entered, the court shall set a further appearance, at which a negotiated settlement may be entered or the matter may be set for trial. Information required by UTCR 7.010(3) may be in a form substantially as set forth in Appendix B or C, as appropriate.

(2) All defendants must personally appear at the second appearance unless otherwise excused.

7.021 Trial Setting Conference

(1) To facilitate trial date agreement under UTCR 7.020(6), a trial setting conference will be scheduled at the request of any party or as directed by the assigned judge.

(2) The trial setting conference shall be conducted by the judge or designee. Insofar as feasible, the court shall assign the same date for trial setting conferences to those cases in which the same attorney appears.

(3) Each party shall attend the trial setting conference in person or by counsel. A conference call to set a date for mandatory settlement conference and trial will be sufficient compliance with this rule. The attorneys so attending shall have full authority to act in all matters pertaining to setting the case for trial or settlement conference.

(4) At the trial setting conference, the court shall determine the extent of discovery commenced or completed, what discovery proceedings remain to be performed, and whether the case is or will be ready for trial, and if so, shall set a time and place for trial and mandatory settlement conference, unless the court is of the opinion a settlement conference would serve no useful purpose.

7.022 Assignment of Cases

(1) The Klamath County Circuit Court maintains an individual assignment system, with cases assigned randomly as described below on a relatively equal basis to all judges. Civil, domestic relations, juvenile

and criminal cases are assigned to individual judges for management, control and case processing purposes.

(2) Civil and domestic relations cases are randomly assigned to individual judges at the time of filing. Subsequent hearings and involvement with the court, except for settlement conferences under SLR 6.012(3), shall be set with the judge assigned to the case.

(3) Criminal cases shall be assigned to an individual judge at the time of filing.

(4) In order to promote judicial economy and consistency, a judge may request assignment of a new case involving one or more parties already assigned to that judge in another case or cases.

(5) Issues regarding companion cases, affidavits of prejudice, reassignment of cases, and similar case management questions should be raised with the assigned judge. If necessary, such issues will be referred to the trial court administrator for subsequent handling or reassignment.

(6) All issues regarding scheduling of appearances, including motions and trials for assigned cases, shall be resolved through contact directly with the staff of the assigned judge.

CHAPTER EIGHT—DOMESTIC RELATIONS PROCEEDINGS

8.012 (Repealed 2018)

8.041 Pre-Judgment Orders to Show Cause

(1) An order to show cause for a pre-judgment order in a domestic relations case may be allowed only upon the motion of a party supported by an affidavit or declaration setting forth sufficient facts to establish a right to the requested relief and, if support is to be an issue, a Uniform Support Declaration as required by UTCR 8.040(3). The order to show cause will not contain a date for hearing. The order to show cause shall notify the adverse party to respond in writing within twenty-one (21) days of service of the order to show cause, or within such additional time as allowed by the Court upon a showing of good cause.

(2) The order must contain the language set forth below to further advise the adverse party that if a written response in opposition is not filed within twenty-one (21) days of service of the order to show cause, the moving party may apply for an order of default.

NOTICE

READ THESE PAPERS CAREFULLY.

YOU ARE ORDERED TO FILE A WRITTEN RESPONSE AND, IF SUPPORT IS TO BE AN ISSUE, A UNIFORM SUPPORT DECLARATION, IN THE ABOVE-ENTITLED CASE WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THESE PAPERS. IF YOU FAIL TO FILE A WRITTEN RESPONSE WITHIN THE TIME ALLOWED, THE RELIEF REQUESTED BY THE MOTION AND ORDER TO SHOW CAUSE MAY BE GRANTED AND ENTERED BY THE COURT. YOU MUST FILE WITH THE KLAMATH COUNTY CIRCUIT COURT AT 316 MAIN STREET, KLAMATH FALLS, OREGON 97601 AND SERVE A COPY OF YOUR WRITTEN RESPONSE ON THE OTHER PARTY AND FILE A CERTIFICATE OF SERVICE WITH THE COURT. YOU MAY HAVE TO PAY A FILING FEE TO RESPOND. GO TO <http://www.courts.oregon.gov> OR CALL THE COURT FOR THE FILING FEE AT (541) 883-5503 OR FOR INFORMATION ABOUT DEFERRING OR WAIVING THE FEE. IF YOU HAVE QUESTIONS, YOU SHOULD SEEK LEGAL HELP IMMEDIATELY. IF YOU

NEED HELP FINDING AN ATTORNEY, YOU MAY CONTACT THE OREGON STATE BAR'S LAWYER REFERRAL SERVICE ONLINE AT www.oregonstatebar.org OR BY CALLING 1.800.452.7636.

(3) If the relief requested includes support, a blank Uniform Support Declaration shall be served on the adverse party with the order to show cause.

(4) The opposing party must file a written response and, if support is to be an issue, a completed Uniform Support Declaration within twenty-one (21) days of service.

8.042 Hearings for Temporary Support

Temporary support *pendente lite* may be determined without testimony, based on the affidavits or declarations filed by the parties. The moving party may respond to the adverse party's Uniform Support Declaration. In any case involving temporary child support, the affidavits or declarations shall include child support worksheets, if applicable. When the matter is ready for decision, the moving party shall notify the court by filing a completed Notice of Readiness for Decision form set forth in Appendix D.

8.045 Expedited Parenting Time Enforcement

(1) Proceedings for expedited parenting time enforcement pursuant to ORS 107.434 shall be initiated by motion supported by an affidavit or declaration setting forth sufficient facts to establish a right to the requested relief and order to show cause. Such proceedings shall be heard on the show cause docket as provided in SLR 5.007 if the motion seeks to enforce an existing order establishing parenting time and moves for one or more of the remedies listed in ORS 107.434(2)(b), (c), (d), or (e), and the hearing is not expected to exceed one hour. If the motion seeks to enforce parenting time and moves for one or more of the remedies listed in ORS 107.434 (2)(a), (f), or (g), or if the hearing is expected to exceed one hour, the party shall contact the court clerk and arrange to have the hearing set on the regular trial docket; however, the hearing remains subject to the forty-five (45) day statutory timeline.

(2) An order to show cause shall be served not less than twenty-one (21) days before the hearing date.

(3) The order must contain the notice language set forth in ORS 107.434(1)(b)(B).

8.051 Post-Judgment Orders to Show Cause

(1) An order to show cause for a post-judgment order or judgment in a domestic relations case will be allowed only upon the motion of a party to show cause supported by affidavit or declaration setting forth sufficient facts to establish a right to the requested relief. The order to show cause will not contain a date for hearing. The order to show cause shall notify the adverse party to respond in writing within thirty (30) days of the date of service of the order to show cause, or within such additional time as allowed by the court upon a showing of good cause.

(2) The order must contain the language set forth below to further advise the adverse party that if a written response in opposition is not filed within 30 days from the date of service of the order to show cause, the moving party may apply for an order of default.

NOTICE

READ THESE PAPERS CAREFULLY.

YOU ARE ORDERED TO FILE A WRITTEN RESPONSE AND, IF SUPPORT IS AN ISSUE, A UNIFORM SUPPORT DECLARATION IN THE ABOVE-ENTITLED CASE WITHIN THIRTY (30) DAYS OF RECEIPT OF THESE PAPERS. IF YOU FAIL TO FILE A WRITTEN RESPONSE WITHIN THE TIME ALLOWED, THE RELIEF REQUESTED BY THE MOTION AND ORDER TO SHOW CAUSE MAY BE GRANTED AND ENTERED BY THE COURT. YOU MUST FILE WITH THE KLAMATH COUNTY CIRCUIT COURT AT 316 MAIN STREET, KLAMATH FALLS, OREGON 97601 AND SERVE A COPY OF YOUR WRITTEN RESPONSE ON THE OTHER PARTY AND FILE A CERTIFICATE OF SERVICE WITH THE COURT. YOU MAY HAVE TO PAY A FILING FEE TO RESPOND. GO TO <http://www.courts.oregon.gov> OR CALL THE COURT FOR THE FILING FEE AND FOR INFORMATION ABOUT DEFERRING OR WAIVING THE FEE. IF YOU HAVE QUESTIONS, YOU SHOULD SEEK LEGAL HELP IMMEDIATELY. IF YOU NEED HELP FINDING AN ATTORNEY, YOU MAY CONTACT THE OREGON STATE BAR'S LAWYER REFERRAL SERVICE ONLINE AT www.oregonstatebar.org OR BY CALLING 1.800.452.7636.

(3) If the relief requested includes support, a blank uniform support declaration shall be served on the adverse party with the order to show cause.

(4) In any matter seeking modification of a domestic relations judgment, the initiating document shall set forth immediately below the case number, on the first page, the date of the original judgment, and shall substantially conform to: "Date of original judgment: _____."

(5) The opposing party must file a written response and, if support is to be an issue, a completed Uniform Support Declaration within thirty (30) days of service.

8.061 Contempt Show Cause Proceedings

(1) Contempt proceedings in domestic relations cases shall be initiated by a motion to show cause supported by an affidavit or declaration setting forth the facts constituting the alleged contempt.

(2) Unless otherwise ordered, a proposed order to show cause shall require the adverse party to appear at the specified time and date pursuant to SLR 5.007 that is not less than thirty (30) days after the order to show cause has been served. The adverse party shall be required to appear and show cause why the allegations in the motion and supporting affidavit should not be granted.

8.071 Parent Education Class Required

(1) All individuals who are parties to a case involving child custody or parenting time, whether or not contested, must attend a three-hour, court-approved parent education class, which includes a mediation orientation session. Parties may elect to attend the class in person or online at either <https://online.divorce-education.com/> or <https://onlineparentingprograms.com/>. Information on the dates, times and locations of the class is available from the court clerk. Online class fees are the responsibility of the individual attending the online class.

(2) Each party who has made an appearance in a case involving child custody or parenting time must file with the court a certificate of completion of the parent education class unless otherwise ordered by the court. The certificate of completion may remain in effect for two years from the completion date, unless otherwise ordered by the court.

(3) Requests to waive, defer or otherwise satisfy this requirement or to attend at another location must be submitted in the forms set forth in Appendix E and F.

(4) This rule does not apply to juvenile dependency or delinquency proceedings.

8.075 Standardized Parenting Time Plan

(1) The court will, from time to time, adopt standardized parenting time plans for local, medium-distance and long-distance parenting. Copies of the current plans will be available free of charge from the court clerk and shall be posted on the court's website. The plans may be adjusted to the needs of the parties and children in each case.

8.081 Appointment of Legal Counsel for Minor Children

(1) The court may appoint legal counsel for one or more of the children upon motion of a party, request of a child or on its own motion. A motion for appointment must be filed with the court and served in accordance with ORCP 9.

(2) When legal counsel is appointed to represent a child in a domestic relations matter pursuant to ORS 107.425(6), the order shall be submitted to the court in substantially the same form as set out in Form SLR 8.081. See Appendix G.

(3) The court will define whether the representation is "traditional advocacy" or "best interests" representation. If the attorney, in the course of representation, determines that the role of representation should be changed, the court may endorse the change.

(4) The parties are encouraged to stipulate to an identified attorney, type of representation and method of compensation upon approval by the court. If the parties cannot agree, the court will identify an attorney and confirm the attorney's availability to represent the child.

(5) In the event an attorney is appointed to represent a child, the child will be treated like and considered a party.

(6) The parents are to make the child available to the attorney as requested, including transportation and reasonable and private phone communication. In the event that such cooperation proves difficult, the court shall have sole discretion and authority to determine the location, duration and circumstances of the attorney's contact with the child. Parents are not to monitor the child's communication with the attorney or discuss the nature or substance of the communication with the child.

(7) The child's attorney is expected to be familiar with Oregon domestic relations law and the contents of ABA Standards for Representation of Children. To the extent possible, the appointed attorney will represent the child's interests in obtaining a safe and secure home and a balanced relationship with each parent.

(8) The attorney representing the child may submit an ORCP 68 statement for fees and costs. The court retains the authority to require either or both parents to contribute toward the fees and costs incurred, even if the attorney agreed to represent the child on a pro bono or reduced fee basis.}

8.121 Informal Domestic Relations Trial

Pursuant to UTCR 8.120, it is mandatory that all parties to domestic relations cases who wish to participate in an Informal Domestic Relations Trial must file a Domestic Relations Trial Process Selection form, as specified by UTCR 8.120, at or before the conclusion of the judicial settlement conference or at such time as the court directs prior to the commencement of trial.

CHAPTER NINE—PROBATE AND ADOPTION PROCEEDINGS

9.001 Probate Commissioner

(1) The probate commissioner appointed by the presiding judge of this court will assist in the administration of estates, protective proceedings, trusts, name change, civil commitment proceedings and all other probate matters.

(2) The powers of the probate commissioner include the following:

(a) To act upon and make orders on behalf of the court for uncontested petitions for appointment of special administrators; for probate of wills; and for appointment of personal representatives, guardians and conservators;

(b) To appoint court visitors;

(c) To set the amount of the fiduciary bond for special administrators, personal representatives, guardians and conservators;

(d) To approve such bonds;

(e) To screen all probate filings to determine compliance with procedural requirements imposed by law or rule;

(f) To act upon and make orders on behalf of the court approving uncontested accountings, annual reports, and visitor's reports; and

(g) To admit wills to probate.

(3) Any matter presented to the probate commissioner may be referred to a judge of the court. The court, on its own motion, may set aside or modify any order or judgment made by the probate commissioner within thirty (30) days after the date of the order or judgment. Any interested party may file a motion to set aside or modify any order or judgment of the probate commissioner within thirty (30) days after the date of the order or judgment.

9.006 Self-represented Parties in Probate Proceedings

(1) If a personal representative or conservator intends to appear on behalf of the estate or protected person without an attorney, the personal representative or conservator shall provide notice of that intent to the court. If the proof is not sufficient to assure the court that the estate will be protected and properly administered, the court will take appropriate action. The court will take appropriate action if at any time

the demonstration of competence is not sufficient to assure the court that the estate or interest will be and continue to be adequately represented.

(2) Corporations and persons other than a personal representative or conservator may appear without counsel in any matter before the probate court as authorized or allowed by law. Both the person who is appearing and counsel for the personal representative must notify the probate court if any party to a proceeding is self-represented. The probate judge will decide whether further hearings are required.

9.011 Inventory Requirements

(1) An inventory filed pursuant to ORS 113.165 shall list real property by legal description and county tax account number and lot number in the same manner as required in a deed. All other assets shall be described with sufficient specificity to identify the asset.

9.021 (Repealed)

9.041 Appointment of Court Visitor

(1) The court shall appoint a visitor as required by law. A petition for guardianship shall designate in the caption whether the petition is for guardianship of an adult or a minor, whether the petition seeks a guardianship for a temporary or an indefinite time, and whether a conservatorship is also requested.

(2) A court visitor shall be appointed for all petitions for appointment of a guardian unless waived by the court for good cause shown.

(3) The visitor shall not be appointed until proof of service on all applicable persons is filed.

(4) The fee for the visitor shall be paid directly to the visitor by the petitioner. The visitor need not undertake any investigation until satisfactory fee arrangements have been made. The court visitor's fee shall be set at an hourly rate of \$125 per hour.

(5) The visitor shall appear at the hearing on any objection to the appointment of a fiduciary. The objecting party shall pay the sum of \$75.00 to the visitor as compensation for the visitor's attendance at the hearing. However, if the objecting party is the respondent, the visitor's attendance fee shall be paid by the petitioner.

9.042 (Repealed 2020)

9.051 (Repealed 2020)

9.061 Delinquent or Deficient Filing; Courtesy Notices

In the event of a delinquency or deficiency in filing any document required by statute or court order, an attorney of record will be sent a courtesy notice. If there is no attorney of record, then the courtesy notice will be sent to the personal representative, conservator, or guardian. If the deficiency is too complex to adequately address through a courtesy notice, the court may schedule a show cause hearing in lieu of requesting a correction. The delinquency or deficiency must be promptly corrected. If the deficiency is not addressed within thirty (30) days, the court will issue an order to appear and show cause why the personal representative, conservator, or guardian, together with any attorney of record, should not be

removed or held in contempt. The personal representative, conservator, or guardian, together with any attorney of record, must appear—whether or not the delinquency or defect has been subsequently corrected—unless otherwise ordered by the court. If the delinquency or defect has not been corrected by the time of the hearing, sanctions may be imposed.

9.075 Guardianships

(1) Upon appointment of a guardian, the court shall schedule a hearing at which the guardian will be presented with Letters of Guardianship and informed of the annual reporting requirement as well as any other duties or obligations. The requirement to attend a hearing may be waived for good cause shown.

(2) Not later than 30 days following each anniversary of appointment, a guardian shall file a written report with the court. An annual written report is required for each protected person including adults, minor children, and vulnerable youth. Copies of the guardian's report must be given to those persons specified in ORS 125.060(3). The annual written report shall be in the form prescribed by the court and set forth in Appendix H and I.

9.081 Objection to Petitions and Motions in a Protective Proceeding

Any interested person, as described in ORS 125.075(1), who has an objection to a petition or a motion in a protective proceeding, shall submit a written objection in the form set forth in Appendix J. The written form with the original signature may be submitted by mail or by filing it in person with the court clerk at the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon 97601. However, a respondent or protected person may present objections orally in person or by other means intended to convey those objections to the court clerk during regular court hours, who will reduce the oral objections to a signed writing for the purpose of filing the objection. The respondent or protected person may also make oral objections to the Court Visitor, who will include any objections in the Visitor Report in bold and underlined. Upon receipt of the objection, the court shall schedule a hearing and notify the appropriate parties.

9.082 Alleged Incapacitated Persons—Notice Regarding Free or Low-cost Legal and Other Relevant Services

In a proceeding for the appointment of a fiduciary for a respondent who is not a minor, the notice required under ORS 125.070(2)(c) shall include the following language or its equivalent:

Free legal services for persons who are subject to a protective proceeding may be obtained by calling Legal Aid at 1-541-273-0533. Low-cost legal consultation may be obtained by calling the Oregon State Bar attorney referral service at 1-800-452-7636. Additional information may be found by visiting Oregon.freelegalanswers.org or www.oregonlawhelp.org.

9.161 Form of Accountings

Unless the court waives the requirement, accountings under ORS 116.083 and ORS 125.475 must be submitted in the format specified by UTCR 9.160.

9.185 Vouchers and Depository Statements in Probate and Protective Proceedings

- (1) Original vouchers need not be filed with accountings unless otherwise ordered by the court.
- (2) In lieu of original vouchers, depository statements for each depository account shall be filed with accountings and shall be accompanied by a list that sets out in chronological order the date, amount, check number, recipient and purpose of each disbursement. The list shall show each receipt into the account with a brief explanation of the source, the date and the purpose of the receipt.

9.201 Notice Required for Partial Award of Expenses

In probate matters, a partial award of expenses, including fees, may be allowed prior to settlement of the final account upon petition, showing that the final account reasonably cannot be filed at that time, and upon notice as set forth in ORS 111.215.

9.211 Name Change of a Minor

- (1) Unless otherwise ordered by the court, written notice of a name change proceeding for a minor must be served upon parents and guardians of the minor in the manner required by ORS 111.215(1) at least 14 days before the matter is heard. Proof of the giving of notice must be made in the manner required by ORCP 9 C.
- (2) An application for a name change for a minor may be filed simultaneously with a motion for appointment of a guardian ad litem pursuant to ORCP 27.

CHAPTER ELEVEN—JUVENILE COURT PROCEEDINGS

11.005 Appearance in Juvenile Court Dependency Cases

As authorized by ORS 419B.819, parents shall respond to a summons for a petition for guardianship or termination of parental rights by filing a written answer to the petition within 30 days from the date on which the parent was served with the summons.

11.111 Submission of Exhibits

- (1) All exhibits offered in juvenile cases must be submitted to the court electronically on the day of the hearing or trial or by the end of the next judicial day. Each exhibit must comply with the format requirements of UTCR 21.040 and the filer must provide the party role, hearing or trial date, and exhibit number or numbers in the comment field. Each exhibit or group of exhibits, if filed together, must also include a cover page containing the case name and number, party role, hearing or trial date, and exhibit number or numbers.
- (2) The court will maintain in the record of each case a separate exhibit log for each hearing or trial. The exhibit log will list each exhibit offered and state whether or not it was received.

CHAPTER TWELVE—MEDIATION

12.005 Mandatory Mediation Program

Except for good cause shown, mediation shall be ordered in any civil case filed in Klamath County and involving a dispute over custody, parenting time, or visitation of a minor child. However, mediation is not required in any case arising under the Family Abuse Prevention Act, ORS 107.700–107.735; ORS 30.866; ORS 124.005 to 124.040; 163.738; or ORS Chapter 125.

12.045 Domestic Relations Mediators

(1) To qualify as a court-approved domestic relations mediator, a person must:

- (a) Meet all applicable requirements for domestic relations mediators established by CJO 05-028 and UTCR Chapter 12.
- (b) Sign and submit to the trial court administrator an original application setting forth the information required by the Oregon Judicial Department; and
- (c) Receive approval by the presiding judge, after consultation with the circuit court judges for the 13th Judicial District.

12.085 Domestic Relations Mediation Fees

(1) For issues subject to mandatory mediation under this chapter, Klamath County shall compensate the mediator at an hourly rate set by the presiding judge for a maximum of six (6) hours per new case and for an additional maximum of three (3) hours per modification petition. The funding source for this program shall be limited to funds available through the State Court Administrator and maintained by the county for that purpose.

(2) For issues in which mandatory mediation is not required under these rules, the parties may agree to mediate with the court-appointed mediator. In that case, compensation arrangements shall be determined in writing between the mediator and the parties, and mediation fees will be negotiated and paid by the parties.

(3) If the parties select a mediator who is not on the court-approved list, the compensation shall be fixed by agreement between the parties and the mediator, and payment shall be the responsibility of the parties.

CHAPTER THIRTEEN—ARBITRATION

13.011 Arbitration in Certain Cases

Arbitration proceedings under ORS 742.505 and ORS 742.521 must be conducted pursuant to UTCR 13.140, 13.150, 13.170, 13.180, and 13.190.

13.048 Indigent Parties

(1) Indigent parties must seek waiver of the arbitrator's fee within fourteen (14) days from the date the case is transferred to arbitration. The request must be submitted by motion and order, supported by an affidavit, and must be presented to the presiding judge for approval.

(2) In the event funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission to the court of an appropriate motion and order.

13.161 Scheduling of Hearing

If the arbitrator finds that good cause is shown, the arbitrator may schedule the hearing to a date within 90 days from the date of assignment to the arbitrator and may continue or postpone the hearing within this 90-day period. Any continuances or postponements beyond this 90-day period require the moving party to obtain approval of the Presiding Judge or designee.

13.221 Return of Documents and Exhibits

The arbitrator is not required to return electronically submitted documents and exhibits.

13.241 Judgment on Award

If no request for trial *de novo* is filed within the time allowed by statute, the prevailing party must prepare a judgment based on the arbitration decision and award and submit it to the court for entry within 14 days after the expiration of the 20-day appeal period set forth in ORS 36.425(3).

CHAPTER FIFTEEN—SMALL CLAIMS

15.105 Small Claims Agreements

If an agreement that is entered in resolution of a small claims case fails to include a time period for compliance, the court may close the case upon the expiration of 30 days following mailing of written notice to the parties.

CHAPTER SIXTEEN—VIOLATIONS

16.005 Testimony by Affidavit or Declaration Under Penalty of Perjury

If a signed waiver is filed by the alleged violator, testimony in a traffic violation trial is allowable by affidavit or by declaration under penalty of perjury, as authorized by ORS 153.080. A copy of the witness' affidavit or declaration shall be provided to the alleged violator before trial.

CHAPTER TWENTY-ONE—FILING AND SERVICE BY ELECTRONIC MEANS

21.071 Expedited Filings

Any filer submitting an expedited filing through the eFiling system must separately notify the court clerk that the expedited filing has been submitted by telephoning the court clerk at (541) 883-5503.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

Case No. _____

Plaintiff/Petitioner(s),

v.

**REQUEST FOR ELECTRONIC
RECORDING AND WRITING**

Defendant/Respondent(s)

All requests must be made at least 2 hours before the court proceeding.

Name: _____ **Representing:** _____

Address: _____ **City, State, ZIP:** _____

Telephone: _____ **Email:** _____

COURTROOM REQUEST

Judge _____ Courtroom Number _____

I provided notice to all parties on _____, 20____ at _____: _____ a.m./p.m. by:

Personal Delivery Mail Fax to the party's attorney E-Mail with confirmation of receipt

I request permission to use an electronic device a still/video camera to:

Write. Take notes or compose internet posts, emails, text messages or other electronic writing

Record. audio video still images other _____

Pooled Coverage (select one):

I have communicated with other like media and have been designated as representative.

I have not communicated with other like media, but I am willing and technologically capable to pool my coverage if the court requests.

COURTHOUSE PREMISES REQUEST

I request permission to use an electronic device a still/video camera on premises within the control and supervision of the court located at: _____ to (select

one): Write Record: audio video still images other _____

I know, and agree to follow, all rules and laws related to interviewing, recording, photography and electronic writing in courtrooms and on courthouse premises. I understand that:

- If I violate a rule or law, the court may order that I stop and may request that I provide a copy to the court in a format accessible for review;
- I cannot ever send or transmit any electronic recording or writing from within a courtroom;
- I may not record: (1) court recesses or any time the court is off record; (2) any juror anywhere under the control and supervision of the court during the entire course of the trial; and (3) any notes or conversations intended to be private, such as conferences between attorneys and clients or between judges and attorneys.

SIGNATURE: _____ **DATE:** _____, 20____

Deliver this form to the court clerk at 316 Main Street, Klamath Falls, OR 97601.

ALLOWED. DENIED.

DATE: _____

CIRCUIT COURT JUDGE

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

State of Oregon,
Plaintiff,

vs.

Defendant

State Trial Readiness Report

Case No. _____

DISCLOSURE

- A. Witness List: The State of Oregon presently intends to call the following witnesses at trial:
- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |
- B. The State presently intends to call the following out-of-state witnesses at trial:
- | | |
|----------|----------------------|
| 1. _____ | City and State _____ |
| 2. _____ | City and State _____ |
| 3. _____ | City and State _____ |
- C. Defense counsel has been provided with the addresses of the above persons: Yes No
- D. Defense counsel has been provided with a copy of all police reports, presently known by the State, in this case:
 Yes No (If "No," list those not provided: _____.)
- E. Defense counsel has been provided with copies of all written or recorded statements or memoranda of any oral statements of the above persons and of the defendant or co-defendant: Yes No (If "No," list those not provided: _____.)
- F. Defense counsel has been given complete criminal history reports on the following persons:
- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |
- G. The State has complied with ORS 135.815, requiring disclosure to the defense of expert witnesses, report of experts, documentary evidence or other statutory requirements subject to discovery: Yes No (If "No," list those not provided: _____.)
- H. The State asks the court for a pretrial hearing: Yes No
- I. The State estimates the probable length of the trial to require _____ judicial days.
- J. The following matters remain at issue: _____
- K. The State intends to file the following motions:
- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

(Deputy) District Attorney

Date

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

State of Oregon,
Plaintiff,
vs.

_____,
Defendant

Defense Trial Readiness Report

Case No. _____

DISCLOSURE

A. Witness List: The defense presently intends to call the following witnesses at trial:

- | | |
|-----------|-----------|
| 9. _____ | 13. _____ |
| 10. _____ | 14. _____ |
| 11. _____ | 15. _____ |
| 12. _____ | 16. _____ |

C. Defense counsel presently intends to call the following out-of-state witnesses at trial:

- | | |
|----------|----------------------|
| 4. _____ | City and State _____ |
| 5. _____ | City and State _____ |
| 6. _____ | City and State _____ |

C. The State has been provided with the addresses of the above persons: Yes No

D. The State has been provided with copies of all written or recorded statements or memoranda of any oral statements of the above persons (other than the defendant): Yes No (If "No," list those not provided: _____.)

E. The defense has complied with ORS 135.835, requiring disclosure to the State of expert witnesses, report of experts, documentary evidence or other statutory requirements subject to discovery:
 Yes No (If "No," list those not provided: _____.)

F. The defense asks the court for a pretrial hearing: Yes No

G. The defense intends to waive a jury trial: Yes No

H. The defense estimates the probable length of the trial to require _____ judicial days.

I. The defense intends to file the following motions:

- | | |
|----------|----------|
| 5. _____ | 7. _____ |
| 6. _____ | 8. _____ |

J. The following matters remain at issue: _____

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

Defense Counsel

Date

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

In the Matter of the Marriage of:

_____,

Petitioner,

and

_____,

Respondent.

Case No. _____

**REQUEST REGARDING
PARENT EDUCATION CLASS
BY Petitioner Respondent TO:
 ATTEND AT ANOTHER LOCATION
 WAIVE REQUIREMENT
 DEFER REQUIREMENT
 SATISFY REQUIREMENT**

Petitioner Respondent respectfully requests the Court, pursuant to SLR 8.070, for an order allowing the party to:

Attend a similar parent education of at least three hours in length at the following location:

_____.

Waive the mandatory attendance requirement of the parent education class.

Defer the mandatory attendance requirement of the parent education class until _____.

Satisfy the mandatory attendance requirement of the parent education class.

This request is made for the following reasons:

_____.

DATED: _____, 20__.

 Petitioner Respondent Signature

Print Name

Mailing Address

City, State, Zip

Telephone Number

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

In the Matter of the Marriage of:

_____,
 Petitioner,

and

_____,
 Respondent.

Case No. _____

**ORDER REGARDING
PARENT EDUCATION CLASS
BY Petitioner Respondent TO:
 ATTEND AT ANOTHER LOCATION
 WAIVE REQUIREMENT
 DEFER REQUIREMENT
 SATISFY REQUIREMENT**

THIS MATTER came before the Court upon the request of Petitioner Respondent for the approval of an order regarding the parent education class as required by SLR 8.070; and

THE COURT FINDS AND ORDERS THAT:

The request of Petitioner Respondent to:

ATTEND A SIMILAR MINIMUM THREE-HOUR CLASS AT ANOTHER LOCATION located at:

- _____
 WAIVE THE REQUIREMENT OF THE PARENT EDUCATION CLASS
 DEFER THE REQUIREMENT OF THE PARENT EDUCATION CLASS
 SATISFY THE REQUIREMENT OF THE PARENT EDUCATION CLASS

is hereby:

ALLOWED.

DENIED.

Submitted by:

Signature of Petitioner Respondent

Print Name

Mailing Address

City, State, Zip

Telephone Number

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

_____,
Petitioner

Case No. _____

v.

**ORDER APPOINTING
LEGAL COUNSEL
FOR MINOR CHILDREN**

_____,
Respondent.

THIS MATTER came before the court:

- At the request of the children referenced below.
- Upon motion of Petitioner Respondent.
- On the court's own motion.

IT IS HEREBY ORDERED that:

1. Under the provisions of ORS 107.425(6), _____ is appointed as attorney for the minor child(ren) in this proceeding until resolution of pending pleadings. Relief from representation may be obtained solely from the court upon motion to the court.

2. The children shall be treated as a party.

3. The attorney shall act as a:

- best interest attorney.
- traditional, advocacy attorney.

However, if after meeting the children, the attorney concludes a different type of representation is more appropriate, the attorney shall move the court to modify the type of appointment (in cases involving a child age 12 or older, the court presumes at the outset that a traditional advocacy attorney is appropriate).

4. Payment of the attorney shall be handled as follows:

- The court-appointed attorney has volunteered to perform services at no initial expense to the parties. The attorney shall keep track of the time expended and costs incurred. The court reserves jurisdiction to assess a child's attorney fees and costs to either or both parents at the conclusion of the proceeding. The court may decline to order any award for attorney fees and costs.
- The court-appointed attorney shall be paid by one parent: Petitioner Respondent. The payment arrangements are to be made between the attorney and the parent.
- The court-appointed attorney shall be paid by both parents. Each parent shall pay a retainer of \$ _____. Absent other order of the court, both parents are liable for 50 percent of any remaining reasonable attorney fees and costs of the court-appointed attorney. The court shall retain jurisdiction to apportion the cost of the child's attorney between the parents as is equitable.

5. If the court-appointed attorney does report time, the attorney shall submit only summary bills to the parties to protect all attorney-client confidences.

6. The court-appointed attorney shall have access to all information regarding the children without the necessity of any further order of release. Such information includes but is not limited to records of social services, drug and alcohol treatment, medical records, counseling records, school records, and law enforcement records. Further, the attorney has authorization of the court to obtain medical records for a parent upon a showing of an explanation of relevance pursuant to federal law. The parents are ordered to sign releases, if necessary.

7. Each of the parties is ordered to facilitate and encourage access and communication between the children and the attorney appointed for representation in this proceeding. Neither party shall interfere in any way with any communication between the attorney and the children. Neither party shall monitor or record attorney/children communications. Both of the parties are enjoined from discussing with the children the nature, extent, or content of any communication between a child's appointed attorney and the child.

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

In the Matter of the Guardianship of: _____) Case Number: _____
_____)
_____) **GUARDIAN’S ANNUAL**
_____) **REPORT – ADULT**
Respondent. _____) **GUARDIANSHIP**
_____)

Guardian’s Information:

Name: _____
Address: _____
Phone: _____

Information regarding Protected Person since the last report:

1. Protected Person’s current residence:
 - a) Name (if applicable): _____
 - b) Address: _____

 - c) Type of facility or residence: _____
 - d) Name of the person at the residence who is primarily responsible for care of Protected Person:

 - e) Name and address of any hospital or other institution where Protected Person is now admitted on a temporary or permanent basis:

2. Protected Person is currently engaged in the following programs and activities and receiving the following services:

3. I made the following contacts with Protected Person during the past year (*date and description*):

4. Protected Person's physical condition is (brief description):

5. Protected Person's mental condition is (brief description):

6. I made the following major decisions on behalf of Protected Person during the past year:

7. I limited Protected Person's association with the following persons:
(List the names of any restricted contacts and describe the limitations)

8. **Finances** - Money received or spent **on behalf of** Protected Person
(please attach an itemized account for any amounts received or spent)

- a) At the time of my last report I held \$ _____ on behalf of Protected Person
- b) I received the following amount of money: _____
- c) I spent the following amount of money: _____
- d) I now hold the following amount of money: _____

Since my last report, I have or a member of my household has:

9. Had a driver's license revoked or suspended (**explain**):

10. Been convicted of the following crimes, **not** including traffic violations (**list the crime and person convicted**):

11. Filed for or received protection from creditors (**explain**):

12. Had a professional or occupational license revoked or suspended (**explain**):

13. I have delegated powers over Protected Person as follows:
- a) To (*name*): _____
 - b) Powers delegated: _____
 - c) For how long: _____

I believe the guardianship should should not continue because: _____

- I have given or will give a copy of this report to all required parties listed in ORS 125.060(3):
- Protected Person (if 14 years of age or older);
 - Any person who has filed a request for notice in this case;
 - Any fiduciary who has been appointed for Protected Person;
 - If Protected Person is receiving money paid or payable by the United States through the Department of Veterans Affairs (DVA), a representative of the DVA regional office that has responsibility for the payments to Protected Person;
 - Any other person the court requires.

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

DATED: _____, 20____.

 Petitioner's Signature Print Name

 Address City, State, Zip

 Telephone Email and Fax (if any)

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH**

In the Matter of the Guardianship of: _____)
_____)
_____) **Case Number: _____**
Respondent.) **GUARDIAN’S ANNUAL**
_____) **REPORT – MINOR**
_____) **GUARDIANSHIP**

Guardian’s Information:

- a) Name: _____
- b) Address: _____

- c) Phone: _____

Information Regarding the Child Since the Last Report:

1. The child’s **physical** condition is as follows: (*brief description*): _____

a) Names of doctors or health care providers the child has seen in the past year:

b) Medical treatment of reasons for hospital/medical visits during the last year:

2. The child’s **emotional and mental** condition is as follows: (*brief description*):

a) Names of psychologists, psychiatrists, counselors, or therapists the child has seen in the past year:

b) Treatment or reasons for counseling or therapy during the last year:

3. The child's dental condition is as follows: *(brief description)*:

a) Names of dentists or dental care providers the child has seen in the past year:

b) Services or reasons for dental treatment or visits during the last year:

4. The child is currently engaged in the following **non-school related programs and activities**:

a) The child has enjoyed the following **hobbies or recreational interests** during the past year:

5. The child's **school attendance and performance** are as follows:

6. The child experienced the following **activities, achievements** and/or **special challenges** during the last year:

7. I made the following major decisions on behalf of the child during the past year:

8. **Finances** - Money received or spent **on behalf of** Protected Person
(please attach an itemized account for any amounts received or spent)

a) At the time of my last report I held \$ _____ on behalf of Protected Person

b) I received the following amount of money: _____

c) I spent the following amount of money: _____

d) I now hold the following amount of money: _____

Since my last report, I have or a member of my household has

9. Had a driver's license revoked or suspended (*explain*): _____

10. Been convicted of the following crimes, **not** including traffic violations (*list the crime and person convicted*): _____

11. Filed for or received protection from creditors (*explain*): _____

12. Had a professional or occupational license revoked or suspended (*explain*): _____

13. I delegated powers over the child as follows:
a) Name of person delegated to: _____
b) Powers delegated: _____
c) For how long: _____

I believe the guardianship should should not continue because: _____

I have given or will give a copy of this report to all required parties listed in ORS 125.060(3):

- Protected Person (if 14 years of age or older);
- Any person who has filed a request for notice in this case;
- Any fiduciary who has been appointed for Protected Person;
- If Protected Person is receiving money paid or payable by the United States through the Department of Veterans Affairs (DVA), a representative of the DVA regional office that has responsibility for the payments to Protected Person;
- Any other person the court requires.

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

DATED: _____, 20____.

Petitioner's Signature

Print Name

Address

City, State, Zip

Telephone

Email and Fax (if any)

