

Supplementary Local Rules
For
The Circuit Court of the State of Oregon
For Clackamas County
The Fifth Judicial District

Out-of-Cycle Adoption
Pursuant to Chief Justice Order No. 15.041
Effective December 2015

**Supplementary Local Rules
Out of cycle Adoption
Fifth Judicial District, Circuit Court of the State of Oregon
for Clackamas County**

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CHAPTER 2 - STANDARDS FOR PLEADINGS AND DOCUMENTS

SLR 2.501: STIPULATED OR *EX PARTE* MATTERS FOR WHICH THE DOCUMENTS MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED.

In the following subject matter areas, the listed stipulated or *ex parte* documents, and any documents that will be served simultaneously with a document listed in this rule, must be presented conventionally and may not be electronically filed.

- (1) Family Case Matters. To be presented pursuant to SLR 5.061:
 - (a) Contempt Order to Show Cause
 - (b) Emergency Custody and Parenting Relief based on Immediate Danger
 - (c) Guardian ad Litem Appointment
 - (d) Family Abuse Prevention Act
 - (e) Elderly Persons and Persons with Disabilities Abuse Prevention Act
 - (f) Sexual Abuse Prevention Act
 - (g) Orders of Assistance
 - (h) Parenting Time Enforcement Order to Show Cause
 - (i) Post Judgment Status Quo Order to Show Cause
 - (j) Pre-Judgment Temporary Protective Orders of Restraint (Status Quo)
 - (k) Orders to Show Cause for Temporary Relief (*Pendente Lite*)
 - (l) Fee Deferral and Waiver
- (2) Civil Case Matters. To be presented pursuant to SLR 5.061:
 - (a) Assurance of Voluntary Compliance
 - (b) Commission for Out-of-State Deposition
 - (c) Distrain Warrant
 - (d) Exoneration of Undertaking on Appeal
 - (e) Guardian ad Litem Appointment

- (f) Preliminary Injunction Show Cause / Temporary Restraining Order
- (g) Provisional Process Show Cause
- (h) Receivership Show Cause
- (i) Registration of a Foreign Writ, Mandate, Commission, Letter Rogatory, or Order to Complete Discovery in Oregon pursuant to ORCP 38 and UTCR 5.140
- (j) Writ of Assistance
- (k) Writ of Mandamus
- (l) Writ of Review
- (m) Fee Deferral and Waiver

CHAPTER 5 - PROCEEDINGS IN CIVIL CASES

SLR 5.061: *EX PARTE* MATTERS

- (1) *Ex parte* matters will be heard Monday through Friday, excluding legal state holidays, at 1:00 P.M.
- (2) An in person *ex parte* appearance may be required in those stipulated and *ex parte* matters for which the documents must be presented conventionally and may not be electronically filed as designated in SLR 2.501. An in person *ex parte* appearance is not required for Orders to Show Cause. If an Order to Show Cause is being filed in conjunction with documents that require an in person *ex parte* appearance, all documents may be presented at *ex parte*.
- (3) Except as provided in subsection (2) of this rule, any stipulated or *ex parte* matter may be electronically filed for purpose of submitting to a judge for signature. No appearance is required.
- (4) Motions for *ex parte* order must be accompanied by a separate proposed order.
- (5) When service is required by law, any motion that is to be presented *ex parte* shall have attached to it a certificate of service, which shall include the date, time, manner of service upon the opposing party, and the name of the person served. If no service was made, the moving party shall submit a statement documenting the reasons that no service was made.
- (6) Family Abuse Prevention Act, Sexual Abuse Prevention Order, and Elderly

Persons and Persons with Disabilities Abuse Prevention Act petitions filed pursuant to ORS 107.718, ORS 163.760 or ORS 124.010 through ORS 124.020 shall be heard Monday through Friday at 1:00 P.M. in the courtroom designated. All required documents must be filed in the Civil Case Unit, Room 104, 807 Main Street, Oregon City, Oregon, 97045 no later than 11:00 A.M. on the day of the *ex parte*.

- (7) Matters that may not be submitted *ex parte* are as follows:
- (a) Motion to Continue Trial or Hearing Date
 - (b) Motion to Continue UTCR 7 Dismissal Date
 - (c) Motion to Reinstate, except in domestic relations cases if accompanied by a general judgment and opposing party has been notified
 - (d) Motion for Attorney Withdrawal, except in domestic relations cases if accompanied by a general judgment
 - (e) Civil Default Judgments
 - (f) Motion for Telephonic Testimony
 - (g) Motion for Alternative Service
 - (h) Motion for In Camera Review
 - (i) All foreclosure matters
 - (j) All probate matters, unless prior approval has been given

CHAPTER 8 - DOMESTIC RELATIONS PROCEEDINGS

SLR 8.051: POST JUDGMENT ORDER TO SHOW CAUSE FOR MODIFICATION OF THE JUDGMENT

- (1) The Order to Show Cause shall require the opposing party to file a written response in answer to the Motion and Affidavit, 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 Order to Show Cause shall include the Notice about a Written Response to a Petition or Motion to Modify Filed in Clackamas County Circuit Court. This notice is available on the Court's Website at

<http://courts.oregon.gov/Clackamas/Pages/formsFamilyLaw.aspx>.

- (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 forthwith submit a motion, declaration, and order for default with supplemental judgment allowing the relief requested in the order to show cause. The court reserves the right to require the taking of testimony of the moving party in such default matters.}

CHAPTER 24 – OREGON eCOURT IMPLEMENTATION

SLR 24.201: ELECTRONIC DOCUMENTS

- (1) Depending on the context, as used in these rules, “document” refers to an instrument in either paper or electronic form.
- (2) Documents that are electronically filed or manually imaged, including those to which judicial signatures have been added, and documents generated in electronic format by the court are the official record.

SLR 24.202: ELECTRONIC COURT SIGNATURES

The court may issue judicial decisions electronically and may affix a signature by electronic means.

- (1) The trial court administrator must maintain the security and control of the methods for affixing electronic signatures.
- (2) Only the judge and the trial court administrator, or the judge’s or trial court administrator’s designee, may access the methods for affixing electronic signatures.

SLR 24.203: COMBINED MOTION AND ORDER DOCUMENT NOT PERMITTED

Notwithstanding UTCR 2.010(12)(c) or any other Supplementary Local Rule, a motion and order may not be submitted as a single document. If a motion and corresponding proposed order are electronically filed, the order must be submitted as a separate document from the motion.

SLR 24.205 BINDING DOCUMENTS; USE OF STAPLES PROHIBITED

- (1) Pleadings and documents submitted to the court for filing that are not electronically filed must be bound by paperclip or binder clip and must not contain staples.
- (2) If a document to be filed includes one or more attachments, including but not limited to a documentary exhibit, an affidavit, or a declaration, then

- (a) the document and each attachment must be separately bound by paperclip or binder clip; and
 - (b) the attachment or attachments must be bound in one packet to the document being filed by paperclip or binder clip.
- (3) Subsection (2)(a) does not apply to an attachment to a motion to strike filed under UTCR 5.020(2) or an attachment to a motion for leave to amend a pleading filed under UTCR 5.070. An attachment of either type must be bound in one packet to the document being filed by paperclip or binder clip.

SLR 24.501 STIPULATED OR *EX PARTE* MATTERS MAY BE ELECTRONICALLY FILED

- (1) Except as provided in subsection (2) of this rule, any stipulated or *ex parte* matter may be electronically filed for purposes of submitting to a judge for signature.
- (2) SLR 2.501 is reserved for judicial districts to adopt a local rule regarding specific stipulated or *ex parte* matters for which the documents must be presented conventionally and may not be electronically filed.

SLR 24.601 SUBMISSION OF REQUESTED JURY INSTRUCTIONS AND VERDICT FORMS

The original of the requested jury instructions and verdict forms must be submitted to the court. The court may require that a party submit a copy of the jury instructions and verdict forms, in the manner and time that the court specifies.

SLR 24.801 ACTIONS FOR DISSOLUTION OF MARRIAGE, SEPARATE MAINTENANCE AND ANNULMENT, AND CHILD SUPPORT; DOCUMENTATION FOR DEPARTMENT OF JUSTICE, DIVISION OF CHILD SUPPORT

Notwithstanding UTCR 8.010(8), parties who have been requested to submit a proposed judgment need not submit a copy of the proposed judgment and the most current confidential information form(s) to the court.

SLR 24.901 DELIVERING PROBATE MATERIALS TO THE COURT; NO SELF ADDRESSED STAMPED ENVELOPE OR POSTCARD IF DOCUMENT ELECTRONICALLY FILED

UTCR 9.010 does not apply to an electronically filed document.