

INSTRUCTIONS FOR
MOTION AND ORDER FOR TELEPHONE TESTIMONY

Forms Included:

- Motion for Telephone Testimony
- Affidavit supporting motion for Telephone Testimony
- Order on Motion for Telephone Testimony

The attached forms are to be used by any party who has one or more witnesses who cannot come to court for the hearing but who can be available to testify by telephone.

These forms are NOT to be used for a PARTY who cannot come to court in person.

The moving party must submit the Motion for Telephone Testimony to the Court at least 30 days before the scheduled hearing date, unless the other party does not oppose the motion. If the moving party has a good reason for submitting the request less than 30 days before the hearing, these reasons should be described in an Affidavit to be submitted with your motion.

The moving party must inform the other party or parties, or the attorney if there is one, that the moving party plans to ask for telephone testimony, and must ask if they object to the motion *before* you file it. The moving party must tell the Court whether or not the other side objects to the telephone testimony.

The moving party is responsible for the costs of the telephone call. The court has a speaker phone for local calls. If it is a long-distance call, you must charge the call to a calling card or credit card, or have the witness make the call at the appropriate time. These costs are not a part of a fee waiver or deferral.

GENERAL INSTRUCTIONS

Print legibly and use black ink.

On each document, fill out the caption exactly as it appears in the original case filing, including the case number.

On the last page of each document, you will find a "certificate of document preparation" that looks like this:

CERTIFICATE OF DOCUMENT PREPARATION

I certify that the following statement is true:

- A. I selected this document for myself, and I completed it without paid assistance.
- B. I paid or will pay money to _____ for assistance in preparing this document.
- C. I was provided this document by a lawyer and I completed it without paid assistance.

Dated: _____

 Petitioner Respondent, Pro Se

Check the appropriate box, then sign and date the certification.

Instructions for Motion for Telephone Testimony

- 4. Fill in the blanks at the top of the page exactly as they are shown on the original papers in this case. Spell each person's name exactly as shown in the original. Be sure to put in the court case number. Check whether you are the Petitioner or the Respondent at the top right of the page and throughout the document where indicated.
- 5. Paragraph 1: Print your name in the first line. Print the names of the witnesses who you want to testify by telephone on the lines for that purpose.
- 6. Paragraph 2: Insert the date of the hearing.
- 7. Paragraph 3: Check one box.
- 8. Paragraph 6: Indicate that you have spoken with the other party, or attorney if there is one, and his or her position with regard to telephone testimony.

Instructions for Affidavit

- 1. Fill in the blanks at the top of the page exactly as they are shown on the original papers in this case. Spell each person's name exactly as shown in the original. Be sure to put in the court case number. Check whether you are the Petitioner or the Respondent at the top right of the page and throughout the document where indicated.
- 2. Enter the name of the county where you are signing the affidavit.
- 3. Line 1: Enter your name in first line.

4. Line 2: Describe in adequate detail why each witness cannot be present and must testify by telephone.
5. Line 3: If you are making the motion less than 30 days before the hearing, explain why. It is enough if the hearing was set on less than 30 days notice. If the setting was more than 30 days, describe in sufficient detail why the 30-day period should be waived.
6. Date and sign the Affidavit before a notary public. Complete the Certificate of Document Preparation.

Instructions for Proposed Order

1. Fill in the blanks at the top of the page exactly as they are shown on the original papers in this case. Spell each person's name exactly as shown in the original. Be sure to put in the court case number.
2. Check whether you are the Petitioner or the Respondent in the second line. The Judge will fill in the rest.

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

In the Matter of [] the Marriage of:

_____,

Petitioner,

and

_____,

Respondent.

) Case No. _____

) [] Petitioner's [] Respondent's

) **MOTION**
) **TO ALLOW TESTIMONY**
) **BY TELEPHONE**

1.

Comes now _____, (name) (check one) [] Petitioner [] Respondent, and respectfully requests this Court to allow the testimony of the following witnesses: _____

(List the names of the witnesses you wish to testify by telephone. If you wish to testify by phone yourself, explain that here.)

to be taken by telephone.

2.

This matter is set for trial on the ____ day of _____, 20 ____, at ____am/pm.

3.

(Check one)

[] This motion is made at least 30 days prior to the date set for trial.

[] There is good cause to allow this motion with less than 30 days notice for the reasons set out in the accompanying Affidavit.

4.

The failure of the above-named witnesses to appear personally will not prejudice any party to this proceeding.

5.

By my signature, I acknowledge that any costs associated with the taking of telephone testimony will be my responsibility.

6.

- I spoke with the other party, or attorney if there is one, and that party's position is:
- That party opposes this motion.
- That party does not oppose this motion.
- I was not able to speak with the other party, or attorney if there is one, and do not know that party's position.

Respectfully submitted this ____ day of _____, 20 ____, by

Signature, Petitioner Respondent

Name

Address

Telephone

Points and Authorities
ORS 45.400 et seq.

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- C. I was provided this document by a lawyer and I completed it without paid assistance.

Dated _____

Petitioner/Respondent (Signature), Pro Se

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

In the Matter of [] the Marriage of:)
_____,)
Petitioner,)
and)
_____,)
Respondent.)

Case No. _____

**AFFIDAVIT OF
[] Petitioner [] Respondent
IN SUPPORT OF MOTION
TO ALLOW TELEPHONE
TESTIMONY**

STATE OF _____)
(Name of state where you are signing))
County of _____)
(Name of county where you are signing)

ss.

I, _____, being first duly sworn, do hereby depose and say:
(Your name)

- 1. I am the [] Petitioner [] Respondent in the above-entitled matter.
- 2. I request that testimony be taken by telephone in the above-entitled matter for the following reasons: (Explain why you are requesting that testimony be taken by telephone)

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3. There is good cause to allow this motion with less than 30 days notice for the following reasons: (If you have submitted this request less than thirty days before the hearing date, explain why you have not given more notice)

4. I make this Affidavit in support of my Motion to Allow Telephone Testimony this ____ day of _____, 20____.

(signature)
Pro Se [] Petitioner [] Respondent,

SUBSCRIBED AND SWORN TO before me by _____,
this ____ day of _____, 20____.

COURT CLERK
NOTARY PUBLIC FOR _____
My Commission Expires _____

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- B. [] I paid or will pay money to _____ for assistance in preparing this document.
- C. [] I was provided this document by a lawyer and I completed it without paid assistance.

Dated _____

Petitioner/Respondent (Signature), Pro Se

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

In the Matter of the Marriage of _____
Petitioner,
and _____
Respondent.

Case No. _____

ORDER ON
MOTION TO ALLOW
TESTIMONY BY TELEPHONE

THIS MATTER HAVING COME BEFORE THE COURT upon the motion of
[] Petitioner [] Respondent, and the Court being fully informed in the premises;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- _____ The motion is allowed.
- _____ The motion is denied.
- _____ Other: _____
- _____
- _____

DATED this _____ day of _____, 20____.

Circuit Court Judge

Print Name of Judge

1 CERTIFICATE OF DOCUMENT PREPARATION

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- 2 A. I selected this document for myself, and I completed it without paid assistance.
3 B. I paid or will pay money to _____ for assistance in preparing this document.
4 C. I was provided this document by a lawyer and I completed it without paid assistance.

Dated: _____

5 _____
6 Petitioner Respondent, Pro Se

7 Submitted by:

8 _____
9 Printed Name

Petitioner Respondent

10 _____
11 Address

12 _____
13 City, State, Zip

14 _____
15 Telephone

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