

## CHAPTER 8

### DOMESTIC RELATIONS, CIVIL COMMITMENT, AND NAME CHANGES

#### 8.011 SUBJECT MATTER JURISDICTION

The following cases shall be subject to the rules of this chapter: dissolution and annulment of marriages, separation, child and spousal support, filiations, dissolution of domestic partnerships, family abuse prevention, adoption, name changes, and habeas corpus proceedings involving children, civil commitments and such other cases as shall be assigned to the Chief Family Law Judge for case management purposes by the Presiding Judge.

#### 8.012 DOCKETING

(1) Assignment of trials and motions shall be handled by the Chief Family Law Judge or designee.

(2) All contested matters not set before the Judge of the Case as described in SLR 8.015(4) or specially set under 8.015(5) shall be scheduled either on the Trial Assignment Docket or the Rotation Docket of the Family Court.

(a) The Trial Assignment Docket consists of all matters scheduled for judicial hearing that have not been retained for hearing by the Judge of the Case, specially assigned to an individual judge by the Chief Family Law Judge, or set on the Family Law Rotation Docket. The Family Law Clerks (currently in Room 211) place cases on this docket when the pleadings indicate the case is at issue. Parties requesting judicial time for contested matters may contact the Family Law Clerks to obtain available dates. Procedures for the Trial Assignment Docket are set out in SLR 8.015.

(b) The Family Law Rotation Docket consists of multiple matters set for the same start time and expected to last only 30 minutes or less. On Monday and Thursdays, these matters are abuse prevention restraining order hearings; on Tuesdays, the matters are State-initiated child support cases. Early Thursday morning, name change requests are also heard on this docket. The Family Law Rotation does not handle short matters other than these proceedings.

(i) When an individual matter set on the Rotation Docket is expected to last more than 30 minutes, a party shall contact the Family Law Clerk to request that the case be transferred to the Trial Assignment Docket, after notice to the other party. This transfer will be granted but the case will be placed on the Trial Assignment Docket for hearing the same day as the matter would have been heard on the Rotation Docket, unless the parties agree otherwise. The party requesting the transfer must provide written notice of Trial Assignment Docket procedures to the other party and certify this action in writing.

(ii) The request to transfer must be made at least three (3) working days before the date of the scheduled hearing on the Rotation Docket. If the request is made less than three days before the scheduled hearing, the parties must either (a) appear before a Judge assigned ex parte responsibility and request court approval of a late transfer or (b) direct the request to the Rotation Judge at the time of the scheduled hearing.

(3) Matters on the Trial Assignment Docket may be reset twice in the “regular course” by agreement of all parties through the Calendar Unit of the Family Law Clerks. “Regular course” is a one-month postponement. Other requests to reset a hearing on the Trial Assignment Docket must be made by motion to the Chief Family Law Judge or designee at ex parte, after notice to the other party. If the motion to reset is made at ex parte time, the party requesting the re-set must comply with SLR 8.041(3). Set-over requests of motions assigned to the Judge of the Case shall be heard by that Judge or the Judge’s designee.

(4) Motions to postpone docketed hearings on abuse prevention restraining orders must be in writing and presented to a Family Law Judge. If the motion to reset is made at ex parte time, the party requesting the re-set must comply with SLR 8.041(3). Subsection (2) of this rule applies to requests to transfer an abuse prevention restraining order case from the Rotation Docket to the Trial Assignment Docket.

(5) Motions to modify judgments require written responses from opposing parties within 30 days from the date of service if the motion is contested. If a written response is filed, the Family Law Clerks will set the motion on the Trial Assignment Docket for assignment for hearing and will send notice to all parties of the date set for Trial Assignment for assignment of the motion. If the motion to modify a judgment is filed on a case that has been retained by a specific judge, then the Family Law Clerks will notify the judge. The judge’s staff will set the motion to modify the judgment for hearing and will notify the parties of the date and time of the event; all scheduling issues must be submitted to the judge who retained the case.

(6) The Family Court Services Division may designate a matter as a priority case if custody is in dispute and the child or children will suffer exposure to substantial harm by the existing custodial arrangement. The Director of the Family Court Services Division shall notify the Chief Family Law Judge of the designation and also advise the parties and/or their attorneys. The Chief Family Law Judge will assign an expedited hearing date and shall give priority to such designated cases on the trial docket.

(7) In Domestic Relations cases consolidated with Juvenile cases, all matters will be docketed and heard at the Juvenile Justice Center located at 1401 NE 68th Avenue in Portland, unless the Judge of the Case orders otherwise.

### **8.013 IN CAMERA REVIEWS**

(1) Parties in a domestic relations case seeking an in camera review of documents shall file a motion describing the records to be reviewed, the information the party seeks to obtain from the records, and the authority for the in camera review.

(2) The motion will be placed on the Trial Assignment Docket to be assigned for hearing. If the motion is stipulated, the parties will report to the Family Law Clerks that fact and the estimated amount of time needed for the review when the case is assigned. The Judge receiving the assignment from the Trial Assignment Docket will conduct the in camera review if the motion is granted or stipulated. If the case has an assigned Judge of the Case, the party requesting the review must contact that trial department to schedule a hearing on the motion. The Judge of the Case will make arrangements for another judicial officer to conduct the review, if the motion for review is granted.

(3) Parties seeking in camera reviews shall direct delivery of the documents to be examined to room 131.

## **8.015 CASE ASSIGNMENT**

Case Assignment for Family Law from the Trial Assignment\_Docket

- (1) An explanation and suggested language for the Family Court's Trial Assignment procedures are posted on the Multnomah County Circuit Court's public website at <http://courts.oregon.gov/Multnomah>.
- (2) In all cases set on the Trial Assignment Docket, the parties must report in person at the designated courtroom at 9:00 a.m. on the court business day prior to the date of the hearing or trial. The parties shall report at that time the settlement or the time needed for hearing or trial of the case. A party may report information for another party only with the agreement of both parties. The courtroom designated for Trial Assignment is listed daily on the Domestic Relations bulletin board in Room 210. When assignment to a specific judicial officer is made at the time of Trial Assignment, a party desiring a change of judge must inform the judge presiding at Trial Assignment that a Motion to Change Judge will be filed.
- (3) Once a case is assigned to a Family Law Judge and the matter is heard for one hour duration or more, that Judge becomes the Judge of the Case unless the judge expressly states to the contrary. All future hearings will be specially set with that Judge's staff. Once a Response is filed, the setting of trials in dissolution cases, etc. will be effected by the parties through the Judge of the Case's Judicial Assistant.
- (4) Cases needing status as a "special set" (a case requiring one (1) or more days of judicial time, i.e., six (6) or more hours of court time) will be assigned in advance to an individual judge when a party makes this request to the Chief Family Law Judge or designee.

### **Advising the Chief Family Law Judge**

- (5) Any party appearing before the Chief Family Law Judge or designee for purposes of assignment must advise that Judge that a particular judge has previously ruled on some contested aspect of the case.

### **Improper Influencing of Case Assignment**

- (6) Except as provided in 8.015(4) above, no attorney, party, or other person may directly or indirectly attempt to influence the Chief Family Law Judge or designee or court staff to assign a case to any particular judge, or to avoid assignment of a case to any particular judge.

## **8.017 TRIAL SETTINGS FOR DISSOLUTION, ANNULMENT, AND SEPARATION PETITIONS; CASE AGE LIMITATIONS**

- (1) Immediately upon the filing of any Petition for Dissolution, Annulment, or Separation, the Court will assign a dismissal date 180 days from the date of filing.
- (2) If no appearance is made or a default judgment has not been entered by the 180th day, the case will be dismissed for want of prosecution by the Chief Family Law Judge or designee. This dismissal shall be final unless the Chief Family Law Judge or designee, for good cause shown, orders otherwise.
- (3) If, prior to the 180-day dismissal date, and upon application to the Chief Family Law Judge or designee by motion and in person at ex parte, good cause is shown, the Chief Family Law Judge or designee may extend the dismissal date.

(4) Cases at issue shall be set for trial. Postponements shall be requested pursuant to SLR 7.035, to the Chief Family Law Judge or designee, but to the Judge of the Case when one exists.

(5) Dissolution, annulment, and separation cases shall proceed to trial within eight months of the date of filing, except upon application at ex parte to the Chief Family Law Judge or designee and after notice to the other party as set out in SLR 8.041(3).

**8.041 EX PARTE APPEARANCES AND OTHER MATTERS NOT DOCKETED FOR HEARING**

(1) Matters Heard Ex Parte

No matter shall be heard ex parte (i.e., without notice to the other side) unless specifically authorized by Oregon statute or court rule. Any motion presented without notice to the other party 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 presented without notice.

(2) Matters Heard at Ex Parte Time

At least one Family Court Judge is available twice daily (at 8:30 a.m. and 1:30 p.m.) to hear permissible ex parte matters and potentially contested emergency and scheduling motions. The assignment of those judges is posted daily in Room 211. On retained cases, parties should contact the Judge of a Case regarding that Judge’s availability.

(3) Notice Requirements on Ex Parte, Emergency, or Scheduling Motions

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 two (2) working 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 (for example, “Agrees,” “Disagrees,” or other short explanation).

(4) Motions Not Docketed for Hearing

(a) All motions or requests shall be handled under this rule unless they are stipulated, have been scheduled for hearing, are accompanied by a statutorily-required notice regarding the opposing party’s right to request a hearing, or are appropriately heard under SLR 8.041(1-3).

(b) Any motion subject to this rule shall be filed with the court and shall be in a document separate from a proposed order. The motion and a proposed order must be served on all parties entitled to notice. The proposed order must be clearly labeled as a Proposed Order. The motion must contain in bold type in the body of the motion and following the caption the following Notice:

“NOTICE TO PARTY RECEIVING THESE PAPERS: If you disagree with any request in this Motion or Proposed Order, you must file with the Court a written Request for Hearing setting out in specific terms what request(s) you oppose. You must also serve (deliver) a copy of your Request for Hearing to the other party’s lawyer (or to the other

party if the other party has no attorney). You must pay any filing fee required by law for filing your Request for Hearing or obtain a court order waiving (canceling) or deferring (postponing) payment of this fee. You must file this written Request for Hearing no later than fourteen (14) days after this motion and Proposed Order has been served on you. You must include your case number on this Request for Hearing. If you do not file a Request for Hearing within the time allowed, the Court may sign the Proposed Order without further notice to you.”

(c) If no Request for Hearing is filed within the 14 day period, the moving party may present the proposed order on the 17<sup>th</sup> day after service. The moving party may seek the proposed order during scheduled ex parte time or by mail directed to the court. The proposed order submitted shall contain proof of service including the written certification of the moving party that the motion and proposed order were served in compliance with this rule and that no Request for Hearing was filed by the deadline. The moving party need not provide additional notice to the served party of the moving party’s intent or appearance to seek approval of an order consistent with the motion.

(d) If the moving party is served with a copy of a Request for Hearing objecting to any part of the motion, that moving party shall contact the Family Law Clerks to schedule a hearing date. The parties shall take reasonable efforts to confer with the Family Law Clerks on the setting of the date.

#### **8.044 MOTIONS TO SET ASIDE ORDERS AND JUDGMENTS OF DISMISSAL**

Unless stipulated, Motions to vacate (1) Orders of Dismissals when the motion has not been scheduled for hearing and (2) Orders of Dismissal not yet reduced to Judgment are handled under SLR 8.041. Once a Judgment of Dismissal has been entered, parties must comply with ORCP 71 unless they stipulate otherwise.

**8.045 See SLR 12.015 regarding mediation in family law cases.**

#### **8.046 MEDIATION COMPLIANCE REQUIRED TO PROCEED TO HEARING**

(1) No temporary hearing regarding custody or parenting time will be set unless an Order for mediation has been obtained, an Order Waiving Mediation has been entered, or the parties have attended mediation since the filing of the Petition.

(2) When the parties call in to report readiness for a trial setting, if Mediation and Parenting Time Education have not been completed, in cases where child custody or parenting time are at issue, trial will not be set. On cases retained by a Family Court Judge, trial settings sought through that Judge’s judicial assistant will not be set unless mediation has been completed or waived or an Order for Mediation has been entered. Parties confirming trial readiness with that judge’s department will be expected to confirm completion of Mediation and of Parenting Time Education.

(3) For motions to modify child custody or parenting time, a Mediation Order will be a condition to the setting of a hearing date. If any cases come before the court without completion or waiver of mediation, the hearing will be reset and the parties sent to mediation.

**8.047 CUSTODY AND PARENTING TIME EVALUATIONS BY FAMILY COURT SERVICES DIVISION**

- (1) Evaluations are conducted only by Order of the Court.
- (2) All requests for evaluations require the filing of a Motion for Custody or Parenting Time Evaluation which shall be scheduled on any Friday morning at 8:30 am. The adverse party must be served with such Motion and Order which the moving party may obtain ex parte.
- (3) Parenting time and custody evaluations are not permissible in the following cases:
  - (a) Contempt or parenting time enforcement cases;
  - (b) Cases in which the current matter has been pending for more than 6 months;
  - (c) Cases in which the children are all over 15;
  - (d) Cases in which there has been a professional evaluation within the past two years, except to obtain an update. Updates only will be ordered where there has been a substantial change of circumstances since the completion of the last evaluation;
  - (e) Pending Juvenile Dependency cases;
  - (f) Cases in which the only matter pending is a Family Abuse Prevention Act restraining order;
  - (g) Cases in Probate Guardianship; and
  - (h) Cases in which a parent is in prison.
- (4) At the appearance on Friday morning, the parties shall present to the court a one-page list of reasons why an evaluation is needed.

**8.057 WHEN FAMILY COURT SERVICES DIVISION WILL NOT BE REQUIRED OR AVAILABLE TO CONDUCT AN EVALUATION**

Under the following circumstances Family Court Services Division will not conduct an evaluation.

- (1) A custody or parenting time evaluation will not be performed without the order of a Family Court Judge if a case involving the parties has recently been filed in the Juvenile Court.
- (2) In cases where there has been a substantial break in the parent-child relationship, a history of abuse or significant criminal history, supervised visits, if any, would be the first step, not an evaluation.
- (3) Resources of the Family Court Services Division must not be further allocated to a family. This applies when the family has been the subject of prior evaluations by Family Court Services Division and a conclusion has been reached by Family Court Services Division or the Court that the state of the relationship between the parties is such that the issues require no further consideration by Family Court Services Division. Although not limited to the following circumstances, this applies when:

- (a) Closure of the case is in the child’s best interest;
- (b) A non-custodial parent’s actions reflect an unwillingness to accept prior determinations in the case, to the extent that a pattern of harassment has developed;
- (c) Both parents have engaged in ongoing, destructive litigation rather than seeking solutions and Family Court Services Division resources have been utilized to the extent that no further benefit could be achieved by continuing Family Court Services Division involvement.

(4) If the Family Court Services Division (or one or more staff members) becomes the subject of a complaint to a professional licensing body, or in the event that an action is filed against Multnomah County based on activity of an employee of Family Court Services Division, there shall be no further involvement of Family Court Services Division with the parties.

**8.061 CHILD SUPPORT WORKSHEETS**

The child support computation worksheets appended to OAR 137-050-0320 to 137-050-0490 are required whenever a claim for child support has been raised by the pleadings. Even if the parties have agreed to an award of zero support at the time an order or judgment is signed or the court otherwise orders zero support , the worksheets are required to enable the court to make the legally required findings regarding the presumptive amount of support and the reason(s) to rebut that presumptive amount.

**8.075 MULTNOMAH COUNTY PARENTING PLAN GUIDELINES**

(1) The Fourth Judicial District does not adopt a standardized parenting plan, and the previous “Multnomah County Standard Parenting Time Guidelines” formerly contained in the Appendix to the Supplementary Local Rules are withdrawn.

(2) Oregon law requires that judgments addressing parenting time contain a parenting time plan. The Fourth Judicial District expects that parenting time plans will meet the individual needs and circumstances of children and their families by taking into consideration the following basic parenting principles:

- (a) It is usually in a child’s best interest to have frequent, meaningful and continuing contact with each parent. It is assumed that each parent nurtures his or her child in important ways which are significant to the development and well being of the child;
- (b) Each child and family is unique. In order to meet the individual needs of the child(ren) the parties shall consider the following:
  - i. the developmental stage(s) and any special needs of their child(ren),
  - ii. the child(ren)’s school and activity schedules, and
  - iii. practical factors such as the distance between households, the number of transitions for the child(ren), and any other relevant practical considerations.
- (c) A safety focused parenting plan, which may restrict parenting time, shall be considered whenever the family has been experiencing domestic violence, child abuse, serious mental illness, or significant substance abuse issues;

- (d) It is usually best for the parties to develop their own parenting time schedule through mediation or with the help of legal counsel. Unless waived by the Court, mediation is required when parents are in dispute about custody or parenting time; and
  - (e) Changes in the developmental needs of children may require a modification of the parenting plan.
- (3) The court recommends the following resources to create an appropriate parenting plan:
- (a) The “Basic Parenting Plan Guide for Parents,” “Safety Focused Parenting Plan Guide for Parents,” or “Long Distance Parenting Plan Form” which are available at <http://courts.oregon.gov/>, or at the Multnomah County Family Law Facilitator’s Office, Room 211 of the County Courthouse, and
  - (b) Other materials, forms and resources available at the following sites:
    - i. Multnomah County Family Law Facilitator’s Office, Room 211 of the County Courthouse – 503.988.4003
    - ii. Multnomah County Family Court Services, Room 350 of the County Courthouse – 503.988.3189
    - iii. The Multnomah County Circuit Court Website - <http://courts.oregon.gov/Multnomah/>.

**8.077 SUPERVISED PARENTING TIME**

For Domestic Relations and Family Abuse Prevention Act cases in which the court imposes the requirement of supervised parenting time, the parties to the case and the supervisor must comply with the following:

- (1) The supervisor is required to explain the rules for supervised parenting time to the parent who is supervised, unless the supervisor knows that the parent was previously informed. This must include an explanation of supervised parenting time rules set forth in any court order or judgment in the case, and any other rules that are necessary due to unique conditions at the designated location or other circumstances that may reasonably impact a successful parenting time experience, as identified by the Judge, the supervisor, or the involved agency;
- (2) The custodial parent is not allowed to be present or to impose additional rules or to make additional demands concerning supervised parenting time;
- (3) Only if accompanied by the supervisor and with the supervisor’s express consent, may the supervised parent and children leave the designated location for the supervised parenting time;
- (4) The supervised parent shall not engage in conversation that exposes the child to “adult issues” in the case, especially if the case involves an allegation of verbal abuse or an allegation of attempts to alienate the other parent from the child. The supervisor is required to immediately address the problem with the supervised parent if this rule is violated. If the supervised parent makes additional statements in violation of this rule after the supervisor’s admonition, or if the nature of the initial comment is a significant violation of this rule, parenting time on that particular date shall be terminated and the case shall be reviewed by the court to determine whether any further supervised parenting time will be allowed;

- (5) Physical discipline of the child during supervised parenting time is prohibited;
- (6) The supervisor is required to keep the supervised parent within view and within hearing range for the duration of the supervised parenting time;
- (7) The purpose of supervised parenting time is to allow interaction with the child for the benefit of the child. Therefore, the supervised parent is prohibited from initiating or engaging in conversation during supervised parenting time which does not further this objective. The supervisor's role is to prevent the child's exposure to "adult issues" in the case and to discourage any inappropriate communication.

#### **8.085 APPOINTMENT OF COUNSEL FOR CHILDREN**

The Court may appoint counsel for children in cases arising under ORS Chapter 107 upon its own motion or upon motion of either party pursuant to ORS 107.425(3), and shall appoint counsel if requested to do so by one or more of the children. A reasonable fee may be imposed by the Court against either or both of the parties or as a cost in the proceedings.

The procedure for appointment of counsel for children in cases arising under ORS Chapters 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 person requesting appointment of counsel for a child or children must petition the Court for an order setting forth the reasons for such request. After reasonable notice to all parties, the person seeking such appointment shall appear and request an Order Appointing Counsel.
- (3) The Court will appoint counsel where requested to do so by one or more children.
- (4) Orders appointing counsel issued by the Court may contain provision for payment of attorney fees and terms for payment. No Order will be issued until counsel has agreed to accept such appointment upon the fee terms set forth.
- (5) To the extent possible, appointed counsel will represent their clients' legal interests in obtaining a secure, stable home life and a balanced relationship with both parents and will be answerable only to their client and to the Court. The parents or persons having physical custody of the child shall cooperate in allowing counsel opportunity for private consultation with the child or children, including making or assisting with arrangements for the children's transportation to the attorneys' office or some other reasonable meeting place and reasonable phone communication if needed.
- (6) Counsel to be appointed for children shall meet the Court's standards for qualification in family law matters and in the resolution of custody/parenting time issues.

#### **8.125 PARENT EDUCATION PROGRAM**

- (1) The following cases are subject to this rule:

- (a) annulment or dissolution of marriage actions;
  - (b) legal separation actions;
  - (c) petitions to establish paternity, custody or parenting time;
  - (d) post-judgment litigation involving changes in custody or parenting time in which the parties have not previously completed a program as required by this Rule.
- (2) All parents of a child under the age of 18 years involved in a case described under subsection (1), above, shall complete successfully the education for divorcing parents program offered by the Division of Family Court Services or a pre-approved alternate education program.
- (a) Parties shall register for the program or make application for approval of an alternate program within 15 days of receiving notice of this education requirement.
  - (b) All parties shall complete the program before the earlier of any hearing on a custody or parenting time issue or entry of a judgment. Excepted from this deadline are hearings regarding emergency orders under ORS 107.097(3) and 107.139 and pre-judgment protective orders of restraint under ORS 107.097(2). In these cases, the class must be completed prior to entry of judgment unless the court orders a earlier completion date. On post-judgment status quo orders under ORS 107.138, the movant must register for the class prior to the hearing, and complete it if possible prior to the hearing, if the movant did not attend the class prior to judgment.
  - (c) Parties who have completed successfully the parent education program once are not required to repeat this program at a later time in order to seek modification of the judgment.
- (3) Notice and instructions to the moving party of this requirement will be provided by the trial court administrator at the time the initial pleadings are filed. The moving party shall serve a copy of such notice on respondent along with the summons and pleadings. The moving party's return of service on the responding party shall indicate service of the notice with the summons and pleadings.
- (4) The fee for the court-offered program may be waived or deferred if the party has obtained a waiver or deferral of fees in the case in chief.
- (5) Each party who successfully completes the Court's program or a pre-approved alternate program, shall submit a certificate of completion to the judge at trial or with documents resolving the matter.
- (6) Upon a showing of good cause, a party may request a waiver of the requirements of this Rule. The request must be made by motion, supported by affidavit, and filed within 15 days of receipt of the Trial Court Administrator's notice.
- (a) "Good Cause" includes that the party lives more than 100 miles from Portland or is in poor health.
  - (b) If good cause is found, the court may require the party excused to view video materials having the same or similar information.
  - (c) The fact that one party is relieved from the requirements of this Rule, does not form a basis

for excusing the other party.

(7) Court action in these cases shall 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 Rule, unless the noncomplying party is the moving party. Upon a party's failure to complete the education program successfully or failure to comply with the requirements of this Rule, the court may take appropriate action including but not limited to denial of the relief sought by that party, or proceedings for contempt.

### **8.135 FAMILY COURT SERVICES**

The Multnomah County Board of Commissioners established a Family Court Services Division within the Department of Juvenile and Adult Community Justice. In addition to any other duties assigned by the Board of Commissioners or the Department, the Family Court Services Division attends upon the court to obey its lawful orders and directions. In carrying out its duties to the court, the Family Court Services Division provides the following services to parties within the court's jurisdiction:

(1) **Conciliation:** The Division provides conciliation services for parties in domestic relation matters as provided by ORS 107.510 to 107.610. All Division conciliation records and conciliation communications, oral or written, are confidential, and Division employees and the parties may not be examined about such records or communications and neither may be used in any civil or criminal action.

(2) **Mediation:** The Division will mediate all domestic relations actions that involve controversial custody, parenting time or visitation of children. This includes requests for joint custody and contempt matters involving parties who are non-parents. The mediation is subject to SLR 12.015. The mediator will report the outcome to the Court and the parties or their counsel in writing. Mediation proceedings are private.

All Division mediation records and all mediation communications, oral or written, are confidential. Division employees and the parties may not be examined about such records or communications, and the records may not be used in any civil or criminal action.

(3) **Evaluation:** When directed by court order or these rules, the Division may conduct an investigation and evaluation of the parties whenever mediation does not resolve all custody, parenting time and visitation issues or when mediation is inappropriate or waived. The sole purpose of the investigation and evaluation is to assist the Court. In accordance with ORS 107.425, the evaluations will include the character of the parties, family relations and past conduct in a report. The investigative findings shall be offered as and subject to all rules of evidence. Evaluation proceedings are private. Evaluation records, all evaluation communications, oral and written, may not be disclosed to parties outside of the proceedings without a court order.

(4) **Parent Education Programs:** The Division provided parent education programs as provided by ORS 3.425.

### **8.137 PARENTING COORDINATORS**

(1) **Qualifications:** Parenting Coordinators in Multnomah County shall meet or exceed all the following qualifications and will continue to meet ongoing requirements as described.

(a) **Education.** A Parenting Coordinator must possess at least one of the following

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Effective February 1, 2011

- (i) A master's or doctoral degree and professional license in counseling, psychiatry, psychology, social work, marriage and family therapy, mental health or conflict resolution from an accredited college or university; or
- (ii) An authorization to practice as a domestic relations mediator in Multnomah County per the Court's list of approved domestic relations mediators.

(b) Training. A Parenting Coordinator must have experience and/or professional training in the following areas:

- (i) Parenting coordination;
- (ii) Conflict resolution;
- (iii) Child development and psychology;
- (iv) Mental health and substance abuse;
- (v) Domestic violence and child abuse;
- (vi) Domestic relations legal issues;
- (vii) Ethical standards including confidentiality, dual roles and objectivity

(c) Continuing education. As an ongoing obligation, Parenting Coordinators must complete any continuing education requirements of their profession.

(2) Conduct

(a) Parenting Coordinators, as an ongoing obligation, shall subscribe to the specific ethics identified by their profession

(b) No individual whose professional license has been revoked, or surrendered while disciplinary proceedings are pending before professional licensing entities shall be eligible for initial or continued appointment as a parenting coordinator;

(c) Individuals who have served as a counselor, attorney, mediator, or evaluator to a party/parties will not serve as a parenting coordinator to the same party/parties without the express written and informed consent of the party/parties, and careful consideration of potential conflicts of interest.

(3) Motions for appointments of Parenting Coordinators shall contain certification that the appointee meets the qualification of this rule.

**8.138 CUSTODY OR PARENTING TIME ISSUES IN PATERNITY CASES**

(1) Proceedings to establish or modify custody or parenting time where paternity has been established must be brought pursuant to ORS 109.103. If support has been established in a separate proceeding and is an issue, the moving party must file with his/her petition a motion and proposed order to consolidate the cases into the proceeding brought pursuant to ORS 109.103.

(2) Custody or visitation proceedings brought under ORS 109.175 as modifications of administrative orders establishing paternity or support will be dismissed upon application of the opposing party or by the Court on its own motion.

**8.145 CIVIL COMMITMENT PROCEEDINGS**

The following rules shall apply in all commitment hearings conducted pursuant to ORS Chapter 426.

- (1) Counsel for the AMIP may make a brief opening statement for the purpose of informing the Court and the examiners as to the AMIP's position and desires as to the outcome. The District Attorney may make an opening statement only upon leave of the Court.
- (2) Unless there is a specific objection, the Court will receive into evidence the following:
  - (a) The Investigator's Report which shall be identified as exhibit #1. Those portions of the Investigator's Report which are labeled hearsay shall be excluded and will not be considered by the Court, unless the Court specifically states otherwise.
  - (b) The certified copy of the Mental Health Division's hospitalization history which shall be identified as exhibit #2.
- (3) Unless counsel for the AMIP or the District Attorney specifically request otherwise, the order of the trial shall be as follows:
  - (a) Opening statement by defense counsel;
  - (b) The examiners shall conduct a mental-status examination;
  - (c) The State shall present its witnesses and other evidence;
  - (d) The AMIP may present witnesses and other evidence;
  - (e) The State may present rebuttal;
  - (f) The examiners shall submit their reports to be followed by questions from counsel and the Court.

**8.155 NAME CHANGES**

- (1) The petitioner or the petitioner's attorney must be personally present at the change of name hearing or the petition will be dismissed and the petitioner will be required to re-file the petition and pay the required filing fee.
- (2) In name changes involving the change of name of a minor, the guardian ad litem, or the attorney for the guardian is required to file proof that the Petition for Change of Name was served on the parent(s) of the child.