

- (4) No plea negotiations will occur after the final resolution conference unless otherwise authorized by the court.
- (5) Attorneys who are unable to be present at a final resolution conference may appear by affidavit setting forth the required information

## **Chapter 8**

### **8.011 PARENT EDUCATION PROGRAM**

#### (1) Mandatory Parent Education Program

(a) A parent education program of the type authorized by ORS 3.425 is established. The program shall provide information on the impact of family restructuring on the children to each person named as a party in the following types of proceedings, when such proceedings involve minor children:

- (i) Annulment or dissolution of marriage,
- (ii) Legal separation,
- (iii) Petition to establish custody or parenting plans (including paternity), and
- (iv) Post-judgment litigation involving custody, or parenting plans.

(b) Each party who files an appearance in a proceeding of the types described above shall complete the program unless exempted by the Court. A final judgment shall not be entered in the proceeding until each party not otherwise exempted by the Court who has filed an appearance has completed the program.

(c) The party initiating the proceeding shall register for the program within 21 days after filing the first pleading with the Court. A copy of this local rule and instructions on how to register for the program shall be served by the initiating party on all parties against whom relief is sought. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served. All other parties shall have 30 days after service of the notice upon them to register for the program.

(d) The program provider shall issue a certificate of completion to the

participant when the participant has completed the program. The participant must file the certificate with the Court.

- (e) The Court may exempt one or both parties from the program if, after reviewing the requesting party's motion and supporting affidavit, the Court determines that participation is unnecessary or inappropriate.

(2) Sanctions

- (a) Failure or refusal to complete the program in a timely manner shall be considered by the Court in making its ruling on issues which are in dispute.
- (b) A party who has completed the program shall have the right to:
  - (i) Request that the pleadings of a party who has appeared be stricken if that party has not completed the program in a timely manner without good reason.
  - (ii) Request entry of an order from the Court to compel the non-complying party's completion of the program should the non-complying party not have completed the program in a timely manner without good reason. The Court may enter an award of attorney fees in favor of the complying party who utilizes this option to force the non-complying party's compliance with this rule.

### **8.043 TEMPORARY SUPPORT**

Temporary support shall be determined without testimony, based on the affidavits filed by the parties. The moving party may respond to the adverse party's Responding Uniform Support Affidavit. In any case involving temporary child support, the financial affidavits filed by the parties with the Court shall include applicable DCS child support computation worksheets. When the matter is ready for decision, the moving party shall notify the Court by filing a Notice of Readiness for Decision.

### **8.045 PRE-JUDGMENT TEMPORARY ORDERS**

- (1) Motions for temporary relief requested pursuant to ORS 107.095 shall be accompanied by an order to show cause. Unless otherwise ordered by the Court, the order shall not

include a date and time for hearing. The order shall notify the opposing party to respond in writing within 21 days of service. When the matter is ready for decision, the moving party shall notify the Court by filing a Notice of Readiness for Decision.

- (2) Temporary support shall be determined without testimony, based on the affidavits filed by the parties. The moving party may respond to the adverse Party's Responding Uniform Support Affidavit. In any case involving temporary child support, the financial affidavits filed by the parties with the Court shall include applicable DCS child support computation worksheets.
- (3) The petitioner may not file a motion for default on the petition while a temporary relief hearing is pending.
- (4) Ex parte temporary custody and parenting time orders based on immediate danger, and status quo orders are controlled by ORS 107.097

#### **8.055 MODIFICATION OF JUDGMENT**

- (1) An order to show cause filed pursuant to ORS 107.135 and UTCR 8.050 shall not include a date and time for hearing. The order shall require the opposing party to file a written response with the Court within 30 days of service, and shall notify the opposing party that an order granting the relief requested will be allowed if the written response is not timely filed.
- (2) A post-judgment motion for a temporary status quo order filed pursuant to ORS 107.138 requires a separate order to show cause and shall include a place for the Court to set a date and time for hearing. The moving party may not request an order of default on a motion to modify judgment if a hearing on a temporary status quo order is pending.
- (3) Post-judgment ex parte temporary custody and parenting time orders are controlled by ORS 107.139.

#### **8.075 PARENTING TIME**

- (1) Lincoln County has adopted a standardized parenting schedule, as per UTCR 8.070, which can be found in the appendix to these rules.
- (2) Unless the Court rules differently, or the non-custodial parent requests a lesser schedule of parenting time, or the parties stipulate to a different schedule of parenting time which

is approved by the Court, a non-custodial parent shall have the right to parenting time with the minor child (child = children) of the parties according to the schedule and guidelines in the standardized parenting plan which can be found in the appendix to these rules.

## **Chapter 9**

### **9.015 ALLEGED INCAPACITATED PERSONS - NOTICE REGARDING FREE LEGAL AND OTHER RELEVANT SERVICES**

In a proceeding for the appointment of a guardian for an alleged incapacitated person, the notice required under ORS 125.060 shall include the following language or its equivalent:

- (1) There may be free or low-cost legal services or other relevant services in your local area that may be helpful to you in the guardianship proceeding. For information about these services, call the following telephone numbers and ask to talk to people who can help you find legal services or other types of service:
  - (a) Free legal services for people at least 60 years of age who are subject to guardianship proceedings may be obtained by calling the Senior Law Program of Legal Aid Services of Oregon at 541-265-5305 or 1-800-222-3884. Many other kinds of free or low cost services for people at least 60 years of age may be obtained by calling Senior Services at 1-800-282-6194.
  - (b) Help finding a lawyer and a low-cost one-time consultation may be obtained by calling the Lawyer Referral Service of the Oregon State Bar at 1-800-452-7636.

### **9.025 APPOINTMENT OF PERSONAL REPRESENTATIVE FOR WRONGFUL DEATH CASE**

If a wrongful death claim is the only asset in the estate, the petition should so state. The order appointing personal representative should specify that the appointment is for the sole purpose of prosecuting a wrongful death claim. In such a case, the requirement of inventory and accounting will be waived unless or until other probate assets are found.

### **9.035 VISITOR'S FEE**

If the appointment of a visitor is required, the visitor's fee shall be paid at the time of filing the