

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

Case No. _____

Petitioner

and

**MOTION RE: MEDIATION
and DECLARATION IN
SUPPORT**

☐ Amended

Respondent

☐

Unmarried children age 18, 19, or 20 years old (per ORS 107.108)

I am the ☐ Petitioner ☐ Respondent in this case

Motion

Based on the *Declaration* below, I ask that this court:

☐ ORDER mediation in this case

or

☐ WAIVE mediation in this case

Statement of Points and Authorities

- ORS 107.765 allows the court to order mediation in a domestic relations suit when custody or parenting time is contested
 - ORS 36.185 allows the court to order any civil dispute to mediation except proceedings brought under ORS 107.700-107.735 (the Family Abuse Prevention Act) and other specified statutes not relevant to this case
 - ORS 36.185 requires the court to withdraw a case from mediation upon receipt of a written objection by a party
 - ORS 107.755(1)(b) allows the court to waive required mediation for good cause or for matters brought under ORS 107.097 and 107.138 (temporary orders)
-

Declaration

Mediation should be ☐ Ordered ☐ Waived because:

☐ A restraining order, protective order, or no-contact order is currently in effect between the parties in (court) _____ under case number: _____

If mediation is being ordered, it is my responsibility to see that all parties receive a copy of this Motion and Order at least ten (10) days prior to the date stated in the Order and to file a Declaration of Service with the Court.

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

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

Certificate of Mailing

(Mail before filing *Motion to Waive Mediation* only)

I certify that on (*date*): _____ I placed a true and complete copy of this
Motion in the United States mail to (*name*): _____
at (*address*): _____

Date _____

Signature _____

Name (printed) _____

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
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and

**DECLARATION OF SERVICE OF
MOTION AND ORDER RE:
MEDIATION**

Respondent

☐

Unmarried children age 18, 19, or 20 years old (per ORS 107.108)

I, _____, declare I am a resident of the
County of _____ State of _____.

SERVICE BY MAIL: I declare that on _____ (date), I mailed a true copy of
the Motion RE: Mediation and Order, by First Class Mail with the United States Postal
Service to:

☐ the other party directly at his/her last known address of: _____

☐ the party's attorney of record, _____ (name)
at the following address: _____.

or, PERSONAL SERVICE: I am a competent person 18 years of age or older and not a party
or an attorney in this proceeding. I declare that on _____ (date) at _____ (time),
I served a true copy of the Motion RE: Mediation and Order, to _____ (name)
at the following address: _____
within the County of _____, State of _____.

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

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

Remote Mediation Appointment Questionnaire

Petitioner: _____

Case Number: _____

Respondent: _____

I am the: ☐ Petitioner ☐ Respondent

➤ I need an interpreter for the mediation appointment: ☐ Spanish ☐ ASL ☐ Other: _____

List any pending court dates: _____

Are you modifying an existing court order? ☐ Yes ☐ No

Mediation appointments are remote. Do you prefer your appointment to be by ☐ Phone or ☐ Video?

Petitioner/Respondent Contact Information (Mediation is by phone or video, provide as much information as possible)

Petitioner

Address: _____

Phone: _____

Email: _____

Respondent

Address: _____

Phone: _____

Email: _____

Information about joint minor Child/ren:

Name:

Age:

Lives with:

☐ Mother ☐ Father ☐ Other _____

☐ Mother ☐ Father ☐ Other _____

☐ Mother ☐ Father ☐ Other _____

Are children wards of the court/under state supervision/or is there a juvenile case pending: ☐ Yes ☐ No

Please list any health and/or safety concerns: (Please contact the mediator to discuss safety concerns)

☐ Restraining Order/Stalking Order/Protective Order ☐ Domestic Violence Criminal Case/No Contact Order

If yes, does the Order allow for Mediation by phone: ☐ Yes ☐ No

CONSENT TO PARTICIPATE IN FAMILY LAW MEDIATION I Agree:

1. To inform the mediator of any concerns I may have about my personal safety and the existence (past or present) of a restraining order, stalking order, or no contact order - prior to the session, if possible.
2. To participate in mediation to try to resolve the issues of my case.
3. To listen respectfully to the other person's concerns and allow them to speak without interruption.
4. To come to all scheduled meetings, to call ahead if late or rescheduling, and to notify the mediator if either party decides to end participating in mediation.
5. To not hold the mediator liable for the outcome of any agreements that may be reached in this process since whether or not I sign a written agreement is my own choice.

Date: _____

Signature: _____

NOTICE

PARENT EDUCATION AND MEDIATION REQUIREMENTS

You are required to serve this Notice on the other party with your initiating documents pursuant to SLR 8.013(4)

Mediation Requirements:

- **Mediation is mandatory** if you and the other parent cannot agree on custody and parenting time and the Respondent (other parent) has filed a response to a case with children or a modification is being requested.
- **When required, parties must attempt mediation BEFORE a Judge will hear your case.**

Mediation:

- Either party can file the Motion RE: Mediation. If you file, you will receive an Order for Mediation with an assigned date and time to mediate.
- You **MUST SERVE** the Motion and Order for Mediation on the other party and file the Declaration of Service.
- Mediation occurs by phone or video. The mediator will call to confirm details at least 24 hours before your appointment. Please provide phone numbers for both parties on the case.
- You must watch the Mediation Orientation video PRIOR to your Mediation appointment pursuant to ORS 107.755.

<https://www.courts.oregon.gov/courts/jackson/programs-services/Pages/mediation-seminars.aspx>



- If you need an interpreter or accommodations under the Americans with Disabilities Act, please contact the mediation program in advance.

Court Mediation Program

Mediation Services main: (541) 776-7171 ext. 35043

Gloria Kastenbergl Cell: 541-690-8009 Email: kastenberglmediation@gmail.com

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PARENT EDUCATION AND MEDIATION REQUIREMENTS

You are required to serve this Notice on the other party with your initiating documents pursuant to SLR 8.013(4)

Mandatory Parenting Class:

- If you have a case with children, you must successfully complete a parent education class, meeting the requirements of ORS 3.425 for Parent Education and Local Rules.
- The parties shall successfully complete the parent education program prior to any court hearing, trial or **BEFORE ENTRY OF JUDGMENT**. (SLR 8.013(2)).

Children in Between Online: (Offered in both English and Spanish)

1. What you will need:

- a. Access to the Internet
- b. Valid email address
- c. Google Chrome
- d. If eligible, your fee waiver/deferral waiving the parenting class fees.
(See webpage listed below for instructions on how to redeem waiver)

2. **Go to:** <http://online.divorce-education.com> to complete course.



What to do with your CERTIFICATE OF COMPLETION:

After completing the course, it is your responsibility to provide a copy of your certificate to the court. You may print and file a copy with the court; or you may use the website to email the certificate to jacparentclass@ojd.state.or.us.

NOTE: the court's e-mail address is for receiving certificates only, not for correspondence.

We will not accept emails from your personal email address