

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)
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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

Mediation Appointment Questionnaire

Petitioner: _____ **Case File Number** _____
(Person who filed first)

Respondent: _____ **Today's Date** _____
(Person responding to the Petitioner's filing)

Mediation appointment: _____ **Date** _____ **Time** _____

PENDING COURT DATE _____ Are you modifying an existing court order? _____

PARENT OR OTHER PERSON REQUESTING MEDIATION APPT. _____

INTERPRETER NEEDED AT APPOINTMENT?: _____ Y _____ N Which language? _____

Will either parent need to participate by phone? _____ Y _____ N Which parent? _____

Petitioner (print): _____ **Respondent (print):** _____

Address: _____ Address: _____

City: _____ ZIP _____ City: _____ ZIP _____

Phone#: _____ Alt # _____ Phone: _____ Alt # _____

Email: _____ Email: _____

Attorney (if known): _____ Attorney (if known): _____

CHILDREN'S NAMES/AGE: Our Joint Children:

Name(s):	Age:	Living with whom:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Health problems of the child/children: _____

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

ARE THERE ANY DOMESTIC VIOLENCE ISSUES? Please Summarize: _____

___ No Contact Order ___ R/O/FAPA ___ Dom. Violence Criminal Case ___ Stalking Order ___ None

If yes, was the Order specifically modified to allow for Mediation _____

Do Safety Issues Prompt Separate Waiting Rooms or Separate Room For Mediation ___ Yes ___ NO

(If you have such concerns, please contact the mediator prior to scheduled mediation to discuss them.)

APPROX. DATE OF LAST MEDIATION SESSION (if any): _____ AGREEMENT REACHED: ___ Yes ___ No

CONSENT TO PARTICIPATE IN FAMILY LAW MEDIATION I Agree:

- 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.
- To participate in mediation to try to resolve the issues of my case.
- To listen respectfully to the other person's concerns and allow them to speak without interruption.
- 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.
- 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)

Mandatory Mediation:

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

Mediation Orientation:

- To attend Mediation, you must file the Motion RE: Mediation. After you file you will receive an Order for Mediation and be assigned a time when you and the other party in your case are to participate in a Mediation session.
- You **MUST SERVE** the Order for Mediation on the other party, along with the Motion RE: Mediation and file the Declaration of Service.
- You must complete Mediation Orientation PRIOR to your Mediation appointment pursuant to ORS 107.755.
- Mediation Orientation is completed by watching the short Mediation Orientation video located on our website at <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

100 S. Oakdale Ave Medford, OR 97501

or call (541) 776-7171 ext. 35043 Monty Walters and Gloria Kastenber

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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