

## GENERAL PROTOCOL

- a. **Matters.** Probate department cases include: Estate, Affidavit of Claiming Successor (Small Estates), Guardianship, Conservatorship, Name Change and Trust Proceedings.
- b. **Ex Parte.** Generally, appearance before a judge in a probate matter is not required and should be resolved via File & Serve/Odyssey. However, any requested probate ex parte appearance shall be arranged by contacting the Probate Commissioner. Matters may not be presented at civil ex parte.
- c. **Status Conferences.** The court will generally set a status conference on any matter brought before the court to frame the issues, discuss settlement options and set the appropriate amount of time on the docket.
- d. **Hearings.** The probate commissioner sets all hearings regarding probate matters and all inquiries regarding hearings (resets, appearances, settlements, etc) should be directed to the probate department directly, not Judge's chambers.
  - i. **General Rule:** Appropriate pleadings should be filed for the specified request; i.e. Motion to Reset, Motion for Telephonic Appearance. For time sensitive pleadings, the pleadings requesting expedited handling under UTCR 21.070(5) should be filed with a letter explaining the basis for the expedited request. Additionally, the probate commissioner should be notified regarding the filing via email at the following address: [parmie.j.vandyke@ojd.state.or.us](mailto:parmie.j.vandyke@ojd.state.or.us)
  - ii. **Settlements:** Parties are encouraged to resolve their issues without judicial involvement; however an appearance is required regarding any matter set for hearing before the court which has resolved unless the following has occurred:
    1. A Stipulated Order or Judgment is submitted prior to the hearing.
    2. An Agreement by Letter is submitted indicating the general resolution and anticipated filing date for pleadings (in this case the court will automatically grant a 30 day reset).
    3. Show Cause Hearings/Order to Appear. If a fiduciary is scheduled to appear at a "show cause" hearing because of a failure to timely make required filings with the court, the hearing will not be cancelled because the deficiency is corrected prior to the hearing date. Personal appearance before the court is still required.