

# Motion to Change Mode of Appearance Instructions and Forms

## STEP 1

Fill out the *Motion and Declaration in Support* form completely. Fill out the proposed *Order* form except for the section on page 1 where the judge either grants or denies request and dates and signs. The case heading (names and case number) at the top of each form will be the same as it is on the petition, complaint or claim that started the case.

## STEP 2

Make two copies of your completed forms. One for your records and one for the other party.

- If the other party does not have a lawyer, mail the copy to the other party directly
- If the other party is represented by a lawyer, you must instead mail the copy to the lawyer

Mail the copy of the forms to the other party or the other party's lawyer using regular first-class US mail. Then, fill out the **Certificate of Mailing** at the bottom of page 2 of the *Motion and Declaration in Support*. Written notice to the other party(s) must be made at least 30 days before the trial or hearing at which the remote location testimony will be offered. The Court may allow written notice less than 30 days for good cause shown.

NOTE: If there are additional parties to your case, you will need to make additional copies and provide notice to all parties.

## STEP 3

File the original *Motion and Declaration in Support* and proposed *Order* with the court clerk. See the court's [Holidays and Hours of Operation](#) for more information on when the court is open for public service. There is no filing fee for this action.

## STEP 4

If the Judge grants your Motion, you must follow the procedures for submitting your exhibits and witness list to the Court and the other parties pursuant to the Order.

In the Circuit Court of the State of Oregon  
For the County of

\_\_\_\_\_ Petitioner/Plaintiff Case No: \_\_\_\_\_  
V.  
\_\_\_\_\_ Respondent/Defendant  
MOTION TO APPEAR  
IN PERSON  
REMOTELY

I, \_\_\_\_\_ am the Petitioner/Plaintiff OR Respondent/Defendant in this matter and I request the court to allow myself my witness (name) \_\_\_\_\_ to appear in person OR by remote means for the hearing scheduled on (date) \_\_\_\_\_.

Statement of Points and Authorities ORS 45.400

DECLARATION:

The court has ordered that remote OR in person attendance is required for my upcoming court appearance.

The person is unable to appear **in person** because:

The person currently resides \_\_\_\_\_ miles from the court facility and would suffer considerable financial hardship if required to physically attend this scheduled hearing/trial. (Address) \_\_\_\_\_

Other: (explain)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

The person is unable to appear **remotely** because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The position of opposing party regarding the change in mode of appearance of the above person:

Objects Does not Object

Explain: \_\_\_\_\_

I understand that the person appearing by remote means shall provide any documentation to the Court that may be necessary for viewing prior to the scheduled court proceeding and shall pay the standard copy charge per page for materials that must be printed by the Court.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Contact Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Contact Phone

Certificate of Mailing

I certify that on *(date)*: \_\_\_\_\_ I placed a true and complete copy of this *Motion, Declaration and proposed Order* in the United States mail to *(name)*: \_\_\_\_\_  
at *(address)*: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Name (printed)

\_\_\_\_\_

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

**Case No:**

\_\_\_\_\_  
Petitioner /Plaintiff

and

\_\_\_\_\_  
Respondent /Defendant

**ORDER TO APPEAR**

**IN PERSON**  **REMOTELY**

**The court orders:**

Petitioner/Plaintiff's  Respondent/Defendant's request for a party or witness to appear  
in person  remotely for the hearing scheduled on \_\_\_\_\_ is

Granted

Petitioner/Plaintiff  Respondent/Defendant  Witness (name) \_\_\_\_\_  
shall appear by  Telephone  Video Conference  In Person

Copies of any and all documents needed by the party or witness during the hearing shall be  
provided to that person, filed with the Court, and served on all parties not later than 48 hours  
prior to the hearing.

Denied. \_\_\_\_\_

\_\_\_\_\_

**Certificate of Readiness**

This proposed order is ready for judicial signature because (*check all that apply*):

Service is not required under UTCR 5.100 because the other party has been found in **default** or an order of default is being requested with this proposed order; because this order is submitted **ex parte** as allowed by statute or rule; or this order is being submitted in **open court** with all parties present.

Each party affected by this order has **stipulated** to or approved the order, as shown by the signatures on the order.

I have **served** a copy of this order and written notice of the 7-day objection period set out in UTCR 5.100 on all parties entitled to service (*complete service information below*). **And:**

No objection has been served on me within that time frame.

I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved.

After conferring about objections, the other party agreed to file any remaining objection with the court.

**Certificate of Service under UTCR 5.100**

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

Submitted by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name