

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 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. See [Oregon Rules of Civil Procedure Rule 9](#) for more information about how to serve documents after the *Petition*. 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 on the 2nd floor of the Lane County Courthouse. The clerks are open Monday through Friday from 8am – 5pm. 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. If you need procedural assistance, you may contact the Family Court Assistance Office by phone at 541-682-4302 or email at LANFamilycourt@ojd.state.or.us.

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

Case No: _____

Petitioner

and

Respondent

MOTION TO APPEAR
 IN PERSON REMOTELY;
and DECLARATION IN
SUPPORT

Motion

I, Petitioner Respondent, request the Court allow Petitioner Respondent Witness
(name) _____ to appear in person by remote means
for the scheduled hearing on (date) _____.

Statement of Points and Authorities

ORS 45.400, SLR 5.002

Declaration

The following facts support my Motion:

1. The person is unable to appear in person because:

The person currently resides _____ miles from the court facility:

Address: _____

And would suffer considerable financial hardship if required to physically attend this
scheduled hearing/trial.

OTHER: (explain) _____

2. The person is unable to appear remotely because: _____

3. Position of Opposing party(s) regarding the change in mode of appearance of the above person(s):

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. The party appearing by phone shall pay all costs associated with the telephonic appearance.

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 LANE

Case No: _____

Petitioner

and

Respondent

**ORDER TO CHANGE
MODE OF APPEARANCE:**
 IN PERSON **REMOTELY**

The court orders:

Petitioner's Respondent's request for a party or a witness to appear in person remotely for the hearing scheduled

on _____ (next hearing date) is:

Granted:

The Petitioner Respondent Witness (name) _____
shall appear by Telephone Video Conference In Person

Copies of any and all documents need 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. _____

DATED

Circuit Court Judge

Certificate of Readiness

This proposed judgment 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 judgment; because this judgment is submitted **ex parte** as allowed by statute or rule; or this judgment is being submitted in **open court** with all parties present.

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

I have **served** a copy of this judgment 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 *Judgment* in the United States mail to (*name*) _____ at (*address*) _____

Submitted by:

Signature

Print Name