

**8<sup>th</sup> JUDICIAL DISTRICT**  
**BAKER COUNTY CIRCUIT COURT**  
**SUPPLEMENTARY LOCAL RULES**

**February 1, 2021**

**MATTHEW B. SHIRTCLIFF**  
**PRESIDING JUDGE**

**CHAPTER 1**

**General Provisions**

1.171 Court Website ..... 3

**CHAPTER 2**

**Standards for Pleadings and Documents**

2.011 Addresses and Telephone numbers .....3

**CHAPTER 3**

**Decorum in Proceedings**

3.051 Hearing Appearance by Telephone .....3  
3.181 Public Access Coverage .....3

**CHAPTER 6**

**Trials**

6.012 Settlement Conference .....4  
6.018 Settlement Agreement .....4  
6.082 Stipulation to Exhibits ..... 5  
6.191 Audio Visual Devices Used in Court .....5

**CHAPTER 7**

**Case Management and Calendaring**

7.025 Court Scheduling ..... 5  
7.050 Mandatory Appearance in Criminal Proceedings .....5  
7.112 Preliminary Hearing Decision .....6

**CHAPTER 8**

**Domestic Relations Proceedings**

8.011 Parent Education Class ..... 6  
8.055 Order to Show Cause ..... 6  
8.075 Parenting Time and Parenting Plan ..... 7

**CHAPTER 9**

**Probate and Adoption Proceedings**

9.081 Objection to Petition for Appointment of Guardian/Conservator .....7  
9.085 Guardians ..... 8

**CHAPTER 11**

**Juvenile Court Proceedings**

11.115 Submission of Exhibits ..... 8

**CHAPTER 12**

**Mediation**

12.015 Mediation of Disputes with Child Custody and Parenting Time .....8  
12.018 Mediation Where Power Imbalance Exists .....9  
12.020 Confidentiality of Mediation .....9  
12.025 Exemption from Mediation .....9  
12.045 Mediators ..... 9  
12.055 Appointment of Mediator ..... 10  
12.075 Scheduling of Domestic Relations Mediation Sessions .....10  
12.095 Compensation of Mediators ..... 10

**CHAPTER 13**

**Arbitration**

13.061 Court Shall Determine Whether Case is Subject to Arbitration ..... 10  
13.071 Exemption of Arbitration ..... 11  
13.091 Arbitrators ..... 11  
13.101 Motions ..... 11  
13.111 Arbitrator’s Compensation ..... 12  
13.121 Relief from Payment of Arbitration Fees ..... 12  
13.181 Stipulations ..... 12

**CHAPTER 16**

**Violations**

16.015 Trial by Affidavit or Declaration ..... 13

**APPENDICES**

Parenting Plan – Appendix A..... 14  
Objection to Petition for Appointment of Guardian/Conservator – Appendix B..... 29  
Domestic Relations Mediator Report – Appendix C..... 30  
Waiver and Affidavit – Appendix D ..... 31  
Waiver and Declaration – Appendix E ..... 33

## **CHAPTER 1 – General Provisions**

### 1.171 COURT WEBSITE

The website for Baker County Circuit Court is [www.courts.oregon.gov/courts/baker](http://www.courts.oregon.gov/courts/baker).

## **CHAPTER 2 – Standards for Pleadings and Documents**

### 2.011 ADDRESSES AND TELEPHONE NUMBERS

- (1) Defendants in criminal and violation cases: During the pendency of any case charging an offense, including violations and criminal cases, or while any monetary or other obligations imposed by the court in such case remain unsatisfied, defendant must keep the court advised in writing of defendant's current name, mailing address and telephone or message telephone number.
- (2) Unrepresented parties in criminal, civil and domestic cases: During the pendency of any criminal, civil or domestic relations case any party who is not represented by an attorney of record must keep the court advised in writing of the party's current name, mailing address and telephone or message telephone number.

## **CHAPTER 3 – Decorum in Proceedings**

### 3.051 HEARING APPEARANCE BY TELEPHONE

When counsel, parties, or witnesses are granted permission to appear by telephone, they may appear only if:

- (1) Cell phones are used in good reception areas.
- (2) The cell phone caller is not in a moving vehicle.
- (3) If all parties are appearing by telephone, the moving party must contact a telephone operator and initiate a conference call to the court with all parties connected.

### 3.181 PUBLIC ACCESS COVERAGE

Public access coverage is allowed in the Circuit Court lobby area located on the second floor of the Baker County Courthouse. The new media may not take films, photographs, audio or video

recordings of court proceedings without special approval from a judge. The public may purchase audio copies of the recorded court proceedings at the normal court charge.

## **CHAPTER 6 – Trials**

### **6.012 SETTLEMENT CONFERENCE**

- (1) Cases on the trial calendar assigned a time and a place for trial may be calendared for a settlement conference approximately 40 days before trial. The purpose of the settlement conference is to provide a forum to resolve disputes before trial through the active participation of counsel and the court.
- (2) At the settlement conference, the court required the attendance of all parties and their trial attorneys. When a party is insured, a representative of the insurance company who has full authority to settle the case shall be in attendance or readily available by telephone. An out-of-state party may apply to be excused from appearing at the settlement conference by initiating a conference call to the Presiding Judge in advance of the scheduled settlement conference. The Presiding Judge or designee shall rule on the request.
- (3) Settlement conferences shall be held informally before a judge at a time and place provided by the Presiding Judge. The conference may be continued by the judge as part of a continuing settlement conference to another day before trial. Each case on the settlement conference calendar shall retain its place on the trial calendar. If the case does not settle at such conference, no reference shall thereafter be made to any settlement discussion had under this rule, except in subsequent settlement proceedings.
- (4) In the event that a settlement is not reached at the settlement conference, a judge other than the one who participated in the settlement proceeding shall be assigned to try the case.
- (5) In the event settlement negotiations are not successful, counsel should expect and be prepared to proceed to trial on the scheduled date. Every effort will be made by the court to insure that the case proceeds to trial as scheduled. This court will deny all request for continuance except in the case of emergency or highly unusual circumstances.

### **6.018 SETTLEMENT AGREEMENT**

Unless a settlement agreement signed by all parties is filed before the time set for trial, all parties are required to appear for trial. If settled, appearance may be in person or by telephone. The

terms of the settlement agreement shall be read into the record and the parties will announce their agreement with the terms of settlement.

#### 6.082 STIPULATION TO EXHIBITS

All exhibits marked pursuant to UTCR 6.080 shall be shown to opposing counsel before the commencement of trial. Counsel may stipulate to those exhibits which may be admitted and shall deliver the stipulated exhibits to the clerk.

#### 6.191 AUDIO VISUAL DEVICES USED IN COURT

- (1) The use of audio/visual (AV) devices to present evidence or other information at court hearing/trial is permitted.
- (2) A request to use the court's AV connections and/or devices at hearing/trial must be made in advance of the proceeding. The party presenting the information must make every effort to submit a request immediately upon receiving the hearing/trial notice. This office will notify the presenting parties of any items which might be needed for their specific presentation. Failure to give court staff time to prepare and react requests for AV usage may result in AV presentation being delayed or canceled.

### **CHAPTER 7 – Case Management and Calendaring**

#### 7.025 COURT SCHEDULING

Hearing notices for criminal and civil matters will be sent on prime/alternate trial dates, motions, order to show cause hearings, settlement conferences, sentencings, and pre-trial conferences, except that short notice matters may be arranged by telephone.

Restraining order hearings are scheduled the same day provided the petition is filed prior to 11:00 am. Trials commence at 9:00 am and continue through 5:00 pm. Juvenile cases are scheduled every Friday.

#### 7.050 MANDATORY APPEARANCE IN CRIMINAL PROCEEDINGS

Counsel for the defendant, the defendant and counsel for the state with the authority to negotiate, must appear in person at the following settings unless waived by the court within 48 hours before the scheduled hearing: entry of plea and trial readiness hearings, pre-trial conferences and motions and trial.

## 7.112 PRELIMINARY HEARING DECISION

All requests and waivers of preliminary hearings must be in writing or on the record in open court. Notice to the court by telephone will not be accepted. If defendant is in custody a preliminary hearing will be set within five judicial days of the defendant's request. If defendant is not in custody a preliminary hearing will be set within 30 days of the defendant's request.

## CHAPTER 8 – Domestic Relations Proceedings

### 8.011 PARENT EDUCATION CLASS

- (1) In any domestic relations actions involving the custody or parenting time of minor children, including enforcement or modification proceedings and proceedings involving parties who are non-parents, all parties shall attend a parent education class provided by the court prior to a judicial determination of the issues. For purposes of this rule, domestic relations actions include dissolution of marriage, separation, annulment, filiation and dissolution of domestic partnership.
- (2) The parent education class provides information to help parents in recognizing how children are put in the middle during the process of separation or divorce and is designed to assist parents in meeting children's needs during this period. If mediation is court ordered through Baker County Circuit Court there is no fee
- (3) Parties may attend a similar parent education class in another Oregon county or another state and file a Certificate of Attendance with the court.

### 8.055 ORDERS TO SHOW CAUSE

- (1) The procedures of this rule are limited to domestic relations cases. Domestic relation cases are dissolution of marriage, legal separation cases including pre-trial motions and post-judgment motions, filiations and interstate support proceedings. A contempt proceeding arising out of a domestic relations case is not covered by this rule.
- (2) An order to show cause will be allowed only upon the motion of a party supported by an affidavit or declaration. The order to show cause will not contain a date for hearing. It shall provide that the adverse party must file and serve a written response in opposition to the motion within twenty-one (21) days from the date of service of the order and affidavit or declaration, or within such additional time as allowed by the court upon a showing of good cause. The order must further advise the adverse party that if such written response in opposition is not filed and served within the twenty-one (21) days, the order requested by the motion and show cause order will be granted and entered by the court.

- (3) Post-judgment motions to set aside, alter or modify any terms of the judgment shall provide that the adverse party must file and serve a written response in opposition to the motion within thirty (30) days from the date of service of the order and affidavit or declaration. The order must further advise the adverse party that if such written response in opposition is not filed and served within thirty (30) days, the order requested by the motion and show cause will be granted and entered by the court.
- (4) If the opposing party fails to file the written response in opposition within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause. The court reserves the right to require the taking of testimony of the moving party in such default matters. The court also reserves the right to enter the order requested if the opposing party does not file the required response and it may do so upon its own motion if the moving party fails to present for signature the order required above.
- (5) Except for cases in which mandatory mediation applies, upon the opposing party filing a written response in opposition, the court will cause a hearing date to be set to determine the issues raised by the order to show cause and affidavit.

#### 8.075 PARENTING TIME AND PARENTING PLAN

The parties are encouraged to work out their own parenting time schedule, either between themselves or through mediation. The court will generally approve any schedule agreed upon by the parties.

If the parties are unable to agree, the schedule set forth in the appendices (see Appendix A) will be used as a basis for establishing parenting time. Because each family's circumstances are different, the parenting time schedule established by the court make provisions for more or less parenting time than desired by the parties.

The parenting plan that is agreed upon or imposed by the court shall be incorporated into the order or judgment.

### **CHAPTER 9 – Probate and Adoption Proceedings**

#### 9.081 ORAL OBJECTIONS

- (1) Oral objections, where permitted in probate matters, as described in ORS 125.075, may be made during regular court hours at the Baker County Courthouse, Circuit Court, 1995 3<sup>rd</sup> Street, Suite 220, Baker City, Oregon 97814. The respondent or protected person may also make objections orally to an appointed Court Visitor. The Court Visitor must file the objection on behalf of the respondent or protected person, in writing signed by the Court Visitor, with the court within the time limits prescribed in ORS 125.075(2). The Court

Visitor must also include in the visitor's report a notation that an objection was filed. Upon receipt of the objection, the court will schedule a hearing and notify the appropriate parties.

- (2) If the objecting party wishes to file a written objection, the court clerk will provide the objection form contained in the appendices (see Appendix B).

#### 9.085 GUARDIANS

Within 30 days after each anniversary of appointment, a guardian for a minor shall file with the court a written report. Copies of the guardian's report must be given to those persons specified in ORS 125.060(3). The report shall be in substantially the same form as that described in ORS 125.325.

### **CHAPTER 11 – Juvenile Court Proceedings**

#### 11.115 SUBMISSION OF EXHIBITS

All exhibits offered in a juvenile dependency or delinquency case must be submitted to the court through electronic filing. If the exhibits are being electronically filed by the end of the next judicial date, the party is required to sign an acknowledgement of commitment.

### **CHAPTER 12 – Mediation**

#### 12.015 MEDIATION ON DISPUTES WITH CHILD CUSTODY AND PARENTING TIME

- (1) These rules shall apply to mediation of domestic relations actions pursuant to ORS 107.755 to 107.795 and shall not be applied to restrict the process, but rather to grant considerable discretion to the mediator and mediating parties.
- (2) Mediation of custody/parenting time disputes is commenced when an answer/response is filed by an objecting party in a civil action or by order of the court. The court may order mediation on the motion of either party or on the court's own motion. For purposes of this rule, civil actions include dissolution of marriage, separation, annulment, filiation, dissolution of domestic partnership and such other cases shall be assigned by the Presiding Judge.
- (3) The court may decline to hear a contested custody or parenting time issue until and unless the parties have participated in mediation in a good-faith attempt to resolve the issue between themselves. The mediator must file with the court the Domestic Relations Mediator Report stating if parties have cooperated and if an agreement has been reached (see Appendix C).



- (4) Mediation shall not be used by any party in bad faith for the purposes of delay or undue influence on other issues. If the court finds at any time that the mediation process is being misused, it may determine that further mediation is inappropriate, have the case removed from mediation process and impose sanctions, as appropriate.
- (5) In the event the parties are not successful in mediating the custody or parenting time controversy, the mediator shall notify the court. The matter will be scheduled for hearing as to the remaining unresolved issues, to be held in the same course and with the same priority on the docket as though there had been no mediation.

#### 12.018            MEDIATION WHERE POWER IMBALANCE EXISTS

- (1) Where there is a restraining order between the parties, a history of domestic violence or abuse, an extreme imbalance in the power relationship between the parties or other reason to believe that mediation may be inappropriate, a party may contact the assigned mediator to request that the parties meet with the mediator separately.
- (2) The mediator may arrange separate sessions, require telephonic mediation or terminate mediation at any time if the mediator believes that issues of violence, abuse, threatening behavior, manipulation or power imbalance make further mediation inappropriate. In any telephonic mediation, one or both parties may participate by telephone.

#### 12.020            CONFIDENTIALITY OF MEDIATION

- (1) Pursuant to ORS 107.785 all communications occurring during the course of mediation are confidential. All mediators shall advise each party prior to commencement of mediation that they are mandated reporters regarding any allegation of child abuse or neglect.
- (2) The mediator may not be subpoenaed or called as a witness regarding any aspect of the mediation other than to state whether an agreement was reached in mediation and the specific terms of the agreement as communicated to the court.

#### 12.025            EXEMPTION FROM MEDIATION

A matter may be excused from mandatory mediation upon a showing of good cause.

#### 12.045            MEDIATORS

To qualify as a court-approved mediator, a person must:

- (1) Meet the requirements of the OJD Court-Connected Mediator Qualification Rules;
- (2) Sign and submit an original application to the Baker County Counsel; and

(3) Receive approval by the Presiding Judge.

#### 12.055 APPOINTMENT OF MEDIATOR

The court will order mediation and appoint a mediator from a list of approved mediators once a response/answer has been filed. The notice will be sent out to the mediator and both parties. If parties are represented by an attorney, their attorney will receive the notice. The parties will contact the mediator to schedule a mediation session.

#### 12.075 SCHEDULING OF DOMESTIC RELATIONS MEDIATION SESSIONS

A mediation session must be set within seven to ten days from the date of the Notice of Appointment of Mediator. The mediation session must be completed and any agreement must be filed within 90 days, however, additional time may be given when the agreement is being incorporated into the General Judgment of Dissolution, Supplemental Judgment or Stipulated Judgment. All mediation agreements including partial agreements must be signed by the mediator and both parties prior to filing with the court.

#### 12.095 COMPENSATION OF MEDIATORS

The mediator shall be compensated at an hourly rate set by order of the Presiding Judge, not to exceed eight (8) hours including time spent preparing written memoranda or agreements. It will be the mediator's responsibility to collect the mediation fees from the parties if mediation requires more than eight (8) hours.

### **CHAPTER 13 – Arbitration**

#### 13.061 COURT SHALL DETERMINE WHETHER CASE IS SUBJECT TO ARBITRATION

- (1) Any party may file and serve notice of a request that the court transfer a case to arbitration.
- (2) A case will be assigned to arbitration unless it is excluded as provided in UTCR 13.060(1). A case assigned to arbitration will not be removed, except as might occur under paragraph 3 of this rule, without an affidavit, motion and order.
- (3) Only in extraordinary circumstances will the court order a case returned from arbitration to the court docket after a case has been assigned to an arbitrator. The Presiding Judge may remove a case from arbitration any time the Presiding Judge is of the opinion that such extraordinary circumstances exist.

- (4) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case to no longer be subject to mandatory arbitration, that party filing such a pleading must notify the Arbitration Clerk. Unless the parties stipulate otherwise, the clerk shall then remove the case from arbitration.

13.071 EXEMPTION FROM ARBITRATION

A court decision on an exemption filed pursuant to UTCR 13.070 will be rendered within 5 days following the filing of a motion for exemption from arbitration. If the motion is allowed, the case will be returned to the active trial docket for future disposition. If the motion is denied, the case will remain in arbitration in accordance with these rules and the Uniform Trial Court Rules.

13.091 ARBITRATORS

- (1) There shall be a panel of arbitrators in such number as the Arbitration Commission may from time to time determine. Persons desiring to serve as an arbitrator shall submit in writing their desire to be placed on the arbitration panel, with the date they were admitted to the Bar, their name, address and phone number, and if they have any preference against certain types of cases. A list showing the names of arbitrators available to hear cases will be available for public inspection
- (2) The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Trial Court Administrator immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias, or prejudice governing the disqualification of judges. No arbitrator shall have pending at any given time more than three arbitration cases, subject to the discretion of the Presiding Judge.
- (3) If such disqualification or refusal occurs, the arbitrator must notify all parties and immediately return all appointment materials in the case to the Trial Court Administrator.

13.101 MOTIONS

If the first appearance of a defendant is not an answer, but is a motion directed to the complaint or a dispositive motion, the motion shall be decided before the case is referred to arbitration. No cases shall be referred to arbitration unless all parties have appeared or have had an order of default entered against them. If a case has been referred to arbitration prior to the filing of a motion directed to the complaint or a dispositive motion, the motion shall be heard and decided by the arbitrator pursuant to UTCR 13.100.

### 13.111 ARBITRATOR'S COMPENSATION

- (1) If parties do not pay their pro rata share of the preliminary payment for the arbitrator within 14 days from assignment of the arbitrator, the court may exercise its authority under UTCR 1.090(2).
- (2) All arbitrator fees must be paid in full prior to the arbitrator filing the final award with the court unless otherwise ordered by the court.

(Note – The Arbitration Commission has established the following compensation schedule for arbitrators. Prior to the arbitrator beginning work on the case, a \$600 deposit, with each party paying \$300, must be paid directly to the arbitrator. Arbitrator fees are \$200/hour for hearings, \$60/hour for arbitration-related work, and \$60/hour for travel time plus mileage at the current state rate. If the arbitration is cancelled or settled after it has been set for hearing, the arbitrator is entitled to charge for all arbitration-related work performed in preparation of the hearing and for one hour of hearing fees. The arbitrator's fees may be considered as recoverable items of costs thereby creating a judgment in favor of the arbitrator and against any party who has not paid the arbitrator's fees.)

### 13.121 RELIEF FROM PAYMENT OF ARBITRATION FEES

- (1) Parties who are unable to pay the compensation and other expenses of the arbitrator within 14 days from the date the case is transferred to arbitration may request waiver or deferral of such compensation or fees. The request must be submitted by motion and order supported by an affidavit setting forth with specificity the party's income, assets, and expenses and presented to the Presiding Judge for approval.
- (2) In the event funds are available under ORS 36.420 for the payment of fees that are waived, the arbitrator shall be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of the form approved by the State Court Administrator for such purpose.

### 13.181 STIPULATIONS

No agreement or consent between parties or lawyers relating to the conduct of the arbitration proceedings, the purport of which is disputed, will be regarded by the arbitrator unless the agreement or consent is made at the arbitration hearing or is in writing and signed by the lawyers and parties.

## **CHAPTER 16 – Violations**

### **16.015 TRIAL BY AFFIDAVIT OF DECLARATION**

Testimony by affidavit or declaration shall be allowed in violation cases only upon receiving a signed statement from the defendant waiving the right to have the testimony presented orally in court.

The affidavit of declaration may be filed in the forms set forth in the Appendix of Forms. Appendix D for Affidavits and Appendix E for Declarations.

At the commencement of any violation trial, any and all affidavit or declarations which have been filed by that time with the Trial Court Administrator shall be deemed offered by the party who tendered them to the court or on whose behalf they were tendered to the court, and such affidavits or declarations shall then be received and considered by the court as substantive evidence in that case.

**Appendix A – Standard Parenting Plan**  
**See SLR 8.075**

**BAKER COUNTY**  
**STANDARD PARENTING PLAN**

\_\_\_\_\_, )  
Petitioner, ) STANDARD PARENTING PLAN  
And )  
CASE NO.: \_\_\_\_\_ )  
\_\_\_\_\_, )  
Respondent. )

It is the policy of this court to encourage parents to work out their own Parenting Plan, either between themselves, with the help of legal professionals or through mediation. The court will generally approve any Parenting Plan agreed upon by the parents.

The intent of the Standard Parenting Plan is to provide a Parenting Plan to parents who have not been able to agree to an alternate, more flexible plan. Because each family’s circumstances are different, the court may make provisions for more or less parenting time than provided for in the Standard Parenting Plan.

This parenting plan may not be suitable when there are safety concerns due to substance abuse or domestic violence. When there are safety concerns, parents should develop a Safety Focused Parenting Plan. Information and forms are available at [www.courts.oregon.gov/programs/family](http://www.courts.oregon.gov/programs/family) and at the court’s public counter.

All provisions of this parenting plan will be in effect beginning when this parenting plan is made an order of the court. The provisions of this parenting plan shall override any earlier existing parenting plan.

**1. GENERAL INFORMATION**

**1.1** The parent’s names are \_\_\_\_\_ and \_\_\_\_\_.

**1.2** This parenting plan applies to the following child(ren):

Date of Birth

_____	_____
_____	_____
_____	_____

**2. DESIGNATION OF RESIDENTIAL PARENT**

For purposes of the Standard Parenting Plan, the residential parent means the parent who provides the primary residence for the children. The non-residential parent means the parent who has

parenting time with the children according to the schedule provided in the Standard Parenting Plan.  
( ) Mother ( ) Father shall be considered the residential parent. (Check one.)

### 3. DECISION MAKING

#### 3.1 Major Decisions (Joint or Sole Custody)

The terms Sole and Joint Custody indicate how parents will handle major decisions about the children. Major decisions include, but are not limited to, decisions about the children's education, non-emergency health care and religious training. The terms Sole and Joint Custody have nothing to do with the amount of time that children spend with either parent, nor do they effect child support calculations. The court cannot order Joint Custody unless both parents agree to it.

( ) **3.1(a) Sole Custody.** The residential parent shall have sole decisions making authority on major decisions about the children.

( ) **3.1(b) Joint Custody.** Both parents will share in the responsibility for making major decisions about the children.

#### 3.2 Day-to-Day Decisions

Each parent shall make decisions regarding the day-to-day care and control of the children while the parent is caring for the children. Both parents are authorized to make emergency decisions affecting the health and safety of the children.

#### 3.3 Decisions about the Parenting Time Schedule

Parents may decide by **mutual** agreement to change the parenting time schedule. However, one parent cannot decide to change the schedule without the other parent's approval.

### 4. SPECIAL PROVISIONS FOR PARENTING TIME SCHEDULE

**4.1** If there are children who would have different parenting time schedules because they are in different age groups, parenting time for all of the children shall be based upon the schedule for the oldest child that is present for the parenting time, unless a child is younger than 12 months. In that case, the schedule for Children ages birth to 12 months shall apply to that child.

**4.2** If parents live **no more than 60 miles apart** at the time the order is signed, the non-residential parent is entitled to have the children according to the schedule described in Section 5. If parents live **more than 60 miles apart** at the time the order is signed, the non-residential parent is entitled to have the children according to the schedule described in Section 18.

**5. PARENTING TIME SCHEDULE**

The non-residential parent is entitled to have the children as follows:

**5.1 Weekend and Weekday Schedule**

**5.1(a) Children ages birth to 12 months.** Two times per week for three hours on consistent weekdays selected by the residential parent and on alternate Saturdays from 9 a.m. until 3 p.m.

**5.1(b) Children ages 12 months to 36 months.** Two times per week for three hours on consistent weekdays selected by the residential parent and on alternate weekends from 6 p.m. on Friday until 6 p.m. on Saturday.

**5.1(c) Children over 36 months.** Alternating weekends from 6 p.m. on Friday until 6 p.m. on Sunday, and on alternate Mondays from 6 p.m. until 8 p.m. on the Monday preceding the non-residential parent’s alternate weekend with the children. If the Monday following the non-residential parent’s weekend is a school closure day, parenting time shall be extended to Monday until 6 p.m. If the Friday preceding the non-residential parent’s weekend is a school closure day, parenting time shall begin at 6 p.m. on Thursday.

**5.1(d) Extended weekends for children 5 years and over.** If both parents agree, or the Court so orders, the non-residential parent’s alternating weekend shall be from 6 p.m. on Friday until 9 a.m. on Monday, or when school begins, whichever is earlier.

**5.1(e) Special weekend and weekday provisions.** If both parents agree, or the Court so orders, the following provisions shall apply:

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**5.2 Summer Schedule**

**5.2(a)** Prior to May 1, the non-residential parent shall notify the residential parent in writing, of the summer parenting time schedule. If the non-residential parent fails to provide the summer schedule by May 1, then the residential parent shall notify the non-residential parent of the summer schedule, in writing, by May 20. The summer schedule must not conflict with any holiday schedule described in Sections 5.3 - 5.12.

**5.2(b)** Whether or not the children are enrolled in school, the non-residential parent is entitled to have the children for the total amount of time described below during the period of school summer vacation.



- 5.2(c) **Children ages birth to 36 months.** Parenting time remains the same as the rest of the year.
- 5.2(d) **Children between ages 36 months and 60 months (5 years) before June 1.** Three one-week blocks, scheduled to include the non-residential parent’s alternate weekends. One week shall be in June, one in July, and one in August. There shall be at least two weeks between each of the one-week blocks. Alternate weekends continue throughout summer.
- 5.2(e) **Children over age 60 months (5 years) by June 1.** Thirty-five days (5 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. Alternate weekends are discontinued.
- 5.2(f) **Special summer schedule provisions.** If both parents agree, or the Court so orders, the following provisions shall apply:

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**5.3 Holiday Schedule**

- 5.3(a) The Holiday Schedule described below shall override the Weekend and Weekday Schedule and the Summer Schedule.
- 5.3(b) Whenever the Holiday Schedule causes one parent to have the children for two weekends in a row, the alternating weekend pattern will restart, so that the other parent will have the children on the next weekend.
- 5.3(c) If both parents agree, or if the Court so orders, the following **special holiday schedule provisions** shall apply. Whether or not the children are enrolled in school, the Holiday Schedule will be as follows:

	<b>Non-residential Parent</b>	<b>Residential Parent</b>
Winter Vacation	Even years	Odd years
Thanksgiving	Odd years	Even years
Easter	Even years	Odd years
Memorial Day	Odd years	Even years
Fourth of July	Even years	Odd years
Labor Day	Odd years	Even years
Halloween	Even years	Odd years
Spring Break	Odd years	Even years
Children’s Birthday	Even years	Odd years

#### **5.4 Winter Vacation**

- 5.4(a) Children ages birth to 12 months.** Parenting time shall be from 9 a.m. until 6 p.m. on December 25th in the even numbered years. In odd numbered years on December 24th from 9 a.m. until 6 p.m.
- 5.4(b) Children ages 12 months to 36 months.** Parenting time shall be from 6 p.m. on December 24th until 6 p.m. on December 25th in even numbered years and in odd numbered years from 6 p.m. on December 25th until 6 p.m. on December 26th.
- 5.4(c) Children over 36 months.** In even numbered years, the non-residential parent shall have the children from noon on the day after school adjourns until noon on December 26, and the residential parent shall have the children from noon on December 26 until school resumes. In odd numbered years, the residential parent shall have the children from noon on the day after school adjourns until noon on December 26, and the non-residential parent shall have the children from noon on December 26 until noon on the day before school resumes.

#### **5.5 Thanksgiving**

- 5.5(a) Children ages birth to 36 months.** Parenting time shall be from 9 a.m. until 6 p.m. on Thanksgiving Day.
- 5.5(b) Children over 36 months.** Parenting time shall be from 6 p.m. on Wednesday evening prior to Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.

#### **5.6 Easter**

- 5.6(a) Children ages birth to 36 months.** Parenting time shall be from 9 a.m. until 6 p.m. on Easter Sunday.
- 5.6(b) Children over 36 months.** Parenting time shall be from 6 p.m. Saturday evening prior to Easter Sunday until 6 p.m. on Easter Sunday.

#### **5.7 Memorial Day and Labor Day**

- 5.7(a) Children ages birth to 36 months.** Parenting time shall be on the day of the holiday from 9 a.m. until 6 p.m.
- 5.7(b) Children over 36 months.** Parenting time shall be from 6 p.m. on the Friday preceding the holiday until 6 p.m. on the day of the holiday.

#### **5.8 Fourth of July**

**5.8(a) Children ages birth to 36 months.** Parenting time shall be from 9 a.m. until 6 p.m. on July 4th.

**5.8(b) Children over 36 months.** Parenting time shall be from 9 a.m. on July 4<sup>th</sup> until 6 p.m. on July 5th.

## **5.9 Halloween**

**5.9(a) Children ages birth to 36 months.** Parenting time shall be from 6 p.m. until 8 p.m.

**5.9(b) Children over 36 months.** Parenting time shall be from 3 p.m., or when school ends until 8 p.m.

## **5.10 Spring Break**

**5.10(a) Children over 36 months.** Each parent will have the children for their normal alternating weekend. Parenting time shall be for the mid-week days of Spring Break from 6 p.m. on Sunday until 6 p.m. on Friday.

## **5.11 Children's Birthdays**

**5.11(a) Children ages birth to 36 months.** Parenting time shall be from 9 a.m. until 6 p.m.

**5.11(b) Children over 36 months.** If the birthday falls on a school day, parenting time shall be from 3 p.m. until 8 p.m. If on a non-school day, from 9 a.m. until 6 p.m.

**5.11(c)** If the birthday falls on another holiday that is listed in 5.3, then the parents shall use the schedule for the holiday instead of the schedule for the birthday.

## **5.12 Mother's Day, Father's Day and Parent's Birthdays**

**5.12(a)** Children shall spend the day with Mother on Mother's Day and on Mother's birthday from 9 a.m. until 6 p.m.

**5.12(b)** Children shall spend the day with Father on Father's Day and on Father's birthday from 9 a.m. until 6 p.m.

**5.12(c)** If the parent's birthday falls on a school day, then parent's time shall be from the end of school until 8 p.m. If the parent's birthday falls on a holiday that is listed in 5.3, then parents will follow the schedule as described in Sections 5.3 - 5.12.

## **5.13 Parenting Time Calculation**

**5.13(a)** The table below indicates the average number of overnights that each parent will have the children each year. Significant non-overnight time with the non-residential parent may influence child support calculations. The Oregon Division of Child Support Online Child Support Calculator is available at [www.dcs.state.or.us/calculator](http://www.dcs.state.or.us/calculator).

<b>Ages of children</b>	<b>Overnights with Residential Parent (Parent A)</b>	<b>Overnights with Non-residential Parent (Parent B)</b>
<b>Birth to 12 months</b>	<b>365</b>	<b>0</b>
<b>12months to 36 months</b>	<b>338</b>	<b>27</b>
<b>36 months to 60 months</b>	<b>287</b>	<b>78</b>
<b>Over 60 months</b>	<b>280</b>	<b>85</b>
<b>Extended Weekends (see 5.1(d))</b>	<b>258</b>	<b>107</b>
<b>With Special Provisions</b>		

## **6. INFORMATION SHARING**

- 6.1** Unless otherwise ordered by the court, each parent shall have equal access to important information about the children, including, but not limited to the children’s current mailing and street addresses, telephone number, and the name, telephone number and street address of any day care provider.
- 6.2** Each parent **must** immediately notify the other about any emergency circumstances or substantial changes in the health of the children. Unless otherwise ordered by the court, both parents shall be listed as emergency contacts at day care and school.
- 6.3** If either parent takes the children from that parent’s usual residence for 24 hours or more, that parent shall notify the other parent of any emergency contact phone number and where the children will be staying.
- 6.4** Unless otherwise ordered by the court, both parents always have the right:
- 6.4(a)** To inspect and receive school records and to consult with school staff concerning the children’s welfare and education.
  - 6.4(b)** To inspect and receive governmental agency and law enforcement records concerning the children.
  - 6.4(c)** To consult with any person who may provide care or treatment for the children

and to inspect and receive the children's medical, dental and psychological records.

**6.4(d)** To authorize emergency medical, dental, psychological, psychiatric or other health care for the child.

## **7. FUTURE MOVE OF A PARENT**

**7.1** Parents shall provide each other and the court with at least 45 days written notice of any planned move more than 60 miles further distance from the other parent.

**7.2** Unless otherwise ordered by the court, each parent shall:

**7.2(a)** Provide the other parent with his or her contact phone number and contact address.

**7.2(b)** Notify the other parent and this court of any change in his or her contact telephone number and contact address within 72 hours of the change.

**7.3** If the Parenting Time Schedule would be disrupted because of a parent's intended move, the Parenting Time Schedule must be changed by mutual agreement of the parents or by a modification that is ordered by the court.

## **8. PARENT-CHILD COMMUNICATION**

**8.1** Both parents and the children shall have the right to communicate by telephone, in writing, by e-mailing, or by video transmission (if available) during reasonable hours without interference or monitoring by the other parent.

**8.2** Unless otherwise agreed by the parents, telephone calls or video transmissions shall be limited to no more than three per week and each call or transmission shall last no more than 20 minutes.

## **9. EXCHANGE OF CHILD FROM ONE PARENT TO THE OTHER**

**9.1** Both parents shall have the children fed and ready on time with sufficient clothing packed and ready at the time of exchange. All clothing that accompanies the children shall be returned to the other parent.

**9.2** When parents live no more than 60 miles apart, the non-residential parent shall pick up the children from the residential parent's residence no earlier than, nor later than 15 minutes from the scheduled beginning of the parenting time. The residential parent shall pick up the children from the non-residential parent's residence no earlier than, nor later than 15 minutes from the ending of the non-residential parent's parenting time. If the parents have chosen or the court has ordered extended weekends, the children shall be dropped off at school at the beginning of the school day whenever possible.

- 9.3** Unless otherwise ordered by the court, parents who live more than 60 miles apart will equally participate in the cost and effort of exchanging the children from one parent to the other.
- 9.4** Either parent may authorize other individuals who are known to the children to provide the transportation for the exchange of the children. Anyone who drives while transporting the children will have a valid driver's license and vehicle insurance.

**9.5** Special provisions:

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**10. CAR SEATS**

Each parent shall use age appropriate car seats or other appropriate safety devices when the children are being transported.

**11. MEDICATIONS**

If a licensed physician has prescribed medication for the children, both parents shall see that the medications are administered as prescribed.

**12. AFFECTION AND RESPECT**

Neither parent shall say things or allow others to say things in the children's presence that would interfere with the children's love and respect for the other parent.

**13. SCHOOL INVOLVEMENT**

Unless otherwise ordered by the court, both parents are encouraged to participate in the children's school activities including, but not limited to, visiting the classroom, attending parent-teacher conferences, and attending sports and cultural activities.

**14. PARENT CONTROL OF CHILDREN'S ACTIVITIES**

Parents are encouraged to cooperate when scheduling activities for the children. Neither parent may schedule activities for the children that occur during the other parent's time with the children without the other parent's consent.

**15. MISSED PARENTING TIME**

- 5.1** Personal plans of a parent or a child, or school, church, or other activities will not be reasons for failing to follow the Parenting Time Schedule. The children will not be

permitted to decide whether or not they wish to be with a parent. The residential parent shall not cancel parenting time for any reason without the agreement of the non-residential parent.

- 15.2** Only substantial medical reasons will be considered sufficient for postponement of parenting time. If a child is ill and unable to visit, a make-up parenting time shall occur on the following weekend. If the non-residential parent fails to exercise his or her parenting time, there will be no make-up parenting time.

## **16. MEDIATION**

The parents will attempt to cooperatively resolve any disagreements that arise over the terms of the Parenting Plan. If the parents are unable to resolve a disagreement, they must use mediation first. Any cost for mediation shall be shared equally by the parents. A written record shall be prepared of any agreement reached in mediation and shall be filed with the court along with copies provided to each parent. If the parents are unable to resolve a disagreement through any other dispute resolution process, the disagreement shall be resolved through court action.

## **17. ADDITIONAL PROVISIONS:**

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## **18. MEDIUM AND LONG-DISTANCE PARENTING TIME**

Parents who live far apart will have the children according to the schedule described below. All other provisions of this parenting plan are unchanged except as described below. When parents live more than 60 miles apart, but less than 250 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled **Medium Distance**. When parents live more than 250 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled **Long Distance**.

### **18.1 Weekend and Weekday Schedule**

**18.1(a)** Prior to August 15th each year the non-residential parent shall notify the residential parent in writing of the dates of the parenting time weekends to be scheduled during the school year. The selected dates shall include any holidays listed in Section 5.3 - 5.12. If the non-residential parent fails to provide such written notice prior to August 15th, the residential parent is entitled to designate those weekends, so long as they include any holidays listed in 5.3 - 5.12. The residential parent shall notify the nonresidential parent in writing by August 31st.

### **18.1(b) Children birth to 12 months.**

**Medium Distance:** Two hours every Saturday and two hours every Sunday in

the location where the residential parent resides, according to a schedule determined by the residential parent.

**Long Distance:** Same as for Medium Distance.

**18.1(c) Children ages 12 months to 36 months.**

**Medium Distance:** On alternating weekends from 9 a.m. Saturday until 6 p.m. Sunday.

**Long Distance:** Same as for the Medium Distance except that parenting time will occur at the location where the residential parent resides.

**18.1(d) Children over 36 months.**

**Medium Distance:** Alternating weekends from 6 p.m. on Friday until 6 p.m. on Sunday. If the Monday following the non-residential parent’s weekend is a school closure day, parenting time shall be extended to Monday until 6 p.m. If the Friday preceding the non-residential parent’s weekend is a school closure day, parenting time shall begin at 6 p.m. on Thursday.

**Long Distance:** One weekend per month, which shall include up to two weekdays attached to the weekend, so long as the children are not attending school on those days. Children shall return to the residential parent’s home no later than 6 p.m. on the day prior to a school day.

**18.1(e) Special weekend and weekday provisions.**

If both parents agree, or the Court so orders, the following provisions shall apply:

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**18.2 Summer Schedule**

**18.2(a)** Prior to May 1, the non-residential parent shall notify the residential parent, in writing, of the summer parenting time schedule. If the non-residential parent fails to provide the summer schedule by May 1, then the residential parent shall notify the non-residential parent of the summer schedule in writing by May 20.

**18.2(b)** The **Medium Distance** summer schedule must not conflict with any holiday schedule described in Sections 5.3 - 5.12. If the **Long-Distance** summer schedule conflicts with the schedule for Father’s Day, 4th of July or a birthday, the residential parent may have parenting time as described in Sections 5.3 - 5.12 in the location where the non- residential parent resides and at the residential parent’s expense.

**18.2(c)** Whether or not the children are in school, the non-residential parent is entitled to have the children for the total amount of time described below during the period of school summer vacation.



**18.2(d)Children ages birth to 12 months.**

**Medium Distance:** Parenting time remains the same as the rest of the year, as described in Section 18.1(a).

**Long Distance:** Same as for Medium Distance.

**18.2(e)Children between ages 12 months to 36 months before June 1.**

**Medium Distance:** Parenting time remains the same as the rest of the year, as described in Section 18.1(a).

**Long Distance:** Three weekends in the location where the residential parent resides from 9 a.m. Saturday until 6 p.m. Sunday, and three long weekends in the location where the non-residential parent resides, one in June, one in July and one in August from 6 p.m. Friday until 6 p.m. Sunday.

**18.2(f)Children between ages 36 months to 60 months (5 years) before June 1.**

**Medium Distance:** Three one-week blocks (seven days). One week shall be in June, one in July, and one in August. There shall be at least two weeks between each of the one-week blocks. Alternate weekends are discontinued.

**Long Distance:** Three weekends in the location where the residential parent resides from 9 a.m. Saturday until 6 p.m. Sunday, and three long weekends in the location where the non-residential parent resides, one in June, one in July and one in August from 6 p.m. Friday until 6 p.m. Sunday.

**18.2(g)Children between ages 60 months to 96 months (8 years) before June 1.**

**Medium Distance:** Thirty-five days (5 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. Alternate weekends are discontinued.

**Long Distance:** Thirty-five consecutive days (5 weeks).

**18.2(h)Children over 96 months (8 years) before June 1.**

**Medium Distance:** Forty-two days (6 weeks) scheduled so that neither parent has the children for more than 19 consecutive days. If either parent has the children for two weekends in a row, the other parent is entitled to have the children for the following weekend. Alternate weekends are discontinued.

**Long Distance:** Sixty-three consecutive days (9 weeks).

**18.2(i)Special summer schedule provisions.**

If both parents agree, or the Court so orders, the following provisions shall apply:

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**18.3 Holiday Schedule**

**18.3(a)** Parents who live more than 60 miles apart will follow the Holiday Schedule and provisions described in Sections 5.3-5.12 except as described below.

**18.3(b)** If both parents agree, or if the court so orders, the following **special holiday schedule provisions** shall apply.

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**18.4 Winter Vacation**

**18.4(a) Children birth to 12 months.**

**Medium Distance:** Same as described in Section 5.3 - 5.12 except that parenting time will occur in the location where the residential parent resides.

**Long Distance:** Same as for Medium Distance.

**18.4(b) Children ages 12 months to 36 months.**

**Medium Distance:** Same as described in Section 5.3 - 5.12.

**Long Distance:** Same as described in Section 5.3 - 5.12 except that parenting time will occur in the location where the residential parent resides.

**18.4(c) Children over 36 months.**

**Medium Distance:** Same as described in Section 5.3 - 5.12.

**Long Distance:** Same as for Medium Distance.

**18.5 Thanksgiving**

**18.5(a) Children birth to 12 months.**

**Medium Distance:** Parenting time shall be from 9 a.m. until 6 p.m. on Thanksgiving Day in the location where the residential parent resides.

**Long Distance:** Same as for Medium Distance.

**18.5(b) Children ages 12 months to 36 months.**

**Medium Distance:** From noon on the day prior to Thanksgiving until 6 p.m. on Thanksgiving Day.

**Long Distance:** The same as for Medium Distance, except that parenting time will occur in the location where the residential parent resides.

**18.5(c) Children over 36 months.**

**Medium Distance:** From noon the day prior to Thanksgiving until 6 p.m. on the Sunday following Thanksgiving.

**Long Distance:** Same as for Medium Distance.

**18.6 Easter, Memorial Day, Fourth of July, Halloween, Labor Day, Children’s Birthdays, Mother’s Day, Father’s Day, and Parent’s Birthday.**

**18.6(a) Children birth to 12 months.**

**Medium Distance:** The same as described in Section 5.3 - 5.12 except that parenting time will occur in the location where the residential parent resides.

**Long Distance:** Same as for Medium Distance.

**18.6(b) Children ages 12 months to 36 months.**

**Medium Distance:** The same as described in Section 5.3 - 5.12.

**Long Distance:** The same as for Medium Distance, except that parenting time will occur in the location where the residential parent resides.

**18.6(c) Children over 36 months.**

**Medium Distance:** The same as described in Section 5.3 - 5.12.

**Long Distance:** Same as for Medium Distance.

**18.7 Spring Break**

**18.6(c) Children over 36 months.**

**Medium Distance:** The same as described in Section 5.3 - 5.12.

**Long Distance:** From 6 p.m. the day school adjourns until noon on the day before school resumes.

**18.8 Parenting Time Calculation**

**18.8(a)** The table below indicates the average number of overnights that each parent will have the children each year. These estimates may be used to calculate each parent’s child support obligation by inserting the number into the Oregon Division of Child Support Online Child Support Calculator at [www.dcs.state.or.us/calculator](http://www.dcs.state.or.us/calculator).

<b>Ages of children</b>	<b>Overnights with Residential Parent (Parent A)</b>	<b>Overnights with Non-residential Parent (Parent B)</b>
<b>Birth to 12 months</b>	<b>Medium and Long: 365</b>	<b>Medium and Long: 0</b>
<b>12months to 36 months</b>	<b>Medium: 333 Long: 325</b>	<b>Medium: 32 Long: 40</b>
<b>36 months to 60 months</b>	<b>Medium: 283 Long: 297</b>	<b>Medium: 95 Long: 68</b>
<b>60 months to 96 months</b>	<b>Medium: 270 Long: 280</b>	<b>Medium: 95 Long: 85</b>
<b>Over 96 months</b>	<b>Medium: 270 Long: 267</b>	<b>Medium: 95 Long: 98</b>
<b>With Special Provisions</b>		

**18.9 Other:**

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**19. SIGNATURE**

Your signature indicates to the court that you understand and agree to abide by the terms of this Parenting Plan. You are advised to seek legal counsel prior to signing. This Parenting Plan becomes legally binding when it is attached as an Exhibit to a Judgment or Order that is signed by a Judge.

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**Petitioner Signature**

**Date**

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**Respondent Signature**

**Date**



**Appendix C – Domestic Relations Mediator Report**  
See SLR 12.015(3)

COUNTY: \_\_\_\_\_

CASE NO.: \_\_\_\_\_  
INCLUDED IN

CASE NAME: \_\_\_\_\_

**DOMESTIC RELATIONS  
MEDIATOR REPORT**

FINANCIAL ISSUES

MEDIATION

AMENDED REPORT

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**TIME SPENT IN MEDIATION:**

	<b>MINUTES</b>	<b>EXPLANATION</b>
<b>ORIENTATION</b>	_____	<i>Time the mediator spent orientating the participants to the mediation process – DO NOT include group orientation</i>
<b>MEDIATION</b>	_____	<i>Time spent in mediation activities: mediation sessions, case management, collateral contacts, scheduling, and related tasks</i>
<b>DRAFTING AGREEMENT</b>	_____	<i>Time spent drafting mediation agreement</i>
<b>TOTAL</b>	_____	<i>Total number of minutes spent on this case</i>

**OUTCOME OF MEDIATION (select one):**

- FULL AGREEMENT** (Parties reached agreement on all issues that the parties raised.) [Odyssey Code: AGME]
- PARTIAL AGREEMENT** (Parties reached agreement on some, but not all, of the issues they raised.) [Odyssey Code: MEPA]
- FAILURE TO APPEAR FOR MEDIATION** (At least one party failed to appear for mediation.) [Odyssey Code: FTAM]
- NO AGREEMENT** (Agreement on none of the issues. Parties appeared for mediation but did not reach any agreement.) [Odyssey Code: MENA]

**REASON FOR NO AGREEMENT:**

- Parties unable to reach agreement during mediation.
- The case issues were not appropriate for mediation; one or both parties lacked the capacity to participate in the mediation; mediation was not appropriate due to domestic violence; parties resolved issues prior to mediation or reconciled; none of the other mediation outcomes apply.

**NUMBER OF JOINT CHILDREN UNDER THE AGE OF 18:** \_\_\_\_\_

Date: \_\_\_\_\_ Form Generated by: \_\_\_\_\_











State of Oregon  
County of Baker

I certify that this is a true and correct copy of a document in the possession of the court administrator for Baker Circuit Court.

Dated: 12/8/2020

Court Administrator for Baker Circuit Court or designee

Elaine Calloway

Elaine Calloway

