

RULES
OF THE
CIRCUIT COURT
OF THE STATE OF OREGON
FOR
CLATSOP COUNTY

(18th Judicial District)

Effective: February 1, 2017

**Clatsop County Circuit Court (18th Judicial District)
Supplementary Local Rules Effective on February 1, 2017**

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Clatsop County Circuit Court Supplementary Local Rules

Chapter 1 - General Provisions

1.161 FILING OF DOCUMENTS WITH COURT

- (1) Mandatory electronic filing is required for members of the Oregon State Bar per UTCR 21.040.
- (2) In the event all customer service windows are closed on a day that the court is open for business, a drop box will be available until 5:00 p.m. for filings and payments. The drop box is located on the main floor of the courthouse.

1.171 WEBSITE ADDRESS

The Clatsop County Circuit Court website address is: <http://courts.oregon.gov/clatsop>.

1.173 PHYSICAL / MAILING ADDRESSES

The street address of Clatsop County Circuit Court is 749 Commercial Street, Astoria, Oregon 97103. All physical appearances required by these rules shall occur at that location unless otherwise specified by the Court. The mailing address is P.O. Box 835, Astoria, OR 97103.

Chapter 3 - Decorum in Proceedings

3.181 PUBLIC ACCESS COVERAGE

Public access coverage is allowed in the lobby areas of the basement, first floor and second floor of the courthouse unless the Court designates another area. Public access coverage shall not disrupt court proceedings or interfere with normal court activities. Access to other areas of the courthouse or courtrooms must be approved in advance by either a judge or the Trial Court Administrator.

3.182 PERSONAL COMMUNICATION DEVICES

- (1) For the purposes of this rule, personal communication devices include, but are not limited to, cellular telephones, smart phones, pagers, laptop computers, and tablets.
- (2) Unless otherwise allowed by a judge presiding over the proceeding, all personal communication devices, except those used at counsel tables for court business purposes, shall be turned off while in the courtroom. Those devices used at counsel tables shall be placed in silent mode.

Chapter 4 - Proceedings in Criminal Cases

4.005 MOTIONS TO DISMISS

Motions to dismiss a criminal action made by the prosecutor shall be in writing, signed by the attorney, and include facts supporting the motion.

4.015 TIME FOR FILING PRETRIAL MOTIONS

Pretrial motions, including discovery motions and motions filed pursuant to ORS 135.037, shall be filed no more than 30 days after the early resolution conference if the defendant is out of custody and no more than 48 hours after the early resolution conference if the defendant is in custody. In any case, pretrial motions shall be filed no later than the time allowed in UTCR 4.010.

4.081 APPEARANCE AT CRIMINAL PROCEEDINGS BY SIMULTANEOUS ELECTRONIC TRANSMISSION

- (1) Unless otherwise ordered by the Court, in-custody arraignments shall be by simultaneous electronic transmission.
- (2) With approval of the Court, in-custody defendants may appear by simultaneous electronic transmission for plea and sentencing hearings, probation violation hearings and other criminal proceedings.
- (3) With all parties' consent and Court approval, other defendants, witnesses, and victims may appear in non-jury criminal proceedings by simultaneous electronic transmission.
- (4) Whenever testimony by simultaneous transmission is allowed under this rule, it shall be the responsibility of the party calling said witness to coordinate with the opposing party, the Court and the witness the manner and time of simultaneous electronic transmission sufficiently in advance of the criminal proceeding so as not to cause undue disruption or delay.

Chapter 5 - Proceedings in Civil Cases

5.061 EX PARTE ORDERS

Ex parte orders shall be presented to the court clerk to be forwarded to the assigned judge. *Ex parte* matters requiring a hearing shall be scheduled by court staff.

Chapter 6 - Trials

6.011 PRETRIAL CONFERENCES IN CIVIL CASES

- (1) If a pretrial conference is set, the trial attorney or an attorney familiar with all aspects of

the case and self-represented litigants shall appear at the pretrial conference unless the Court allows participation by telecommunication.

- (2) At the pretrial conference, the Court may set deadlines and/or enter orders regarding:
 - (a) amendments to the pleadings
 - (b) motions
 - (c) discovery
 - (d) trial memoranda
 - (e) exhibits
 - (f) jury instructions
 - (g) a neutral summary of the pleadings
 - (h) any other matter that may aid in the disposition of the action.

6.012 SETTLEMENT CONFERENCES

A settlement conference may be set in a civil case at the written request of a party. Parties and others with settlement authority, including insurance claims representatives, must appear in person unless personal appearance is waived in advance by the settlement judge, in which case they must be available by telephone.

6.051 DELIVERY OF TRIAL MEMORANDA AND OTHER DOCUMENTS

Any trial memoranda, requested jury instructions, witness lists, motions in limine, proposed neutral statements of the case, and exhibit lists shall be received by the Court and opposing counsel at least twenty-four (24) hours prior to the commencement of the trial.

6.061 ELECTRONIC COPY OF REQUESTED JURY INSTRUCTIONS

- (1) In addition to the requirements of UTCR 6.060, an attorney or party requesting instructions described in subsection (2) below shall provide the trial court an electronic copy of all requested jury instructions in Word format. The electronic copy may be provided on a disk or may be emailed as an attachment to the Court. The email address for submission of jury instructions can be found on the Court's website.
- (2) The following documents shall be included on the electronic copy: (a) uniform instructions that have been modified; (b) uniform instructions submitted that fill in blanks or include alternative choices; (c) proposed special instructions; and, (d) proposed special verdict forms.

6.081 EXHIBITS

All trial exhibits will be assigned a value of zero unless the submitting party supplies the court clerk with a written value.

6.082 TRIAL FEES PAYABLE BEFORE TRIAL

No court or jury trial will proceed until the fees under this rule are paid to the Trial Court Administrator. The receipt given for payment of said fees shall be shown to the courtroom clerk at the time of trial before said trial will proceed.

Chapter 7 - Case Management and Calendaring

7.007 EARLY RESOLUTION CONFERENCE

- (1) In criminal cases, an early resolution conference will be set at arraignment. At the early resolution conference, attorneys and unrepresented parties shall meet with the judge and report on the progress of negotiations, discovery, and pretrial motions, attempt to resolve the case, and advise whether a trial is needed. Unless a final resolution conference is set, the early resolution conference is the deadline for negotiated pleas unless good cause is shown for a later date.
- (2) If a final resolution conference is held, the final resolution conference is the deadline for negotiated pleas unless good cause is shown for a later date.
- (3) Defendants in criminal cases must attend all resolution conferences unless the Court authorizes a waiver of appearance in advance.

7.011 SETTING TRIALS IN CRIMINAL CASES

Absent good cause, all criminal cases in which the victim is under 18 years of age at the time the charging instrument is filed shall be tried within 90 days of arraignment.

7.012 ORDER ON ARRAIGNMENT

In misdemeanor cases, the defendant's attorney may file a Notice of Representation and Motion for Order on Arraignment. If the Notice of Representation waives arraignment and states that the attorney has explained the charges to defendant and advised defendant of all statutory and constitutional rights, the Court may enter an Order on Arraignment. A Notice of Representation and Motion for Order on Arraignment is attached hereto as Appendix I.

7.013 RELEASE OF DEFENDANT UPON ORDER ON ARRAIGNMENT

If the Court does not have a current release agreement when an Order on Arraignment is entered, defendant shall report to the court clerk's office within seven (7) days of the entry of the Order

on Arraignment to sign a conditional release agreement. Defendant will then, within the same seven (7) days, report to the Clatsop County Jail to be processed.

7.015 SCHEDULING CONFLICTS

Requests to reschedule a criminal court proceeding, including trials and hearings, must be in writing and received by the Court not later than ten (10) days after the proceeding is set. The written request shall be provided to attorneys of record and unrepresented parties and shall include a list of dates on which the parties and counsel are available to try the matter. Requests to reschedule a proceeding in a case that has been open for more than nine (9) months must be made by motion and must show good cause.

7.021 SETTING TRIALS IN CIVIL CASES

To facilitate agreement on trial dates pursuant to UTCR 7.020(6), the Court will send “at issue” notices to parties when a civil case is at issue. Parties should respond with available trial dates within the period designated by the notice. If a party fails to respond as provided in the notice, the Court shall set the case for trial on a date convenient to the Court.

Chapter 8 - Domestic Relations Proceedings

8.012 INFORMAL DOMESTIC RELATIONS TRIALS

- (1) Informal Domestic Relations Trials (IDRT) may be held to resolve all issues in original actions or modifications for dissolution of marriage, separate maintenance, annulment, child support, and child custody filed under ORS Chapter 107, ORS Chapter 108, ORS 109.103, and ORS 109.701 through 109.834.
- (2) All parties in a domestic relations case may choose to have an IDRT or a traditional trial. In order to have an IDRT, all parties must elect IDRT in writing. If any party to the case does not elect IDRT in writing, the Court will set a traditional trial.
- (3) At the beginning of an IDRT, the parties shall affirm they understand the rules and procedures of IDRT and they voluntarily consent to the process.
- (4) Information about the IDRT process is available on the Court’s website at <http://courts.oregon.gov/clatsop>.

8.015 PARENTING TIME RULES

In any domestic relations proceeding, dissolution of marriage, annulment, separation or custody case, paternity, filiation or similar proceeding, a non-custodial parent shall have the right to parenting time with the minor children of the parties according to the Basic Parenting Plan, unless otherwise ordered by the Court or the parties agree to a different parenting plan, such as the court-approved Expanded Parenting Plan. The Basic and Expanded Parenting Plans can be found on the Court’s website.

8.045 PREJUDGMENT RELIEF

- (1) All applications for prejudgment relief in domestic relations cases must be made by motion for show cause order and include a supporting affidavit(s). The motion and show cause order must state separately each item of relief requested. Time periods specified in this rule shall be computed in accordance with ORCP 10.
- (2) Show cause orders for prejudgment relief shall specify a response time not less than 14 days from the date of service upon the opposing party. When the show cause order is served outside the state of Oregon or by publication, the order shall require the opposing party to file an answer in writing not less than 20 days from the date of service. Such orders shall require the opposing party to respond by filing an answer in writing, together with opposing affidavits and serving a copy of the answer and affidavits on the moving party within the response time. The order must include a notice as set forth in Appendix II to these rules if the opposing party is unrepresented.
- (3) If proof of service is filed and the opposing party fails to respond to the show cause order within the time set forth in the order, the moving party may present an order granting the relief sought.
- (4) If the opposing party responds to the show cause order, the moving party shall have five days from the date of service to file a reply affidavit. No further pleadings will be considered. Either party may notify the Court in writing when the matter is ready for determination, and the Court shall decide the matter and promptly notify the parties of any decision.
- (5) Additional applications or new issues requested by the opposing party must be made by motion for show cause order and supporting affidavit(s) in accordance with the procedure outlined in paragraphs 1- 4 of this rule.
- (6) For good cause shown or upon its own motion, the Court may set prejudgment relief proceedings for hearing.
- (7) Motions for prejudgment relief or responses to motions for prejudgment relief by respondent shall be considered to be general appearances pursuant to ORS 107.055, thereby placing the case at issue and ready for referral to mediation and/or a trial setting.

8.046 PARENT EDUCATION PROGRAM

- (1) A parent education program as authorized by ORS 3.425 is established. The program shall provide information on the impact of family restructuring on children and skills for successful co-parenting after separation for parties in family law cases that involve minor children.

- (2) Each person named as a party in such cases shall complete the program unless the Court approves a waiver. With prior Court approval, a party residing outside Clatsop County may attend a comparable class in another location.
- (3) When the pleading is filed, the Court shall provide the moving party with notice and instructions regarding parent education. The moving party shall serve opposing party with the notice pursuant to ORCP 7 and file proof of service with the Court.
- (4) Each party shall pay a fee determined by the program provider to cover program costs. The fee may be waived or reduced by the program provider, subject to court review.
- (5) The program provider shall issue a certificate of completion when the participant has completed the program. The participant must file the certificate of completion with the Court. A certificate of completion is valid for two (2) years; if custody, parenting time or visitation proceedings are initiated after a certificate has expired, the participant must retake the class.
- (6) Court action shall not be delayed by a party's refusal, failure or delay in completing this program, unless the non-complying party is the moving party. If a party fails to comply with the requirements of this rule, the Court may take appropriate action against that party.

8.047 CUSTODY EVALUATIONS

- (1) If the parties are unable, after a good faith effort, to resolve custody and/or parenting time issues, the parties may agree to a custody evaluation. The evaluation must be performed by a qualified evaluator but must not be the mediator assigned to the case.
- (2) The expense of a custody evaluation shall be the responsibility of the parties in such proportion as the parties agree or as ordered by the Court. Parties who seek a custody evaluation under this rule may petition the Court for assistance with the cost of the evaluation, to be paid from the county mediation fund based on the parties' ability to pay. Parties requesting financial assistance must provide income and expense information to the Court. If financial assistance is approved, the evaluator must contract with the county to provide these services.

Chapter 9 - Probate, Guardianships, Conservatorships, and Adoption Proceedings

9.045 GUARDIANSHIPS AND CONSERVATORSHIPS

- (1) When a petition seeks appointment of a guardian for an adult respondent or requests appointment of a visitor, a copy of the petition marked "visitor's copy," shall be delivered to the probate clerk and the visitor's fee shall be tendered to the Court. Upon receipt of the visitor's copy, supporting documentation, and visitor's fee, the probate clerk shall prepare an order appointing visitor.

- (2) The visitor shall be compensated as provided in ORS 125.170 and the Court's General Order. The visitor is not required to begin an investigation until the fee has been paid or waived by the Court.
- (3) Within 30 days after each anniversary of appointment, all guardians must file a written report. The report for guardians of minors shall be in the form prescribed by the Court.

9.081 PLACE FOR OBJECTIONS

Pursuant to ORS 125.075(2), the Court designates the Court's public service window as the place where oral objections shall be made. The telephone number is 503-325-8555 ext. 0. Written objections shall be mailed or delivered to Clatsop County Circuit Court, 749 Commercial Street, P.O. Box 835, Astoria, OR 97103. A form that may be used for written objections can be found on the Court's website.

9.082 PROTECTIVE PROCEEDINGS - NOTICE OF SERVICES

In a proceeding for the appointment of a guardian for an adult respondent, the notice required under ORS 125.060 shall include the following language or its equivalent:

Free legal services for people at least 60 years of age who are subject to guardianship proceedings may be obtained by calling Oregon Law Center at 1-877-296-4076. Free or low cost services for people at least 60 years of age may be obtained by calling Senior and Disability Services at 503-861-4200, including help to maintain maximum independence, remain at home as long as possible, select an appropriate foster or nursing home, obtain necessary personal and/or medical care, and prevent or stop physical or financial abuse. Help finding a lawyer and a low-cost one-time legal consultation may be obtained by calling the Lawyer Referral Service of the Oregon State Bar at 1-800-452-7636.

9.161 FORM OF ACCOUNTINGS

Accountings in estate and conservatorship cases shall be submitted in the format specified in UTCR 9.160.

9.185 DEPOSITORY STATEMENTS

All accountings shall include the opening and closing depository statements for each account for the accounting period.

Chapter 11 - Juvenile Court Proceedings

11.015 PRETRIAL MOTIONS

The schedule for filing pretrial motions provided in UTCR 4.010 shall govern the filing of pretrial motions in delinquency cases.

11.057 MANDATORY SETTLEMENT CONFERENCES

Unless waived by a judge and with the exception of violations, all contested delinquency and dependency cases shall be set for settlement conference.

- (1) In dependency cases, parents must appear in person at the settlement conference unless otherwise authorized by the judge.
- (2) In delinquency cases, youths must appear in person at the settlement conference unless otherwise authorized by the judge.

11.087 APPEARANCE IN DEPENDENCY CASES

Parents served with summons in a child dependency case, including permanent guardianship and termination of parental rights cases, shall appear personally in court at the time and place specified in the summons unless otherwise approved in advance by the judge.

CHAPTER 12 – Mediation

12.001 CHILD CUSTODY AND PARENTING TIME MEDIATION

- (1) Mediation is mandatory in all proceedings in which child custody, parenting time or visitation is contested except:
 - (a) Pre-judgment custody and parenting time proceedings pursuant to ORS 107.095.
 - (b) Family Abuse Prevention Act proceedings pursuant to ORS 107.700 to 107.732.
 - (c) Elderly Persons and Persons with Disability Abuse Prevention Act proceedings pursuant to ORS 124.005 et seq.
 - (d) Expedited parenting time enforcement proceedings pursuant to ORS 107.434.
 - (e) Juvenile dependency and delinquency proceedings.
 - (f) Proceedings in which the Court has found good cause to waive mediation.
- (2) Mediation shall consist of an orientation session and up to eight hours of mediation per referral. Additional mediation may be scheduled by the mediator with prior approval of the Court.

12.002 CHILD CUSTODY AND PARENTING TIME MEDIATION: COURT CONTROL

- (1) Cases remain subject to the control of the Court during mediation. The Court may remove a case from mediation at any time.

- (2) Mediators shall report to the Court and counsel the outcome of mediation. Mediation agreements shall be presented to the Court, and the Court retains final authority to accept, modify or reject agreements.

12.003 COMMENCEMENT OF CHILD CUSTODY AND PARENTING TIME MEDIATION

Mediation will be commenced by stipulation of the parties, request of a party, or court referral.

12.004 CHILD CUSTODY AND PARENTING TIME MEDIATION: LAWYERS AND MEDIATORS

- (1) Unless otherwise agreed in writing by the parties, the parties' lawyer shall not be present at mediation sessions.
- (2) The mediator shall encourage disputing parties to obtain independent legal advice and review of any mediated agreement before signing an agreement.
- (3) A mediator shall not act as a lawyer for either party.

12.005 CHILD CUSTODY AND PARENTING TIME MEDIATION ORIENTATION

- (1) The Court may exempt a party from orientation for good cause.
- (2) Mediation orientation shall be done by video which is available on the Court's website at: <http://courts.oregon.gov/clatsop>. Mediation orientation shall be completed within 30 days of filing a petition or 30 days of filing responding documents.

12.006 ASSIGNMENT TO CHILD CUSTODY AND PARENTING TIME MEDIATORS

- (1) The parties may select a mediator of their own choosing, but if the mediator is not on the list of mediators approved by the Court, the expense of the mediator shall be the responsibility of the parties.
- (2) The parties shall choose a mediator upon completion of orientation and promptly notify the Court. If the parties do not notify the Court of their selection of mediator when they declare completion of mediation orientation, the mediation clerk will select a mediator from the Court's list of mediators.

12.007 SCHEDULING OF CHILD CUSTODY AND PARENTING TIME MEDIATION SESSIONS

Upon receipt of a mediation assignment, a mediator shall immediately notify the parties of a date and time for the initial mediation session. The initial mediation session shall occur within fourteen (14) days of notice of the assignment to the mediator.

12.008 CHILD CUSTODY AND PARENTING TIME MEDIATION COMPLETION

- (1) Mediation shall be completed promptly without causing unnecessary delay of court proceedings and in no event later than any deadline set by the judge.
- (2) The mediator shall notify the Court immediately when mediation is concluded.

12.101 MEDIATION PROCEDURE IN CIVIL ACTIONS

- (1) On the parties' written stipulation, filed with the Court prior to the commencement of the arbitration hearing, the parties may elect to mediate pursuant to ORS 36.185 to 36.210 rather than arbitrate any civil or domestic relations matter subject to mandatory arbitration. Such mediation shall be accomplished within the same time period required for court-connected arbitration under these rules. If the parties mediate in good faith, they shall be deemed to have met the requirements for mandatory arbitration, whether or not the mediation results in resolution of all claims.
- (2) Parties may enter into arbitration in the event that mediation is unsuccessful. Any such request to arbitrate after mediation shall be governed by SLR Chapter 13.

12.103 ASSIGNMENT OF MEDIATOR IN CIVIL ACTIONS

- (1) If no arbitrator has been selected or assigned at the time of the stipulation to mediate, the parties may:
 - (a) Select a mediator by stipulation; or
 - (b) Follow the procedures for assignment of an arbitrator pursuant to UTCR 13.080, except that the mediator shall be chosen from among those on the Court's list of mediators.
- (2) Mediators whose names are maintained on the Court's list shall have the qualifications of arbitrators under UTCR 13.090(1).
- (3) If an arbitrator has been assigned at the time of the stipulation to mediate, the parties may select a mediator in either of the following methods:
 - (a) Request the arbitrator to serve as a mediator. If the arbitrator agrees to serve as mediator, UTCR 13.130 will not apply.
 - (b) Stipulate to another mediator. If another mediator is selected, the arbitrator shall be informed immediately, and shall be compensated, pursuant to UTCR 13.120, for any time already invested in the case.

12.107 MEDIATION PROCESS IN CIVIL ACTIONS

- (1) Parties shall provide information to the mediator on request.
- (2) The mediator shall report the results of mediation on such forms as the Court may direct.

12.301 SMALL CLAIMS MEDIATION

Mediation in small claims cases is mandatory unless waived by the Court for good cause. Requests for a change in the mediation date must be in writing and received by the Court no later than seven (7) days before the scheduled mediation date.

12.303 SMALL CLAIMS MEDIATION PROCEDURES

- (1) The Court shall assign cases to a mediator. Each party shall come to mediation with full authority to make and accept offers for settlement.
- (2) All parties must appear for small claims mediation. If a party fails to appear for small claims mediation, a default judgment may be entered against him or her subsequent to an opportunity for a hearing. An authorized representative may appear on behalf of a business but must be familiar with the facts of the case with full authority to settle. Unless a party to the case, attorneys shall not attend small claims mediation.
- (3) If mediation is not successful, the case will be set for trial. If mediation is successful, the agreement will be forwarded to a judge for approval.
- (4) If a party fails to comply with the terms of the mediation agreement, the other party may file a declaration of non-compliance, provide a copy to the opposing party, and obtain judgment on the original claim.

CHAPTER 13 - Arbitration

13.011 REFERRAL TO ARBITRATION

- (1) A case subject to arbitration shall be transferred to arbitration when the case is at issue.
- (2) The Court may remove a case from arbitration at any time.

13.035 ALTERNATIVE DISPUTE RESOLUTION COMMISSION

The Court's arbitration and mediation programs shall function under the direction of an Alternative Dispute Resolution Commission, which shall consist of a judge and at least two attorneys. The Trial Court Administrator is an ex officio member of the Commission.

13.161 LOCATION OF ARBITRATION PROCEEDINGS

Unless otherwise stipulated by all parties, arbitration and mediation proceedings shall be scheduled at a location in Clatsop County, Oregon.

CHAPTER 15 - Small Claims

15.025 MANDATORY MEDIATION

Mediation in small claims cases is mandatory and shall proceed as set forth in SLR Chapter 12 unless the Court waives mediation for good cause.

Chapter 16 – Violations

16.001 VIOLATIONS BUREAU

By General Order of the Court and pursuant to ORS 153.800, the Court has established a Violations Bureau for the disposition of all violations.

16.005 TRIAL BY DECLARATION UNDER PENALTY OF PERJURY

Trial by declaration under penalty of perjury, as provided in ORS 153.080, is authorized by General Order of the Court for all violations unless related to a pending criminal charge. For trial by declaration under penalty of perjury, the defendant's submission must clearly waive the right to submit oral testimony in court in favor of written statement. The Court's election form, which includes the waiver, and declaration form are available on the Court's website.

APPENDIX I
SEE SLR 7.012

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

STATE OF OREGON,)	Case No.
)	
Plaintiff,)	
v.)	NOTICE OF REPRESENTATION AND
)	MOTION FOR ORDER ON
)	ARRAIGNMENT
Defendant.)	

TO THE CIRCUIT COURT:

I represent defendant in this criminal case.

Defendant waives arraignment and advice of rights and pleads not guilty. I have advised defendant of his constitutional and statutory rights and the consequences of conviction, including potential immigration issues. I have explained the charges and maximum penalty for each charge.

Demand is hereby made upon the Clatsop County District Attorney's Office for all information required under the discovery statutes, to be provided at least ten (10) days prior to the Early Resolution Conference.

Conditional Release Agreement and Processing

Within seven days of filing this motion, defendant agrees to report to the Clatsop Circuit Court clerk on the first floor of the Clatsop County Courthouse to sign a conditional release agreement and, within the same seven days, report to the Clatsop County Jail to be booked and released.

DATED: _____

Attorney Signature

Bar No. _____

APPENDIX II

See SLR 8.045(2)

You must file a response in writing to this Order to Show Cause within the time allowed by the Order. If you do not file a response within that time, the other person probably will get what he or she asked for. If you have questions, you should see an attorney immediately.

You may find forms and instructions for filing a response at:
<http://courts.oregon.gov/Clatsop/docs/PrejudgeAnswering.pdf>

To file a response, you must do the following things:

- (1) Write the case number on your response. You will find the case number in the upper right corner of the Order.
- (2) Write which of the items in the Order to Show Cause you disagree with and why. You should file an affidavit(s) with your response if you want the judge to know more information. If child support is an issue, you must file a Uniform Support Declaration. You may find the form on the Oregon Judicial Department website at:
<http://courts.oregon.gov/OJD/OSCA/JFCPD/Pages/FLP/Forms-Miscellaneous.aspx>
- (3) You must sign the response and include your current mailing address. The Court will send you notices at the address listed on your response unless you file a written notice of address change with the Court. You may miss important court dates if the Court doesn't have your current address.
- (4) Your response and affidavit must be mailed or given to the court clerk so it reaches the Court within the time allowed by the Order.
- (5) You must pay a filing fee to file your response and affidavit or get a court order waiving or deferring the filing fee. Contact the court clerk if you want more information on fee waivers and deferrals.
- (6) At the same time or before you file your response with the Court, you must send a copy of the response and affidavit to the other side's lawyer or to the other side personally if he or she doesn't have a lawyer. Attach a certificate to your response that shows proof of mailing or hand-delivering or emailing. The Court will decide whether or not to grant the requests based on the affidavits you and the other person have filed. If you don't file a response, the Court probably will grant all of the other person's requests. The Court will send you the decision.
- (7) If you want to ask the Court to order things that are not covered in the Order to Show Cause, you must file your own motion with an affidavit and serve the other side or the other side's lawyer if he or she is represented.