

2023

The Nineteenth Judicial District

**COLUMBIA COUNTY
CIRCUIT COURT**

SUPPLEMENTARY LOCAL RULES



Effective February 1, 2023

STATE OF OREGON – COUNTY OF COLUMBIA



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

DATED: December 28, 2022

Court Administrator for Columbia County Circuit Court (or designee):

A handwritten signature in blue ink, appearing to be "K. J. [unclear]", is written over a horizontal blue line.

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COLUMBIA COUNTY CIRCUIT COURT SUPPLEMENTARY LOCAL RULES

The following supplementary rules are established pursuant to UTCR 1.030 and apply to operations in the Circuit Court.

Chapter 1 General Provisions

1.151 HOURS OPEN FOR OPERATION

Unless otherwise ordered due to emergency conditions, information regarding business hours for the Nineteenth Judicial District can be found at: <http://www.courts.oregon.gov/Columbia>.

1.161 FILING OF DOCUMENTS IN COURT

- (1) Court documents may be filed at the front counter in the Trial Court Administrator's office. Receipts for filing fees mailed to the court will be provided if a self-addressed, stamped envelope is attached to the filing. Documents without the appropriate filing fee attached will not be accepted for filing and will be returned to the party.
- (2) Mandatory Electronic Filing is required for members of the Oregon State Bar per UTCR 21.140. UTCR 21.070(3) details which documents must be filed conventionally by attorneys.

1.171 COURT WEBSITE

Columbia County Circuit Court maintains a website which lists information about the court. The address is <http://www.courts.oregon.gov/columbia>.

Chapter 3 Decorum In Proceedings

3.171 ATTORNEY REPRESENTATION

- (1) An attorney wishing to appear in a case for a client who already has an attorney of record will notify the court of his or her representation as soon as reasonably practicable, and will otherwise follow Oregon Rules of Professional Conduct 1.2 and 4.2.
- (2) If more than one attorney will be appearing for a single client in a given case, the attorneys must provide reasonable notice to the court of the role of each attorney in the case, including which attorney should be considered the "attorney of record."
- (3) Where a litigant in a criminal, juvenile or civil commitment case is represented by court-appointed counsel, another attorney may not represent the litigant in that case without first receiving written permission from the court.

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the hallways outside of any courtroom or court office. Upon request, on a case by case basis, the court will consider designating an area outside of the courtrooms and prohibited court areas for media and public access coverage. Requests to

conduct public access coverage in such areas may be made to the Office of the Trial Court Administrator at any time during the business day.

Chapter 4 Proceedings in Criminal Cases

4.081 APPEARANCE BY SIMULTANEOUS ELECTRONIC TRANSMISSION

- (1) Unless otherwise ordered by the court, in-custody arraignments shall be by simultaneous electronic transmission.
- (2) An in-custody defendant may appear by simultaneous electronic transmission pursuant to UTCR 4.080 at a release, change of plea, probation violation, or a sentencing hearing if allowed by statute.

Chapter 5 Proceedings in Civil Cases

5.061 EX PARTE MATTERS

Ex parte orders shall be e-filed or presented to the administrator's office to be forwarded to the assigned judge. Ex parte matters requiring a hearing shall be scheduled by court staff.

5.064 TIME FOR INITIAL APPEARANCES

Initial appearance protective order hearings and renewals are heard at 11:30 a.m. Monday through Friday.

Chapter 6 Trials

6.012 SETTLEMENT CONFERENCES

At the settlement conference:

- (1) No information disclosed will be revealed by the settlement judge or by any of the parties to the judge who will thereafter try the case, unless the parties have agreed that the settlement conference judge may preside at the trial.
- (2) All trial attorneys and parties or representatives of a corporation or insurance company who have full authority to settle and compromise the litigation must personally appear at the pre-trial settlement conference. However, the judge may permit remote appearances for good cause.

6.021 TRIAL FEES PAYABLE BEFORE TRIAL

No court or jury trial will proceed to trial until all trial fees are paid to the Trial Court Administrator. The receipt given for payment of said fees must be shown to the Courtroom Clerk at the time of trial before said trial will proceed.

6.081 EXHIBITS

In order for the Trial Court Administrator to comply with Oregon Judicial Department Policy pertaining to the listing and valuing of exhibits offered as evidence, the exhibits will be assigned

a value of zero, unless the party submitting the exhibits supplies a written opinion as to their value to the Trial Court Administrator.

6.121 DISPOSITIONS OF EXHIBITS IN CRIMINAL CASES

- (1) In cases where the parties request that an exhibit remain in the custody of the court, the court may require that the party requesting custody provide the court with a storage facility or safe deposit box, depending on the circumstances.
- (2) Thirty (30) days following entry of judgment if the court retained the exhibits, or upon return of the exhibits from the Court of Appeals, a notice will be sent to the attorneys of record requesting that they recover their respective exhibits within thirty (30) days or they will be disposed of by the court in accordance with Judicial Department Policy.
- (3) In the interests of victims, exhibits which are their personal property will be returned as expeditiously as possible. The District Attorney will seek such returns on their behalf as soon as is practicable.

Chapter 7 Case Management and Calendaring

7.011 CRIMINAL CASE GUILTY OR NO CONTEST PLEAS

The court will not accept guilty or no contest pleas unless the defendant has first read and completed a Petition to Enter a Plea of Guilty or No Contest. The Plea Petition must be read, completed and filed with the court two (2) business days prior to the time set for Plea and Sentencing.

7.012 SCHEDULING AND NOTIFICATION

All hearings not set in court will be set by the Judicial Assistant responsible for docketing that appearance. The court will notify the parties of the date and time of the hearing or trial.

7.013 CIVIL TRIAL STATUS REPORT

- (1) A Trial Status Report must be submitted by each attorney, or if unrepresented, by each party, to the Judicial Assistant of the Judge assigned to try the case. The Trial Status Report must be submitted by FAX, by email, in person or by letter delivered prior to noon the day of reporting. The Trial Status Report must not be given sooner than seven days before noon of the reporting date.
- (2) The Trial Status Report must be made by noon on the Thursday two weeks before the week the trial is set. If the Thursday is a non-judicial day, then the report must be made by noon the Wednesday two weeks before the week the trial is set. The Judicial Assistant will notify the attorney/parties by 2:00 P.M. on the Friday preceding the week the trial is set whether the case will be tried or will be required to remain ready as an alternate.
- (3) The Trial Status Report must report whether the case is ready for trial, has been settled or a plea will be entered; and if:

- (a) Trial - How much time is needed for trial.
- (b) Civil Settlement - How much time is needed for any dispositional hearing or when the judgment will be presented to the court. The Judicial Assistant will notify the attorneys/parties by 2:00 P.M. on the judicial day following the final reporting day whether the dispositional hearing will be held on the trial setting day or set for another day.

7.014 CONTINUANCES

No continuances will be granted except for good cause. All motions must be made in writing, clearly stating: the reason for the motion; acknowledgment that the client has been advised of the motion for continuance; and, whether the attorney/party for the opposing side agrees or objects to the continuance.

7.015 SCHEDULING CONFLICTS

If the court schedules an attorney and/or a party for more than one matter, in more than one courtroom, for a particular date and time (whether at the exact time or overlapping times), immediately upon receiving the second docket notice, the attorney/party must do the following:

- (1) If there are more than ten (10) days until the scheduled proceedings, the attorney/party must file a Motion to Resolve a Scheduling Conflict in both matters, with service on all affected attorneys/parties. The judges assigned to the conflicting matters will confer to resolve the conflict, and will notify the attorneys/parties of the decision. If the conferring judges cannot resolve the conflict, the Presiding Judge or the Presiding Judge's designee will make the decision and notify the attorneys/parties.
- (2) If there are ten (10) days or less until the scheduled date and time, the attorney/party must notify the other attorney/parties in all the scheduled matters, verbally or in writing, that they will be appearing before the Presiding Judge or the Presiding Judges' designee at 8:30 a.m. on the next business day to seek a resolution of the scheduling conflict. The Presiding judge or designee will resolve the conflict and notify the attorney/parties.
- (3) If the attorney/party does not have sufficient time to comply with (1) and (2) or fails to comply, the attorney/party must appear on the matter on the earliest date on the court's docketing notices. The attorney-party will not leave that proceeding until it has been concluded or they have been released by the judge handling the matter. The attorney/party must notify the judge and the other attorneys/parties in the second matter, as soon as possible but not later than twenty four (24) hours before the conflicting time, of the reason for their inability to appear in the conflicting case at the time scheduled.

7.016 PRE-TRIAL CONFERENCE AND CALL SYSTEM FOR NON-CUSTODY CRIMINAL CASES

Discovery will be made available to the defense counsel not more than 5 days after entry of plea. The district attorney must provide a settlement offer to defense counsel not less than 14 days prior to the first pretrial conference.

Chapter 8 Domestic Relations Proceedings

8.011 DIVISION OR VALUATION OF PERSONAL PROPERTY

- (1) Parties to all contested dissolution of marriage and dissolution of domestic partnerships may prepare a joint exhibit list similar to SLR Appendix A Form 8.011.5 if there is any dispute as to the division or valuation of personal property.
- (2) The exhibit list must contain:
 - (a) each item of property
 - (b) in columns to the right of the property list there is to be each party's estimate of fair-market value, each party's proposed distribution, and any claim as to pre-marital or inherited property
 - (c) at the bottom of each page there is to be a subtotal for each party's claimed fair-market value of the property
 - (d) the last page must have a total for each party based upon their claim for the item and their estimated fair-market value.
- (3) Each party must provide the other party with their exhibit list at least seven (7) days prior to the final hearing.
- (4) The joint property list exhibit is to be prepared pre-trial and submitted to the court at the beginning of the final hearing.

8.012 EDUCATION FOR DIVORCING PARENTS

- (1) The following cases are subject to this rule: Annulment or dissolution of marriage actions, legal separation actions, petitions to establish custody or parenting, and post-judgment litigation involving custody or parenting time.
- (2) All parties, where the interest of a child under the age of 18 years of age is involved, must successfully complete the education for divorcing parents program offered by court- designated providers or a pre-approved alternative education program. Parties must register for the program or make application for approval of an alternate program within 15 days of receiving notice of this education requirement. All parties must complete the program before the initial pre-trial conference.
- (3) Notice and information to the petitioner of the requirement that the parties complete the education program or alternative education program will be provided by the Trial Court Administrator when the petition is filed. The party initiating the proceeding must register for the program within 15 days after filing the initiating pleading with the court. A copy of this local rule and instructions on how to register for the program must be served by the initiating party on all parties against whom relief is sought. Service must be completed in the manner provided in ORCP 7 at the time the initiating documents are served. All other parties will have 30 days after service of the notice upon them to register for the program.
- (4) Each party must pay a fee determined by the program provider to cover program costs. The fee may be waived if the party presents a verified affidavit of indigence to the court, and the party meets indigence guidelines.

- (5) Each person who successfully completes the court's program or the pre-approved alternative program must present a certificate of completion to the judge at the pre-trial conference.
- (6) Upon showing of good cause, a party may request a waiver of this rule. The request must be made by motion, supported by affidavit, and filed within 15 days of receipt of the Trial Court Administrator's notice.
- (7) Court action on a petition will not be delayed by a party's refusal or delay in completing the program unless the non-complying party is the petitioner or the moving party. Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned judge may take appropriate action including, but not limited to, proceedings for contempt.

8.041 PREJUDGMENT/PENDENTE LITE RELIEF

All applications for prejudgment relief must be made by motion.

- (1) Motions under ORS 107.095, for custody, parenting time, child and spousal support, possession of personal property, and other temporary relief pending trial, must be made by motion to show cause, supported by affidavit(s) or declaration(s). The motion and show cause order must separately state each item of relief requested.
- (2) A notice of the hearing will be served up the opposing party, along with a certified copy of the order to show cause and a copy of the motion requesting relief, any affidavit(s) or declaration(s) filed with the motion, and a blank Uniform Support Declaration (USD), if the motion requests the court to order the other party to pay child or spousal support. In such cases, the notice of hearing must contain a statement that the adverse party is required by UTCR 8.040(4) to serve a copy of the USD on the moving party and file the original with the court at least seven (7) days prior to the show cause hearing. In addition, the notice must contain a warning that if the adverse party fails to serve and file the USD no later than noon on the last judicial day before the hearing, the court, in its discretion, may not consider the USD or any other evidence which the adverse party intends to present at the hearing. If the opposing party is not represented by counsel, the notices of hearing will also include a notice such as set forth in Appendix D to these rules.
- (3) All show-cause orders for pre-judgment/*pendente lite* relief will specify a response time of not less than 30 days from the date of service upon the opposing party. Such orders will require the opposing party to respond by filing an answer in writing together with opposing affidavit(s), declarations(s), or cross motion(s), if any, and to serve a copy of the answer, opposing affidavit(s) and/or declaration(s) on the moving party within the response time.
- (4) The show cause hearing will be set if an objection is filed and will be scheduled for a maximum of thirty minutes. The parties should be present to answer any questions the court may pose, but the court will not hear oral testimony, and will instead consider the sworn written statement of the parties and/or other witnesses.

- (5) Pre-judgment relief may also take the form of one of the following:
- (a) A motion for an “immediate danger” order pursuant to ORS §107.097(3)(a).
 - (b) A motion for a temporary protective order (or “status quo” order) pursuant to ORS 107.097(2)(a).
 - (c) Motions for relief pursuant to subsections (a) and (b) above may be heard on an *ex parte* basis under SLR 5.061, and are not subject to the 30-day rule specified in subsection (4), above
- (6) Motions for pre-judgment relief or responses to motions for pre-judgment relief will be considered by the court 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.

8.051 DOMESTIC RELATIONS POST JUDGMENT SHOW CAUSE ORDERS

- (1) The procedures of this rule are limited to post judgment domestic relations cases. “Domestic relations case(s)” means dissolution of marriage, legal separation cases including post-judgment motions, filiation 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 affidavit/declaration. The order to show cause will not contain a date for hearing. It will 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 within such additional time as allowed by the court upon a showing of good cause. The order must further state that if an opposing response is not filed and served within the thirty (30) days, the order requested by the motion and show cause order will be granted and entered by the court.
- (3) If the opposing party fails to file the opposing written response within the time allowed, the moving party must submit an order allowing the relief requested in the order to show cause. The court may require testimony of the moving party in such default matters. The court may, upon its own motion, enter the order requested if the opposing party does not file the required response or if the moving party fails to present the requisite order for signature.
- (4) If the opposing party files an opposing written response, either party may move for assignment of a hearing date. The party requesting assignment of a hearing date must serve a copy of the order setting the date on the other party. If either party fails to submit a motion requesting a hearing date the court may set a date on its own motion. The first paragraph of the motion requesting a hearing date must include an estimate of time required for argument and a statement whether official court reporting services are requested.
- (5) This rule is not intended to act as the procedure for orders requested pursuant to ORS 107.097(3), (4) and (5).

8.061 FILING DIVISION OF CHILD SUPPORT (DCS) WORKSHEETS

The child support computation worksheets appended to OAR 137-050-0320 to 137-050-0490 shall be filed with proposed judgments whenever a claim for child support has been raised by the pleadings. Even if the parties have agreed to an award of zero support at the time an order or judgment is signed or the court otherwise orders zero support, the worksheets are required to enable the court to make the legally required findings regarding the presumptive amount of support and the reason(s) to rebut that presumptive amount of child support.

8.071 CHILD PARENTING TIME

Columbia County Circuit Court has adopted a standardized parenting plan, per UTCR 8.070. (See Appendix C.)

8.081 DISCOVERY IN DOMESTIC RELATIONS CASES

Any request for discovery consisting of e-communications, medical or psychological records, or other information of private or sensitive nature concerning the other party shall be subject to a motion for protective order providing for an in camera inspection by the settlement judge in order to determine the relevance of such information to the pending case. The motion shall be supported by an affidavit setting forth why the information sought is particularly sensitive, and/or is likely sought only for the purposes of harassment, invasion of privacy, or other reason unrelated to obtaining discoverable materials.

8.200 MOTION FOR ORDER OF DEFAULT; MILITARY DECLARATION

A party seeking a default judgment or order must include information stating whether the party against whom the order is sought is in the military service as required by section 201(b)(1) of the Servicemembers Civil Relief Act, 50 U.S.C. 3931, as amended. The party seeking the default must include a print out from the Department of Defense website (<https://scra.dmdc.osd.mil/>) or, if the party does not have the information necessary to search that website, specific facts that explain how the moving party knows whether the opposing party is or is not in military service.

Chapter 9 Probate and Adoption Proceedings

9.081 PROTECTIVE PROCEEDINGS/OBJECTIONS

- (1) Any interested person, as described in ORS 125.075(1), who has an objection to a petition in a protective proceeding may make an oral objection in a protective proceeding at the TCA counter located in the Columbia County Courthouse, 230 Strand Street, St. Helens, Oregon. The objecting party should advise the court clerk that the objecting party wishes to make oral objections to the Petition. Upon receipt of the objection, the court will schedule a hearing and notify the appropriate parties. The respondent or protected person may also make objections orally to an appointed Court Visitor. Court Visitors are to include any objections by the respondent or protected person in the Visitor Report. The objection should be in bold and underlined so as to call its attention to the court when reviewing the report.
- (2) If the objecting party wishes to file a written objection, the court clerk will provide the objection form (See Appendix B).

9.091 STATEMENTS AND DISBURSEMENTS

Vouchers for disbursements made during the period covered by the account must be retained by the personal representative.

9.095 ATTORNEY FEES AND CORPORATE FIDUCIARY FEE APPROVAL

- (1) Attorney fee expenses under ORS 116.183 and 125.095 must be approved by the court.
 - (a) Such requests must be accompanied by a statement for attorney fees, filed in the form required by UTCR 5.080, showing the number of hours expended, the hourly rate charged, and a designation of title for each person performing the work.
 - (b) If tasks performed appear to be the duties of a personal representative, the court will question and possibly reduce attorney fee payments for such activities.
- (2) Consent by the parties to the attorney fee requests shall not waive the requirements of this rule.

9.311 ADOPTIONS

- (1) The petition for adoption must be submitted with payment for the required filing fees only. Payment for the amended birth certificate is to be tendered with the proposed judgment in accordance with sub-paragraph 2 (below).
- (2) The proposed judgment for an adoptee who was born in Oregon must be accompanied by an attorney check or money order payable to the Center for Health Statistics in the amount required by the center with the issuance of an amended birth certificate for each such adoptee. Judgments submitted without the required check or money order will be returned to the presenter.

Chapter 12 Mediation

12.001 MANDATORY MEDIATION

- (1) Any dispute involving custody and/or visitation and/or parenting time arising from any of the following types of cases will be subject to mediation under this rule.
 - (a) Any domestic relations case, as defined in ORS107.510(3)
 - (b) Any filiation proceeding pursuant to ORS 109.124 to109.230.
 - (c) Proceedings to determine custody or support of a child under ORS 109.103.
 - (d) Any proceeding to modify custody and/or visitation/parenting time previously determined in one of the above types of cases.
 - (e) Any other matter involving a dispute over custody and/or visitation and/or parenting time upon motion of the court.
- (2) The court which refers a case to mediation may set in its referral order the limits of the mediator's scope of authority in the case. In order to preserve and promote the integrity of mediation as a dispute-resolution technique, the court will endeavor to include all reasonable agreements reached by the parties in formulating its order in the case.

- (3) A party subject to these rules may be excused from mandatory mediation upon application by the party to the court with service upon the opposing party and after being given the opportunity to be heard in objection and upon showing good cause.

12.011 APPLICATION OF RULES

- (1) These rules do not apply to mediation by private agreement.
- (2) These rules must not be applied to restrict the process, but rather to grant considerable discretion to the mediator and mediating parties.

12.012 COURT JURISDICTION

- (1) A case filed in the circuit court remains under the jurisdiction of that court in all phases of the proceeding, including mediation.
- (2) Any agreement of the parties reached as a result of mediation for which court enforcement may be sought must be presented to the court and the court will retain final authority to accept, modify or reject the agreement.
- (3) At any point during the mediation, the court may approve a temporary custody and visitation order reflecting the parties' agreement as to those issues.

12.021 MEDIATION ORIENTATION

- (1) When a proceeding under SLR 12.001(1) is filed with the court, the parties will be ordered to view the mediation orientation video. Parties will receive instructions on how to view the video along with a declaration of completion of mediation orientation and the mediator selection list. Parties are required to return the declaration of completion and choice of mediator within ten (10) days. If the parties are unable to agree upon a mediator within ten (10) days, the court will appoint a mediator and notify the parties of the appointment. Mediation will consist of a maximum of four (4) hours involving the parties and the mediator. Additional time may be provided at the parties' expense.
- (2) When a civil proceeding is not arbitration eligible, the case will be referred to mediation at the discretion of the judge. The orientation for mediation will occur at the beginning of the mediation session.

12.022 MEDIATORS

- (1) To qualify as a court-approved mediator, a person must:
 - (a) Meet the mediator qualification in Uniform Trial Court Rules Chapter 12;
 - (b) Sign and file an application with the court; and
 - (c) Receive approval of the Presiding Judge, upon recommendation of the Local Family Law Advisory Committee.
- (2) The Presiding Judge may remove a mediator from the court-approved list at any time at the Presiding Judge's discretion.

12.031 CASE ASSIGNMENT OF MEDIATORS

- (1) The parties may select a mediator of their own choosing; however, if the mediator is not on the list of court approved mediators, the expense of the mediator will be the responsibility of the parties.
- (2) In the absence of a mediator selected by the parties, the court will appoint a mediator from the court approved list of mediators.

12.032 AUTHORITY OF MEDIATORS

- (1) A mediator has the authority and control over the mediation process; but a mediator has no control or authority over the parties or their decisions in the case.
- (2) A mediator has the authority to include and exclude attorneys from the mediation sessions unless otherwise agreed to by the mediator and the parties, in writing.
- (3) A mediator will encourage disputing parties to obtain individual legal advice and individual legal review of any mediation agreement before signing the agreement.
- (4) A mediator must not act as a lawyer for either party.

12.041 SCHEDULING OF MEDIATION SESSIONS

- (1) Upon notification of a mediation assignment, the mediator must immediately notify the parties of a reasonable date(s) and time(s) for the mediation sessions which must take place in Columbia County unless another location is agreed upon by the parties. The initial mediation session should occur within fourteen (14) days of the mediator's first notice of assignment.
- (2) Mediation must be completed in a prompt manner as to not unduly delay the court and in no event later than any deadline date which may be ordered by the court.

12.042 MEDIATOR'S REPORT TO THE COURT

- (1) In all cases which have been referred to a court appointed mediator, the mediator must make a final report to the court describing the conclusion of the mediation, whether successful or unsuccessful.
 - (a) Successful Mediation

The mediator must prepare a written memorandum of any agreement which the parties have reached as a result of mediation. The unsigned, proposed form of the memorandum of agreement must be distributed to the parties and their counsel by the mediator. If the parties choose to sign a memorandum of agreement after having had the opportunity to review with an attorney, the document may then be incorporated into a court judgment or order.
 - (b) Unsuccessful Mediation

The mediator may notify the court at any time following the initial mediation session involving the parties and the mediator that mediation has been

unsuccessful, in which case the proceeding will be scheduled for hearing in the same course and with the same priority as if there had been no mediation. The mediator may determine that the mediation has been unsuccessful if the parties are unable to resolve the custody or parenting time controversy, if one or both parties are unwilling to participate in mediation, or if the mediator determines that either party is using the mediation process in bad faith for the delay of resolution of other issues.

12.051 COMPENSATION OF MEDIATORS

- (1) In issues subject to mandatory mediation under these rules, Columbia County will compensate the mediator at the rate of \$75.00 per hour up to a maximum of four (4) hours per case, including one (1) hour for time spent preparing written memoranda or agreements. The funding source will be fees collected pursuant to ORS 107.615 and 21.112.
- (2) In issues not involved in mandatory mediation, the parties may agree to mediate with the court-appointed mediator; but the compensation arrangements must be between the parties and the mediator, as they may agree in writing, and the compensation rate must be negotiated by and between the parties and the mediator.
- (3) If the parties select a mediator who is not on the court-approved list, the compensation must be fixed by agreement between the parties and the mediator and will be the responsibility of the parties.

12.061 SMALL CLAIMS MEDIATION

Mediation in small claims cases is mandatory. After a demand for hearing is filed, both parties will be notified by mail of the date they are to appear for mediation. Any counterclaims will be heard at the same time. Request 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.

- (1) All contested small claims cases must be referred to mediation pursuant to ORS 36.185.
- (2) All parties must appear for mediation. A party not appearing for mediation may have a judgment entered against them 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 and must have full authority to settle. Attorneys will not be permitted to attend a small claim mediation session.
- (3) If mediation is not successful, a trial will take place. Trials may be set for a future date. If mediation is successful, the agreement will be forwarded to a judge for approval.
- (4) If the agreement states that one party will have judgment against the other, the judgment is entered in the records as an enforceable judgment. If the agreement calls for the recovery of money, specific personal property or any penalty or forfeiture, and the party who owes the debt does not abide by the agreement, the party who is owed is responsible for enforcing the judgment.
- (5) If the agreement does not state that one party will have judgment against the other, the signed agreement is entered in the case as a stipulated order. If one party fails to comply

with the terms of the agreement, the other party can file an affidavit of non-compliance within six months of the date of the stipulated order, which, if approved by a judge, will convert the stipulated order into a judgment for the original claim, less what the debtor has already paid. The creditor's filing fees, service costs, and a prevailing fee for a default will be added. After six months, if one party fails to comply with the signed order, a new case must be filed.

Chapter 13 Arbitration

13.031 ARBITRATION COMMISSION

The Arbitration Program will function under the direction of an Arbitration Commission, appointed by the Presiding Judge.

13.041 REFERRING CASES TO ARBITRATION

Cases which are otherwise subject to arbitration will be referred to arbitration as follows:

- (1) Within twenty (20) days of the date on which the Answer is filed, or
- (2) If no Answer has been filed, but the return of service has been received, within ninety (90) days of the date the Complaint is filed, or
- (3) At any time as specifically directed by the Presiding Judge.

13.091 ARBITRATION PANEL

- (1) The Columbia County Arbitration Panel will consist of individuals selected by the Arbitration Commission and having the following qualifications:
 - (a) An attorney with at least five (5) years continuous practice of law in Oregon including significant experience in civil litigation, with a present emphasis in his or her practice of law on civil litigation; or
 - (b) State of Oregon retired or senior judge.
- (2) The parties may stipulate to any arbitrator.
- (3) The panel will be selected by the Arbitration Commission subject to approval of the presiding judge.
- (4) A person desiring to serve as an arbitrator must complete an information sheet on the form prescribed by the court. A list showing the names of the members of the Arbitration Panel will be available for public inspection in the Arbitration Clerk's office. Execution of the form, oath and agreement to serve must be completed and filed before an applicant is eligible to arbitrate a case.
- (5) Refusal and Disqualification - The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Arbitration Clerk immediately if refusing to serve, or if any cause exists for the arbitrator's disqualification from the case upon any grounds of interest, relationship, bias or prejudice governing the disqualification of judges.

- (6) If disqualified, the arbitrator must immediately return all materials in the case to the Arbitration Clerk and the assignment of the case to arbitration will be repeated.
- (7) No arbitrator will have more than three (3) arbitration cases pending at any given time.

13.121 COMPENSATION OF ARBITRATORS - CIRCUIT COURT CASES

- (1) The Arbitration Commission must establish a compensation schedule for arbitrators.* The fee will be paid in equal shares by the parties within fourteen (14) days after the assignment of the arbitrator and will be deposited in the arbitrator's trust account until final disposition of the action. After final disposition, any refunds then owing will be paid within seven (7) business days.
- (2) The maximum fee per case established by the Arbitration Commission is \$500.00 except under extraordinary conditions when the procedural or substantive "complexity**" of the matter justifies a higher fee.
- (3) For the purpose of this rule, "complexity" refers to the multiplicity of parties and their representative claims, but may include other factors. If the arbitrator suggests that such extraordinary conditions justify a larger fee, and the parties concur, the fee will be adjusted accordingly and will be paid in full by the respective parties prior to the commencement of the arbitration hearing. If the parties do not concur with the higher fee, the arbitrator will bring the matter to the attention of the Presiding Judge before the commencement of the arbitration hearing. In such circumstances, the Presiding Judge may authorize a higher arbitrator's fee which must be paid before the commencement of the arbitration hearing, but in no event more than fourteen (14) days following the court's written approval.
- (4) If the plaintiff fails to pay the prescribed fee within fourteen (14) calendar days of assignment, the court may exercise its authority under UTCR 1.090 to strike the complaint which constitutes dismissal of the proceedings, absent relief prescribed by ORS 36.420(3).
- (5) If the defendant fails to pay the prescribed fee within fourteen (14) calendar days of assignment, the court may exercise its authority under UTCR 1.090 to impose an appropriate sanction.

13.122 INDIGENT PARTIES

- (1) In the event that funds are available under ORS 36.420 for the payment of fees that are waived or deferred, the arbitrator will be reimbursed after completion of the arbitration, filing of the arbitration award, and submission of a request for payment to the Trial Court Administrator. Such request must be in the form of a certificate stating the identity of the case, the total hours of service the arbitrator provided, and the share of those hours chargeable to the indigent party. If funds are available, reimbursement will be provided for up to three (3) hours for each indigent party. The certificate must be accompanied by a copy of the order waiving or deferring fees of indigent party.
- (2) In the event funds are not available under ORS 36.420 for the payment of fees that are waived or deferred by court order, a party may request that the clerk provide to the

parties a list of arbitrators who have agreed to serve for no compensation, for compensation from one (1) party only, or at a reduced rate.

- (3) The clerk will provide names of available arbitrators, but no arbitrator is required to serve unless he or she has agreed to such alternate fee arrangement. The parties will select an arbitrator from the list.

13.281 TRIAL SETTINGS ON ARBITRATION CASES WHERE A MOTION FOR DE NOVO TRIAL IS FILED

Every case in which a request for a trial de novo is filed will be set for trial within sixty (60) days of the date that the motion for a trial de novo is filed.

JOINT PROPERTY LIST								COLUMBIA COUNTY CIRCUIT CASE NUMBER:				
ASSETS ITEM DESCRIPTION		PETITIONER'S OPINION AWARD TO:			RESPONDENT'S OPINION AWARD TO:			PRE-MARITAL/ SEPARATE/JOINT			COURT'S OPINION OF VALUE AND ALLOCATION	
		VALUE	PET	RESP	VALUE	PET	RESP	JT	PET	RESP	PET	RESP
1												
2												
3												
4												
5												
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8												
9												
10												

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

Guardianship/Conservatorship of

A Protected Person

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)

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Case No.

Objection to Petition for Appointment of
Guardian/Conservator

I, _____, hereby object to the protective proceeding or the
proposed guardian or conservator for the following reasons:

Signature of Objecting Party

Printed Name of Objecting Party

Address or Contact Address

City State Zip

Telephone or Contact Telephone

COLUMBIA COUNTY STANDARD PARENTING TIME GUIDELINES

It is the policy of this court to encourage the parties 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.

However, if the parties are unable to agree on a schedule which best suits their family circumstances and the needs of the child(ren), these parenting time guidelines, when appropriate, will be used by the court as a basis for establishing parenting time. Because the circumstances of each family differ, the parenting time schedule established by the court may provide for more or less parenting time than desired by the parties.

Additionally, these guidelines are inapplicable to families experiencing domestic violence, mental health or substance abuse issues. The guidelines set forth reasonable parenting time for a non-custodial parent for cases not involving such problems, and in which the parents are able to communicate effectively and in the best interests of the child(ren).

These parenting time guidelines do not establish any minimum standard for parenting time and are not intended as mandatory provisions, under any circumstance.

- (1) Subject to the parenting time guidelines as set forth in subsection 13 of this plan which modify parenting time until the child reaches the age of six, the non-custodial parent shall have the following PARENTING TIME SCHEDULE:
 - (a) ALTERNATE WEEKENDS, a weekend being defined as beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday; and
 - (b) ALTERNATE WEDNESDAYS, commencing at 9:00 A.M. and ending at 6:00 P.M., providing the child is not in school; and
 - (c) WINTER BREAK: Regardless of whether the child is attending school, parenting time shall be during the period of winter vacation of the district in which the custodial parent resides (measured from the day school adjourns through the day before school resumes). Parenting time for the non-custodial parent shall commence at 6:00 P.M. on the day school adjourns through 8:00 A.M. on December 25 in odd-numbered years, and from 9:00 A.M. on December 25 until 9:00 A.M. on the last day of the break in even-numbered years; and
 - (d) THANKSGIVING BREAK: In even numbered years, commencing on Wednesday at 6:00 P.M. and ending on Sunday at 6:00 P.M.; and
 - (e) SPRING BREAK: In odd numbered years, spring vacation of the school district of the custodial parents residence from 6:00 P.M. on the day that school adjourns until 9:00 A.M. on Sunday prior to the commencement of school; and
 - (f) SUMMER BREAK: Regardless of whether the child is in school, for a period of five weeks during summer school vacation commencing at the beginning of the break in even numbered years and the last five weeks of the summer in odd numbered years

(except that the child shall be returned to the custodial parent at least thirty-six hours prior to the commencement of school in the fall).

1. When the non-custodial parent exercises their right to a parenting time period of more than twenty days, the custodial parent shall have the right to a weekend parenting time. At the option of the non-custodial parent, the weekend parenting time for this summer break shall occur on the third or fourth weekend and shall be preceded by notice to the custodial parent at the commencement of the summer parenting time period. Further, this parenting time shall not extend beyond the summer parenting time period of the non-custodial parent.
2. In the period of time not assigned to the non-custodial parent, the custodial parent shall be entitled to an uninterrupted two week block during which the alternate weekend and alternate Wednesday of the non-custodial parent shall be suspended. Notice of the dates of the two week block shall be given to the non-custodial parent at the commencement of the summer break.

(g) HOLIDAYS: The non-custodial parent shall be entitled to alternate legal holidays as set forth in ORS 187.010 et seq, excluding Sundays and those holidays previously mentioned or explicitly covered, commencing with Martin Luther King, Jr.'s Birthday on the third Monday in January in even numbered years, and in odd numbered years with Presidents Day on the third Monday in February.

1. Any holiday not falling on Friday, Saturday, Sunday or Monday, the period of parenting time shall be from 9:00 A.M. through 6:00 P.M., unless the holiday falls on a school day in which case there will be no parenting time. Any holiday falling on a Friday or a Monday, will entitle the party to the holiday, to have the child for the entire weekend, including the holiday. If the holiday falls on Friday, parenting time will be from 6:00 P.M. on Thursday to 6:00 P.M. on Sunday. If the holiday falls on Monday, parenting time is from 6:00 P.M. on Friday, through 6:00 P.M. on Monday.
2. Fourth of July shall be included in the non-custodial parent's summer parenting time during even numbered years, regardless to which the holiday belongs.

(h) PERSONAL HOLIDAYS: The non-custodial parent shall be entitled to have parenting time on the day of his or her birthday from 9:00 A.M. to 6:00 P.M., if occurring on a non-school day. If the custodial parent's birthday falls during a period of parenting time, the custodial parent shall be entitled to parenting time with the child for that day from 9:00 A.M. to 6:00 P.M., unless it causes a substantial interference with the scheduled parenting time of the non-custodial parent. Further, each parent is entitled to parenting time on their respective Mother's or Father's Day, from 9:00 A.M. until 6:00 P.M.; and either parent may include this day in a whole weekend and trade the upcoming parenting time weekend for Mother's or Father's Day weekend.

(i) CHILD'S BIRTHDAY: The non-custodial parent shall be entitled to parenting time with the child on the child's birthday in even numbered years. The parenting time will be from 9:00 A.M. if the birthday falls on a non-school day until 6:00 P.M., and if the birthday falls on a school day, from 5:00 P.M. until 8:00 P.M.

- (2) All parenting time periods shall be exercised in a prompt manner so that both parties can make their plans accordingly. The non-custodial parent shall pick the child up from the front steps of the custodial parent's residence no earlier than 15 minutes before and not later than 15 minutes after the parenting time period commences. Return of the child to the front steps of the custodial parent's residence shall also be subject to the 15 minute rule. The non-custodial parent shall notify the custodial parent by telephone at least 24 hours in advance if he or she is going to be unable to exercise parenting time rights as scheduled.
- (3) The custodial parent shall have the child fed and ready on time for parenting time with sufficient and proper clothing packed and ready for the parenting time period.
- (4) The non-custodial parent shall feed the child the evening meal before returning from the parenting time period, and return the child with the same clothes as when they arrived, laundered and ready to wear.
- (5) In the event the child is ill and unable to visit, a makeup parenting time will be allowed to the non-custodial parent on the next succeeding weekend. However, if the non-custodial parent fails to exercise their parenting time, for reasons of health or for any other reason, there will be no makeup parenting time period. The child will not be permitted to determine whether they wish to visit with the non-custodial parent.
- (6) Personal plans of the custodial parent or child, school activities, church activities and other considerations will not be reasons for failing to adhere to the parenting time schedule set forth in the court's order. Only substantial medical reasons will be considered sufficient for postponement of parenting time.
- (7) Both parties will provide addresses and contact telephone numbers to the other party and will immediately notify the other party of any emergency circumstances or substantial changes in the health of the child. Both parents shall be entitled to complete access to all medical, dental and other records concerning the health of the child.
- (8) The non-custodial parent shall, in addition to the parenting time, have the unlimited right to correspond with the child, and to telephone the child during reasonable hours without interference or monitoring by the custodial parent or anyone else in any way. Unless otherwise agreed upon between the parties, telephone conferences between the non-custodial parent and child shall be limited to no more than 3 per week and each call shall be of 10 minutes or less in duration. The custodial parent shall have the same rights as set forth above during the period that the child is with the non-custodial parent.
- (9) Both parties shall be restrained and enjoined from making derogatory comments about the other party or in any way diminishing the love, respect and affection that the child has for the other party.
- (10) In addition to the parenting time specified above, the non-custodial parent shall have the right to visit with the child at school, attend the child's school activities, and have full access to school teachers and administrators for complete information about the child in school. The non-custodial parent does not have the right to take the child out of school without the written authorization of the custodial parent.

- (11) No modification, or acquiescence in changes of these specific parenting time conditions will be allowed or recognized, unless such modifications are in the form of a written stipulation signed by the parties, or a court order.
- (12) As is state law, unless otherwise set forth in the judgment of dissolution, no modification or abatement of support shall occur during the periods of parenting time, including the summer.
- (13) The following are PARENTING TIME GUIDELINES in reference to the age of the child:
 - (a) INFANTS THROUGH 12 MONTHS: The parenting time in section 1 shall be modified as follows:
 - 1. The alternate weekend in Section 1 (a) shall be reduced to a 24 hour period beginning at 6:00 pm on Friday and ending at 6:00 p.m. on Saturday.
 - 2. Sections 1(b) through 1(h) do not apply.
 - 3. The non-custodial parent shall be allowed a 3 hour period beginning at 6:00 pm and ending at 9:00 p.m. each Monday and Wednesday.
 - 4. The parents are encouraged to add additional days during the summer break.
 - (b) CHILDREN AGE ONE THROUGH THREE:
 - 1. The alternate weekend in Section 1 (a) shall be reduced to a 24 hour period beginning at 6:00 pm on Friday and ending at 6:00 p.m. on Saturday.
 - 2. The non-custodial parent shall be allowed a 3 hour period beginning at 6:00 pm and ending at 9:00 p.m. each Monday and Wednesday;
 - 3. Winter break in Section 1(c) shall be reduced to 6:00 pm on December 23 to 8:00 p.m. on December 24 in even numbered years, and 8:00 p.m. on December 24 to 6:00 pm on December 25 in odd numbered years.
 - 4. Thanksgiving break in Section 1(d) shall be reduced to Thursday at 9:00 a.m. to Friday at 9:00 a.m. in even numbered years.
 - 5. The summer break in section 1(f) shall be reduced to 5 three day blocks, each block being separated by at least three days. The blocks may not be used to extend any period of parenting time to four days or more. The non-custodial parent shall notify the custodial parent in writing by May 1 of each year setting out the schedule for the summer break.
 - 6. Sections 1 (b) and (e) do not apply.
 - 7. If the holiday listed in section 1(g) falls on a Monday, parenting time will be

from 6:00 pm on Sunday until 9:00 p.m. on Monday. Parenting time on Veterans Day and Independence Day shall be from 9:00 a.m. until 6:00p.m.

(c) CHILDREN FOUR THROUGH FIVE

1. The summer break listed in section 1(f) shall be 2 two week blocks with at least a 2 week block in between. The non-custodial parent shall notify the custodial parent in writing by May 1 of each year setting out the schedule for the summer break.

(d) CHILDREN AGE SIX TO TWELVE: The parenting time schedule should be flexible enough to insure the child's participation in ongoing or special activities. During the summer, residence with the non-custodial parent is suggested with the custodial parent having weekly or bi-weekly access.

(e) ADOLESCENTS AND YOUNG ADULTS, OVER TWELVE: Flexible parenting time is the basic principle, with the child having some input to avoid scheduling conflicts. At this age, it seems the quality of time is more important than the quantity. During the summer, consideration should be given to the child's employment, organized athletics and other activities.

(f) LONG DISTANCE PARENTING TIME: Unless otherwise specified by court order, the non-custodial parent shall make appropriate arrangements for travel, taking into account the age of the child.

NOTICE

You must file an answer in writing to this order within the time allowed by the order. If you do not file a written answer within such time, the other side may be given whatever he or she is requesting in the motion. If you have any questions, you should see an attorney immediately. In order to file an answer in writing, you must do the following things:

- (1) Your written answer must contain the title and number of this case.
- (2) Your written answer must specify the item or items of relief requested by the other side which you oppose. Although you do not need to state the reasons why you oppose the requested relief, your answer will be more easily understood if you do.
- (3) Your written answer must be signed by you and must contain your current mailing address and your phone number. All future notices and documents in this case will be sent to you at the address listed on your written answer unless and until you file in this case a written notice of a change of such address, and the court will proceed on the assumption that you have received all communications and documents mailed to you at your most current address on file in this case.
- (4) Your written answer must be mailed or presented to the clerk of the court so as to actually reach the clerk of the court within the time allowed.
- (5) Your written answer must be accompanied by payment of any filing fee required by law for the filing of the answer, or you must obtain a court order waiving or deferring such filing fee (you should contact the clerk of the court if you have any questions concerning a filing fee).
- (6) At or before the time you file your written answer with the clerk of the court, you must mail a copy of the answer to the attorney for the other side or to the other side personally if he or she is not represented by an attorney. You must attach a certificate showing proof of mailing to the answer which you file with the clerk. If you properly file a written answer, the court will set a court date and time for both parties to appear. The hearing will be scheduled for a maximum of thirty (30) minutes unless the court finds good reason to extend the hearing. The parties should be present to answer any questions the court may ask. The court will not hear oral testimony but will consider written statements of witnesses. If you do not file an answer within the time allowed, the relief requested may be granted. If you wish to seek affirmative relief for yourself against the other side, you must file an appropriate motion with an affidavit, and you must mail a copy of the motion and affidavit to the attorney for the other side or to the other side personally if he or she is not represented by an attorney.