

SUPPLEMENTARY LOCAL TRIAL COURT RULES
OF THE CIRCUIT COURT
OF THE STATE OF OREGON
FOR THE FIFTEENTH JUDICIAL DISTRICT
(Coos and Curry Counties)

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CHAPTER 1 – GENERAL INFORMATION

1.151 Hours Open for Business

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

1.161 Filing of Documents

- (1) Except as provided in subsections (2) and (3) of this section, documents for all Circuit Court cases in Coos County are to be filed at the Coos County Courthouse during the clerk's public business hours. Documents for all Circuit Court cases in Curry County are to be filed at the Curry County Courthouse during the clerk's public business hours.
- (2) In Coos County, all Small Claims, Eviction (Forcible Entry and Detainer), Probate, Civil Commitment, Stalking, Name Change and Violation cases are to be filed at the North Bend Annex during the clerk's public business hours.
- (3) Mandatory Electronic Filing is required for members of the Oregon State Bar per UTCR 21.140.

1.171 Fifteenth Judicial District Website

The website address is: <http://www.courts.oregon.gov/Coos/>

CHAPTER 3 – DECORUM IN PROCEEDINGS

3.011 Proper Apparel for Curry County Juvenile Court

- (1) Proper attire is required by everyone entering the Curry County Circuit Court for Juvenile Hearings, and will be strictly enforced. Anyone not properly dressed upon arriving in the courtroom may be sent away until properly dressed.
- (2) The following items are unacceptable attire:
 - (a) Tube tops, tank tops, halter tops, bare midriff tops, see-through tops
 - (b) Shorts
 - (c) Dresses shorter than the fingertips of extended arms
 - (d) Skirts or pants with waists that allow undergarments to be seen
 - (e) Clothing with large holes
 - (f) Hats
 - (g) Clothing which display controlled substances (tobacco, alcohol, drugs), double meanings, hate motivated behavior, illegal activities, obscene gestures or language, profanity, sexual references or violence
 - (h) Bare feet or "flip flops"

- (i) Chains which could be used as weapons
- (j) Tee shirts

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.

3.182 Electronic Devices

- (1) Definition: For the purposes of this rule, electronic devices include, but are not limited to: cellular telephones, pagers, iPads, notebook computers, laptop computers and other devices that electronically communicate via text or email and can access the internet.
- (2) Limitations on Use: Except as permitted by UTCR 3.180, electronic devices must be turned off while in a courtroom or in a jury room. They may be turned on when not in a courtroom or in a jury room, however, such devices shall not be used to record, receive, or transmit video images, pictures, or audio at any time when inside a courtroom, court offices or the hallways outside and leading to a courtroom or court office.

CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES

4.006 Testimony by Judges of the Circuit Court, Trial Court Administrator or Staff

Any matter requiring testimony of a judge of the Coos or Curry County Circuit Court, the trial court administrator, and/or trial court staff will be subject to a preliminary conference to determine scheduling of the witness and the intended subject of the testimony. The party seeking the testimony shall request the conference no later than fourteen (14) days before the scheduled trial or hearing date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

4.081 Appearance by Simultaneous Electronic Transmission

An in-custody defendant may appear by simultaneous electronic transmission pursuant to UTCR 4.080 at an arraignment, release, change of plea, probation violation, or a sentencing hearing.

CHAPTER 5 – PROCEEDINGS IN CIVIL CASES

5.006 Testimony by Judges of the Circuit Court, Trial Court Administrator or Staff

Any matter requiring testimony of a judge of the Coos or Curry County Circuit Court, the trial court administrator, and/or trial court staff will be subject to a preliminary conference to determine scheduling of the witness and the intended subject of the testimony. The party seeking the testimony shall request the conference no later than fourteen (14) days before the scheduled trial or hearing date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

5.041 Confirmation Cards and Conformed Copies

- (1) Unless required by law or rule, conformed copies of orders and judgments will not be provided. Signed copies of orders and judgments may be obtained on-line or from the Circuit Court Clerk's Office.

5.055 Time for Hearing Motions

- (1) All motions, except motions for summary judgment, shall be heard at 8:30 a.m., Monday through Friday, four weeks from the date on the certificate of service filed with the court. The original certificate of service shall be attached to the original motion filed with the court and a copy of the certificate shall be attached to the copy of the motion mailed to the opposing party. If the certificate shows it was mailed on a Saturday or Sunday, it shall be deemed to have been mailed on the following Monday. If the day on which the motion is to be heard falls on a non-judicial day, it shall be heard the next judicial day.
- (2) Subsection (1) shall also apply to motions for summary judgment except that the time period shall be five weeks.
- (3) If a party requests an expedited hearing of a motion, the request must be made in the caption of the motion and the party making the request must make arrangements with the court and the opposing party for the motion to be heard.

5.061 Stipulated and *Ex Parte* Matters

All stipulated and *ex parte* matters shall be presented to the court for signing at 8:30 a.m. in accordance with UTCR 5.060 (4).

5.062 Trial Court File Presented with *Ex Parte* Matter

If a party presents an *ex parte* matter to the court, the party presenting the matter shall be responsible for notifying the administrator's office so the trial court or electronic file, if any, will be available to the court for inspection.

5.064 Time for Show Cause Matters, OMNI Hearings and Other Hearings

- (1) Domestic relations show cause hearings, other than support hearings handled by

the DA or AG, are set on certain days at 9:00 a.m. at either the Coquille Courthouse or the North Bend Annex. Odd numbered cases will be set in North Bend and even numbered cases will be set in Coquille. Contact the calendar clerk at 541-396-4075 for available days

- (2) Child support and contempt hearings will be set in Coquille on the schedule described in section (4).
- (3) Show cause motions shall contain a warning in bold type that if the responding party does not file an appearance within 30 days of service, the party filing the show cause motion may file for judgment in accordance with the requests in the show cause motion. The party filing the show cause motion shall immediately have the show cause motion and supporting documents served on the other party and may not grant more than one 30 day extension to the responding party to appear. If the responding party does not appear, the party filing the show cause motion shall apply for judgment in accordance with the show cause motion.
- (4) Child support show cause and contempt hearings are on the third Friday of each month. District Attorney child support hearings and restraining order contempt trials are at 9:00 a.m. and Department of Justice child support hearings at 11:00 a.m. in Coquille.
- (5) Restraining order hearings are heard at 8:30 a.m. on Monday through Friday in Coquille.
- (6) Modification of restraining order hearings involving parties in an intimate relationship are heard in Coquille at 8:30 a.m. Monday through Friday. All other modification of restraining order hearings are heard in North Bend at 9:00 a.m. Monday through Friday.
- (7) Omnibus hearings are set on Mondays at 9:00 a.m., 10:30 a.m., 1:30 p.m., and 3:00 p.m. in Coquille, except when Monday is a holiday. When Monday is a holiday such hearings are set on the following Tuesday. Omnibus hearings are set at the judges' discretion in Curry County.
- (8) In Curry County all show cause hearings will be heard on Mondays at 9:30 a.m. except those involving Support Enforcement. Support Enforcement hearings will be scheduled as needed through the Judges' Judicial Assistant.
- (9) If a show cause hearing will take more than a half-day, the motion must state the approximate time estimated for the hearing in the caption of the motion.
- (10) Hearings for Petitions for Relief from Prohibition against Possession or Purchasing Firearms filed in Coos County shall be heard in North Bend at a time set by the court.

- (11) Stalking order hearings are heard in North Bend at 8:15 a.m. Mondays through Fridays.

CHAPTER 6 – TRIALS

6.005 Trial Times

- (1) Coos - Domestic trials are set on certain days at 9:00 a.m. at either the Coquille Courthouse or the North Bend Annex. Odd numbered cases will be set in North Bend and even numbered cases will be set in Coquille.
- (2) Coos - Civil jury trials and criminal jury and non-jury trials are set at the Coquille Courthouse on Tuesdays through Fridays at 9:30 a.m., but a trial set for five or more days may be heard on Mondays if so set by the Presiding Judge. Civil non-jury trials are set at the North Bend Annex Tuesdays through Thursdays at 9:00 a.m.
- (3) Curry - In general, jury and nonjury trials shall be heard Tuesday through Friday beginning at 9:30 a.m. (jury trials are scheduled for the first two weeks of each month).
- (4) Juvenile hearings in Coos are set on Mondays of each week. Juvenile trials, except termination of parental rights, are heard on every other Thursday beginning at 9:00 a.m. Termination of parental rights cases are set as provided in subsection (2).
- (5) Juvenile hearings in Curry are set at 2:30 p.m. on Mondays and trials are set at times designated by the Judge.
- (6) If parties have pretrial matters to discuss with the court prior to the start of a jury trial, the parties must appear at least 30 minutes before the start of trial and inform the court that pretrial matters need to be heard.
- (7) This rule applies to civil, criminal, domestic, juvenile, and all other types of matters requiring a trial or hearing.

6.008 Trial Fees

- (1) Pursuant to ORS 21.225 the trial fee for the first day of either a jury or non-jury trial must be paid no later than 12:00 p.m. on the judicial day immediately preceding the first day of trial.
- (2) If the party responsible for paying the trial fee under ORS 21.225 believes such party is entitled to a waiver or deferment of the trial fee under ORS 21.680 to 21.700, the party must obtain from the court a waiver or deferment no later than 12:00 p.m. of the judicial day immediately preceding the first day of trial. Waiver or deferment by the court of a filing fee or other fees for a party does not relieve such

party from the obligation of obtaining a waiver or deferment of the trial fee as provided for in this paragraph.

- (3) Failure to pay or obtain a waiver of deferment of the trial fee no later than 12:00 p.m. on the judicial day immediately preceding the first day of trial, in addition to the remedy in ORS 21.225 (3)(c) and (4), may result in other orders by the court, including dismissal of the case.

6.012 Pretrial Settlement Conferences

- (1) In all civil cases, when applicable, including dissolution of marriage and post-judgment modification proceedings, if one party requests a pretrial settlement conference, the settlement conference shall be held and shall be conducted according to the procedure set forth in this rule. However, the pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.
- (2) Each trial attorney and party or representative of the corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the pretrial settlement conference; however, the judge may permit telephone appearances for good cause. If the judge allows a telephone appearance, the person appearing by telephone must be available at all times during the settlement conference.
- (3) Each settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the judge or by agreement of all attorneys and parties.
- (4) The pretrial settlement conferences shall not delay the trial scheduling.
- (5) If the case does not settle, the settlement conference judge shall be permitted to act as trial judge only if all parties so stipulate.
- (6) Before the beginning of the settlement conference, each party shall submit a pretrial statement to the settlement conference judge. The pretrial statement shall contain:
 - (a) A brief summary and analysis of the key issues involved in the litigation; and
 - (b) The status of any settlement negotiation.
- (7) The pretrial statements shall be confidential and shall not be placed in the trial court file.
- (8) Materials or notes prepared by the settlement conference judge will not be placed in the trial court file in the event that the case does not settle or upon request of

either party, and in that event, the materials or notes shall be destroyed by the settlement conference judge.

6.061 Jury Instructions and Verdict Forms

All jury instructions and verdict forms must be filed with the court by 8:30 a.m. the day before the trial is set to start.

6.075 Settlement and Call Day

- (1) Every Friday shall be call day except if that Friday is a non-judicial day, the preceding Thursday shall be call day.
- (2) Call day applies to civil, domestic, show cause, and other contested proceedings, but excluding juvenile cases, termination of parent rights cases, and all criminal cases.
- (3) During the week before a trial, proceeding, or hearing is scheduled to be tried, but not later than 12:00 p.m. on call day, it shall be the responsibility of every attorney who has a trial, proceeding, or hearing scheduled to be tried to notify the office of the presiding judge for cases in Coquille, the office of the judge in North Bend for cases in North Bend, and the office of the judge in Gold Beach for cases in Curry County whether the matter will be tried. Fulfillment of this requirement can be accomplished by phone or in writing as long as such communication is received by the appropriate judge's office during the week before the matter is to be tried, but no later than 12:00 p.m. on call day.
- (4) If a case is scheduled to be tried before a jury and has been settled, it will be necessary for the parties settling the case to either appear and put the settlement on the record or submit the appropriate dismissal or settlement papers to the court. This shall be done at least one judicial day before the date set for trial. A conference call to put the settlement on the record will be sufficient compliance with this rule. It will be the responsibility of the parties involved to arrange and pay for such call.
- (5) In any trial, proceeding, or hearing scheduled to be tried or heard by the court alone, if a case settles, it will be necessary for the parties involved to either appear in person and put the settlement on the record or submit the appropriate dismissal or settlement papers to the court. This shall be done on or before the time set for trial, proceeding, or hearing. A conference call arranged and paid for by the parties is sufficient compliance with this rule.
- (6) If the case does not settle as anticipated by the parties, they shall be prepared to try the case at the time scheduled or the case shall be dismissed. If the attorney or parties inform the court a case has settled and the trial date passes, the case will not be returned to the trial docket, but will be dismissed unless exceptional

circumstances are shown.

6.085 *Voir Dire*

- (1) In all jury trials the court shall inquire of the jurors initially called as a group and/or individually. After the court has finished its inquiries, each party may inquire of the jurors initially called as a group and/or individually. The court may place reasonable limits on *voir dire*.
- (2) When a juror is excused for cause or by peremptory challenge, the replacement juror shall be questioned by the court with each party following. The court may place reasonable limits on *voir dire*.
- (3) Multiple parties must share the times allotted.
- (4) The parties may submit printed questions for the court to ask before the start of trial.
- (5) A request for *voir dire* other than as provided by this rule must be made in writing at least five judicial days before the trial is scheduled to start.

CHAPTER 7 – CASE MANAGEMENT

7.006 Scheduling

All court matters relating to any case shall be scheduled by the presiding judge or designee.

7.015 Pleas in Misdemeanor Cases in Coos County

- (1) In misdemeanor cases involving a defendant who is not in custody, the change of plea date shall be 49 days after arraignment. A not guilty plea will be entered by the court at arraignment or based on a letter from an attorney indicating the attorney has been retained by the defendant and is appearing for the defendant.
- (2) If the defendant enters a not guilty plea through an attorney, at the change of plea date the attorney shall state on the record or in writing that the attorney has personally talked to the defendant about negotiating a plea before the entry of a not guilty plea and shall inform the court of his/her conflict dates.
- (3) After the change of plea date, a trial shall be held as soon as practicable.
- (4) Attorney letters of representation in contempt of court cases are set by court staff on the third Friday of the month at 9:00 a.m. for cases filed by the local District Attorney and 11:00 a.m. for cases filed by Department of Justice.

- (5) When an attorney appears on behalf of a client in a misdemeanor case, either in person or by a letter of representation, the attorney must file with the court within 14 days of the appearance an acknowledgment signed by the client of the next date at which the client is to appear in court. Failure to file the acknowledgment will result in issuance of an arrest warrant.

CHAPTER 8 – DOMESTIC RELATIONS PROCEEDINGS:

8.011 Mediation Orientation/Parent Education

- (1) Pursuant to ORS 3.434, and the Coos/Curry Family Law Plan, individuals involved in dissolutions, child custody or parenting time disputes must attend a mediation orientation class, with a court approved mediator, paid for through funds generated by court filing fees. This is a one hour educational class that partners cannot attend together. This one hour class is not required if the parties involved with the dissolution case do not have children.
- (2) In addition to the mediation orientation class, individuals who have minor children must attend a four hour Divorce Education Class in Coos County or three hour Divorce Education Class in Curry County.
- (3) Participation in the mediation orientation and parent education class is mandatory unless an Order of Default Judgment has been entered by the court. If future motions are filed by the parties and they are at issue then the mediation requirements will need to be met by both parties.
- (4) The parties must complete mediation orientation and parent education prior to the court signing a judgment of dissolution unless the court waives attendance for good cause shown by motion and affidavit. Sanctions may be imposed by the court if a party fails to comply.
- (5) To register for these programs in Coos County call 541-267-2113.
- (6) To register for programs in Curry County call 541-247-4511.
- (7) A court approved on-line mediation orientation class, and/or parent education class, or in person classes available in other counties, may be substituted for the above requirements if the parties live outside of Coos and Curry Counties and the parties have received prior approval of the court.

CHAPTER 9 – PROBATE/PROTECTIVE PROCEEDINGS:

9.001 Notices of Time for Filing Objections

Notices required by ORS 125.060 must include the appropriate mailing address for filing objections:

(1) Coos County: PO Box 865, North Bend, Oregon 97459.

(2) Curry County: 94235 Moore St., Suite 200, Gold Beach, Oregon 97444.

9.002 Letters of Fiduciary Authority

Court staff will prepare the appropriate letters unless special letters with conditions or restrictions are required.

9.003 Filing Fees

When filing the inventory, any balance owing on the filing fee must be paid.

9.004 Extensions of Time

Upon written request, an extension of up to 30 days for filing any document will be automatically allowed. If any further extension is necessary, a motion must be filed with the court. A proposed order must accompany any motion.

9.005 Late Filing Notices

One delinquency notice will be sent for each failure to timely file a required document. The notice will specify the number of days to respond. Filing of the document or filing a motion explaining the reason for the delay and stating when the filing will be made is an acceptable response to the notice. If the court receives no response to the notice, an order will be issued for the fiduciary to show cause why he or she should not be removed. Filing the delinquent document can dismiss the show cause order.

9.006 Conferences and Hearings

Telephone conferences or court hearings may be scheduled by request through the judicial assistant to the probate judge. Requesting counsel shall confer with other counsel and advise of the estimated time required and mutually acceptable dates before scheduling with the court.

PROBATE ISSUES

9.022 Bonds

If a bond is required and the petition does not specify the value of assets, a \$10,000 bond will be ordered by the court. The bond may be increased upon the filing of the inventory. The court may require a bond of a *pro se* personal representative, even if the bond is waived in the will or waived by the heirs and devisees. A bond may also be required for a personal representative who is the sole heir or devisee if there is a concern that the creditors may not be paid. A bond is not required for the initiation of an

estate when the sole asset is a wrongful death claim; however, a bond may be required when the order approving settlement is signed.

9.023 Timely Closing of Estates

If an estate is not ready for final distribution at the filing of an annual accounting, the personal representative shall provide to the court an explanation of the reasons why the estate is not ready for distribution.

9.024 Judgment of Distribution

The general judgment approving the final account must state with specificity the names of the heirs or devisees and the specific property, amount, or percentage each receives. It is not acceptable to order distribution according to the will or final account. Likewise, the order must specify the amount of fees approved.

9.025 Wrongful Death Estates

If the sole reason for probate is to prosecute a wrongful death action, this should be clearly stated in the petition. When the action is complete, dismissed, or the determination has been made to not pursue the claim, a general judgment must be submitted discharging the personal representative and closing the file.

PROTECTIVE PROCEEDINGS

9.081 Manner for Oral Objections

Oral Objections, where permitted in probate matters under ORS 125.075, may be made during regular court hours. For Coos County cases the location is the Coos County Annex, Room 216 at 1975 McPherson in North Bend. For Curry County cases the location is the State Court Civil/Domestic office on the main floor of the Curry County Courthouse at 29821 Ellensburg Ave in Gold Beach. The respondent or protected person may also make objections orally to an appointed Court Visitor. Court Visitors shall 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.

9.082 In General

- (1) For proceedings involving minors, the petition must contain a statement whether the Indian Child Welfare Act (ICWA) applies. If it does, then the petition must comply with the requirements of the Act. ORS 125.025(2).
- (2) Joint petitions for appointment of conservator and guardian or for temporary and permanent guardian are allowed.

9.083 Visitors

Arrangements must be made for a visitor prior to filing a petition for a temporary guardian. The probate clerk can be contacted for the names of court-approved visitors. The petitioner can request appointment of the visitor in the petition, rather than by separate motion.

9.084 Waiver of Annual Accounting

If all conservatorship assets are placed in a restricted account, with no disbursal without court approval, and a letter from the financial institution acknowledging the restrictions is filed with the court, then no annual accounting will be required as long as there is no disbursement of the funds, other than court-approved attorney or other fiduciary fees.

9.085 Mediation

Objections to appointment of a fiduciary, filed by persons other than the respondent, in Coos County cases shall be referred to mediation prior to hearing. Objections by the respondent, or objections to other proposed actions by the fiduciary, may be referred to mediation in Coos County cases.

9.095 Other Protective Orders

ORS 125.650 can be used for the court to approve a settlement for which a conservator is not otherwise required, such as a personal injury settlement for a minor where the funds will be held in a restricted account or will be received after the minor reaches 18.

ACCOUNTINGS

9.163 General Procedures

- (1) The caption should designate the number of the accounting (e.g., First, Second) and also state if it is the Final Accounting. The caption must also state the value of the estate.
- (2) The form of accounting must be as described in UTCR 9.160, except as follows:
 - (a) The term “receipts and disbursements” as applied to a brokerage account for stocks, bonds, mutual funds, or other similar investments shall not apply to transactions within the account which do not constitute a withdrawal from or a deposit to the account by the fiduciary. In lieu thereof, the net change in value of the brokerage account from the beginning of the accounting period to the end of the accounting period, as a result of transactions within the account and changes in value of assets shall be provided.

- (b) Any estate having a value of less than \$200,000 at both the beginning and the ending of an accounting period with income during the period less than \$40,000 may use the form of accounting allowed for a trust company under UTCR 9.160.
- (3) An alternative form of accounting will be acceptable so long as the accounting includes the following:
- (a) An asset schedule, included in the narrative or as a separate exhibit, which shall list each asset on hand at the beginning of the accounting period and each asset on hand at end of the period with:
- The specific balance at the end of the period in each deposit account (any account containing cash or cash equivalents), and:
 - The fiduciary's estimate of the current value as of the end of the accounting period of each asset that is not a deposit account, and:
 - A narrative explanation describing the nature of any transaction by which an asset (other than a cash receipt or disbursement) was acquired, disposed of, or substantially changed in value during the accounting period. In the case of securities held in a brokerage account, in which the only change is market fluctuation, this requirement may be satisfied by so stating.
- (b) A schedule of receipts, included in the narrative or as a separate exhibit which shall be a chronological listing of all receipts by date and amount, including the payor and explanation of purpose for the payment, for each deposit account. Receipts shall be totaled by deposit account. Dividends reinvested in a dividend reinvestment plan may be included in a single entry giving the total of such reinvested dividends for each security for the period, or may be included in a sub-schedule describing the reinvestment activity.
- (c) A schedule of disbursements, included in the narrative or as a separate exhibit, which shall be a chronological listing of disbursements by date, check number, payee, amount and purpose for payment (if not obvious from the payee), for each deposit account. Disbursements shall be totaled by deposit account. If more than 20 disbursements were made during the period of the accounting, the accounting shall include a schedule in the narrative or as a separate exhibit, summarizing the disbursements by category, with the totals expended in each category, for the period of the account.

9.164 Changes in Accounting Period

The court will allow a change in accounting period for the convenience of the fiduciary. A motion and order is required.

9.181 Depository Statements

DO NOT ATTACH ALL BANK STATEMENTS FOR THE ACCOUNTING PERIOD. The accounting shall include an opening depository statement for each deposit account, unless submitted with a previous accounting, and a closing depository statement which shall show the balance in the account within thirty days of the close of the accounting period, or on the date of closing of an account closed during the accounting period.

CHAPTER 11 – JUVENILE COURT PROCEEDINGS

11.005 Appearance Required for Summons Issued Pursuant to ORS 419B.812

A parent who is served with a summons pursuant to ORS 419B.812 must appear personally before the court at the time and place specified in the summons for a hearing on the allegation(s) of the petition.

11.080 Settlement of Termination of Parental Rights Cases

- (1) The parties may resolve termination cases by execution of Relinquishments and Certification of Irrevocability at any time up to seven calendar days before a scheduled court trial. The State must file a motion to dismiss and attach the documents for filing with the court. ICWA relinquishments shall be executed in court per 25 USC §1913(a) after a colloquy with the parent.
- (2) The parties may resolve termination cases by execution of stipulated voluntary termination judgments at any time up to seven days before a scheduled trial. The judgment shall be executed in court after a colloquy with the parent. The document shall be entitled Stipulated Voluntary Termination of Parental Rights Judgment. If there is new information or good cause to allow this type of resolution closer to a scheduled trial, the assigned TPR judge or juvenile court judge may allow a stipulated voluntary termination closer to trial on a case by case basis.
- (3) Other than as set forth in subsection (2), the parties may resolve termination cases by stipulating to the petition at any time. The judgment shall be executed in court after a colloquy with the parent. The document shall be entitled Stipulated Termination of Parental Rights Judgment.

CHAPTER 13 – ARBITRATION

13.005 Arbitration Program

- (1) Pursuant to ORS 36.400 the Fifteenth Judicial District has established an arbitration program.

- (2) Instead of referring a case to arbitration, the parties may stipulate that the court shall act in accordance with the applicable arbitration rules in UTCR Chapter 13, but there shall be no trial de novo.
- (3) Proceedings conducted pursuant to subsection (2) shall not be reported unless the parties prior to the start of the proceeding pay the trial and reporter fee for a nonjury case.
- (4) If the parties enter into a stipulation provided for in subsection (2), the matter shall be tried to a judge in the Fifteenth Judicial District chosen by the parties. If the parties cannot agree upon the judge who is to try the case, a judge not otherwise properly disqualified shall be assigned by the presiding judge.

13.051 ARBITRATION WHEN CASE ALREADY SET FOR TRIAL

In all cases subject to mandatory arbitration a trial date will be set in accordance with the court's regular trial setting procedure and UTCR 7.020(5). All requests to reset a trial date must comply with UTCR 6.030.

13.121 COMPENSATION OF ARBITRATORS

- (1) In all cases the arbitrator's fee will be set by the arbitration commission.
- (2) Each party shall pay one-half of the arbitrator's fee and it shall be paid in accordance with UTCR 13.120(2).
- (3) If a case settles before the date of the arbitration the arbitrator shall refund the preliminary payment except for an amount set by the arbitration commission.
- (4) The parties and arbitrator may use the procedure in UTCR 13.120(1) to adjust or request a higher fee than set above.

(*Note - The Arbitration Commission has set the arbitrator's fee at \$500.00 for every 3 and a half hours or a part thereof. If the arbitration is canceled or settled after it has been set for hearing, the arbitrator will be able to retain one-half of the initial fee.)

13.161 SCHEDULING OF HEARING

Refer to SLR 13.051.

CHAPTER 16 – VIOLATIONS

16.015 REPORTING MATTERS

If a violation or a traffic infraction matter is to be reported, the moving party must file a written request seven (7) working days before the scheduled hearing.