



**STATE OF OREGON – GRANT AND HARNEY COUNTIES**

I certify that this is a true and correct copy of a document in the possession of the court administrator for the 24<sup>th</sup> Judicial District.



DATED: December 4, 2020

Court Administrator for the 24<sup>th</sup> Judicial District (or designee):

/s/ Tammy L. Wheeler

**24<sup>th</sup> JUDICIAL DISTRICT**

**GRANT AND HARNEY CIRCUIT COURT**

**SUPPLEMENTARY LOCAL RULES**

**Effective February 1, 2021 through  
January 31, 2022**

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**CHAPTER 1**  
**OFFICE HOURS AND CONTACT**

**1.161 OFFICE HOURS; LOCATION WHERE FILINGS MAY BE SUBMITTED**

- (1) Grant County Circuit Court office hours are 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding holidays. The office is located on the 2<sup>nd</sup> floor of the Grant County Courthouse, 201 S. Humbolt, Canyon City, Oregon.
- (2) Harney County Circuit Court office hours are 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding holidays. The office is located on the 2<sup>nd</sup> floor of the Harney County Courthouse, 450 N. Buena Vista Ave., Burns, Oregon.

**1.171 WEBSITE**

- (1) <http://courts.oregon.gov>
- (2) <http://courts.oregon.gov/harney>
- (3) <http://courts.oregon.gov/grant>

**CHAPTER 3**  
**DECORUM IN PROCEEDINGS**

**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.

**CHAPTER 6**  
**TRIALS**

**6.061 JURY INSTRUCTIONS**

- (1) In addition to filing the instructions, an attorney or party shall send instructions to [jury.instructions.JD24@ojd.state.or.us](mailto:jury.instructions.JD24@ojd.state.or.us) in Microsoft Word format and in jury-ready form that excludes reference to citations or instruction numbers.

**CHAPTER 7  
CASE MANAGEMENT AND CALENDARING**

**7.001 DATES FOR APPEARANCE**

**(1) Dates for Hearing on Motions:**

The Trial Court Administrator will set hearing dates and advise the parties in writing by regular or electronic mail.

**(2) Dates for Hearing on Orders To Show Cause:**

The initial date set for appearance on orders to show cause shall be set forth therein and the order shall be personally served on the person ordered to appear. If there is no appearance as ordered, the matter may be determined at the time set for hearing on the order. If the person ordered to appear does appear and indicates a desire to contest the issues raised in the order to show cause, and the parties are ready to proceed at the time, the hearing shall proceed at that time if there is time available. If the parties are not ready to proceed or there is not sufficient time available for a hearing, a hearing will be set for a later time. The Trial Court Administrator will thereafter confirm the hearing date and time by notice in writing.

**(3) Dates for Trials:**

The Trial Court Administrator will set trial dates and advise the parties in writing by regular or electronic mail.

**(4) Primary and Alternate Trial Settings:**

A case given a designation as primary trial setting will begin at 9:00 a.m. on the date indicated. Cases given an alternate trial setting must be prepared and ready to proceed to trial (as if they were the primary case) until 3:00 p.m. on the day before the date set for trial. Exceptions to the preceding rule can be granted by the presiding judge if good cause is shown.

**7.011 PLEA NEGOTIATIONS**

(1) Except as allowed at arraignment or for good cause shown, after initial entry of a not guilty plea, the only plea or pleas that will be accepted by the court will be entry of plea or pleas to the charges as set forth in the accusatory instrument. Thereafter, pleas to lesser-included charges, or other charges, or to only some of the charges as per offer previously tendered by the State through plea negotiations, will not be accepted.

(2) The district attorney's office will submit a plea offer as soon as practicable, but in any event not later than ten days prior to the scheduled entry of plea.

(3) Counsel for the defendant shall discuss with their client the state's offer, complete negotiations, and finalize written plea petitions prior to the time set for plea.

(4) Plea petitions are required in all cases involving filed charges of class A misdemeanors or felonies. Plea petitions shall be submitted to the court at least 48 hours prior to the plea hearing.

- (5) The court may find a good cause exception to the above timelines and extend the date for plea. Counsel shall request an extension of the date by written motion supported by affidavit setting forth the basis.

**CHAPTER 8  
DOMESTIC RELATIONS PROCEEDINGS**

**8.001 PARENTING TIME GUIDELINES**

Attached as Appendix 1 is an example schedule for parenting time for proceedings where there are minor children. The schedule is a guideline when the parents cannot otherwise agree.

**(1) Mandatory Parent Education Program**

- (a) 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 to each parent named as a party in the following types of proceedings, when such proceedings involve minor children:
- (I) Annulment or dissolution of marriage;
  - (II) Legal separation;
  - (III) Petition to establish custody and parenting plans (including paternity);  
and
  - (IV) And post-judgment litigation involving custody, visitation or parenting plans.
- (b) Each parent named as a party in a proceeding of the type described above shall complete the program unless waived by the court.
- (c) The party initiating the proceeding shall register for the program within fifteen (15) days after filing the initiating pleading with the court. A copy of the local rule and instructions on how to register for the program shall be served by the initiating party on all parties against whom relief is sought. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served. All other parties shall have thirty (30) days after service of the notice upon them to register for the program.
- (d) The court shall provide a copy of this rule to the initiating party for service upon all parties against whom relief is sought, together with a statement describing the program including contact telephone numbers, addresses and statements of costs.
- (e) The program provider shall issue a certificate of completion when the participant has completed the program. The certificate must be filed with the court.

- (f) The court may waive one or both parties from the program if, after reviewing the requesting party's motion and supporting affidavit, the court determines that participation is unnecessary or inappropriate.

**(2) Sanctions**

- (a) Failure or refusal to complete the program in a timely manner shall be considered by the court in making its ruling on issues which are in dispute.
- (b) Upon a party's failure to successfully complete the education program pursuant to this rule, the assigned judge may take appropriate action including issuing an order to comply which thereafter may be enforced through proceedings for contempt.

**8.045 ORDERS TO SHOW CAUSE**

- (1) The procedures outlined in this rule are limited to domestic relations cases. Domestic relations cases shall include legal separations, annulment of marriage, dissolution of marriage and filiations. This rule is not applicable to contempt proceedings related to such actions.
- (2) Except for proceedings governed by ORS 107.097 or ORS 107.138 and as supplemented by Rule 8.055, this rule shall apply to all orders to show cause in domestic relations matters whether or not the issues are pre-trial or post-judgment.
- (3) An order to show cause will be allowed, only upon motion of a party, which itemizes the requested relief and is supported by sufficient, written affidavit setting forth the justification for the relief requested. The order to show cause will not contain a date for hearing. The order must contain, in bold type in the body of the order, the following notice or a similar notice which contains, at a minimum, all of the below requirements.

**"NOTICE TO PARTIES RECEIVING THESE PAPERS**

**If you object to any of the requests in the attached motion, you must file a written response which:**

- 1) Itemizes the disputed issues; and**
- 2) Sets forth any additional relief requested.**

**You must file the written response no later than thirty (30) days after this order has been served on you. If you do not file the written response within the time allowed, the court may order the relief requested without further notice to you.**

- (a) The court may allow additional time for a response to any motion and affidavit upon good cause.**
- (b) If child support or spousal support is an issue then the parties must file and serve, upon the opposing party, a Uniform Support Declaration as required by UTCR 8.040(3), 8.040(4) 8.050(1) and 8.050(3);**

**(c) If the Uniform Support Declaration is not completely filled out with all necessary exhibits, it may not be considered by the court and the party will be required to submit a completed form.”**

(4) If the opposing party fails to file a written response within the time allowed, the moving party shall forthwith submit an order allowing the relief requested in the order to show cause. The court may:

(a) Require the taking of testimony of the moving party in such default matters;

(b) Enter the order requested if the opposing party does not file the required written response; and

(c) Enter the order upon its own motion if the moving party fails to present an order.

(5) If the opposing party files a written response, the court shall set a case management status hearing. The parties may appear by telephone. At this status hearing preliminary matters may be addressed and the show cause matters will be set for hearing.

#### **8.055 TEMPORARY SUPPORT MOTIONS**

Temporary relief motions for temporary child and spousal support filed pursuant to ORS 107.095(1)(a) and (b) and other motions for temporary financial orders filed pursuant to ORS 107.095(1)(f) shall be determined without testimony (unless otherwise ordered by the court) based on the affidavits of the parties and their uniform support declarations. Such motions shall be filed separately from other temporary relief motions. In any case involving temporary child support, the affidavits filed by the parties shall include a child support computation worksheet. When the matter is ready for decision, the moving party shall notify the court.

### **CHAPTER 9 PROTECTIVE PROCEEDINGS OBJECTIONS**

#### **9.081 ORAL OBJECTIONS TO PROTECTIVE PROCEEDINGS**

(1) Probate jurisdiction is in the County Courts of Grant and Harney Counties. This SLR only applies to cases that have been transferred to Grant or Harney County Circuit Court from the county courts.

Any interested person, as described in ORS 125.075(1), who has an oral objection to a petition in a protective proceeding should contact the Trial Court Administrator or designee in Grant County Circuit Court at (541)575-1438 or in person at the Grant County Circuit Court window on the second floor of the courthouse located at 201 S. Humbolt, Canyon City, Oregon. In Harney County contact the Trial Court Administrator or designee at (541)573-5207 or in person at the Harney County Circuit Court window on the second floor of the courthouse located at 450 N. Buena Vista, Burns, Oregon. The objecting party should advise the Trial Court Administrator or

designee 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 shall include objections by the respondent or protected person in the visitor Report. The objection should be in bold and underlined so as to call attention to the court when reviewing the report.

- (2) The court clerk will provide the objection form contained in APPENDIX 2.

#### **9.082 NOTICE OF FREE LEGAL SERVICES**

This judicial district shall post a notice of free legal services on the bulletin board outside each courtroom.

### **CHAPTER 11 JUVENILE**

#### **11.005 PERSONAL APPEARANCE REQUIRED**

In all termination and dependency cases, parent(s) and any guardian(s) shall be served a summons to personally appear at a time and place specified to answer the petition. The parents(s) and any guardian(s) must personally appear in court at the time and date specified in the summons. A written appearance shall not be permitted. A parent or guardian may make written application to the court for their personal appearance by telephone in extraordinary circumstances; however, the written application must be filed with the court two (2) days prior to the time scheduled for the parent's or guardian's personal appearance. The written application must include the person's current residence address, mailing address, telephone number, and the person's acknowledgment that it is their obligation to initiate/place the telephone call to the court at the time scheduled for their appearance.

### **CHAPTER 12 MEDIATION**

#### **12.001 MATTERS SUBJECT TO MEDIATION**

**(1) Mandatory Mediation:**

Any matter described in ORS 107.765 and any other proceedings where child custody or a parenting plan is at issue, unless otherwise exempted by law, shall be subject to mandatory mediation. The court will not consider any contested parenting plan issues in a proceeding that results in a final judgment or order, unless it is notified by a mediator that the matter has proceeded through mediation in accordance with these rules. Request for prejudgment custody and parenting plan orders under ORS 107.095 are not subject to mandatory mediation, but mediation will be ordered on the joint request of the parties.

**(2) Exclusion From Mediation:**

The court may exclude a case from mandatory mediation for good cause shown after hearing on the motion of a party with service on the opposing party. Cases involving domestic violence will be subject to adopted domestic violence protocols.

**(3) Other Matters:**

The mediator shall not consider matters of property division or spousal or child support in connection with the mediation of a dispute concerning child custody, parenting time, or visitation, or otherwise without the written approval of both parties or their counsel.

**12.002 CONTROL AGREEMENTS**

A domestic relations case filed in Circuit Court remains subject to the control of the Circuit Court during mediation. 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. Any agreements of the parties reached as a result of mediation for which court enforcement may be sought must be presented to the court in judgment form. The court shall retain final authority to accept, modify or reject the agreement. In order to preserve and prompt the integrity of mediation as a dispute resolution technique, the court shall consider and may include all reasonable agreements reached by the parties in formulating its judgment in the case.

**12.003 REFERRAL TO MEDIATION**

When the parties have not requested mediation, but it appears that parenting plan/custody issues are part of a proceeding that will result in a final judgment or order, the court shall refer the matter to mediation. "At issue" means that the case is ready to be set for trial or if a party seeks to modify the parenting time or custody provision of a divorce judgment or a judgment establishing paternity, when the case is ready to be set for hearing.

**12.004 AUTHORITY OF MEDIATORS**

- (1) A mediator has authority and control over the mediation process; but a mediator has no control or authority over the parties or over their decisions in the case.
- (2) Unless otherwise agreed in writing by the parties and mediator, the parties' legal counsel shall not be present at mediation sessions.
- (3) A mediator shall encourage disputing parties to obtain individual legal advice and individual legal review of any mediation agreement before signing any agreement.
- (4) A mediator shall not act as a lawyer for either party.

**12.005 MEDIATION ORIENTATION**

- (1) Mediation shall consist of an orientation session and a maximum of (8) eight hours of sessions involving the parties and mediator. Additional sessions may be provided at the parties' expense.



- (2) Parties may forego orientation for good cause with the court's approval.

#### **12.006 APPOINTMENT OF MEDIATOR**

- (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 court shall appoint a mediator from a list of approved mediators once a response/answer has been filed. The notice will be sent out to the mediator and both parties. If parties are represented by an attorney, their attorney will receive the notice. The mediator or the court will make contact with either the parties directly or their attorney to schedule mediation orientation and the mediation session. The initial session will occur within 14 days from the date the mediator receives notice or as soon thereafter as possible.

#### **12.007 MEDIATION COMPLETION**

- (1) Mediation shall be completed in a prompt manner without undue delay of the court proceedings. All cases assigned to mediation must complete mediation within 90 days of assignment, unless otherwise ordered by the court. The mediator shall file with the court a notice that mediation was successful or unsuccessful.
- (2) If the parties come to an agreement in mediation the written mediated agreement shall be attached to or the terms restated in the judgment and presented to the court.

#### **12.008 MEDIATOR QUALIFICATIONS**

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

- (1) Meet the requirements of Oregon Judicial Court Connected Mediator Qualification Rules.
- (2) Sign and file an application with the Court.
- (3) Be approved by the Presiding Judge or his designee.
- (4) Be approved by the County Court.

#### **12.009 MEDIATION WHERE POWER IMBALANCE EXISTS**

- (1) Where there is a restraining order between the parties, a history of domestic violence or abuse, an extreme imbalance in the power relationship between the parties or other reason to believe that mediation may be inappropriate, a party may contact the assigned mediator to request that the parties meet with the mediator separately, the presence of a support person during

mediation, telephonic mediator or another remedy. A mediator may exclude a support person from a session if the support person disrupts the process of mediation.

- (2) The mediator may arrange separate sessions, require telephonic mediation or terminate mediation at any time if the mediator believes that issues of violence, abuse, threatening behavior, manipulation, or power imbalance make further mediation inappropriate. In any telephonic mediation, both parties will participate by telephone.

NOTE: the privacy of records and confidentiality of communications in mediation are governed by ORS 107.785

## **CHAPTER 13 ARBITRATION**

### **13.121 COMPENSATION ARBITRATORS**

- (1) If parties do not pay their pro rata share of the preliminary payment for the arbitrator within 14 days from assignment of the arbitrator, the court may exercise its authority under UTCR 1.090(2).
- (2) Indigent parties may seek waiver or deferral of the arbitrator's fee within 14 days from the date the case is assigned to arbitration. The request must be submitted by motion and order, supported by an affidavit setting forth with specificity the party's income, assets and expenses and presented to the Presiding Judge for approval. In the event the funds are available under ORS 36.420 for the payment of fees waived or deferred, the arbitrator shall be reimbursed after filing of the arbitration award.

NOTE: The arbitration commission has established a compensation schedule for arbitrators. The arbitrator shall be compensated at the rate of \$120.00 per hour (or any greater sum agreed upon by the parties), not to exceed 10 hours, for hearings and related work. Each party shall pay a \$500.00 deposit directly to the arbitrator prior to the arbitrator beginning work on the case. The arbitrator shall be compensated at the rate of \$60.00 per hour for travel.

**HARNEY/GRANT COUNTY**  
**EXAMPLE PARENTING PLAN**

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

During this process, it is important for parents to attempt to minimize the amount of conflict the children are exposed to, because research has shown that children that are exposed to conflict are at increased risk for behavior problems, anxiety and depression. Parents involved in high levels of conflict should consider including provisions in the parenting plan that reduce conflict.

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

Petitioner \_\_\_\_\_ )  
 )  
and ) EXAMPLE PARENTING PLAN  
 ) CASE NO : \_\_\_\_\_  
Respondent \_\_\_\_\_ )  
( ) Co-Petitioner ) DATE: \_\_\_\_\_

**1. GENERAL INFORMATION**

1.1 The parent's names are \_\_\_\_\_ and \_\_\_\_\_.

1.2 This Parenting Plan applies to the following Child(ren):

	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

## 2. DESIGNATION OF RESIDENTIAL PARENT

For purposes of the Standard Parenting Plan, the "residential parent" means the parent who provides the primary residence for the children. The "non-residential parent" means the parent who has parenting time with the children according to the schedule provided in the Example Parenting Plan.

( ) Mother ( ) Father shall be considered the "residential parent." (Check one.)

## 3. DECISION MAKING

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

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

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

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

**Note:** In order to be valid, the designation of Joint or Sole custody must be set forth in Judgment.

### **3.2 Day-to-Day Decisions**

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

## **4. SPECIAL PROVISIONS FOR PARENTING TIME SCHEDULE**

- 4.1** If there are children who would have different parenting time schedules because they are in different age groups, parenting time for all of the children shall be based upon the schedule for the oldest child that is present for the parenting time, unless a child is younger than 12 months. In that case, the schedule for “Children ages birth to 12 months” shall apply to that child.
- 4.2** If parents live **no more than 60 miles apart** at the time the order is signed, the non-residential parent is entitled to have the children according to the schedule described in Section 5. If parents live **more than 60 miles apart** at the time the order is signed, the non-residential parent is entitled to have the children according to the schedule described in Section 7.

## **5. PARENTING TIME SCHEDULE**

### **5.1 DEFINITIONS**

**5.1(a)** Weekends: A weekend is defined as commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on Sunday. If the Monday following the non-residential parent’s weekend is a school closure day, parenting time shall be extended to Monday until 6 p.m. If the Friday preceding the non-residential parent’s weekend is a school closure day, parenting time shall begin at 6 p.m. on Thursday. The first weekend of the month is defined as the first one that has both a Saturday and a Sunday within the same calendar month.

**5.1(b)** Vacation and Holiday Periods: These are the dates set by the public school district in which the child(ren) resides whether or not the child(ren) is attending school or enrolled in that school.

**5.2 PARENTING TIME:** The non-residential parent shall have not less than the following parenting time with the minor child(ren) unless agreed upon by the parents:

**5.2(a)** Children zero (0)- one (1) years:

- (1) Weekends: The first, third, and fifth Saturday of each month from 9:00 a.m. to 6:00 p.m.
- (2) Mother's Day/Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.
- (3) Christmas/Winter Break: Christmas Eve from 9:00 a.m. to 9:00 p.m. in odd numbered years and Christmas Day from 9:00 a.m. to 9:00 p.m. in even numbered years.
- (4) Midweek: Each Wednesday from 5:00 p.m. to 8:00 p.m.

**5.2(b) Children one (1) –three (3) years:**

- (1) Weekends: The first, third, and fifth weekends of each month from 9:00 a.m. Saturday to 9:00 a.m. the following Sunday.
- (2) Mother's Day/ Father's Day: Each year, the mother shall have the child(ren) on Mother's Day and the father shall have the child(ren) on Father's Day, from 9:00 a.m. to 6:00 p.m.
- (3) Christmas/Winter Break: Christmas Eve from 9:00 a.m. to 9:00 p.m. in odd numbered years and Christmas Day from 9:00 a.m. to 9:00 p.m. in even numbered years.
- (4) Summer: In lieu of summer parenting time, there shall be five (5) consecutive days each calendar year quarter upon thirty (30) days advance written notice to the residential parent.
- (5) Midweek: Each Wednesday from 5:00 p.m. to 8:00 p.m.

**5.2(c) Children over three (3) years:**

- (1) Weekends: First, third, and fifth weekends of each month.
- (2) In-service/Conference Days: In addition to weekend parenting time, if the child(ren) has a day out of school on either or both the Monday following and/or the Friday preceding the non-residential parent's weekends parenting time, the non-residential parent shall also have visitation with the child(ren) on said extra day(s) commencing either twenty-four (24) hours before and/or ending twenty-four (24) hours after the scheduled parenting time. This provision does not apply if the regular weekly schedule in that area is Monday through Thursday.
- (3) Summer: As set forth below in 5.3.

(4) Holidays: As set forth below in 5.4.

**5.3 SUMMER:** Thirty-five consecutive days during the period of school summer vacation. Before May 1 of each year, the non-residential parent shall select and notify the residential parent in writing of the inclusive dates of the thirty-five day parenting time period with the child(ren). If the non-residential parent fails to give such written notice to the residential parent before May 1 of the year of the summer parenting time the non-residential parent nevertheless shall have the right to such summer parenting time with the child(ren), if and to the extent, that the time remains for such parenting time after the residential parent's parenting time plans of up to two consecutive weeks.

**5.3(a)** When the non-residential parent exercises his or her right to a summer parenting time period of more than nineteen (19) days with the child(ren), the residential parent shall have the right to a weekend of parenting time with the child(ren) on the third weekend after commencement of the extended parenting time by the non-residential parent. Such interim parenting time by the residential parent shall not lengthen the thirty-five day parenting time period allowed to the non-residential parent.

**5.3(b)** The residential parent shall have the right to designate one weekend each summer when the non-residential parent's weekend parenting time will not occur in order that the residential parent can have the child(ren) for an uninterrupted two (2) weeks period. Before May 15 of each year, the residential parent shall inform the non-residential parent of which weekend has been selected. The weekend shall not be on a holiday, birthday, or during the non-residential parent's summer parenting time period.

**5.4 HOLIDAYS:**

**5.4(a)** Even numbered years:

**(1)**Christmas/Winter Break: From 6:00 p.m. the day school lets out for Christmas vacation until 10:00 a.m. on December 26.

**(2)**Child's Birthday: The birthdays of the child(ren), from 9:00 a.m. to 6:00 p.m. if the birthday falls on a weekend, or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday

**(3)**Thanksgiving holiday: Commencing on Wednesday prior to Thanksgiving, at 6:00 p.m. and ending on the Sunday following Thanksgiving at 6:00 P.M.

**(4)The Fourth of July:** If this holiday does not fall on Friday, Saturday, Sunday, or Monday, parenting time shall commence at 9:00 a.m. and shall end at 10:00 p.m. on July 4<sup>th</sup>. If this holiday falls on a Saturday, Sunday, or Monday, parenting time shall commence at 6:00 p.m. on the Friday preceding the Fourth of July and shall end on Sunday the 4<sup>th</sup>, or Monday the 4<sup>th</sup>, as the case may be, at 6:00 p.m. If this holiday falls on a Friday parenting time shall commence at 6:00 p.m. on Thursday and shall end at 6:00 p.m. the following Sunday.

**(5)Spring Break:** The school spring vacation from 9:00 a.m. the day after school adjourns to 6:00 p.m. the day before school resumes.

**5.4(b) Odd-numbered years:**

**(1)Christmas/Winter Break:** From 10:00 a.m. on December 26 until 6:00 p.m. on the day before school resumes.

**(2)Child’s Birthday:** the day before the child(ren)’s birthday, from 9:00 a.m. to 6:00 p.m. , if the birthday falls on a weekend, or from 5:00 p.m. to 8:30 p.m. if the birthday falls on a weekday.

**(3)Memorial Day Weekend:** Commencing on the Friday preceding Memorial Day at 6:00 p.m. and ending on the following Monday at 6:00 p.m.

**5.4(c) Every Year:**

**(1) Mother’s Day/Father’s Day:** Each year, the mother shall have the child(ren) on Mother’s Day and the father shall have the child(ren) on Father’s Day, from 9:00 a.m. to 6:00 p.m.

**(2)Parent’s Birthdays:** Each parent shall have parenting time with the child(ren) on that parents birthday from 9:00 a.m. to 6:00 p.m.

**6. RULES OF PARENTING TIME:**

**6.1 HOLIDAY PARENTING TIME SUPERSEDES**

Holiday and summer parenting time supersedes weekend parenting time in the event there is a conflict of dates.

**6.2 EXCHANGE TIMES**

All parenting time periods shall be exercised in a prompt manner so that both parties can make their plans accordingly. The non-residential parent shall pick the child(ren) up from the front step of the residential parent’s residence no earlier than thirty (30) minutes before and no later than thirty (30) minutes after the parenting time period



commences. Return of the child(ren) to the front steps of the residential parent's residence shall also be subject to the thirty (30) minute rule. The residential parent shall have the child(ren) fed and ready on time for the parenting time period. The child(ren) shall be returned fed and with their clothing in the same manner (packed and cleaned) as they were when picked up for the parenting time.

### **6.3 MAKEUP PARENTING TIME:**

In the event the child(ren) are ill and unable to visit, a makeup parenting time will be allowed to the non-residential parent on the next succeeding weekend. However, if the non-residential parent fails to exercise his or her parenting time, for reasons of health or for any other reason there will be no makeup parenting time period. The child(ren) will not be permitted to determine whether they wish to visit with the non-residential parent.

**6.3(a)** Personal plans of the residential parent of child(ren), school activities and other considerations will not be reason for failing to adhere to this parenting time schedule. Only substantial medical reasons will be considered sufficient to postponement of parenting time schedule. Both parties will provide addresses and contact telephone numbers to the other parent and of any emergencies circumstances or substantial changes in the health of the child(ren).

### **6.4 CORRESPONDENCE AND TELEPHONE CONTACT**

The non-residential parent shall, in addition to the parenting time set forth in this order, have the unlimited right to correspond with the minor child(ren) of the parties, and to telephone the minor child(ren) during reasonable hours without interference or monitoring by the residential parent or anyone else in any way. Unless otherwise agreed to between the parties, telephone conferences between the non-residential parent and the child(ren) shall be limited to no more than two (2) per week and shall be limited, each call, to ten (10) minutes or less in duration.

### **6.5 INAPPROPRIATE REMARKS**

Both parents are restrained and enjoined from making derogatory comments about the other parent or in any way diminishing the love, respect and affection that the child(ren) have for the other parent.

### **6.6 SCHOOL ACTIVITIES**

In addition to the parenting time specified above, the non-residential parent shall have the right to visit with the child(ren) at school, attend the child(ren)'s school activities, and have full access to school teachers and administrators for complete information about the child(ren) in school. The residential parent shall notify the non-residential parent of any parent-teacher conferences scheduled.

## 7. MEDIUM AND LONG DISTANCE PARENTING TIME

Parents who live far apart will have the children according to the schedule described below. All other provisions of this parenting plan are unchanged except as described below.

When parents live more than 60 miles apart, but less than 250 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled “**Medium Distance.**” When parents live more than 250 miles apart, the non-residential parent is entitled to have the children according to the schedule labeled “**Long Distance.**”

### 7.1 Weekend and Weekday Schedule

**7.1 (a)** Prior to August 15th each year the non-residential parent shall notify the residential parent in writing of the dates of the parenting time weekends to be scheduled during the school year. The selected dates shall include any holidays listed in Section 5.4. If the non-residential parent fails to provide such written notice prior to August 15th, the residential parent is entitled to designate those weekends, so long as they include any holidays listed in 5.4. The residential parent shall notify the nonresidential parent in writing by August 31st.

#### 7.1 (b) Children ages birth to 12 months

**Medium Distance:** Two hours every Saturday and two hours every Sunday in the location where the residential parent resides, according to a schedule determined by the residential parent.

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

#### 7.1 (c) Children ages 12 months to 36 months

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

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

#### 7.1 (d) Children over ages 36 months

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

**Long Distance:** One weekend per month, which shall include up to two weekdays attached to the weekend, so long as the children are not attending

school on those days. Children shall return to the residential parent’s home no later than 6 p.m. on the day prior to a school day.

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

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**7.2 Summer Schedule**

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

**7.2 (b)** The Medium Distance summer schedule must not conflict with any holiday schedule described in 5.4. If the Long Distance summer schedule conflicts with the schedule for Father’s Day, 4th of July or a birthday, the residential parent may have parenting time as described in 5.4 in the location where the non-residential parent resides and at the residential parent’s expense.

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

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

**Medium Distance:** Parenting time remains the same as the rest of the year, as described in 7.1 (a).

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

**7.2 (e) Children between ages 12 months to 36 months (3 years) before June 1<sup>st</sup>**

**Medium Distance:** Parenting time remains the same as the rest of the year, as described in 7.1 (b).

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

**7.2 (f) Children between ages 36months to 96 months (8 Years) before June 1<sup>st</sup>.**

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

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

**7.2 (g) Children over age 96 months (8 Years) before June 1<sup>st</sup>.**

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

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

**7.2 (h) Special Summer Schedule provisions.** If both parents agree, or the Court so orders, the following provisions shall apply.

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**7.3 Holiday Schedule**

**7.3 (a)** Parents who live more than 60 miles apart will follow the Holiday Schedule and provisions described in Section 5 except as described below.

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

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**7.4 Winter Break/Christmas**

**7.4 (a) Children ages birth to 12 months.**

**Medium Distance:** Same as described in Section 5.2(a) except that parenting time will occur in the location where the residential parent resides.

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

**7.4 (b) Children ages 12 months to 24 months.**

**Medium Distance:** Same as described in Section 5.2(b).

**Long Distance:** Same as described in Section 5.4 except that parenting time will occur in the location where the residential parent resides.

**7.4 (c) Children over age 24 months.**

**Medium Distance:** Same as described in Section 5.4.

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

**7.5 Thanksgiving**

**7.5 (a) Children ages birth to 12 months.**

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

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

**7.5 (b) Children ages 12 months to 24 months.**

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

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

**7.5 (c) Children over age 24 months.**

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

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

**7.6 Memorial Day, Fourth of July, Children's Birthdays, Mother's Day, Father's Day, Parent's Birthday, Thanksgiving, Christmas/Winter and Spring Break.**

**7.6 (a) Children ages birth to 12 months.**

**Medium Distance:** The same as described in Section 5.2(a) except that parenting time will occur in the location where the residential parent resides.

**Long Distance:** The same as for Medium Distance.

**7.6 (b) Children ages 12 months to 24 months.**

**Medium Distance:** The same as described in Section 5.2(b).

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

**7.6 (c) Children over age 24 months.**

**Medium Distance:** The same as described in Section 5.4.

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

**7.7 Spring Break**

**7.7 (a) Children over 24 months.**

**Medium Distance:** Same as described in Section 5.4

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

**8. SIGNATURE**

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

**Petitioner**

\_\_\_\_\_

Signature

Date

**Respondent**

**( ) Co-Petitioner**

\_\_\_\_\_

Signature

Date

APPENDIX 2  
SLR 9.081

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF GRANT / HARNEY

Guardian/Conservatorship of \_\_\_\_\_ )  
 ) Case No. \_\_\_\_\_ )  
 ) **OBJECTION TO PETITION** )  
 ) **FOR APPOINTMENT OF** )  
 ) **GUARDIAN/CONSERVATOR** )  
 ) \_\_\_\_\_ )  
(Protected Person) )

I, \_\_\_\_\_,  
(Objecting party's name and relationship to the Protected Person)  
hereby object to the Protective proceeding or the proposed guardian or conservator for the following  
reason (state reasons below and use additional sheet if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Objecting Party

\_\_\_\_\_  
Printed or Typed Name of Objecting Party

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone or Contact Telephone Number(s)