



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

**GRANT AND HARNEY CIRCUIT COURT SUPPLEMENTARY LOCAL RULES**

**Effective February 1, 2023 through January 31, 2024**

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## **CHAPTER 1 GENERAL PROVISIONS**

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

- 1) Grant County Circuit Court office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. The office is located on the 2nd 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 5:00 p.m., Monday through Friday, excluding holidays. The office is located on the 2nd floor of the Harney County Courthouse, 450 N. Buena Vista Ave., Burns, Oregon.
- 3) Hours are subject to change without notice due to staffing needs of the court.

### **1.171 WEBSITE**

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

### **1.201 INFORMATION ON FREE OR LOW-COST LOCAL LEGAL SERVICES**

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

## **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 in Microsoft Word format and in jury-ready form that excludes reference to citations or instruction numbers.
- 2) Draft written instructions shall be submitted to the court 48 hours prior to the start of trial.
- 3) Nothing in this rule prevents the parties from requesting additional or modified instructions at the trial as required by the facts or law.

## **CHAPTER 7 CASE MANAGEMENT AND CALENDARING**

### **7.011 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) Trial Assignments:  
The court will set a Trial Assignment Hearing for the Thursday immediately preceding the trial date at 1:15 p.m. When a Thursday is a holiday, or no judge is available, Trial Assignment may be

scheduled at another date and time by the court. At Trial Assignment, the Judge will designate which trial will be going forward the following week, and the trials not going will be given a new trial date. Criminal defendants are required to appear in person or by WebEx.

#### 7.012 PLEA PETITION REQUIREMENTS

- 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 criminal charges. Plea petitions shall be submitted to the court at least 48 hours prior to the plea hearing, except for good cause shown.
- 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.

#### 7.090 USE OF VIDEO CONFERENCING OR TELEPHONE FOR APPEARANCES IN ALL PROCEEDINGS

- 1) Parties may appear either in person or via video conferencing using the court's WebEx video conferencing tool, without prior permission from the court. If using WebEx, all parties, including litigants, must utilize the video feature. Parties should confer regarding witness appearances by video. If there is an objection, the moving party shall file a Motion for video appearance. The following exceptions apply:
  - a) Parties must appear in person when personal physical appearance is required by statute.
  - b) Defendants must appear in person for arraignment if they have not been previously booked and fingerprinted.
  - c) All parties must appear in person for jury trials.
  - d) Defendants must appear in person for sentencing.

- 2) Telephonic appearances may be allowed by written order of the court upon a motion of a party prior to the hearing.
- 3) If any party appearing pursuant to this rule is inaudible, the court will set the hearing over and require the party to appear in person.

#### 7.100 IN CAMERA REVIEW OF RECORDS

Unless otherwise ordered by the court, a motion for the in-camera review of records by the court shall be presented to the court as follows:

- 1) Parties seeking an in-camera review of documents shall file a motion supported by an affidavit which includes the following: a factual and legal summary of the case to enable the reviewing judge to understand the factual and legal issues in the case as related to the records request; a description of the information sought with as much specificity as possible; and the legal basis for the request.
- 2) Disclosure of records released will be limited to the attorneys, attorney staff and expert witnesses employed by the attorney. There will be a protective order, as set forth in these rules, issued in each case, prohibiting disclosure of the records or copying of the records, including copies to clients and all other persons without further order of the court. Self-represented litigants will be required to sign the protective order prior to receiving any copies of the documents disclosed by the court.
- 3) The party seeking disclosure of the records must provide notice to the person to whom the records pertain to allow the effected person to appear and object to disclosure as required by law. Proof of applicable notice must be provided to the court prior to the order being allowed
- 4) The request for in camera review must be raised by motion with opportunity for opposing party to be heard if requested. The requesting party should not simply issue a subpoena for records to be delivered to the court. If this occurs, the court will not review the records.
- 5) The request for in camera review should be made as soon as practicable prior to a contested adjudication, or other hearing where the documents may be used.
- 6) The court requires, whenever possible, the records be submitted to the court in electronic format, and that the released records will be submitted to the attorneys in electronic format through a secure means. At the end of the case, all copies of records shall be returned to the court for destruction. If the court provided the records in a secure format, then an affidavit of destruction indicating that the electronic version of the records has been destroyed shall be filed with the court.

**CHAPTER 8**  
**DOMESTIC RELATIONS PROCEEDINGS**

**8.021 TEMPORARY SUPPORT MOTIONS**

- 1) 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.
- 2) Responsive pleadings should be filed and distinctly respond to each filed temporary support motion requesting relief.

**8.051 EXPEDITED PARENTING TIME MOTIONS (ORS 107.434)**

- 1) Proceedings to enforce parenting time pursuant to ORS 107.434 shall be initiated by motion, declaration, and order to show cause. The proposed order shall include an area where the court can indicate the date, time, and location of the hearing. Unless otherwise ordered by the court, the moving party shall obtain a copy of the signed order from the court and serve the other party with the motion, declaration, and order to show cause and supporting papers at least twenty-one (21) days prior to the time set for hearing.
- 2) Mediation shall not be required unless both parties request mediation prior to the hearing.

**8.052 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 8.021, 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.

- i. The court may allow additional time for a response to any motion and affidavit upon good cause.
  - ii. 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);
  - iii. 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 or video conferencing. At this status hearing preliminary matters may be addressed, and the show cause matters will be set for hearing.

## 8.075 PARENTING TIME GUIDELINES

Attached as APPENDIX 1 is an example schedule for parenting time for proceedings where there are minor children. The schedule is only a guideline of minimum parenting time, the court may customize it to provide for the best interest of the children.

### 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.

#### 8.130 APPOINTMENT OF COUNSEL FOR CHILDREN

The court may appoint counsel for children in cases arising under ORS Chapter 107 upon its own motion or upon motion of either party pursuant to ORS 107.425(3) but shall appoint counsel if requested by one or more of the children. A reasonable fee may be imposed by the court against either or both of the parties or as a cost in the proceedings. Parties may be subjected to a limited judgment for retaining the services of an attorney for the children. The procedure for appointment of counsel for children in cases arising under ORS Chapters 107- 109 shall be as follows:

- 1) In its sole discretion, the court may designate, by appointment, counsel for the children on its own motion with or without prior notice to the parties.
- 2) A party seeking such designation by appointment on their own motion, or forwarding the request from a child, shall ensure that the motion or request is filed with the court and served on all parties.
- 3) Orders designating, by appointment, counsel issued by the court shall contain provision for payment of attorney fees and terms for payment. No appointment order will be issued until counsel has agreed to accept such appointment upon the fee terms set forth. Counsel may agree to provide pro bono service but seek compensation for costs and expenses around the representation of the child.
- 4) Designated counsel will represent their clients' legal interests in obtaining a secure, stable home life and a balanced relationship with both parents and will be answerable only to their client and to the court. The parents or persons having physical custody of the child shall cooperate in allowing counsel opportunity for private consultation with the child or children, including making or assisting with arrangements for the children's transportation to the attorneys' office or some other reasonable meeting place and reasonable phone communication if needed. The parents are not to monitor the child's communication with the attorney or interrogate the child about the nature or substance of the communication.
- 5) Counsel designated for the children are expected to be familiar with the contents of ABA Standards for Representation of Children and the Oregon State Bar, Specific Standards for Representation in Juvenile Dependency Cases, Standards 1-10, 2017.
- 6) Counsel representing the child may submit an ORCP 68 statement for fees and costs. The court retains the authority to require either or both parents to contribute toward the fees and costs incurred, even if the attorney agreed to represent the child on a pro bono or reduced fee basis.

## **CHAPTER 9 PROBATE AND ADOPTION PROCEEDINGS**

### **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.
- 2) 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.
- 3) 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.
- 4) The court clerk will provide the objection form contained in APPENDIX 2.

## **CHAPTER 11 JUVENILE COURT PROCEEDINGS**

### **11.101 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 or video conferencing 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 parent must make written application including 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 or video conferencing call to the court at the time scheduled for their appearance.

## **CHAPTER 12 MEDIATION**

### **12.031 MEDIATOR QUALIFICATIONS**

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

- 1) Sign and file an application with the Court.
- 2) Be approved by the Presiding Judge.
- 3) Be approved by the County Court.

### **12.150 MATTERS SUBJECT TO MEDIATION**

#### **1) Mandatory Mediation:**

- a) 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.
- b) Mediation is mandatory because mediation allows for a customized, workable agreement and reduces the damage to relationships. Parties should participate actively and in good faith. If parties are represented, legal counsel should advise their client in matters of law. The mediator has control of the mediation process as stated in these rules. Counsel should encourage their client, unless mediation is not appropriate for reasons stated in these rules, to engage in the mediation process in good faith in order to seek a resolution that is in the best interest of their children.

#### **2) Exclusion From Mediation:**

- a) 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:

- a) 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.

12.160 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.

12.170 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.

12.180 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.

12.190 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.

#### 12.200 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.

#### 12.210 MEDIATION CONCLUSION

- 1) Mediation shall be concluded in a prompt manner without undue delay of the court proceedings. All cases assigned to mediation must conclude 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.

#### 12.07 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 mediation 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 OF 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.
- 3) NOTE: The arbitration commission has established a compensation schedule for arbitrators. The arbitrator shall be compensated at the rate of 150.00 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 \$600.00 deposit directly to the arbitrator prior to the arbitrator beginning work on the case. The arbitrator shall be compensated at the rate of \$75.00 per hour for travel.

**APPENDIX 1**  
**SLR 8.075**

**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.

Nothing in this model Parenting Plan should prevent parents from modifying this structure up to and including a 50/50 split of parenting time.

**Parenting Plan Schedules:**

- Page 21 – Non-Residential Local Parenting plan - Children 0-1
- Page 22 – Non-Residential Local Parenting plan - Children 1-3
- Page 23 – Non-Residential Local Parenting plan - Children over 3
- Page 24 – Non-Residential Medium and Long-Distance Parenting Plan - Children 0-1
- Page 25 – Non-Residential Medium and Long-Distance Parenting Plan - Children 1-3 before June 1st
- Page 26 – Non-Residential Medium and Long-Distance Parenting Plan - Children over 3
- Page 27 – Summer Schedules

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_**

	)	
	)	
_____	)	PARENTING PLAN
Petitioner	)	
	)	CASE NO. _____
	)	
_____	)	
<input type="checkbox"/> Respondent	)	DATE: _____
<input type="checkbox"/> Co-Petitioner	)	
_____	)	

**1. GENERAL INFORMATION**

**1.1** The parent's names are:


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

Name	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.

**3.1 (c)** **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

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.

### 5. PARENTING TIME SCHEDULE

#### 5.1 DEFINITIONS

**5.1(a)** Weekends: A weekend is defined as commencing at 3:30 p.m. on Thursday 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. 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.

**5.1(c)** 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.

**5.2 SUMMER:** 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.

## **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 schoolteachers 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 labeled "Non-Residential Medium and Long-Distance Parenting Plan". All other provisions of this parenting plan are unchanged except as described below.

- Medium-Distance: parents live more than 60 miles apart, but less than 250 miles apart.
- Long Distance: parents live more than 250 miles apart.

**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 'TABLE A' (below). 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 'TABLE A' (below). The residential parent shall notify the non-residential parent in writing by August 31st.

### **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. 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 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.

Non-Residential Local Parenting Plan – Children 0-1				
Year	Overnights	Days	Holidays	Times
Every Year	No Overnights	1st, 3rd, 5th Saturday		9am-6pm
	No Overnights	Each Wednesday		5pm-8pm
	No Overnights		Mother's Day or Father's Day	9am-6pm
Even Number Years	No Overnights		Christmas	9am-9pm
Odd Number Years	No Overnights		Christmas Eve	9am-9pm
Total Overnights - 0				

Non-Residential Local Parenting Plan – Children 1-3				
Year	Overnights	Days	Holidays	Times
Every Year	1 Overnight	Saturday Morning to Sunday Morning 1st, 3rd, 5th Weekends		9am-9am
	5 Consecutive Days	Summer		
	No Overnights	Each Wednesday		5pm-8pm
	No Overnights		Mother's Day or Father's Day	9am-6pm
Even Number Years	No Overnights		Christmas	9am-9pm
Odd Number Years	No Overnights		Christmas Eve	9am-9pm
Total Overnights - 34				

Non-Residential Local Parenting Plan – Children Over 3				
Year	Overnights	Days	Holidays	Times
Every Year	3 Overnights	Thursday -Sunday 1st, 3rd, 5th Weekends		3:30pm- 6pm
	No Overnights		Mother's Day or Father's Day	9am-6pm
	No Overnights		Parent Birthday	9am-6pm
	35 Consecutive Days	Summer		
Even Number Years	10 Overnights	Starting the day school lets out for Christmas Vacation to December 26	Christmas Break	6pm-10am
	No Overnights		Child Birthday	9am-6pm on a weekday; 5pm-8:30pm on a weekend
	4 Overnights	Wednesday prior to Thanksgiving to Sunday following Thanksgiving	Thanksgiving	6pm-6pm
	No Overnights	Tuesday-Thursday	Fourth of July	9am-10pm
	2 or 3 Overnights	Starting Friday ending Sunday the 4th or Monday the 4th	Fourth of July	6pm-6pm
	9 Overnights	Starting the day after school lets out for Spring Break, ending the day before school resumes	Spring Break	9am-6pm
Odd Number Years	7 Overnights	December 26-Day before school resumes	Christmas Break	10am-6pm
	No Overnights	Day before Birthday	Child Birthday	9am-6pm on a weekday; 5pm-8:30pm on a weekend
	3 Overnights	Friday -Monday	Memorial Day Weekend	6pm-6pm
Total Overnights in Even Years - 147				
Total Overnights in Odd Years - 132				

Non-Residential Medium and Long-Distance Parenting Plan – Children 0-1				
Year	Overnights	Weekends	Holidays	Times
Every Year	No Overnights	Every Saturday and Every Sunday in the location where the residential parent resides		2 hours each day chosen by residential parent
	No Overnights		Mother's Day or Father's Day	9am-6pm where the residential parent resides
	No Overnights		Thanksgiving	9am-6pm where the residential parent resides
Even Number Years	No Overnights		Christmas	9am-9pm where the residential parent resides
Odd Number Years	No Overnights		Christmas Eve	9am-9pm where the residential parent resides
Total Overnights - 0				



Non-Residential Medium and Long-Distance Parenting Plan – Children 1-3 Before June 1st				
Year	Overnights	Weekends	Holidays	Times
Every Year	1 Overnight	Alternating Weekends Saturday Morning to Sunday Evening  Long Distance: parenting time will occur at the location where the residential parent resides		9am-6pm
	No Overnights		Mother's Day or Father's Day	9am-6pm
	1 Overnight	Wednesday to Thursday	Thanksgiving	12pm-6pm
Even Number Years	No Overnights		Christmas	9am-9pm
Odd Number Years	No Overnights		Christmas Eve	9am-9pm
<b>Total Overnights - 27</b>				

<b>Non-Residential Medium and Long-Distance Parenting Plan – Children Over 3</b>				
<b>Year</b>	<b>Overnights</b>	<b>Weekends</b>	<b>Holidays</b>	<b>Times</b>
Every Year	2 Overnights	Alternating weekends Friday-Sunday* #		6pm-6pm
	No Overnights	Tuesday-Thursday	Fourth of July	9am-10pm
	2 or 3 Overnights	Friday -Sunday or Monday Starting Friday ending Sunday the 4th or Monday the 4th	Fourth of July	6pm-6pm
	4 Overnights	Wednesday prior to Thanksgiving to Sunday following Thanksgiving	Thanksgiving	12pm-6pm
	No Overnights		Mother's Day or Father's Day	9am-6pm
	No Overnights		Parent Birthday	9am-6pm
Even Number Years	10 Overnights	Starting the day school lets out for Christmas Break through December 26	Christmas Break	6pm-10am
	9 Overnights	Starting the day after school lets out for Spring Break, ending the day before school resumes	Spring Break	9am-6pm
	No Overnights		Child Birthday	9am-6pm on a weekday; 5pm-8:30pm on a weekend
Odd Number Years	7 Overnights	December 26 through day before school resumes	Christmas Break	10am-6pm
	No Overnights	Day before Birthday	Child Birthday	9am-6pm on a weekday; 5pm-8:30pm on a weekend
	3 Overnights	Friday -Monday	Memorial Day Weekend	6pm-6pm
*If the following Monday the non-residential parent's weekend is a school closure day, parenting time will be extended to Monday until 6pm. If the Friday preceding the non-residential parent's weekend is a school closure day, parenting time shall begin 6pm 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 school no later than 6pm on the day prior to a school day.				

**Total Overnights in Even Years - 77 Plus Summer Schedule**

**Total Overnights in Odd Years - 68 Plus Summer Schedule**

Summer Schedule - Children 0-1 Before June 1st	
Distance	Overnights
Medium Distance	Parenting time remains the same as the rest of the year
Long Distance	Parenting time remains the same as the rest of the year

Summer Schedule - Children 1-3 Before June 1st	
Distance	Overnights
Medium Distance	Parenting time remains the same as the rest of the year
Long Distance	<ul style="list-style-type: none"> <li>• 1 Overnight where the residential parent resides.</li> <li>• 3 weekends. 1 in June, 1 in July, and 1 in August. 9am Saturday-6pm Sunday.</li> </ul>
	<ul style="list-style-type: none"> <li>• 2 Overnights where the non-residential parent resides.</li> <li>• 3 "long weekends". 1 in June, 1 in July, and 1 in August. 6pm Friday-6pm Sunday.</li> </ul>
Total Overnights - 9	

Summer Schedule – Children 3-8 Before June 1st	
Distance	Overnights
Medium Distance	35 Days (5 Weeks)*
Long Distance	35 Consecutive Days (5 weeks)
<p>*Neither parent is to have the child(ren) more than 19 consecutive days. If either parent has the children for 2 weekends in a row, the other parent is entitled to have the children the following weekend. Alternate weekends are discontinued.</p>	
Total Overnights - 35	

Summer Schedule – Children over 8 Before June 1st	
Distance	Overnights
Medium Distance	42 Days (6 Weeks)*
Long Distance	63 Consecutive Days (9 weeks)
<p>*Neither parent is to have the child(ren) more than 19 consecutive days. If either parent has the children for 2 weekends in a row, the other parent is entitled to have the children the following weekend. Alternate weekends are discontinued.</p>	
Total Overnights for Medium Distance - 42	
Total Overnights for Long Distance - 63	

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

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SignatureDate

☐ Respondent    ☐ Co-Petitioner

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SignatureDate

**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
_____	)	<b>FOR APPOINTMENT OF</b>
Protected Person	)	<b>GUARDIAN/CONSERVATOR</b>
_____	)	

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):*

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Date: \_\_\_\_\_

Address: \_\_\_\_\_

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

City, State, Zip: \_\_\_\_\_

Printed or Typed Name \_\_\_\_\_

Phone: \_\_\_\_\_