



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 24th Judicial District.

DATED: December 6, 2023

Court Administrator for the 24th Judicial District (or designee):

Sam Dowell



24th JUDICIAL DISTRICT

GRANT AND HARNEY CIRCUIT COURT SUPPLEMENTARY LOCAL RULES

Effective February 1, 2024 through January 31, 2025

TABLE OF CONTENTS

[CHAPTER 1](#) – General Provisions..... 2

[CHAPTER 2](#) – Standards for Pleadings and Documents 2

[CHAPTER 3](#) – Decorum in Proceedings 3

[CHAPTER 6](#) – Trials 3

[CHAPTER 7](#) – Case Management and Calendaring 4

[CHAPTER 8](#) – Domestic Relations Proceedings 6

[CHAPTER 9](#) – Probate and Adoption Proceedings 9

[CHAPTER 11](#) – Juvenile Court Proceedings 10

[CHAPTER 12](#) – Mediation 11

[CHAPTER 13](#) - Arbitration..... 13

[CHAPTER 15](#) – Small Claims 114

**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. The mailing address is P.O. Box 159, Canyon City, OR 97820.
- 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. The mailing address is 450 N. Buena Vista Ave. #16, Burns, OR 97720.
- 3) Hours are subject to change without notice due to staffing needs of the court.

1.171 WEBSITE

The following links are to the 24th Judicial District Websites:

- 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 2
STANDARDS FOR PLEADINGS AND DOCUMENTS**

2.011 ADDRESSES AND TELEPHONE NUMBERS

- 1) Defendants in criminal and violation cases shall, during the pendency of the case and while any monetary or other obligations imposed by the court in such case remain unsatisfied, keep the court advised in writing of the defendant's current name, mailing address and telephone or message telephone number.
- 2) Unrepresented parties in all case types shall keep the court advised in writing of their current name, mailing address, and telephone or message telephone number.

**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 court areas for media and public access coverage. Any media or public access coverage requesting permission for electronic recording or electronic writing, including over video conference, whether via internet or other platform, shall submit a written request through the court staff email, and is subject to approval by the court.

**CHAPTER 6
TRIALS**

6.012 SETTLEMENT CONFERENCES

- 1) Upon the joint request of the parties, and at the discretion of the judge, the court may set a judicial settlement conference. The court will follow the procedure in UTCR 6.200 if there is a request for settlement conference that the other party objects to being set.
- 2) The parties will submit settlement letters to the court no later than 48 hours, excluding weekends, prior to the settlement conference outlining the information the party believes will assist the judge in settlement negotiations. Each settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions.
- 3) The court will only allow one settlement conference unless good cause is shown why another settlement conference should be allowed.
- 4) Each party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the settlement conference, unless video or telephonic appearances are permitted for good cause.
- 5) Settlement conferences will be handled by visiting or senior judges unless there are written waivers of conflict for the presiding judge to participate in the settlement conference and remain the trial and sentence judge. If the court is unable to obtain the services of a visiting or senior judge, the court at its discretion may deny the request for a settlement conference.
- 6) All settlements will be placed on the record upon settlement. All criminal cases, where there is a settlement on charges, shall have a plea to the charges in the negotiated settlement placed on the record the day of the settlement supported by a plea petition.
- 7) The pretrial settlement conference shall not delay the trial scheduling.

6.061 JURY INSTRUCTIONS

- 1) In addition to filing the instructions, an attorney or party shall send instructions to jury.instructions.JD24@ojd.state.us in Microsoft Word format and in jury-ready form that excludes reference to citations or instruction numbers.
- 2) Draft written instructions and verdict form 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) 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.
- 2) 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.
- 3) Plea petitions are required in all cases involving criminal charges unless allowed by the court with a good cause shown. Plea petitions shall be submitted to the court at least 48 hours prior to the plea hearing.
- 4) 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, with 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) Video appearances are the default remote hearing type. 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

See [EXAMPLE PARENTING PLAN](#) 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.

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. See [OBJECTION FORM](#).

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.

11.102 CASA AS A PARTY

CASA is a party to all proceedings under UTCR 11.100. CASA has access to counsel if requested and represent the agency's foundational principle of protecting the best interest of children in the proceedings, and therefore service can be provided to CASA with no less than three (3) days to object under UTCR 11.100(1)(a), rather than the seven (7) days for self-represented parties under UTCR 11.100(1)(c).

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.

12.220 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.

**CHAPTER 15
SMALL CLAIMS**

15.011 SMALL CLAIMS FORMS

All forms referenced in UTCR 15.010 are mandatory as formatted in the links contained in that rule.