

RULES
OF THE
14TH JUDICIAL DISTRICT
OF THE STATE OF OREGON
FOR
JOSEPHINE COUNTY



STATE OF OREGON – COUNTY OF JOSEPHINE

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

DATED: 26 Day of December 2022.
Presiding Judge for Josephine County Circuit Court (or designee):

/s/ Robert S. Bain

Robert S. Bain – Presiding Circuit Court Judge

**SUPPLEMENTARY LOCAL RULES OF THE CIRCUIT COURT
OF THE STATE OF OREGON FOR JOSEPHINE COUNTY
TABLE OF CONTENTS**

	PAGE
CHAPTER 1	
HOURS OF OPERATION	
1.002 Address and Telephone Numbers.....	1
1.161 Filing of Documents with Court.....	1
1.171 Court Website	1
1.175 Mailing Address	1
CHAPTER 2	
STANDARDS FOR PLEADINGS AND DOCUMENTS	
2.015 Return Of A Document To A Party.....	2
2.095 Filings For Consolidated Cases.....	2
2.501 Filings For Stipulated or Ex Parte Matters.....	2
CHAPTER 3	
MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS	
3.181 Media or Other Public Access Coverage of Court Events	3
3.182 Use of Cell Phones and Other Communication Devices Which Have Audio Recording, Photographic or Any Other Visual or Image Recording or Reproducing Capability.....	3
CHAPTER 4	
PROCEEDINGS IN CRIMINAL CASES	
4.081 Remote Appearance at Criminal Proceedings	4
4.005 Motions to Withdraw.....	4
4.015 Motions to Consolidate.....	4
CHAPTER 5	
PROCEEDINGS IN CIVIL CASES	
5.051 Motion Hearings	5
5.061 Presentation of Ex Parte Orders	5
CHAPTER 6	
TRIAL PROCEDURES	
6.012 Pretrial Settlement Conference Procedures	6
6.021 Submission And Copies Of Motions, Briefs, Memoranda, And Points And Authorities; Copies Be Designated Trial Court Copy.....	6
6.031 Motions to Continue Trials.....	7
6.051 Trial Fees	7
6.061 Submission of Jury Instructions.....	7
CHAPTER 7	
CASE MANAGEMENT AND CALENDARING	
7.011 Court Notification of Pleas or Stipulations	8
7.012 Status Hearing in Criminal Cases	8
7.013 Pretrial Conferences Criminal/Civil	9
7.014 Motions to Continue Hearings.....	9
7.015 Motions to Continue Pending Cases on Court Docket.....	9
7.016 Docket Call.....	10
7.017 Dismissal of Inactive Cases.....	10
CHAPTER 8	
DOMESTIC RELATIONS PROCEEDING	
8.015 Family Law Co-Parenting Education Program	11
8.025 Division or Valuation of Personal Property.....	13
8.041 Prejudgment Relief	13
8.051 Post Judgment Order to Show Cause for Modification of Judgments.....	15

8.075	Parenting Plan.....	15
8.091	Appointment of Counsel for Children.....	16
8.121	Informal Domestic Relations Trial (IDRT)	17
8.135	Dismissal of Restraining Orders (Family Abuse Prevention Act).....	18

CHAPTER 9

PROBATE AND ADOPTION PROCEEDINGS

9.051	Restriction of Assets.....	19
9.081	Objection to Petition For Appointment Of Guardian/Conservator	19
9.091	Visitor's Appointment and Fees.....	19

CHAPTER 11

JUVENILE COURT PROCEEDINGS

11.005	Appearance in Juvenile Court Dependency Cases.....	20
11.021	Juvenile Docket Call.....	20

CHAPTER 12

MEDIATION

12.015	Matters Subject to Mediation.....	21
12.021	Mandatory Mediation.....	21
12.025	Scope of Authority	21
12.031	Mediation	21
12.035	Independent Mediators	22
12.041	Litigation of Unresolved Conflict	22
12.045	Mediation for Matters Otherwise Subject to Arbitration.....	23
12.051	Mediation Program Monitoring	23
12.055	Mediation Panel Established	23
12.061	Appointment of Mediation Panel.....	23
12.065	Removal from Mediation Panel	23
12.071	Motions	23
12.075	Referral to Mediation.....	24
12.081	Exemption from Mediation	24
12.085	Assignment of Mediator and Scheduling.....	24
12.091	Compensation of Mediators	24
12.095	Completing Mediation	24
12.101	Good Faith Mediation.....	25

CHAPTER 13

ARBITRATION

13.005	Arbitration.....	26
13.011	Procedures Established for Mediation.....	26
13.021	Compensation of Arbitrators.....	26
13.121	Time For Arbitration Hearing – 91 Day Time Period Pursuant To UTCR 13.160(2).....	26

CHAPTER 15

SMALL CLAIMS

15.005	Small Claims Mediation.....	27
--------	-----------------------------	----

CHAPTER 16

VIOLATIONS

16.015	Violations Bureau... ..	28
16.025	Setting Aside Default Judgments.....	28
16.030	Trial by Declaration	28

CHAPTER 19

CRIMINAL CONTEMPT PROCEEDINGS FILED BY DISTRICT ATTORNEY

19.061	Admission or Not Contesting Criminal Contempt.....	29
--------	--	----

APPENDIX OF FORMS

Process for Submitting Exhibits/Exhibit and Witness List.....	Appendix 1
Petition to Enter Plea of Guilty or No Contest Without Aid of An Attorney and Order Permitting Same	Appendix 2
Petition to Enter Plea of Guilty or No Contest and Order Permitting Same	Appendix 3
State Status Report.....	Appendix 4
Defense Status Report.....	Appendix 5
Pretrial Conference Order	Appendix 6
Notice of Co-Parenting Classes	Appendix 7
Joint Property Exhibit List.....	Appendix 8
Notice About a Written Response to a Motion to Modify Judgment Filed in Josephine County Circuit Court.....	Appendix 9
Order Appointing Attorney for Child(ren).....	Appendix 10
Domestic Relations Trial Process Selection and Waiver for Informal Domestic Relations Trial.....	Appendix 11
Acknowledgement of Order Restricting Assets.....	Appendix 12
Objection to Petition for Appointment of Guardian/Conservator.....	Appendix 13
Motion for Mediation	Appendix 14
Declaration of Non-Compliance and Request for Judgment/Notice to Defendant on How to Request a Hearing/Defendant's Request for Hearing to Contest Declaration of Non-Compliance.....	Appendix 15
Waiver and Testimony by Declaration	Appendix 16
Petition to Enter Plea of Guilty or No Contest and Order Permitting Same Contempt.....	Appendix 17

CHAPTER 1 GENERAL PROVISIONS

1.002 ADDRESS AND TELEPHONE NUMBERS

- (1) Defendants in Criminal and Violation Cases. During the pendency of any case charging an offense, during any period of probation, or while any monetary or other obligation imposed by the court in such case remains unsatisfied, defendant must keep the court advised in writing of defendant's current name, mailing address and telephone or message telephone number.
- (2) Unrepresented Parties in Civil and Small Claims Cases. During the pendency of any civil or small claims case, any party who is not represented by an attorney of record must keep the court advised in writing of the party's current name, mailing address, and any telephone or message telephone number.

1.161 FILING OF DOCUMENTS WITH COURT

- (1) A drop box will be available until 5:00 p.m. for filings and payments at both the main courthouse and the Juvenile Justice Center. A drop box is located next to the court services window on the second floor of the main courthouse, 500 N.W. 6th Street, Grants Pass, Oregon and on the second floor of the Juvenile Justice Center, 301 NW F Street, Grants Pass, Oregon. Documents deposited prior to 5 p.m. will be filed the same day. Documents deposited after 5 p.m. will be filed on the next business day. Receipts for filing fees will be provided if a self-addressed, stamped envelope is attached to the filing. Documents failing to meet requirements outlined in ORCP 9E and Josephine County SLR 2.015 will not be accepted for filing and will be returned to the party.
- (2) Documents transmitted via facsimile (FAX), or by email will not be received for filing except as set out in SLR 4.080(2) and 5.052(2); Appendix 1.
- (3) Mandatory electronic filing is required for members of the Oregon State Bar per UTCR 21.140.

1.171 COURT WEBSITE

Josephine County Circuit Court has a website that lists information about our court. The website address is:

<http://courts.oregon.gov/Josephine/>

1.175 MAILING ADDRESS

The mailing address for Josephine County Circuit Court is 500 NW 6th Street, Department 17, Grants Pass, Oregon 97526.

February 1, 2023

14th Judicial District – Josephine County Circuit Court

CHAPTER 2 STANDARDS FOR PLEADINGS AND DOCUMENTS

2.015 RETURN OF A DOCUMENT TO A PARTY

In addition to the authority to decline to receive or file a document under ORCP 9E, a document may be returned to the party who submitted it in the following situations:

- (1) A document with an existing case number and case caption from another jurisdiction unless filed pursuant to an order signed by a judge allowing a change of venue or authorizing the filing on some other basis;
- (2) A document which required a fee but the fee payment or an order to waive or defer the fee is not provided;
- (3) A document without sufficient identifying information to determine in which case it should be filed or entered;
- (4) A document with a case caption from a jurisdiction not recognized by the Oregon constitution or established by the Oregon Legislature, or a judgment or decree purportedly issued by a nonexistent court; and
- (4) A document submitted by fax transmission except as set out in SLR 4.080(2) and 5.052(2); Appendix 1.

2.095 FILINGS FOR CONSOLIDATED CASES

Pleadings, memoranda or other documents filed pursuant to UTCR 2.090, which affect each of the consolidated cases, must include:

- (a) Complete case captions listing all parties and case numbers;
- (b) An original pleading, memoranda or other document for each case that highlights the case number in which the pleading, memoranda or other document should be filed.
- (c) When submitted by electronic filing, the document(s) shall be submitted in both case numbers.
- (d) Pleadings, memoranda and other documents filed in cases that are related but not consolidated, shall contain only the case caption and case number for the case to which it applies. Original documents must be submitted for each file in order for the document to be filed in each of the related cases.

2.501 FILINGS FOR STIPULATED OR *EX PARTE* MATTERS

Any stipulated or *ex parte* matter which is to be addressed at 8:00 a.m. or 8:15 a.m. *ex parte* time according to SLR 5.061(1) and SLR 5.061(2) shall not be submitted electronically.

CHAPTER 3
MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

Media or public access coverage is prohibited in the public hallways outside of any courtroom or court office. Public or media wanting to film outside courtrooms or court offices must obtain approval from the Public Information Officer or Trial Court Administrator.

3.182 USE OF CELL PHONES AND OTHER COMMUNICATION DEVICES WHICH HAVE AUDIO RECORDING, PHOTOGRAPHIC OR ANY OTHER VISUAL OR IMAGE RECORDING OR REPRODUCING CAPABILITY

- (1) Cell phones and other personal data or communication devices which have audio recording, photographic or other visual image recording or reproduction capability:
 - (a) constitute public access coverage equipment as defined in UTCR 3.180;
 - (b) such devices may be used in a facility occupied by the court only as provided by UTCR 3.180, SLR 3.181, and this rule;
 - (c) must be turned off when entering any courtroom or any jury room in any facility occupied by the court, while conducting business at court service counters and must not be turned on for any use in a courtroom without complying with UTCR 3.180 and this rule.
- (2) Cell phones or other communication devices may be used in areas outside of a courtroom, as defined in UTCR 3.180 and SLR 3.181, in a facility occupied by the court without violating this rule or SLR 3.181, provided that such use is restricted to the transmission of the user's oral communication only and does not involve any operation or use of the device's audio recording, photographic or any other visual or image recording or reproduction capability.
- (3) In addition to any other consequence permitted under law or court rules, violators of this rule are subject to being ordered by the court to delete from the device any audio recording, photographic or any other visual or image recording or reproduction made in a court facility.

CHAPTER 4 PROCEEDINGS IN CRIMINAL CASES

4.011 MOTIONS TO WITHDRAW

When a motion is brought before the court requesting that an attorney be allowed to withdraw from representation of a defendant prior to disposition and the effect of the withdrawal will leave the defendant in self-represented status, the court will require the following:

- (1) Both the attorney and the defendant must appear before the court for determination of the motion, regardless of whether the request to withdraw was filed by the defendant or by counsel. The only exception will be if the defendant is on abscond status. A hearing notice will be sent to counsel by the calendar clerk.
- (2) A current mailing address for defendant must be provided to the court at this appearance.

4.015 MOTIONS TO CONSOLIDATE

- (1) Motions to Consolidate will be held for objections for three (3) court days with a ruling by the court on the fourth (4th) day or thereafter. If the proof of service attached to the motion indicates that service was done by mail, an additional three (3) days will be added to the holding period.
- (2) If opposing counsel objects, the objection shall be in writing and submitted to the court within the holding period established in (1). Upon receipt of a written objection, the file will be set on the next available Motion Docket.
- (3) If the motion indicates all parties are in agreement to the consolidation, the holding period established in (1) will be waived.

4.081 REMOTE APPEARANCE AT CRIMINAL PROCEEDINGS

- (1) Defendants, attorneys and other witnesses in a criminal proceeding are required to appear in-person. If a party desires to attend a proceeding by remote means, a motion shall be filed no less than 24-hours prior to the proceeding, setting forth good cause, and stating the other party's position on the motion. If the judge determines good cause to grant the motion for the party or party's witness(es) to appear remotely and an order is entered to that effect, it shall be the responsibility of the party requesting remote attendance or the party calling said witness(es) to coordinate with the witness and confirm their ability to appear remotely by video so as not to cause an undue disruption or delay in the proceeding.
- (2) If a party or witness(es) have been granted a remote appearance, all parties to the case submitting exhibits for the hearing must do so 24-hours prior to their court appearance or as soon as practicable and must use the court form Exhibit List Cover Sheet and Witness List. See Appendix 1.

CHAPTER 5 PROCEEDINGS IN CIVIL CASES

5.051 MOTION HEARINGS

- (1) Oral argument must be clearly requested in the caption of the motion or response pursuant to UTCR 5.050. If oral argument is requested by either party, the matter shall be set for hearing. Motions requiring twenty (20) minutes or less will be scheduled on the motion docket which is heard on Mondays at 8:30 a.m. Motions requiring more than twenty (20) minutes will be set for a time certain hearing.

5.052 REMOTE APPEARANCE AT CIVIL PROCEEDINGS

- (1) If a party desires to attend a proceeding by remote means, a motion shall be filed no less than 24-hours prior to the proceeding, setting forth good cause, and stating the other party's position in the motion. If the judge determines good cause to grant the motion for the party or party's witness(es) to appear remotely and an order is entered to that effect, it shall be the responsibility of the party requesting remote attendance or the party calling said witness(es) to coordinate with the witness and confirm their ability to appear remotely by video so as not to cause an undue disruption or delay in the proceeding.
- (2) If a party or witness(es) have been granted a remote appearance, all parties to the case submitting exhibits for the hearing must do so 24-hours prior to their court appearance or as soon as practicable and must use the court form Exhibit List Cover Sheet and Witness List. See Appendix 1.

5.061 PRESENTATION OF *EX PARTE* ORDERS

- (1) Stipulated or *ex parte* orders may be presented by a party or attorney of record having knowledge of the subject matter at the main courthouse court services window Monday through Friday of each week from 8:00 – 8:15 a.m., and not otherwise except in case of emergency. If the matter has been assigned a judge, the party or attorney of record may either deliver the *ex parte* order to the assigned judge or contact the judicial assistant to make arrangements to make presentation to the judge.
- (2) Domestic relations stipulated or *ex parte* orders as appropriate pursuant to SLR 8.041 may be presented by a party or attorney of record having knowledge of the subject matter at the family court service window. On Monday *ex parte* is held at 8:30 am, Tuesday through Friday of each week at 8:15 am, and not otherwise except in case of emergency.
- (3) Except where otherwise authorized by statute, all motions and affidavits seeking an *ex parte* order and/or judgment of default shall state the method of service and date and time service was made and perfected. In addition to a declaration in the affidavit, this information shall be set forth in the first line of the motion.

CHAPTER 6 TRIAL PROCEDURES

6.012 PRETRIAL SETTLEMENT CONFERENCE PROCEDURES

The following procedures shall apply to pretrial settlement conferences in all pending civil and domestic relations cases when ordered by the court pursuant to UTCR 6.010 or 6.200 or when requested by a party or the party's attorney:

- (1) If one party requests a pretrial settlement conference, the settlement conference shall be held unless the opposing party demonstrates good cause why the settlement conference should not be held.
- (2) Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation shall personally appear at the pretrial settlement conference. However, the assigned judge may permit telephone appearances in lieu of personal appearance for good cause.
- (3) Each pretrial settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the assigned judge or by agreement of all attorneys and parties.
- (3) The pretrial settlement conference shall not delay the trial scheduling.
- (4) It will not be required that a trial setting conference be held prior to the pretrial settlement conference.
- (5) Pretrial settlement conferences shall be conducted by a judge other than the assigned trial judge unless all parties stipulate in writing that the trial judge may also conduct the settlement conference.
- (6) A pretrial settlement conference statement must be submitted to the court 48-hours prior to the scheduled settlement conference. Pretrial settlement conference statements shall be submitted to the court as a confidential document.
- (7) No notes or material prepared by the pretrial settlement conference judge will be placed in the court file.
- (8) If a settlement is reached, the parties shall place notice of the settlement on the record before the scheduled trial date, unless otherwise ordered by the court, in accordance with UTCR 6.020.

6.021 SUBMISSION AND COPIES OF MOTIONS, BRIEFS, MEMORANDA, AND POINTS AND AUTHORITIES; COPIES TO BE DESIGNATED TRIAL COURT COPY

- (1) In civil and domestic relations cases, motions, briefs, trial memoranda, and exhibit lists shall be filed with the court and served on opposing counsel/party at least two (2) days prior to the

February 1, 2023

14th Judicial District – Josephine County Circuit Court

commencement of the scheduled proceeding pursuant to ORCP 10.

6.031 MOTIONS TO CONTINUE TRIALS

- (1) All motions for continuance of trial must be in writing and follow UTCR 6.030. Additionally, if the motion is based on a conflicting proceeding in another court, it must follow UTCR 6.030(3). Non-compliance may be grounds for denial. In addition to the requirements outlined in UTCR 6.030, motions to continue must also state the custodial status of the defendant.
- (2) All criminal, civil and domestic relations motions to continue will be sent to the Presiding Judge except the following:
 - (a) Motions to continue filed in a case assigned to a specific judge will be directed to that judge;
 - (b) Motions to continue requesting oral argument will be set for a hearing at the discretion of the court, if time allows;
 - (c) Motions to continue shall not be presented or ruled on during ex parte time.

6.051 TRIAL FEES

In civil and domestic relations cases, the amount of the fee for the first day of trial shall be collected in advance and is due and payable when the action, suit, or proceeding is set for trial.

6.061 SUBMISSION OF JURY INSTRUCTIONS

Not later than the commencement of trial, each party in a civil or criminal case must submit to the court an electronic copy of all proposed special jury instructions and all modified uniform jury instructions. The electronic copy must be in jury ready form. The electronic copy must be in Microsoft Word format. This rule is in addition to the requirements of ORCP 59A, UTCR 6.060, and UTCR 6.070. For good cause shown, a party may request relief from the requirements of this rule.

CHAPTER 7 CASE MANAGEMENT AND CALENDARING

7.011 COURT NOTIFICATION OF PLEAS OR STIPULATIONS

No agreement or stipulation between the parties and their attorneys concerning any proceeding before the court or disposition thereof will be considered or enforced unless the same be made in open court in the presence of the parties and reported or reduced in writing and subscribed by the party or attorney to be bound thereby, unless otherwise ordered by the court. Parties shall submit pleas using the plea petition form supplied by the court and attached hereto as Appendices 2 and 3.

7.012 STATUS HEARING IN CRIMINAL CASES

- (1) A status hearing will be held in advance of the trial date. The date and time of the status conference will be set at arraignment.
- (2) All investigations, discovery, negotiations and plea agreements shall be completed by the third status hearing unless good cause is shown; otherwise, a trial will be set.
- (3) The attorney for each party and defendant shall appear at the status hearing.
- (4) Upon request of a trial date, the parties shall provide the court with a completed status report form bearing the signatures of each attorney. The form will be furnished by the court and is attached hereto as Appendices 4 and 5.
- (5) The parties shall report to the court the status of the case. In the absence of settlement, the parties shall appear in court and report:
 - (a) Whether the case is complex, subject to UTCR 7.030;
 - (b) Whether a jury trial is desired;
 - (c) Probable length of trial;
 - (d) The need for a pretrial hearing;
 - (e) Whether the parties will file any motions; and,
 - (f) Identify areas remaining at issue or any other matter affecting the case.
- (6) Status hearings may be reset in a different manner than other criminal proceedings:
 - (a) If the status hearing being continued has 2 or less reset requests from the parties, the requesting party/attorney may request a continuance by emailing the criminal unit at JOS.Arraignd@ojd.state.or.us any time before the hearing. The email must contain the position of the other party and good cause for the set over. If stipulated, the criminal clerk is authorized to set the matter over to an available status session not to exceed 6 weeks.
 - (b) If the status hearing is on its 3rd or subsequent set, the

attorney may still seek the set over by requesting it in an email to the criminal unit that contains the other party's position and good cause. At that time, the criminal clerk will seek approval from the Presiding Judge. The judge may authorize the set over or require the parties to appear. The criminal clerk will communicate the decision to both the District Attorney's Office as well as the defense attorney/self-represented defendant.

7.013 PRETRIAL CONFERENCES

- (1) Pretrial conferences will be set for individual cases upon written request of either party, using the state/defense status report form supplied by the court and attached hereto as Appendices 4 and 5.
- (2) All criminal defendants will be required to be present for the pretrial conference unless prior approval is granted by the court excusing defendant's presence.
- (3) A pretrial conference order as attached hereto as Appendix 6 may be prepared by the court at the conclusion of each conference.

7.014 MOTIONS TO CONTINUE HEARINGS

- (1) Hearings of two hours or less other than sentencing hearings may be continued by stipulation without a written motion if the court is notified more than forty-eight (48) hours before the scheduled hearing.
- (2) All motions for continuances must be in writing and follow UTCR 6.030. Non-compliance may be grounds for denial.
- (3) All motions will go to the Presiding Judge except those that are filed forty-eight (48) hours or less prior to hearing. Those motions will be sent to the scheduled hearing judge.
- (4) For attorneys that are double set, a written motion to continue following UTCR 6.030 will be required unless the attorney contacts the calendaring clerk within fourteen (14) calendar days of the hearing notice and all parties stipulate to the request.

7.015 MOTIONS TO CONTINUE PENDING CASES ON COURT DOCKET

- (1) Motions and proposed orders to continue a matter as pending on the court docket must be submitted in writing. Telephone requests will not be accepted.
- (2) All requests to continue a matter as pending on the court docket, if allowed, will be granted in up to sixty (60) day increments.

DOCKET CALL

- (1) Criminal and civil docket call shall be held at 8:15 a.m. on the Wednesday before the scheduled trial. There is not docket call for domestic relations cases.
 - (a) Attorneys of record and unrepresented parties in any case shall appear in person for docket call. Attorneys may appear by telephone if arrangements are made with the docket clerk prior to docket call.
 - (b) Defendants in criminal matters that are out of custody shall appear in person at docket call unless the court authorizes a waiver of appearance in advance.
 - (c) In custody defendants will not be required to appear for docket call. Self-represented in custody defendants will be permitted to appear by video or phone for docket call appearances.
- (2) See SLR 11.021 for rule on juvenile docket call.

DISMISSAL OF INACTIVE CASES

- (1) After the court has rendered a decision in any civil or domestic relations case, if a party does not submit a proposed order or judgment for a period of thirty (30) days or more, the Trial Court Administrator shall send a notice to the parties notifying them that the case will be dismissed if an order or judgment is not received within thirty (30) days.
- (2) If an order or judgment is not received within thirty (30) days of the notice sent pursuant to section (1) of this rule, the case shall be dismissed without prejudice unless otherwise ordered by the court.

CHAPTER 8 DOMESTIC RELATIONS PROCEEDINGS

8.015 FAMILY LAW CO-PARENTING EDUCATION PROGRAMS

- (1) Josephine County Circuit Court has established family law education programs when a party to the action is the parent of a child, as authorized by ORS 3.425
- (2) The following cases are subject to these programs:
 - (a) annulment or dissolution of marriage actions;
 - (e) legal separation actions;
 - (d) petitions to establish paternity, custody, parenting time, or visitation by unmarried parents;
 - (e) petitions to establish custody, parenting time, or visitation by any party; and
 - (f) post-judgment litigation involving changes in custody, parenting time, or visitation in which the parties have not previously completed these programs.
- (3) Co-Parenting Education Program
 - (a) All parties involved in a case that include children under the age of seventeen (17) years shall successfully complete a court-approved Co-Parenting Education Program.
 - (b) Court action in these cases will not be delayed by a party's refusal, failure or delay in registering for or completing this program or the failure to comply with the requirements of this program, unless the noncomplying party is the moving party in the action.
 - (c) Upon a party's failure to successfully complete the program or failure to comply with the requirements of this program, the court may take appropriate action, including but not limited to denial of the relief sought by that party, or proceedings for contempt, assessment of costs and attorney fees.
 - (d) Failure or refusal to complete the program in a timely manner will be considered by the court when making its ruling on issues which are in dispute and in determining the best interest of a child

CHAPTER 8 CONTINUED

- (e) A party who knowingly fails to comply with the provision of this program may have their pleading stricken and/or a default entered.
- (f) The party initiating the proceeding shall register for the program within fifteen (15) days after filing the initiating pleading with the court. A statement of the requirements of the program and instructions on how to register for the program (Appendix 7) shall be served by the initiating party on all parties against whom relief is sought. Service shall be accomplished as provided in ORCP 7 at the time the initiating documents are served.

All parties other than the initiating party shall register for the program within thirty (30) days after service of the notice upon them.

- (g) Court-approved co-parenting education program providers will provide a certificate of completion to all participants who have successfully completed the program. It is the responsibility of the participant to file the certificate of completion with the court. The certificate must include the case number, participant name, and date of completion before filing with the court.
- (h) Upon a showing of good cause, a party may request waiver of the attendance requirement of this program. The request must be made by written motion, supported by affidavit / declaration, and filed within thirty (30) days of receipt of the notice of requirements of this program.

(4) Service Provider

- (a) Co-Parenting Education service providers shall be designated by the Presiding Judge or Family Court Judge.
- (b) Each party shall pay a fee at the time of registration for the Co-Parenting Education Program as determined by the program provider to cover the costs for the Co-Parenting Education Program.
- (c) The fee may be deferred by the service provider. A party seeking deferral must contact the service provider directly. In cases of extreme hardship, and after attempting to resolve the issue with the service provider, a party may request the court to waive the requirement to attend the Co-Parenting Education Program.

CHAPTER 8 CONTINUED

8.025 DIVISION OR VALUATION OF PERSONAL PROPERTY

- (1) Parties to all contested dissolution of marriage and dissolution of domestic partnerships may prepare a joint property exhibit list similar to Appendix 8 if there is any dispute as to the division or valuation of personal property;
- (2) The exhibit list is to contain:
 - (a) each item of property;
 - (b) in columns to the right of the property list there is to be each party's estimate of fair market value, each party's proposed distribution, and any claim as to pre-marital or inherited property;
 - (c) at the bottom of each page there is to be a subtotal for each party's claimed fair-market value of the property;
 - (f) the last page shall have a total for each party based upon their claim for the item and their estimated fair-market value;
 - (e) Disputed property shall be summarized on an additional sheet;
- (3) Each party must provide the other party with their exhibit list at least seven (7) days prior to the final hearing.
- (4) The exhibit list is to be prepared pretrial and submitted to the court at the beginning of the final hearing.

8.041 PREJUDGMENT RELIEF

- (1) No motion shall be filed *ex parte* (i.e., without notice to the other side) unless specifically authorized by Oregon Statute or court rule, except a motion for show cause, motion for mediation, and motion to enforce parenting time. Any motion filed *ex parte* shall comply with UTCR 5.060(2) (contain the words "*ex parte*" in the caption) and shall also cite the specific statute or rule that allows the motion to be filed without notice. A proposed order may be submitted along with a motion filed under this subsection without notice to the other side.
- (2) Except where a statute or rule explicitly allows an appearance without notice to the other party, a party seeking relief at scheduled or specially arranged *ex parte* times must provide one (1) judicial days' notice to the opposing party of the date, time and court where the relief will be sought.

CHAPTER 8 CONTINUED

The party seeking relief at *ex parte* time must provide written certification of the date, time, and manner in which the opposing party was provided notice of the planned appearance as well as the opposing party's position on the matter to be presented.

- (3) Pursuant to ORS 107.095(1)(a) and (b), and UTCR 8.040, temporary child and spousal support and suit funding may be determined without testimony, based on the Uniform Support Declarations and supplemental declarations/affidavits filed by the parties using the following procedure:
 - (a) The moving party must file a Uniform Support Declaration concurrently with the motion and declaration/affidavit for an order of temporary support. The motion must include, prominently displayed on the first page, a notice to the responding party stating, in substance, the responding party's obligations under paragraph (b) of this subsection. The notice also must state: "If you do not respond, the court may take action based on this motion. You may be ordered to pay support in the amount requested. Refer to SLR 8.041(3) for further information."
 - (b) The adverse party must file a Uniform Support Declaration within fourteen (14) days of being served with the moving party's motion and documentation but shall not be required to file a Uniform Support Declaration or responsive document less than thirty (30) days after being served with the petition and summons. The adverse party may also submit a supplemental declaration/affidavit responding to specific statements made in the moving party's documentation. The adverse party's supplemental declaration/affidavit, if any, must be filed along with the Uniform Support Declaration.
 - (c) The moving party may respond to the adverse party's responding documentation by supplemental declaration/affidavit within fourteen (14) days of being served with the adverse party's documentation. In any case involving temporary child support, the documents filed by the parties with the court shall include applicable child support computation worksheets.
 - (d) The court will determine the matter within fourteen (14) days after the last filing by a party. The court may, on its own motion, order that the matter be determined through an evidentiary hearing.

CHAPTER 8 CONTINUED

- (e) The moving party may submit a form of proposed order in blank, for the court's convenience, as part of the party's submittals under this subsection. Submitting a blank form of proposed order does not require compliance with UTCR 5.100, as it is not an "order" as described in that rule. The court may fill in the specific provisions of the order in conjunction with its determination, or alternatively may direct a party to submit an order.
- (4) Notwithstanding the provisions of subsection (3), a party may request that temporary support be established through an evidentiary hearing. The request must show good cause and state why the procedure of subsection (3) would lead to an unjust or inequitable result.
- (5) A temporary support order may be modified under the procedure of subsection (3) or (4). The moving party must show good cause and state why the temporary support obligation should be reconsidered by the court instead of awaiting final determination at the trial.

8.051 POST JUDGMENT ORDER TO SHOW CAUSE FOR MODIFICATION OF JUDGMENTS

- (1) The Order to Show Cause shall require the opposing party to file a written response in answer to the motion and declaration, with a responding Uniform Support Declaration if the issue of support is to be contested, within the time prescribed by ORS 107.135(14). The court will schedule a hearing on the motion at the time a written response is filed by the opposing party.
- (2) The Order to Show Cause shall include the "Notice About a Written Response to a Motion to Modify Judgment Filed in Josephine County Circuit Court." This notice is available as Appendix 9.
- (3) If the opposing party fails to file the written response in opposition within the time allowed in ORS 107.135(14), the moving party shall file with the court, a motion, declaration, and order for default with the supplemental judgment allowing the relief requested in the Motion to Show Cause. The court reserves the right to require the taking of testimony of the moving party in such default matters.

8.075 PARENTING PLAN

- (1) Josephine County has adopted standardized parenting plans per UTCR 8.070, which can be found at www.courts.oregon.gov/josephine.

CHAPTER 8 CONTINUED

- (2) Unless otherwise directed by the court, or the parties stipulate to a different schedule of parenting time which is approved by the court, a parent shall have the right to have parenting time with the minor child(ren) of the parties according to the schedule and guidelines which are set forth in the Josephine County Circuit Court Standard Parenting Plan form referred to in paragraph (1) above.

8.091 APPOINTMENT OF COUNSEL FOR CHILD(REN)

When legal counsel is appointed to represent a child in a domestic relations matter pursuant to ORS 107.425, the order shall be submitted to the court in substantially the same form as set out in Appendix 10.

The procedure for appointment of counsel for children in cases arising under ORS 107-109 shall be as follows:

- (1) In its sole discretion, the court may appoint counsel for the children on its own motion with or without prior notice to the parties.
- (2) A party who seeks such appointment on the party's own motion or who forwards the request from a child shall ensure that the motion or request is filed with the court and served on all parties.
- (3) In the event an attorney is appointed to represent a child, the child will be considered a party.
- (4) The court will define whether the representation is "traditional advocacy" or "best interests" representation. The child's attorney is expected to be familiar with the contents of the ABA Standards for Representation of Children, and the Oregon State Bar "Specific Standards for Representation in Juvenile Dependency Cases."
- (5) The parties are encouraged to stipulate to an identified attorney, type of representation, and method of compensation. If the parties are unable to agree, the court will set the matter for a hearing to address those issues.
- (6) Orders appointing counsel issued by the court may contain provisions for payment of attorney fees and terms for payment. No appointment order will be issued until the child's counsel has agreed to accept such appointment upon the fee terms set forth.
- (7) The parents or person having physical custody of the child shall make the child reasonably available to the attorney as requested and are not to monitor the child's communication with the attorney or to question the child about the nature or substance of the communication.

8.121 INFORMAL DOMESTIC RELATIONS TRIAL (IDRT)

Pursuant to UTCR 8.120, parties to a domestic relations case may choose to have an IDRT or a traditional trial. Each party shall file a Trial Selection and Waiver for Informal Domestic Relations Trial (IDRT) in substantially the same form specified in Appendix 11 at least thirty (30) days prior to the scheduled trial date or at such time as the court directs prior to the commencement of trial. If any party to the case does not elect IDRT in writing, the court will set a traditional trial.

- (1) If parties elect to proceed with IDRT, the court will set a pre-trial conference with the trial judge prior to the scheduled trial date.
 - (a) In person appearance at the pre-trial conference is mandatory. Failure by either party to attend the pre-trial conference may result in the IDRT returning to a traditional trial.
 - (b) Expert reports will be received as exhibits. At the pre-trial conference if a party requests that an expert be allowed to testify, the judge may determine a traditional trial is necessary to allow cross-examination.
 - (c) At any point prior to or during the IDRT, but before a judgment has been entered, the trial judge may determine the matter is not suitable for IDRT and the matter shall be reset for a traditional trial.
 - (d) Information on the IDRT process is available in UTCR 8.120 and on the state website courts.oregon.gov on the Programs & Committees page under Family Law [Oregon Judicial Department : Informal Domestic Relations Trial : Forms : State of Oregon](#)}

8.135 DISMISSAL OF RESTRAINING ORDERS (FAMILY ABUSE PREVENTION ACT)

- (1) Petitioners seeking a dismissal of a restraining order under the Family Abuse Prevention Act (FAPA) must:
 - (a) File a motion that complies with ORS 107.720(2);
 - (b) Provide a certificate of completion of a court-approved “Abuse Awareness” course.
- (2) A list of court-approved providers is available in person at the Family Court Clerks’ office and online at:
<https://www.courts.oregon.gov/courts/josephine/help/Pages/protective-orders.aspx>

CHAPTER 8 CONTINUED

- (3) Upon a showing of good cause, a petitioner may request waiver of the attendance requirement of this program. The request must be made by written motion, supported by declaration / affidavit, and filed with the court.
- (4) Upon filing of the motion to dismiss restraining order, the party requesting dismissal will be scheduled in for hearing before the family court judge.

CHAPTER 9 PROBATE AND ADOPTION PROCEEDINGS

9.051 RESTRICTION OF ASSETS

Any assets restricted by court order require filing of an acknowledgment of restriction of assets in substantially the same form as Appendix 12.

9.081 OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN / CONSERVATOR

Oral objections, where permitted in probate matters under ORS 125.075(1), shall be presented at the civil service window in the Josephine County Courthouse, 500 NW 6th Street, Grants Pass, Oregon 97526 during normal business hours. The clerk will receive the oral objections from the respondent or protected person. The respondent or protected person may also make objections orally to an appointed court visitor. court visitors are to include any objections by the respondent or protected person in the visitor report. The objection should be in bold and underlined to call attention to the court when reviewing the report. Other interested objecting parties will be provided a written objection form as contained in Appendix 13. Upon receipt of an objection, the court will schedule a hearing at the Josephine County Courthouse and notify the appropriate parties.

9.091 VISITOR'S APPOINTMENT AND FEES

- (1) The visitor shall not undertake an investigation until the visitor's fee has been paid. The fee is payable at the time of filing. The only exception is if the court approves an affidavit of indigency.
- (2) The visitor shall be compensated as provided in ORS 125.170 and the court's Presiding Judge Order.

CHAPTER 11

JUVENILE COURT PROCEEDINGS

11.005 APPEARANCE IN JUVENILE COURT DEPENDENCY CASES

- (1) A parent who is served with a summons in a child dependency case shall appear personally in court at the time and place specified in the summons for hearings on the allegations of the petition.
- (2) A parent who fails to appear at a hearing specified in the summons, or one that they received proper notice of shall be subject to a prima facie hearing which may result in entry of a jurisdictional, dispositional, or other order and/or judgment granting the relief and/or services recommended by the petitioning party and/or agency.

11.021 JUVENILE DOCKET CALL

Juvenile docket call is held Mondays at 9:00 a.m. at family court. It is expected that all attorneys will appear for docket call, irrespective of case type or party representation. Parents in dependency cases must be present. Juveniles in delinquency cases must be present.

CHAPTER 12 MEDIATION

12.015 MATTERS SUBJECT TO MEDIATION

- (1) SLR 12.015 through 12.041 apply to domestic relations cases.
- (2) SLR 12.045 through 12.101 apply to all other mediation matters.

12.021 MANDATORY MEDIATION

- (1) Any matter described in ORS 107.765 and any other proceeding where child custody, parenting time, or visitation is at issue, unless otherwise exempted by law, shall be subject to mandatory mediation. (Except those matters filed pursuant to the Family Abuse Prevention Act, ORS 107.700 through 107.730.)
- (2) The mediator shall not consider issues of property division or spousal or child support in connection with the mediation of a dispute concerning child custody, parenting time, or visitation. No referrals to arbitration shall be made after a parenting time order is approved or mediation is terminated pursuant to court rules.

12.025 SCOPE OF AUTHORITY

A domestic relations case filed in the circuit court remains under the scope of authority of that court in all phases of the proceedings, including 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 agreement of the parties reached as a result of mediation for which court enforcement may be sought must be presented to the court, and the court shall retain final authority to accept, modify or reject the agreement.

12.031 MEDIATION

- (1) Order for Mediation

In any prejudgment case involving child custody, parenting time, or visitation, at the time a response is filed on the case, the court will generate an Order for Mediation and mail the signed Order for Mediation to all parties to the case. The Order for Mediation will direct the parties to attend mediation orientation and will provide the necessary information as to process.

In any post-judgment case involving child custody, parenting time, or visitation, the court will generate an Order for Mediation at the same time that the court signs and processes the order which grants the post-judgment motion to show cause. The moving party will receive the signed copy of the Order for Mediation and shall serve it on the non-moving party(ies).

Failure to attend mediation may result in the court ordering the parties to participate in mediation and a postponement of a scheduled court proceeding.

CHAPTER 12 CONTINUED

All parties appearing for mediation orientation shall report to the Josephine County Juvenile Department, 301 N.W. 'F' Street, Grants Pass, Oregon 97526 at 8:15 A.M. on the Monday following the day that the Order for Mediation is received.

(2) Motion for Mediation

If there is a disagreement between the parties at any stage of a case involving child custody, parenting time, or visitation, any party seeking to resolve the matter must file with the court and serve upon the other party(ies) or his/her attorney, a Motion for Mediation in substantially the form as attached hereto as Appendix 14. The court will generate an Order for Mediation which the moving party will receive and shall serve on the non-moving party(ies).

(3) Temporary Custody and Parenting Time Orders

At any point during the mediation, the court may approve a Temporary Custody and Parenting Time Order reflecting the parties' agreement as to the issues.

(4) Good Faith Required

Mediation shall not be used by any party in bad faith for the purpose of delaying resolution of other issues. If the court finds at any time that the mediation process is being misused in violation of this rule, it may determine that mediation has been unsuccessful.

12.035 INDEPENDENT MEDIATORS

- (1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of any agreed upon fee for mediation.
- (2) If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.
- (3) If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or parenting time dispute, the parties will be required to enter into mediation pursuant to rule 12.031 herein.
- (4) If the parties select an independent mediator pursuant to rule 12.035(1) after a referral has been made to mediation, they shall then comply with Rule 12.035(2) and send a copy of the stipulation to the court.

12.041 LITIGATION OF UNRESOLVED CONFLICT

- (1) Notice of Unsuccessful Mediation
The mediator shall notify the court in writing of mandatory mediation cases in which further attempts at mediation will prove unsuccessful or detrimental to the interest of either party.

CHAPTER 12 CONTINUED

12.045 MEDIATION FOR MATTERS OTHERWISE SUBJECT TO ARBITRATION

Litigants may satisfy the requirements for mandatory arbitration pursuant to ORS 36.405 by participating in court mediation if an applicable program has been established.

12.051 MEDIATION PROGRAM MONITORING

In addition to his/her other duties, the Trial Court Administrator shall monitor the court mediation program, advise the court regarding mediation services and review qualifications and training of mediators.

12.055 MEDIATION PANEL ESTABLISHED

There shall be a panel of mediators comprised of individuals who satisfy qualifications and training standards prescribed in the OJD Court-Connected Mediator Qualification Rules and have been appointed by the presiding judge.

12.061 APPOINTMENT OF MEDIATION PANEL

- (1) To apply for inclusion on the Josephine County panel of mediators, a person must submit a letter with the court outlining mediation training and other qualifications.
- (2) The Trial Court Administrator shall review each letter and make a recommendation to the presiding judge.
- (3) The decision as to whether an individual is qualified to be on the panel of mediators and the number of mediators which comprises the panel shall be made by the presiding judge.

12.065 REMOVAL FROM MEDIATION PANEL

- (1) The Trial Court Administrator shall monitor the performance of mediators and report to the presiding judge as appropriate.
- (2) The presiding judge may remove a mediator from the court panel at his/her discretion.

12.071 MOTIONS

- (1) If the first appearance of a defendant is not an answer but is a motion directed to the complaint or a dispositive motion, the motion shall be decided by the court before the case is assigned to mediation.
- (2) Any motion, other than a Motion for Summary Judgment, filed after assignment of a mediator shall be stayed pending disposition of mediation.

CHAPTER 12 CONTINUED

12.075 REFERRAL TO MEDIATION

- (1) Upon appearance of the parties and determination of the case, the clerk of the court will notify the parties of SLR 12.021 requiring participation in an alternative dispute resolution program.
- (2) The case shall be assigned to mediation unless a request for arbitration is made by one of the parties.

12.081 EXEMPTION FROM MEDIATION

A party may file a written objection to mediation with the court, the action shall remove the case from mediation and the matter will be referred to arbitration.

12.085 ASSIGNMENT OF MEDIATOR AND SCHEDULING

- (1) The court shall exercise its authority under ORS 36.200(2) to assign cases subject to SLR 12.021 to a mediator.
- (2) The mediator will assign the date, time and place of the initial mediation session and any additional sessions.
- (3) The parties may choose, at their option and expense, mediation services other than those suggested by the court, and entering into such private mediation services shall be subject to the same provisions of ORS 36.185 to 36.210.

12.091 COMPENSATION OF MEDIATORS

- (1) Mediation fees shall be the same as those paid to arbitrators appointed in Josephine County.
- (2) Payment of the mediation fee is due within fourteen (14) calendar days of notice of assignment of a mediator. Each party shall pay the mediator directly.
- (3) If any party fails to pay the prescribed fee within fourteen (14) calendar days of assignment, the court will exercise its authority under UTCR 1.090 to impose an appropriate sanction.
- (4) If arbitration is requested subsequent to the appointment of a mediator, but prior to any mediation occurring, the parties shall be required to pay the mediator a fee of \$25 each.

12.095 COMPLETING MEDIATION

All cases assigned to mediation must complete mediation within ninety (90) days of assignment, unless otherwise ordered by the court.

- (1) In all cases assigned to mediation in which a settlement is reached, the parties shall report the settlement to the mediator and the mediator shall file a notice of the settlement with the court.

CHAPTER 12 CONTINUED

- (2) The result of mediation hearings shall be reported to the court as either “settled” or “not settled.”
- (3) If a case is reported as “settled,” the terms of the agreement, including a date of final compliance, shall be signed by the parties and within ten (10) judicial days filed by the mediator with the clerk of the court.
 - (a) The mediator shall provide the creditor with a form to report compliance or noncompliance with the terms of the settlement agreement.
 - (b) In the event the creditor fails to file a report of compliance or noncompliance within 30 days after the final date for compliance or reports the terms of the settlement have been met, the clerk of the court shall dismiss the case.
 - (c) Upon notice by a creditor of noncompliance with the terms of the settlement agreement, the clerk of the court shall refer the case to a judge for disposition.
- (4) If the parties are not able to settle a mediated case, the case will be set for trial and not be required to arbitrate.

12.101

GOOD FAITH MEDIATION

In the event a party fails to mediate in good faith, the court may exercise its authority under UTCR 1.090 to assess as costs, any party's costs necessarily incurred in mediation in any subsequent judgment.

CHAPTER 13 ARBITRATION

13.005 ARBITRATION

Josephine County Circuit Court maintains an arbitration program in accordance with UTCR Chapter 13.

13.011 PROCEDURES ESTABLISHED FOR MEDIATION

Upon the agreement of the parties, civil actions otherwise subject to arbitration may be assigned to the court's mediation program (SLR Chapter 12).

13.021 COMPENSATION OF ARBITRATORS

Each party in a case subject to arbitration shall pay the arbitration fee within fourteen (14) calendar days of receipt of Notice of Assignment of Arbitrator. Each party must pay the assigned arbitrator directly.

13.121 TIME FOR ARBITRATION HEARING – 91 DAY TIME PERIOD PURSUANT TO UTCR 13.160(2)

Pursuant to UTCR 13.160(2), except for good cause shown, the hearing must be scheduled to take place not later than 91 days, measured from the date of assignment to arbitration. With the exception of applying this 91-day time period in place of the 49-day time period set in UTCR 13.160(3), all other requirements of UTCR 13.160(3) and (4) apply to the scheduling, postponement or continuance of an arbitration hearing.

CHAPTER 15 SMALL CLAIMS

15.005 SMALL CLAIMS MEDIATION

- (1) All contested small claims cases shall be subject to mediation, pursuant to ORS 36.185. A case will be removed from mediation and proceed in the normal fashion if either party makes the request to the mediator following the orientation session.
- (2) Mediation services shall be provided by the court without cost to the litigants. Parties to the case will be notified in writing of their scheduled mediation date.
- (3) An authorized representative may appear on behalf of a business but must be familiar with the facts of the case and must have full authority to settle.
- (4) Agreements reached while in mediation shall be signed by the parties and filed with the court.
- (5) Failure of either party to abide by the agreement will be grounds for the opposing party to file with the court a properly served Declaration of Non-Compliance and Request for Judgment, Notice to Defendant on How to Request a Hearing and Defendant's Request for Hearing to Contest Declaration of Non-Compliance. Appendix 15.
 - (a) The opposing party will have seven days from service of the Declaration of Non-Compliance and Request for Judgment to file Defendant's Request for Hearing to Contest Declaration of Non-Compliance with the court. The Defendant's Request for Hearing to Contest Declaration of Non-Compliance shall be served on the plaintiff. The court will schedule a half-hour hearing on the issue of non-compliance only.

CHAPTER 16 VIOLATIONS

16.015 VIOLATIONS BUREAU

- (1) Pursuant to ORS 153.800, the Fourteenth Judicial District establishes a Violations Bureau.
- (2) The Violations Clerk shall accept written appearance, waiver of trial, plea of not guilty, guilty and no contest, payment of fines, costs and assessments, and change of plea.
- (3) A person may appear at the Violations Bureau or may pay the Violations Bureau fine and assessment by mail. Additionally, the defendant may plead no contest and pay the fine specified as the presumptive fine amount on the summons by going to our website <http://courts.oregon.gov/Josephine> and following the direction on the OJD ePay link.

16.025 SETTING ASIDE DEFAULT JUDGMENTS

A defendant against whom a default judgment is entered in a violation matter may file a request for relief from default judgment within a reasonable time, not to exceed one (1) year. A request for relief must be in writing and set forth facts which demonstrate that the failure to appear or to exercise one of the options described in SLR 16.015, was due to mistake, inadvertence, surprise or excusable neglect. The request may be decided without a hearing or may require the defendant to appear and present oral argument. The decision of the Administrative Authority is final.

16.030 TRIAL BY DECLARATION

If a signed waiver is filed by the alleged violator, testimony in a violation trial is allowable by declaration pursuant to ORS 153.080. See SLR Appendix 16.

CHAPTER 19
CRIMINAL CONTEMPT PROCEEDINGS FILED BY DISTRICT ATTORNEY

19.061 ADMISSION OR NOT CONTESTING CRIMINAL CONTEMPT

Any person who intends to admit or not contest an allegation of contempt under this section shall complete, sign, and submit the plea petition form supplied by the court and attached hereto as Appendix 17.

APPENDIX



Josephine County Circuit Court Instructions on the Process for Submitting Exhibits

Josephine County Circuit Court Presiding Judge Orders (PJO) along with Chief Justice Orders (CJOs) require exhibits to be filed using the e-filing system if at least one party or attorney is appearing remotely. Additionally, if parties are not able to access or use the e-filing system, a process for alternate submission has also been developed as outlined below.

Labeling Exhibits – Exhibits must be labeled with “Exhibit #” on the bottom righthand corner of each page of each exhibit. Pursuant to UTCR 6.080, ***exhibits must be labeled using the following system:***

- If you are the **Plaintiff/Petitioner** label exhibits - # **1 - 100**
- If you are the **Defendant/Respondent** label exhibits - # **101 - 199**

Exhibits that are submitted prior to a court hearing, ***must be submitted at least 24-hours prior to the hearing and served on all other parties to the case.***

Submit exhibits in one of the following ways:

E-Filing

- Users can visit <https://oregon.tylerhost.net/ofsw eb> and register for an account
- There is no filing fee to file exhibits
- Filers must use a cover sheet in substantially the same format as the local “Exhibit List Cover Page and Witness List”
- All exhibits may be filed under one “EB” (Exhibit) code if they are listed on the cover sheet.
- All exhibits and list of potential witnesses must be served on all parties in the case. A certificate of service (included in attached cover sheet) must be completed and accompany any submitted exhibits or witness lists.

Faxing to Court – 541-471-2079

- Faxed exhibits must have a cover sheet included. The cover sheet must be substantially in the same format as the attached “Exhibit List Cover Page and Witness List”
- The fee for sending faxes is WAIVED at this time
- All exhibits and list of potential witnesses must be served on all parties in the case. A certificate of service (included in attached cover sheet) must be completed and accompany any submitted exhibits or witness lists.

Filing In Person

- File exhibits with the proper unit/department at the courthouse
- There is no filing fee to file exhibits
- Filers must use a cover sheet in substantially the same format as the attached local “Exhibit List Cover Page and Witness List”
- All exhibits and list of potential witnesses must be served on all parties in the case. A certificate of service (included in attached cover sheet) must be completed and accompany any submitted exhibits or witness lists.

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

)	
_____)	Case No. _____
Petitioner/Plaintiff,)	<input type="checkbox"/> Petitioner/Plaintiff
)	<input type="checkbox"/> Respondent/Defendant
and)	EXHIBIT LIST COVER SHEET AND
)	WITNESS LIST
_____)	
Respondent/Defendant.)	

Date of Hearing / Trial : _____

Exhibit #	Description of Exhibit

☐ Additional Page – “Exhibit List Continued” Attached

POTENTIAL WITNESSES

Name (first, last)	Contact Telephone Number

☐ Additional Page – “Potential Witness List” Attached

CERTIFICATE OF SERVICE (REQUIRED)

I certify that on (date) _____ I served a copy of this document and all attachments to (name of party/attorney) _____ at the following address and/or fax number: _____
_____ by the following methods:

- ☐ by **mailing** a full, true and correct copy in a sealed, first-class postage-prepaid envelope, addressed to the party(ies) listed above, and deposited with the United States Postal Service, on the date set forth above.
- ☐ by **hand-delivering** a full, true and correct copy thereof to the party(ies) listed above, on the date set forth above.
- ☐ by **faxing** a full, true and correct copy thereof to the party(ies) listed above at the fax number(s) shown above, on the date set forth above.

Date: _____ Signature: _____

Printed Name: _____

Contact Address	City State, Zip Code	Phone Number
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IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JOSEPHINE COUNTY

STATE OF OREGON,

vs.

Plaintiff,

Defendant.

Case No. _____

CHARGE(s): _____

PETITION TO ENTER PLEA OF GUILTY OR NO CONTEST
WITHOUT AID OF AN ATTORNEY AND ORDER
PERMITTING SAME

The above named Defendant respectfully represents to the Court as follows:

- (1) My true name is _____.
I am _____ years of age
(Circle one) (Circle one)
I can / cannot read, write and understand the English language, however I have / have not had the assistance of a qualified interpreter for this case and plea.
- (2) I request all proceedings against me to be made in the name which I have hereby declared to be my true name.
- (3) I am not represented by counsel, and it is my decision to knowingly and freely waive my right to representation. I understand that if I would like to speak to an attorney, the Court would give me time for that purpose. I also understand that if I cannot afford to hire an attorney, one may be appointed to represent me at public expense. In spite of these rights it is my wish to proceed and represent myself in these proceedings.
- (4) I am confident that I am aware of all the facts and surrounding circumstances concerning the matters mentioned in the complaint/information/indictment. I understand that if I would like more time to discover additional facts and information, including, but not limited to, police reports and witnesses statements, that the Court would give me additional time for that purpose. I choose not to request additional time.
- (5) I understand that the maximum punishment which the law provides for the offense charged in the complaint/information/indictment, is as follows:
- | | | | |
|-------------|------|-------|-----------------------------|
| Count 1: \$ | Fine | _____ | Months / Years Imprisonment |
| Count 2: \$ | Fine | _____ | Months / Years Imprisonment |
| Count 3: \$ | Fine | _____ | Months / Years Imprisonment |
| Count 4: \$ | Fine | _____ | Months / Years Imprisonment |
- Additional Counts: _____.
- (6) I understand that I am not required to plead guilty or no contest and may plead not guilty if I choose. If I plead not guilty, I understand I am entitled to a trial without unreasonable delay before a jury of my peers; that I have the right to call witnesses in my behalf and at no expense to me, and that any such witnesses so called would be compelled to appear and testify; that I have an absolute right to confront any witness that would testify against me and cross examine such witness; that I need not take the witness stand or give any testimony against myself; that the sole burden of proof is upon the State of Oregon to establish my guilt which must be established beyond a reasonable doubt and to a moral certainty; that I have a right to the assistance of a lawyer for my defense at all stages of the proceedings, including a lawyer at State expense if I cannot afford one.
- (7) I also understand that a prior criminal record cannot be used against me except for impeachment purposes; that any admissions, statements or confessions which I may have made or any evidence obtained by virtue of a search and seizure of my property may well be inadmissible against me in evidence unless my constitutional rights have been safeguarded. I understand that if I would like to speak to an attorney concerning my constitutional rights that the Court will grant me time for that purpose.
- (8) I declare that no officer or agent of any branch of government nor any lawyer or any other person has made any promise to me, or within my knowledge to anyone else, that I would receive a lighter sentence or any other form of leniency by pleading guilty or no contest with the exception that: _____
and I fully understand that I am entitled to no lighter sentence by pleading guilty or no contest than if I stood trial and was convicted. I understand that the Court is not required to accept or comply with any agreement between myself and the District Attorney.

- (9) There is nothing about the proceedings in this case nor the charges pending against me which I do not fully understand.
- (10) I know that the Court will not permit anyone who claims to be innocent to plead guilty and with that in mind and because I am guilty and make no claim of innocence, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. Or, if I am pleading no contest, I am saying that I do not contest that the State has evidence of my guilt and wish to have the conviction entered without admitting guilt.
- (11) I have not taken any substance which would in any way impair my judgment at this time, and I feel that I am now fully alert and that in executing this petition I am doing so knowingly and voluntarily and offer my plea of my own free will and accord with a full understanding of all the matters set forth in the complaint/information/indictment and in this petition.
- ☐ (12) (a) I now pray the Court to enter my plea of GUILTY in reliance upon my representations and the fact that I am guilty as stated and I believe it to be in my best interest that I now so declare and plead.
- ☐ (12) (b) I now pray the Court to enter my plea of NO CONTEST in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.
- ☐ (13) (a) I understand that for any felony offense occurring prior to November 1, 1989, I may receive a minimum sentence of up to one-half the total maximum sentence.
- ☐ (13) (b) I understand that for any felony offense occurring on or after November 1, 1989, I could receive the total maximum sentence.
- (14) If applicable, I have been advised of the gun enhancement penalty contained in ORS 161.610.
- (15) This plea applies to the following counts: _____
- (16) I am aware that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.
- ☐ (17) I agree that if I withdraw or if a court later reverses, vacates, or sets aside my plea of "Guilty" or "No Contest" in this case, the court will reinstate any charge(s) that were dismissed in return for my plea and the district attorney no longer will be bound by any promises made to me in exchange for my plea. If the court reinstates the charge(s), I waive the statute of limitations and any statutory or constitutional speedy trial or double jeopardy rights applicable to the dismissed charges.

Signed by me in open Court this _____ day of _____, 20_____.

DEFENDANT

*****ORDER*****

WHEREAS, the allegations contained in the complaint/information/indictment have been read to the Defendant and the Defendant appears to fully understand those allegations; and

WHEREAS, the Defendant's constitutional and statutory rights have been explained to the Defendant and he/she states that he/she understands those rights; and

WHEREAS, the Defendant's plea of guilty or no contest in the foregoing petition stipulates to a factual basis for this plea or is entered pursuant to the Alford case; and

WHEREAS, the Defendant's plea appears to be voluntarily and understandingly made; and

WHEREAS, good cause appearing therefore from the foregoing petition of the Defendant above named, and from all proceedings heretofore had in this case, NOW THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and that the Defendant's plea(s) of:

☐ GUILTY be accepted and entered as prayed in the above petition;

☐ NO CONTEST be accepted and entered as prayed in the aforesaid petition.

Entered in open Court this _____ day of _____, 20_____.

JUDGE

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

STATE OF OREGON,

Plaintiff,

vs.

Defendant.

Case No. _____

CHARGE(s): _____

PETITION TO ENTER PLEA OF GUILTY OR NO CONTEST
AND ORDER PERMITTING THE SAME

The above named Defendant respectfully represents to the Court as follows:

- (1) My true name is _____.
I am _____ years of age; my Social Security Number is _____.
***I am providing my social security number on a voluntary basis. I understand that I cannot be compelled to provide it nor be denied consideration solely for failing to provide it. It may be used to verify my identification, credit and employment information, used for collections purposes, or for any court-imposed monetary obligation I owe.**

_____ I read, write and understand the English language.
_____ I do not read, write and understand the English language, however I have had the assistance of a qualified interpreter for this case and plea.
- (2) I request all proceedings against me to be had in the name which I have hereby declared to be my true name.
- (3) I am represented by counsel and the name of my attorney is _____, I have received a copy of the complaint/information/indictment before being called upon to plead and have read the same, discussed it with my attorney and fully understand all charges made against me.
- (4) I have told my attorney all the facts and surrounding circumstances as known to me concerning the matters mentioned in the complaint/information/indictment and believe that my attorney is fully informed as to all such matters. My attorney has since informed me and has counseled and advised with me at length as to the nature and cause of each accusation against me as set forth in the complaint/information/indictment and as to any possible defenses I might have in this case.
- (5) My attorney has advised me as to the maximum punishment which the law provides for the offense charged in the complaint/information/indictment as follows:

Count 1: \$ _____	Fine _____	_____	Months / Years Imprisonment
Count 2: \$ _____	Fine _____	_____	Months / Years Imprisonment
Count 3: \$ _____	Fine _____	_____	Months / Years Imprisonment
Count 4: \$ _____	Fine _____	_____	Months / Years Imprisonment

Additional Counts: _____.
- (6) I understand that I am not required to plead guilty or no contest and may plead not guilty if I choose. If I plead not guilty, I understand I am entitled to a speedy trial before a jury of my peers; that I have the right to call witnesses in my behalf and at no expense to me, and that any such witnesses so called would be compelled to appear and testify; that I have an absolute right to confront any witness that would testify against me and cross examine such witness; that I need not take the witness stand or give any testimony against myself; that the sole burden of proof is upon the State of Oregon to establish my guilt which must be established beyond a reasonable doubt and to a moral certainty; that I have a right to the assistance of a lawyer for my defense at all stages of the proceedings, including a lawyer at State expense if I cannot afford one.
- (7) I also understand that a prior criminal record could not be used against me except for impeachment purposes; that any admissions, statements or confessions which I may have made or any evidence obtained by virtue of a search and seizure of my property may well be inadmissible against me in evidence unless my constitutional rights have been safeguarded. I understand that if I would like to speak to an attorney concerning my constitutional rights that the Court will grant me time for that purpose.
- (8) I declare that no officer or agent of any branch of government nor any lawyer or any other person has made any promise to me, or within my knowledge to anyone else, that I would receive a lighter sentence or any other form of leniency by pleading guilty or no contest with the exception that: _____ and I fully understand that I am entitled to no lighter sentence by pleading guilty or no contest than if I stood trial and was convicted. I understand that the Court is not required to accept or comply with any agreement between myself and the District Attorney.
- (9) I believe that my attorney has done all that anyone could do to counsel and assist me and that there is nothing about the proceedings in this case against me which I do not fully understand. I am satisfied with the advise and help my attorney has given me.
- (10) I know that the Court will not permit anyone who claims to be innocent to plead guilty and with that in mind and because I am guilty and make no claim of innocence, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. Or, if I am pleading no contest, I am saying that I do not contest that the State has evidence of my guilt and wish to have the conviction entered without admitting guilt.
- (11) I have taken no drink or drug nor anything else which would in any way impair my judgment at this time, and I feel that I am now fully alert and that in executing this petition I am doing so knowingly and voluntarily and offer my plea of my own free will and accord with a full understanding of all the matters set forth in the complaint/information/indictment and in this petition.

Revised: November 18, 2002

- [] (12) (a) I now pray the Court to enter my plea of GUILTY in reliance upon my representations and the fact that I am guilty as stated and I believe it to be in my best interest that I now so declare and plead.
- [] (12) (b) I now pray the Court to enter my plea of NO CONTEST in reliance upon my representations and the fact that there is a factual basis for my plea and the State possesses evidence which may lead a jury to find that I am guilty if I stand trial. I believe it to be in my best interest that I now so declare and plead.
- [] (13) (a) I understand that for any felony offense occurring prior to November 1, 1989, I may receive a minimum sentence of up to one-half the total maximum sentence.
- [] (13) (b) I understand that for any felony offense occurring on or after November 1, 1989, I could receive the total maximum sentence.
- (14) If applicable, I have been advised of the gun enhancement penalty contained in ORS 161.610.
- (15) This plea applies to the following counts: _____
- (16) I have been advised by my attorney that a criminal conviction may result in deportation, exclusion from admission to the United States or denial of naturalization if I am not a U.S. citizen.

Signed by me in open Court this _____ day of _____, 20_____.

DEFENDANT

CERTIFICATE OF COUNSEL

The undersigned, as attorney for the Defendant above named hereby certifies as follows:

- 1) That I have read and fully explained to the Defendant the allegations contained in the complaint/information/indictment in this case.
- 2) That I have explained to defendant the maximum and minimum penalties that could be imposed for each charge and for all charges together.
- 3) That to the best of my knowledge and belief the statements, representations and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.
- 4) That the plea of guilty or no contest as offered by the Defendant in the foregoing petition and stipulation to a factual basis for this plea as related to me by the Defendant is consistent with my advice to the Defendant.
- 5) That in my opinion the Defendant's plea is voluntarily and understandingly made, and I recommend to the Court that the plea be accepted by the Court, and entered on behalf of the Defendant as requested.
- 6) I have explained to Defendant any limitation on the right to appeal the judgment of conviction and sentence, a notice of the same is filed herein.
- 7) I am aware that, if Defendant is eligible to be represented by court-appointed counsel on appeal, I am responsible for determining whether Defendant wishes to appeal and, if Defendant wishes to appeal, I am responsible for transmitting the information necessary to initiate an appeal to the Office of Public Defense Services.

Signed by me in open Court in the presence of the Defendant above named and after full discussion of the contents of this certificate with the Defendant this _____ day of _____, 20_____.

ATTORNEY FOR DEFENDANT

***** ORDER *****

Good cause appearing therefore from the foregoing petition of the Defendant above named, and the certificate of Defendant's counsel, and from all proceedings heretofore had in this case,

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the petition be granted and that the Defendant's plea(s) of:
 [] GUILTY be accepted and entered as prayed in the above petition and as recommended by the certificate of counsel;
 [] NO CONTEST be accepted and entered as prayed in the aforesaid petition and as recommended by the certificate of counsel.

Entered in open Court this _____ day of _____, 20_____.

JUDGE

FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY

STATE OF OREGON

Plaintiff,

vs.

Defendant.

) State Status Report
)
)
) Criminal Case No. _____
)
)

DISCLOSURE

A. Witness List: The State of Oregon presently intends to call the following witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

The State of Oregon presently intends to call the following out of state witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

B. Defense counsel has been provided with the address of the above persons.

____ yes ____ no

C. Defense counsel has been provided with a copy of all police reports, presently known by the State, in this case: ____ yes ____ no (if "no" list those not provided)

D. Defense counsel has been provided with copies of all written recorded statements or memoranda of any oral statements of the above persons and of the defendant or co-defendant'

____ yes ____ no (if "no" list those not provided)

E. The State has complied with ORS 135.815, requiring disclosure to the defense of expert witnesses, reports of experts, documentary evidence or other statutory requirements subject to discovery: yes ____ no (if "no" list those not provided)

F. Defense counsel has been given complete criminal history reports on the following persons:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

G. The State intends to apply to the presiding judge to have this matter designated as a complex case, subject to UTCR 7.030: ____ yes ____ no

H. The State presently intends to file the following motions:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

I. The state requests the court for a pretrial hearing: ____ yes ____ no

J. The state presently estimates the probable length of trial to require _____ judicial days.

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

Deputy District Attorney /
Date

FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR JOSEPHINE COUNTY

STATE OF OREGON

Plaintiff,

vs.

Defendant.

Defense Status Report

Criminal Case No.

DISCLOSURE

A. Witness List: The defense presently intends to call the following witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

The defense presently intends to call the following out of state witnesses at trial:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

B. The State has been provided with the address of the above persons.

_____ yes _____ no

C. The State has been provided with copies of all written or recorded statements or memoranda of any oral statement of the above persons (other than the defendant)

_____ yes _____ no (if "no" list those not provided)

D. Defense has complied with ORS 135.835, requiring disclosure to the state of expert witnesses, reports of experts, documentary evidence or other statutory requirements subject to discovery:

_____ yes _____ no (if "no" list those not provided)

E. The defense intends to apply to the presiding judge to have this matter designated as a complex case, subject to UTCR 7.030: _____ yes _____ no [(if "no" list those not provided)]

F. The Defense presently intends to file the following motions:

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

G. The defense requests a jury trial: _____ yes _____ no
(If "yes", the defense request a ____6____12 person jury).

H. The defense requests the court for a pretrial hearing: _____ yes _____ no

I. The defense presently estimates the probable length of trial to require _____ judicial days.

I have reviewed the above entries. They are correct to the best of my knowledge. I will immediately notify opposing counsel of any change in the status of the above information.

_____/_____
Defense Counsel Date

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

Plaintiff/Petitioner,
v.

Respondent/Defendant.

CASE NO. _____

PRETRIAL CONFERENCE
ORDER

This matter came before this court on _____ for a pretrial conference.

____ 1. The parties have indicated that they are prepared to proceed and the following order is entered in anticipation of the trial being conducted on _____.

____ 2. The case was set for trial on _____ and has been continued to _____.

____ 3. A further pretrial conference is set for _____.

____ a. The following discovery shall be completed before the next pretrial:

____ b. The case is ordered to mediation, which shall be completed before the next pretrial conference.

____ c. The case shall be set for hearing on motion for summary judgment prior to the next pretrial conference.

____ d. The court makes the following further orders:

____ 4. The parties are directed to call the court not less than three (3) judicial days before trial to confirm that this trial will still proceed.

- _____ 5. All motions in limine and trial memoranda shall be submitted to the court not less than seven (7) judicial days before trial date.
- _____ 6. The parties shall exchange exhibits at least seven (7) judicial days before trial. The parties may withhold true “impeachment” exhibits. The parties, before trial, shall make a good faith effort to stipulate to the admissibility of the exhibits.
- _____ 7. Each party shall submit to the court at least three (3) judicial days before trial, a trial schedule which includes the names of witnesses they intend to call together with the anticipated time the witnesses will testify. The parties shall confer to prepare a coordinated trial schedule. The trial will begin at 9:00 a.m. each morning and end no earlier than 5:00 p.m.
- _____ 8. Counsel for the parties are ordered to confer regarding jury instructions prior to the day of trial. The proposed jury instructions shall be submitted on or before the morning of trial and shall conform to the following guidelines.
- a. List the uniform instructions you are requesting by number;
 - b. If the uniform instruction requires significant editing (for example, with damage instructions), submit the edited instructions on a CD or via e-mail in MS Word format;
 - c. If you are requesting that a non-uniform instruction be given, you are directed to place the instruction on a CD or submit it via e-mail in MS Word format.

DATED THIS _____ day of _____, 20_____

CIRCUIT COURT JUDGE

NOTICE OF CO- PARENTING EDUCATION PROGRAM

You **MUST** complete a court-approved co-parenting education program if you are:

1. A party in an action to establish custody, paternity, parenting time, or visitation;
2. A parent of a minor child(ren) in a dissolution (divorce), legal separation, or annulment action or;
3. A party in a post-judgment action involving custody, parenting time, or visitation.

A parenting plan **MUST** be filed with the court in ANY PROCEEDING to establish or modify parenting time or visitation with a child(ren). A co-parenting education program will provide valuable information that may help you develop your plan.

JOSEPHINE COUNTY FAMILY COURT MANDATORY CO-PARENTING EDUCATION PROGRAM

1. Josephine County Family Court has established a co-parenting education program of the type authorized by ORS 3.425.
2. The co-parenting education program is required in the following cases:
 - a. Annulment or dissolution of marriage actions;
 - b. Legal separation actions;
 - c. Petitions to establish paternity, custody, parenting time, or visitation by unmarried parents or any party;
 - d. Post-judgment litigation involving changes in custody, parenting time, or visitation in which the parties have not previously completed this program.
3. All parents of a child under the age of 17 years **SHALL** successfully complete a court-approved co-parenting education program.
4. Failure to comply with the co-parenting education program requirements will not delay court actions unless the non-complying party is the moving party (filer) in the action.
5. The party initiating the proceeding shall register for the court-approved program within 15 days after filing the initiation pleading with the court. All other parties shall register for the court-approved program within 30 days after being served with this notice.
6. If you are the person who initiated the action, you are responsible for serving the other party(ies) with this notice. Service shall be completed in the manner provided in ORCP 7 at the time the initiating documents are served, and a proof of service is returned.
7. After you complete the court-approved co-parenting education program, the program provider will provide you with a Certificate of Completion, which shows the date you completed the program. **You are responsible for filing your certificate with the court.**
8. Each participant must pay a fee to the co-parenting education program. You must pay before you start the program. If you cannot afford the program fee, you must contact the program provider directly to ask about a fee waiver option. The court is not the program provider. In cases of extreme hardship, after you have tried to resolve the issue with the program directly, you may ask the court to waive the program requirement altogether.
9. You may ask the court to waive your attendance of the court-approved co-parenting education program. Your request must be in writing, supported by a declaration, and it must show good cause to waive the program requirements. The request must be filed with the court. A form is available at www.courts.oregon.gov/josephine and in person at the Josephine County Family Court Clerks' Office, 301 NW 'F' Street, Grants Pass, OR.
10. The ONLY court-approved Co-Parenting Education Program:

The Center for Divorce Education - "Children In Between"

www.online.divorce-education.com

JOINT EXHIBIT LIST

Line#	Item Description	His Value *	*Use Fair Market Value, not cost of item		Award to Wife	Award to Husband	Comments
			Her Value*	Premarital (H/W)			
	Grand Totals:	0	0		0	0	
1							
2							
3							
4							
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6							
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Page Totals

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**NOTICE ABOUT A WRITTEN RESPONSE TO A MOTION TO MODIFY JUDGMENT
FILED IN JOSEPHINE COUNTY CIRCUIT COURT**

1. To contest the requests made in the attached Motion for Modification, you **MUST** file a response in writing within 30 days of being served these papers. If you fail to file a written response within 30 days of being served, the court has authority to grant the relief requested by the other side without a hearing.
2. Your written response must contain the following elements:
 - a. It must display the proper case caption and case number (same names, order of names, and case number as original case filing).
 - b. It should specify the paragraph number(s) and/or item(s) of relief requested by the other side, which you oppose, along with a brief reason why you oppose.
 - c. It must be signed by you and contain your current contact address, phone number, and e-mail address. All future notices and documents in this case will be sent to you at the address listed on your written response. It is your responsibility to notify the court in writing of any address changes (change of address with USPS is not sufficient).
 - d. It must be accompanied by payment of the current filing fee required by law, or you must obtain a court order waiving or deferring such filing fee. Please contact the Family Court Unit for any questions concerning the filing fee. The Family Court Unit phone number is 541-476-2309, or you may go to the Family Court Clerk's Office at 301 NW F Street, Grants Pass, OR 97526 from 8am-12pm or 1pm-4pm Monday through Friday for assistance.
 - e. If child and/or spousal support are issues addressed in the motion, you must file a completed Uniform Support Declaration with required attachments at least 7 days prior to the scheduled hearing, and mail a copy to the other side, or his/her attorney if represented.
 - f. A certificate of mailing showing that you mailed a copy of the response to the attorney for the other side, or to the other side personally if he/she is not represented by an attorney must be filed with your response.
3. Your written Response must be mailed (mailing address: Josephine County Circuit Court 500 NW 6th Street Dept. 17, Grants Pass, OR 97526), or filed electronically pursuant to UTCR Chapter 21, or presented for filing at the Family Court Clerk's Office located at 301 NW F Street, Grants Pass, OR 97526. Your response must be received by the clerk not later than 4pm on the 30th day from the date you were served if it is filed by mail or in person. If it is electronically filed, it must be submitted by 11:59:59 pm in the time zone where the court is located on the day the document must be filed.
4. If you wish to make your own request for relief against the other side, instead of or in addition to the relief requested by the other side, you must file the appropriate motion(s) for such relief. Such a request is a separate action, subject to its own filing fee and legal process.
5. Once the court is in receipt of your written response, a hearing date will be set and all parties will be notified by mail of the court date at which you are required to appear. Failure to appear at the scheduled hearing will waive your right to present evidence or contest the modification.

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

In the Matter of:

)	
)	
Petitioner,)	Case No. _____
and)	
)	ORDER APPOINTING ATTORNEY
)	FOR CHILD(REN)
)	
Respondent.)	

This matter came before the Honorable _____ on _____,

20_____

- ☐ at the request of the child(ren) referenced below.
- ☐ at the request of counsel for the ☐ petitioner ☐ respondent.
- ☐ on the court's own motion.

IT IS HEREBY ORDERED that:

1. Under the provision of ORS 107.425, _____ is appointed as attorney for the minor child(ren) _____
_____ in this proceeding until resolution of pending pleading(s). Prior to the resolution of the pending proceeding, only the court can relieve the attorney of representation.
2. The child(ren) shall be treated as a party.
3. The attorney shall act as:
 - ☐ a best interest attorney
 - ☐ traditional, advocacy attorney.
4. If the attorney, in the course of representation determines that a different category of representation is more appropriate, the attorney shall notify the court who will accommodate the change.
5. Payment of counsel shall be handled as follows:
 - ☐ the court-appointed attorney has volunteered to perform services at no initial expense to the parties. Counsel shall keep track of the time expended. The court reserves jurisdiction to assess a child's attorney fees to either or both parents at the conclusion of the proceeding. The court may decline to order any award for attorney fees and/or costs.
 - ☐ the court-appointed attorney shall be paid by one parent. The payment arrangements are to be made between the attorney and parent _____.
 - ☐ The court-appointed attorney shall be paid by both parents. Each parent shall pay an

initial retainer of _____. Absent other order of the court, both parents are liable for 50 percent of the reasonable attorney fees of the court-appointed attorney. The court shall retain jurisdiction to apportion the cost of a child's attorney between the parents as is equitable.

6. When the court-appointed attorney reports time, counsel should submit only summary bills to the parties in order to protect all attorney-client confidences between said attorney and child.
7. The court-appointed attorney shall have access to all information regarding the child(ren) without the necessity of any further order or release. Such information includes but is not limited to records of social services, drug and alcohol treatment, medical records, school records, and law enforcement records.
8. Each of the parties is ordered to facilitate and encourage access and communication between a child and the attorney appointed for representation in this proceeding. Neither party shall interfere in any way with any communication between the attorney and a child. Neither party shall monitor or record attorney/child communications.
9. Each of the parties is enjoined from discussing with a child the nature, extent, or content of any communications between a child's appointed attorney and a child.
10. By accepting appointment in this case, the attorney represents that he or she is familiar with the ABA Standards of Practice for Lawyers Representing Children and the Oregon State Bar "Specific Standards for Representation in Juvenile Dependency Cases."

Circuit Court Judge

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JOSEPHINE**

Case No: _____

Petitioner

and

Respondent

**DOMESTIC RELATIONS
TRIAL PROCESS SELECTION
and WAIVER FOR INFORMAL
DOMESTIC RELATIONS TRIAL**

The parties to a domestic relations case must choose how they want the trial to be conducted. There are two options:

- (1) A traditional trial, which means that both parties are allowed to call witnesses and to cross-examine the witnesses appearing on behalf of the other party and the Rules of Evidence will apply;

OR

- (2) An Informal Domestic Relations Trial under UTCR 8.120 which will restrict the ability of both parties to present witnesses and the rules of evidence will not apply.

An Informal Domestic Relations Trial will be held if both parties elect to proceed under UTCR 8.120. If either party chooses a traditional trial then the case will be set for a traditional trial.

TRADITIONAL TRIAL

_____ I elect to proceed to trial under the traditional rules for trial.

Dated this _____ day of _____, 20_____.

Signature

Printed Name

INFORMAL DOMESTIC RELATIONS TRIAL

_____ I elect to proceed to trial under UTCR 8.120 for Informal Domestic Relations Trials.

I agree to waive the normal question and answer manner of trial and I agree the court may ask me questions about the case.

I agree to waive the rules of evidence in this Informal Domestic Relations Trial.
Therefore:

- The other party can submit any document or other evidence he or she wishes into the record.
- The other party can tell the court anything he or she feels is relevant.

I understand the following:

- My participation in this Informal Domestic Relations Trial process is strictly voluntary, and that no one can force me to agree to this process.
- The court will determine what weight will be given to documents, physical evidence, and testimony that is entered as evidence during the Informal Domestic Relations Trial process.

I am confident I understand the Informal Domestic Relations Trial process.

I have not been threatened or promised anything for agreeing to this Informal Domestic Relations Trial process.

Dated this _____ day of _____, 20__.

Signature

Printed Name

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

Case No. _____

In the Matter of:

**ACKNOWLEDGEMENT OF
ORDER RESTRICTING ASSETS**

____ Deceased ____ Minor ____ Incapacitated

We acknowledge receipt of a copy of the court order signed on _____, 20____ that restricts access to the assets of the above estate/conservatorship as described below. We will not allow ANY distribution or withdrawal of principal or income from these assets or use of the assets as security for any obligation without specific authority by court order, except as allowed by this Order, unless modified by a subsequent Order of this Court. We will not close the account without Court Order or upon the minor reaching the age of majority. We will provide the Court with at least 30 days prior written notice with any intent to close for any other reason. The Order allows the conservator to make withdrawals from the restricted assets as follows: _____ None _____ *Other conditions or restrictions:* _____

The assets on deposit with us that are subject to the Order are identified as follows:

Account No.	Value of Account Assets	Type of Account	Maturity

(You may list any other accounts subject to the Court's Order on the back of this form)

The name of the holder of the account shown on our records is _____.

We understand that the conservator/personal representative may do the following without court order:

- (1) transfer restricted assets to other accounts with us that are subject to the restrictions stated above; and
- (2) change the investment of assets, as long as all assets remain in an account with us subject to the restrictions stated above.

We agree to abide by the Order. We understand that if assets are removed from a restricted account without prior court order, this institution shall be required to pay the value of those assets to the estate/conservatorship.

DATE: _____, 20____

Name & Address of Financial Institution:

THIS DOCUMENT MUST BE SIGNED BY
AN OFFICER OR OTHER PERSON
AUTHORIZED TO BIND THE INSTITUTION

By: _____

(Printed Name and Title)

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

Guardianship/Conservatorship of _____)
_____) Case No. _____
_____)
A Protected Person.) Objection to Petition for Appointment
of Guardian / Conservator

I, _____
(Objecting party's name and relationship to Protected Person)

hereby object to the Protective proceeding or the proposed guardian or conservator
for the following reasons (state reasons below and use addition sheet if necessary):

Date: _____

Signature of Objecting Party

Printed or Typed Name of Objecting Party

Address or Contact Address

City State Zip

Telephone Number or Contact Telephone Number(s)

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

In the Matter of:

)	
)	
)	Case No. _____
and Petitioner,)	
)	MOTION FOR MEDIATION
)	
)	
Respondent.)	

I am a party to the above case. We cannot agree upon custody, parenting time, and/or visitation and I am requesting the Court to send us to a mediator by filing this Motion for Mediation.

The court will mail all parties in the case a signed Order for Mediation. The Order for Mediation will instruct us how to contact the court mediator and where to attend mediation orientation and/or sessions.

Submitted by:

<input type="checkbox"/> Petitioner, <input type="checkbox"/> Respondent	Print Name
--	------------

Contact Address	City, State, Zip	Phone Number
-----------------	------------------	--------------

IN THE CIRCUIT COURT OF THE STATE OF
OREGON FOR THE COUNTY OF JOSEPHINE
Small Claims Department

Case No: _____

Plaintiff

v.

Defendant

**DECLARATION OF
NON-COMPLIANCE AND
REQUEST FOR JUDGMENT**

Attach a completed Small Claim General Judgment and Small Claim Agreement

I, (name) _____, signed a **Small Claim Agreement** on (date) _____ with (other party's name) _____. A copy of the agreement is attached.

(Print other party's name) _____ has not complied with (followed) the agreement. Explain _____

I did not prevent the other party from complying with the agreement.

I request judgment against (name) _____ for \$ _____, which includes

1. Money Award \$	2. Prejudgment Interest \$
3. Costs & Service Expenses \$	4. Attorney Fees \$
5. Prevailing Party Fee (listed at ORS 20.190) \$	

Plus Post-Judgment interest on the amount in sections 1 & 2 at the rate set by ORS 82.010(2) (or _____% by agreement of the parties), and in sections 3, 4, & 5 at the rate set by ORS 82.010(2)

➤ Instead of or in addition to a money award, I request judgment for the following terms: _____

On (date) _____, I mailed a copy of this request to the person I request judgment against at (address) _____

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Dated _____

Signature

Print Name

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JOSEPHINE
Small Claims Department

Case No: _____

Plaintiff

v.

**NOTICE TO DEFENDANT
ON HOW TO REQUEST A
HEARING**

Defendant.

If you believe that you have complied with the mediated/stipulated agreement and that a general judgment should not be entered against you, then you must do **ALL** the following immediately:

1. Fill out the enclosed Defendant's Request for Hearing to Contest the Declaration of Non-compliance.
2. Mail a copy of your Request for Hearing to the Plaintiff. Fill out the "Certificate of Mailing" portion of the document.
3. File the document by e-filing or mailing/turning in at the civil window of the Josephine County Courthouse (500 NW 6th Street, Dept. 17, Grants Pass, OR 97526)

If you do not file a Request for Hearing to Contest the Declaration of Non-compliance with the court clerk within seven (7) days after you were served by mail with the Declaration, then the General Judgment attached to the Declaration of Non-Compliance will be entered against you.

CERTIFICATE OF MAILING

I certify that on (date): _____ I placed a true and complete copy of the NOTICE TO DEFENDANT ON HOW TO REQUEST A HEARING and DEFENDANT'S REQUEST FOR HEARING TO CONTEST A DECLARATION OF NON-COMPLIANCE in the U.S. mail to (Defendant: _____ (Name) at: _____

(Defendant(s)' address).

Dated: _____

Signature

Printed Name

Small Claims – Declaration of Non-compliance and Request for Judgment Case No. _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JOSEPHINE
Small Claims Department

Plaintiff

v.

Defendant.

Case No: _____

**DEFENDANT'S REQUEST
FOR HEARING TO
CONTEST DECLARATION
OF NON-COMPLIANCE**

1. The plaintiff has filed a statement with the court saying that I have not complied with a mediated/stipulated agreement and that as a result the plaintiff is entitled to enter a judgment against me.
2. I am requesting a hearing to contest Plaintiff's allegation(s) that I am not in compliance with the mediated/stipulated agreement in this case.
3. I understand that the only issue at the hearing will be whether I am in compliance with the mediated agreement, and that if I do not appear at the scheduled hearing, a judgment will be entered against me.

CERTIFICATE OF MAILING

I certify that on **(date):** _____ I placed a true and complete copy of this Request for Hearing to Contest a Declaration of Non-compliance in the U.S. mail to

Plaintiff: _____ **(Name)** at: _____

_____ **(Plaintiff's
address).**

I hereby declare that the above statements are true to the best of my knowledge and beliefs, and that I understand it is made for use as evidence in court and subject to penalty for perjury.

Dated: _____

Signature

Printed Name

Contact Address

City, State, Zip

Telephone No.

Small Claims – Declaration of Non-compliance and Request for Judgment

Case No. _____

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

State of Oregon,

Plaintiff,

Case No: _____

WAIVER

Defendant.

INSTRUCTIONS:

You must return this WAIVER and TESTIMONY BY DECLARATION to the Court by _____, if you wish to waive your presentation of oral testimony and the officer's appearance at trial. The officer may testify by declaration or in person at trial.

You will be notified by the Court of your trial date. If you have returned this WAIVER and TESTIMONY BY DECLARATION, your presence is not required. The Judge will give your declaration the same consideration as a personal appearance before the Court.

If the WAIVER and TESTIMONY BY DECLARATION are not returned completed to the Court by the above date, your presence will be required at the trial. On that date you and the officer will be required to appear, in person, to present your testimony.

WAIVER

I, _____, plea or have already pled NOT GUILTY and request a trial in the above-captioned case. Pursuant to ORS 153.080, I hereby waive my presentation of oral testimony and the police officer's presence at trial. I agree that all testimony may be presented to the Court by declaration.

I am not represented by an attorney in this matter. If I retain counsel, I will advise the Court immediately.

Signature of Defendant

Name (printed)

Date

Address of Defendant

City/State/ZIP

Phone

(PROCEED TO DECLARATION ON PAGE 2)

Waiver and Testimony by Declaration - Appendix 16
SLR 16.030 (Page 31)

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JOSEPHINE**

STATE OF OREGON,

Plaintiff,

v.

Defendant.

CASE NO. _____

**PETITION TO ☐ ADMIT ☐ NOT CONTEST
CONTEMPT OF COURT**

- 1.** My full true name is: _____.
I am also known as: _____. I am _____ years of age.
The highest grade I completed in school was _____. I read, write and understand the English language.

2. RIGHTS

I know that I am not required to admit anything and that I can have a contested hearing on any allegations of contempt. If I admit that I am in contempt, I give up all of the following rights:

- (1) To have a speedy hearing before a judge;
- (2) To face and question all witnesses called against me;
- (3) To make the State prove my contempt by:
☐ clear and convincing evidence in a remedial contempt proceeding (where sanction other than confinement is sought);
☐ beyond a reasonable doubt (in a proceeding where confinement is sought or in a proceeding for punitive contempt);
- (4) To force evidence in my favor to be brought forward and force witnesses to testify on my behalf, under subpoena if necessary;
- (5) To have a lawyer help me at all times during my case;
- (6) If I cannot afford an attorney, I have the right to have an attorney appointed by the court in any proceeding in which confinement is being sought;
- (7) To remain silent. I can choose to testify, but no one can require me to make any statement or testify in court about my case. The judge will not use my decision not to testify as evidence against me. In admitting to this contempt, I am giving up the right to remain silent.

- 3.** I ☐ Admit ☐ Do Not Contest that I am in contempt of court as alleged in count(s) _____ of the accusatory instrument.

- 4.** No one has threatened me or promised me anything to cause me to admit or not contest the allegation(s) except _____.

I know the judge is not required to follow anyone's recommendation, and it is possible that I could receive the maximum sanction. I understand that if I have been told by my lawyer that I might receive probation or a light sentence that this is merely my lawyer's prediction and is not binding on the court.

5. I understand the maximum sanction for contempt of court is six months in jail, and a fine not to exceed \$500 or one percent of my annual gross income, whichever is greater, for each day the contempt continues; and that I could be sanctioned consecutively for each count of contempt to which I admit.

6. Parole/Probation/Citizenship

I understand that if I am on probation, parole, or post-prison supervision, a finding that I am in contempt of court in this case could result in revocation or sanctions being imposed in my probation, parole or post-prison supervision case, and I could receive an additional sentence because of this admission. I understand that if I am not a citizen of the United States, a finding that I am in contempt of court could cause me to be deported, excluded from naturalization, denied United States citizenship and refused the right to re-enter the United States.

7. Waiver of Waiting Period

I understand that I have a right to wait 48 hours after admitting that I am in contempt of court and before I am sanctioned.

☐ I wish to waive the waiting period and have the judge determine the appropriate sanction for the contempt(s).

8. Right to an Attorney

☐ I understand that I have a right to be represented by an attorney in this matter, but I wish to freely and voluntarily give up that right. I have a full understanding of the possible consequences of proceeding without a lawyer.
(or)

☐ I have had an adequate opportunity to confer with my attorney and I am satisfied with the advice and help I have received.

9. Statement of Voluntary Admission of Contempt

My decision to admit or not contest is offered freely and voluntarily and on my own accord. I fully understand the contempt charges in the charging instrument. I have read through this entire petition to admit and understand its contents. I have not consumed any alcohol, drugs or other intoxicant which would in any way impair my judgment at this time.

Signed: _____ Dated: _____

Street Address: _____ City/State: _____ ZIP: _____

Phone: _____ Email address: _____

10. Certificate of Counsel

I have reviewed this petition with the respondent, the facts of this case, all discovery, applicable law, possible defenses and motions and believe there is a factual basis for the respondent's admission of contempt. To my knowledge the admission is freely and voluntarily entered.

Signed: _____ Dated: _____

Printed Name of Attorney: _____ Bar No.: _____

Printed Name of Attorney: _____ Bar No.: _____

RIGHT TO APPEAL

You may appeal to the Oregon Court of Appeals. If you have entered an **Admission** or did **Not Contest** the allegation(s), the only question which the Court of Appeals may consider is whether the disposition is unlawful. If you are unable to afford an attorney upon appeal, you may have one appointed for you by the following procedure: complete an Affidavit of Indigency verifying that you are without funds to hire an attorney for the appeal and request the trial court to appoint an attorney to represent you on the appeal.

A signed original of your Notice of Appeal, with proof of service, must be filed with the Clerk of the Court of Appeals, Salem, Oregon, within 30 days of the date of the entry of judgment in the state computer system. Copies of your Notice of Appeal must be filed with the Josephine County District Attorney and Circuit Court Clerk. A copy of the electronic tape/FTR Recording may be provided to you at minimal cost if it was used in your case. This fee may be waived. During your appeal, you may remain out of custody on a release agreement, however, this is discretionary.

Date: _____

Defendant's Signature

Defense Attorney Signature

IT IS ORDERED that the defendant's ☐ **ADMISSION**/ plea of ☐ **NO CONTEST** be accepted and entered.

Date: _____

Judge: _____