

SUPPLEMENTARY LOCAL RULES  
OF THE CIRCUIT COURT  
OF THE STATE OF OREGON FOR LANE COUNTY

Effective February 1, 2023

These rules must be read together with applicable provisions of statute, ORCP and UTCR.



State of Oregon  
County of Lane

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

Dated: December 20, 2022

Court Administrator for Lane County Circuit Court

# RULES OF THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE COUNTY

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## **Chapter 1 - General Provisions**

### **1.002 ADDRESSES AND TELEPHONE NUMBERS**

#### **(1) Defendants in Criminal and Violation Cases**

During the pendency of any case charging an offense, including traffic, boating, game violation and criminal cases, 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, email, and 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, email, and telephone number.

### **1.161 FILING OF DOCUMENTS**

(1) The Office of the Trial Court Administrator receives documents for filing at the court clerk's office. Juvenile documents may be filed at the juvenile court clerk's office.

(2) At the direction of a judge, documents may be filed in the courtroom during the pendency of a proceeding.

(3) Documents delivered by mail to the court are received for filing when delivered in the normal course of distribution of documents from the mail room to the appropriate division of the court clerk's office.

(4) If a document requires a fee, the fee must be paid prior to, or simultaneous to submitting the document for filing.

(5) Documents transmitted via facsimile (FAX), or by email will not be received for filing.

(6) Mandatory Electronic Filing is required for members of the Oregon State Bar per UTCR 21.140. SLR 2.501 specifies certain documents that must be filed conventionally by attorneys.

### **1.171 COURT WEB SITE**

The Lane County Circuit Court website is <http://courts.oregon.gov/Lane/>. A link for this site can be found at the Oregon Judicial Department website <http://courts.oregon.gov> in the Circuit Courts section.

## 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 requires 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;
- (5) A judgment or decree purportedly issued by a nonexistent court;
- (6) A lien or bond issued by or to a nonexistent court or agency; or
- (7) A document submitted by fax or email.

### 2.501 DOCUMENTS THAT MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED

In the following subject matter areas, the listed stipulated or ex parte documents requiring a judge's signature and any document that will be served simultaneously with a document listed in this rule, must be presented conventionally and may not be electronically filed except as provided in subsection (3).

- (1) Family Case Matters. To be presented pursuant to SLR 5.061:
  - (a) Emergency Custody and Parenting Relief based on Immediate Danger
  - (b) Order of Assistance
  - (c) Order for Modification or Dismissal of Abuse Protective Order
- (2) Civil Case Matters. To be presented pursuant to SLR 5.061:
  - (a) Guardian Ad Litem Appointment Order (other than identity case petitions)
  - (b) Preliminary Injunction Show Cause
  - (c) Provisional Process Show Cause
  - (d) Receivership Initiating Document or Show Cause
  - (e) Writ of Assistance

- (f) Writ of Mandamus Show Cause
  - (g) Writ of Review
- (3) Protective Order Initiating Matters. To be presented to the judge assigned by the presiding judge for that day, but may be electronically submitted through the OJD electronic forms system:
- (a) Family Abuse Prevention Act
  - (b) Elderly Persons and Persons with Disabilities Abuse Prevention Act
  - (c) Sexual Abuse Prevention Act
  - (d) Stalking Protective Order
  - (e) Extreme Risk Protection Order
  - (f) Emergency Protective Order (ORS 133.035)
- (4) Criminal Matters. Documents to be presented in court:
- (a) Waiver of Jury Trial
  - (b) Waiver of 60 Day Rule
  - (c) Waiver of Indictment
  - (d) Waiver of Appearance
  - (e) Waiver of Dismissed Charges

### **Chapter 3 - Decorum in Proceedings; Resignation of Counsel**

#### **3.141 RESIGNATION OF ATTORNEYS**

- (1) Criminal Cases
- (a) In criminal cases, including appeals from Justice and Municipal Courts, application for withdrawal or discharge of counsel shall be in open court; after notice to opposing counsel and with the defendant present unless the defendant's whereabouts are unknown.
  - (b) A motion to withdraw by defense counsel in a criminal case shall begin with a reference to the trial date or a statement that the case has not been set for trial. If the case is set for trial, the motion must recite whether, how and when defendant was notified of the trial date. Upon filing a motion to withdraw, it shall be the responsibility of the defense counsel to have the matter placed upon the appropriate court docket for the appearance required by this rule and to give notice of the appearance date and time to the defendant and the District Attorney.

(2) Civil Cases Withdrawal of Attorney for Non-Person Parties

In a motion to withdraw as attorney where the client is a corporation or other similarly situated party, the withdrawing lawyer is required to submit an affidavit indicating that they have notified the client that it is required by law to appear through an attorney and the client cannot proceed self-represented or file documents with the court.

3.142 ATTORNEY OF RECORD IN PENDING CASES

- (1) Telephone calls or statements by a litigant made in court are not sufficient to designate an attorney of record.
- (2) When one attorney is substituted for another, the filed and served notice of substitution is sufficient to change the attorney of record.

3.181 ELECTRONIC RECORDING AND WRITING ON COURTHOUSE PREMISES

- (1) Electronic recording in areas outside the courtrooms is limited to the space behind and to the south of the yellow lines on the floor of the second, third and fourth floors of the Lane County Courthouse.
- (2) No electronic recording is allowed in the lobby of Lane County Adult Corrections, 101 W 5<sup>th</sup> Ave, Eugene, OR for purposes of Circuit Court proceedings being conducted in the jail's courtroom.

3.182 PERSONAL COMMUNICATION DEVICES

- (1) Definition: For the purposes of this rule, personal communication devices include, but are not limited to cellular telephones, laptop computers, and tablets.
- (2) Limitations on Use:
  - (a) Courtrooms: Unless permitted by UTCR 3.180 or the judge presiding over the proceeding, personal communication devices must be turned off while in a courtroom.
  - (b) Common Areas Outside Courtrooms: Personal communication devices may be turned on when not in a courtroom, however, such devices may only be used for electronic recording in the spaces behind and to the south of the yellow lines on the floor of the second, third and fourth floors of the Lane County Courthouse.
  - (c) All Courthouse Locations: no electronic recordings or images may be made of individuals wearing a Lane County Circuit Court Juror identification badge.

- (d) Jurors: Unless permitted by the judge presiding over the trial, members of a seated jury shall not possess personal communication devices in the courtroom or jury room during deliberation. The courtroom clerk will collect devices at the discretion of the judge and retain them in a secure location.

## **Chapter 4 – Proceedings in Criminal Cases**

### **4.002 MODE OF PROCEEDINGS**

The mode of proceedings (e.g. in-person, remote) is determined by the presiding judge.

- (1) Any party seeking to change the mode of a proceeding must file a motion with a supporting affidavit and proposed order. The supporting affidavit must include:

- (a) The reasoning and basis for the change in mode of the proceeding, including statutes that may be implicated by the change and any statutory or constitutional rights that may be implicated by the change; and
- (b) The position of the opposing party.

### **4.006 TESTIMONY BY JUDGE OF THE CIRCUIT COURT, TRIAL COURT ADMINISTRATOR, STAFF**

Any matter requiring testimony of a judge of the Lane County Circuit Court, the trial court administrator, or trial court staff will be subject to a preliminary conference to determine scheduling of the witness and what the testimony is intended to elicit. The party seeking the testimony shall request the conference no later than 5 days before the scheduled trial or hearing date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

### **4.051 MOTIONS AND DEMURRERS IN CRIMINAL CASES**

- (1) Motions in criminal cases shall be accompanied by a proposed order.
- (2) All criminal motions, demurrers, other challenges to an indictment, and matters subject to ORS 135.805 to 135.873 will be considered on the third succeeding Wednesday after the same shall have been filed, unless otherwise ordered by the Court.
- (a) In cases where oral argument has been requested, argument shall be at 8:30 a.m. before the judge assigned to hear criminal motions.

(3) Any pretrial motion or demurrer in a case assigned to a judge shall be decided by the judge to whom the case has been assigned at a date and time to be determined by the assigned judge unless the presiding judge designates some other judge to decide it.

(4) Opposing counsel may, on or before Monday of the week preceding the time for consideration, file a memorandum of authorities. The moving party may file a reply memorandum not later than Friday of the week before the motion or demurrer is to be considered.

(5) A party moving to postpone or accelerate the consideration of matters on the motion docket, including requests for expedited hearing, shall ascertain the position of all other parties regarding the postponement or acceleration and shall include a statement of those positions in its motion. The statement shall also indicate whether the other parties wish to respond to the motion to postpone or accelerate. In the absence of such statement, the motion to postpone or accelerate will be denied and the matter considered in the normal course.

(6) Upon electronic filing of a motion, affidavit, and proposed order to disqualify a judge, the moving party must immediately notify the presiding judge's chambers of the filing.

## **Chapter 5 – Proceedings in Civil Cases**

### **5.001 ORAL STIPULATIONS**

Only oral stipulations made in open court and on the record will be recognized in a proceeding.

### **5.002 MODE OF PROCEEDINGS**

The mode of proceedings (e.g. in-person, remote) is determined by the presiding judge.

(1) Any party seeking to change the mode of a proceeding must file a motion with a supporting affidavit and proposed order. The supporting affidavit must include:

(a) The reasoning and basis for the change in mode of the proceeding, including statutes that may be implicated by the change and any statutory or constitutional rights that may be implicated by the change; and

(b) The position of the opposing party.

5.005            MOTIONS IN CIVIL CASES

(1)     The following motions in civil cases shall be accompanied by a proposed order which provides an option to grant or deny the motion and a space for the court to insert comments or further direction.

- (a)     Motions to set or change a hearing or trial date.
- (b)     Any motion directed to the presiding judge under these rules.
- (c)     Any motion that may be submitted ex parte under Oregon Statute or rules.
- (d)     Stipulated or unopposed motions.

(2)     All pretrial motions, including motions for summary judgment, will be considered on the fifth succeeding motion day after the motion is filed, unless otherwise ordered by the court. Upon written stipulation of counsel filed not later than the Thursday of the week preceding the day for consideration, the consideration may be continued to a later motion day. No motion may be continued more than once, nor additional time to file memoranda allowed, unless ordered by the court. When a party requests remote argument, the clerk will set a specific time for argument on the customary motion day docket.

(3)     Motion Days

- (a)     Monday is motion day for civil motions. When Monday is a legal holiday, Tuesday will be motion day for civil motions.
- (b)     In cases where oral argument has been requested, argument shall be at 9:00 a.m. before the judge assigned to hear civil motions.

(4)     The first sentence of every motion shall state whether the case is set for trial and if so, shall state the date.

(5)     Except when a stipulation is filed pursuant to (1) above, a party moving to postpone or accelerate the consideration of matters on the motion docket, including requests for expedited hearing, shall ascertain the position of all other parties regarding the postponement or acceleration, and shall include a statement of those positions in its motion. The statement shall also indicate whether the other parties wish to respond to the motion to postpone or accelerate. In the absence of such statement, the motion to postpone or accelerate will be denied and the matter considered in the normal course.

(6)     A party moving to amend its pleadings shall ascertain the positions of all other parties regarding amendment, and, if the motion is unopposed, it shall so state in its heading. Unopposed motions to amend shall be immediately considered by the court. Opposed motions to amend shall be considered by the court in the normal course.

(7) Upon electronic filing of a motion, affidavit, and proposed order to disqualify a judge, the moving party must immediately notify the presiding judge's chambers of the filing.

#### 5.006 TESTIMONY BY JUDGE OF THE CIRCUIT COURT, TRIAL COURT ADMINISTRATOR, STAFF

Any matter requiring testimony of a judge of the Lane County Circuit Court, the trial court administrator, or trial court staff will be subject to a preliminary conference to determine scheduling of the witness and what the testimony is intended to elicit. The party seeking the testimony shall request the conference no later than 5 days before the scheduled trial or hearing date. This rule is not intended to preempt ORCP 55, nor prevent the service and acceptance of any subpoena.

#### 5.051 REMOTE PROCEEDINGS FOR NONEVIDENTIARY HEARINGS

Subject to UTCR 5.050, if a hearing is to be conducted by remote means the court will provide the platform for the remote proceeding.

#### 5.061 PRESENTATION OF EX PARTE ORDERS

(1) Ex parte orders presented by an attorney must be filed via mandatory electronic filing unless excluded from electronic filing under SLR 2.501. If excluded from electronic filing, the order must be presented by an attorney with knowledge of the subject matter in the designated courtroom Monday through Friday between 8:30 a.m. and 8:50 a.m., and not otherwise except in case of emergency.

(2) Ex parte orders presented by a self-represented litigant may be presented in the designated courtroom Monday through Friday between 8:30 a.m. and 8:50 a.m., may be mailed to the court, or may be presented by electronic filing unless excluded from electronic filing under SLR 2.501.

(3) Ex parte orders postponing trials (including stipulations) shall be presented only to the presiding judge unless the presiding judge otherwise directs.

(4) 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.

(5) All motions to continue filed in response to a UTCR 7.020 notice to dismiss shall include the date of the original case filing, whether service has been made and, if so, the date and method of service, and whether any previous motions to continue have been filed. This information is in addition to the facts in each case needed to establish good cause for the continuance.

5.081            STATEMENTS FOR ATTORNEY FEES, COSTS OR DISBURSEMENTS

(1)     The moving party requesting attorney fees, costs, or disbursements pursuant to ORCP 68 shall file a notice of readiness within 14 days after the time for filing objections if:

- (a)     The other party did not file objections; or
- (b)     The other party filed objections, but no party requested a hearing.

(2)     If a notice of readiness is required under (1), the court will not rule on the ORCP 68 motion until a notice of readiness is filed.

**Chapter 6 - Trials**

6.012            SETTLEMENT CONFERENCES

(1)     Scheduling:

(a)     Any party may request a settlement conference by contacting the calendar clerk to request an available date on the trial docket, in advance of the trial date. Early requests are encouraged.

(b)     Parties who wish to have the settlement conference assigned to a particular judge must contact that judge to determine if the judge is willing to hear the settlement conference. If so, the party must get a selection of available dates from that judge and then contact the calendar clerk to determine one that is available on the trial docket.

(2)     On the settlement conference date, trial assignments take precedence. The presiding judge will attempt to assign out all settlement conferences. Requests for assignment to a particular judge will be honored if possible.

(3)     The settlement conference judge shall not act as trial judge unless agreed to by the parties. The assigned settlement judge will determine whether a pretrial statement or other document must be submitted to the judge prior to the settlement conference, when it should be submitted, and whether it will be confidential or non-confidential. Materials or notes prepared by the settlement judge will remain confidential and will not be placed in the court record. The settlement judge will determine the appropriate method for reporting a settlement and removing the case from the active trial docket and will determine whether a trial setting conference must be held prior to the settlement conference.

(4)     If the parties do not agree to a settlement conference and one party submits a motion for a conference, the conference may be held and shall be conducted according to the procedure set forth in this SLR.

- (5) Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the settlement conference. The judge may permit remote appearances.
- (6) Each settlement conference shall be scheduled to allow adequate time for meaningful settlement discussions. Additional settlement conferences may be scheduled by the judge or by agreement of all attorneys and parties.
- (7) A settlement conference shall not delay the trial scheduling or a trial date.

#### 6.013 APPEARANCE AT TRIAL – SETTLED CASES

##### (1) Domestic Relations Cases:

- (a) Unless settlement documents have been previously tendered to the court, all parties in domestic relations cases and their attorneys must appear on the scheduled trial date at the 9:30 a.m. Trial Call prepared for trial. Settlement agreements and proposed orders or judgments that have been reduced to writing and not previously filed shall be presented to the court at that time. Settlements which have not been reduced to writing must be placed on the record at that time and must be full and complete settlements of all issues. Written documentation of any settlements so placed on the record must be presented to the court within 14 days thereafter, or the case will be dismissed.
- (b) If the parties are unable to place a full and complete settlement on the record at trial call, the case will be referred out for trial.
- (c) Upon request, the calendar clerk will set a case on the 9:30 a.m. trial call docket in advance of the scheduled trial date to place a settlement on the record.

##### (2) Civil Cases:

- (a) If the judgment is not reduced to writing prior to the trial date, settlement may be placed on the record on the trial date. Judgment must be submitted within 30 days of settlement on the record, or the case will be placed back on the trial docket and will be dismissed unless the court determines there is good cause to allow additional time.
- (b) Parties may be excused from appearance at trial call if the court is notified in writing more than one day in advance that the case is settled and that the judgment will be filed within 30 days. Judgment must be submitted within 30 days of being excused from trial appearance, or the case will be placed back on the trial docket and will be dismissed unless the court determines there is good cause to allow additional time.

#### 6.031 MOTION TO POSTPONE

- (1) All motions for postponement including stipulations must be filed more than one week prior to the trial date. The presiding judge may allow a motion or stipulation for postponement filed within one week of the trial date upon good cause shown.
- (2) In addition to the requirements of UTCR 6.030(2), all motions to postpone must also state whether a party is in custody.
- (3) All motions and stipulations for postponement must include a proposed new trial date agreeable to all parties and pre-approved by the court calendar clerk's office.

#### 6.081 EXHIBITS: AUDIO AND VIDEO RECORDINGS

The proponent of any audio or video exhibit shall be responsible for arranging for playback of the exhibit during the court proceeding.

#### 6.215 HEARING OF POST-TRIAL MOTIONS

All motions for new trial, for judgment notwithstanding a verdict, other post-trial motions, and objections to cost bills shall be heard by the judge before whom the cause was tried, at a time to be set by that judge.

### **Chapter 7 - Case Management and Calendaring**

#### 7.002 SCHEDULES OF VACATION AND OTHER UNAVAILABLE DAYS

- (1) Every attorney handling juvenile cases must file with the appropriate clerk written schedules of unavailable days at least ninety (90) days prior to any court day on which the attorney will not be available for trial for any reason.
- (2) Each police agency must file with the calendar clerk written schedules of unavailable days at least 90 days prior to any court day on which the police officer will not be available for traffic violation trials in this court for any reason.

#### 7.004 ASSIGNMENT OF CASES FOR TRIAL

Cases set for trial are assigned to a judge at 9:30 a.m. on the day of the trial by the presiding judge or their designee. The attorneys who will try the case and the parties shall appear for case assignment.

## 7.006 HOURS OF TRIAL

Unless the trial judge shall otherwise direct, trial of cases takes place Tuesday through Friday and shall commence at the hour of 10:00 a.m. and continue until 12:00 noon, and shall reconvene at 1:30 p.m. and continue until 5:00 p.m.

## 7.008 SHOW CAUSE HEARINGS

Show cause proceedings except post-judgment modification motions shall be heard on Mondays. When Monday is a legal holiday, they will be heard on Tuesday. Any hearing expected to take more than one hour will not be heard on Monday unless special arrangements are made in advance with the show cause judge or the presiding judge. The show cause judge may determine at the docket appearance whether a hearing will be rescheduled to the trial call docket. Show cause hearings are scheduled on Mondays as follows:

- (1) 8:30 a.m. DA Docket:  
Support enforcement contempt  
Protective order contempt/violation of protective orders
- 9:00 a.m. Show Cause 1: Protective Order Hearings
- 9:00 a.m. Show Cause 2: Show Cause Matters
- Domestic Relations:  
Show Cause re: Immediate Danger (Contested)  
Pre-judgment status quo (Contested)  
Post Judgment Status Quo (For Hearing)  
Parenting time enforcement  
Interim relief requests (custody, parenting time, exclusive use of family home or property (not financial. See SLR 8.041)  
Domestic relations contempt  
Hearing on order of assistance
- Civil Show Cause (Misc. i.e. Striking liens/encumbrances)
- 9:00 a.m. Debtor Exams
- 1:30 p.m. Claim of exemption
- 1:30 p.m. Other miscellaneous: De novo appeals on child support  
Registration of foreign judgments

#### 7.011 35 DAY CALL

Defendants and their attorneys must appear in person for 35-day call at 2:30 p.m. on the date assigned at arraignment to making the report required by UTCR 7.010(3). At the proceeding, the parties will report the status of the case to the assigned judge. If a settlement has not been reached, the case will proceed to a settlement conference to be held that day. Prior to the settlement conference, the defendant and the defendant's attorney must obtain a trial date from the calendar clerk if one has not already been scheduled. A bench warrant will be issued for any defendant who fails to appear.

#### 7.031 COMMERCIAL COURT

##### (1) Assignment to Commercial Court

A party or the court may move to have a case assigned to the Commercial Court. The presiding judge or the presiding judge's designee shall hear the motion. The ruling on the motion is final and is not subject to review or appeal, except that the presiding judge or the presiding judge's designee may, for good cause shown, remove a case from Commercial Court.

##### (2) Cases Filed in Other Judicial Districts

A party to a case filed in another judicial district who seeks assignment to the Commercial Court shall first confer with the other parties and the Lane County presiding judge or designee to determine whether the case is appropriate for assignment to the Commercial Court. That party shall then apply for change of venue pursuant to ORS 14.110(1)(c). The Lane County presiding judge shall consult with the presiding judge of the originating district prior to a ruling on the motion for change of venue. After the change of venue has been completed, that party shall move to have the case assigned to the Commercial Court pursuant to section (1) of this rule.

### **Chapter 8 - Domestic Relations Proceedings**

#### 8.011 MANDATORY PARENT EDUCATION PROGRAM

(1) Lane County has established a parent education program of the type authorized by ORS 3.425. The program shall provide information on the impact of family restructuring on children and skills for successful co-parenting after separation for parties in the following types of proceedings:

- (a) Annulment or dissolution of marriage
- (b) Legal separation

- (c) Petitions to establish custody or parenting time, including paternity cases when those issues are present
- (d) Post-judgment litigation involving custody and/or parenting time

The class may be held in conjunction with the mandatory mediation orientation class, at the discretion of the program administrator.

(2) **Parent Education Requirement:** All parties, where the interest of a child under the age of 18 years is involved in a case described in subsection (1) above, shall successfully complete the parent education program offered by the Lane County Family Mediation Program, or an alternative education program preapproved by the Lane County Family Mediation Program.

(3) **Notice:** A copy of a notice regarding this requirement outlined in subsection (2) of this rule and an explanation of the class provided by the Lane County Family Mediation Program shall be given to the initiating party by the trial court clerk accepting the filing at the time the initiating party's documents are filed. The initiating party shall serve a copy of this notice on the opposing party together with the Summons or other initiating document in the manner provided by ORCP 7, and the return of service on the opposing party shall indicate service of this notice as well as the other documents requiring service.

(4) **Registration:** Parties shall register for the class or make application for approval of an alternative program within 15 days of receiving notice of the education requirement.

(5) **Fee:** Each party shall pay a fee determined by the program provider to cover the program costs. The fee may be waived or reduced by the program provider.

(6) **Certificate of Completion:** Each party who successfully completes the court's program or a preapproved alternative program shall file a certificate of completion with the court before trial or judgment.

(7) **Waiver:** A party completing the parent education class, or a preapproved alternative, within 90 days prior to the filing of the pending action may request waiver of this rule. The request shall be made to the program supervisor of the parent education program, and the decision of the program supervisor may be reviewed by the court upon request of either party.

(8) **Failure to Complete:** Court action in these cases shall 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 rule, unless the non-complying party is the initiating party. If a party fails to complete the education program or fails to comply with the requirements of this rule, the court may take appropriate action against that party, including but not limited to: (1) denying the relief sought by that party; (2) considering the noncompliance when ruling on issues related to custody and parenting time; or (3) bringing contempt proceedings against that party. Further, a party that has completed the program may request entry of an order from the court to compel the non-complying party's completion of the program.

## 8.012 MANDATORY MEDIATION

All parties involved in non-temporary domestic relations matters in which child custody, parenting time, or visitation is in dispute, or in any other case as ordered by the court on its own motion, must participate in mediation before the court will decide the issues.

### (1) Exceptions

- (a) If the only order was entered in a Family Abuse Prevention Act proceeding, parties are excepted from the mediation requirement.
- (b) Parties in expedited parenting time enforcement proceedings under ORS 107.434 are excepted from mandatory mediation orientation unless specifically ordered by the court to participate.
- (c) If after attending mediation orientation, the mediation program determines that the case is not appropriate for mediation, parties are excepted from the mediation requirement.

(2) A notice regarding this requirement and explanation of the mediation orientation shall be provided to the moving party by the court clerk accepting the filing. The moving party shall serve a copy of this notice on the opposing party along with the Summons or other initiating documents in the manner provided by ORCP 7. The return of service on the opposing party shall indicate service of this notice as well as the other documents requiring service.

(3) Each party must contact the mediation program to register for mediation orientation within 15 days of filing or receiving a response that indicates a disagreement regarding custody or parenting time.

(4) The mediation program shall present a certificate of completion to the court when each party has completed mediation orientation.

(5) It is the responsibility of the parties and their attorneys to see that mediation is completed timely. Failure to mediate prior to the trial date may result in delay of trial.

### (6) Court Control of Mediation Agreements

A domestic relations case filed in the Circuit Court remains under the control of the court in all phases of the proceedings, including mediation.

- (a) The court may limit the scope of the mediator's authority in the case.
- (b) Mediated agreements for which court enforcement may be sought must be presented to the court. The court has authority to accept, modify or reject the agreement. To preserve and promote the integrity of mediation, the court shall consider and may include all reasonable agreements reached by the parties in formulating the order in the case.

(7) Independent Mediators

(a) 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 service.

(b) If an independent mediator is selected, the parties or their attorney shall file a written stipulation indicating the name of the mediator and the date set for the first mediation session. The mediator shall then notify the court when the parties have attended mediation.

(c) If a stipulation for independent mediation is not filed by the time set for the hearing on any child custody or visitation dispute, the parties will be ordered to attend the court's mediation program.

8.013 CUSTODY OR PARENTING TIME MATTERS TO BE CONSOLIDATED

In proceedings regarding custody and parenting time, if the parties or the court determine that there exists a judgment that previously addressed paternity, custody, parenting time, or child support for the child, the matters shall be consolidated either by motion of a party, or by the court on its own motion.

8.014 PROPERTY LISTS

If there are any disputes regarding the value or disposition of items of personal property, the parties may confer and jointly prepare a list of all personal property the court will be asked to distribute. The list must indicate each party's opinion regarding the market value of each item and each party's proposed distribution of the property.

8.019 CONTEMPT SHOW CAUSE PROCEDURES

(1) Contempt proceedings in domestic relations cases shall be initiated by a Motion to Show Cause supported by an Affidavit which sets out the facts constituting the alleged contempt.

(2) Unless otherwise ordered, hearings on contempt proceedings initiated by private attorneys or persons proceeding pro se shall be held pursuant to SLR 7.008.

(3) The proposed order to show cause shall require the opposing party to appear at a specified time and date on the motion docket pursuant to SLR 7.008 that is not less than 30 days after the motion, affidavit, and order have been served.

8.041            MOTIONS/ORDERS TO SHOW CAUSE FOR PRE-JUDGMENT INTERIM  
FINANCIAL RELIEF

(1)     Motion for temporary pre-judgment interim financial relief shall be filed separately from other interim requests and must include an affidavit in support, and a completed Uniform Support Declaration. Pre-judgment interim financial relief will be determined without testimony, based on the motion, affidavits and the uniform support declarations filed by the parties.

(2)     The order to show cause shall require the adverse party, if the adverse party desires to appear and be heard, or contest any of the issues, to file a Uniform Support Declaration and responding affidavit within 14 days following service or as the court may otherwise direct. The responding affidavit shall respond to the original uniform support declaration and affidavit and allege matters to the extent the adverse party wishes to put matters of fact at issue. The moving party may respond to the adverse party's responding uniform support declaration and affidavit. Except for good cause shown, no further filings are required or permitted.

(3)     When requesting interim financial relief, a blank Uniform Support Declaration shall be served on the adverse party with the order to show cause for use of the adverse party should such party desire to respond. If the adverse party chooses to respond, they shall include a completed uniform support declaration with any Response. In any case involving temporary child support, the financial affidavits filed by the parties shall include applicable child support computation worksheets.

(4)     When the matter is ready for decision, the moving party shall so notify the court by filing a notice of readiness for decision. A sample of this form is included at the end of these rules.

(5)     A copy of this SLR shall be served on the adverse party along with true copies of the Motion, Affidavit, and Order to Show Cause.

(6)     Orders to show cause presented conventionally pursuant to SLR 2.501 shall be filed with the clerk immediately after being signed by a judge.

8.042            PRE-JUDGMENT TEMPORARY CUSTODY, PARENTING TIME,  
EXCLUSIVE USE OF FAMILY HOME OR PROPERTY

Hearings requested as provided for in ORS 107.097(4), shall be heard at 9 a.m. on the third Monday after the day the requests are filed.

8.043            BIFURCATION OF CUSTODY ISSUE

Upon motion supported by affidavit showing good cause, the custody issue may be segregated and accelerated for trial on the merits.

8.051 POST-JUDGMENT MODIFICATION PROCEEDINGS: STATUS QUO  
HEARINGS

- (1) The order to show cause shall require the adverse party to file a written response in answer to the Motion and Affidavit, with a responding Uniform support declaration if the issue of support is to be contested, within the time prescribed by ORS 107.135(14).
- (2) The order to show cause presented conventionally pursuant to SLR 2.501 shall be filed with the clerk immediately after being signed by a judge.
- (3) The order to show cause shall advise the adverse party that if such written appearance is not timely filed, a default order shall be applied for by the moving party. Thereafter, the proceedings shall be conducted in the same manner and form as provided for in non-jury actions.
- (4) Hearings on temporary status quo orders entered under ORS 107.138(2), shall be held on Mondays at 9:00 a.m. on the Show Cause2 docket.

8.052 EXPEDITED PARENTING TIME ENFORCEMENT PROCEEDINGS

- (1) Proceedings for expedited parenting time enforcement pursuant to ORS 107.434 shall be initiated by motion and order to show cause. Such proceedings shall be heard on the Show Cause 2 docket at 9:00 a.m. as provided in SLR 7.008.
- (2) At the time of the hearing, if the judge determines that the matter is expected to exceed one hour, the judge may order the matter to be reset and heard on the regular trial docket, subject to the 45-day statutory timeline.
- (3) The opposing party shall be served immediately and, in any event, not less than 21 days before the hearing date, unless otherwise allowed by the court.

**Chapter 9 - Probate and Adoption Proceedings**

9.001 PROBATE COMMISSIONER

- (1) The probate commissioner appointed by the presiding judge of this court shall assist in the administration of decedents' estates, guardianships, conservatorships, and other similar proceedings.
- (2) The powers of the probate commissioner are:
  - (a) To make and enter orders on behalf of the court appointing court visitors.
  - (b) To approve such bonds as ordered by the court.

#### 9.002 FILING PROBATE MATTERS

Probate matters requiring authorization, approval, or signature of the probate judge or designee shall be filed with the court clerk's office.

#### 9.003 EX PARTE ORDERS IN DECEDENTS' ESTATES, GUARDIANSHIPS AND CONSERVATORSHIPS

All ex parte orders and judgments in decedents' estates, guardianships and conservatorships may be filed at any time without the necessity of the appearance of attorney for the fiduciary.

#### 9.005 FILING DELINQUENCIES OR DEFICIENCIES

In the event of a delinquency or deficiency in filing any document required by statute, court rule, or court order, the attorney of record shall be sent a courtesy notice. The personal representative, conservator, or guardian is expected to promptly cure the defect or delinquency. If the deficiency is not corrected within the time specified by the court in its notice, a status hearing requiring personal appearance of the attorney and/or party will be set by the court. If the delinquency or deficiency has not been corrected by the time of the hearing, appropriate sanctions will be imposed. If the attorney and or/party do not appear at the status hearing and the deficiency has not been corrected, an order to show cause may be issued.

#### 9.006 REPRESENTATION

(1) If a personal representative or conservator intends to appear on behalf of the estate or protected person without an attorney, the personal representative or conservator shall provide notice of that intent to the court and proof of competence to so appear. If the proof is not sufficient to assure the court the estate will be protected and properly administered, the court will take appropriate action.

(2) A person other than a personal representative or conservator, or a corporation may appear in person without counsel in any matter coming before the probate judge if otherwise allowed by law.

#### 9.022 NOTICE TO SURETY

If a bond has been posted, the surety must be notified of the resignation or substitution of counsel, with appropriate proof provided to the court.

## 9.081 OBJECTIONS

- (1) A respondent or protected person may object to a petition or motion either in writing or orally. A respondent or protected person may make an oral objection to a petition or motion by:
  - (a) Appearing in person at the Circuit Court clerk's office during regular business hours (125 East 8<sup>th</sup> Ave, Eugene) and asking for the probate clerk. The respondent or protected person should advise the probate clerk that they wish to make an oral objection.
  - (b) Notifying the court visitor who shall record the objection in writing in the visitor's report.
- (2) Any interested person, as described in ORS 125.075(1), other than the respondent or protected person, may object to a motion only by written objection. That person may object to a petition either in writing or orally. The oral objection to a petition may be made by:
  - (a) Appearing in person at the Circuit Court clerk's office during regular business hours (125 East 8<sup>th</sup> Ave, Eugene) and asking for the probate clerk. The objecting party should advise the probate clerk that the objecting party wishes to make an oral objection to the petition.
  - (b) The probate clerk shall provide the objecting party with the objection form provided as Appendix B of these rules, as a means of reducing the oral objection to a signed writing for the purpose of filing the objection.
- (3) Upon receipt of an objection the court will schedule a hearing.

## 9.091 GUARDIANSHIPS

- (1) Upon receipt of a petition seeking appointment of a guardian, the probate staff shall prepare an order appointing a visitor. The petitioner shall tender the visitor's fee to the visitor upon receipt of a copy of the appointment order. The visitor will not undertake an investigation pursuant to ORS 125.150 or an interview as required by ORS 125.605(4) until the fee has been tendered to the visitor unless the fee has been waived or deferred by the court after receipt and review of an affidavit of indigence.

## 9.092 GUARDIANS

- (1) A guardian shall promptly notify the court in writing of any change of name or address.
- (2) Within 30 days after each anniversary of appointment, a guardian for a minor shall file with the court a written report. Copies of the guardian's report must be given to those persons specified in ORS 125.060(3). The report shall be in the form prescribed by the court. A sample Minor Guardianship Report form is provided at the end of these rules.

9.093 NON-PROFESSIONAL FIDUCIARY EDUCATIONAL PROGRAM

- (1) The following court appointed non-professional fiduciaries are subject to this rule:
  - (a) All non-professional guardians and conservators appointed pursuant to ORS Chapter 125.
  - (b) Any guardian or conservator appointed pursuant to ORS Chapter 125, regardless of appointment date, who is directed to appear in court for a deficiency in the handling of fiduciary duties.
- (2) All non-professional fiduciaries described under subsection (1) above shall:
  - (a) Register for an education class for non-professional fiduciaries with a curriculum as prescribed by the presiding judge no later than 20 days from appointment as fiduciary; and
  - (b) Successfully complete the education class within 90 days of appointment as fiduciary; and
  - (c) File with the probate department, upon successful completion of the education class, a certificate of completion stating the date the class was taken and the provider of the class.
- (3) A professional fiduciary, as defined in ORS 125.240(5), is exempt from this rule.
- (4) Fees for the court-required class shall be considered a cost of administration of the protective proceeding.
- (5) Upon a showing of good cause, a non-professional fiduciary may request a waiver of the requirements of this rule. The request must be made by motion, supported by affidavit.
- (6) The court may require a non-professional fiduciary to retake the class.
- (7) Failure to timely comply with this rule may result in removal of the non-professional fiduciary by the court.

9.161 FORM OF ACCOUNTS

All accounts, filed with the court, in estates, conservatorships and trusts shall be in the format as set out in UTCR 9.160.

9.162                    PRESENTATION OF ACCOUNTS IN DECEDENT ESTATES

(1)     All accounts in decedent estates shall be filed with the court clerk. The court need not and ordinarily will not enter an order approving an annual accounting.

(2)     Objections

(a)     If objections to a final account are filed the court will schedule a hearing on a Monday unless it is anticipated to take longer than 2 hours in which case the court will schedule the proceeding on the trial docket.

(b)     If no objections to a final account are filed within the time fixed for filing objections, a proposed order approving the final account shall be filed with the court clerk.

9.163                    PRESENTATION OF ACCOUNTS IN CONSERVATORSHIPS

(1)     All accounts in a conservatorship shall be filed with the court clerk.

(2)     Objections

(a)     If objections to an account are filed the court will schedule a hearing on a Monday unless it is anticipated to take longer than 2 hours in which case the court will schedule the proceeding on the trial docket.

(b)     If no objections to the account are filed within the time fixed for filing objections, and an order approving the account is desired, a proposed order shall be filed with the court clerk.

(3)     If remaining assets are being held in restricted accounts and annual accountings have been waived, the Conservator shall file an annual statement with copies of the most recent bank statement of the financial institution and the balance in the restricted account.

**Chapter 11 – Juvenile**

11.005                    APPEARANCE IN JUVENILE COURT FOR TERMINATION OF PARENTAL RIGHTS CASES

(1)     A parent who is served with a summons for the first appearance in a petition to terminate parental rights case shall appear personally in court at the time and place specified in the summons. The purpose of the appearance is to deny the allegations of the petition and request a trial.

- (2) At the first appearance, a parent may request a court appointed attorney to represent the parent at trial.
- (3) A parent who fails to appear as summoned may be subject to entry of a judgment granting the petition to terminate the parental rights of that parent following a prima facie hearing.
- (4) A parent who fails to appear at any hearing after the first appearance may be subject to entry of a judgment granting the petition to terminate the parental rights of that parent following a prima facie hearing.

#### 11.111 SUBMISSION OF EXHIBITS

- (1) All exhibits that can be converted to PDF must be submitted to the court electronically.
  - (a) Exhibits may be eFiled before the proceeding, or if submitted via paper during the proceeding, must be eFiled no later than the end of following judicial day.
  - (b) eFiled exhibits must be accompanied by an exhibit log.
  - (c) If multiple exhibits are filed as a single PDF, the beginning of the submission must be an index identifying each exhibit and electronically linked to each exhibit.

### **Chapter 13 - Arbitration**

#### 13.041 REFERRAL TO ARBITRATION; MOTIONS

- (1) A case subject to arbitration will be transferred to arbitration when the case is at issue or 150 days have elapsed since its filing, whichever occurs first.
- (2) After a case has been transferred to arbitration, the original of any motion must be filed with the arbitrator. Unless otherwise provided by rule or statute, all such motions will be decided by the arbitrator.
- (3) In the event a motion to file an amended pleading is allowed by the arbitrator which causes the case no longer to be subject to mandatory arbitration, the party filing such a pleading must so notify the arbitration clerk. Unless the parties stipulate otherwise, the clerk will then remove the case from arbitration.

### 13.121 COMPENSATION OF ARBITRATORS

(1) Any dispute as to the amount of the arbitrator's fee must be submitted to the court in the form of a motion to determine the Arbitrator's Fee within 7 days of receipt by the complaining party of the arbitrator's itemized statement required by UTCR 13.120(2). The motion shall be supported by an affidavit and a memorandum supporting the party's position.

(2) The arbitrator shall file a response, supported by an affidavit, within 7 days of receipt of the motion, and the dispute will be resolved by the court in a summary fashion without further argument.

(3) If 7 days after the court's determination the arbitrator's fee has not been paid in full, or funds on deposit with the arbitrator in excess of the fee determined to be reasonable have not been refunded to the party(ies), the party/arbitrator to whom the money is owed may file a request with the court for entry of an appropriate judgment by the way of a Supplemental Judgment in the case.

## **Chapter 15 - Small Claims**

### 15.001 APPLICABLE SUPPLEMENTARY LOCAL RULES

See rules listed under SLR 1.002.

### 15.002 MEDIATION

Small claims cases shall be subject to mediation, except for good cause acceptable to the court. The mediation will be conducted remotely. The court may decline to consider any small claims matter until notified by the mediator that the matter has proceeded through the mediation process without resolution. If the parties are unable to reach a mediated agreement the matter will be set for trial in person 2 weeks later a Monday morning at 9:00a.m. Parties are required to bring the original exhibits and two additional copies of all exhibits they intend to offer to the Court. Failure to supply three copies could result in the Court refusing to receive the exhibits.

## **Chapter 16 - Traffic, Boating and Violations**

### 16.001 VIOLATIONS BUREAU

By general order the Court has established a Violations Bureau for the disposition of all traffic, weighmaster, boating, park and recreation, pedestrian, and parking violations.

## 16.002 VIOLATION CASES - ATTORNEYS

If a defendant is to be represented by an attorney at trial of a traffic, boating or other violation case, timely notification in writing of such intention together with proof of service on the district attorney must be filed with the clerk of the court.

## 16.003 PRETRIAL MOTIONS AND DEMURRERS

The rules contained in Chapter 4 of the Lane County Supplementary Local Rules regarding pretrial motions and demurrers in criminal cases, shall apply to violations with respect to any pretrial motion or demurrer applicable by law in a violation case.

## 16.005 TRIAL BY AFFIDAVIT OR DECLARATION UNDER PENALTY OF PERJURY - VIOLATIONS

(1) Testimony in violation cases may be allowed by affidavit, or by declaration under penalty of perjury, after defendant has filed a waiver signed by defendant to the following effect:

“I agree that the Court may consider testimony of any witness by affidavit or by declaration under penalty of perjury.”

(2) Defendant may also waive the right to an oral hearing by adding to the waiver, signed by defendant, a provision to the following effect:

“I give up my right to an oral hearing or to be present at any oral hearing and the Court may decide this case on the basis of any written or oral testimony received by the Court in my absence.”

## Forms Appendix

Appendix A Rule 8.041(5) – Notice of Readiness for Decision

Appendix B Objection to Petition for Appointment of Guardian / Conservator

Appendix C Guardian’s Report for Minor

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

In the Matter of the Marriage of:                     )  
  )  
  )     Case No.  
  )  
  )     Rule 8.041(5)  
  )     NOTICE OF READINESS  
  )     FOR DECISION OF:  
  )  
  )     \_\_\_ Petitioner   \_\_\_ Respondent

The pending motion for temporary relief is at issue, and the moving party requests the Court decide the motion five (5) judicial days after filing this Notice. The motion should be decided upon the following documents:

1.     Order to Show Cause re: Temporary Support, Payment of Debts, and attorney fees.
2.     Uniform support declaration of Petitioner.
3.     Uniform support declaration of Respondent.
4.     \_\_\_\_\_
5.     \_\_\_\_\_
6.     \_\_\_\_\_

\_\_\_\_\_  
Moving Party or Attorney for Moving Party

I certify that I served a true copy of the above notice upon the adverse party in the manner set forth in the Oregon Rules of Civil Procedure on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Moving Party or Attorney for Moving Party

I certify the foregoing is a true copy of the original notice I am filing with the Court.

\_\_\_\_\_  
Moving Party or Attorney for Moving Party

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

Guardianship/Conservatorship of

Case No.

\_\_\_\_\_  
(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 reason (state reasons below and use additional sheet if necessary):

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

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

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

\_\_\_\_\_  
Address or Contact Address

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

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

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

PROBATE DEPARTMENT

In the Matter of the Guardianship of

Case Number: \_\_\_\_\_

Guardian's Report for Minor

Protected Person,

Minor's Date of Birth: \_\_\_\_\_

1) The address of the minor is: \_\_\_\_\_

\_\_\_\_\_

2) The telephone number of the minor is: \_\_\_\_\_

\_\_\_\_\_

3) Is the minor living with you? Yes \_\_\_\_\_ No \_\_\_\_\_

4) If not, state who the child is living with, the relationship of that person to the child, and why the child stopped living with you: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5) When did the child leave your residence? \_\_\_\_\_

\_\_\_\_\_

6) How is the protected person doing in school, including extracurricular activities? \_\_\_\_\_

\_\_\_\_\_

7) During the past year I have received \$ \_\_\_\_\_ from \_\_\_\_\_ to help support this child. I spent \$ \_\_\_\_\_ of that income on behalf of the child and now I have \$ \_\_\_\_\_ remaining.

8) Have you been convicted of a crime since your last report? Yes \_\_\_\_\_ No \_\_\_\_\_

9) Have you filed bankruptcy since your last report? Yes \_\_\_\_\_ No \_\_\_\_\_

10) Have you had your driver's license suspended or revoked since your last report?  
Yes \_\_\_\_\_ No \_\_\_\_\_

11) If you answered "Yes" to question 10, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12) I believe I should or should not continue to be the guardian for the minor child because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13) Provide any other information you feel should be provided to the Court regarding this child's adjustment to your care (use additional paper if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Guardian's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

If applicable:

Co-guardian's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_