

SUPPLEMENTARY LOCAL RULES

POLK COUNTY CIRCUIT COURT

TWELFTH JUDICIAL DISTRICT



Effective February 1, 2023

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Polk County Circuit Court Supplementary Local Rules

CHAPTER 1 General Provisions

1.151 HOURS OF COURT OPERATION

Information regarding business hours for Polk County Circuit Court can be found at:

<https://www.courts.oregon.gov/courts/polk/Pages/default.aspx>.

1.161 FILING OF DOCUMENTS IN COURT

- (1) The Polk County Circuit Court has approval from the State Court Administrator to accept filings electronically for designated case types and documents pursuant to Uniform Trial Court Rule (UTCRC) Chapter 21, which governs filing and service by electronic means.
- (2) When conventional filing is permitted or required by UTCRC Chapter 21, filings are accepted at the Polk County Courthouse, Room 301, 850 Main Street, Dallas, Oregon. Documents delivered by mail shall be addressed to Polk County Circuit Court, 850 Main Street, Dallas, Oregon 97338. If a fee is required, then filing may occur only if the fee is satisfied.

1.171 WEBSITE

The Polk County Circuit Court website home page is:

<https://www.courts.oregon.gov/courts/polk/Pages/default.aspx>.

Links to this website may also be found at the Oregon Judicial Department website:

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

CHAPTER 2 Standards for Pleadings and Documents

2.016 DESIGNATION OF KNOWN PARTIES BY FICTITIOUS NAME

In civil actions, the designation of a known party by a name other than the party's true name shall be allowed only upon an order of the court. If ordered, the designation of such party shall be by use of such party's initials or a fictitious name other than "Jane Doe" or "John Doe." The name "Jane Doe" or "John Doe" is reserved to be used for a party whose identity is unknown and the party is being designated as provided by ORCP 20H.

2.035 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 non-existent court;
- (6) A lien or bond issued by or to a non-existent court or agency; or
- (7) A document submitted by fax transmission.

2.501 STIPULATED OR EX PARTE DOCUMENTS THAT MAY BE FILED CONVENTIONALLY

The following stipulated or ex parte documents may be presented conventionally:

- (1) Petitions for Immediate Danger;
- (2) Petitions for Family Abuse Prevention Restraining Orders;
- (3) Foreign Judgments;
- (4) Transcripts of Judgment;
- (5) Foreign Support Orders; and
- (6) Transport Orders.

CHAPTER 3 Decorum in Proceedings

3.181 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

In facilities occupied by the court, public access coverage in areas outside of courtrooms, other than the jury assembly rooms when jurors are in attendance, is permitted only with the prior approval of a judge or the Trial Court Administrator. Requests to conduct public access coverage in such areas may be made to the court at any time during the business day. No filming will be permitted within a courtroom without prior approval of the judge. Public access coverage is not permitted in the court's jury assembly rooms when the jurors are in attendance.

Public access coverage shall not disrupt court proceedings or interfere with normal court activities.

CHAPTER 4 Proceedings in Criminal Cases

4.081 APPEARANCE AT CRIMINAL PROCEEDINGS BY MEANS OF SIMULTANEOUS ELECTRONIC TRANSMISSION

The court may conduct appearances in any criminal proceeding by simultaneous electronic transmission as provided in UTCR 4.080 (1) and under law, if the technology in the courtroom meets the requirements of the rule.

4.165 APPROVAL OF JUDGMENT

In all criminal proceedings, unless the court otherwise directs, any proposed form of judgment or order must be served on each of the parties at the time the proposed judgment or order is submitted to the court.

{4.175 TRIAL JUDGE ASSIGNMENT AND SCHEDULING PROCEDURES}

- (1) {All in-custody cases without a waiver of 60 days or speedy trial rights will be assigned to a circuit court judge within 30 days of case filing for further and timely proceeding.}
- (2) {In all other cases, the matters will not be assigned for trial until the Trial Readiness Information Form (See Appendix 2) is completed and filed by the attorneys of record.}
- (3) {In all felony out-of-custody cases and in all felony in-custody cases in which the defendant has waived speedy trial rights and right to trial within 60 days, the parties shall provide the Trial Readiness Information Form and the case shall be assigned to a trial judge on or before 120 days after the case was initiated.}
- (4) {In all misdemeanor out-of-custody cases and misdemeanor in-custody cases in which the defendant has waived speedy trial rights and the right to trial within 60 days, the attorneys shall provide the Trial Readiness Information Form and the case shall be assigned to a trial judge on or before 60 days from the date the case was initiated.}
- (5) {The Court may make exceptions to these requirements from time to time as the Court deems appropriate. In addition, parties may request relief from this rule for complex cases that are best administered outside of this rule.}

{4.185 APPEARANCES IN CRIMINAL COURTROOM #4}

{All appearances in criminal cases in Courtroom #4 are in person except out-of-custody pre-trial conferences and show proof hearings regarding completion of probation. All contested evidentiary hearings, motions and trials will be in person. Attorneys and parties may request relief from this rule in advance of a hearing. Attorneys and parties may appear in person at any hearing.}

{4.195 APPEARANCES IN CRIMINAL CASES IN COURTROOMS #1, #2 AND #3}

{All pre-trial and scheduling conferences will be remote, unless the defendant is in custody and is being brought to the courtroom. All contested evidentiary hearings, motions and trials will be in person. Attorneys and parties may request relief from this rule in advance of the hearing. Attorneys and parties may appear in person at any hearing.}

{4.205 CRIMINAL SETTLEMENT CONFERENCES}

{The following procedures shall apply to criminal settlement conferences, when requested by a party or the party's attorney:}

- {{(1) Any party may request a settlement conference by making a written request to the presiding judge. Early requests are encouraged, and requests for assignment to a particular judge will be honored if possible.}}**
- {{(2) The settlement conference judge shall not act as trial judge if the case does not settle. Materials or notes prepared by the pretrial settlement judge will remain confidential and will not be placed in the court file in the event that the case does not settle. the settlement conference judge will be the sentencing judge if the case settles. 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. The assigned settlement judge will determine the appropriate method for reporting settlement. and will determine whether a trial setting conference must be held prior to the pretrial settlement conference and removing the case from the active trial docket.}}**
- {{(3) If one party requests a pretrial settlement conference, the settlement conference must be held and must be conducted according to the procedure set forth in this rule. However, the pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.}}**

- {{(4) All trial attorneys and the defendants must be present for the settlement conference. The judge may permit telephone or electronic appearances for good cause.}}**
- {{(5) 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.}}**
- {{(6) The pretrial settlement conference shall not delay the trial scheduling without permission of the court.}}**
- {{(8) The presiding judge will determine whether a trial setting conference must be held prior to the pretrial settlement conference.}}**

CHAPTER 6 Trials

6.012 {CIVIL} SETTLEMENT CONFERENCES

{The following procedures shall apply to pre-trial settlement conferences in pending civil and domestic relations cases , when requested by a party of the party's attorney:}

- (1) Any party may request a settlement conference by making a written request to the presiding judge. Early requests are encouraged, and requests for assignment to a particular judge will be honored if possible.
- (2) The settlement conference judge shall not act as trial judge if the case does not settle. Materials or notes prepared by the pretrial settlement judge will remain confidential and will not be placed in the court file in the event that the case does not settle. The assigned settlement judge will determine the appropriate method for reporting settlement. and will determine whether a trial setting conference must be held prior to the pretrial settlement conference.
- (3) If one party requests a pretrial settlement conference, the settlement conference must be held and must be conducted according to the procedure set forth in this rule. However, the pretrial settlement conference will not be required if the opposing party demonstrates good cause why the settlement conference should not be held.
- (4) **{All}** trial attorneys and parties or representatives of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the [*pretrial*] settlement conference. In criminal cases, all trial attorneys and the defendants must be present for the settlement conference. The judge may permit telephone or electronic appearances for good cause.

- (5) 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.
- (6) The pretrial settlement conference shall not delay the trial scheduling without permission of the court.
- {(7) Settlement conferences may be held remotely or in person at the discretion of the court.}**
- {8 The presiding judge will determine whether a trial setting conference must be held prior to the pretrial settlement conference.}**

{6.025 PAYMENT OF TRIAL FEES AND HEARING FEES}

- {(1) A fee receipt, fee waiver, or fee deferral must be presented to the judicial staff prior to commencement of a trial or hearing where a fee is required to be paid under ORS 21.225 or 105.130.}**
- {(2) Fees payable at the conclusion of the trial shall be paid by 4:00 PM on the day trial concludes unless the fee is waived or deferred. If the trial concludes after the close of business, the fees shall be paid the morning of the first court day thereafter. For purposes of this rule, a jury trial shall be deemed concluded when the jury returns a verdict.}**
- {(3) The trial judge may elect to delay commencement of the case until the fees are paid, but failure to pay the fees as stated in SLR 6.025 shall not be grounds for a postponement.}**

{6.071 GENERAL TRIAL PROCEDURES}

{Proposed Jury Instructions (word version), witness lists and exhibit lists shall be filed by the last pretrial conference or by order of the court.}

6.081 EXHIBITS – AUDIO AND VIDEO RECORDINGS

The proponent of any audio or video exhibit shall be responsible for arranging for playback equipment for use during the trial or other proceeding. The court may provide standard VGA or HDMI connectivity for use with courtroom monitors for audio and video playback; however, arrangements for such equipment must be made at least **{48 hours}** *[one business day]* in advance of the proceeding or trial by contacting judicial staff or the Polk County Trial Court Administrator. Testing of the equipment at least **{48 hours}** *[one business day]* ahead of the proceeding or trial is recommended to ensure functionality. The court will not provide access to its internal technology infrastructure to any external media or device.

CHAPTER 7 Case Management and Calendaring

7.012 CONTINUANCES IN CIVIL AND CRIMINAL CASES

Once a judge has been assigned to a case for trial purposes, the assigned judge shall be responsible for all matters pertaining to such case. This includes, but is not limited to, any requests for a continuance.

7.045 MOTION PRACTICE IN CRIMINAL CASES

Criminal motions generally will be set by the court and the parties will be notified in writing of the date and time of the hearing.

7.055 TRIAL DATE AND STATUS CONFERENCE IN CRIMINAL CASES

- (1) Pre-trial conferences will be set for a hearing to review the status of the case in advance of the trial. The date will be set at arraignment. The attorney for each party and the defendant shall appear at the hearing unless approved in advance by a judge.
- (2) Once a Judge has been assigned to a case for trial, the assigned Judge will then set trial dates.

CHAPTER 8 Domestic Relations Proceedings

NOTE: Rules specifically regarding Mediation are found in SLR Chapter 12.

{8.012 DOMESTIC RELATIONS CASE SCHEDULING}

- (1) {Temporary Relief Hearings, Requests for temporary relief in annulment, dissolution, or separation proceedings not otherwise resolved via SLR 8.041 will be specially set for hearing.}

8.015 STATEMENT OF ASSETS

- (1) In lieu of the filing of separate statements of assets and liabilities, values and proposed distribution, as provided by UTCR, counsel for the parties may file a single joint statement containing a single list of those assets and liabilities (described individually or by groupings, as counsel may agree) which either or both parties claim to be subject to distribution by the court. Such single joint statements shall set forth, opposite description of each listed asset and liability (or assets and liabilities by grouping)[,] {;}
{a} a separate listing of each party's valuation {of the asset or liability;} and
{b} {a} proposal for distribution of such asset or liability{;} or
{c} a statement that such asset or liability is not subject to distribution by the court[,]{;} or *[that, for the reasons stated,]*

{d} {a statement that} the value of the asset or liability should not be taken into account by the court in the division and distribution of the parties' assets and liabilities.

- (2) In the event counsel for the parties file separate statements pursuant to UTCR, such statements must include all assets and liabilities which either or both parties claim to be subject to distribution by the court; must contain identical description of such assets and liabilities (either individually or by grouping); must list the assets and liabilities in the same order; and must include the filing party's position that the asset or liability is not subject to distribution by the court, or, that for the reasons stated, the value of the asset or liability should not be taken into account by the court in the division and distribution of the parties' assets and liabilities.
- (3) Statements of assets and liabilities, whether filed jointly or separately, shall, to the extent possible, also reflect the following:
 - (a) Disputed property should be grouped, separate from undisputed property;
 - (b) Sub-totals should be reflected for each category and grouping;
 - (c) Wholesale and retail bluebook values should be listed for all vehicles listed; and
 - (d) Assets and liabilities should be divided into short and long-term categories.

8.055 TEMPORARY CUSTODY ORDERS - MODIFICATIONS

Hearings pursuant to ORS 107.138, shall be scheduled in the same manner as hearings under subsection (4)(b) of ORS 107.097.

8.071 SHOW CAUSE ORDERS - CONTEMPT OF COURT

- (1) A show cause order for contempt of court shall be contained in a separate document from any other show cause order or orders for other relief. Such orders shall require the responding party to personally appear in court at the time established by the court which shall be at least fourteen (14) days after the date of service of the order on the responding party. The moving party must also appear and be prepared to proceed at the time and date stated in the order.
- (2) The failure of the moving party to appear at the stated date and time, or to be prepared to proceed at such time, will result in dismissal of the contempt proceeding unless the court finds extenuating circumstances and orders the continuation of the proceedings.
- (3) The hearing will be held at the date and time stated in the order unless the court orders the matter to be specifically set for hearing at a later date.
- (4) Every show cause order for contempt of court shall contain the following notice:

NOTICE

You must personally appear in the above entitled court and case at the date and time specified in this Order. If you fail to appear in court at such date and time, you may be arrested and held in custody for the purpose of being brought before the court to answer the contempt charges which have been made against you.

8.073 SHOW CAUSE ORDERS - OTHER THAN CONTEMPT OF COURT

- (1) Motions for Show Cause Orders (other than for contempt of court) must separately state each item of relief requested by the moving party. Such orders may not state the requested relief by reference to a supporting affidavit.
- (2) Unless otherwise specifically required by statute or ORCP or specifically directed by the court, Show Cause Orders shall not require the personal appearance of the opposing party and shall not set a time certain for response by the opposing party. Instead, when dealing with temporary relief and when served within the State of Oregon, such orders shall require the opposing party to file an Answer **{See Appendix 1}** in writing to the order within thirty (30) days from the date of personal service of the order upon the opposing party, or, if served by mail, within thirty-three (33) days from the date of the mailing of the order (which mailing date shall be stated in or endorsed upon the order). When the Show Cause Order deals with permanent relief or when it is served outside of the State of Oregon or by publication, the order shall require the opposing party to file an answer in writing within thirty (30) days from the date of service or the date of first publication, whichever the case may be.
- [(3)] In the event the opposing party fails to file a written appearance in response to a show cause order within thirty (30) days from the date of service *[of the order upon the opposing party,]*
- {3}** **{As provided in subsection (2), above,}** then at any time thereafter and while the opposing party remains in default *[for want of such written appearance]*, the moving party may present an ex parte order granting the relief sought by the moving party~~[,] {.}~~ **{The moving party must file,}** *[provided]* the return of service of the show cause order *[has been filed]* with the court~~{, either separately}~~ or *[is]* presented with the proposed ex parte order. Upon presentation of the proposed ex parte order, the court, in its discretion, may **{either}** allow the requested relief ex parte or it may direct that a hearing be scheduled for the presentation of a prima facie case in support of the relief sought by the moving party.

8.075 PARENTING TIME

The court has adopted a “standard parenting time schedule” which is a starting point for establishing a time-sharing arrangement between parents, subject to other stipulation of the parties or other order of the court. The “standard parenting time schedule” is **{set forth in Appendix 3}** *[available on the court’s website]*.

8.081 MANDATORY PARENT EDUCATION PROGRAM

- (1) The court has established a mandatory parent education class as authorized by ORS 3.425 for each person named as a party in the following types of proceedings:
 - (a) Annulment or dissolution of marriage, where there is a child or children of the marriage;
 - (b) Legal separation actions, where there is a child or children of the marriage;
 - (c) Petitions to establish custody or parenting time, including paternity; and
 - (d) Post-Judgment litigation involving custody or parenting time.
- (2) All parties, where the interest of a child under the age of 18 years is involved, shall successfully complete the education for divorcing parents program offered by the court designated providers or a preapproved alternative parent education program. Parties shall be automatically registered for the program by the court's mediation clerk. Parties shall request the court's approval of an alternate program within fifteen (15) days of receiving notice of the appearance date for the parent education class.
- (3) Each person who successfully completes a preapproved alternative program, [*will*] **{shall}** obtain a certificate of completion and shall file the certificate of completion with the Trial Court Administrator. All parties shall file the certificate of completion before the judgment will be signed and entered.
- (4) The court may exempt one or both parties from the program if, after review of the party's request, the court determines there is good cause to waive the requirement. The request must be filed within fifteen (15) days of receipt of the program notice from the court.
- (5) Failure to complete the program in a timely manner may be considered by the court in making its ruling on issues which are in dispute.
- (6) A party who has completed the program shall have the right to:
 - (a) Request that the pleadings of a party be stricken if that party has not completed the program in a timely manner without good cause.
 - (b) Request entry of an order from the court to compel the non-complying party's completion of the program if good cause is not shown as to why that party has not completed the program in a timely manner.
 - (c) Request that the court enter an award of attorney fees in favor of the complying party who utilizes this option to force the non-complying party's compliance with this rule.

CHAPTER 9 Probate and Adoption Proceedings

9.081 ORAL OBJECTIONS IN PROTECTIVE PROCEEDINGS

Oral objections made under ORS 125.075 to a petition in a protective proceeding shall be voiced at the front counter in **{R}**room 301 of the Polk County Courthouse and during the hours of court operations listed in SLR 1.151. The objecting party can reach the court clerk by telephone at 503-623-3154 (voice) or by email to PLK.Court.Info@ojd.state.or.us. A form for filing a written objection is available on the court's website.

The respondent or protected person may also make objections orally to an appointed Court Visitor. Court Visitors shall include any objections by the respondent or protected person in the Visitor Report. The objection should be in bold and underlined *[so as]* to call its attention to the court.

Objections must be received by the court within fifteen (15) days of service of the Petition.

9.161 FORM OF ACCOUNTING

All accountings shall be in the format as specified in UTCR 9.160.

CHAPTER 11 Juvenile Court Proceedings

11.031 PERSONAL APPEARANCE BY PARENT

A parent served with summons pursuant to ORS 419B.812 shall appear in person before the court on the date and time specified in the summons unless otherwise approved by the judge.

{11.041 APPEARANCES IN JUVENILE DEPENDENCY CASES}

- (1) **{The Monday afternoon docket will primarily be by phone or remote means. This docket generally covers status conferences, limited court reviews and uncontested permanency hearings, admissions and uncontested dispositional hearings.}**
- (2) **{Contested hearings will be specially set other than on the Monday docket and will be in person. These include contested jurisdictional and dispositional hearings, contested permanency hearings, contested review hearings and termination of parental rights hearings.}**
- (3) **{Shelter hearings and first appearances in termination of parental rights case will be in person.}**
- (4) **{Attorneys and parties may request relief from this rule in advance of a hearing. Attorneys and parties may appear in person at any hearing.}**

{11.051 APPEARANCES IN JUVENILE DELINQUENCY CASES}

- (1) {The Monday 9:30 a.m. docket will be in person except probation reviews and status hearings which will be by remote means.}
- (2) {Contested jurisdictional trials, probation violation hearings and admissions to petitions will be in person.}
- (3) {In-custody youth will appear remotely.}
- (4) {Attorneys and parties may request relief from this rule in advance of a hearing. Attorneys and parties may appear in person at any hearing.}

CHAPTER 12 Mediation

12.015 CHILD CUSTODY AND PARENTING TIME_MEDIATION

NOTE: Rules specifically relating to **{Domestic Relation Proceedings}** [*Temporary Custody Orders during Mediation*] are found in SLR Chapter 8.

(1) Matters Subject to Mediation

Mediation is mandatory in the following case types:

- (a) Any domestic relations suit, as defined in ORS 107.510 (3);
- (b) Any filiation proceeding pursuant to ORS 109.124 to 109.230;
- (c) Proceedings to determine the custody or support of a child under ORS 109.103;
- (d) Any proceeding to modify custody and/or parenting time previously determined in one of the above types of cases;
- (e) Any other matter involving a dispute over custody and/or parenting time upon referral of the court; and
- (f) Other Matters. The mediator may consider issues of property division or spousal or child support with the written approval of both parties or of their counsel.

(2) Court Control during Mediation

- (a) Cases remain subject to the control of the court during mediation. The court may remove a case from mediation at any time.

- (b) Mediators shall report to the court and counsel the outcome of mediation. Mediation agreements shall be presented to the court and the court retains final authority to accept, modify or reject agreements.

(3) Commencement of Mediation

Mediation will be commenced by stipulation of the parties, request of a party or court referral.

(4) Mediation Process

- (a) Mediation shall consist of a maximum of eight (8) hours of sessions involving the parties and the mediator. Unless otherwise agreed in writing by the parties, the parties' lawyers shall not be present at mediation sessions.
- (b) The parties shall choose a mediator upon completion of the parent education class and shall promptly notify the court {of their selection}. If the parties do not notify the court of their selection within ten (10) days following the parent education class, the court will appoint a mediator from the court's list of mediators. The parties may select a mediator of their own choosing but if the mediator is not on the list approved by the court, the expense of the mediator shall be the responsibility of the parties.

(5) Unsuccessful Mediation

The mediator may notify the court at any time following the initial mediation session that mediation has been unsuccessful, in which case the proceeding will be scheduled for hearing in the same course and with the same priority as if there had been no mediation. The mediator may determine that the mediation has been unsuccessful if the parties are unable to resolve the custody or parenting time controversy, if one or both parties are unwilling to participate in mediation{,} or if the mediator determines that either party is using the mediation process in bad faith for the delay of resolution of other issues.

(6) Temporary Custody and Parenting Time Orders

At any point during the mediation {process} the court may approve a temporary custody and parenting time order reflecting the parties' agreement as to the issues.

(7) Temporary Support

If the parties cannot agree on the issue of support and they are also in dispute as to custody and/or parenting time, the mediator may, upon the written request of the parties and the consent of the mediator, assist in resolving the support issue as well.

(8) Mediation Completion

It is the responsibility of the parties and their attorneys to see that mediation is completed within such time as to not delay the trial of the case. Failure to do so may result in dismissal of the case when called for trial or postponement under such conditions as the court may require.

(9) Custody Evaluations

- (a) If the parties are unable, after a good faith effort, to resolve custody and/or parenting time issues in mediation, the parties may agree to a custody evaluation. The evaluation must be performed by a duly qualified person but must not be the mediator assigned to the case.
- (b) The parties must agree in advance that the report of the custody evaluation will be admissible at trial or other proceedings without appearance of the person who performed the evaluation. The person who performed the evaluation may, however, be subpoenaed at the expense of the party calling the person as a witness.
- (c) When the evaluation report had been received by the parties, the parties may, if both parties agree, resume mediation after the report is made available to the mediator.
- (d) The expense of the evaluation shall be the responsibility of the parties in such proportion as the parties may agree or as ordered by the court. Parties who seek a custody evaluation under this rule may, prior to proceeding with a custody evaluation, petition the court for partial assistance in the cost of the evaluation, to be paid from the county mediation fund. The decision to provide funding shall be based on the abilities of the parties to afford the evaluation. A petition for financial assistance for the custody evaluation shall be accompanied by the name, **and a** recommendation from the mediator as to whether a custody evaluation may be useful~~{,}~~**and** an estimate of cost and affidavits setting forth the financial resources of the parties.

{12.025} COURT CONNECTED MEDIATOR QUALIFICATION RULES}

{Mediator qualifications should be followed as set forth in CJO-05-028.}

CHAPTER 13 Arbitration

13.015 REFERRAL TO ARBITRATION; MOTIONS

- (1) A case subject to arbitration shall be transferred to arbitration when the case is at issue. The court may remove a case from arbitration at any time.
- (2) All motions, except those set forth below, shall be decided by the arbitrator as provided in UTCR 13.040 (3).

- (a) Waiver or deferral of arbitrator's and/or filing fees
- (b) Exemption or removal from arbitration
- (c) Change of venue
- (d) Resignation of counsel
- (e) Bankruptcy stay
- (f) Jurisdictional

13.025 COMPENSATION OF ARBITRATORS

(1) Compensation

Arbitrators shall be paid directly by the parties within fourteen (14) days of the selection of the arbitrator. The total amount of fees and expenses shall be equally divided, unless otherwise stipulated by the parties.

(2) **{Waiver of fees}**

{The court may waive or defer advance payment of fees and/or expenses, in whole or in part, pursuant to ORS 36.420.}

{A party seeking waiver or deferral shall complete and submit to the court the forms provided by the court clerk for waiver or deferral of court filing fees. Application for waiver or deferral must be made within 14 days of the date of the notification of transfer to arbitration. Unless otherwise allowed by the court fees deferred must be paid within 5 days of the arbitration hearing.}

[(2)] **{3}** Failure of a party to appear or participate in the arbitration proceeding

The failure of a party to appear or participate in the arbitration proceeding **{by reason of failing to pay the arbitrator fee or obtain a waiver or deferral of the fee}** does not affect the ability of the party to appeal the arbitrator's decision or award.

CHAPTER 15 Small Claim

15.015 DISMISSAL FOR FAILURE TO PURSUE CLAIM

A judgment of dismissal shall be filed and entered on the court's own motion seventy-five (75) days after the date the claim is filed, unless the case is set for a hearing or a default judgment is entered.

CHAPTER 16 Violations

16.015 VIOLATIONS BUREAU

By General Order of the Court and pursuant to ORS 153.800, the court has established a Violations Bureau for the disposition of violations.

16.025 TRIALS BY DECLARATION

- (1) Testimony by declaration shall be allowed in violation cases only upon receipt of a signed request from the defendant five (5) or more days before the scheduled violation trial. The defendant's request must clearly waive the right to submit oral testimony in court in favor of a written statement.
- (2) Any declaration submitted by any party or witness must include the following language in prominent letters immediately above the signature of the declarant: "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 the use as evidence in court and is subject to penalty for perjury."
- (3) Declarations that do not include the language quoted in (2) above will not be considered by the court.

APPENDIX 1

(See SLR 8.073)

NOTICE

You must file an answer in writing to this Order, within thirty (30) days from the date this Order is served upon you. If you do not file a written answer within such time, the other side may automatically be given the relief against you which the other side is requesting in the attached motion.

In order to file an answer in writing, you must do the following things:

- (1) Your written answer must contain the title and number of this case.
- (2) Your written answer must specify the item or items of relief requested by the other side which you oppose. (You do not need to state the reasons why you oppose the relief; you need only to state that you do oppose the relief.)
- (3) Your written answer must be signed by you and must contain your current mailing address and phone number. All future notices and documents in this case will be sent to you at the address listed on your written answer unless and until you file in this case a written notice of such change of address, and the court will proceed on the assumption that you have received all communications and documents mailed to you at your most current address on file in this case.
- (4) Your written answer must be mailed or presented to the clerk of the court so as to actually reach the clerk of the court within the time stated above.
- (5) Your written answer must be accompanied by payment of any filing fee required by law for the filing of the answer, or you must obtain a court order waiving or deferring such filing fee (you should contact the clerk of the court if you have any question concerning the filing fee.)
- (6) At or before the time you file your written answer with the clerk of the court, you must mail a copy of the answer to the attorney for the other side, or to the other side personally if the other side is not represented by an attorney, and you must attach to the answer which you file with the clerk a certificate showing that you have mailed a copy of the answer to the attorney for the other side or to the other side personally. If you file a written answer in the manner and within the time stated above, the court will schedule a hearing to decide whether or not to grant the relief requested by the other side, and you will be notified by mail of the date and time of such hearing. However, you will not be entitled to seek any relief for yourself against the other side. If you wish to seek affirmative relief for yourself against the other side, you must file an appropriate motion or motions for such relief, and, you must mail a copy of such motion or motions to the attorney for the other side or to the other side personally if the other side is not represented by an attorney.

If you have any questions, you should see an attorney immediately.

APPENDIX 2

IN THE CIRCUIT COURT OF THE STATE OF OREGON IN AND FOR POLK COUNTY

TRIAL READINESS INFORMATION

State of Oregon

Case #

v.

Defense ____ Prosecution ____ in the above captioned case hereby represents to this Court:

1. All discovery has been completed;
2. All Motions were filed and resolved;
3. Pretrial negotiation was concluded.
4. There is/are no other case(s) in other jurisdiction(s) that require resolution before proceeding to trial in this case;
5. Witness(es) is/are available for the necessary time periods;
6. Does not need additional time to prepare and is ready for the trial.

NOTE: In the interest of utilizing the Court's limited resources in the most effective manner, all six (6) above listed items must have been completed before a case is assigned to a trial judge. This document shall be made a part of the record in this case.

Attorney Signature /Date

Attorney Name & Bar Number

8.075 PARENTING TIME SCHEDULE

1. INTRODUCTION:

The Twelfth Judicial District Local Rule recognizes that both parents are an important part of their child's growth and development. Therefore, the terms "custodial parent" and "non-custodial parent," in reference to these Local Rules, are to be read with the idea and belief that each parent should be afforded the opportunity to play an active role in the child's life. The purpose of these guidelines is to provide a schedule for parents who have not established another schedule. Parents are encouraged to be flexible and to consider their child's best interests in arranging additional parenting time. The Twelfth Judicial District may be able to provide mediation services to assist you in resolving conflicts regarding custody and parenting time upon the request of a party.

2. DEFINITIONS:

"Child" includes all minor children referred to in the Judgment or Order.

"Custodial" refers to the party awarded sole custody or, if joint custody is awarded, it refers to the person designated as providing the primary physical residence in the Judgment or Order.

"Non-Custodial" refers to the party who is not the custodial parent as defined above.

"Joint Custody" means that the parents have shared authority to make all major decisions concerning the child. Parents who agree on joint custody could, for example, decide that the child will live with one parent for more time than with the other parent. However, if they did such, both parents would still have to agree on significant decisions affecting the child. **IF PARENTS CANNOT AGREE ON JOINT CUSTODY AND HOW JOINT CUSTODY ARRANGEMENTS WILL WORK, THE COURT WILL NOT ORDER JOINT CUSTODY.**

3. THINGS TO REMEMBER IN INTERPRETING THIS RULE:

- 3.1. Personal Plans.** Personal plans of the custodial parent, or of the child, (for example, school or church activities) will not be reasons for failing to follow the parenting time schedule set forth in the court's order.
- 3.2. Addresses and Telephone Numbers.** Unless otherwise ordered by the court, both parties will provide home addresses and home telephone numbers to the other party. In the event the non-custodial parent is taking the child overnight, out of the town of the non-custodial parent's residence, the non-custodial parent shall notify the custodial parent of the location and telephone number, if any, of where the child will be sleeping.
- 3.3. Non-Assigned Time.** Unless otherwise agreed, in writing, the custodial parent is responsible for the child during all times not awarded to the non-custodial parent.
- 3.4. Delivery and Pick-Up.** All parenting time shall be exercised in a prompt manner. Unless otherwise agreed, or court ordered, pick-up and delivery shall occur no

more than fifteen minutes before or fifteen minutes after the time specified for parenting time to begin and end.

3.4.1. The non-custodial parent shall pick up the child at the beginning of the visit and the custodial parent shall pick up the child at the end of the visit.

3.5. No Shows for Scheduled Parenting Time and Make-Ups. Only medical reasons will be considered sufficient for postponement of parenting time. If the child is ill and unable to visit, a make-up parenting time shall occur on the following weekend. However, if the non-custodial parent fails to exercise their parenting time, there will be no make-up parenting time.

When there is a history where the non-custodial parent does not show up for a scheduled weekend parenting time (for example: one "no show" per month for three months), the custodial parent may take the following action: To write the non-custodial parent indicating that unless the non-custodial parent gives at least three days advance notice that they will exercise the scheduled weekend parenting time, the custodial parent will cancel the next following regularly scheduled parenting time.

Canceling the next regularly scheduled parenting time should not be done lightly and should not be done by the custodial parent where, for example, there is no regular history of missed parenting time, or where the missed parenting time was due to an emergency situation such as health or emergency weather conditions.

3.6. Mutual Respect toward the Other Parent. Both parties shall not make bad or unflattering comments about the other party or in any way attempt to diminish the love, respect, and affection that the child has for the other party.

3.7. Access to Records and Events. In addition to the parenting time specified above, unless otherwise specifically ordered by the court, the non-custodial parent shall have the right to visit with the child at school, attend the child's school activities (such as an open house or sports activities), and have full access to school teachers and administrators for complete information about the child in school. ORS 107.154 also affirms additional rights to the non-custodial parent unless otherwise ordered by the court. Each parent shall be responsible for keeping themselves advised of the child's activities and events.

3.8. Conflicting Dates. The holiday schedule takes precedence over the summer parenting time and alternating weekend schedule. Due to the holiday parenting time schedule set out in this Rule, there may be occasions when one or both of the parents will have the child in their home for three weekends in a row. This could happen because any holiday defined in this Rule shall replace the normal schedule for a given weekend or time period. In other words, some weekends in a year will be lost due to conflicting vacations and holidays.

3.9. Daily Care. The parent with whom the child is staying will be responsible for daily care and will make necessary decisions regarding emergency medical or dental care. The non-custodial parent's rights to make daily care decisions does not include leaving a child unattended in violation of Oregon law, haircuts,

permanents, or any substantial changes in the child's appearance (i.e., tattoos, ear piercing, etc.) unless authorized by the custodial parent.

3.10. Daycare. The non-custodial parent shall be responsible for arranging and paying for daycare for the child during their parenting time periods.

3.11. Emergencies. Each party will immediately notify the other party of any emergency circumstances or substantial changes in the health or safety of the child.

4. PARENTING TIME PROVISIONS:

4.1. WEEKEND PARENTING TIME SCHEDULE:

4.1.1. The non-custodial parent shall have the child every other weekend, beginning on Friday night at 7:00 p.m. and ending on Sunday night at 7:00 p.m.

4.1.1.1. By written agreement, the non-custodial parent's visits may end at 7:00 p.m. on Sunday or such other time as the parties may agree.

4.1.1.2. If the non-custodial parent has the child on their alternate weekend, and if the following Monday is a recognized holiday or non-school day which is not listed below, then the non-custodial parent's parenting time shall commence at 7:00 p.m. on Friday and end at 7:00 p.m. on Monday (the recognized holiday or non-school day).¹

4.1.2. The alternate weekend parenting time schedule shall rotate each year as follows:

4.1.2.1. In all even-numbered years, the non-custodial parent's first weekend visit shall begin at 7:00 p.m. on the first Friday after New Year's Day.²

4.1.2.2. In all odd-numbered years, the non-custodial parent's first weekend shall begin the second Friday following New Year's Day.³

4.2. WEEKDAY PARENTING TIME SCHEDULE:

4.2.1. The non-custodial parent shall be able to visit their child every other Wednesday. If the child is in school, the non-custodial parent shall visit the child on Wednesday from 5:00 p.m. until 8:00 p.m. If the child is not in school, the visit shall begin at 10:00 a.m. and end at 7:30 p.m.

4.2.2. The first alternate Wednesday visit of the new year shall follow the noncustodial parent's first weekend visit in a given new year.⁴

4.3. WINTER VACATION SCHEDULE:⁵

4.3.1. In all even-numbered years, the non-custodial parent shall have the child beginning at 7:00 p.m. on the day that school adjourns until 10:00 a.m.

on December 25 of each year; the custodial parent shall have the child for the remainder of the child's winter vacation.

4.3.2. In all odd-numbered years, the custodial parent shall have the child beginning at 7:00 p.m. on the day that school adjourns until 10:00 a.m. on December 25 of each year; the non-custodial parent shall have the child for the remainder of the child's winter vacation until 7:00 p.m. the day before school resumes.⁶

4.3.3. The alternate weekend parenting time schedule and alternate Wednesday visits shall not apply during the winter vacation period.

4.4. SUMMER PARENTING TIME:

Unless otherwise agreed upon by the parties in writing, summer parenting time shall be divided into three blocks of time; each block shall consist of a two-week visit (i.e., 14 days subject to remaining vacation time), as outlined below. When the child reaches the age of 8 years, the summer parenting time shall be six consecutive weeks provided, however, that the court can continue the three two-week block of time parenting time if deemed appropriate. **(In Section 11. there are suggestions for special age-related provisions. If you feel any provision is appropriate you will need to have the court order address these concerns.)**

4.4.1. Three Two-Week Parenting Time Schedule in Even-Numbered Years (Unless Otherwise Agreed Upon by the Parties).

4.4.1.1. The non-custodial parent's first two-week block of time shall begin at 7:00 p.m. on the first Friday following the day school adjourns and shall end at 7:00 p.m. two weeks later;

4.4.1.2. The custodial parent's first two-week block of time shall begin at 7:00 p.m. on the third Friday after school adjourns and end at 7:00 p.m. two weeks later.

4.4.1.3. The non-custodial parent shall then have the child for the next two-week period. Once that two weeks is up, the child will once again go back to the custodial parent's residence and so on.

4.4.1.4. The alternate weekend parenting time schedule and Alternate Wednesday visits shall not apply during this extended summer vacation period.

4.4.1.5. The "summer" parenting time schedule will end at 7:00 p.m. on the sixth day before school resumes.

4.4.2. Three Two-Week Parenting Time Schedule in Odd-Numbered Years (Unless Otherwise Agreed Upon by the Parties).

4.4.2.1. The custodial parent's first two-week block of time shall begin at 7:00 p.m. on the first Friday after school adjourns and end at 7:00 p.m. two weeks later;

- 4.4.2.2.** The non-custodial parent's first two-week block of time shall begin at 7:00 p.m. on the third Friday after school adjourns and end at 7:00 p.m. two weeks later;
- 4.4.2.3.** The custodial parent shall then have the child for the next two-week period. Once that two weeks is up, the child will once again go back to the non-custodial parent's residence and so on.
- 4.4.2.4.** The alternate weekend parenting time schedule and alternate Wednesday visits shall not apply during the summer vacation period.
- 4.4.2.5.** The "summer" parenting time schedule will end at 7:00 p.m. on the sixth day before school resumes.
- 4.4.3. The "Summer" Parenting Time Schedule Will End at 7:00 p.m. on the Sixth Day Before School Resumes.**
- 4.4.4. Six-Week Visit.**
- 4.4.4.1.** Before May 1 of each year, the non-custodial parent shall select and notify the custodial parent in writing of the Inclusive dates of the summer parenting time period which the non-custodial parent chooses to have with the child. The custodial parent shall have the child for the rest of the summer subject to the non-custodial parent's "alternate weekends", provided, however, that the custodial parent shall have the right to keep the child for two uninterrupted weeks during the custodial parent's one-half of the summer which will result in the non-custodial parent losing one "alternate weekend." There shall be no alternate Wednesday visits during the summer. The custodial parent shall have "alternate weekend" visits with the child during the noncustodial parent's six-week visit provided, however, that the non-custodial parent shall have the right to keep the child for two uninterrupted weeks during noncustodial parent's six-week visit which will result in the custodial parent losing one "alternate weekend" visit. Such interim parenting time by the custodial parent shall not lengthen the six-week parenting time period allowed to the non-custodial parent. The six-week summer parenting time shall not end later than 7:00 p.m. on the sixth day before school resumes. If the non-custodial parent fails to give written notice to the custodial parent before May 1 of the year of the summer parenting time, the non-custodial parent nevertheless shall have the right to such summer parenting time with the child after giving two weeks written notice to the custodial parent, if and to the extent the time remains for such parenting time; provided, however, that the custodial parent

shall have the right to choose the inclusive dates for such parenting time.

4.5. LONG DISTANCE PARENTING TIME.

Where the non-custodial parent lives more than 200 miles from the child the following shall apply.

4.5.1. Extended Parenting Time:

4.5.1.1. Newborn to Less Than Three Years of Age: Three one-week blocks with a break of at least one week between visits at any time during the year, excluding holidays to which the custodial parent is entitled. The non-custodial parent shall give 90 days' advance written notice to the custodial parent of the dates of each one-week block selected.

4.5.1.2. At Least Three Years of Age and Less Than Six Years of Age: Four weeks starting not less than one week and not more than five weeks after school ends. The custodial parent has the option of a weekend (7:00 p.m. Friday until 7:00 p.m. Sunday) after the first two weeks, in the general area of the non-custodial parent's residence.

4.5.1.3. Six Years of Age and Older: The non-custodial parent shall have all but two weeks of the child's summer school vacation, provided, the parenting time shall end not more than six days before school resumes. The custodial parent shall have a two-week period with the child either at the beginning of the summer or after the first one-half of the visit with the non-custodial parent. If the custodial parent chooses to have the two-week period after the first one-half of the parenting time period, the custodial parent shall pay for all transportation costs incurred in transporting the child from the non-custodial parent's home to the custodial parent's home and back to the non-custodial parent's home. The six days before school resumes shall not be considered a part of the custodial parent's two weeks.

4.5.1.3.1. The custodial parent shall by May 1 of each year provide written notice to the non-custodial parent of the dates selected for the custodial parent's two-week period with the child.

4.5.2. School Year Parenting Time:

4.5.2.1. In Even-Numbered Years:

4.5.2.1.1. Thanksgiving vacation from Wednesday at the time school adjourns until the following Sunday.

4.5.2.1.2. Spring break from the day after school adjourns until 6:00 PM on the day before school resumes.

4.5.2.2. In Odd-Numbered Years:

4.5.2.2.1. Every Christmas vacation from the day after school adjourns until two days before school resumes.

4.5.3. Weekend/Non-School Day Visits:

The non-custodial parent shall have the right to weekend visits or non-school day visits of not more than two weekends per month, excluding holidays to which the custodial parent is entitled, if they give 30 days' written notice to the custodial parent.

4.5.4. Transportation:

Transportation by plane, train, or bus: If the non-custodial parent wants the child to travel by plane, train, or bus, then the custodial parent shall deliver and pick-up the child at the local international airport, train station or bus station. A child younger than five years shall not travel long distances unless accompanied by a parent or mutually-agreed upon adult known to the child. Approval of a non-parent companion shall not be unreasonably withheld.

5. OTHER HOLIDAYS, EVENTS AND VACATION DAYS:

The residential schedule for the child for the holidays, events and vacation days listed below is as follows:

Thanksgiving Vacation:

Custodial parent - odd years

Non-custodial parent - even years

Halloween:

Custodial parent - even years

Non-custodial parent - odd years

Spring Vacation:

Custodial parent - even years

Non-custodial parent - odd years

Mother's Day: always with mother

Father's Day: always with father

Fourth of July: with the parent whose summer schedule includes July 4th.

Child's Birthday:

Custodial parent - even years

Non-custodial parent - odd years

Mother's Birthday: Always with mother, at mother's option

Father's Birthday: Always with father, at father's option

5.1. Definitions of Holiday Periods:

5.1.1. THANKSGIVING HOLIDAY commencing on Wednesday at 7:00 p.m. and ending on the following Sunday at 7:00 p.m.

5.1.2. HALLOWEEN beginning on October 31st at 5:30 p.m. and ending at 9:00 p.m.

5.1.3. SPRING VACATION whether or not the child is in school, during the period of school spring vacation (measured from the day after school adjourns through the day before school resumes), commencing at 10:00 a.m. and ending at 7:00 p.m.

5.1.4. MOTHER'S DAY the mother shall have parenting time with the child on Mother's Day each year, commencing at 10:00 a.m. and ending at 7:00 p.m.

5.1.5. FATHER'S DAY the father shall have parenting time with the child on Father's Day each year, commencing at 10:00 a.m. and ending at 7:00 p.m.

5.1.6. SUMMER VACATION commencing at 7:00 p.m. on the first Friday school is out and ending at 7:00 p.m. on the Friday before school resumes.

5.1.7. BIRTHDAYS commencing at 5:00 p.m. and ending at 8:00 p.m. on a school day. Commencing at 10:00 a.m. and ending at 7:00 p.m. on a non-school day.

6. STANDARDS FOR INTERPRETATION OF THE LOCAL RULES:

6.1. Support of Parenting Time. The custodial parent shall encourage parenting time with the child and the child shall not be permitted to determine whether the child

wishes to visit the non-custodial parent unless agreed to, in writing, by both parents.

- 6.2. Meals and Clothes.** The custodial parent shall have the child fed and ready on time for parenting time with sufficient clothing packed and ready for the parenting time period. The non-custodial parent shall return all clothing and feed the child a meal before returning the child from the parenting time period.
- 6.3. Writing and Telephoning.** The non-custodial parent shall, in addition to the parenting time in this Order, have the right to correspond with the child, and to telephone the child during reasonable hours without monitoring by the custodial parent or anyone else. Unless otherwise agreed to between the parties, telephone calls between non-custodial parent and the child shall be limited to no more than 3 per week. The custodial parent shall also have similar rights during periods of non-custodial parent's parenting time. A child over the age of 12 shall have the right to initiate calls to the other parent during reasonable hours. Long distance calls are to be made collect unless other arrangements are made.
- 6.4. Decision Making.** The custodial parent is encouraged to consult with the non-custodial parent regarding major decisions affecting the child; however, the custodial parent shall have full decision making authority. Each parent shall exert their best effort to work cooperatively for the best interests of the child.
- 6.5. Parenting Time is Independent from Support.** Parenting time is not dependent on payment of child support nor on whether or not the other parent does or does not do other things not directly related to parenting time.

7. FLEXIBILITY:

Parents are encouraged to be flexible and to consider their child's best interests in arranging additional parenting time. It is the intent of this parenting time document to provide a schedule to parents who have not been able to agree to an alternate more flexible schedule. This Rule is not intended to create an absolute maximum amount of time the non-custodial parent can be with the child; nor is it intended to restrict a parent from seeing a child at school or events.

8. PARENT EDUCATION PROGRAMS:

The Twelfth Judicial District provides a mandatory Parent Education Program. (See Supplementary Local Rule 8.081.)

9. SMOKING OR DRINKING ALCOHOL IN THE PRESENCE OF THE CHILD:

An issue frequently occurs when one parent smokes or drinks alcohol in front of the child and the other parent objects. If the parents cannot agree on this issue, neither parent should smoke in the presence of the child (or smoke in any manner so the child is breathing the smoke) and neither parent should drink alcohol to the point where they are affected by the alcohol.

10. INVOLVEMENT AND FLEXIBILITY:

The parenting time schedule should be construed and implemented in a manner which fosters the child's best interest by providing liberal, predictable, and wholesome time

between the child and the non-custodial parent. While this schedule promotes stability for the child, each parent acknowledges that reasonable adjustments will be needed from time to time and that an element of flexibility will be required in administering this parenting time schedule. Each parent should be flexible in arranging dates and times with the child so important family events and the child's activities are maintained with minimal disruption or hard feelings. Each parent shall act reasonably in registering the child for activities keeping in mind that neither parent is entitled to require activities for the child which will take place during the other parent's time with the child. On the other hand, there are natural activities which occur (such as school, athletic, music and other programs) that, by their very nature, take place on the other parent's weekend or scheduled parenting time.

10.1. Although neither parent is required to take a child to any activity, each parent is encouraged to use their best effort to keep the child involved in athletic events, school functions, lessons, birthday parties of friends, etc. even though those activities may fall during a parenting time period. To do otherwise would deprive the child of valuable growing opportunities.

10.2. Each parent is encouraged to use a child's activity as an opportunity for that parent to participate with the child, meet the child's friends and other families and to have a quality experience with the child.

11. THE FOLLOWING SUGGESTIONS ARE NOT BINDING UNLESS ADOPTED BY COURT ORDER:

If you feel there are activities of the child or parents, physical, emotional, religious, transportation or work-related concerns, or that there are special needs related to the age of a child and you are unable to mutually resolve those concerns, then you will need to seek the court's assistance to deviate from this rule to address those concerns.

For example, the Twelfth Judicial District Local Rule recognizes that parenting time guidelines should be based upon the needs of a growing child. Parents may wish to ask the court to consider the age of the child's suggestions if they are appropriate.

11.1. The infant, age 0 to less than 1. Frequent two to four hour visits, two or three days per week from the custodial parent's home; also, one additional afternoon or evening per week. Single overnight visitations, provided the non-custodial parent has been actively involved in the caretaking role.

11.2. The toddler, age 1 to less than 3 ½. Four weekend days per month, plus one-half (½) day per week (4 to 6 hours). Overnight parenting time, provided the non-custodial parent has been actively involved in the caretaking role and/or is accompanied by an older child. During any visits of 7 days or more, the other parent should have a four-hour mid-week visit.

11.3. The preschooler, age 3 ½ to less than 6. Alternate weekends from 7:00 p.m. Friday to 7:00 p.m. Sunday, plus either one non-overnight weekday per week during the afternoon or evening. Summer visits should be as per the Rule. During any visits of 7 days or more the other parent should have a four-hour midweek visit.

11.4. The early elementary, age 6 to less than 9. Summer visits should be as per the Rule. The parenting time schedule should be flexible enough to insure the child's participation in ongoing or special activities.

- 11.5.** The later elementary, age 10 and older. The minimum is the same as the early elementary. Flexible parenting time is the basic principle, with the child having some input to avoid scheduling conflicts. At this age, it seems the quality of time is more important than the quantity, but consideration should be given to the child's organized athletics and outside activities.

FOOTNOTE EXAMPLES:

Effective February 1, 1997. (Revised Edition)

1. For example, the non-custodial parent shall pick the child up from the custodial parent's home at 7:00 p.m. on alternating Fridays and return the child to the custodial parent's home the following Sunday evening in accordance with the rule. However, if the Monday is a recognized holiday, such as Memorial Day, and the non-custodial parent had the child that weekend, then they shall have parenting time with the child until 7:00 p.m. on the Memorial Day.
2. For example, in the year 1998, New Year's Day fell on a Thursday, the non-custodial parent's first weekend visit would begin at 7:00 p.m. on Friday, January 2, and end the following Sunday evening, January 4, at the time specified in Paragraph 4.1.1. In accordance with the above example (New Year's Day falling on a Monday), if the first alternate weekend visit began on Friday, January 2, 1998, the non-custodial parent's second alternate weekend visit of the new year would begin on a Friday two weeks later, and so on: First visit: 7:00 p.m. on Friday, January 2, 1998, through 7:00 p.m. the following Sunday; Second visit: 7:00 p.m. on Friday, January 16, 1998, through 7:00 p.m. the following Sunday; Third visit: 7:00 p.m. on Friday, January 30, 1998, through 7:00 p.m. the following Sunday.
3. For example, in the year 2001, New Year's Day fell on a Monday, the non-custodial parent's first weekend visit would begin on the second Friday in January, which would be Friday, January 12, 2001. In accordance with this example, if the non-custodial parent's first alternate weekend visit began on Friday, January 12, 2001, the second alternate weekend visit of the new year would commence two weeks later, on Friday, January 26, and end the following Sunday, and so on. First visit: 7:00 p.m. on Friday, January 12, 2001, through 7:00 p.m. the following Sunday; Second visit: 7:00 p.m. on Friday, January 26, 2001, through 7:00 p.m. the following Sunday; Third visit: 7:00 p.m. on Friday, February 9, 2001, through 7:00 p.m. the following Sunday.
4. Using our example above, in the year 2001, if the non-custodial parent's first alternate weekend visit began on Friday, January 12, 2001, then the first alternate Wednesday visit would be on January 17, and so on. First Wednesday visit: Wednesday, January 17, 2001; Second Wednesday visit: Wednesday, January 31, 2001; Third Wednesday visit: Wednesday, February 14, 2001.
5. If the child is not of school age, Winter Vacation shall be considered to begin on the day school would normally let out for the school district in which the child resides.
6. For example, if the child goes back to school on January 8, 2001, the non-custodial parent's visit shall end at 7:00 p.m. on January 7, 2001.



STATE OF OREGON – POLK COUNTY

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

DATED: August 18, 2022

Court Administrator for Polk County Circuit Court (or designee):

Un Cha Kim
