

**Supplementary Local Rules**

**Washington County Circuit Court**

**20<sup>th</sup> Judicial District**

**Oregon Judicial Department**

Effective February 1, 2023



**STATE OF OREGON – WASHINGTON COUNTY**

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

DATED: November 25, 2022

Court Administrator for Washington County Circuit Court:

/s/ Richard E. Moellmer

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# Supplementary Local Rules Washington County Circuit Court

Chapter numbers and titles correspond to Oregon Uniform Trial Court Rules (UTCRC).

In the absence of local supplementary rules (SLRs), Washington County will abide by UTCRC and other applicable higher legal authority.

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## CHAPTER 1 – GENERAL PROVISIONS

### 1.161 FILING OF DOCUMENTS IN COURT

- (1) Filings are accepted by court clerks on the first floor of the Justice Services Building, 150 N. First Avenue, Hillsboro, Oregon, 97124. Documents pertaining to matters filed in juvenile court shall be filed at the Juvenile Services Building, 222 N. First Avenue, Hillsboro, Oregon 97124.
- (2) Motions to Reset and Motions to Disqualify Judge pursuant to ORS 14.250-270 shall be filed in the Calendaring Department, located in Room 100J of the Justice Services Building. See SLR 8.015 for resets in domestic relations cases. A Motion for Change of Judge shall be served on all opposing parties and a copy served upon the affected judge.
- (3) Family court case numbers and judges are assigned when cases are filed.
- (4) Release Hearing requests shall be filed in Criminal Court Administration in the Law Enforcement Center, 215 SW Adams Avenue, Hillsboro, Oregon 97123.
- (5) Mandatory Electronic Filing is required for members of the Oregon State Bar per UTCR 21.140. SLR 2.501 details which documents must be filed conventionally by attorneys.

### 1.171 WEBSITE ADDRESS

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

## CHAPTER 2 – STANDARDS FOR PLEADINGS AND DOCUMENTS

### 2.031 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 a motion and declaration establishing good cause, and an order of the court. In determining whether to designate a known party by a name other than the party's true name, the court may consider whether the moving party is a minor, whether the moving party was the victim of child abuse, whether the moving party was the victim of sexual abuse or assault, or any other criteria that warrant pseudonymous litigation.

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 in ORCP 20 H.

### 2.501 STIPULATED OR *EX PARTE* MATTERS FOR WHICH THE DOCUMENTS MUST BE PRESENTED CONVENTIONALLY AND MAY NOT BE ELECTRONICALLY FILED

In the following subject matter areas, the listed stipulated or *ex parte* documents, and any documents 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 subsections (2)(c), (2)(d), (2)(e) and (2)(n).

- (1) Civil Case Matters. To be presented pursuant to SLR 5.061:
  - (a) Assurance of Voluntary Compliance
  - (b) Judgment Debtor Bench Warrant
  - (c) Registration of a Foreign Writ, Orders, Letters Rogatory
  - (d) Transport of witness or party
  - (e) Writ of Mandamus Show Cause
  - (f) Writ of Review
- (2) Family Case Matters. To be presented pursuant to SLR 5.061
  - (a) Contempt Show Cause Order
  - (b) Emergency Custody and Parenting Relief based on Immediate Danger
  - (c) Elderly Persons and Persons with Disabilities Abuse Prevention Act petitions, which must be heard pursuant to SLR 5.061 but may be submitted electronically or conventionally
  - (d) Family Abuse Prevention Act petitions, which must be heard pursuant to SLR 5.061 but may be submitted electronically or conventionally

- (e) Family Abuse Prevention Act dismissals and motions for modification, which must be heard pursuant to SLR 5.061 but may be submitted electronically or conventionally
- (f) Fee Deferral and Waiver
- (g) Guardian *Ad Litem* Appointment
- (h) Motion for Alternative Process Service
- (i) Motion to disqualify Judge
- (j) Order of Assistance
- (k) Pre-judgment Temporary Protective Orders of Restraint
- (l) Postponements for hearings set within two weeks of the date of motion
- (m) Sexual Abuse Prevention Act petitions, which must be heard pursuant to SLR 5.061 but may be submitted electronically or conventionally
- (n) Warrant in lieu of Habeas Corpus

## **CHAPTER 3 – DECORUM IN PROCEEDINGS**

### **3.141 RESIGNATION OF ATTORNEYS IN DOMESTIC RELATIONS PROCEEDINGS**

- (1) The attorney-of-record shall remain the attorney of record for all future proceedings absent a Notice of Withdrawal at the conclusion of a pending matter, a Notice of Substitution of Counsel, or an approved Order submitted with a Motion and Declaration allowing for the withdrawal of the attorney prior to the conclusion of the proceedings.
- (2) An attorney-of-record who wishes to withdraw before the conclusion of all pending matters must file a Motion, Declaration and [Proposed] Order to Withdraw. The Motion to Withdraw must contain the contact information of the party, including their mailing address, email address if known, and their telephone number. If a new attorney is being substituted, the contact information of the new attorney shall be included. The notice shall include the date of any scheduled trial or hearing. It must be served on the party and the opposing party's attorney. If no attorney has appeared for the opposing party, the application must be served on the opposing party.
- (3) A Notice of Withdrawal of Attorney may only be submitted when there are no pending matters. The Notice must state that there are no pending matters and must include the contact information of the party including their mailing address, email address if known, and their telephone number. The Notice must be served on all parties.
- (4) An attorney substituting into a case must promptly file a Notice of Substitution of Attorney, copy the former attorney and the opposing party or their attorney if they are represented.



## CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES

### 4.011 SUBSTITUTION OF COUNSEL

Any substituting counsel must file a Notice of Substitution which includes a certification or notice to the current counsel, together with an Order Allowing Substitution.

### 4.201 HABEAS CORPUS AND POST CONVICTION RELIEF PROCEEDINGS BEFORE THE COURT BY SIMULTANEOUS ELECTRONIC TRANSMISSION

- (1) Unless otherwise ordered by the court, all hearings and trials in which petitioner is in the custody of the Oregon Department of Corrections and seeking habeas corpus relief pursuant to ORS 34.310-34.730 or post conviction relief pursuant to ORS 138.510-138.568 and UTCR Chapter 24 shall be held by video conferencing or, if video conferencing is not available, by telephonic conferencing. The petitioner shall remain at and appear from the institution in which the petitioner is being held.
- (2) The petitioner's counsel, the attorney from the Oregon Attorney General's office, or an attorney representing any other party to the proceeding may appear by simultaneous electronic transmission (e.g., telephone, video) or may appear in person before the court.
- (3) Regardless of the physical location of the judge hearing the matter, trial proceedings shall be recorded by the Statewide PCR Court in Marion County and certified back to the Washington County Circuit Court as the official court of record.
- (4) Public access and viewing of trial proceedings shall be in the Marion County Courthouse, Courtroom #2103, 100 High Street NE, Salem, Oregon 97301, and the proceedings shall be deemed to be taking place at the Washington County Courthouse in Hillsboro, Oregon. Administrative case processing and pretrial motions are handled by and at the Washington County Circuit Court.

## **CHAPTER 5 – PROCEEDINGS IN CIVIL CASES**

### **5.021 JUDGMENT DEBTOR EXAMS**

Attorneys may schedule judgment debtor exams at 10:00 A.M. or 2:00 P.M. Tuesday through Friday, at the Civil Filing Counter (located on the first floor of the Justice Services Building). At the designated time, a clerk will swear the judgment debtor for the exam.

### **5.032 CIVIL TRIAL DATES WITHIN 9 MONTHS FROM CASE INITIATION**

- (1) Civil stipulated trial dates need to be within 9 months from case initiation.
- (2) Any proposed trial dates beyond 9 months from case initiation require a motion, affidavit and proposed order, which will be reviewed and ruled on by the Presiding Judge.

### **5.041 MOTIONS**

- (1) Generally, civil motions are heard Monday mornings (or Tuesday mornings following a Monday holiday).
- (2) A bench copy of documents filed within one week of a scheduled civil motion hearing shall be emailed or delivered to the chambers of the civil motion judge or, if not practicable, emailed or delivered to the Calendaring Office for the civil motion judge simultaneous with filing the originals.

### **5.042 MOTION AND ORDER TO SET ASIDE CIVIL DEFAULT OR DISMISSAL**

When filing a motion and order to set aside a civil default judgment or dismissal pursuant to ORCP 67 and 69, the moving party shall certify that they made a good faith effort to notify the opposing parties of their opportunity to object. Requests to set aside civil default judgments or dismissals will be returned to the moving party unless the certification appears in the body of the motion.

### **5.051 SCHEDULING CIVIL SHOW CAUSE MOTION HEARINGS**

Reserve a hearing date and time with the Calendaring Department and have the order signed by a judge. Proof of Service must be filed with the court 48 hours prior to the reserved hearing date. Upon receipt of the Proof of Service, the Calendaring Department will schedule the hearing. The official court record in Washington County is electronic recording.

## 5.055 CONFIRMATION CARDS AND CONFORMED COPIES

- (1) Any party requesting information about any filing (e.g., date of filing, date of signature, costs and attorney fees awarded, and name of judge) shall attach a self-addressed, stamped confirmation card.
- (2) Unless required by law or rule, conformed copies of orders and judgments will not be provided. Signed copies of orders and judgments may be obtained from the Circuit Court Records Office.

## 5.061 STIPULATED AND *EX PARTE* MATTERS

- (1) In accordance with UTCR 5.060, the time when uncontested *ex parte* matters and stipulated orders may be personally presented to the court shall be Monday through Friday at 8:30 A.M. in the courtroom designated by the Presiding Judge, or at other times by arrangement in the courtroom of the judge assigned to the case.
- (2) Petitions for relief under ORS 107.718 or ORS 124.010 through ORS 124.020 shall be heard Monday through Friday at 1:00 P.M. in the courtroom designated.
- (3) Any motion which is to be presented *ex parte* shall have attached to it a certificate of service which shall include the date, time and manner of service upon the opposing party, the party's attorney, or that no service was made, if appropriate. When service is required, it must be completed at least 24 hours prior to the *ex parte* appearance unless it is an emergency or service is not possible. The following shall be added to the Certificate of Service:

"I certify that I did / did not (circle one) serve a copy or give notice of said documents to him / her (circle one) on [date] \_\_\_\_\_ at [time] \_\_\_\_\_ AM / PM (circle one) by [method of service/notice] \_\_\_\_\_."

If no service, explain why.

## CHAPTER 6 – TRIALS

### 6.011 CRIMINAL CASE MANAGEMENT CONFERENCES

- (1) Case management conferences shall be held in all criminal matters except murder cases.
- (2) At the case management conference, the attorney, if any, and the defendant shall be present in court. The case shall be discussed between the parties. If requested by either party or the court, the case will be discussed with the judge. A form provided by the District Attorney's Office will be completed and signed by the defendant.

### 6.012 CIVIL ADR AND JUDICIAL SETTLEMENT CONFERENCES

The following procedures apply to the court's Mandatory Alternative Dispute Resolution ("ADR") Certification required in all pending civil cases, except cases subject to mandatory arbitration, and Family Law, Small Claims, Forcible Entry and Detainer, and Probate matters, and to the court's Judicial Settlement Conference program.

The court may sanction any party who fails to comply with the requirements of this rule. Should the court determine that sanctions are appropriate or warranted by the conduct of the party or a party's attorney as relates to this rule, the court may assess any sanction under UTCR 1.090 that the court deems appropriate.

- (1) Mandatory ADR Certification
  - (a) In every civil case subject to this rule, not later than 60 days prior to the first trial date set by the court, the parties must file a Joint ADR Certificate certifying that the parties have engaged in some form of ADR or setting forth in reasonable detail why ADR cannot or should not be pursued.
  - (b) If, after reasonable efforts to confer, a party is unable to get any other party to participate in filing a Joint ADR Certificate, all parties that have participated must file an ADR Certificate that otherwise satisfies Section (1)(a) of this rule and sets forth in reasonable detail the efforts made to confer with any non-participating party.
  - (c) The court may reject any ADR Certificate and order the parties to engage in some form of ADR, or additional ADR, including a Judicial Settlement Conference as provided in this rule, if the court determines that the ADR Certificate is inadequate.

(2) Judicial Settlement Conference

- (a) A judicial settlement conference will be held pursuant to UTCR 6.200(2)(a) and (b), if ordered by the court or if requested by a party or the party's attorney. If a party objects to another party's request for a Judicial Settlement Conference, a Judicial Settlement Conference will not be held if the opposing party demonstrates good cause why a Judicial Settlement Conference should not be held.
- (b) The court has discretion when selecting the Settlement Judge and may assign sitting judges and pro tempore judges to serve as settlement judges. If the assigned Settlement Judge is a sitting judge, the parties may unanimously consent to the Settlement Judge acting as the Trial Judge in the event the case does not settle, and in the event the case is assigned to that sitting judge by the court's calendaring department.
- (c) The judicial settlement conference will take place at the time and location designated by the Settlement Judge. The procedures and deadlines for any pre-conference submissions will be established by the Settlement Judge. Pre-conference submissions must not be filed with the court.
- (d) Each party is required to pay the fee indicated on the circuit court fee schedule by no later than 24 hours prior to the date of the Judicial Settlement Conference. Upon motion and good cause shown, the court may waive the fee required by this section.
- (e) Each party must have a principal with full authority to settle or resolve the case present or readily available, by simultaneous electronic transmission (e.g., telephone, video) or other means, at the time of the Judicial Settlement Conference.
- (f) If a settlement is reached following a Judicial Settlement Conference, the parties must immediately inform the court's calendaring department of the fact of settlement.

6.015 CRIMINAL SUBPOENAS FOR PRETRIAL PRODUCTION OF RECORDS

- (1) When a party wishes to issue a subpoena duces tecum pursuant to ORS 136.580 for production of records prior to the trial or prior to the time when the items are to be offered in evidence, the procedure for doing so is governed by this rule. A party may not issue such a subpoena duces tecum without first obtaining an authorizing order from the court.
- (2) Prior to issuance of a subpoena duces tecum, the party shall file a motion titled Motion for Court Authorization to Issue Subpoena Duces Tecum for Pretrial Production. A copy of the Motion shall be served on the opposing parties. Unless otherwise stipulated, *ex parte* appearance is not allowed.

- (3) The Motion shall include:
  - (a) A statement in the caption regarding whether either party requests a hearing (e.g., "Hearing Requested" or "No Party Requests a Hearing");
  - (b) A statement in the first paragraph identifying the type of records sought (e.g., CARES file, DHS reports, counseling records, medical records, school records, etc.);
  - (c) A brief factual summary of how the requested records are relevant to the issues in the case along with an Affidavit in support of the motion providing a basis for any factual assertions;
  - (d) A statement of the legal authority for the issuance of the proposed subpoena duces tecum;
  - (e) A copy of the proposed subpoena duces tecum with the date and time of the appearance left blank; and
  - (f) A proposed Order authorizing the issuance of subpoenas duces tecum (or a proposed Protective Order when appropriate).
- (4) Records shall be subpoenaed directly to the court.
- (5) Upon receipt the court will conduct an in camera review prior to dissemination to the parties. The court may schedule a second hearing, if necessary, to assist in the in camera review process.
- (6) In the event records are provided in error to a party rather than the court, the party in receipt of such records shall refrain from reviewing the records and immediately provide them to the court in a sealed envelope with a letter of explanation to the court. The letter of explanation shall be copied to all opposing parties.

#### 6.021 REMOVING HEARINGS AND TRIALS FROM DOCKET AFTER SETTLEMENT

Appearance is required for scheduled hearings and trials which have settled unless the following has occurred:

- (1) A stipulated order or judgment has been electronically filed and accepted two business days prior to hearing or trial;
- (2) A written outline containing the general terms of the settlement has been electronically filed and accepted two business days prior to hearing or trial; or
- (3) A motion to remove the case from the docket has been filed two business days prior to hearing or trial.

## 6.031 RESETS

- (1) A motion to change a court date to an earlier or a later date (Motion to Reset) shall conform to this rule.
- (2) All motions to reset shall be filed with the Calendaring Department except that juvenile matters will be filed with the juvenile court and family law matters will be filed with the judge assigned to the case.
- (3) All motions to reset, except in Juvenile Department and family law cases, shall be decided by the Presiding Judge or a judge designated by the Presiding Judge. No other person or judge shall decide a Motion to Reset, except as specified by this rule.
- (4) Motions to reset shall be decided without hearing, unless requested or the court requires one.
- (5) All motions to reset filed in family law cases must state whether custody or parenting time are at issue, must state the date of filing of the action for which postponement is sought, and must comply with SLR 8.015.
- (6) Motions to reset filed after the initial notice of court date:
  - (a) Motions to reset filed after the notice of court date shall be in the form required by UTCR 6.030 and shall be served on the adverse parties.
  - (b) Motions will be granted in cases where there is a conflict with an in-custody trial. The party requesting the reset shall certify in writing that both cases will go to trial as scheduled.
  - (c) The following is a non-exclusive list of factors which are granted some weight, but are not controlling on a motion for a reset:
    - (i) Serious illness or injury of party, attorney or pivotal witness;
    - (ii) Funeral of family or close friend of party, attorney or pivotal witness;
    - (iii) Diligence in attempting to resolve complications such as mental disease and defect;
    - (iv) Calendaring errors by court personnel;
    - (v) likelihood that a judge or courtroom may not be available on the scheduled date;
    - (vi) Factors which could not reasonably have been anticipated until at or near the time of making the motion; or
    - (vii) Any other factor which the court may, in its discretion, deem to be important.
  - (d) The following is a non-exclusive list of factors which are unlikely to result in a postponement (absent a showing of good cause):
    - (i) Failure to complete discovery;
    - (ii) Failure to locate and/or schedule witnesses until shortly before trial;

- (iii) Failure to subpoena an independent or adverse witness who now may refuse to appear;
- (iv) Interference with vacations when first brought to court's attention shortly before trial;
- (v) Failure to adequately prepare for trial; or
- (vi) Factors which were known or should have been anticipated but were not brought to the court's attention until shortly before trial.

#### 6.051 SUBMISSION OF TRIAL MEMORANDA AND JURY INSTRUCTIONS

If a trial memorandum is to be submitted, it must be received by the assigned trial judge by noon prior to the day of trial. Jury instructions must be received by the assigned trial judge on the first day of trial, unless requested earlier.



## CHAPTER 7 – CASE MANAGEMENT AND CALENDARING

### 7.031 ASSIGNMENT OF CRIMINAL CASES

This procedure only applies to criminal cases and appeals of crimes from Limited Jurisdiction (Municipal and Justice) Courts.

- (1) At the time a case is at issue and assigned a trial date, the case will also be given a case assignment date. The case assignment date shall be the Friday immediately preceding the trial date. If that Friday is a legal holiday, then case assignment shall be the Thursday immediately preceding the week of the trial. The case assignment docket shall begin at 9:00 A.M. and all required individuals must have checked in by that time. All attorneys or their representatives and defendants in criminal matters shall attend case assignment.
- (2) At case assignment, the cases not dismissed will be assigned to a trial judge on the original day scheduled for the trial, assigned to a trial judge a day later in the same week as the original trial date, called back on the original trial date or reset. Failure to attend by a defendant in a criminal matter will result in a bench warrant being issued. Attorneys or their representatives need to be prepared to schedule their cases if the matter is reset. All known scheduling conflicts must be brought to the attention of the case assignment judge when a case is reset to avoid trial conflicts. SLR 6.031(7) shall apply to matters reset out of case assignment.
- (3) At case assignment, you should be prepared to respond to the following questions:
  - (a) Actual length expected for trial;
  - (b) Court trial or jury trial;
  - (c) Could any motions filed resolve the case or change the type or length of the trial;
  - (d) Can your case be carried to another day later in the same week?
- (4) Case assignment is not the time to resolve discovery issues or to deal with trial resets unless the reason for the reset request just became known. All other reset requests shall be filed in advance of case assignment by the procedure set in SLR 6.031.

- (5) As soon as the case is assigned to a particular trial judge at case assignment, parties shall orally advise the case assignment judge of the intent to file any affidavit of prejudice and follow with a written motion, affidavit, and order filed in the Calendaring Office by close of business on the next judicial day following case assignment or the motion(s) will be denied as untimely. See ORS 14.270.
- (a) A party is not deemed to waive the statutory right to file a motion by appearing in front of a judge for the following appearances: arraignment, pre-trial release request at the time of arraignment, pre-trial conference, case assignment or callback.
  - (b) A bench copy of the motion, affidavit, and order shall be delivered to the chambers of the challenged judge or, if not practicable, to the Calendaring Office for delivery to the challenged judge simultaneous with filing the originals.
- (6) If a case is reported settled or a plea date and time is obtained prior to 4:30 PM the day before case assignment, no one will need to appear at case assignment. If the matter is going to be reset out of case assignment, the parties must wait at case assignment until the reset date is given on the record.

## CHAPTER 8 – DOMESTIC RELATIONS PROCEEDINGS

### 8.012 FAMILY LAW CASE SETTLEMENT CONFERENCES

- (1) A settlement conference may be held at the joint request of the parties and by order of the court. A settlement conference consists of the parties meeting with a judge who will actively aid in the settlement of the case. Settlement conferences are available in all family law, dissolution, annulment, separation, custody, parenting time, filiation and modification proceedings under ORS chapters 25, 107, 108, 109 and 110. Juvenile Court matters are excluded, unless consolidated with domestic relations matters or approved by a judge. Represented and unrepresented parties are subject to this rule. Settlement conferences, if requested, are discretionary with the court.
- (2) If the parties requests a settlement conference, that request shall be filed with the judge responsible for that case using Form SLR 8.012. The court will then order that a settlement conference be held, and it shall be conducted according to the procedures set forth in this rule.
- (3) Any request for a settlement conference shall state whether the parties stipulate or not to the assigned judge acting as the settlement judge. If the parties stipulate to the assigned judge acting as the settlement judge, they shall submit the appropriate written waivers with their request for a settlement conference. No judge conducting a settlement conference under this rule shall be permitted to act as trial judge unless the parties so stipulate.
- (4) The settlement conference shall not delay the trial scheduling without the consent of the judge assigned to the case. All requests for judicial settlement conference shall be made no later than 60 days before trial.
- (5) At least one business day prior to the scheduled settlement conference each attorney or party shall submit directly to the settlement judge's office, and not to the court clerks' office, a statement regarding the issues in the case. Submissions shall include, where appropriate, a statement pursuant to UTCR 8.010(3), a Uniform Support Declaration and parenting evaluation, and may include any other helpful information. These documents are not confidential but shall not be placed in the trial court file unless requested.
- (6) With the exception of formal documents to be filed as part of the settlement conference process, no information disclosed shall be revealed by the settlement judge or by any of the parties to the subsequent trial judge, except for evidence of offers to recover attorney fees that are made and rejected.

- (7) All attorneys and clients, or persons with full authority to settle, must attend the settlement conference. Appearance by simultaneous electronic transmission (e.g., telephone, video) may be permitted by the court.
- (8) If a settlement is reached, the parties shall place the settlement on the record.
- (9) All required court fees shall be paid prior to commencement of the settlement conference.

#### 8.013 FAMILY LAW CASE STATUS CONFERENCES

- (1) The judge assigned to the case will set the date and time for status conferences in family law cases at their discretion. This information will be sent to all parties in the case as a Notice of Scheduled Court Proceeding.
- (2) A status conference will be held approximately 120 days after the respondent has been served or at such other times as the judge assigned to the case determines. Unless waived by the court, all parties and their attorneys must meet with the judge in person, or by simultaneous electronic transmission (e.g., telephone, video) if allowed by the court, to discuss trial readiness or settlement in the case.
- (3) All mandatory discovery required by ORS 107.089 shall be exchanged not later than 90 days after respondent was served. A non-complying party is subject to a summary order to compel at the status check without the necessity of a specific motion by the opposing party.
- (4) If a party believes no purpose would be served by a status conference, that party's attorney may file a motion to waive status conference by a certificate which shall contain at least the following information:
  - (a) Names of the parties and their attorneys;
  - (b) An estimate of the length of the trial, issues for court, number of witnesses and a complete list of unavailable dates;
  - (c) Whether any interpreter will be required and, if so, for what language;
  - (d) Whether there will be any special security requirements for the trial;
  - (e) Whether any witness, party or other participant has any disability requiring ADA accommodation;
  - (f) Whether the party filing the certificate has completed the family education program and mediation program required by the court;
  - (g) A certification that discovery is complete;
  - (h) A certification that the case is ready for trial; and
  - (i) A certification that after good-faith consultation with the other party, in the party's opinion, a status conference would not serve any useful purpose.

- (5) All parties shall be ready to substantively discuss the case. Each party shall provide to the court and the opposing party a preliminary UTCR 8.010(3) assets and liabilities statement and a uniform support declaration in support cases. Neither party shall be prejudiced or bound by any preliminary proposals indicated by the documents brought nor proposals made in the status conference. If a party or their attorney fails to bring the required documents to the status check, unless good cause is shown for such a failure, the judge may make an award of attorney fees and court costs. If monetary sanctions are imposed, a hearing on the sanctions shall be held before or during the trial on the merits.
- (6) Parties who wish to select an Informal Domestic Relations Trial shall complete the necessary form pursuant to UTCR 8.120 and SLR 8.121 at the time of the status conference unless a different deadline is designated by the court. See Form SLR 8.121.
- (7) If a party or attorney fails to appear at the status conference, the court may award attorney fees and/or allow the appearing party to proceed forward with the presentation of a prima facie case. If both parties fail to appear for status conference the court may dismiss the case.
- (8) The court and parties will set or review any existing trial or hearing dates at the status conference and make appropriate adjustments. This shall be the exception to SLR 8.015. All other resets not handled at the status conference in this manner shall be made in compliance with SLR 8.015.

#### 8.015 RESETS IN DOMESTIC RELATIONS CASES

- (1) Requests for reset of domestic relations cases, other than those made pursuant to SLR 8.013(8) at the status conference, shall be made in writing to the judge responsible for the case after consulting or attempting to consult with all affected parties and counsel. The requesting party shall inform the court of the approximate length of continuance requested, the position of the opposing party, the unavailable dates of the requesting party, and the unavailable dates of the responding party, if known. If this information is not provided in the declaration the court may deny the motion or set trial dates without consultation with counsel. A certificate of service shall be attached including the date, time and manner of service on the opposing party, the party's attorney, or that no service was made, if appropriate. When service is required, it must be completed at least 24 hours prior to the *ex parte* appearance except for 5 day contested hearings in Family Abuse Prevention Act cases. See Form SLR 8.015.
- (2) If a stipulated reset is filed and, if granted, would result in exceeding statutory timeframes for holding certain hearings (e.g., request for hearing on immediate danger order, enforcement of parenting time, request for hearing on issuance of protective order) the proposed order shall include an express waiver by the party entitled to the statutory timeframe for good cause.

#### 8.021 CANCELING DOMESTIC RELATIONS TRIALS AND HEARINGS

Trials and hearings in domestic relations cases shall not be canceled until the court receives written confirmation of the filing of a judgment or order which resolves all matters to be heard by the court at that trial or hearing. Absent a written confirmation of settlement, the parties shall appear to place their settlement on the record. Written confirmation means providing an envelope number and copy of the stipulated judgment and/or order to judicial staff. Failure to appear will result in dismissal without prejudice of the petition or motion.

#### 8.041 MOTIONS

A bench copy of documents filed within one week of a scheduled domestic relations motion hearing shall be emailed or delivered to the chambers of the domestic relations motion judge or, if not practicable, emailed or delivered to the Calendaring Office for the domestic relations motion judge simultaneous with filing the originals.

#### 8.045 PREJUDGMENT OR *PENDENTE LITE* RELIEF IN DOMESTIC RELATIONS CASES

- (1) All applications for prejudgment relief in domestic relations cases must be by motion for a show cause order with supporting affidavits and the order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by reference to a supporting affidavit.
- (2) All show cause orders for prejudgment relief shall specify a date, time and courtroom for the other party to appear. This information shall come from the judge responsible for the case.
- (3) A party seeking child support in a *pendente lite* motion shall file a Uniform Support Declaration with the motion, affidavit or declaration in support thereof, and show cause order, and serve the USD with those documents.
- (4) Parties seeking prejudgment TRO (temporary restraining order) or emergency custody orders, reasonable notice of the date, time, courtroom for the other party to appear, together with the basic content of the relief sought, must be given to the other party or that party's attorney if: The respondent has been served with summons and petition, or the respondent is seeking the relief.

#### 8.051 SUBMISSION OF TRIAL AND HEARING MEMORANDA

If a trial or hearing memorandum is to be submitted, it must be received by the assigned trial judge by noon prior to the day of trial.

#### 8.055 JUDGMENT MODIFICATION PROCEEDINGS IN DOMESTIC RELATIONS CASES

- (1) All applications for judgment modification in domestic relations cases must be by motion for a show cause order with supporting affidavits, including Uniform Support Declarations as required by UTCR 8.010(1). The order must state separately each item of relief requested by the moving party. Such orders may not state the requested relief by reference to a supporting affidavit.
- (2) All show cause orders for judgment modification shall specify a date, time, and courtroom for the other party to appear. This information shall come from the judge responsible for the case. The show cause order must contain a notice substantially in the form set out in ORCP 7.
- (3) For modification motions involving custody or parenting time issues the moving party shall simultaneously file a motion for or waiver of mediation per SLR 12.013(5). Failure to file said motion shall result in the court rejecting the motion to modify.

8.061 *EX PARTE* AND OTHER MATTERS NOT DOCKETED FOR HEARING, INCLUDING FAMILY, ELDER, AND DISABLED PROTECTIVE ORDERS, EXTREME RISK PROTECTIVE ORDERS, EMERGENCY CUSTODY, WRITS OF ASSISTANCE, AND MATTERS REQUIRED TO BE PRESENTED AT *EX PARTE* UNDER SLR 2.501(2)

- (1) In accordance with UTCR 5.060 and SLR 2.501(2), the time when *ex parte* matters and stipulated orders may be personally presented to the court shall be Monday through Friday at 8:30 A.M. in the courtroom of the judge assigned to the case, or if not available, the judge who is covering for the assigned judge.
- (2) Petitions and motions under ORS 107.718, ORS 124.010 through ORS 124.020, or ORS 166.527 shall be heard Monday through Friday at 1:00 P.M. in the courtroom designated. Petitioners should go to the Domestic Violence Resource Center located at the Family Justice Center, 735 SW 158<sup>th</sup> Avenue, Beaverton, OR 97006 or Family Law Assistance Program Office at the courthouse by 9:30 A.M. to be added to the same day 1:00 P.M docket.
- (3) Applications for emergency orders regarding minor children under ORS 107.095(3), ORS 107.139, ORS 107.437, or Petitions for Extreme Risk Protective Orders under ORS 166.527 shall be heard at the time designated for *ex parte*. The clerk's office and assigned judge may arrange for the applicant to present these matters to the court at a different time than the times noted in sections (1) and (2) of this rule, due to the emergency nature of the requested relief.
- (4) Any proposed judgment or order which is to be presented *ex parte* shall include a certificate of readiness under UTCR 5.100, along with a certificate of service which shall include the date, time and manner of service upon the opposing party, the party's attorney, or that no service was made, if appropriate. When service is required, it must be completed at least 24 hours prior to the *ex parte* appearance unless it is an emergency or service is not possible. The following shall be added to the Certificate of Service:

"I certify that I did / did not (circle one) serve a copy or give notice of said documents to him / her (circle one) on [date] \_\_\_\_\_ at [time] \_\_\_\_\_ AM / PM (circle one) by [method of service/notice] \_\_\_\_\_."



## 8.071 FAMILY ABUSE PREVENTION ACT PROCEDURES

Violations of restraining orders shall be processed in the following manner:

- (1) Upon receiving into custody an alleged violator (respondent) of a restraining order, the jail personnel shall notify the District Attorney's Office and the court. Such notification shall be no later than 9:00 A.M. the next judicial day following the respondent being taken into custody.
- (2) The respondent shall be arraigned at a convenient time after 1:00 P.M. the next judicial day following respondent being taken into custody.
- (3) At arraignment, the court will advise the respondent of his/her rights, determine whether the respondent will be represented by private or court-appointed counsel or waive rights thereto, and set a date for hearing. The court will thereafter notify counsel, if any, of the hearing date.
- (4) At the hearing on the alleged violation, the District Attorney will represent the interests of the petitioner unless previous arrangements have been made with petitioner's counsel to represent such interests, but in any event may act as co-counsel representing the client's interests.

## 8.081 MEDIATION OF DOMESTIC RELATIONS MATTERS

- (1) SLR 12.011 through 12.015 set forth specific procedures and requirements regarding mediation of domestic relations matters.
- (2) The court shall not order a custody and parenting time evaluation under ORS 107.425 unless the parties are in compliance with the requirements to mediate or have had this requirement waived by the court for good cause shown.

## 8.091 APPOINTMENT OF LEGAL COUNSEL FOR MINOR CHILDREN

- (1) When legal counsel is appointed to represent a child in a domestic relations matter pursuant to ORS 107.425(6), the order shall be submitted to the court in substantially the same form as set out in Form SLR 8.091.
- (2) The court will define whether the representation is "traditional advocacy" or "best interests" representation. If the attorney, in the course of representation, determines that the role of representation should be changed, the court will endorse the change.

- (3) The parties are encouraged to stipulate to an identified attorney, type of representation and method of compensation. If the parties cannot agree, the court will identify an attorney and confirm the attorney's availability to represent the child.
- (4) In the event an attorney is appointed to represent a child, the child will be considered a party.
- (5) The parents are to make the child available to the attorney as requested and are not to monitor the child's communication with the attorney or interrogate the child about the nature or substance of the communication.
- (6) The child's attorney is expected to be familiar with the contents of ABA Standards for Representation of Children as well as the Washington County video on representation of children.
- (7) The attorney representing the child may submit an ORCP 68 statement for fees and costs. The court retains the authority to require either or both parents to contribute toward the fees and costs incurred, even if the attorney agreed to represent the child on a pro bono or reduced fee basis.

#### 8.092 POST JUDGMENT TRANSFER OF DOMESTIC RELATIONS CASES

A party who seeks to transfer a case under ORS 25.100 must have a pending support modification or collection action before filing the motion to transfer. The motion to transfer shall be scheduled as a show cause hearing and the moving party shall assure proper service under ORCP 7. This rule does not apply to the District Attorney or Attorney General.

## 8.102 FAMILY EDUCATION PROGRAM

- (1) The following cases (specifically excluding support enforcement matters) are subject to this rule, when children under the age of 17 are involved in the action:
  - (a) Annulment or dissolution of marriage actions;
  - (b) Legal separation actions;
  - (c) Petitions to establish custody or parenting time;
  - (d) Post-judgment litigation involving custody or parenting time; and
  - (e) Filiation matters.
- (2) All parties shall participate in a program of education for parents or guardians of minor children offered by the court-designated providers except as otherwise authorized by this SLR.
- (3) At the time of filing, the Trial Court Administrator will provide two sets of documents and instructions to the petitioner regarding the requirement that the parties complete the education program or alternative education program. The copy marked "Copy for Respondent" shall be included with the petition served upon respondent. The petitioner's return of service shall indicate that the respondent was served a copy of the notice at the same time as the summons and petition or other pleading requiring relief.
- (4) Each party shall pay a fee determined by the program provider to cover program costs.
- (5) Each person who successfully completes the court's program or the pre-approved alternative program shall file a certificate of completion with the court before trial or entry of judgment.
- (6) Upon showing of good cause, a party may request an alternative family law education program. The request shall be by motion with a supporting affidavit or declaration. The motion may be submitted *ex parte*. The judge may require service on the other party prior to ruling on the motion and may require a contested hearing. A judge may waive the requirement of a written motion and affidavit or declaration.
- (7) A Family Law Education program is not required if the parties' only minor child is age seventeen or parties have attended a court-approved family law education program within five years of the filing of a pleading initiating proceedings related to child custody or parenting time.
- (8) Upon a showing of good cause, the court may waive the requirement of a family law education program for one or both parties. Good cause may include but is not limited to the following situations: a party is incarcerated, a party has not seen the children for a protracted period of time, a party presents physical or substantial emotional danger if the party exercised parenting time, and parties appear for a trial without having completed a family law education program.

- (9) If the court enters a judgment, the court may order that a party who has not participated in a family law education program shall participate in such a program before requesting the court to address non-emergency matters relating to custody or parenting time.
- (10) The court shall not order a custody and parenting time evaluation under ORS 107.425 unless the parties are in compliance with the requirements to participate in family law education or have had this requirement waived by the court for good cause shown.

#### 8.111 SUPERVISED PARENTING TIME

Unless otherwise ordered, for domestic relations and Family Abuse Prevention Act cases in which the court imposes the requirement of supervised parenting time, the parties to the case and the supervisor must comply with the following:

- (1) The purpose of supervised parenting time is to allow interaction with the child for the benefit of the child. Therefore, the supervised parent is prohibited from initiating or engaging in conversation during supervised parenting time which does not further this objective. The supervisor's role is to prevent the child's exposure to "adult issues" in the case and to discourage any inappropriate communications.
- (2) The supervisor is required to explain the rules for supervised parenting time to the parent who is being supervised, unless the supervisor knows that the parent was previously informed. This must include an explanation of supervised parenting time rules set forth in any court order or judgment in the case, and any other rules that are necessary due to unique conditions at the designated location or other circumstances that may reasonably impact a successful parenting time experience, as identified by the Judge, the supervisor, or the involved agency.
- (3) The custodial parent is not allowed to be present or to impose additional rules or to make additional demands concerning supervised parenting time.
- (4) Only if accompanied by the supervisor and with the supervisor's express consent, may the supervised parent and child/ren leave the designated location of the supervised parenting time.

- (5) The supervised parent shall not engage in conversation that exposes the child to “adult issues” in the case, especially if the case involves an allegation of verbal abuse or an allegation of attempts to alienate the other parent from the child. The supervisor is required to immediately address the problem with the supervised parent if this rule is violated. If the supervised parent makes additional statements in violation of this rule after the supervisor’s admonition, or if the nature of the initial comment is a significant violation of this rule, parenting time on that particular day shall be terminated and the case shall be reviewed by the court to determine whether any further supervised parenting time will be allowed.
- (6) Physical discipline of the child/ren during supervised parenting time is prohibited.
- (7) The supervisor is required to keep the supervised parent within view and within hearing range for the duration of the supervised parenting time.

#### 8.121 INFORMAL DOMESTIC RELATIONS TRIAL

Pursuant to UTCR 8.120, parties to domestic relations cases who wish to elect to participate in an Informal Domestic Relations Trial shall file a Trial Process Selection and Waiver in substantially the form specified in Form SLR 8.121 at or before the time of the status conference set by the court, or at such time as the court directs prior to the commencement of trial. See Form SLR 8.121.

#### 8.122 TIMELY DISPOSITION OF DOMESTIC RELATIONS CASES

In furtherance of the Oregon Standards of Timely Disposition in Oregon Circuit Courts which states that 100 percent of all domestic relations matters should be settled, tried or otherwise concluded within one year, except for exceptional circumstances in which continuing review should occur, Washington County Circuit Court may dismiss any pleading that is not resolved within one year. Parties will be given notice and an opportunity to be heard before a dismissal is entered.

## **CHAPTER 9 – PROBATE PROCEEDINGS**

### **9.051 RESTRICTION OF ASSETS**

Any assets restricted by court order require filing of an acknowledgment of restriction of assets. See Form SLR 9.051.

### **9.081 PROTECTIVE PROCEEDINGS OBJECTIONS**

Oral objections under ORS 125.075(2) are to be made with the probate clerk by appearing in the clerk's office of the Washington County Circuit Court located on the first floor of the Justice Services Building at 150 N. First Avenue, Hillsboro, Oregon, during regular business hours.

A Respondent or Protected Person may, as authorized by ORS 125.075(2), make an oral objection with the appointed Court Visitor. The Court Visitor must convey the objection in the Visitor's Report.

### **9.161 ACCOUNTINGS**

Accountings filed under ORS 125.475 and ORS 116.083 shall be in the form specified in Form 9.160 of the UTCR Appendix of Forms including the requirement, absent prior court order, to file vouchers as set out in UTCR 9.180.

## CHAPTER 11 – JUVENILE COURT PROCEEDINGS

### 11.005 TERMINATION OF PARENTAL RIGHTS (TPR)

- (1) At the First Appearance Hearing, parents are required to personally appear and admit or deny the allegations of the petition. Parents who are incarcerated will be permitted to appear by simultaneous electronic transmission (*e.g.*, telephone, video). At the First Appearance Hearing, a Best Interest/Settlement Hearing, Pretrial Conference and Trial will be scheduled for the parents.
- (2) Parents and their attorneys are required to attend the Best Interest/Settlement Hearing, Pretrial Conference and Trial. A separate case assignment hearing date will be scheduled for the attorneys to appear without parents.
- (3) The Best Interest/Settlement Hearing and Pretrial Conference will be used to discuss trial status and all pretrial issues. Negotiation, trial scheduling and all other pretrial issues shall be resolved prior to trial.

### 11.021 MOTIONS FOR SUBSTITUTION OF COUNSEL

Motions for substitution of counsel must be heard by the judge of the case. The motion must show the date of the next scheduled appearance and must be accompanied by a declaration and proposed order allowing for the withdrawal, along with a proposed order appointing new counsel. The Motion must contain: the most recent name, address, email address and phone number of the client.

## CHAPTER 12 - MEDIATION

### 12.005 CUSTODY AND PARENTING TIME MEDIATION COMMISSION

- (1) A Custody and Parenting Time Mediation Commission is established.
  - (a) Function: The Commission's function shall be to provide a forum for communication among judges, conciliation counselors, and the Bar, and to advise Conciliation Services on policy and program planning.
  - (b) Composition of the Commission shall be: The judges from the Family Law team and two attorneys.
  - (c) Ex officio members shall be: Supervisor of Conciliation Services and Presiding Judge of the Twentieth Judicial District.
  - (d) Quorum: Two members of the Commission, including at least one attorney and one judge, shall constitute a quorum.
- (2) The Presiding Judge shall appoint the Commission members who shall serve at the pleasure of the Presiding Judge. The Presiding Judge may appoint additional members.

### 12.011 DOMESTIC RELATIONS MATTERS SUBJECT TO MEDIATION

- (1) Mandatory Mediation: Any action filed in the court involving a controversy over custody or parenting time of minor children shall be subject to mediation.
- (2) Other Matters: If both parties agree, the mediator may deal with other matters at issue, such as property distribution and support.

### 12.012 SCOPE OF AUTHORITY

A domestic relations case filed with the court remains under the scope of authority of that court in all phases of the proceedings, including mediation. The court may limit the scope of the mediator's authority in the case. The court shall retain final authority to accept, modify or reject any agreement reached in mediation. In order to preserve and promote the integrity of mediation as a dispute resolution technique, the court will endeavor to include all reasonable agreements reached by the parties in formulating its orders in the case.



## 12.013 DOMESTIC RELATIONS MEDIATION

- (1) Request and Order for Mediation: If there is a disagreement between the parents concerning custody or parenting time at any stage of a domestic relations proceeding, the parents, or attorneys, may sign and file with any Family Law Judge a request for mediation and certificate of service in substantially the form as that attached to these rules. The parents will be referred by the court's order to Conciliation Services for mediation in accordance with these rules and provided a specific date on which to attend mediation orientation. Alternatively, the parents may agree and stipulate to an independent mediator. This order in no way prohibits parties from voluntarily attending mediation; rather, the purpose is to compel parties to attend. Parties seeking mediation services through Conciliation Services shall notify the court in writing on their motion of any current FAPA or stalking order.  
Family Law – Mediation forms are available online at <https://www.courts.oregon.gov/courts/washington/help/Pages/Forms.aspx>
- (2) Temporary Custody and Parenting Time Orders: At any point during the mediation, the court may approve a stipulated temporary custody and parenting time order reflecting the parents' agreement as to the issues.
- (3) Unsuccessful Mediation: In the event the parents are not successful in mediating the custody or parenting-time controversy, the mediator shall notify the court.
- (4) In cases in which one party has obtained a Family Abuse Prevention Order against the other party and/or there is a restraining/no contact order within the domestic relations case, unless otherwise ordered by a judge, parties may attend orientation and mediation sessions with Conciliation Services. In cases in which one party has obtained a stalking order against the other party, the court may allow the parties to attend orientation and mediation sessions with Conciliation Services upon written motion. The party seeking mediation shall point out the existence of the stalking order to the court and provide not less than 14 days prior notice of his or her application for mediation services to the other party.
- (5) For motions to modify child custody or parenting time, a Mediation Order is a condition to the setting of a hearing date. If any cases come before the court without completion of mediation, the hearing will be reset and the parties sent to mediation.

## 12.014 INDEPENDENT MEDIATORS

- (1) The parties may select by stipulation a mediator independent of the court system. The parties shall directly contract with the independent mediator and be responsible for payment of the agreed-upon fee for mediation service.
- (2) If an independent mediator is selected, the parties or their attorneys shall file with the court a written stipulation indicating the name of the mediator and the date set for the first mediation session.
- (3) If a stipulation for independent mediation is not filed at least two weeks before the time set for the hearing on any child custody or parenting time dispute, the parties will be ordered to Conciliation Services for mediation pursuant to SLR 12.011 - 12.013.
- (4) If the parties select an independent mediator pursuant to this rule after a referral has been made to Conciliation Services, they shall comply with SLR 12.014(2) and send a copy of the stipulation to Conciliation Services.

## 12.015 PRIVACY, CONFIDENTIALITY AND RECORDS

Subject to the exceptions in ORS 36.220:

- (1) All mediation proceedings shall be private and all communications made shall be confidential.
- (2) Any individual engaged in mediation proceedings shall not be examined in any civil or criminal action as to such communications, and such communications shall not be used in any civil or criminal action without the consent of the parties to the mediation.

## CHAPTER 13 – ARBITRATION

### 13.121 ARBITRATOR FEE

- (1) Standard Fee Amount. Effective for cases filed on or after January 1, 2019, the Washington County Arbitration Commission has established that the maximum hourly arbitrator fee is \$175.00, and the maximum total arbitrator fee is \$2,100.00. The arbitrator fee shall be divided among the parties as directed by the arbitrator. If the arbitrator does not provide any direction regarding division of the arbitration fee, it will be divided equally between all the appearing parties.
- (2) Timing of Payment. Within 30 days of the case being assigned to an arbitrator, each party must pay to the arbitrator their percentage share of the maximum total arbitrator fee. If the full amount of the maximum total arbitration fee is not incurred in the case, the arbitrator will refund to the parties any excess amount paid within 30 days of completion of the arbitration hearing. These payment rules do not apply to a party that receives a deferral or waiver of the arbitrator fee under subsection (3) of this rule or if the arbitrator and the parties agree in writing to different payment terms.
- (3) Deferral/Waiver of Fees. Indigent parties may apply for a deferral or waiver of the arbitration fee under ORS 36.420. Applications are available online at <https://www.courts.oregon.gov/forms/Documents/EntirePacket10.pdf> and at the court's civil filing counter. Applications must be submitted to the court within 10 days of the party receiving notice that the case was assigned to arbitration. A party who receives a deferral or waiver of the arbitration fee must provide a copy of the court's order to the arbitrator.

If the court grants a deferral or waiver of the arbitration fee, the court will pay the arbitrator the amount of fees that were deferred or waived after (1) the final arbitration award is filed, and (2) the arbitrator files a request for payment stating the total hours of time spent, the total arbitration fee, and the indigent party's share of the total fee.

- (4) Fee Disputes. If a party objects to the amount of the arbitrator's fee after receiving the arbitrator's itemized statement required by UTCR 13.120(2), the objecting party must file a motion asking the court to determine the reasonable fee amount. The arbitrator must file any response within seven days of receiving the motion. The motion may be resolved by the court without a hearing.

- (5) **Penalty for Non-Payment.** The arbitrator must report to the court if a party does not pay its share of the arbitration fee as required under UTCR 13.110(2) and subsection (2) of this rule. A party that has not paid the arbitration fee as required under subsection (2) of this rule, or received a deferral or waiver of payment, may be sanctioned by the arbitrator under UTCR 13.110(4) and by the court under UTCR 1.090.

### 13.161 TIME FOR ARBITRATION HEARING

- (1) Pursuant to UTCR 13.160 (2), except for good cause shown, the arbitration hearing must be held within 90 days from the date the case is assigned to an arbitrator.
- (2) The arbitrator may reschedule the arbitration hearing date based on a stipulation of the parties if the requested date is within the 90-day deadline. Any request to reschedule the arbitration hearing beyond the 90-day deadline must be approved by the presiding judge or his or her designee. The arbitrator must notify the trial court administrator of any rescheduled arbitration hearing date.
- (3) If the arbitration hearing is not held within 90 days from the date the case was assigned to an arbitrator and the court has not granted a reset beyond the 90-day deadline, the court will issue an order to show cause why the case should not be removed from the arbitration program. The court may remove the case from arbitration for good cause, which may include the parties' failure to establish extraordinary circumstances justifying the delay in the arbitration hearing date.
- (4) UTCR 13.160 applies except as specified by this local rule.

## **CHAPTER 14 – REFERENCE JUDGES**

### **14.012 SCHEDULING OF PROCEEDINGS AND SUBMISSION OF JUDGEMENTS/ORDERS FOR MATTERS ASSIGNED TO REFERENCE JUDGE PURSUANT TO ORS 3.305 AND ORS 3.135**

- (1) Once a matter is referred to a reference judge pursuant to ORS 3.305, hearings on motions, trial and other proceedings shall be set by the reference judge at the time and place agreeable to the parties.
- (2) A status check with the assigned circuit court judge shall be set six (6) months from the appointment of the reference judge.
- (3) Disposition of motions, trial and other proceedings must comply with SLR 8.122 and UTCR 7.020(5).
- (4) The judgment containing findings of fact and conclusions of law pursuant to ORS 3.315(3)(e) is to be signed by the reference judge. Simultaneously with the electronic filing of the judgment, counsel shall electronically file a proposed order for entry of judgment. That order shall be routed to the assigned circuit court judge for review and signature.

## **CHAPTER 18 – FORCIBLE ENTRY AND DETAINER**

### **18.005 FORCIBLE ENTRY AND DETAINER (FED) RETURNS OF SERVICE**

Returns of service in Forcible Entry and Detainer cases must be filed with the court not later than two (2) judicial days prior to the first scheduled appearance date.

### **18.010 FORCIBLE ENTRY AND DETAINER (FED) TRIAL**

In Residential Forcible Entry and Detainer cases and actions to recover personal property taken or retained by a landlord that go to trial under ORS 105.137, the Defendant must file an Answer and pay the filing fee, unless deferred or waived, by 5:00 p.m. the day of the first appearance. If they do not, the Plaintiff may request, and will be granted, in those respective actions, a Judgment of Restitution or order directing the Sheriff to seize the personal property, effective immediately.

## CHAPTER 19 – CIVIL CONTEMPT

### 19.005 REMEDIAL AND PUNITIVE CONTEMPT ACTIONS

- (1) These rules apply to all actions seeking civil relief for a violation of a court order, whether remedial or punitive.
- (2) The parties are designated plaintiff and defendant.
- (3) Plaintiff initiates the action by filing a motion supported by a declaration/affidavit alleging the basis for the order, together with a show cause order describing relief sought from the court.
- (4) Court Clerk then issues a new Criminal Contempt case number. Plaintiff shall notate the new Criminal Contempt case number on the judgment/order sought to be enforced on the face of pleadings.
- (5) Plaintiff must appear at *ex parte* for the issuance of the show cause order. Plaintiff does not need to give notice of the *ex parte* appearance.
- (6) If the plaintiff is seeking confinement as a remedy, the initial appearance will be for advice of rights and potential appointment of counsel for the defendant.
- (7) If the defendant fails to appear as scheduled, the court may issue a bench warrant for defendant's arrest. Defendant's next appearance will be at the Law Enforcement Center (LEC). When defendant appears, LEC court staff will consult with calendaring court staff to get a new court date, provide that date to the defendant, and send notice of scheduled court appearance to the plaintiff.
- (8) If the plaintiff fails to appear for any hearing (excepting for appearance at LEC after issuance of a bench warrant), the contempt action will be dismissed.
- (9) Any order arising from the contempt action will be read into the original case file to avoid competing orders.

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

Form SLR 8.012

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

and

**SETTLEMENT CONFERENCE REQUEST**

\_\_\_\_\_  
Respondent

I am the ☐ Petitioner ☐ Respondent ☐ Other \_\_\_\_\_ in this case. I have conferred with the other attorney/party and can confirm they are stipulating to a settlement conference.

Therefore, I ask the court to set a settlement conference in this matter.

The following hearing dates are scheduled on the court's docket for this matter:

- ☐ Show Cause Hearing re: \_\_\_\_\_
- ☐ Status Conference
- ☐ Trial
- ☐ Other \_\_\_\_\_

Date and Time of current court hearings: \_\_\_\_\_

Estimated Time needed for the Settlement Conference: \_\_\_\_\_

**Appointment Request:**

- ☐ The parties request the court assign a settlement judge to our case.
- ☐ The parties stipulate to the use of Settlement Judge \_\_\_\_\_  
(Judge's Name)

☐ The parties stipulate to the assigned judge acting as settlement judge. Both parties stipulate to waive any issue or conflict with the assigned judge acting as the reference judge.

**Notices:**

There ☐ is ☐ is not a court-ordered restraining order between the parties. Case # \_\_\_\_\_

There ☐ is ☐ is not a stalking order between the parties. Case # \_\_\_\_\_

There ☐ is ☐ is not a no contact order between the parties. Case # \_\_\_\_\_



Necessary Accommodations:

- ☐ One or more of the parties will require an interpreter in \_\_\_\_\_
- ☐ One or more of the parties will require ADA reasonable accommodation. The following ADA accommodations are needed: \_\_\_\_\_
- ☐ One or more of the parties requests, if available, the following case presentation technology: \_\_\_\_\_

Declarations:

- ☐ I attest both parties stipulate to a settlement conference.
- ☐ I have contacted the other party of the other party's attorney, if represented, by:  
☐ telephone ☐ email ☐ text ☐ in person ☐ other \_\_\_\_\_
- ☐ This request for settlement conference is made 60 days or more prior to the hearing date.
- ☐ This request will not delay the current final trial schedule.
- ☐ The parties have consent from the judge assigned to this case to delay the current trial setting. If trial or a hearing is reset:  
☐ I am unavailable for court on the following future dates: \_\_\_\_\_  
\_\_\_\_\_
- ☐ The other party is unavailable for court on the following future dates: \_\_\_\_\_  
\_\_\_\_\_
- ☐ We request the following date(s) if available: \_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
☐ Petitioner ☐ Respondent ☐ Attorney, Signature      Print Name (and OSB# if applicable)

\_\_\_\_\_  
Contact Address                      City, State, Zip                      Contact Telephone

- ☐ Petitioner's ☐ Respondent's ☐ Other Party's motion for settlement conference order is hereby:  
☐ Allowed  
Settlement conference date, time and courtroom: \_\_\_\_\_  
Settlement Judge: \_\_\_\_\_  
☐ Denied

DATED: \_\_\_\_\_  
\_\_\_\_\_  
Circuit Court Judge  
\_\_\_\_\_  
Print Name

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

Form SLR 8.015

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

and

**MOTION AND DECLARATION  
FOR RESET**

\_\_\_\_\_  
Respondent

Motion

I am the ☐ Petitioner ☐ Respondent ☐ Other \_\_\_\_\_ in this case.

I ask the court to issue an Order to Reset the following scheduled court date:

- ☐ Hearing re: \_\_\_\_\_
- ☐ Settlement Conference
- ☐ Status Conference
- ☐ Trial
- ☐ Other \_\_\_\_\_

Date and Time of court date: \_\_\_\_\_

Number of prior resets of this matter: \_\_\_\_\_

The pending court date was requested by:

- ☐ Party requesting reset
- ☐ Other party

Parenting time is at issue? ☐ yes ☐ no

Declaration

I am requesting a reset because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ If I need more time to prepare, I am asking for this amount of time: \_\_\_\_\_.
- ☐ I am not available for court on the following future dates: \_\_\_\_\_.
- ☐ The other party is not available for court on the following future dates: \_\_\_\_\_.
- ☐ I/We request the following date(s) if available: \_\_\_\_\_.
- ☐ I have contacted the other party or the other party's attorney, if represented, by
- ☐ telephone ☐ e-mail ☐ text ☐ in person ☐ other: \_\_\_\_\_
- or
- ☐ I have not contacted the other party because: \_\_\_\_\_.
- The other party ☐ agrees ☐ objects to my reset request.

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

---

Signature: ☐ Petitioner ☐ Respondent ☐ Attorney (OSB# if applicable)      Print Name      Email Address

---

Contact Address      City, State, Zip      Contact Telephone

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

Form SLR 8.015

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

and

**ORDER REGARDING RESET**

\_\_\_\_\_  
Respondent

☐ Petitioner's ☐ Respondent's ☐ Other Party's motion for order to reset is hereby:

☐ Allowed

New hearing date and time: \_\_\_\_\_

☐ Court finds good cause to waive statutory time frame for hearing.

☐ Denied

Judge Signature:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Circuit Court Judge

**Certificate of Readiness for Judicial Signature Under UTCR 5.100**

This proposed order is ready for judicial signature because *(check all that apply)*:

1. ☐ Each opposing party affected by this order has stipulated to the order, as shown by each opposing party's signature on the document being submitted.
2. ☐ Each opposing party affected by this order or judgment has approved the order by written confirmation of approval sent to me.
3. ☐ I have served a copy of this order on all parties entitled to service and:
  - a. ☐ No objection has been served on me.
  - b. ☐ I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
  - c. ☐ After conferring about objections, the opposing party agreed to independently file any remaining objection.
4. ☐ Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

ORDER REGARDING RESET—Page 1 of 2

Certificate of Service under UTCR 5.100

I certify that on (date): \_\_\_\_\_ I placed a true and complete copy of this proposed order and ☐ a Notice of Proposed Judgment or Order (if the other party is not represented by an attorney), in the United States mail to (name) \_\_\_\_\_ at (address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted By:

Signature: ☐ Petitioner ☐ Respondent ☐ Attorney (OSB# if applicable)      Print Name      Email Address

Contact Address      City, State, Zip      Contact Telephone

*If applicable:*

☐ Petitioner stipulates (agrees) to the terms of this Order

\_\_\_\_\_  
Petitioner's Signature      Date

\_\_\_\_\_  
Petitioner's Name (printed)

☐ Respondent stipulates (agrees) to the terms of this Order

\_\_\_\_\_  
Respondent's Signature      Date

\_\_\_\_\_  
Respondent's Name (printed)

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

Form SLR 8.091

\_\_\_\_\_  
Petitioner

Case No. \_\_\_\_\_

and

**ORDER APPOINTING LEGAL  
COUNSEL FOR MINOR CHILDREN**

\_\_\_\_\_  
Respondent

THIS MATTER came before the court:

- ☐ at the request of the children referenced below.
- ☐ at the request of counsel for the petitioner/respondent.
- ☐ on the court's own motion.

IT IS HEREBY ORDERED that:

1. Under the provisions of ORS 107.425(6), \_\_\_\_\_  
Attorney Name and Telephone Number  
is appointed as attorney for the minor child(ren) \_\_\_\_\_  
Name and Age of Child(ren)  
in this proceeding until resolution of pending pleadings. Only the court can relieve the  
attorney of representation.
2. The children shall be treated as a party.
3. The attorney shall act as a:
  - ☐ best interest attorney.
  - ☐ traditional, advocacy attorney.

However, if after meeting the children, the attorney concludes a different type of representation is more appropriate, the attorney shall move the court to modify the type of appointment (in cases involving a child age 12 or older, the court presumes at the outset that a traditional, advocacy attorney is appropriate).

ORDER APPOINTING LEGAL COUNSEL FOR MINOR CHILDREN—Page 1 of 2

4. Payment of the attorney shall be handled as follows:
  - ☐ The court-appointed attorney has volunteered to perform services at no initial expense to the parties. The attorney shall keep track of the time expended. The court reserves jurisdiction to assess a child's attorney fees to either or both parents at the conclusion of the proceeding. The court may decline to order any award for attorney fees and/or costs.
  - ☐ The court-appointed attorney shall be paid by one parent. The payment arrangements are to be made between the attorney and the parent.
  - ☐ The court-appointed attorney shall be paid by both parents. The parent shall pay a retainer of \$\_\_\_\_\_. Absent other order of the court, both parents are liable for 50 percent of the reasonable attorney fees of the court-appointed attorney. The court shall retain jurisdiction to apportion the cost of the child's attorney between the parents as is equitable.
5. If the court-appointed attorney does report time, the attorney shall submit only summary bills to the parties to protect all attorney-client confidences.
6. The court-appointed attorney shall have access to all information regarding the children without the necessity of any further order of release. Such information includes but is not limited to records of social services, drug and alcohol treatment, medical records, school records, and law enforcement records. Further, the attorney has authorization of the court to obtain medical records for a parent upon a showing of an explanation of relevance pursuant to federal law.
7. Each of the parties is ordered to facilitate and encourage access and communication between the children and the attorney appointed for representation in this proceeding. Neither party shall interfere in any way with any communication between the attorney and the children. Neither party shall monitor or record attorney/children communications. Both of the parties are enjoined from discussing with the children the nature, extent, or content of any communication between a child's appointed attorney and the child.
8. By accepting appointment in this case, the attorney represents he or she is familiar with the ABA Standards of Practice for Lawyers Representing Children (email [wsh.familylaw.ojd.state.or.us](mailto:wsh.familylaw.ojd.state.or.us) to request link) and has reviewed the training video prepared by the Washington County Family Law Bench/Bar Committee.

Judge Signature:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Circuit Court Judge

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

Form SLR 8.121

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

Case No. \_\_\_\_\_

**TRIAL PROCESS SELECTION  
AND WAIVER FOR INFORMAL  
DOMESTIC RELATIONS TRIAL (IDTR)**

☐ Petitioner

☐ Respondent

☐ Child/Other \_\_\_\_\_

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

- (1) A traditional trial, which means that both parties are allowed to call witnesses and to cross-examine the witnesses appearing on behalf of the other party and the Rules of Evidence will apply;
- (2) An Informal Domestic Relations Trial under UTCR 8.120 which will restrict the ability of both parties to present witnesses and the rules of evidence will not apply.

**An Informal Domestic Relations Trial will be held if all parties elect to proceed under Oregon Judicial Department Uniform Trial Court Rule (UTCR) 8.120.**

**INFORMAL DOMESTIC RELATIONS TRIAL**

- ☐ I elect to proceed to trial under UTCR 8.120 for Informal Domestic Relations Trials.
- ☐ I agree to waive (give up) the normal question and answer manner of trial, and I agree the court may ask me questions about the case. I agree to waive the rules of evidence in this Informal Domestic Relations Trial.
- ☐ I understand:
- The other party may submit documents or other evidence he or she wishes to the court;
  - The other party may tell the court anything he or she feels is relevant to the case;
  - The court will determine what weight will be given to documents, physical evidence, and testimony that is presented during the Informal Domestic Relations Trial process.
  - My participation in this Informal Domestic Relations Trial process is strictly voluntary, and no one can force me to agree to this process.
  - An Informal Domestic Relations Trial can only be used if all of the parties involved in the case agree to it.
  - The court must approve use of the Informal Domestic Relations Trial for my case.
  - I may be represented by an attorney in an Informal Domestic Relations Trial, but the attorney's participation in the trial will be limited by the Informal Domestic Relations Trial Rules.

TRIAL PROCESS SELECTION AND WAIVER FOR IDTR—Page 1 of 2



- ☐ I am confident I understand the Informal Domestic Relations Trial process.
- ☐ I have not been threatened nor promised anything for agreeing to this Informal Domestic Relations Trial process.

Dated: \_\_\_\_\_

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

I certify that on *(date)*: \_\_\_\_\_ I placed a true and complete copy of this document to the other party or the other party's attorney, in the United States mail to *(name)* \_\_\_\_\_ at *(address)* \_\_\_\_\_

\_\_\_\_\_

---

☐ Petitioner ☐ Respondent Signature

Print Name

---

Contact Address  
State, Zip  
Telephone

City,  
Contact

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

Form SLR 9.051

In the Matter of the Conservatorship

Case No. \_\_\_\_\_

of

**ACKNOWLEDGMENT OF  
RESTRICTION OF ASSETS**

\_\_\_\_\_

We acknowledge receipt of a copy of the court order signed on \_\_\_\_\_ that restricts access to the assets of the above conservatorship and assets described below. We will not allow any withdrawal of principal or income from these assets or use of the assets as security of any obligation without specific, prior order of the court.

The assets on deposit with our financial institution that are subject to the restrictions ordered by the court are:

<u>Account Number</u>	<u>Value of Account Assets</u>	<u>Type of Account</u>	<u>Maturity</u>
_____	_____	_____	_____
_____	_____	_____	_____

The name of the holder of the account show on our records is: \_\_\_\_\_

We understand that the conservator may do the following without court order: (1) Transfer restricted assets to other accounts with us that are subject to the restrictions stated above; and (2) Change the investments of assets, as long as all assets remain in an account with us subject to the restrictions stated above.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Name of Financial Institution

\_\_\_\_\_  
Address and Telephone Number  
***Note: This document must be signed by  
an officer or person authorized to bind  
the institution.***

ACKNOWLEDGEMENT OF RESTRICTION OF ASSETS—Page 1 of 1